

Legislative Council

Wednesday, 28 March 2012

THE PRESIDENT (Hon Barry House) took the chair at 2.00 pm, and read prayers.

DISTINGUISHED VISITOR — HON PETER FOSS

THE PRESIDENT (Hon Barry House): Members, I welcome into the President's gallery a former member, Hon Peter Foss.

ALCOHOL ABUSE — “IT COULD HAPPEN TO YOU” CAMPAIGN

Statement by Minister for Mental Health

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [2.03 pm]: Yesterday I launched the “Alcohol. Think Again. It could happen to you” television advertising campaign. This campaign aims to inform the Western Australian public of the causal link between long-term harmful alcohol consumption and cancer.

One of the primary responsibilities of the International Agency for Research on Cancer, a branch of the World Health Organization, is identifying carcinogens and categorising them as to their potential to cause cancer in humans. Substances categorised as group one carcinogens are known, unequivocally and based on a complete review of scientific data, to cause cancer in humans. It has now been categorically confirmed that alcohol is classified as a group one carcinogen.

The message that alcohol causes cancer is not a new one. There is absolutely no doubt that the more we drink and the more often we drink, the more our risk of developing alcohol-related cancer will increase. To minimise their risk of developing these types of cancers, it is recommended that people consume no more than two standard drinks a day. Each year in Western Australia 125 people die from alcohol-caused cancer and 877 people are admitted to hospital, taking up around 5 000 bed days. In light of these statistics, the Western Australian government, together with the Cancer Council Western Australia, the Injury Control Council of Western Australia and the Drug and Alcohol Office, developed this very important campaign. The seriousness of this message has been recognised both nationally and internationally in countries such as Finland.

The major campaigns on alcohol have to date focused on issues of violence, personal injury, car crashes and drink-driving. In that noise, the message about the chronic illnesses associated with alcohol has been lost.

My priority is the health and wellbeing of every Western Australian, and it is my responsibility to inform people of the serious health risks linked to long-term excessive drinking. This is not about scaremongering; it is about giving people the right information so that they make their own choices in determining how much alcohol they drink on any given day.

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

ROE HIGHWAY STAGE 8

Motion

Resumed from 21 March on the following motion moved by Hon Lynn MacLaren —

That, for the purposes of —

- (a) saving the Beeliar wetlands by preserving ecological linkages and a range of other key values including —
 - (i) regionally significant vegetation, which is becoming rare as a result of encroaching urbanisation,
 - (ii) habitat for a great many fauna species, especially internationally and nationally significant migratory birds, as well as seriously threatened species like the Carnaby's cockatoo and the graceful sun moth, and
 - (iii) residential amenity, recreation and education;
- (b) protecting our unique Aboriginal heritage; and
- (c) redirecting funds into more sustainable transport solutions, such as an expanded rail freight system and a passenger light rail network,

this house calls upon the Barnett government to abandon proposed stage 8 of the Roe Highway development, and to request the Western Australian Planning Commission to initiate an amendment to the metropolitan region scheme in order to delete the current zoning for a road reserve over the area of proposed stage 8 of the Roe Highway development.

HON LYNN MacLAREN (South Metropolitan) [2.07 pm]: I have been bringing members up to date about the public environmental review process, the slight changes that were made to the alignment of Roe Highway stage 8 during that review process and the many revered scientific and cultural bodies that have acknowledged the significance of the Beeliar wetlands. I will continue today by describing some of the flora and fauna that make this area their home. My argument will convince members that this is a wetland worth saving, that Roe 8 is a road to nowhere and is no solution to traffic congestion, and that building the road would be a waste of money and environmental values. The area contains regionally significant vegetation, according to the Environmental Protection Authority's own document, which is entitled "Environmental values associated with the alignment of Roe Highway (Stage 8)" and states —

The vegetation within this area is ... considered to be regionally significant in relation to its structural complexity, floristic assemblages, gradations from wetland to upland as well as the ecological pattern it represents.

The document entitled "The Australian Heritage Commission and the National Trust of Australia (W.A) Assessment: North Lake and Bibra Lake—A Class CALM Reserve", dated September 2001, summarised the flora in the area as follows —

This area has one of the richest, floristically diverse, plant assemblages within the Perth metropolitan area. The plant communities around each of its water bodies differ and as such have a significant synergistic effect on the entire environment. Nine wetland vegetation assemblages ranging from swamplands, fringing reed systems, to both eucalypt and/or banksia dominated woodlands occur here.

