Legislative Council

Wednesday, 6 May 2009

THE PRESIDENT (Hon Nick Griffiths) took the chair at 4.00 pm, and read prayers.

ESPERANCE RESIDENTIAL COLLEGE

Petition

Hon Wendy Duncan (Parliamentary Secretary) presented a petition, by delivery to the Clerk, from 81 persons requesting that the Legislative Council support the upgrade and expansion of the Esperance Residential College.

[See paper 715.]

TURNER CARAVAN PARK

Petition

HON BARRY HOUSE (South West — Parliamentary Secretary) [4.02 pm]: I present a petition containing 695 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia respectfully oppose the proposed redevelopment of Turner Caravan Park, Augusta by the Shire of Augusta-Margaret River until extensive consultation of all concerned parties has taken place over a period of at least one calendar year.
>
> Our concerns are:-
>
> (a) The source of and extent of financial funding for the proposed commercial development of Turner Caravan Park by the Shire.
>
> (b) The loss of environmental, significant historical and heritage aspects of the Turner Caravan Park.
>
> (c) Lack of consultation with residents, rate payers, absentee homeowners of Augusta and caravaners and campers of Turner Caravan Park.
>
> (d) That the Augusta-Margaret River Shire Council is involved in commercial development in Turner Caravan Park in competition with existing tourist accommodation in Augusta.
>
> Your petitioners therefore respectfully request that the Legislative Council take the necessary action to redress our concerns.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 716.]

CRIMINAL CODE AMENDMENT BILL 2008

Non-conforming Petition

HON BARRY HOUSE (South West — Parliamentary Secretary) [4.03 pm]: I also seek leave to table a non-conforming petition. The petition does not conform to standing orders because it refers to a question before one of the houses and it seeks support for the Criminal Code Amendment Bill 2008.

Leave granted.

Hon BARRY HOUSE: I table the non-conforming petition containing 152 signatures, which reads —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia are strongly support The Criminal Code Amendment Bill 2008.
>
> Your petitioners therefore respectfully request the Legislative Council to support the Criminal Code Amendment Bill 2008.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 717.]

PAPERS TABLED

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

MEDICAL PRACTITIONERS REGULATIONS 2008 — DISALLOWANCE

Notice of Motion

Hon Shelley Eaton gave notice that at the next sitting of the house she would move —

> That the Medical Practitioners Regulations 2008, published in the *Government Gazette* on 25 November 2008 and tabled in the Legislative Council on 9 December 2008 under the Medical Practitioners Act 2008, be and are hereby disallowed.

OCCUPATIONAL SAFETY AND HEALTH AMENDMENT REGULATIONS 2008 — DISALLOWANCE

Notice of Motion

Hon Shelley Eaton gave notice that at the next sitting of the house she would move —

> That the Occupational Safety and Health Amendment Regulations 2008, published in the *Government Gazette* on 28 November 2008 and tabled in the Legislative Council on 9 December 2008 under the Occupational Safety and Health Act 1984, be and are hereby disallowed.

METROPOLITAN REGION SCHEME AMENDMENTS 1127/41, 1128/41, 1129/41 AND 1130/41 — DISALLOWANCE

Withdrawal of Notice

By leave, on motion without notice by **Hon Shelley Eaton**, resolved —

> That notice of motion 18, "Metropolitan Region Scheme Amendments 1127/41, 1128/41, 1129/41 and 1130/41 — Disallowance", be withdrawn from the notice paper.

STATE ADMINISTRATIVE TRIBUNAL AMENDMENT REGULATIONS 2008 — DISALLOWANCE

Discharge of Order

By leave, on motion without notice by **Hon Shelley Eaton**, resolved —

> That order of the day 9, "State Administrative Tribunal Amendment Regulations 2008 — Disallowance", be discharged from the notice paper.

SELECT COMMITTEE INTO THE POLICE RAID ON *THE SUNDAY TIMES* — *RECOMMENDATION 6*

Made Order of the Day — Motion

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

> That motion 20, "Select Committee into the Police Raid on *The Sunday Times*", be made an order of the day for the next day's sitting.

NATIVE FORESTS

Motion

Resumed from 2 April on the following motion moved by Hon Paul Llewellyn —

> That in light of the Forest Product Commission's poor financial performance in the native forest sector; the failure of regulation and compliance of native forest logging; the impact of logging on the habitat of vulnerable species; the compelling evidence of native forest ecosystems at risk of irreparable damage; and the compounding impact of climate change, this house calls on the government to —
>
> (1) Set in place a full transition to plantation and farm forestry for the production of commodity timber products currently derived from native forests.
>
> (2) Immediately develop an exit strategy for the native forest commodity timber industry.
>
> (3) Put in place an independently refereed, scientifically based program to restore the ecological integrity of native forests which underpins the delivery of clean air, clean water, carbon sequestration, biodiversity and natural heritage values of the south west region.

HON PAUL LLEWELLYN (South West) [4.10 pm]: We know that forests, particularly the management of native forests, have been a contentious matter in Western Australia. The community has been divided on this matter for quite a number of decades—since the early 1970s no less. I was making a point when I was completing my remarks a few days ago. The proposition was that if we could meet our needs for timber and fibre

from plantations and farm forestry in a profitable and sensible way, we would not need to have recourse to logging native forests for timber and fibre resources. The reason I put forward that proposition is that civilised societies do not go into the wild to pick wild berries any more; civilised societies cultivate and grow their own crops for their own needs. We should apply the same logic to the management of our native forests. We do not have to log wild forests to meet our timber needs when we can, as a cultured, civilised society, meet those needs from plantations and farm forestry.

For that reason, in the past year or two the Greens (WA) made a break from the past and developed two separate policies on forests, native forests and woodlands, and plantations. We split the native forests and woodlands policies from the plantation and farm forestry policies. In doing that, we were saying that we can, through an organised industry plan, produce all the timber that we need through plantations and farm forestry, while managing the native forest assets for their other important, intrinsic values—their biodiversity, their water resources, their carbon retention, their ecosystem services and their recreational purposes. Indeed, one of the most important values that is becoming more and more urgent as the world collides with the issue of climate change is the value of native forests in holding and storing carbon, and reducing the flows of carbon into the atmosphere. Therefore, I would like to deal with our native forest policies and our plantation policies in two separate forms.

There has been some contention about the potential for Western Australia's current plantation estate to deliver all the timber needs that we have now. I was going through the inventory of both broadleaf and coniferous forests that have been planted in plantation form in the south west of Western Australia. I made the point that in the 1960s, and indeed earlier, the early foresters knew that we would deplete native forests, and they were putting in place a strategy for growing a new resource from coniferous forests. I was listing the broadleaf plantations—that is, the eucalypt plantations—from 2000 to 2006, which went from 215 000 hectares in 2000 to 281 000 hectares in 2006. Therefore, there was a steady growth in the eucalypt plantations. That is primarily blue gums, but we believe that there would be a big role for other broadleaf or eucalypt plantations to play a part in meeting our future timber needs.

The second stream of plantation and farm forestry resource is the coniferous forests. The Australian Bureau of Agricultural and Resource Economics data from 2007 states that in 2000 there were 98 400 hectares of coniferous forests and 105 100 hectares by 2006. We know that Western Australia has fallen behind in its plantings for plantation and farm forestry, but we made the assertion that regardless of whether we could meet all our timber needs immediately, we could still move to an almost exclusively plantation-based timber industry in Western Australia because we could import timber from South Australia and New Zealand cost-competitively to meet that strategy.

I want to go through the Greens' native forest policy. This was written over the past couple of years, but in fact it is contemporary and is in response to the changing situation and circumstances of native forests. The first part of the policy states —

> We seek to end the destructive logging and clearing of our magnificent native forests and woodlands. After decades of clearing, over-cutting, mining, and general mismanagement, many of our native forest and woodland ecosystems have been left fragmented, degraded and in need of protection and restoration. The already serious impacts on our forests and woodlands of reduced rainfall and diseases like dieback are compounded by logging, mining and burning.
>
> With comprehensive protection and good management our native forests can form the centrepiece of a World Heritage listing in recognition of their global significance

I talked about native forests being the single biggest remnant of bushland. If we looked at a satellite image of the south west region, we would see a small remnant patch of bushland hugging the coast south of Perth, all the way down to Walpole and across to Albany. That native forest estate is approximately two million hectares. I said also that it is a fragmented resource; that it no longer has the functional and ecological integrity that it had some years ago, and certainly when Western Australia was colonised. Nevertheless, we are saying that, with comprehensive protection and good management, our native forests can form the centrepiece of a World Heritage listing, in recognition of their global significance. They are of global significance. Our native forests are of international significance. People come from all around the world to visit them. They also provide our community with recreational, biodiversity and ecosystem services.

The policy goes on —

> *The Greens (WA) want to:*
>
> - protect and conserve all Western Australia's native forest and woodland ecosystems —

Those are remnants now —

- implement a fair, full and immediate transition to plantations and farm forestry for the production of timber currently derived from native forests (See Greens (WA) Plantations, Farm Forestry and Timber Industry Policy)
- restore the ecological integrity and natural heritage values of all our native forest and woodland ecosystems through a fully funded, independently refereed and scientifically based management and research program
- make ecosystem health the foundation of all future native forest management policies and practices
- immediately end all current logging and thinning practices in native forests

Again, I draw members' attention to the implementation of a fair, full and immediate transition from native forests. The Greens (WA) believe that with a well-structured plantation and farm forestry industry, there will be no net loss in employment and, in fact, we will generate more jobs.

A government member interjected.

Hon PAUL LLEWELLYN: I will explain how, honourable member. We will do it through a well-structured industry plan to make the transition from native forests to plantations and farm forestry. It is not only the civilised thing to do; it is ecologically, environmentally, economically and socially desirable to do so. As a consequence of those general goals in the native forest sector, the Greens (WA) set out a series of explicit initiatives to achieve an immediate transition out of native forests. The policy continues —

- ensure the inclusion of native forests in the federal greenhouse gas Emissions Trading Schemes (ETS)

In other words, the carbon that is stored in native forests needs to be valued as part of our international trading schemes, because it will provide an economic value stream in addition to all the other benefits that native forests supply. The policy continues —

- place all publicly owned native forests and woodlands under the management of a fully funded Conservation Commission of Western Australia with adequate powers and resources to oversee the research, development and implementation of a program to protect and restore ecosystem health

We know that over the past 30 years, with bauxite, coal and gold mining, road and power infrastructure and extensive logging, we have degraded those ecosystems. A fully funded Conservation Commission would be able to look at a research and development program to restore the ecological integrity of native forests and woodlands. We would get a return on the investment of that money, in the same way as there is a tangible return on investment from the World Heritage listing of the rainforests of northern New South Wales and Queensland. They have become a centrepiece of Queensland tourism, alongside the Great Barrier Reef. The policy continues —

- ensure that the Forest Products Commission is subject to legally binding sustainability obligations
- cease issuing native forest log contracts, for chiplogs, charlogs and sawlogs, and wild sandalwood pulling licenses, and immediately wind up all existing native forest timber contracts, starting with Gunns Ltd, in accordance with a predetermined exit program

I was sent indicative logging plans by the former Minister for Agriculture and Food and for Forestry, Hon Kim Chance. I subsequently wrote a very clear letter to the then Minister for the Environment, David Templeman. There were five environment ministers over a period of about three years—it was a moving target—but at this particular time, David Templeman happened to be the minister. I made it very clear that the Greens (WA) were in favour of winding up the contracts and ceasing the issuing of licences for logging of native forests in Western Australia. I would like to put on record that that was not an easy decision to make, even for the Greens (WA). There was a considerable amount of discussion about what constituted long-term responsible management of our forest ecosystems; this did not come easily. In fact, we put on the record our desire to cease and desist the constant destruction of, and impacts upon, ecosystems that were already struggling.

As I said, the counterpoint to that was the Greens (WA) industry plan for plantations and farm forestry. It was an explicit call to implement a fair, full and immediate transition to plantations and farm forestry, so that the industry could exit with some comfort. The policy continues —

- abolish the WA Regional Forest Agreement and seek to repeal the Commonwealth Regional Forest Agreements Act 2002
- formulate a World Heritage listing proposal for southwest forest and woodland ecosystems

I do not want to understate the significance of those ecosystems to the southern part of Western Australia at least, and the importance of those jarrah, karri and tuart forests and the eastern woodland systems to the long-term ecological diversity of the region. The Greens (WA) seek to formulate a World Heritage listing for the entire system. The policy continues —

- recognise native title rights and consult local Traditional Owners in the management of native forests and woodlands

There is a significant connection to country for some of the Indigenous people in the south west. Contrary to popular belief, Indigenous people of the south west have not been alienated or disconnected from their land. There is sufficient connection to country, and that needs to be acknowledged so that there can be a complete transition away from a history of excessive exploitation of forests and towards a new ecological balance for the region. I think that Indigenous people need to be acknowledged in that role. The policy continues —

- promote community recognition of the vital long term role that our forests and woodlands play in the protection of the air, water, land and biodiversity of Western Australia, and in global carbon sequestration

The role of native forests in Australia is only now being clearly articulated. We know, for example, that if we were to stop logging native forests and clearing bushland on the east coast—we have not done the calculations for Western Australia—we could reduce our greenhouse gas emissions by 24 per cent tomorrow. When people think about emissions trading arrangements, they should bear in mind that if we were to stop logging on the east coast alone, and emissions were consequently no longer being created by the clearing, logging and degradation of our native forest ecosystems through extensive burning practices, we could reduce Australia's global emissions by 24 per cent. I will provide a reference for that later. The policy continues —

- support GondwanaLink and the Great Western Woodlands proposal

Some members will be aware that there has been a move to maintain the biological connection from the Fitzgerald River all the way back along the south coast to the forests of the south west. If we were to look at a satellite image of Western Australia, we would see that the great western woodlands are on the eastern side of the rabbit-proof fence. They have remained reasonably intact and are the subject of a major continental-scale conservation push. The Greens (WA) propose, through our plantation and farm forestry proposals, the restoration of the wheatbelt region through oil mallee and biodiversity plantings to reconnect the great western woodlands and the forests with the south west with networks of agroforestry. That means that there would be no net loss in the productivity of agricultural lands, but there would be diversification of the income streams of farmers in low, intermediate and high rainfall zones, and we could re-knit the ecological connections between the great western woodlands and the southern forests, and maintain some stability in our water catchments. I have said to members previously that I have a separate motion before the house that concerns the restoration of our upper catchments to achieve wood, fibre and bioenergy production, and remediation of our soil salinity and water catchments. That is an integrated land-use proposal and it is on a very large scale. We are laying out a continental-scale ecosystem plan. It is World Heritage listing. It is about reconnecting the biodiversity across the regions on a continental scale. That is what this native forest policy and our policy to restore the wheatbelt and the low-rainfall landscapes are about. No other vision is on the table. No other political party or entity is putting an integrated, large-scale restoration program on the table that is based on the restoration of our economic, land and soil systems.

The Greens (WA) policy is to —

- promote mallee species and biodiversity planting programs in the wheatbelt to restore ecosystem linkages between our native forests and woodland ecosystems
- base prescribed burning on formal, peer reviewed risk assessment and ecological principles, doing away with arbitrary area or fixed time interval targets, incorporating land use planning and residential design and community preparedness into risk reduction strategies

That will help to ensure we do not have a repeat of Ash Wednesday and the other fires that we have seen occur in Victoria.

I reiterate, the proposition that the Greens are putting on the table is for a comprehensive, integrated, intelligent strategy for managing fire risks across landscapes by looking at not only how much fuel is on the ground, but also how well our communities are organised, how well our infrastructure has been planned and organised, how well protected our homes are, how good our communications systems are and where the real risks lie. In this regard, the Greens are making a fairly bold statement about the responsible long-term fire risk management of regional Western Australia. We acknowledge the responsibility that goes with the proposition to turn this area into a World Heritage area and we acknowledge also our responsibility to protect ecosystems, communities and financial and economic values.

The Greens' policy is also to —

- investigate the impacts of a drying climate through this century on forest and woodlands in the south west and formulate strategies for ecologically sustainable ecosystem management

My involvement with the management of forest ecosystems in Western Australia goes back to about 1981 when I was responsible for writing the management plans for the Shannon and D'Entrecasteaux National Parks. The Shannon National Park had the biggest timber mill in the southern hemisphere located in the middle of it. Considerable areas of forest had been impacted by the mill. I also managed the coastal systems towards Broke Inlet. We had to look at large-scale ecosystem restoration and at what we could fundamentally do about responsibly managing fires in those ecosystems. We need to apply our minds to the long-term responsible management of those ecosystems. We must understand them and what services they provide.

It is also Greens' policy to —

- rapidly phase out open cut mining in State Forests and Reserves, including bauxite mining in the northern Jarrah forest and mineral sands mining on the Whicher Scarp

We have an alternative mining policy. I fly between Albany and Perth weekly. When I fly down south on the afternoon and look out of the window on the right-hand side of the aeroplane, I often hear passengers say, "What on earth is happening down there?" A very narrow belt of native northern jarrah forest can be seen. From one end of the coastal plain to where we are in the aeroplane—some 30 kilometres away—is totally pockmarked with large-scale bauxite mining. We have decimated the northern jarrah forests. The Greens believe that it is time to stop those operations. They should not have been started in the first place. The damage from those operations became very apparent by 1978 after the first round of bauxite mining in the northern jarrah forest in our water catchment areas. We need to rethink bauxite mining in the jarrah forests.

The amount of open-cut mining that is still going on in the northern jarrah forests is extraordinary. Members can look on my website and see aerial photography or look at Google Earth to see the effect that open-cut mining has had on our jarrah forests. That does not happen in New South Wales or Victoria. Members would not see that type of broad-scale open-cut mining occurring in the vicinity of the water catchments in other states. That simply would not happen. New South Wales and Victoria log the forests, but they do not allow open-cut mining in their water catchment areas and forests. It is a very challenging proposition to reconceptualise the economic prosperity of the south west without the continuation of bauxite mining in its current form.

It is also Greens policy to —

- support and develop ecotourism and the associated high-value fine woodcraft sector

There is no doubt that our fine timbers from the south west have given us great joy. I look around this chamber and see that it is full of jarrah. It does not give me a sense of comfort; I feel entombed.

Hon Bruce Donaldson: It is very nice.

Hon PAUL LLEWELLYN: It is very nice jarrah, but I feel like we are in a coffin.

Hon Bruce Donaldson: I have not been in one. Have you?

Hon PAUL LLEWELLYN: I like this chamber.

We have taken the jarrah resource completely for granted and we must revalue it at the highest value that we possibly can. I am not talking about value adding to $10 000 or $20 000 a cubic metre; we can value add our extremely rare native forest timbers to $50 000 or $100 000 a cubic metre and get a genuine return on the investment. Effectively, Western Australia has liquidated its native forest asset by selling it off. We have tended to go for the lowest common denominator. The Greens contend that Western Australia's royalties' schemes have been indefensible and have left our forests to the ravages of achieving the least cost for the least benefit regarding forest management.

With that, I will refer to some assertions that I have made in this motion. I assert —

> That in light of the Forest Product Commission's poor financial performance in the native forest sector; the failure of regulation and compliance of native forest logging; the impact of logging on the habitat of vulnerable species; the compelling evidence of native forest ecosystems at risk of irreparable damage; and the compounding impact of climate change, this house calls on the government to —
>
> (1) Set in place a full transition to plantation and farm forestry for the production of commodity timber products currently derived from native forests.
>
> (2) Immediately develop an exit strategy for the native forest commodity timber industry.

(3) Put in place an independently refereed, scientifically based program to restore the ecological integrity of native forests which underpins the delivery of clean air, clean water, carbon sequestration, biodiversity and natural heritage values of the south west region.

I will go back and make a case in light of the Forest Products Commission's poor financial performance. One would expect that in managing a state asset, or any asset, one would get a reasonable return on the investment—that the agency or company running the show would post a profit. That is not what is happening in the native forest sector. That is not what is happening with the Forest Products Commission; in fact, the Forest Products Commission is consistently running on the edge of financial viability, and its native forest operations is one of its most vulnerable areas of business. The Forest Products Commission currently manages native forests and our plantation estate. The Forest Products Commission is ready and willing to take a much bigger role in the plantation and farm forestry sector, and that is being held up for much different reasons and for reasons that we will deal with in another motion. It requires a completely new investment strategy for the plantation and farm forestry sector. Simply, the Forest Products Commission has basically been cooking the books so that it can be seen to be posting a profit, or at least be seen to be afloat, year in and year out.

Mr Peter Lane, an oil industry executive who lives in Margaret River, has taken a particular interest in company law. He is a responsible company director and has taken a particular interest in the way in which the Forest Products Commission has managed its finances and reporting system. He claims effectively that the Forest Products Commission is writing up the value of its native forests to cover its losses year in and year out. To support that claim, he has produced a table showing the profit and loss statements from 2001 to 2006. In 2001 the loss for the Forest Products Commission was $2.4 million. The interesting point is that the gross change in valuation of its assets was $10.3 million; in other words, the paper write-up for the value of native forests has been dragging it out of loss. In the south west forests it was $8.3 million, and in the plantation estate it was $2 million. By 2002 the Forest Products Commission claimed to have posted a profit of $13.3 million, but in actual fact the gross change in valuation of the forest estate was $45.9 million. That means that it had somehow written up the value of native forests and the plantation estate. In this case, it was $22.3 million for the south west forests and $23.6 million for the plantations. That provided the Forest Products Commission with a convenient buffer against any losses that it was making. These are paper written-up values. I will not go through all the years. By 2006 the Forest Products Commission was posting a profit of $23.4 million, but the gross valuation of its assets—its paper change—was $37.9 million. Clearly, there is some problem with the accounting system when the Forest Products Commission is writing up and writing down the value of its assets, which conveniently puts it in the black. Under genuine accounting principles, an asset can be genuinely revalued in the year zero if a future revenue stream is expected—in other words, if a profit or income is expected in the future. The value of assets cannot logically be written up if a profit is not expected to be posted. The other way to revalue an asset is when a decrease in the discount rate is expected or income is expected to increase magically. In fact, what has been happening is that income streams have been going down, not up.

Another important point is that forests, as a natural resource, are a growing asset. One would expect that a plantation estate would have an incremental increase in growth from year to year. Growth rates are predictable in financial terms. In Western Australia, particularly as our native forests have been logged and re-harvested, we have not seen that they are regrowing at the rate that was expected. In fact, climate change—that is, the 20 per cent decline in rainfall over the past 30 years—is having an impact on the growth rates of our native forests. In simple terms, our forests are not incrementing at the rate that they might have done 20 or 30 years ago simply because rainfall is decreasing. We know that timber is a hydrocarbon through the extraction of carbon out of the atmosphere and hydrogen from water. Water and carbon are the two fundamental inputs to this, apart from the complex biological ecosystems that create that material. When rainfall declines, growth rates go down catastrophically, and farmers would know that. We believe that the Forest Products Commission has not adequately taken into account the decline in rainfall, and therefore has not adequately taken into account the decline in growth rates that might happen in the native forest estate.

Another example of the Forest Products Commission effectively transferring costs has come from Peter Lane. In an email dated 12 April 2006, he said that the then Department of Conservation and Land Management claimed that it incurs certain costs attributable to forestry that are not reimbursed by the FPC and that these costs are not reflected either in the FPC accounts or in the forest evaluations. He also stated that the costs of the 1999 Regional Forest Agreement and the forest management plan for 2004-2013, both of which were undertaken almost solely to facilitate commercial logging of our forests, were charged not to the FPC but directly to taxpayers. In other words, the FPC is not even fully accounting for all the costs incurred in producing the timber from our native forests. Arguably, in that regard the FPC is distorting the facts about its financial solvency. Another impact on the valuation of our native forests by the Forest Products Commission is a distortion of the true picture of the profitability and viability of the industry. Peter Lane says that each year different discount rates have been used to value the natural resources and this has a big impact on the resultant values and therefore on the Forest Products Commission's profit and loss. If from year to year changes are made to the discount

rates—this is an economic term for discounting the future—it will easily impact upon the profit and loss statement. We have called into question whether that form of accounting is a responsible accounting practice.

Peter Lane, who has taken a particular interest in the Indian Ocean and in CSIRO research into climate change, has studied the rainfall decline predictions across the region. It is his view, and the view of the scientific community, that a decline in rainfall will have an extremely big impact on the growth rate of forests and therefore on their profitability. This has been reiterated in the Conservation Commission's mid-term review of the forest management plan in which the commission expresses similar concerns that rainfall decline is not being adequately taken into account.

I will not go into the details, Mr President, but a considerable log of evidence suggests that the Forest Products Commission is overstating growth rates, changing the valuation of native forests, understating the impact of climate change and rainfall decline and, as a consequence, is financially mismanaging our native forests. That is compounded by the very poor stumpage rates that Western Australia charges for its native forest resource.

I will take the debate back a number of years to when the conservation movement was arguing that there should be a highly regulated, decentralised, small-scale timber industry based on fine woodcraft and small-scale operators that take high-value products out of the native forests and add value to them. In the 1980s and 1990s, for over two decades, we pleaded with governments to increase the royalty on native forest timbers so that they could compete with the plantation sector. However, plantation stumpages stayed below those of native forests. In other words, the royalties for plantation timber stayed below native forest royalties for years making it more profitable to log native forests than to buy plantation products.

Western Australia has a long history of negotiation and discussion about appropriate stumpage rates. I will go over the Forest Products Commission's schedule of gross native forest stumpages, including GST, which was taken from its website. Let us look at sawn timber in the south west. Firstly, the stumpage for first-grade sawlogs with a 200 millimetre end diameter is $74 a cubic metre or $56 a cubic tonne. A cubic metre of first-grade jarrah is one metre by one metre by one metre and is sold for $56.39 a tonne or $74 a cubic metre. There is a conversion ratio there.

I will give only the cubic metre rate. The stumpage for second-grade sawlogs is $54.52 a cubic metre. This is a very valuable product. If I were to take this high-grade timber product into the Japanese or European market, it would be valued at $1 000 to $5 000 a cubic metre, yet Western Australia is selling off this resource for $54 a tonne! The reason that the Forest Products Commission has not posted a profit on the logging of native forests is that the royalty to the state is set so low that it cannot adequately recover its costs. It is true that the timber mills added value to those products and on-sold them to the market and made a profit. Gunns and its large timber mills, and to some extent the small timber mills, were making a profit and creating jobs, but the state was running this enterprise at a loss. That is a travesty in terms of the losses that Western Australia has experienced in its native forest estate.

The stumpage for feature high-grade logs is $77.62 a tonne. Charcoal logs are not even priced, but are valued at approximately $20.10 per tonne, and residue logs, $16 a tonne. This is for a tonne of jarrah pulled out of the forest! When we log our native forests, 80 to 90 per cent of the resource does not end up as sawn timber in furniture like the benches in this chamber, but ends up as chip logs destined for the chip mill—the whole lot, even part of the jarrah resource!

Hon Robyn McSweeney: Jarrah was never chipped.

Hon PAUL LLEWELLYN: It did not go through the Manjimup chip mill, but 80 to 90 per cent of the resource ended up as low-grade chip or char logs, if one likes, being sold at $31 a tonne. That is why Western Australia has a massive woodchipping industry, which claimed to be a residue industry to the sawn timber industry. In actual fact, in purely financial and economic terms, the main game was woodchipping; the secondary game was sawn timber.

I am now looking at the schedule for gross plantation stumpages as at 1 January 2009. The stumpage for first-grade veneer logs is $84.18 a cubic metre. As a fair comparison, members will notice how close that is to the jarrah forest royalty rate of around $80 a cubic metre. Plantations, without all the ecological values and values to the land and so on, are valued at almost the same as our jarrah forest. In fact, for many years, jarrah forest was cheaper than the plantation timber. It was cheaper to buy a piece of four-by-two to put a rafter up than it was to buy a 90-by-45 pine equivalent. That is how we high-graded and trashed the native forest for very little gain.

A profound economic argument says that if the state—the Forest Products Commission—cannot turn a profit in the forestry business, it is economically unjustifiable, let alone ecologically, socially and environmentally unjustifiable. The Greens contend that the forests have been run at a disgraceful loss for many, many decades, and that trend continues. At the moment, the Forest Products Commission is trying to log many forests around the south west, including the Chester forest, where we expect that the total revenue for that coupe will be $56 000. The community is offering to buy it back and keep the trees standing, because they believe it has more

value standing than if it is logged and 80 per cent goes to char and chipped logs and only a small proportion goes to sawn timber and high-value products.

I would like both the Labor Party and the Liberal Party to make an adequate financial argument about the profitability of our native forest logging industry, and show how we can actually post a profit from the way in which we have been managing our native forests. That is a challenge to both sides of Parliament.

Debate interrupted, pursuant to standing orders.

[Continued on page 3395.]

QUESTIONS WITHOUT NOTICE

PINJAR TO GERALDTON ELECTRICITY TRANSMISSION LINE

411. Hon KATE DOUST to the Minister for Energy:

I refer to the Premiers' agreement at the Council of Australian Governments meeting to renewable energy targets of 20 per cent by 2020 and the consequent need for more wind farm capacity in the mid-west, and to the high electricity needs of the mid-west iron ore industry.

(1) Is it not the case that the expansion of both the wind energy and iron ore industries will require the construction of a new 330-kilovolt electricity transmission line from Pinjar to Geraldton?

(2) Has the government spent the $75 million allocated in this year's budget for this transmission line?

(3) If no to (2), why not?

(4) Is the government committed to the current budget and forward estimates provisions of $295 million for this line?

(5) How many construction jobs will be created by full investment in this transmission line?

(6) How many future mining and renewable energy jobs depend on this development going ahead?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of this question, which I answer on behalf of the Minister for Energy.

(1) The options for north country reinforcement are being considered and may or may not require a 330-kilovolt transmission line from Pinjar to Geraldton.

(2)-(3) No, only a small portion of the $75 million has been spent on pre-construction activities.

(4) Information in relation to the 2009-10 state budget and forward estimates will be released on 14 May 2009.

(5)-(6) Please refer to (1).

WATER TARIFFS — ECONOMIC REGULATION AUTHORITY RECOMMENDATIONS

412. Hon KATE DOUST to the parliamentary secretary representing the Minister for Water:

I refer to the March 2009 draft recommendation from the Economic Regulation Authority that average household water bills should rise by nine per cent each year for the next four years.

(1) When did the government receive specific advice from the ERA on water tariffs for 2009-10?

(2) What increase in household water prices did the ERA recommend?

(3) When did the government receive advice from the Water Corporation on water tariffs for 2009-10?

(4) What increase in household water prices did the Water Corporation recommend?

(5) Is it not true that Western Australian families will see very significant increases in their water bills next year?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. The Minister for Water has provided the following answer —

(1) The Economic Regulation Authority submitted the report on its inquiry on the Water Corporation's tariffs for 2008 to the government in February 2008.

(2) The ERA recommended a 5.2 per cent real increase in residential water tariffs for 2009-10, together with an inflation-based adjustment using a forecasted consumer price index of four per cent. The combined overall recommended price increase for residential water customers was 9.4 per cent.

(3) The Water Corporation made its 2009-10 submission on rates and charges and tariff changes to the government in January 2009. The Water Corporation's submission was made so that, overall, real price increases were consistent with the ERA's recommendations.

(4) The Water Corporation recommended a 5.2 per cent real increase in residential water tariffs—as per the ERA's recommendations—for 2009-10, together with a 4.2 per cent inflation-based adjustment using actual inflation data published by the Australian Bureau of Statistics subsequent to the release of the ERA's 2008 inquiry. The combined overall recommended price increase for water customers was 9.6 per cent.

(5) The government's decision in relation to these recommendations will be communicated in the state budget.

DEPARTMENT OF MINES AND PETROLEUM — RESOURCES SAFETY DIVISION

413. Hon JON FORD to the Minister for Mines and Petroleum:

I refer to the resources safety division of the Department of Mines and Petroleum.

(1) How many mines inspectors does the Western Australian government employ?

(2) Does the minister believe safety inspections by the resources safety division are adequate in Western Australia?

(3) If yes to (2), by what benchmark or standard is the minister gauging his observation?

(4) If no to (2), what steps is the government taking to rectify this?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) The resources safety division of the Department of Mines and Petroleum has 43 inspector positions and six senior managers who are also appointed as inspectors. There are currently six vacant inspector positions.

(2) I refer the honourable member to the extensive review recently completed by Western Australian Industrial Relations Commissioner Stephen Kenner that I tabled in this house on 8 April 2009. Commissioner Kenner's findings and recommendations will be considered by the government.

(3)-(4) See (2).

DAYLIGHT SAVING — ENERGY, WATER AND PHYSICAL ACTIVITY AUDIT

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

Regarding the impact of daylight saving on health, I refer to the grievance of the present Minister for Regional Development on 13 March 2008 and question 223 asked by the present Parliamentary Secretary to the Treasurer on 19 March 2008.

(1) Since the change of government, have agencies responsible for physical activity continued to monitor the effects of daylight saving?

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

(3) If yes to (1), are these results available; and will the minister table them?

(4) If the results are unavailable, when will they be available?

(5) Are the effects of daylight saving on health being monitored according to any indicators apart from physical activities?

(6) If yes to (5), which indicators are being used; when will the results of these evaluations be available; and will the minister table the results?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of this question.

(1) The level of physical activity in the Western Australian population is continuously monitored by the Department of Health. The effects of daylight saving on physical activity will be evaluated from this information.

(2) Not applicable.

(3) As daylight saving ceased only on 29 March 2009, the data for the current daylight saving period is as yet unavailable.

(4) The results of the current daylight saving period will be available within the next three months.

Hon Paul Llewellyn: After the referendum!

Hon SIMON O'BRIEN: Just play safe and vote no is my advice.

(5) Other indicators of health and wellbeing are continuously monitored by the Department of Health for routine health surveillance purposes that could potentially be used to show any differences during daylight saving period compared with the years without daylight saving.

(6) Information on chronic diseases, health risk factors, health service use and mental wellbeing is continuously collected by the Department of Health. No evaluation of these indicators is planned.

INFORMATION COMMISSIONER — APPOINTMENT

415. Hon LJILJANNA RAVLICH to the minister representing the Attorney General:

I refer to the appointment of Mr Sven Bluemmel as the new Information Commissioner, as announced by the Premier yesterday.

(1) When was the position of the Information Commissioner advertised?

(2) How was the position advertised?

(3) When were the interviews held?

(4) Who were the members of the selection panel for the appointment of the new commissioner?

(5) How many applications were received for the position and, of those, how many were interviewed?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of the question. The Attorney General provides the following information from the Department of the Attorney General —

(1) The position of Information Commissioner was advertised on Saturday, 29 November 2008 and Friday, 5 December 2008.

(2) The position was advertised on the WA government's jobs board, and *The Australian*, *The West Australian* and *The Australian Financial Review* newspapers.

(3) Interviews were held on 23 January 2009.

(4) The selection panel members were Ms Cheryl Gwilliam, Director General, Department of the Attorney General, chair; Mr Chris Field, state Ombudsman; and Mr Mal Wauchope, Commissioner, Public Sector Commission.

(5) A total of 13 applications were received for the position—of these, five were interviewed.

CANE TOADS — AGRICULTURAL FOOD PACKAGING

416. Hon GEORGE CASH to the minister representing the Minister for Agriculture and Food:

(1) What action has been taken to date to ensure "cane toad aware" notices will be endorsed on all food boxes packed in Kununurra once the cane toads have invaded Kununurra agricultural food sources?

(2) Has an action plan been communicated to relevant industry; and, if so, what specific groups have been notified?

(3) Did the minister receive a letter from the Kimberley Toad Busters dated 1 November 2008 in which they raised a significant number of issues relating to cane toads; and, if so, when may the organisation expect a reply?

Mr President, the minister has indicated that the response has not come through today.

CANE TOADS — TRANSPORT

417. Hon GEORGE CASH to the Minister for Transport:

On the same issue, I direct my question to the Minister for Transport —

(1) Is there any WA road signage on highways entering WA from cane toad infested areas about the risks of transporting cane toads and checking loads for toads; and, if not, why not?

(2) What education program is currently in place to ensure that the transport and agricultural industries are aware of the risk of cane toad hitchhikers and the action to be taken when cane toad hitchhikers are detected?

Hon SIMON O'BRIEN replied:

If we find cane toad hitchhikers on one of my buses, we kick them off! In relation to my role here in connection with the current question, I thank the honourable member for some notice of the question.

(1) At present there is no road signage on Western Australian roads regarding the movement of cane toads.

Hon George Cash: How do they know where they are going to go!

Hon SIMON O'BRIEN: The main threat from this species emanates from the Northern Territory. There are a number of quarantine awareness signs on Victoria Highway between Katherine and the Western Australia-Northern Territory border highlighting the cane toad risk. In respect of the possibility of cane toads expanding into Western Australia, I have asked Main Roads Western Australia to liaise with the community coordinator for the state cane toad initiative, part of the Department of Environment and Conservation, to determine whether additional signage is appropriate on WA's key entry routes.

(2) Main Roads does not have any cane toad education programs.

DALYELLUP MINE SITE — TITANIUM DIOXIDE PRODUCTION

418. Hon SALLY TALBOT to the Minister for Environment:

I refer the minister to an editorial article in the *South Western Times* on 23 April 2009. I have a copy here if she would like to see it.

(1) Is the minister aware of Cristal Global's proposal to extend the disposal of residue from the production of titanium dioxide at the Dalyellup site until 2013?

(2) Does the minister support the proposal?

Hon DONNA FARAGHER replied:

I thank the member for her question.

(1)-(2) Yes, I am aware of this situation. I understand that the facility has had a licence since 1992 and most recently —

Hon Paul Llewellyn interjected.

Hon DONNA FARAGHER: Sorry; may I answer the question.

I understand that it received its first licence in 1992 and that the most recent licence was issued in 2007 under the previous government. I have checked this out because I am taking an interest in this matter. The advice I have from the department is that the company is complying with the licence and has not been in breach. I understand that the company is seeking to extend its licence to 2010 and that is a matter the shire is considering at the moment. If approval is granted to proceed to 2010, it will have to seek works approval from the department, and that of course will be open for a public appeal period. That is the current advice that I have with respect to this facility. I understand it has been operating without incident and that a proposal is before the shire at the moment.

FREMANTLE PORT — UPGRADE

419. Hon KEN BASTON to the Minister for Transport:

Can the minister advise the house on any current upgrade works at Fremantle port?

Hon SIMON O'BRIEN replied:

I thank the member for his question. I know he is very interested in these matters. I advise the house that reconstruction of berth 10 on North Quay has commenced. That is part of a multimillion-dollar infrastructure program that will see not only the reconstruction of berth 10 but also the reinforcement of all the other container berths—that is, berth 9 back down to berth 4—together with the deepening of the inner harbour to 14 metres. I announced details of this project during a recent visit to the port.

The reason for the deepening program in the inner harbour is to recognise that the average size of container vessels on the world's sea lanes is growing appreciably. Various statistics have been produced to justify the deepening program. As we sometimes see in transport journals, one statistic shows that the average container vessel today is three times the size of a container vessel of the late 1960s, or, to bring it to more up-to-date terms, over the past 15 years the average size of container vessels has increased by a whopping 85 per cent. Although Fremantle was a major port of origin or destination in previous eras of maritime trade, it now no longer is because of the size of vessels that ply the ocean sea lanes. Fremantle port is no longer a major port of destination or even of transit, as are Hong Kong, Singapore or other major ports. We have to make sure that vessels on their way to larger ports, such as Melbourne and Sydney, do call in to Fremantle to make sure that our trade requirements are met because we are a major exporting state. They will do that and they are doing that, but we need to make sure that we make it worth their while to guarantee they continue to do that.

Already we are seeing some post-Panamax-size container vessels on the Australian run. Frankly, at the moment they cannot enter Fremantle harbour to full capacity because, if they did, they would be bumping along the bottom of the harbour and that would not give us any confidence at all. Hopefully the maximum drafts that we will be able to entertain will grow from about 12.8 metres to 13.5 metres when this work is done. That is with a total deepening program of about 14 metres, because, obviously, we have got to leave some space below these massive vessels. This is an important project. It will cost in excess of $98 million. It will be good for Western Australia. I thank the member for his interest.

INSURANCE COMMISSION OF WESTERN AUSTRALIA — PERFORMANCE

420. Hon ED DERMER to the parliamentary secretary representing the Treasurer:

(1) Can the Treasurer inform the house of the year-to-date performance of the Insurance Commission of Western Australia's investments and the projected full-year outcome?

(2) Will this performance impact on proposed compulsory third party premiums for 2009-10?

(3) Has the Treasurer taken possible increases in CTP premiums into account in measuring the overall impact of fees and charges on WA households?

(4) Is the Treasurer able to assure the house that compulsory third party premium increases to be announced in conjunction with the budget can and will be fixed at or below the projected 2009-10 inflation rate?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

(1) Yes. The investment return at 31 March 2009 was minus 10.5 per cent, and a negative return is projected for 30 June 2009.

(2)-(4) Yes.

GENETICALLY MODIFIED CROPS FREE AREAS EXEMPTION ORDER 2009 — CONTRACTS

421. Hon PAUL LLEWELLYN to the minister representing the Minister for Agriculture and Food:

I refer to the Genetically Modified Crops Free Areas Exemption Order 2009 published in the *Government Gazette* on 17 February 2009 and tabled in the Legislative Council on 18 March 2009 under the Genetically Modified Crops Free Areas Act 2003, and to the minister's answer to my question without notice 330 on 2 April 2009 in which it was said that all the contracts with GM canola trial farmers could not yet be tabled because they had not all been finalised.

(1) Are all the contracts with GM canola trial farmers now finalised?

(2) If yes to (1), will the minister now table them?

(3) If no to (2), why not?

(4) If no to (1), will the minister now please table all of those contracts that have been finalised?

(5) If no to (4), why not?

Hon ROBYN McSWEENEY replied:

I thank the honourable member for the question. The Minister for Agriculture and Food has responded as follows —

(1) Yes.

(2) No.

(3) A standard form of the contract was tabled in Parliament on 2 April 2009. The finalised contracts are private agreements between the trial farmers and the Department of Agriculture and Food. They are all identical and as per the standard contract form tabled.

(4)-(5) Not applicable.

CHILD SEXUAL ABUSE

422. Hon BRIAN ELLIS to the Minister for Child Protection:

(1) How many reports of child sexual abuse were made to the mandatory reporting service, by month, from 1 January 2009 until 31 March 2009?

(2) How many reports of child sexual abuse were made to the Department for Child Protection during the same period in 2008?

(3) Can the minister provide a breakdown of the mandated professionals reporting to the mandatory reporting service?

Hon ROBYN McSWEENEY replied:

I thank the honourable member for his question. The mandatory reporting service started on 1 January. Many people are interested in these figures.

(1) There were 382 mandatory reports received during this period, with 93 received in January, 133 in February and 156 in March. Ninety-five of these reports related to matters already under assessment by the department or were additional reports about the same child or incident. The remaining 287 mandatory reports resulted in 360 new notifications of suspected sexual abuse. In addition, there were also 26 new notifications of suspected sexual abuse arising from 80 referrals made to the mandatory reporting service that were not mandatory reports. For example, the suspected abuse occurred prior to 1 January 2009 and the referrer had concerns for the child but not to the point where he or she had formed a belief that the child was being sexually abused.

(2) There were 398 notifications of suspected sexual abuse received during the equivalent period in 2008 compared with 732 notifications of suspected sexual abuse received between 1 January 2009 and 31 March 2009. Some of this increase from the equivalent period last year is due to the inclusion of extra familial abuse cases in the 2009 figures.

(3) Of the 382 mandatory reports received to 31 March 2009, which include multiple reports and reports on matters already under assessment, 97 were made by doctors, 35 by nurses, 186 by police and 64 by teachers and school principals.

Mandatory reporting is working and it is working well. The mandated professionals are reporting. Even though those figures are a lot higher than for the corresponding period in 2008, we must be very careful when making comparisons.

OAKAJEE PORT

423. Hon MATT BENSON-LIDHOLM to the Leader of the House representing the Premier:

(1) When was the business case developed to underpin the investment of taxpayers' dollars in the Oakajee port?

(2) If that business case has been prepared, will the Leader of the House table it?

(3) If no business case has been prepared, on what basis is this investment in taxpayers' dollars proceeding?

(4) Will the Leader of the House table the development agreement with Oakajee Port and Rail signed on 20 March 2009?

(5) If no to (4), why not?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) Although there have been numerous studies over the years for the development of Oakajee, there is no current business case.

(2) Not applicable.

(3) The signing of the state development agreement in March 2009 has initiated Oakajee Port and Rail preparing a bankable feasibility study prior to achieving financial close. During this time the state is also preparing a market analysis study to enable further planning and development of the Oakajee industrial estate. This work will also form the development of the common-user infrastructure, including the provision of additional berth capacity to support the attraction of value-adding industries to the industrial estate.

(4) No.

(5) The state development agreement contains a confidentiality clause that imposes restrictions on the release of the document.

FREEDOM OF INFORMATION APPLICATION — SMITHS BEACH

424. Hon ADELE FARINA to the Minister for Environment:

I refer to my freedom of information access application concerning Smiths Beach.

(1) Did the minister receive an email from the Treasurer concerning the proposed Smiths Beach development on 2 October 2008?

(2) If yes to (1), why did the minister not release the email to me in response to my FOI application?

(3) Did the minister reply to the Treasurer's email?

(4) If yes to (3), why did the minister not release her reply to the Treasurer in response to my FOI application?

(5) If yes to (3), will the minister table her reply to the Treasurer?

(6) Did the minister deliberately obstruct access to documents that should have been released pursuant to the FOI Act?

Hon DONNA FARAGHER replied:

I thank the member for her question.

(1) Yes.

(2) In processing the member's FOI application, my office conducted a thorough search of the correspondence database and found two documents that were released. Following information provided by the FOI Commissioner, I am advised that an email from the member for Vasse had been emailed to my office on 2 October 2008. My office searched the member for Vasse's name and located the email and subsequent response. I am advised by my office that the original search did not pick up on this email as it was in a PDF format, which does not allow a contents search on the correspondence database.

(3) Yes.

(4) See response to (2).

(5) Yes. I seek leave to table a copy of the letter.

(6) No.

Leave granted.

[See paper 718.]

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD — PERFORMANCE

425. Hon SHEILA MILLS to the parliamentary secretary representing the Treasurer:

(1) Can the Treasurer inform the house of the year-to-date performance of the Government Employees Superannuation Board's investments and the impact of that performance on its reserves?

(2) Can the Treasurer inform the house of the implications of GESB's performance for the state's exposure in actual dollars to superannuation liabilities?

(3) What will be the impact on total public sector debt?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

(1) At 5 May 2009 the performance of the fund stood at approximately minus 11.92 per cent year to date. This has had an impact on some reserves. However, other reserves have not been impacted on as they are held in cash.

(2) Funded superannuation liabilities are anticipated to increase due to higher than projected salary growth in the defined benefit schemes. The assets in the Government Employees Superannuation Fund backing these liabilities have declined as a result of financial market performance. The combined effect of these impacts is expected to be around $535 million over the life of the fund.

(3) The impact of the deterioration on financial market performance will increase the appropriation payments and statutory authority employer contributions required to support defined benefit entitlements. Relative to the 2008-09 midyear review estimates, higher appropriations and employer contributions are projected to be in the order of $106 million in net debt terms by 30 June 2012, based on advice from GESB's actuary.

BROWNLIE TOWERS

426. Hon KATE DOUST to the parliamentary secretary representing the Minister for Housing and Works:

I refer to the minister's media statement on 16 April concerning Brownlie Towers.

(1) When does the minister expect the first phase of the Brownlie Towers project to be completed?

(2) What community uses in the area are being looked at for rationalisation as part of the master planning process?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

(1) The first phase is the preparation of a master plan for the Brownlie Towers precinct. It is expected that this will be completed by late August 2009.

(2) Land vested in the City of Canning within the Brownlie Towers precinct is also being included in the master planning exercise.

STATE BUDGET — NET-DEBT-TO-REVENUE RATIO

427. Hon SHELLEY EATON to the parliamentary secretary representing the Treasurer:

(1) What is the currently anticipated net-debt-to-revenue ratio for 2008-09?

(2) Will the government keep the 47 per cent target set by the previous government?

(3) If no to (2), why not?

(4) What financial targets will be used to replace the net-debt-to-revenue ratio?

(5) What is the growth in general government expenditure for 2008-09, and will it be higher or lower than projected?

(6) What is the level of growth in general government revenue for 2008-09, and will it be higher or lower than projected?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

(1)-(2) This will be disclosed with the release of the 2009-10 state budget on 14 May 2009.

(3) Not applicable.

(4)-(6) This will also be disclosed with the release of the 2009-10 state budget on 14 May 2009.

OAKAJEE PORT

428. Hon GIZ WATSON to the Leader of the House representing the Minister for State Development:

I refer to the development of the port at Oakajee.

(1) What is the capacity of the Geraldton port?

(2) Is the capacity of the Geraldton port fully utilised?

(3) Why are public funds required for the development of common-use infrastructure for the port at Oakajee, given that it is understood that the private sector has previously committed to funding this project?

(4) Will uranium be exported through the port at Oakajee?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) The current berth capacity for iron ore exports is up to 11 million tonnes per annum. Rail and storage infrastructure upgrades would be required for the berth capacity to be achieved.

(2) This capacity is not fully utilised, as mentioned in part (1).

(3) The state's involvement in this project will help ensure that the Oakajee project gets built, and provide reassurance to investors that the region's diverse resources sector can be developed. This involvement is especially important given the current economic climate.

(4) There is no plan for uranium to be exported through Oakajee.

INFORMATION COMMISSIONER — APPOINTMENT

429. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

I refer to the appointment of Mr Sven Bluemmel as the new Information Commissioner, as announced by the Premier yesterday.

(1) When was Mr Sven Bluemmel appointed to the position of director at the Public Sector Commission?

(2) Did he hold the position substantively or was he acting?

(3) Under what terms was Mr Sven Bluemmel employed in his role at the Public Sector Commission?

(4) What position in the state government did Mr Sven Bluemmel hold prior to his position of director at the Public Sector Commission?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) Mr Bluemmel was appointed to the position of Director, Strategy and Policy in the Office of e-Government, Department of the Premier and Cabinet, on 15 March 2004. On the creation of the Public Sector Commission, officers of the Office of e-Government were transferred into the commission under the provisions of section 36(4) of the Public Sector Management Act 1994.

(2) Substantively.

(3) He is a senior executive service officer under section 56 of the Public Sector Management Act 1994.

(4) This is answered in part (1).

NATIVE FORESTS

Motion

Resumed from an earlier stage of the sitting.

HON PAUL LLEWELLYN (South West) [5.35 pm]: Before question time, I was challenging both the opposition and the government to provide the evidence that the Forest Products Commission is a viable financial entity and to guarantee the people of Western Australia that the logging and management of the native forests are justifiable. It would be a double tragedy if the Forest Products Commission—we believe this is fairly accurate—is barely breaking even at the same time as it is trashing our native forests for largely woodchips, char logs and low-value products. That does not seem to me to be a good business plan, and it does not seem to me to be a defendable state enterprise.

In the introduction to this motion I made a number of assertions, one of which was the Forest Products Commission's poor financial performance in the native forest sector, as well as the failure of regulation and compliance of native forest logging. I have asked a series of questions, and I have detailed some of those on my website. In my time in this chamber, I have asked a series of questions about the compliance of the Forest Products Commission in the management and discharge of its responsibilities in native forests. It is very clear that there has been a history of consistent breaches of the terms of the forest management plan and that these have been highlighted and outlined in the "Forest Management Plan 2004-2013: Mid-term audit of performance report", produced by the Conservation Commission of WA. One would have expected that midway through this new forest management plan, the Forest Products Commission would be operating smoothly and be a financially viable and well-managed enterprise. However, we find that it is degrading the resource, degrading the asset, such that it is degrading its economic value. In fact, it is not even complying with the letter of the law that it was a party to setting up. In the forest management plan, there is a key performance indicator relating to the performance of the Forest Products Commission in our native forests. It states that the conservation status of critically endangered and vulnerable, conservation-dependent forest-dwelling species and ecological communities should not decline.

There is a considerable list of plant and animal species that have suffered as a result of the impacts of logging and fire and the general mismanagement of the forest over many decades. In response to a question that I asked the Minister for Environment in Parliament a few weeks ago, it has become clear that in fact there are species that are moving to a more vulnerable status in forest areas managed by the Forest Products Commission and in native forests. This is not the time to lose track of my notes, but I cannot find that answer just now. I might need to ask the minister the question again!

Hon Donna Faragher: I will get you the list.

Hon PAUL LLEWELLYN: This is not the answer that the minister gave me, but I have an informal list that I have made myself of the threatened fauna that have changed status in the forest areas across the south west. Those species include the quokka, the woylie, the Mallee fowl, Muir's corella, the black cockatoo, the Tammar wallaby, the potoroo, the noisy scrub bird, the brush-tailed phascogale, the western ring-tailed possum, the western trout minnow, the bilby and the western swamp tortoise. These species have suffered from the impacts of disease, cats, commercial developments and logging and forestry operations in the south west region. If it is true—I have good reason to believe it is true—that the conservation status of a number of species in the south west forests has changed, that key performance indicator in the forest management plan is not being met. If one of the key performance indicators is that there should be no depletion in the conservation status of species across

the region, then the forest management plan is certainly not on track. Over the past four years we have asked a series of questions in the Parliament about compliance with logging conditions. There is clear evidence that large-scale logging in native forests inevitably results in a decline in the ecological integrity of the system. We are very concerned about the long-term survival and regrowth of our native forests.

I turn now to the impact of climate change on, and the storage of carbon in, forest ecosystems. This matter was raised by the Conservation Council of Western Australia in its midterm performance report only a few months ago. I think that report was published in December 2008.

Debate adjourned, pursuant to standing orders.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2009

Introduction and First Reading

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

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [5.47 pm]: I move —

> That the bill be now read a second time.

This bill was previously second-read in the Council on 20 March 2008, when it was known as the Statutes (Repeals and Minor Amendments) Bill 2008—bill 265-1. On 7 May 2008, the bill was referred to the Legislative Council Standing Committee on Uniform Legislation and Statutes Review for consideration and report. No report was made before the Parliament was prorogued for the recent election. The present bill differs from the 2008 bill in some minor respects, as some of the amendments formerly made have since been taken up in other legislation and are therefore deleted from this bill.

This bill is what is more commonly known as an omnibus bill, to be introduced into Parliament as part of an ongoing program of legislative review. An omnibus bill is an avenue for making general housekeeping amendments to legislation. It is designed to make only relatively minor, non-controversial amendments to various acts and to repeal acts that are no longer required. Omnibus bills assist in expediting the government's legislative program and parliamentary business by reducing the number of separate amendment bills that deal with relatively minor amendments and repeals. They also help to weed out spent or redundant legislation from the statute book. The Department of the Premier and Cabinet provided oversight of the original bill. However, oversight has since been transferred to the Department of the Attorney General.

The bill deals with two main categories of amendments—acts repealed and acts amended. Part 2 of the bill provides for the repeal of unproclaimed or obsolete, redundant, spent and inoperative acts. Part 3 of the bill contains a range of miscellaneous, non-controversial and administrative amendments to a number of acts across various portfolio areas. These are minor or technical changes to legislation that the Parliamentary Counsel's Office considers are appropriate for inclusion in the bill. Examples of such amendments are corrections to typographical, grammatical, formatting and cross-referencing errors; amendments that are believed to better implement the object or intent of the legislation; amendments arising out of the enactment or repeal of other legislation; and amendments updating terminology. The various amendments are explained in detail in the explanatory memorandum. In accordance with past practice, I intend to move that the bill be referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

Order Discharged and Referral to Standing Committee on Uniform Legislation and Statutes Review — Motion

On motion without notice by **Hon Simon O'Brien** (**Minister for Transport)**, resolved —

> That the Statutes (Repeals and Minor Amendments) Bill 2009 be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report.

CHILD EXPLOITATION MATERIAL AND CLASSIFICATION LEGISLATION AMENDMENT BILL 2009

Introduction and First Reading

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

Standing Committee on Uniform Legislation and Statutes Review Inquiry — Motion

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [5.50 pm] — without notice: I move —

That the Child Exploitation Material and Classification Legislation Amendment Bill 2009, which is to stand referred to the Standing Committee on Uniform Legislation and Statutes Review, report no later than Wednesday, 3 June 2009.

By way of brief explanation, this bill is a standing order 230A bill and would normally automatically stand referred to the committee for report within 30 calendar days. The amendments contained within this bill include those to introduce a scheme that was intended, by agreement of the former government at a Council of Australian Governments meeting, should become standard across jurisdictions from 1 July. Unless this bill is dealt with and communicated to another place with some dispatch, that deadline is very unlikely to be met; even so, it might be difficult. This motion requires that the report from that committee come back after 28 days—specifically on our last sitting Wednesday. The objective for doing that is the government will seek to facilitate the passage of the bill on 4 June, before this place rises for a week. That should not inconvenience the committee, which would presumably want to complete its considerations by about that date anyway. However, it observes the principle of referring these sorts of bills to committee, even if it is inconvenient to the government of the day. I hope that the house will support this slight amendment to our normal procedure.

Question put and passed.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [5.53 pm]: I move —

That the bill be now read a second time.

This bill will protect children and the community in Western Australia from the evils of child pornography. The bill does so by improving and strengthening WA's criminal laws dealing with child pornography.

Importantly, the bill represents the first substantial review of this state's child pornography offences since the now renamed Censorship Act 1996 (WA) came into effect in November 1996. Since that time, there have been many changes in information technology, media and communication methods. This bill will bring the WA legislation up to date and reflect the impact of these changes on offences such as the possession and distribution of child pornography.

Under the proposed legislation, child pornography will be referred to as "child exploitation material". This new terminology reflects the wider scope of the proposed new offences. Child exploitation material is pernicious and contemptible. By its very nature, it destroys the innocence and security that every child is entitled to. Therefore, persons who exploit children by possessing or disseminating this material should be subject to severe criminal sanctions. For these reasons, the Government will modernise the legislation and make it absolutely clear that the production, possession and dissemination of this material will not be tolerated. Our criminal law must, and will, contain harsh deterrents. These are serious offences. Therefore, the bill provides that all child exploitation material offences will be transferred into the Criminal Code from the Classification (Publications, Films and Computer Games) Enforcement Act 1996 (WA), hereby known as the WA Enforcement Act. The second major aspect of the bill relates to the national cooperative classification scheme—NCCS—which includes the commonwealth, states and territories.

The bill implements consequential amendments to the WA Enforcement Act required as a result of the commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007 and the commonwealth Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008. These Acts amended the commonwealth Classification (Publications, Films and Computer Games) Act 1995. States and territories agreed to implement the uniform provisions in their relevant enforcement legislation.

To assist honourable members, I will firstly explain the proposed amendments to the child exploitation material laws. The current child pornography offences, in sections 60 and 101 of the WA Enforcement Act, were drafted in the context of the implementation and commencement of the NCCS in 1996. This was well before the launch of the Australia-wide police Operation Auxin, and the development of nationally consistent child pornography laws by the Standing Committee of Attorneys General, SCAG.

As members may already be aware, Operation Auxin was the major national law enforcement investigation into internet child pornography. This operation was launched in September 2004. Operation Auxin highlighted the cross-border nature of child pornography crime, and in October 2004 the Council of Australian Governments—COAG—agreed to develop nationally consistent laws in this area. Consequently, COAG requested SCAG, in consultation with the Australasian Police Ministers' Council, to undertake further work on Australia-wide consistency in child pornography offences. As a result, in December 2004 a subcommittee of SCAG produced the Model Criminal Code Officers Committee report. This bill will implement recommendations of this report.

As part of Operation Auxin, and to implement nationally consistent laws, the Criminal Code (WA) was amended in 2006 to combat cyber predator crime by creating offences for an adult to use an electronic communication to

procure, or expose children under 16 to indecent material. Since then, other jurisdictions in Australia, with the exception of WA, have amended their child pornography laws with a view to making those laws as consistent as possible. For example, the commonwealth, New South Wales, Queensland, South Australia, Tasmania and Northern Territory legislation now refers to "child exploitation material" rather than "child pornography". The bill incorporates this important terminology change, including other forms of abuse, in addition to what might traditionally be described as pornography. That is, the bill contains an expanded definition and refers to "any" material depicting a person or "part of a person" who is, or appears to be, a child, "being subjected to abuse, cruelty or torture (whether or not in a sexual context)".

The bill also expands the offence for the sale or supply of child pornography to now include a broader offence for the distribution of child exploitation material. In addition, the bill will increase the penalties for child exploitation offences such as: the distribution of child exploitation material, for which the maximum penalty is increased from seven years' imprisonment to 10 years' imprisonment; and the possession of child exploitation material, for which the maximum penalty is increased from five years' imprisonment to seven years' imprisonment. In addition, the bill creates more comprehensive offences dealing with the production of child exploitation material, and the involvement of children in such material. For both offences, the maximum penalty will be 10 years' imprisonment.

I will now deal with the consequential amendments to the WA Enforcement Act that are required as a result of Western Australia being a full participant in the NCCS. Firstly, to assist members, I will provide a brief outline of how the NCCS operates. The NCCS is a cooperative arrangement between the commonwealth, states and territories and was established in 1996. Under the NCCS, publications, films and computer games are classified by the classification operations branch in the commonwealth Attorney-General's Department under the provisions of the commonwealth's Classification (Publications, Films and Computer Games) Act 1995. All states and territories then adopt those classification decisions. However, the enforcement of those classification decisions is a matter for each state and territory under its complementary enforcement legislation.

In WA, the WA Police enforce classification decisions, pursuant to the WA Enforcement Act, which stipulates under what conditions restricted publications, films and computer games may be advertised, sold or exhibited. In order to improve the efficacy of the NCCS, periodic amendments are made to the commonwealth act. As mentioned earlier, the most recent of these were the commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007 and the commonwealth Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008.

In relation to the commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007, which came into effect on 15 March 2008, this bill incorporates uniform amendments that were prepared by the Parliamentary Counsel's Committee, and agreed to by censorship ministers. Consequently, the bill will make WA enforcement provisions consistent with the commonwealth amendments and the enforcement legislation in other states and territories.

Sitting suspended from 6.00 to 7.30 pm

Hon SIMON O'BRIEN: The bill will give the convenor of the Classification Review Board equivalent functions and statutory powers as that of the director of the Classification Board. The bill will also streamline the film classification process and enable the director of the Classification Board to exempt an organisation from the classification requirements in relation to films and computer games.

One important result of the amendments will be to lessen the regulatory burden on industry. The second major round of amendments to the national cooperative classification scheme concerns the advertising of unclassified films and computer games, which comes into effect on 1 July 2009. To take account of industry concerns and technological advances and to ensure that there is proper regulation for advertising of unclassified films and unclassified computer games, commonwealth, state and territory censorship ministers agreed in April 2007, following nationwide public consultation, to implement a new regulatory framework for advertising. The amendments, reflected in the commonwealth Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 allow the commonwealth minister to make a statutory instrument that sets out the conditions for advertising unclassified films and computer games in accordance with a new advertising scheme; ensure that the instrument determining the scheme will be made after consultation with state and territory ministers; and make it clear that the advertising scheme will continue to prohibit material that is likely to be classified X18+ or RC.

Most of the other jurisdictions have already amended their enforcement legislation to incorporate the operation of the new advertising scheme, and this bill will amend the Western Australian Classification (Publications, Films and Computer Games) Enforcement Act 1996 to ensure consistency with the national uniform legislation.

This bill ensures the implementation of much-needed reform in this area, and realises the government's commitment to ensure that our children are protected from those who would prey on them. I am sure all

members will agree that protecting our children is a matter of the utmost importance. Consequently, in the areas of child exploitation and the national cooperative classification scheme, this bill creates new offences, substantially increases penalties, and ensures WA is an effective participant in national classification matters. I commend the bill to the house.

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

ELECTRICITY NETWORKS ACCESS CODE AMENDMENTS (NO. 2) 2008 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.33 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 4, "Electricity Networks Access Code Amendments (No. 2) 2008— Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

SHIRE OF MEEKATHARRA DOGS LOCAL LAW 2007 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.33 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 11, "Shire of Meekatharra Dogs Local Law 2007 — Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

PORT AUTHORITIES AMENDMENT REGULATIONS 2008 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.34 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 13, "Port Authorities Amendment Regulations 2008 — Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

SHIRE OF DOWERIN FENCING LOCAL LAW 2008 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.34 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 15, "Shire of Dowerin Fencing Local Law 2008 — Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

WA MARINE (SURVEYS AND CERTIFICATES OF SURVEY) AMENDMENT REGULATIONS (NO. 2) 2008 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.35 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 18, "WA Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008 — Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

RADIATION SAFETY (GENERAL AMENDMENT) REGULATIONS 2008 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.36 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 20, "Radiation Safety (General Amendment) Regulations 2008 — Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

PORT AUTHORITIES AMENDMENT REGULATIONS (NO. 2) 2008 — DISALLOWANCE

Discharge of Order

HON SHELLEY EATON (Mining and Pastoral) [7.36 pm]: On behalf of Hon Kim Chance, I move without notice —

> That order of the day 21, "Port Authorities Amendment Regulations (No. 2) 2008 — Disallowance", be discharged from the notice paper.

By way of explanation, the Joint Standing Committee on Delegated Legislation is satisfied with the response received to its inquiries.

Question put and passed.

ADDRESS-IN-REPLY

Amendment to Motion

Resumed from 5 May on the following amendment moved by Hon Sue Ellery (Leader of the Opposition) on 18 March —

> That the following words be added to the motion —
>
> > but regrets to inform Your Excellency that the government has failed to adequately address a number of serious issues affecting Western Australia

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [7.37 pm]: I am pleased to comment on the amendment moved by Hon Sue Ellery. Unfortunately Hon Sue Ellery is not able to be with us tonight because of ill health and she has asked me to comment on her behalf in response to this amendment. I remind members that the amendment she moved to the motion states —

> but regrets to inform Your Excellency that the government has failed to adequately address a number of serious issues affecting Western Australia

I will retrace the comments made by members in support of the amendment to the motion. This current Liberal-National government has had more than eight months to get its act together. However, on almost a daily basis constant problems arise for which it cannot demonstrate that it has a plan, is organised, is competent or has a vision for the state of Western Australia. It may be that the Premier, who is constantly coming up with interesting thought bubbles and visions, might be the primary owner of those things, but he has not been able to persuade his colleagues to have that capacity. For more than eight months we have seen on a regular basis that the constituency of this state is often disappointed because it can see that this government is constantly demonstrating a lack of accountability and a lack of transparency.

Last night Hon Ljiljanna Ravlich gave an excellent outline of the difficulties that she has had in trying to access information from ministerial officers through the freedom of information legislation. She is constantly being rejected and rebuffed when trying to ascertain very simple information. Even I was recently rebuffed by the Minister for Energy when I simply tried to access parts of his diary to see what he was doing and who he was meeting. He decided that was not forthcoming.

Hon Ljiljanna Ravlich: They are running scared.

Hon KATE DOUST: Yes, they are running scared. For a government that said it would be accountable to the people of Western Australia and transparent in its dealings, that is not proving to be the case. Now that the government has appointed a new FOI commissioner it will be interesting to see whether the Premier is able to

deliver on his threats about the potential to deny members of Parliament access to information through the Freedom of Information Act. We have to wait and see. Although it purports to be open and accountable, in fact the doors are being shut in our faces and it is getting harder and harder to get information. In fact, it is getting harder to obtain clear answers from the government. I know that, from my own experience of dealing with the Minister for Energy.

Hon George Cash: Were former ministers prepared to hand over their diaries et cetera?

Hon KATE DOUST: I am sure they did; I know that Hon Ljiljanna Ravlich has already attested to that. As I was saying, it is getting harder and harder to get the Minister for Energy to respond to questions clearly, succinctly and factually rather than just dance around issues. I hope that this is a temporary aberration, and that this government demonstrates to the public that it is prepared to be accountable and transparent in all its dealings. However, I think we will be disappointed on an ongoing basis. If one were to look at individual minister's performances in the media, one would see that there are a number of ministers who have not yet risen to the game. A number of members have spoken about the difficulties the government has experienced with its proposal to amalgamate local governments. That has turned into a fairly substantial fiasco; a large number of local governments have not even responded to the Minister for Local Government about how they intend to go about the process of amalgamation. A number of local governments have not even complied with the audit requirements. That is just one example. If these are requirements that have been set down, why is the minister not doing his job and working through these things? I am sure that the former ministers in this chamber who held those portfolios in the previous government would have performed much better and delivered the goods to the community.

Over the past few months, the opposition has worked diligently to demonstrate that the government is not doing its job. The Treasurer's initial call to his ministers to introduce a three per cent efficiency dividend was quite interesting. Hon Sue Ellery and a number of other members who have worked diligently on a subcommittee of the Standing Committee on Estimates and Financial Operations have brought to the fore, on a regular basis, the difficulties that are being faced by government departments in situations in which they cannot make a three per cent cut. There is great confusion as to where these cuts should be made, and departments have not been able to clearly demonstrate that the cuts will not impact adversely on front-line services. I know that that has been a highly contentious issue for the Department of Education and Training and the Department of Health. Last night I mentioned the problems that are being faced by WorkSafe, and the potential closure of a library. I am sure that there are a range of other —

Hon Simon O'Brien: My God! The state will be on its knees.

Hon KATE DOUST: Hon Simon O'Brien may not think that that is important, but I think it is a very important issue, as does everyone in this state who has to deal with occupational health and safety issues on a daily basis.

I look forward to the report being eventually handed down, because I think it will provide us with a lot of meat to chew on over the next few months. This government is not actually doing its job and has not actually thought through any plans. The Liberal Party was fortunate enough to come together in a loose coalition with the National Party —

Hon Ljiljanna Ravlich: Loose, all right!

Hon KATE DOUST: Yes, very loose—we have seen that today, have we not? Very loose!

Although the government took to the government benches eagerly, I do not know whether there were any clear or concrete plans about how it was going to move forward, what grand visions it had for the state, and what steps it would take to implement its vision. The opposition also looks forward to seeing how the government will handle the three per cent efficiency dividend in the areas of police and child protection—two very key areas. It will be very interesting to see whether the Minister for Child Protection is rewarded in the budget next week; I certainly hope, for her sake, that she is. It is a very important area and I will be interested to see how she deals with it.

Hon Ljiljanna Ravlich: She has no policy and no plan.

Hon KATE DOUST: She is not alone in that respect. "No policy and no plan" should be an underlying theme for this government.

There are a range of other issues. Hon Ken Travers has done a lot of work recently and spoken about the problems associated with the construction of the purpose-built multi-sports stadium. That is a commitment that the Labor Party made when it was in government, and it was something that the general population of Perth was very keen to have. However, there is now uncertainty; the current government has backed away from that project. At the end of the day, I think we probably will get a stadium, but it will not be a multi-sports stadium, and we will not necessarily get it now. We may end up with four separate stadiums; that will not solve the problem and it will be a burden on the taxpayer who has to fund those types of facilities.

Yesterday we had an urgency debate on trains. That was a very interesting debate, and I was very pleased to hear Hon Jon Ford outline a little history. Liberal governments have traditionally had an appalling approach to trains. I do not think that any of them like trains; I know that Hon Simon O'Brien certainly does not. When the Labor Party was in government, he would constantly rail against the idea of extending the railway line to Mandurah. I often thought that perhaps as a child, he never had his own train set! The fact is that the government cannot come up with any certainty and make a commitment to the train line to Ellenbrook. A petition was recently tabled in this place through which a person from Geraldton called on the government to consider constructing a train line to Geraldton. People in the community like trains; they see trains as a viable form of public transport that are comfortable and reasonably cheap to travel on. Unfortunately, when the Liberal Party is in government, it either cuts train services back, does not proceed with rail projects, or does not construct rail lines along appropriate routes. The south metropolitan train service is something that the former Labor government should be very proud of, because it has made a substantial change in that area. As the southern corridor opens up—in the Minister for Transport's own electorate—people will see the true benefit of that train line and the easy access it provides to the city and to other facilities. It will be interesting to see what the government does over the next four years about Ellenbrook and the airport rail line. It is all very well to launch committee inquiries and to conduct research, but the community will begin to ask the minister what his plans are, when he intends to put his plans into action and when he will deliver, rather than promising things on the never-never.

Hon Simon O'Brien: Absolutely.

Hon KATE DOUST: I certainly hope that the minister delivers, but at this point it does not seem very clear. I think the minister will have real difficulties, because I do not think his government will give him support for those projects.

I would like to talk about some other difficulties; it is a shame that Hon Peter Collier is not here, because I raised some of these issues during my earlier speech.

Hon Simon O'Brien: Perhaps he's had enough after hearing you once!

Hon KATE DOUST: He will hear me again and again, because he is not —

Hon Simon O'Brien: He's on urgent parliamentary business!

Hon KATE DOUST: He probably is, but he is not doing his job. He is not focused on the portfolio of energy. He is not focusing on one of the key areas that this government should be focusing on. He is missing in action. The Premier comes out with all these sound bites and thought bubbles about what should happen in the portfolio of energy, and about the issue of the potential re-merger between Synergy and Verve. It has still not been resolved after nearly eight or nine months. There is still uncertainty across the industry about what will happen. The minister is approving reappointments of people from the past—people who were involved with Synergy and Verve prior to the split—who have old-fashioned approaches to dealing with energy issues. These people were probably close to the current Premier when he was Minister for Energy, and they are people that he feels comfortable with and who would support his position on energy issues. This is not the way forward. The Minister for Energy is prepared to let the Premier override him on these issues. He rarely makes public comment about anything relating to the portfolio of energy. He has not done anything new. He has opened the odd power station, but these were things that were already in train before the change of government. He talks about renewable energy, but he has not actually done anything about it. He was prepared to make substantial increases in energy prices in one hit, rather than incrementally so that the consumer did not have to be hit as hard or as swiftly.

There is some hint that, next week, electricity prices might go up again. We are now also waiting on the increases in network pricing. That has now been delayed even further because Western Power has not been able to deliver the information that the Economic Regulation Authority is requiring it to deliver. Frankly, I do not know why the minister is sitting on his hands on this matter. The minister should be saying to Western Power that if it wants to get a report back from the ERA about whether it can proceed with those cost increases, it should deliver the information that is required. The minister should be putting pressure on Western Power to deliver that information so that the public will know where Western Power is going with those costings. That is another matter on which the minister has failed to take action. The minister has also been sitting on his hands by allowing Synergy to not just outsource jobs, but send jobs offshore. The minister thinks it is perfectly acceptable for Synergy to send those jobs overseas. The minister gave us some lovely weasel words about how jobs will still be retained in Western Australia at a local level. However, the minister neglected to tell us at the time that the jobs that are being lost are the fixed-term contract jobs. I understand that one of the firms to which those jobs will be sent employs a lot of 457 visa workers—not local workers, but imported workers—so those jobs will be lost to Western Australian workers. At another time I will go into a lot more detail about that matter. It is unfortunate that the minister is not in the chamber today, because it would be interesting to get his response.

Another matter that I want to raise is that the maintenance workers at Western Power have been negotiating with the government since August of last year to get their EBA resolved. I understand that an EBA has been resolved

for the Communications Electrical Plumbing Union workers, but not for the Australian Services Union workers. One of the sticking points for those workers is that Western Power, instead of looking at how it can improve productivity and attract and retain people, is trying to wind back their conditions. I understand that Western Power workers are currently eligible for long service leave after seven years of service. Western Power is now saying to its workers that they will need to complete 10 years of service before they will be eligible for that entitlement. That might be a saving to the company, but it will be a cost to the employees. It will also mean that there will be greater potential for a worker not to attain that entitlement. I understand there are also issues with penalty rates and pay rates, and notification of changes to working hours and rostering. The workers have now commenced a series of rolling stoppages in a variety of workplaces. These stoppages will continue until they get a satisfactory response from Western Power. These workers are taking these stoppages under the protective provisions of the act. That means that the issue is very serious, and they are not going to back down until they achieve a satisfactory outcome. I understand that Western Power is not sending senior people to those negotiations. If these stoppages continue, there will be an impact on the electricity industry, and sooner or later the consumers will feel that impact. It is in the state's best interests to resolve this issue. I would have thought that the minister would have been saying to the powers that be at Western Power, "What are you doing? Why are you not sitting down with these people and trying to resolve the issue?"

Hon Ljiljanna Ravlich: Maybe he could send in his high-powered advisor, who is earning $400 000 a year!

Hon KATE DOUST: Mr Oates, yes, but he does gas, not electricity. Some important issues need to be resolved here. However, the minister is taking a hands-off approach. He does not want to engage. He does not want to get involved. He thinks he is above all that. The minister should be taking an interest in these issues. He should be making sure that things are running smoothly across the energy industry so that consumers will not get breakdowns or cutbacks, and so that consumers will not find that they are unable to get someone to help them when things break down, but will get continuity of supply. The minister needs to get on with the job.

The other issue, to which we had an interesting response today, was the 330-kilovolt line from Geraldton to Pinjar. It was a real surprise when that response was provided today, because it was not clear that this line was going to go ahead. The fact is that not a lot of money has been expended on getting this line up. I am sure that all the iron ore companies in that part of the state, and companies like Aviva and a range of wind power companies, will be very interested over the next couple of days to read the government's response about what it is going to do with that 330-kilovolt line, because if that line does not go ahead, the lights will be turned out for a lot of those companies that are in the process of either setting up or expanding. That line will create jobs not just in Pinjar and Geraldton, but in Geraldton itself. I understand it will also have an impact on what happens with Oakajee. If this government is not prepared to deliver on the commitment that was made by the former Labor Government about that 330-kilovolt line, there will be major problems in that part of the state with the supply of electricity to industry. Again, this minister is demonstrating that there is no plan, no policy and no understanding of what is required, and that he is not doing the job that he required to do in this state. Those are just a few examples of the performance of one particular minister.

I have given just a brief response. A number of the members who have spoken on this motion have demonstrated that although the spin doctors for this government are trying to say that, yes, its ministers are out there and are active and are doing things, the cold hard reality is that they are not. A lot of things are being cut back. A lot of front-line services are being cut back in police, health, education and child protection. There are difficulties in key areas such as energy. I am sure we will become aware of a range of other areas as time goes on. We can probably outline many of those areas in our electorates. This government needs to get its act together and develop a coherent and comprehensive plan for what it will deliver for the people of Western Australia over the next four years. This government needs to do that without putting the state's finances at risk, and it needs to do that without cutting services for the people of Western Australian. Based on the government's track record in the past eight or nine months, I think it will continue to demonstrate that it does not have the capacity to deliver sufficient and appropriate services for the people of Western Australia. I think we will find also—it is already starting to come through in some of the media—that this government will become more and more reliant on federal funding for projects. We have already heard the Premier touting his belief that it would be beneficial if the federal government provided funding for Oakajee. Last week, after the Council of Australian Governments meeting, the Premier talked about energy issues in 2020 and about how it would be positive if the federal government would provide financial support for the expansion of the electricity network grid. I am sure that as time goes by, there will be other example of how this government will be trying to top up projects by tapping into federal funding rather than putting its hand in its own pocket. We will need to watch that very carefully. Given that the federal government is currently handing out money as part of its Infrastructure Australia initiative, it will be interesting to see what those projects are, and whether the state government is involved in any of those projects. Last week in my electorate, the federal government gave the South Perth city council $2 million to rebuild its library and community hall. That would normally have been a project for which the council would have approached the state government for funding. I use that as an example, because I think more of that will be

happening. We are certainly seeing that in schools, where the federal government is providing three different sets of money to primary and high schools to enable them to provide new facilities. That support from the federal government will also take pressure off this government so that it does not have to fund those schools out of its own pocket but will rely on the federal government to do so. Those are just some examples of this government taking a step back and relying on others to deliver for it but taking the kudos for it.

We have a very interesting period of time ahead of us. This government has clearly demonstrated time and again over the past eight to nine months that it does not have a plan, it does not have a vision, it is not coordinated and it is not necessarily up to doing the job. This government has ministers who take a hands-off approach to their job, who rely on their advisers and mates to come in and give them advice and who do not understand that the world is changing and they need to change with it.

I endorse the words of the amendment that Hon Sue Ellery has moved. Our members have articulated their concerns that this government is not delivering for the people of Western Australia, and I hope that we get enough support for this amendment to the motion. That is probably all I am going to say in this debate.

Question put and negatived.

Motion Resumed

Debate adjourned, on motion by **Hon Bruce Donaldson**.

ACTS AMENDMENT (BANKRUPTCY) BILL 2009

Second Reading

Resumed from 1 April.

HON LJILJANNA RAVLICH (East Metropolitan) [8.01 pm]: I rise to advise that the opposition will be supporting the Acts Amendment (Bankruptcy) Bill 2009. Members might be aware that the second reading speech on this bill was read a while ago. The legislation has a very long history and stems back to some legislative changes that were made by the commonwealth government when it enacted the Bankruptcy Legislation Amendment Act 2004, which made some significant amendments to part X of the Bankruptcy Act 1966. Part X of that act addressed the process by which a debtor may make a proposal to creditors that is then voted upon by creditors at a formal meeting. This process differs from bankruptcy in that it allows the debtor and the creditor to agree upon a mutual compromise without the need for court intervention. I must say that if ever there was a time when this sort of legislation was required so as to save people from entering into lengthy and protracted legally based solutions, it is now. I therefore commend the government for bringing forward this legislation.

The federal Bankruptcy Legislation Amendment Act repealed the three types of agreements that a debtor and creditor can enter into—a deed of assignment, a deed of arrangement and a composition. These agreements were replaced with the term "personal insolvency agreement". Instead of having these three complex concepts to guide the process, it has been made very much more consumer friendly for the two parties engaged in this process.

To reflect this change in state legislation, the Acts Amendment (Bankruptcy) Bill 2009 was drafted. The bill amends over 90 state acts by removing any reference to a deed of assignment, a deed of arrangement and a composition, and replacing them with "personal insolvency agreement". In most of the acts, personal insolvency agreements relate to a person's eligibility for appointment to, or as a reason for forfeiture of, statutory office. The range of acts that are affected include the Aboriginal Affairs Planning Authority Act 1972, the Agricultural Produce Commission Act 1988, the Alcohol and Drug Authority Act 1974, the Animal Resources Authority Act 1982, the Cemeteries Act 1986 and so on and so forth. I must say that this legislation is indeed a win for commonsense for the way in which matters of this nature are to be dealt with. In my view this is a good policy, which I understand was initiated at the commonwealth level, and all states have agreed that this is the way to go.

Principally the bill consists of five clauses, which appear to be fairly straightforward. The bulk of the bill is in clauses 3, 4 and 5, which amend the Interpretation Act 1984. These clauses make two amendments to the Interpretation Act. The first amendment is the insertion in section 5 of the Interpretation Act of the term "bankrupt and bankrupt or a person whose affairs are under insolvency laws". The second amendment is the insertion of new section 13D dealing with the meaning of bankrupt and related expressions. Section 5 of the Interpretation Act 1984 inserts "bankrupt and bankrupt or a person whose affairs are under insolvency laws", which provides the meaning to those terms in new section 13D. Of course new section 13D provides the meaning that is to be given to the term "bankrupt" and related expressions.

I have been asked by the minister whether we would proceed to the third reading of this legislation or whether we intend to go into committee. I have agreed with the minister that we will not go into committee because the legislation is straightforward. It is something that is really positive in that it is the simplification of a process for

dealing with the whole issue of bankruptcy that used to be fairly legalistic and probably quite expensive. I therefore commend the government for the speed with which it has brought this legislation to this place, as it will give relief to many people who may well be facing difficulties, particularly during this difficult economic time. With those few words, therefore, the opposition will be supporting this legislation.

HON GIZ WATSON (North Metropolitan) [8.07 pm]: I will probably give a very short speech on this matter. The Greens (WA) support the bill.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [8.08 pm] — in reply: I compliment the members who have participated in the debate: Hon Ljiljanna Ravlich for her erudite contribution, and most especially Hon Giz Watson; although she is not actually a member of the official opposition, hers was certainly one of the best speeches I have heard from that side of the chamber for many a long day!

Hon Paul Llewellyn: That last one there?

Hon SIMON O'BRIEN: Yes. I would like to thank members on all sides for indicating support for this restricted but important measure, and I therefore commend the second reading to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Simon O'Brien (Minister for Transport)**, and passed.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT (COMPENSATION) BILL 2008

Second Reading

Resumed from 8 April.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.10 pm]: I encourage the Minister for Transport to stay in his seat because this will be a very brief speech. I am very pleased to support the bill and to say a few words on behalf of Hon Sue Ellery who would normally handle this legislation on behalf of the opposition, but who, unfortunately, is unable to do so tonight.

The opposition is pleased to provide its support to this fairly straightforward bill. I understand it will provide retrospective compensation, firstly, to those people who served a longer time in prison than was legally authorised, and, secondly, to those people who, under a work or development order, undertook additional work that was not authorised by legislation. I understand that this bill may impact on approximately 1 700 people who have spent between an additional three days and, in the case of one individual, 91 days longer than they should have in prison. Those people will, in due course, be appropriately compensated for the additional time that they should not have served. I understand this "glitch" came about when an amendment to the 1994 legislation was made in 2001. I understand that although the legislation changed, the system did not, unfortunately, pick up on the change and therefore failed to make adjustments to the appropriate computer program. Sadly, it is an example of technology not catching up with other change; normally it is the other way round—that is, change not catching up with technology. Now that this error and difficulty has been identified and the government has acknowledged the problem and the number of people involved, an appropriate calculation will be worked out to remedy the situation. The opposition believes this is a very positive move, as do, I am sure, the potential recipients of this compensation.

The opposition is pleased to support the bill. We acknowledge that this problem has been around for some time and that it is good the government has both picked up on it and sought to correct it. The bill will both correct the error and provide appropriate compensation for the affected individuals.

HON GIZ WATSON (North Metropolitan) [8.13 pm]: I have a few things to say about the Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Bill 2008. As Hon Kate Doust indicated, this bill is an attempt to correct a fines enforcement and penalties error that has occurred. As has also been pointed out, this compensation will be available to people who have served more time in prison than the legislation authorised, and also to people who, under a work or development order, have undertaken additional work that also was not authorised by legislation.

The Greens (WA) are happy to support the bill, but have a number of questions about how this situation arose in the first place. It seems this quite serious matter has taken quite a long time to come to Parliament for remedy. Although we support compensation, noting that the majority of people to be compensated will be compensated for fine overpayment that resulted from the warrant of commitment issue fee being added to the fine amount they

owed, the majority of the 1 700 affected people still have outstanding fines. I believe that if the second reading speech is accurate, 73 per cent of those people still owe money. They will not get any money back, but will have the amount they owe reduced.

Some interesting questions arise considering that this money owed to the state has been outstanding for a while; namely, is the current proposed fine default rate—that is $250 a day—the correct amount? This is quite topical given the recent public debate about compensation paid to the Mickelberg brothers for wrongful imprisonment and the recent offer of compensation to Andrew Mallard.

It is significant that this bill will not only provide for compensation, but will also, significantly, remove any liability the state might have for further claims. That point concerns me. Clause 4(7) reads —

> Whether or not the Registrar gives the offender a credit under this section, the State is not liable in respect of punishment inflicted as a result of the error.

Members need to be aware that if this bill passes through Parliament, it will remove the capacity for those affected to take further legal action. I think that clause has been rather neatly inserted, and I am a bit concerned about the precedent it may set. As members of Parliament, we should be aware that although the title indicates this bill is about compensation, the bill also includes a significant clause that will draw a line under the capacity of a person who has been wrongfully dealt with by the state to pursue any further legal action.

I have a number of questions, but they may be more appropriately dealt with during the committee stage of the bill. It might be difficult for the minister who has carriage of the bill to answer some of the more detailed questions by way of response to the second reading. My preference would be that some of the more detailed questions be dealt with when the first clause is dealt with during the Committee of the Whole stage of the bill. With those comments, the Greens (WA) do not oppose the bill but have some matters that we would like to have clarified.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [8.18 pm] — in reply: I thank the opposition for its support for the Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Bill 2008. As has been observed, this bill will correct some errors that have been made and some unfairness that has been inflicted. I mentioned one of the interesting factors to come out of this debate during my second reading speech; however, the member who gives the second reading speech does not have an opportunity to reflect on the bill until he or she closes the debate. I thought a telling response was that 73 per cent of those who we expect to be entitled to a compensation payment still have outstanding fines on the Fines Enforcement Register. This bill clearly sets out that in this case the state is trying to do its best to right some wrongs that were never maliciously intended.

But it is interesting to note that some of the messages, even when given through incarceration, do not seem to be getting through to people who refuse to stump up their fines when they are issued by the courts. No matter, the state is determined to do the right thing by this legislation and thanks the house for its support. I note the remarks of Hon Giz Watson. As ever, she has looked upon this matter in a thoughtful way and she has raised a number of questions. She has also indicated that she does not see any point in opposing the second reading but would prefer to have those questions addressed. I think she explicitly said that rather than attempt to address the questions now, she would prefer to do so when I am at the committee table, and obviously I would be more than happy to do that.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Barry House) in the chair; Hon Simon O'Brien (Minister for Transport) in charge of the bill.

Clause 1: Short title —

Hon GIZ WATSON: My first question is about the time frame. I note that this incorrect practice would have occurred at the commencement of amendments to the original 1994 act. I understand they occurred between 2001 and 2006 and that the matter was brought to the attention of the government in 2006, perhaps by way of a matter being raised with the Department of the Attorney General by the office of the parliamentary commissioner, otherwise known as the Ombudsman. How was it that this error was not picked up by the system from 2001 to 2006 and resulted from a complaint being raised? I am not sure whether the complaint was raised by someone in prison at the time. It is often considerably more difficult, I would argue, for a prisoner than it is for a member of the general public to have a complaint heard.

Hon SIMON O'BRIEN: I thank the committee for its patience. The fact that I have taken some little while to rise to my feet to respond no doubt indicates that this is quite a technical and obscure matter. Therein, I think,

lies the nub of the response to the member's question, which was essentially: how could it take five years or so before this error was picked up? It was ultimately picked up by a complaint by a Mr Gunn, who complained to the Ombudsman that he believed that the problem that was eventually discovered was in fact occurring in his case. The inquiry by the Ombudsman led to investigation by responsible government officers into how the system worked. At that time, it was discovered that an administrative oversight had been made, in that, with the changes in 2001 to the 1994 act, some necessary changes were not made to regulation introduced at that time or, indeed, subsequently.

The second reading speech refers to the situation. I do not know how much else I can add except that I understand that administrative oversight occurred in the process of subsidiary legislation. It was a fairly obscure thing to happen and it endured for some time. In due course, it was discovered and it was corrected then. I understand that arrangements are now in place, and have been since 2006, to put this matter right. The way in which the government at the time dealt with it was to cease to keep charging the fee that was causing the problem. Subsequently, the warrants of commitment were then correctly issued because there had been no basis for a fee prior to that time. That has been put right. This bill endeavours to compensate for those charges that were made, in effect, in error. I hope that addresses the member's question.

Basically, the member is asking why this problem occurred, but I think there is more to the question than the mere technicalities of it. The member was asking on behalf of the people why it was not picked up and so on. I guess there are times when the system must admit that someone got it wrong, that what did happen should not have happened, that there were some consequences and that now we are trying to put it right.

Hon GIZ WATSON: I suppose that explains the technicalities of it. Maybe my question is not one the minister can answer, given that it is not his portfolio, but it seems to me that if a system error can go on for five years, something is wrong with the system if it only comes to light when someone has to raise a complaint. It would imply that internal auditing is lacking. I suppose the assurance I am seeking is that not only are we correcting by way of compensation, but also some process is in place so that something similar cannot occur. Surely, some internal checks and balances should be in place to indicate that in this case the payments or penalties were significantly higher than was logical. It went on for five years. If it were in another area of law, I would suggest that if somebody had been over-penalised by this amount for this long, the person might be wanting interest, not only so much a day, but also on the difference, because it took so long for the department to pick up on the error. It could be argued that the department would not have picked up on the error at all but for the fact that somebody took the initiative to lodge a complaint and it came to light. It is more of a rhetorical question and I am not sure if the minister feels that he wants to answer it. The second component of the timing is the question of why it took a further three years to bring a bill before the Parliament if the error was identified in 2006, because here we are now in 2009. That is a very long time for a simple piece of legislation. Perhaps there is an explanation for why it took a further three years for the bill to reach the Parliament.

Hon SIMON O'BRIEN: I think the points that Hon Giz Watson make are well and fairly made. Somehow the system got it wrong. Now we have to put it right. In the meantime a few things have happened that may give her reassurance. Firstly, changes have been made to the relevant system to make sure that there is no reoccurrence. This is the sort of thing that sharpens up any agency's internal and general management mechanisms. Everyone involved in the organisation would regret that an error like this occurred and was allowed to continue, even though the vast majority of people in the agency would have no awareness or responsibility for this matter. We need to keep it in perspective. Yes, we have to admit—I think I have already admitted—that mistakes happen. This bill admits that and it also says that we are trying to move on and do something about it. Even with the best of systems and the best of intent, it is probably likely that some mistakes will occur in other places in future and we will have to fix them as well. We can only do what we can do, having discovered this, to then explore the extent of it. It went well beyond Mr Gunn to 1 730-odd people, which is a lot of searching. That is an answer to a later part of the question, but I will come back to that in a moment.

The member also asked about the adequacy of the compensation, having regard to some of these excessive periods of detention having occurred some time ago. In fact, they all occurred at least two or three years ago, and some of them a good deal longer ago than that. Therefore, what provision is there for interest and the like in default of these payments being received? As I indicated earlier in the progress of the bill, the figure that has been struck by our current mechanism to compensate people is $250 per day. I understand that the rate at the time was $150 a day, so I think we can be reasonably assured that that aspect has been covered by the rate that has been struck.

Finally, the honourable member asked why on earth, if this problem was discovered in 2006, we are now looking at it with a bill before the house in 2009. In part, a fair bit of work had to be done, firstly to deal with the initial problem pursued by the Ombudsman, and then to review the extent of the problem and go through all the records. As I indicated a minute ago, I said that I would come back to this, and I am now advised that 1 730 people were found to be in this situation, and each of their records had to be checked and reviewed to discover

the extent of the problem. I imagine that a lot of other occasions of imprisonment also had to be checked to satisfy us that there had not been a similar error. That process would have taken rather a long time, but then it is not just a matter of introducing a bill saying that two plus two now equals four. Creating this legislation would have required a considerable amount of legal advice on the sort of mechanism that the government would need to respond adequately to the question. They are the sort of processes that take place. In any case, this is a 2008 bill, so, with respect, the government did get on to it pretty quickly after the last election. I imagine that a lot of the work that went into this bill prior to that happened in the time of the previous government. These things take time, but ultimately, even though the wheels of justice grind slowly, hopefully in this case they also grind small.

Hon GIZ WATSON: That answer neatly brings me to my next question. I am interested to know why it was considered that a bill was necessary. It seems to me that if it was, in a way, an administrative error, it would have been possible to provide compensation without the force of legislation. Perhaps there is an explanation of why compensation required legislation. It is like an overpayment, in which case money can be refunded, or vice versa. It seems to me that this could have potentially been dealt with at an administrative level.

Hon SIMON O'BRIEN: I understand that the existing legislation does not make provision for amounts to be paid, in circumstances such as this, out of consolidated revenue. This bill provides the legislative machinery to permit that to occur.

Hon GIZ WATSON: Further to the comment regarding the actual amount that was arrived at of a daily rate or an appropriate rate of $250, I am pleased to hear that has been adjusted from the amount that would have been estimated several years ago. I am interested in whether that is a figure that is adjusted and reviewed regularly. How is it arrived at? I appreciate the fact that it has been adjusted for the passage of time, but how is it calculated?

Hon SIMON O'BRIEN: This is an interesting matter. If we were to compare our jurisdiction with the amounts in other jurisdictions, we would probably find a range of different amounts. I understand the daily amount in some jurisdictions is substantially less. I guess they have their reasons for that. I understand that the mechanism for prescribing the amount was initially laid down in the Fines, Penalties and Infringement Notices Enforcement Act 1994, known as the FPINE act for obvious reasons—it needs to be abbreviated. Perhaps because of that, the amount has not been altered frequently and, for many years, it remained at the $150 mark. More recently, the principal act was amended by another piece of legislation and now the daily amount is prescribed by regulation. That is a mechanism that does allow it to be reviewed more frequently. I understand that the $250 was prescribed in March 2008. Before then, it was heaven knows when—1998, or a very long time ago—that there had previously been a change. It will be reviewed now a little more frequently to make it more contemporary. Most observers would also think that $250 is probably on the generous side compared with some other jurisdictions.

Hon GIZ WATSON: I think it is an interesting point as to how that value is arrived at. It is interesting to hear that it varies considerably. How do we work out what amount is paid off per day by being imprisoned rather than by paying the fine, which is in effect what we are saying? That leads me to a comment I have made in this place before about using monetary values for penalties. I would again make the case for penalty units, for both payment and, in this case, the working-off of a penalty by a term of imprisonment. If it was by way of fine units rather than a monetary value, in my view it would be easier to adjust. I make the point, and I think the minister made the point in his second reading response, that of the 1 730 fine defaulters who had been found to have served the additional period of at least a day, and therefore are subject to this legislation, 73 per cent of them had further outstanding fines. I think the minister made a comment that indicated that these people were reluctant to pay fines. However, we can also view that from a number of angles. It might simply be that they do not care less and have no respect for the law or it might be, as is often the case, that people get stuck in this gridlock whereby they have no money and cannot pay their fines and have no means to raise any money to pay the fines. Therefore, they constantly find themselves back in the situation whereby they have outstanding fines for various reasons, particularly, I know, in the Aboriginal community. For example, people are fined for driving without a licence but they live in a community where it is almost impossible to live without driving—there are dilemmas such as that. Therefore, the point I have made in this place and again make in this debate is that a $200 fine for some people is nothing—it is not even what they spend at the pub in one night—but for other people it is a month's income. We disproportionately impact on low income earners with a fine that is simply expressed in a dollar term, whereas if it was expressed in fine units that were proportional to the person's income, we could have a justice system that punished people in a much more equitable way. In fact, if people do not have much money, being in jail is probably a pretty good option, relatively speaking, because they can knock off $250 a day at that rate. Anyway, I make the point that estimating a monetary value is really hard because $250 has a different value depending on where people sit on the income spectrum. Perhaps that is not a comment that requires an answer. However, I will ask another question, which would be my final question apart from maybe one other point I want to make during this committee stage. I want to know the reason for the decision to legislate to remove the state's liability in this matter.

Hon SIMON O'BRIEN: I thank the member for her observations just now. Having made those, the member has this other question that relates to proposed section 108A(7), which states —

> Whether or not the Registrar gives the offender a credit under this section, the State is not liable in respect of punishment inflicted as a result of the error.

The member is right; it does quite explicitly through the terms set down in this proposed section excuse the state from further liability. The reason for that in very large part is to finalise this matter and draw a line under it, which is what this proposed section seeks to do. This will be the end of the matter so that everyone can move on. However, proposed subsection (7) should not be read in isolation because the balance of proposed section 108A dictates the parameters that this bill deals with, and I refer the honourable member to earlier proposed subsections.

Proposed subsection (1) states —

> This section applies if, because of an error in administering this Act, a person, … liable to punishment described in subsection (2) is punished for longer than is provided for by law.

I am sure that the member would readily agree that this discrete situation is the one in which the state will not be subject to further liability. My friend Hon Giz Watson is indicating that she accepts that and that narrows the parameters.

Proposed subsection (2) states —

> The punishment referred to in subsection (1) is —
>
> (a) imprisonment under a warrant of commitment issued under section 53; or
>
> (b) community corrections activities done under a work and development order made under section 48.

It is limited to those either/or situations, and that is it. We are clearly talking about the error that was identified with fees charged and subsequently people being erroneously imprisoned or held against the charge for warrants of commitment. That is what we are drawing a line under for liability.

If somebody does something else that should not have been done under the principal act, I do not believe that this bill will excuse the state from any potential liability by some other thing done erroneously or maliciously by one of its agents or officers. I hope that reassures the member on the limited nature of the liability that is being excused in this instance.

The DEPUTY CHAIRMAN (Hon Barry House): We are covering material contained in the whole bill. If the member wants to ask all her questions under the short title, I do not mind allowing a bit of latitude to take in other clauses under clause 1. It would achieve the same result for the member.

Hon GIZ WATSON: My remaining questions relate directly to clause 4. Mr Deputy Chairman, I am relaxed either way. It would probably be appropriate to deal with my remaining questions under clause 4.

The DEPUTY CHAIRMAN: In that case, we should probably do it that way.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 108A inserted —

Hon GIZ WATSON: I appreciate the minister's response on this matter. I would like to have it clear and beyond doubt that this limitation on liability relates specifically to only these two matters. In effect, that is the way that I would read this clause. The minister couched his response with "I believe". Perhaps it might be useful to definitively have on the record that the state's liability, which is being annulled under clause 4 of this bill, applies to only the two circumstances described in proposed section 108A(2). Would the minister put that beyond doubt?

Hon SIMON O'BRIEN: As the Committee of the Whole knows, all the laws that pass through this place are judiciable. Heaven only knows what a court would make of some of the legislation that goes through this place. It is always in good nick when it leaves this place. Dare I say it, it is often in a lot better nick than when it arrives, thanks to the efforts of Hon Giz Watson and everyone else in this place.

To the extent that I can give a guarantee, it is the government's intention in this bill that it addresses with respect to liability the matters shown in proposed section 108A(2). That is the limit of it. Under proposed subsection (3) we have not shut the gate on future liabilities that might be detected. For example, if we find case 1 731 is suddenly detected, the person shall receive the same treatment of $250 a day in credit. When we come to

proposed subsection (7) and rule a line under future state liability, that indicates that we have recognised and addressed the problem. To compensate for the problem, the amount payable is $250 a day so people cannot come back with some idea that they should receive $10 000 a day. That is what we are saying to all involved in the process. When I say "ruling a line under state liability", I mean limiting state liability. It is still a liability that endures to the tune of $250 a day until all the people who are set down in proposed subsection (2) who deserve to be compensated are compensated. I hope that defines as accurately as I possibly can where the government intends this bill will apply.

Hon GIZ WATSON: I am no expert in this area. This is obviously an additional safety measure to put the matter beyond doubt. Does that indicate that there was an expectation that people who had been adversely affected would be able to make further claims? If an amount is specified, that does put a line under it. Was there an indication from the Gunn case or elsewhere that the state could be liable for more unless it was put beyond doubt? That is my question. We would not want to put it in the bill unless there was a clear indication that a case could be made for additional compensation. I am wondering whether that was explored and that is why it is in here.

Hon SIMON O'BRIEN: I am not aware of anybody who wanted to proceed through a court. The original complainant who raised the matter successfully appealed to the Ombudsman. We should give a pat on the back to the Office of the Parliamentary Commissioner, our officer, who recognised the problem and did something about it, and now we as a Parliament are hopefully finishing it off. That was a job well done by the Office of the Parliamentary Commissioner. I am not aware of anyone who has started proceedings or is contemplating starting proceedings in a court of law. Whether someone wants to get larger or unspecified damages, I do not know. That is all I can tell the member. However, bearing in mind that the government has discovered 1 730 individual cases, the last thing the state would want would be to have ongoing litigation through the courts, one at a time, from now until the cows come home. It is an unhappy situation that has been uncovered. The government wants to deal with it decisively and fairly and then move on, and that is the reason.

Hon GIZ WATSON: My final question is of a more mundane nature. I refer to the way in which the proposed section is numbered, and I have noticed this in at least one or two previous bills. Clause 4 inserts section 108A, as I understand it. Section 108A is to be inserted directly after section 107. To me, it would seem much more logical to insert section 108A after section 108. If one looks at the act that is being amended, that is the way that the other sections have been amended. It is a fairly technical thing, but my very capable research officer found it very difficult to understand why there should be an inconsistent approach to numbering the sections. I guess that is a problem with inserting new sections into an existing act, but to put section 108A before section 108 seems rather confusing. Perhaps there is an explanation for that.

Hon SIMON O'BRIEN: I have just received some advice from reliable sources at the table. Reliable sources are the only sort of sources available at the table, of course!

I understand that this is some newfangled method of numbering from the Parliamentary Counsel's Office. I have worked with legislation as a struggling layman since 1981, when I first joined the Australian Customs Service where there is plenty of legislation to deal with. I always thought that the method of numbering was very much like what Miss Fenning taught me at Graylands Demonstration School in grade one, which was one, two, three, four, five! If we needed to insert a new section, it would be as the member said; section 108A would presumably be related to, or be a subset of, the existing section 108, and it would go after it. However, apparently section 108A is going to go before section 108. That is why it is after section 107.

That is the dopiest explanation I have ever heard for such a thing in my life, but if that is the reason then that is the member's answer! However, I am glad that we have found some common ground. I am a bit of a conservative in these matters; I am very old fashioned, as are the Greens (WA), I am sure! I am very surprised to learn that, but nonetheless, the most powerful party in this place is the Clerk's party, and there is a thing called the Clerk's amendment. Regardless of whether the amendment is going to be in the order as it is shown here, I am sure that it will be done right. However, in common with Hon Giz Watson, I am nonplussed and I do not know whether I will get any sleep tonight worrying about it!

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Simon O'Brien (Minister for Transport)**, and passed.

SENTENCE ADMINISTRATION (INTERSTATE TRANSFER OF COMMUNITY BASED SENTENCES) BILL 2009

Second Reading

Resumed from 8 April.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [9.06 pm]: The Labor opposition is pleased to be able to support the Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009. I understand that in 2003 the Australian Capital Territory passed legislation of a similar nature and that New South Wales followed suit. The model for this type of legislation was trialled in New South Wales and the ACT. This bill will allow Western Australia to participate in the formal transfer and enforcement of community-based orders across jurisdictions. I understand that it will impact on only a very small group of people. I believe that the figures that were quoted in the other place were fewer than 40 people coming into Western Australia and fewer than 20 going out of Western Australia.

I understand that in 2007, at a ministerial council meeting of corrective services ministers, it was decided that legislation would be passed in each state and that it would be up to each state to progress it as it could. This has taken some time. I note that the previous Labor government brought similar legislation into this chamber in April 2008, and it was referred to the Standing Committee on Uniform Legislation and Statutes Review. At that time, the committee was chaired by Hon Simon O'Brien. I must say that the committee's report is yet another fine example of a very well-written report. It is not a lengthy report, but it is one that is written in fairly plain English. For someone who picked it up only tonight, it has explained the situation very clearly. Therefore, I extend my congratulations to the committee again on its outstanding work.

The bill was introduced, but obviously, because of the occurrence of the election, it lapsed. Therefore, this new government has reintroduced the legislation. I understand that it is virtually the same as the previous bill, apart from a couple of typographical changes to it. When it was reintroduced, it was not referred for another inquiry on the basis that it would result in the same outcome.

It is worthwhile looking at the report because it explains quite clearly what this legislation is about. I understand that the bill will apply only to adults in this state. It will apply to people who have committed minor offences and who may be working out community-based orders. It is quite an important bill, because it will enable those people who, for a number of reasons, may need to move to other states to do so, and it will enable people who may need to come to Western Australia to do so, whereas under the current circumstances they may not be able to do that. If people want to move to another state for family reasons, to be closer to the appropriate community support, to participate in study, or to find employment, this legislation will enable them to do that and serve out the remainder of their order in that state. That will enable those individuals to move forward in their lives and be surrounded by the support that they need. That will be very positive, because people who have made a mistake in their life and are serving out a community-based order should not be penalised when it comes to access to family, employment, study and support.

I understand that the bill provides some discretion in that people will not be able to access these provisions if they have demonstrated a history of non-compliance with orders that might cause an administrative burden to be placed on the receiving state. Participation in this program will not be an automatic right. People will need to meet the criteria set out in the bill before approval will be given. The person and the sentence will also need to be registered. I understand that this legislation will not preclude people from appealing or seeking a review of their sentence.

I do not have anything else to say on this bill. It appears to be fairly straightforward. Based on the fact that this legislation is virtually the same as the legislation that was proposed by the former Labor government, and that we were obviously in support of that bill, I will conclude my comments by saying that I congratulate the government on introducing this bill, and I look forward to its swift passage through this place.

HON GIZ WATSON (North Metropolitan) [9.13 pm]: The Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009 provides for certain kinds of community-based sentences to be served and enforced interstate. This is currently occurring administratively without any legislative backing. However, the problem is that if an offender breaches the order, it still needs to be enforced in the sending jurisdiction and cannot be dealt with in the receiving jurisdiction. In order to deal with this problem, the Australian Capital Territory drafted some model legislation that was then trialled in the ACT and New South Wales and evaluated. Having ironed out any problems, the intention of the Corrective Services Ministers' Conference is that similar legislation now be enacted in each state and territory. The ACT and New South Wales have already enacted that legislation. The Victorian Premier intends to introduce similar legislation in 2009. I am not aware of any other jurisdictions that have enacted this legislation.

This bill is identical to the Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2007, which was introduced by the previous government and which lapsed as a result of last year's prorogation

of Parliament. The 2007 version of the bill was supported by the then opposition and the National Party in the other place, and it progressed to this place, where it was referred to the Standing Committee on Uniform Legislation and Statutes Review. That committee found in its report dated 27 May 2008—report 29—that the bill was consistent with the agreement that had been reached at the Corrective Services Ministers' Conference. This bill, as the successor to that bill, has been supported in the other place, and given its history has proceeded to debate in this place without the necessity for it first to be referred to the Standing Committee on Uniform Legislation and Statutes Review. That is obviously because we have the May 2008 report from the identical bill.

Key points in the bill are that it works as a registration process, managed by a central local authority—the chief executive officer of the department; with one exception, it will apply to adults only, which is dealt with in clause 4; and it will not apply to parole or sentences involving fines or financial penalties or reparation. Decisions to grant or refuse the request made by the local authority will be based on the offender's consent, and consent cannot be withdrawn after registration of the sentence interstate has occurred; a corresponding sentence existing in Western Australia; the ability to comply with the sentence in WA; and whether the sentence can be safely, efficiently and effectively administered in WA, which may involve preconditions—for example, proof that the offender is living WA or is complying with reporting requirements. If the request is granted, an appeal or review of the sentence must still happen in the sending jurisdiction. If successful, the amended sentence will be administered in WA as if it were a Western Australian sentence; that is dealt with in clause 24. Breaches will be dealt with as if the sentence were a WA sentence, save that the court may take into account the penalty that would have been incurred in the original jurisdiction.

I want to raise a number of issues about the bill. The first is in relation to the justification for transfers. The bill formalises a process that has been occurring for some time and creates a more practical path for dealing with any breach. A transfer can be desirable for humanitarian reasons—for example, terminal illness of an offender or family member; the safety of the offender—for example, removal from family violence or feuding; assistance with rehabilitation—for example, increasing positive support from family and friends; weakening criminal ties; and increased opportunities for employment, education, housing or appropriate programs or services, as previous speakers have pointed out. We certainly support this objective in the bill.

In terms of the impacts on WA services and the department's ability to supervise more offenders, the report of the Standing Committee on Uniform Legislation and Statutes Review indicates that there were 32 arrivals and 13 departures in 2006, and 32 arrivals and 19 departures in 2007. Although this is a net increase, it is of small impact because the department supervises thousands of offenders on community-based sentences. In any event, the bill at clause 20 permits a local authority to say no to receiving a transfer. I think that given the numbers we are talking about, we do not see this as having a major impact on the capacity to deliver services in WA.

With one exception, the legislation applies to adults only. This seems appropriate. The second reading speech says that because there are separate sentencing regimes for adults and children, it would be too hard for a single piece of legislation to cover both. Also children, being minors, have people who are legally responsible for them pursuant to legislation or court orders. Any interstate transfer process for children would need to take family law considerations into account. I understand from a very helpful briefing that I received that should the relevant authorities in both jurisdictions and the child's guardian think it appropriate, it is possible, albeit rare, for there to be a transfer of children administratively without the need for legislation.

I want to talk about the exclusion of parole and sentences to the extent that they involve financial penalties or reparation, which is covered in clause 4. Parole transfer is covered in all jurisdictions by separate parole legislation—in WA the Parole Orders (Transfer) Act 1984 is the relevant legislation—and so it is appropriately excluded from this bill. The other exclusions are limited to any part of the sentence that involves fines, financial penalties or reparation, not the whole sentence. Therefore, if the offender pays the penalty or reparation, the exemption would no longer apply and the offender would be eligible for transfer in respect to the rest of his or her community-based sentence. I understand that the justification for this exemption boils down to the difficulty of enforcement by the state or other payee. On the face of it, the exclusions therefore seems appropriate. However, if the amount of monetary penalty or reparation imposed by the courts fails to sufficiently take into account the financial situation of individual offenders, the offenders who are poor will not be able to pay the penalty reparation and so will be ineligible for transfer, whereas offenders who are more wealthy will be able to pay the penalty or reparation and become eligible for transfer. This is a similar inequity to that which I discussed when debating the bill that we just dealt with in this place to do with whatever it was that we just dealt with. It was at least five minutes ago and I have forgotten what it was. That is shocking!

The DEPUTY PRESIDENT (Hon George Cash): The Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Bill 2008.

Hon GIZ WATSON: Thank you, Mr Deputy President. You are ever vigilant! I knew that it had a long title.

To cite the most obvious example, in 2007, the very serious problems caused to Aboriginal or Torres Strait Islander offenders by the imposition of fines led the then Minister for Corrective Services and the member for Victoria Park to investigate. While WA's system for imposing fines and financial penalties remains unreformed, the fines and financial penalty exclusion in this bill will indirectly impose yet another disadvantage upon these people and upon other people who are experiencing poverty.

In the earlier debate, in March 2006, the Greens (WA) called for an income-based fines system and we renewed that call again when we debated the Fines Legislation Amendment Bill 2006 in November 2007. Income-based fine systems are used in Germany, Finland and Sweden. They recognise that a fine of $300 affects a household with an income of $17 000 much more severely than it affects a household with an income of $60 000.

Alternatively, a sentencing advisory council could be used to monitor and review sentencing law and practice, for example, for fines. Victoria and New South Wales each has a sentencing advisory council but WA does not. In the context of this bill, I recommend that we look again at the need for an income-based fines system and/or a sentencing advisory council to monitor and review sentencing law and practice, as this matter is raised regularly.

Hon Simon O'Brien: Really what we talking about here is a bill that relates to community-based sentences rather than fines. I am just wondering whether it is worth proceeding with a debate on fines in the context of this debate. I offer that observation constructively. It seems to me that perhaps this is not the right time to have that debate.

Hon GIZ WATSON: Perhaps the minister did not hear my previous comments, which I will revisit. Exclusions are limited to any part of the sentence that involves fines, financial penalties or reparations, but not the whole sentence. Therefore, if an offender pays the penalty or reparation, the exemption would no longer apply and the offender would be eligible for transfer with respect to the rest of his or her community-based sentence. I understand that someone who has the capacity to pay has an easier route to being eligible for a transfer. That is why it relates to this matter, even though we are dealing with community sentences. It is the matter that is dealt with under clause 4. Perhaps we could deal with this in the committee stage and I can seek some clarification on that.

The next matter concerns clause 16(2)(g), which requires an interstate authority, when a sentence is sought to be registered in WA, to provide a statement that it has explained certain matters to the offender in a language likely to be readily understood by the offender. As the context of the bill is national, I understand that interstate legislation will impose a similar requirement for applications by the Western Australian authority. WA does not have a statewide interpreter service for Aboriginal and Torres Strait Islander peoples. In the absence of available qualified interpreters, corrective services staff have no choice but to fall back on unsatisfactory alternative strategies such as simple English and be reliant on community project officers and family members. I have drawn members' attention to this issue previously through questions on notice. The lack of interpreter services is also referred to in recommendations 99, 100 and 249 in the report of the Royal Commission into Aboriginal Deaths in Custody. I drew members' attention to this report when I recently moved an urgency motion. This practical issue of a lack of access to interpreter services is not isolated to Western Australia. In March 2009, the commonwealth Ombudsman released a report criticising the inadequacy of interpreter services provided to clients of four commonwealth government agencies. Again, I use this opportunity during this debate to call for improved interpreter services, particularly in respect of Aboriginal languages, including Aboriginal English. Whereas I appreciate—I am sure that they do—that the officers involved in these matters make every attempt to explain things in as simple terms as possible, simple English is no substitute for an individual's first language, which, often for Aboriginal people, is clearly not English. This is a matter that could do with further attention from the government to ensure that those interpreting services are available across the state. This legislation might well increase the call on interpreter services.

The next issue concerns clause 20 "Decision on request" and clause 21 "Preconditions for registration". These two clauses raise issues of transparency. Clause 20(3)(a) permits the local authority to decide not to register the interstate sentence even if satisfied that the registration criteria are met. Given the registration criteria in clause 19 include that the sentence is able to be safely, efficiently and effectively administered in this jurisdiction, why is this the case? At the briefing I was unable to come up with a likely scenario that would fall outside the reasons already provided in the bill. However, this clause should be deleted or, if a satisfactory explanation is provided, the clause should be amended to specify in exactly what circumstances the refusal can occur despite the criteria being met. Otherwise, local authorities will have carte blanche to refuse otherwise valid applications. In my view, this would defeat the purpose of providing clarity in the bill. Perhaps when we deal with the bill in committee we will be given an explanation that will clarify clauses 20 and 21.

Clause 20(4) permits the local authority to make its decision on the information required to be provided and any other information or documents available to the authority without hearing the offender. At the briefing, I was concerned that the contents of the document relied on may have been created without the offender having had an opportunity to be heard. However, I now understand that the practice in WA is for the local authority to involve

the offender in the preparation of the application. Again, I will ask for confirmation of this on the record by way of response from the minister or perhaps during committee.

Clause 26 requires the local authority to give written notice of a refusal of a request. But there is no requirement for reasons to be given. Clauses 21(3) and (4) are in similar terms regarding preconditions and variation of preconditions respectively. Also, no review process is set out in the bill. Again, during the briefing I was concerned that these factors would make it virtually impossible to monitor or review decisions. However, I now understand that the practice in WA is that reasons are routinely provided on the form that records the decision, and that if an error is found to have been made, the matter is reconsidered. Perhaps in committee we might be given some confirmation of these understandings.

The next matter relates to the penalty for breach, which is dealt with in clause 24(1)(h), and it also relates to the regulations. The effect of registration is to convert the sentence from a sentence of the original jurisdiction to that of the receiving jurisdiction, and so the local law will apply in respect of any breaches. However, clause 24(1)(h) provides that changes to this may be prescribed by the regulations. I gather from the explanatory memorandum at page 15 and the second reading speech at page 3 that one change will be that the court may take into account the penalty for breach under the law of the original jurisdiction so as to not avoid the sentencing intentions of the original jurisdiction, albeit that the explanatory memorandum points out that actual offence matching or penalty matching between jurisdictions is not a realistic option. Clause 16(g) envisages that the impact of this on the offender will be explained to the offender in a language that he or she readily understands before the offender's consent to the transfer is given.

In practice, for courts to take into account the penalty of a different jurisdiction, there will need to be a way for the courts, prosecution and defence to become knowledgeable of interstate penalties and ranges. I presume this will be taken into consideration. I will be seeking some clarification on this matter at the committee stage. With those comments, the Greens will support the bill.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [9.33 pm] — in reply: I thank members for indicating their support for the second reading. I will not attempt to respond now to the many questions that have been raised by the last speaker. I know that she wants to pursue a number of matters during the committee stage. I would like us to get onto that stage forthwith, so as there seems to be a general agreement to the bill, let us now proceed to the second reading vote and we will look at the matters of detail during the committee stage.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon George Cash) in the chair; Hon Simon O'Brien (Minister for Transport) in charge of the Bill.

Clauses 1 to 19 put and passed.

Clause 20: Decision on request —

Hon GIZ WATSON: I reiterate my comments in my second reading contribution. Clause 20(3)(a) permits a local authority to decide not to register an interstate sentence even if it is satisfied that the registration criteria are met. Given that the registration criteria in clause 19 include that the sentence is able to be safely, efficiently and effectively administered in this jurisdiction, why is this the case? I would like some sort of explanation of how that can be.

Hon SIMON O'BRIEN: In order to address this matter, we must have recourse back to clause 19, which we have just agreed to, but it will educate us about what we are talking about. Clause 19(1) sets out the registration criteria for the purposes of clause 20. It sets out a number of criteria that we can all read. Turning to clause 20, to go directly to the honourable member's question now, and specifically to clause 20(3)(a), this provision contemplates a situation in which someone satisfies the registration criteria, but there is some other reason for deciding not to register the interstate sentence. At face value, that seems a bit unusual. If we have established criteria, why are there further hurdles? The sort of further hurdle that the local authority might wish to impose, in the interests of the local community, might result, for example, if the offender was not living at the stated home address. A community corrections officer might conduct a home visit to the proposed address and find that the offender was not known to the occupants. That is the sort of information that would legitimately create a view in the mind of the local authority that it would not be in the interests of those that it serves to register that interstate sentence, in this case because of the unreliability or lack of truthfulness of the subject to be supervised, if we cannot even find out where he lives. Another reason for a decision not to register, which in effect is to decline a transfer, might be that the offender has a past history of threats and/or is a management risk—it might be because the offender is a serial paedophile or something—as well as dealing with the community-based order

that is currently at hand. There might be some action pending on a previous breach of an interstate order, for example. I could understand a local authority declining to agree to another interstate order until that matter had been satisfactorily resolved—if, in fact, the offender was the sort of person who would respect an interstate order. Again, that is a legitimate thing to consider before accepting or declining. Those are the sorts of things, and there are probably plenty of others, that might provide reasons why a local authority might decide not to register the interstate sentence even if the official registration criteria as defined in clause 19 had been met.

Hon GIZ WATSON: That is interesting because it would seem to me, on reading the registration criteria at clause 19(1)(d), which are quite comprehensive, that the matters that the minister has raised regarding legitimate reasons to be concerned about or perhaps even for rejecting an application for transfer, would be covered by the criterion of whether the sentence can be safely administered in the jurisdiction. All those matters seem to go to the matter of community safety; therefore, I thought that they would have been covered. I am saying in effect that the registration criteria would not be met because there would be questions about safety. I remain unconvinced that there is a need for a catch-all that says that the local authority may decide to reject the application even if it is satisfied that the registration criteria have been met. I am not going to die in a ditch over it, but the concern is that if the sentence cannot be safely administered in this jurisdiction, the criteria will not be met and therefore the transfer will not be countenanced.

Hon SIMON O'BRIEN: I think the member is inviting me to respond. I would say that I do not intend to make this too protracted. If we get to a stage at which we have to agree to disagree, we will have to let the chamber decide.

Hon Giz Watson: It has happened before!

Hon SIMON O'BRIEN: The tyranny of numbers. I understand what Hon Giz Watson is saying. Again we come down to the initial question of interpretation and what might, at first blush, appear to be a contradiction. One could easily contemplate cases in which the offender might meet the registration criteria but there were quite legitimate reasons why a local authority might decline to register the interstate sentence. The first reason I used as an example was that it might be discovered that the offender had given the wrong address and the authorities will not be able to track down where that offender is proposing to live. Hon Giz Watson might choose to say that that would mean that under clause 19(1)(d) the sentence could not be effectively administered in this jurisdiction; therefore, why should that be an exception? Depending on how it is interpreted or the nuances that might apply to an individual case, I believe it can be read in the way that I have outlined. I think we can discretely apply clause 19(1)(d) to the community-based order alone. The sentence we are talking about is the community-based order. An offender might well meet the criterion that the community-based order can be safely, efficiently and effectively administered in that jurisdiction. We might have all the facilities in the world—armies of people from the child protection department all out supervising everyone and ensuring that things go well—but there could be other things that are not to do with that sentence. One example is a history of particular types of violence or other offensive behaviour that might render it desirable to decline to register the interstate sentence, even though it is not directly to do with the sentence that is the subject of the community-based order. Therefore, I think there are ways that it can be read in the way that I have outlined. More to the point, I put it to the honourable member that it is necessary to have clause 20(3) to take account of legitimate reasons that a request should be declined in the community interest. I would prefer, the government would prefer and I think the opposition would prefer that the local authority retains that discretion for those situations that we might hypothesise about now, but nonetheless do turn up in real life, in which we want to say, "No, we're not having you here in our state at your pleasure, and we're not going to facilitate your interstate transfer because you're not the sort of person that we want to have here in our community." I think that is legitimate. If we have to agree to disagree on that, so be it.

Hon GIZ WATSON: We will probably have to agree to disagree. I think it is simply the principle that the bill goes into some detail of bothering to describe the criteria and then basically says that the local authority can have a right of veto and that is —

Hon Simon O'Brien: No, it does not say that at all, with respect.

Hon GIZ WATSON: Clause 20(3)(a) states —

> may decide not to register the interstate sentence even if satisfied the registration criteria are met …

The minister qualified that in his comments, but no explanation is required; no reason. It simply means that the local authority can say no. That is the way I read that.

Hon Simon O'Brien: Yes.

Hon GIZ WATSON: Yes, so it is a veto. I do not see how else we could describe it. It is not qualified by anything; the local authority does not have to say why it decided it does not want to accept somebody.

Hon SIMON O'BRIEN: The view that we might have to agree to disagree is one that we might ultimately arrive at, but I am more concerned to tease this out and ensure that justice is seen to be done in the eyes of legislators in this place. Therefore, I will persist. I think we should see the registration criteria as the hurdles that must be crossed or negotiated successfully before we can get into any of this. That is how the bill is constructed and I think that is fair enough. Certain tests must be passed before people can be considered for an interstate transfer of their community-based sentence. I think it is generally agreed that those hurdles should exist. However, we also need some protections because there can be situations whereby people might prima facie clear those hurdles and meet those criteria but despite that there are still some pretty good reasons that we, represented by the local authority, do not want to host them to complete their sentence in our state. That is all it says. In the interests of fairness, and I think this is what the honourable member contends, it should not be that the local authority can make that decision to decline registration on some grounds that are based on prejudicial, capricious, vindictive, pointless or invalid reasons. I believe there is sufficient content in clause 20 that mitigates against that to the extent that Western Australia would like. Members should, of course, bear in mind that the local authority is the chief executive officer of the relevant department. We are not talking about the bloke at the footy, the bus stop or outside Hoyts cinema deciding whether people can complete their sentences here. A range of protocols will be drawn up. More than that, there will also be scrutiny. Subclause (6) states —

> If the local authority decides not to register the interstate sentence, the authority must give written notice of the decision to the offender and the interstate authority.

They cannot avoid decisions; they have to make decisions. I will seek advice on whether the decision may be subject to review by some other tribunal.

I wanted to confirm with my advisers that there is no power of review for this. Ultimately, decisions have to be made on these matters. This is the model that government puts forward. An important point to remember is that this is a national system. All jurisdictions have signed up to this wording. It was trialled some years ago between New South Wales and the Australian Capital Territory to identify, with a view to ironing them out, the glitches that might appear. There is a confidence around the country that this is an appropriate provision and that is the view that the government will persist with.

Hon GIZ WATSON: To complete my comments on this clause, I will seek some clarity. The Greens would prefer that the circumstances under which the refusal can occur are specified in the legislation. That is my point. The bill goes into a lot of detail about the registration criteria, which, as the minister said, creates the first hurdle. I understand the argument that the receiving authority wants to have the final say because this is a national scheme. I hear the minister's comments that it has been trialled, but for procedural fairness, the bill would be better constructed if it specified exactly under what circumstances refusal can occur.

Hon KATE DOUST: I understand where Hon Giz Watson is coming from. It is a fairly new bill to me and I have had a quick look through the report. I imagine that with community-based orders the offenders would be at the lower scale of the pecking order. We are talking about a relatively small number of people coming in and out of the state. I do not anticipate that a transfer would be considered if there was any suggestion that it would cause any difficulty with community safety.

I was looking through the transcript of the initial inquiry and the commentary, which is valid, on the circumstances that would lead to somebody being denied the opportunity to transfer. It might be that there was a suggestion that they could re-offend. The example that I used in my brief second reading contribution I picked up from the minister's second reading speech; that is, having gone through the criteria, a person might be denied the opportunity to transfer if they had demonstrated a history of not complying with the order. If that person was given a certain number of hours of community service, let us say 100 hours, but time and again he or she did not turn up to do the work required or to carry out the task required and it imposed some sort of burden on the department to follow up that person all the time, that type of information may be provided to the jurisdiction that that person wants to move to. That authority may decide that it is really too cumbersome and a burden on the administration to follow up that person to ensure that he or she completes his or her community service. That authority may decide that that is sufficient enough reason and an appropriate use of its resources to say, "We don't think it's good enough to have you come here if you're not prepared to complete your community service as you're required to do. We don't have the resources to constantly try to track you down, so you can stay where you are until you've done it." Those might be two examples of why a local authority might choose to deny that individual the opportunity to transfer across states. I thought that by providing a couple of examples, it might assist in clearing that up. That can be found in both the report and the minister's second reading speech.

Progress reported and leave granted to sit again, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [9.58 pm]: I move —

> That the house do now adjourn.

Browse Basin Project, Broome — Adjournment Debate

HON KEN BASTON (Mining and Pastoral) [9.58 pm]: I was fortunate enough to attend two functions in Broome on the Anzac Day holiday on Monday, 27 April at which Premier Barnett, the federal Minister for Resources and Energy, Martin Ferguson, and Mr Don Voelte were in attendance. These gentlemen were there for two significant reasons. The first one was the opening of the heliport at the Broome airport. The second one was the signing of the agreement with the Indigenous owners of James Price Point, the site chosen for the gas precinct. It was a very historic occasion as the signing took place at James Price Point. It has had heaps of press, and rightly so; however, the heliport has not attracted press attention. Both of those issues are very much linked to the Browse Basin. The heliport offers immediate benefits to the town of Broome, to the region and to Western Australia. I congratulate the airport owners on their foresight, planning and ability to make these things happen. The Broome airport is one of the largest regional airports in Western Australia, and the hangars that have been built to house the helicopters that operate out of the airport at a cost of some $6 million further cements Broome's position as an aviation hub for tourism and offshore facilities.

The Browse Basin project will provide diversification of job opportunities in Broome outside the tourism and pearling industries for which the town is so well known. The heliport employs some 50 staff at the base, including pilots, engineers and maintenance staff. When these helicopters return to the heliport, they have to be opened up, cooled down and sprayed down because of the sea air that they suck in. They have alloy heads, so every time one of the choppers is used over the ocean, it has to be sprayed down afterwards by engineers. People employed to service the helicopters.

Most of the rig workers are fly in, fly out. The benefit for the tourism industry is that these people fill the planes and allow tourist seats to be sold at a reasonable price. The interesting thing is that air traffic at Broome airport is going against the national trend. There was a nine per cent increase in air traffic over the first four months of the year. I know that air traffic numbers for other airlines that run services to other destinations in the state have actually dropped; I know that last year, air traffic numbers for one particular airline dropped by some 23 per cent. The multiplier effect of having these jobs in Broome is an extra 150 jobs. There are baggage handlers, cleaners, refuellers, catering staff, accommodation staff and taxi drivers whose jobs all hinge on this hub.

The helicopters used are some of the largest operating in Australia. At present there are Bristow Eurocopters, which is the type that most rigs use. An interesting one is a larger helicopter called the Sikorsky S92. I have a bit of a mechanical interest, and this helicopter is the only one used in Australia by the offshore oil industry. This particular chopper can carry 19 people and is large enough to walk around in; it is two metres wide and nearly two metres high, so it is a luxurious helicopter. I have to tell members that its price tag is $40 million, and another one has been ordered. That gives members some indication of what the Browse Basin means to Western Australia. All the servicing of the helicopters takes place at the hangars in Broome, except for major airframe testing, which is done in South Australia. During the recent fire disaster on the refugee boat, this helicopter set off with medical staff on board, only to find that it could not land on the deck of either the HMAS *Albany* or the HMAS *Childers*, because it weighs 12 tonnes. In fact, there are very few rigs it can actually land on. There will be an upgrade of rigs so that these choppers can land on them, and safety precautions will need to be revised because of these larger choppers. The helicopter services three rigs operated by ConocoPhillips, Shell Development and Woodside. Flight times to the rigs and back are approximately 2.5 hours. Of course, growth will increase when Santos starts its operations there.

It is good to see the confidence that the industry has in the future of Broome in that it is investing in these hangars, and it is good to see that the Indigenous people recognise the benefits of the gas industry. I believe that the flow-on effects for them in education, health et cetera that will come from the agreement that they have signed will be of great benefit. It is also good to see the business opportunities for growth and development that will occur in that area. I believe that we will get a critical mass from people being employed for 12 months of the year, rather than the town of Broome having seasonal tourism. The press has not picked up on the value that is already being created by the offshore operations of the Browse Basin project.

Dalyellup Mine Site — Titanium Dioxide Production — Adjournment Debate

HON SALLY TALBOT (South West) [10.05 pm]: This afternoon in question time, I asked the Minister for Environment whether she is familiar with the problems that have arisen in Dalyellup recently. I was very pleased to hear that she is aware of what has been happening down there. However, I rise tonight to go into the situation in a little more detail, because I think that what we desperately need is more information and more communication. The issues that the residents are trying to get attention paid to need to be taken seriously, and some of their questions need to be answered.

Tonight I want to start by making it very clear, having spoken to both the members of the community and a representative of the company, that I am not picking up any great anti-company feeling in that community. Indeed, the people there have lived with the operations of this company for many years, as the minister quite

rightly pointed out in her answer this afternoon. The place where the company—that is, Cristal Global—has been putting its waste material is right in the middle of the Dalyellup community. The minister said that the company has been doing that since 1992. My information is that it has been done for about 20 years, so that is about right.

When this waste site first started to be used some 20 years ago, no-one was living in Dalyellup. Dalyellup is a new subdivision. I am sure that some honourable members know the location. It is very, very attractive. The local government and the state government worked very hard to protect the bushland in the area to preserve some of those unique environmental values that make it an attractive place to live. It is now home to around 5 000 people who have chosen to live there partly because of the environmental values of the area. Slap bang in the middle of that community is the place where Cristal Global has been dumping the residue from its product, which is titanium dioxide, for a couple of decades.

As I just said, I am not sensing any great hostility towards the company. What I am picking up is an enormous concern about the plan that the company had always talked about, which was to finish dumping at that site in 2010. Indeed, in one of the communications that I have seen it says that the company will finish dumping either when the site is full or in 2010, whichever comes sooner, so certainly the community thought it would stop in 2010 at the latest. However, the company has now applied to the Shire of Capel for a three-year extension to take it to 2013.

As I said, when this site began to be used for the disposal of this waste, no-one was living in the area. It was not of particular concern. Now, with between 5 000 and 6 000 people living there, I do not think it is unreasonable to suggest that if the company were to come along today and apply for a new licence to put this material in that position, it would not be granted the licence. The community has lived in relative harmony with this facility for some years, and it has just been told that it will have to put up with it for another three years. This is what has lit the fuse and is causing so much concern in the community. It seems to me that the community has every right to be concerned about this material being dumped on that site. It is not glow-in-the-dark stuff; it is not going to creep up on people when they are in bed at night. However, it is low-level radiation. We need to remember that Dalyellup is not far from Capel. It is actually within the Shire of Capel. Many members here tonight will recall that about 20 or 30 years ago, large areas of the Capel town site had to be dug up and replaced with clean material. That is because the tailings from the mineral sand mining operations had been used to fill in car parks and playgrounds in the town. That was not done with any malicious intent. It was done because that seemed to be a good use of that substance. However, that was precisely the kind of low-level radiation which, in that context, was known to be potentially harmful. There are people in that town who remember very well the debate that took place at the time, when for several years the mineral sand mining companies in that area had been arguing that there was nothing wrong with using the tailings for that purpose, and that it was a good way of recycling the tailings, but then had to bite the bullet and admit that there was some danger.

I do not think it behoves the company well to downplay those concerns by talking about the fact that the products that are made from titanium dioxide are everyday household items such as toothpaste and cosmetics, to say nothing of paint and paper. That belittles the concerns of the community somewhat. The company needs to take the concerns of the community seriously and issue some information of real substance. I understand that several years ago, the health warnings associated with the residue from the production of titanium dioxide were upgraded from type 3, not considered dangerous to humans, to type 2B, carcinogen, possibly dangerous to humans. Therefore, this matter needs to be taken seriously.

I acknowledge that the company has put out some information on this matter. We work in politics. Our business is to communicate with our electors. Therefore, we all know how frustrating it can be to try to communicate with people. We may put out reams of material, and we may run advertisements and distribute them in letterboxes and put them on television, but people will still come back to us and say, "You didn't tell us. We have not heard from you in three years." I grant that the company has been trying to communicate with the community, and I give it credit for that. Unfortunately, it is not working. Sometimes we need to put out our message 100 times before it gets through. Therefore, the company needs to upgrade the type and tone of the information that it is putting out to the community.

The concerns as I read them go back to several statements that the Environmental Protection Authority has made over the two decades or so that this site has been run as a waste dump. On 19 December 1988, the EPA said that this site was environmentally unacceptable beyond three years; it was acceptable only for short-term disposal. I grant that the minister was right—extensions have been granted over the past 20 years. However, every time an extension has been granted, riders and conditions have been placed on that extension. In October 1993, the EPA again said that it would grant an extension, but that it did not the support the general principle of the use of inter-dunal depressions on the coast for the disposal of this kind of waste.

We also had reference in those findings to the former Department of Conservation and Land Management's management plan 38 of 1998-2008 for the Leschenault peninsula. When referring to this part of Kemerton, it stated, according to my notes —

> The solid waste is currently deposited in sand dunes at Dalyellup, south of Bunbury, pending a permanent solution to its disposal.

As I said, the concerns that have been expressed by the community need to be addressed very thoroughly and very promptly. Allay the community's concerns if they can be allayed. If they cannot be allayed, this is an opportunity to close down this site.

It is very important that we do not allow these fears and suspicions to grow and that we do not belittle them. We have to take people seriously. The thing that is really getting under people's skin is that they feel they have these concerns and that wherever they turn they are just given words to make them go away and they are not taken seriously. That is a big mistake. I urge the minister to have a very careful look at this issue. Let us have an inquiry if that is what we need, but let us take the concerns seriously. Let us help the company work its way through this issue, and by doing so we can get a sensible outcome for everybody.

Mr Chris Read — Adjournment Debate

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [10.15 pm]: I want to update members on the matters concerning Chris Read. I think most members will recall that in June last year I moved a motion in this place that subsequently resulted in the commencement of an inquiry. In moving that motion, I outlined how the previous government had ignored Mr Read's plight and essentially left him in limbo for the entire eight years of the government.

The background to Mr Read, for members who do not recall this matter, is that he used to work in the Ombudsman's office and he raised the issue of inappropriate practices regarding the sourcing and installing of the computer program at the Ombudsman's office. As a result of that whistleblowing action, he was transferred to the Department of the Premier and Cabinet and subsequently punished, even though his concerns were upheld by three independent agencies—the Auditor General, the Commissioner for Public Sector Standards and the State Supply Commission. That was right back in the year 2000. The punishment was by way of the Department of the Premier and Cabinet gradually regressing his wage from level 7.3 to one level below that through what is commonly known as salary maintenance. Chris Read objected quite strongly to this and he persistently complained and appealed to the Department of the Premier and Cabinet, but it would not listen to his concerns. So began his nine-year struggle for justice; a nine-year struggle for justice but also to survive everything that a system like the public service system could throw at him. He sought justice through the Corruption and Crime Commission, through private lawyers, through the Western Australian Industrial Relations Commission, through the Office of Public Sector Standards and through every new Ombudsman that subsequently came along, but to no avail. I subsequently became involved with him about four years ago. I appealed personally to the Director General of the Department of the Premier and Cabinet, to the Premier himself and to numerous other people for assistance to resolve this matter, which to me seemed like a relatively straightforward situation; however, there was still no resolution.

Eventually with a lot of persuasion Mr Read was willing to take his case to a new hearing with the Western Australian Industrial Relations Commission to make an order in the matter. It happened with a fair bit of persuasion, and there were a number of conditions that Mr Read sought. The overall condition was that he wanted to go into that hearing on a level playing field. A couple of areas that were required to be negotiated were that both parties—the Department of the Premier and Cabinet and Mr Read—were to represent themselves and they were not to call in representation; or, if they were to call in representation, the government was to fund some representation for Mr Read as well. However, the government was not prepared to do that, so it was agreed that both would represent themselves. Each was also to have equal access to information under freedom of information. Through that process, the Department of the Premier and Cabinet was very tardy in providing information under FOI in the first instance and even throughout the hearing at the Western Australian Industrial Relations Commission. The process was also allowed to proceed without interference from outside influences. This was achieved, I think, by the establishment of the parliamentary inquiry that took place. Mr Read was quite rightly concerned that the system would somehow influence those at the WA Industrial Relations Commission. The then Minister for Employment Protection, Hon Jon Ford, hastily changed some policy advice when I started searching for documents that he did not think were in my interest to have, which they were. Parliamentary scrutiny was sought via the parliamentary inquiry, which is still running.

I am pleased to report that the WA Industrial Relations Commission was left to get on with its job and Mr Chris Read has won his longstanding dispute with the Department of the Premier and Cabinet over his level of pay. Yesterday the Industrial Relations Commission determined that Mr Read should have been paid at the higher level when he was placed with the Department of the Premier and Cabinet after being transferred there from the Ombudsman's office in 2000. Mr Read will receive some back pay. It is not substantial and one wonders sometimes whether the cost to his health, his career and his family was worth it. The Department of the Premier and Cabinet has quite rightly acknowledged that a mistake was made, and has moved to rectify the situation and apologised for the error that it made. The department is keen to have further discussions with Mr Read about

finalising the matter once and for all. It has taken nine years for Mr Read to get this decision corrected. I am very aware of the toll that it has taken on his health, his family and his career.

I am also pleased that the commissioner has found that Mr Chris Read's evidence was detailed and consistent, and that the evidence supported his version of the facts. Chris Read represented himself at the WA Industrial Relations Commission. The commission was not prepared to find that the Department of the Premier and Cabinet had treated Mr Read harshly or unfairly, because it had continued to pay him over the past nine years even though he has not worked since 2002. In that time, he has not taken sick leave or workers' compensation leave, and nor has he been required to acquit his accrued annual leave. Because of his continuing poor health at the time, the commission was also not willing to order the Department of the Premier and Cabinet to provide Chris Read with secure, meaningful work in a non-threatening environment.

I am pleased that the Barnett government is willing to finalise this matter once and for all, which the previous government was willing to drag out unnecessarily for the entire eight years during its term of government.

Hon Kate Doust: But it actually occurred under a previous Liberal government. You must make that point.

Hon HELEN MORTON: The issues that I am talking about occurred during the former government's eight years.

Hon Kate Doust: The initial problem in 2001 was caused under the previous Liberal government's watch.

Hon HELEN MORTON: The initial complaint occurred in 2001. The issue of dragging it out and not finalising it occurred throughout the previous government's term. All Chris Read ever wanted was a fair go, and I think he is finally getting it.

Information Commissioner — Appointment — Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [10.23 pm]: I rise tonight to speak about the appointment of the new Information Commissioner, Mr Sven Bluemmel. Yesterday the Premier issued a media release in which he advised that a panel, chaired by the state's independent Public Sector Commissioner, recommended the appointment of Mr Bluemmel under a five-year contract. Today I received an answer to a question from the Attorney General, because the Minister for Public Sector Management, the Premier, would not deal with this question and referred it to the Attorney General. The Attorney General advised that it was Cheryl Gwilliam, the Director General of the Department of the Attorney General, who chaired the meeting. It would be nice to clarify who in fact chaired the meeting for the appointment of the state's independent Information Commissioner. To say the least, there seem to be some strange practices occurring in relation to the formation of the panel for the selection of the new Information Commissioner. It certainly appears to me that the representation on the selection panel is such that it smacks of not having possibly a representative group to make the decision about who would be the best applicant. I have to put on the public record that I do not know Mr Sven Bluemmel; he may well be an exceptional candidate.

Hon Robyn McSweeney: He must be or he wouldn't have got the job.

Hon LJILJANNA RAVLICH: Let us just wait and see. I have to say that, at the very least, it appears to be rather extraordinary that the Public Sector Commissioner, Mr Wauchope, has actually chaired a panel to appoint a new FOI commissioner, in particular given that Mr Bluemmel, the new FOI commissioner, was a former employee who held a director position in the Public Sector Commission. The fact that the commissioner chaired a selection panel for a person who was a director within the commission seems quite unusual to me; I do not know about anyone else. I refer also to Ms Cheryl Gwilliam, who is a very able and capable person. I do not have any question about her integrity. She was in fact the Director General of the Department of Local Government and Regional Development. She is now the Director General of the Department of the Attorney General. It also seems a bit odd to me that the Director General of the Department of the Attorney General is also a member of that panel given that the appointment is actually for the FOI commissioner and given, I think, that the FOI commissioner falls within the Attorney General's portfolio. If we then look at the relationship between the Public Sector Commissioner and the role he performs and the people on the committee, I have to say that some questions arise, because the Public Sector Commissioner is charged with enhancing the independence, professionalism and integrity of the Western Australian public sector. The commission's functions include ensuring overall public sector operational efficiency, oversight of chief executive officers, managing the senior executive service and administering public service classifications and appointments. Members may well ask, in view of his oversight of chief executive officers, whether it appears a bit unusual that Cheryl Gwilliam who, as a director general, would probably be the subject of the commissioner's authority, is also sitting on that particular panel. It is also a bit unusual that only three members sit on the panel. In addition to Mr Wauchope, there is Ms Cheryl Gwilliam, who reports to the Premier, and Mr Chris Field, the state Ombudsman, who reports directly to Parliament. Obviously, the Public Sector Commissioner has a role in the oversight of chief executive officers. In view of his role vis-a-vis the management of the senior executive service, one can argue that he has a degree of authority, because at the time he may be called in to make a

decision about the Director General of the Department of the Attorney General. For the chair of the panel to be directly involved in the appointment processes does seem extraordinary in terms of the role of the Public Sector Commissioner. At the very least it brings into question his ability to be impartial in that selection process. Although the government prides itself on being open and accountable, I must say that it has an appalling track record so far, particularly in respect of the setting up of selection panels and the appointment of people to key positions. This is not the first time that there have been question marks over the appointment of senior public service and public sector personnel. Ongoing concerns have been raised in public, but time does not permit me to go into those in detail.

The Premier quite clearly needs to explain why this process has been carried out in the way it has, because I do not think that the Western Australian public would find it acceptable. If it looks dodgy, the chances are that there is something dodgy about it. I intend to continue to pursue this matter. I am not for one minute put off by the Premier's threat on issues of freedom of information when he made the point that if the Labor Party and certain groups within the community abused the freedom of information process, he would need to have a look at ways in which it should be restricted. That is a silly and idle threat to put into the public arena. I believe that the community does have a right to know. The community needs to be assured that the appointment and selection processes of individuals to public sector positions are fair, open and just. The community needs to have confidence that there is no preferential treatment given to people already in the public sector at the expense of people who are not.

The way that this selection panel has been put together leaves a number of questions unanswered. It is very important for the Premier to explain how a selection panel chaired by the Public Sector Commissioner, Mr Wauchope, to appoint a new Information Commissioner could have been independent, given that the recommended applicant, who is now the new FOI commissioner, was a former employee who held a director's position in the Public Sector Commission. I think he really does owe the Western Australian public that much of an explanation.

Question put and passed.

House adjourned at 10.33 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BUSSELTON FORESHORE STEERING COMMITTEE — MINISTER'S RESPONSE

408. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Lands

I refer to my Parliamentary question asked on Thursday 12 March 2009, concerning the Busselton Foreshore Steering Committee, and the Minister's answers to questions two to four, and ask —

(1) How does the Minister reconcile his answer to the Parliament that 'the terms of reference for the Committee is currently being finalised in consultation with the local member and the community', with the Terms of Reference provided to the Busselton Shire by the Member for Vasse (being Attachment 4 to the Shire of Busselton Addendum No.1 to Council Agenda, 25 February 2009) (this is available on Shire of Busselton's website)?

(2) How does the Minister reconcile his answer to the Parliament with the fact that the Steering Committee has already had its inaugural meeting with the Member for Vasse?

(3) Is it the practice of this Government to establish Committees and hold the inaugural meeting of the Committee when the Committee's terms of reference are yet to be finalised?

(4) What role, if any, did the Minister have before 9 December 2008, in drafting the Steering Committee's Terms of Reference provided by the Member for Vasse to the Shire of Busselton (being Attachment 4 to the Shire of Busselton Addendum No.1 to Council Agenda, 25 February 2009) (this is available on Shire of Busselton's website)?

Hon WENDY DUNCAN replied:

(1)-(3) Refer to Legislative Council Question on Notice 393.

ROE HIGHWAY STAGE 8 — ENVIRONMENTAL EFFECTS

409. Hon Sheila Mills to the Minister for Environment

I refer to the study being conducted by the Department for Planning and Infrastructure and Main Roads broadening the investigation of future traffic demand in the South West Metropolitan Sector to the wider Southern Metropolitan Area which is due to be complete mid 2009, and ask —

(1) Has the Minister been asked to provide advice about the environmental effects of building Roe Stage 8 through the Beeliar wetlands?

(2) If yes to (1), what advice has the Minister provided to the study?

(3) If no to (1), will the Minister seek to have input into this study?

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

Hon DONNA FARAGHER replied:

(1)-(3) No, I have not been asked to provide specific advice on the study being conducted by the Department for Planning and Infrastructure and Main Roads. However, the Department of Environment and Conservation is a member of the DPI's Strategic Coordination Group which comprises of key State and local government officials to provide guidance and strategic direction to achieve the State Government's Roe Highway Stage 8 commitment.

(4) Department for Planning and Infrastructure and Main Roads traffic demand studies inform their future planning for road networks.

Future proposals that emerge from any traffic demand studies that are likely to have a significant impact on the environment are required to be referred to the Environmental Protection Authority for it to decide if the environmental impacts are significant warranting an environmental impact assessment. .

APACHE ENERGY — DEVIL CREEK DEVELOPMENT

414. Hon Giz Watson to the Minister for Transport representing the Minister for Indigenous Affairs

With regard to questions without notice Nos' 415 and 455, in relation to the Apache Energy Devil Creek Development, and question on notice No. 5913, asked of the Minister for Environment, I ask —

(1) Is it correct as stated by the Minister, that as the Environmental Protection Authority (EPA) had not completed an environmental impact assessment under the provisions of the *Environmental Protection Act 1986,* the Minister was not authorised by law to make such a section 18 decision, after the

Aboriginal Cultural Material Committee (ACMC) had met and made a recommendation to the Minister?

(2) Is it correct in part (9), (10) and (11) of question on notice No. 5913, asked of the Minister for Environment, that the EPA cannot make a decision in respect of projects until advice has been received whether a proposal can be assessed?

(3) If yes to (2), at what level, once the (ACMC) has provided advice on the application?

(4) Will the Minister outline the correct chronology of decision making in respect of the Department on these issues?

Hon SIMON O'BRIEN replied:

1. Yes, on those areas of the section 18 Notice that were subject to Environmental Protection Authority (EPA) assessment.

2. The EPA is not obliged to obtain advice from the Aboriginal Cultural Material Committee (ACMC) in relation to its approvals process.

3. Not applicable.

4. The Minister for Indigenous Affairs is the decision making authority (if so identified by the EPA) bound by the provisions of the EPA, not the Department of Indigenous Affairs or the ACMC.

LEAD EXPORT THROUGH FREMANTLE PORT

425. Hon Anthony Fels to the Minister for Environment

I refer to Statement No. 783 dated 2 February 2009, by the Minister for Environment concerning the amended conditions pursuant to s46 of the *Environmental Protection Act 1986* to allow for the export of lead carbonate by Magellan Metals Pty Ltd from the Port of Fremantle rather than from the Port of Esperance, and I ask —

(1) Prior to approving the abovementioned proposal, did the Minister receive formal and written advice supporting the proposal from, —

  (a) the Solicitor General's office;

  (b) senior officers from any of her Departments, Authorities, Agencies;

  (c) senior officers from the Port of Esperance;

  (d) senior officers from the Port of Fremantle;

  (e) senior officers from the City of Fremantle;

  (f) the Mayor of Fremantle; and

  (g) senior officers from any Departments and/or Agencies of other Ministers?

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

(3) If yes to (1), when did you receive the final advice from each of them?

(4) If yes to (1)(b), which were those Departments, Agencies?

(5) If the answer to question (1)(g) is no, when will the Minister hold consultations on the matter with the senior officers of other relevant Departments and/or Agencies and/or seek their advice?

(6) Prior to approving the abovementioned proposal, have any senior officers from any of the Minister's Departments and/or Agencies held formal consultations with any senior officers from any Departments and/or Agencies of other Ministers?

(7) If no to (6), —

  (a) why not;

  (b) when will such consultations take place; and

  (c) which departments will be involved in those consultations that are to take place?

Hon DONNA FARAGHER replied:

(1) For the purposes of clarity my decision of 2 February 2009 was to approve a change to the conditions applying to the proposal to transport lead carbonate through the Port of Fremantle. As the question correctly notes, this decision was made pursuant to section 46 of the Environmental Protection Act 1986, which relates to changing the conditions of a proposal, not the proposal itself. Accordingly, the reference to "proposal" in the question shall be taken to be a reference to "conditions". Note also that legal advice was obtained in relation to this matter, which is not identified due to legal privilege.

(a) No
(b) Yes
(c) No
(d) Yes
(e) No
(f) No
(g) Yes

(2) The Esperance Port Authority and the Solicitor General are not decision making authorities in relation to the export of lead through the Port of Fremantle. I understand that both the City of Fremantle and the Mayor of the City of Fremantle oppose the transport of lead carbonate through the Port of Fremantle.

(3) Senior officers from my Departments, Authorities, Agencies:

- Environmental Protection Authority: 8 January 2009; 27 January 2009; 2 February 2009 (EPA Report 1314)
- Department of Environment and Conservation: 14 November 2008;
- Office of the Appeals Convenor: 15 December 2008; 16 January 2009
- Port of Fremantle: 3 November 2008

Senior officers from any Departments and/or Agencies of other Ministers:

- Department of Health: 3 October 2008
- Minister for Health: 10 November 2008
- Minister for Transport: 4 December 2008; 2 February 2009
- Minister for Mines and Petroleum: 10 November 2008; 2 February 2009
- Minister for Emergency Services: 10 November 2008; 2 February 2009
- Minister for Water: 2 February 2009
- Minister for Commerce: 20 November 2008

(4) The Environmental Protection Authority, Department of Environment and Conservation, and the Office of the Appeals Convenor.

(5) Not applicable

(6) Yes

(7) (a)-(c) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — CREDITORS OUTSTANDING

541. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Treasurer

For each Department and Agency within the Treasurer's portfolios, as at 24 March 2009, —

(a) what was the amount and number of creditors outstanding for less than or equal to 30 days;
(b) what was the amount and number of creditors outstanding for less than or equal to 60 days;
(c) what was the amount and number of creditors outstanding for less than or equal to 90 days;
(d) what was the amount and number of creditors outstanding for less than or equal to 120 days; and
(e) what was the amount and number of creditors outstanding more than 120 days?

Hon BARRY HOUSE replied:

Insurance Commission of Western Australia

(a) $628,008.75 in creditors as at 7th April 2009. Figures are not available as at 24th March 2009, as this date is retrospective to when the question was received. The most current and accurate figures available at as the 7th April 2009.
(b)-(e) Nil

Western Australian Treasury Corporation

(a) $199,795 outstanding comprising 37 creditors.
(b)-(e) Nil

Department of Treasury and Finance

(a) $2,296,552.08 and 79 Creditors

(b) $2,917,649.54 and 57 Creditors

(c) $1,048,174.00 and 26 Creditors

(d) $59,248.15 and 14 creditors

(e) $211,441.97 and 27 creditors.

Please note that because retrospective creditor reports cannot be run, the above creditors balance reflects the position as at 7 April 2009. It should also be noted that creditors are paid on the Wednesday of each week and as 7 April is one day before the weekly payment run the creditor balance is at the highest level.

GESB

(a) $293,098.32 with 7 outstanding creditors for less than or equal to 30 days

(b) $84,890.46 with 4 outstanding creditors for less than or equal to 60 days

(c) $31,842.48 with 1 outstanding creditor for less than or equal to 90 days

(d)-(e) Nil

GOVERNMENT DEPARTMENTS AND AGENCIES — REVIEWS COMMITTEES INQUIRIES AND TASKFORCES

587. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Treasurer

For all portfolios, Departments and Agencies, for which the Treasurer holds responsibility, —

(1) How many reviews, committees, inquiries and taskforces have been established since 23 September 2008?

(2) Will the Treasurer list all the reviews, committees, inquiries and taskforces that have been established in that period?

(3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?

(4) Will the Treasurer list the commencement date and completion date for all reviews, committees, inquiries and taskforces that have been established?

(5) Will the Treasurer list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?

(6) Will the Treasurer list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon BARRY HOUSE replied:

Western Australian Treasury Corporation

(1) None.

(2)-(6) Not Applicable.

Insurance Commission of Western Australia

(1) None

(2)-(6) Not Applicable.

Department of Treasury and Finance

(1) Three.

(2) Red Tape Reduction Group (RTRG).
Economic Audit Committee (EAC).
Fitzroy Futures Forum Governance Committee (FFFGC).

(3) RTRG -Hon Ken Baston MLC and Ms Liza Harvey MLA.
EAC — Mr Timothy Marney B Econ (Hons).
FFFGC — Rotating Chairpersons: Kevin Oscar, Laurie Andrews, Marmingee Hand, Olive Knight (each is Chairperson of their respective incorporated language group bodies).

(4) RTRG -16 January 2009 to 30 October 2009.
EAC — 27 October 2008 to 30 September 2009.
FFFGC 15 October 2008 to 2016 with review at 2011.

(5) RTRG Sitting fees Nil. Estimated budget $30,000.

EAC Sitting fees for three external members are $3,313 per meeting or $828.25 per hour to a maximum of $6,626 per day. Estimated budget is $1,500,000.

FFFGC Sitting fees for five external members is $350 for meetings over 4 hours and $230 for meetings of less than 4 hours. The FFFGC has currently scheduled four meetings per year. On this basis it is estimated that the cost of sitting fees until 2011 will be 421,000 with a further $35,000 should the FFFGC be extended until 2016. The total cost of the FFFGC is budgeted at $240,000 until 2011 with an additional $317,000 estimated as required if extended until 2016.

(6) RTRG Sitting fees NIL. Estimated final cost of RTRG $30,000.

EAC Sitting fees to date are $41,382.50. The final cost for the Audit cannot be calculated at this point as the scope of Stage Two is currently being determined by Government.

FFFGC Sitting fees to date $4,900. See above (5) for estimated final cost.

GESB

(1) None

(2)-(6) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — REVIEWS COMMITTEES INQUIRIES AND TASKFORCES

588. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Commerce

For all portfolios, Departments and Agencies, for which the Minister holds responsibility, —

(1) How many reviews, committees, inquiries and taskforces have been established since 23 September 2008?

(2) Will the Minister list all the reviews, committees, inquiries and taskforces that have been established in that period?

(3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?

(4) Will the Minister list the commencement date and completion date for all reviews, committees, inquiries and taskforces that have been established?

(5) Will the Minister list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?

(6) Will the Minister list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon BARRY HOUSE replied:

Hairdressers Registration Board

(1) Nil

(2)-(6) N/A

Builders' Registration Board of Western Australia and Painters' Registration Board

(1) Nil

(2)-(6) N/A

Department of the Registrar, WA Industrial Relations Commission

((1) Nil

(2)-(6) N/A

Small Business Development Corporation

(1) The Small Business Development Corporation has not established any reviews, committees, inquiries or taskforces since 23 September 2008.

(2)-(6) Not applicable.

The Department of Commerce

(1) 2 Reviews.

(2) Real Estate and Business Agents Board (REBA) Review — A review has been established to examine the operations and structure of the Real Estate Branch of the Department of Commerce to ensure optimum outcomes in it's delivery of contractual commitments to REBA.

Review of Western Australian Science, Innovation and Technology advisory bodies — The Science and Innovation Council; The Technology and Industry Advisory Council; and the role of the Chief Scientist.

(3) REBA Review — Ms Kerry Neill chairs the review, which will be overseen by the Director of Business Services. Ms Neill's qualifications include a Master of Business Administration, Graduate Diplomas in Business and Education and a Bachelor of Arts. Ms Neill is the Director of a private Human Resources consultancy firm, The Futures Group.

Science, Innovation & Technology Review — no Chair has been appointed to this review. The review is being undertaken by the Centre for International Economics (CIE), the successful applicant of a Government tendering process.

(4) REBA Review — the review commenced on 1 February 2009 and is due for completion by 1 July 2009.

Science, Innovation & Technology Review — submission of bids to the Request for Quote closed 14 January 2009. The CIE commenced the review on 9 March 2009. The review is due to be completed by 30 may 2009.

(5) REBA Review — $29,635 in fees and total costs have been allocated to the review.

Science, Innovation & Technology Review — the contracted cost of the review by CIE is $224,400.00.

(6) REBA Review — the estimated total final cost of the review is $29,635.

Science, Innovation & Technology Review — the estimated final cost is $224,400.00

WorkCover WA

1. A review of the *WA Workers' Compensation and Injury Management Act 1981* was announced on 26 March 2009.

2. See above

3. The review of the *WA Workers' Compensation and Injury Management Act 1981* will be managed by WorkCover WA.

4. The review of the *WA Workers' Compensation and Injury Management Act 1981* formally commenced on 26 March. A report to the Minister is expected in December 2009.

5. The review of the *WA Workers' Compensation and Injury Management Act 1981* is to be funded through existing WorkCover WA resources. There are no sitting fees associated with this review.

6. See question five above.

GOVERNMENT DEPARTMENTS AND AGENCIES — REVIEWS COMMITTEES INQUIRIES AND TASKFORCES

589. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Science and Innovation

For all portfolios, Departments and Agencies, for which the Minister holds responsibility, —

(1) How many reviews, committees, inquiries and taskforces have been established since 23 September 2008?

(2) Will the Minister list all the reviews, committees, inquiries and taskforces that have been established in that period?

(3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?

(4) Will the Minister list the commencement date and completion date for all reviews, committees, inquiries and taskforces that have been established?

(5) Will the Minister list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?

(6) Will the Minister list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon BARRY HOUSE replied:

Chemistry Centre of Western Australia

(1) Nil

(2)-(6) Not applicable

The Science, Innovation and Business Division of the Department of Commerce

(1) 1 review.

(2) Review of Western Australian Science, Innovation and Technology advisory bodies — The Premier's Science and Innovation Council; The Technology and Industry Advisory Council; and the role of the Chief Scientist.

(3) No Chair has been appointed to this Review. The Review is being undertaken by the Centre for International Economics (CIE), the successful applicant of a Government tendering process.

(4) Submission of bids to the Request for Quote closed 14 January 2009. The CIE commenced the Review on 9 March 2009. The Review is due to be completed by 30 May 2009.

(5) The contracted cost of the Review by CIE is $224,400.00.

(6) See answer to (5).

GOVERNMENT DEPARTMENTS AND AGENCIES — REVIEWS COMMITTEES INQUIRIES AND TASKFORCES

590. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Housing and Works

For all portfolios, Departments and Agencies, for which the Minister holds responsibility, —

(1) How many reviews, committees, inquiries and taskforces have been established since 23 September 2008?

(2) Will the Minister list all the reviews, committees, inquiries and taskforces that have been established in that period?

(3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?

(4) Will the Minister list the commencement date and completion date for all reviews, committees, inquiries and taskforces that have been established?

(5) Will the Minister list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?

(6) Will the Minister list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon BARRY HOUSE replied:

(1) One taskforce.

(2) Social Housing Taskforce.

(3) Ian Carter —
CEO of Anglicare WA (since 1995)
Bachelor of Arts (Social Science) (Curtin University)
Postgraduate Diploma in Education (UWA)
Fellow of the Australian Institute of Management
Member of the Australian Institute of Company Directors
Adjunct Professor at Curtin University
Former Chair of the State Government Housing Advisory Committee.

(4) The Social Housing Taskforce was announced on 10 December 2008 and is due to be completed on 30 June 2009.

(5) $60,500 (excludes salary costs of Department of Housing staff).

(6) $1,200 in sitting fees has been committed to date. The estimated final cost of the Taskforce is $60,500 (which excludes salary costs of Department of Housing staff).

GOVERNMENT DEPARTMENTS AND AGENCIES — FREEDOM OF INFORMATION APPLICATIONS

633. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Treasurer

For each Department and Agency within the Treasurer's portfolio, including the Treasurer's office, will the Treasurer provide the following information for the period, 23 September 2008 to date, —

(1) How many Freedom of Information (FOI) applications have been received?

(2) What is the average time taken to process a FOI application?

(3) What is the reason given for each FOI application exceeding the average time for processing?

(4) How many FOI applications have been rejected by the Departments or Agencies within your portfolio?

(5) How many of these rejections have been successfully appealed?

(6) How many of these rejections are pending a decision of the FOI Commissioner?

(7) What were the reasons given by the Departments and Agencies for rejecting each of the FOI applications?

(8) What were the reasons given by the FOI Commissioner for upholding each of the appeals?

Hon BARRY HOUSE replied:

Insurance Commission of Western Australia

(1) 76

(2) 32 days

(3) The time taken to process an FOI application usually depends upon the number of documents involved and the number of third parties which need to be consulted. The main reasons for exceeding the average time for processing are: large numbers of documents and awaiting responses from third parties.

(4) No FOI applications have been rejected by the Insurance Commission of Western Australia under Section 20 of the Act which allows an agency to refuse to deal with an application in certain cases.

(5)-(8) N/A

GESB

(1) 2

(2) N/A. The FOI applications are still in progress.

(3) A delay in processing an FOI claim is usually attributed to the level of historical research required to respond to the query.

(4) Nil

(5)-(8) N/A

Western Australian Treasury Corporation

(1) None.

(2)-(8) Not Applicable.

Department of Treasury and Finance

(1) 39.

(2) 34 days average processing time.

(3) No reason is given for exceeding the average processing time when it is still within the 45 day limit. In three cases an extension of one week was sought and granted. This was due to applications being partially transferred to DTF after a significant amount of the 45 day processing time had elapsed.

(4)-(6) Nil.

(7)-(8) Not applicable.

Ministerial Office

(1) 43

(2) 43 days average processing time

(3) An extension to complete an application is usually due to the number of documents involved, the number of third parties which need to be consulted and also dealing with a high volume of applications from other applicants.

(4) No applications are rejected, although they are refused. This agency has refused to deal with two applications in a formal notice of decision.

(5) Not applicable

(6) One currently pending

(7) Applicant refused to narrow the scope of the application sufficiently which resulted in a section 20 refusal decision of the FOI Act 1992.

(8) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FREEDOM OF INFORMATION APPLICATIONS

634. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Commerce

For each Department and Agency within the Minister's portfolio, including the Ministerial office, will the Minister provide the following information for the period, 23 September 2008 to date, —

(1) How many Freedom of Information (FOI) applications have been received?

(2) What is the average time taken to process a FOI application?

(3) What is the reason given for each FOI application exceeding the average time for processing?

(4) How many FOI applications have been rejected by the Departments or Agencies within your portfolio?

(5) How many of these rejections have been successfully appealed?

(6) How many of these rejections are pending a decision of the FOI Commissioner?

(7) What were the reasons given by the Departments and Agencies for rejecting each of the FOI applications?

(8) What were the reasons given by the FOI Commissioner for upholding each of the appeals?

Hon BARRY HOUSE replied:

Hairdressers Registration Board

(1) Nil

(2)- (8) N/A

Small Business Development Corporation

(1) The Small Business Development Corporation has not received any Freedom of Information applications since 23 September 2008.

(2)-(8) Not applicable.

Builders' Registration Board of Western Australia

(1) 1

(2) 14

(3) N/A

(4) None

(5)-(8) N/A

Painters' Registration Board of Western Australia

(1) 1

(2) 14

(3) N/A

(4) None

(5)-(8) N/A

The Department of Commerce:

(1) 132.

(2) 21 days.

(3) Time taken to negotiate and effect a change to the scope of an FOI application due to the initial scope being considered too broad.

(4) None.

(5)-(8) Not Applicable.

WorkCover WA

(1) 4

(2) 29 days

(3) 2 exceeded 29 days. One for 42 days, which is still within the 45 days allowable. One for 49 days due to the scope of the request which required significant documentation be collated.

(4) 1

(5) None appealed

(6) None pending decision

(7) Request for information identified 3rd party

(8) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FREEDOM OF INFORMATION APPLICATIONS

635. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Science and Innovation

For each Department and Agency within the Minister's portfolio, including the Ministerial office, will the Minister provide the following information for the period, 23 September 2008 to date, —

(1) How many Freedom of Information (FOI) applications have been received?

(2) What is the average time taken to process a FOI application?

(3) What is the reason given for each FOI application exceeding the average time for processing?

(4) How many FOI applications have been rejected by the Departments or Agencies within your portfolio?

(5) How many of these rejections have been successfully appealed?

(6) How many of these rejections are pending a decision of the FOI Commissioner?

(7) What were the reasons given by the Departments and Agencies for rejecting each of the FOI applications?

(8) What were the reasons given by the FOI Commissioner for upholding each of the appeals?

Hon BARRY HOUSE replied:

The Science, Innovation and Business Division of the Department of Commerce:

(1) 1.

(2) 10 days.

(3) Not Applicable.

(4) None.

(5)-(8) Not Applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — FREEDOM OF INFORMATION APPLICATIONS

636. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Housing and Works

For each Department and Agency within the Minister's portfolio, including the Ministerial office, will the Minister provide the following information for the period, 23 September 2008 to date, —

(1) How many Freedom of Information (FOI) applications have been received?

(2) What is the average time taken to process a FOI application?

(3) What is the reason given for each FOI application exceeding the average time for processing?

(4) How many FOI applications have been rejected by the Departments or Agencies within your portfolio?

(5) How many of these rejections have been successfully appealed?

(6) How many of these rejections are pending a decision of the FOI Commissioner?

(7) What were the reasons given by the Departments and Agencies for rejecting each of the FOI applications?

(8) What were the reasons given by the FOI Commissioner for upholding each of the appeals?

Hon BARRY HOUSE replied:

(1) Department of Housing and Works[1] 23

Housing Authority 16

(2) Department of Housing and Works 37 days

Housing Authority 19 days

(3) The average time to process an application varies depending on the application type and the level of complexity.

(4) None.

(5)-(8) N/A

[1] Information relating to the Department of Housing and Works refers to the period from 23 September 2008 to 31 January 2009. The Works function was transferred to the Department of Treasury and Finance on 2 February 2009.

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