Banksia woodland is currently listed as an endangered community under the commonwealth Environment Protection and Biodiversity Conservation Act 1999. That is a brief summary of the flora in the area and I want now to talk about the fauna.

The Beeliar wetlands is a habitat for a great many fauna species, especially internationally and nationally significant migratory birds, as well as seriously threatened species such as the Carnaby's black cockatoo and the graceful sun moth. I heard some chuckling earlier when the graceful sun moth was mentioned, and I will be making comment about the Premier's recent comments about the graceful sun moth.

According to the Australian Heritage Council and the National Trust of Australia (WA), this area supports a rich diversity of vertebrates totally dependent on the ongoing integrity of the wetlands and the dry uplands. The physical size of the area, combined with great geographic and floristic variability, guarantee that this situation will continue into the foreseeable future. We heard during question time yesterday that this area is home to the southern brown bandicoot and the brush-tailed possum, with the occasional itinerant grey kangaroo passing through the area. No fewer than 123 bird species have been sighted at North Lake—112 at Bibra Lake and 105 at Thomsons Lake; 24 of these birds are uncommon. A greater diversity of bird species visit North Lake than visit the Ramsar Convention-listed Thomsons Lake. Three endangered bird species have been observed in this area—the Carnaby's black cockatoo, the red-tailed cockatoo and the peregrine falcon. The Carnaby's black cockatoo is listed "endangered" under the EPBC act, and its numbers have reduced dramatically in recent years. Its range is restricted to south west Western Australia, and the main threat facing the species is habitat clearance, which has led to the halving of population numbers since the late 1970s. I believe Hon Giz Watson will speak more about Carnaby's cockatoo.

We know that the Carnaby's black cockatoo habitat in the area is shrinking due to land clearing for major projects, including Fiona Stanley Hospital and the Jandakot airport commercial development, both of which cleared Carnaby habitat and both of which have been debated in the chamber. In an extremely worrying development, initial estimates from last year's Great Cocky Count suggest that the average number of birds per roost last year is about half that of the year before. We know that Carnaby's black cockatoos inhabit the proposed area and that they feed on the banksia, marri and jarrah trees growing in the North and Bibra Lakes Reserves. The North Lake Reserve is now a feeding area for the locally resident flocks of these birds. The project will result in the clearing of 78.3 hectares of Carnaby's black cockatoo habitat. This is completely unacceptable, as is the clearing of 73.2 hectares of red-tailed cockatoo habitat.

Hon Simon O'Brien: When you say the area will be cleared are you also talking about the area that is already cleared there? There are vast expanses there that have been cleared long ago.

Hon LYNN MacLAREN: That is correct; I am talking about the clearing proposed in this alignment.

Hon Simon O'Brien: Are you talking about mowing some wild grass? Because the area was cleared many years ago.

Hon LYNN MacLAREN: No; I am going by the public environmental review documents, and that is the amount of habitat that will be cleared under this project.

Hon Simon O'Brien: Rubbish!

Hon LYNN MacLAREN: And these species have been listed “vulnerable” under the EPBC act, which is why, as mentioned last week, the commonwealth will also cast a critical eye over this proposal. These birds and this habitat are protected under commonwealth legislation.

The lakes are an important habitat for international migratory wading birds, including the greenshank and the red-necked stint, and several international migratory birds, such as the great white egret and the rainbow bee-eater. Members who have not spent time at sunset at Bibra Lake do not know the valuable habitat that we are about to forever change. The bee-eater is a frequent summer visitor to North Lake and it breeds in the area threatened by this alignment of Roe 8. The highway could also disrupt the habitat of trans-equatorial migratory wading birds that use North Lake on their annual migration between south west WA and north east Asia. Since these birds and their habitat are protected under international treaties that Australia has signed with Japan, China and South Korea, Australia may well be breaching its international treaty obligations by going ahead with Roe 8.

A diverse group of reptiles is present at the site, including five species of snake, 22 species of lizard and one species of tortoise. Amphibians are seasonally abundant and represented by eight species of frog, including the uncommon turtle frog. The wetlands are home to the western tiger snake, which is considered uncommon in the metropolitan area, but which is important for the integrity of the ecosystem. The Beeliar wetlands, as I am sure Hon Phil Edman will be pleased to hear, are another home for the graceful sun moth, a small, day-flying moth endemic to south western Western Australia, and also located in the area of Point Peron. This species is currently found only on the Swan coastal plain between Quinns Rocks and Mandurah.

Several members interjected.

The PRESIDENT: Order! Order, members! Hon Lynn MacLaren is the first speaker in this debate and there will be opportunities for others to follow.

Hon LYNN MacLAREN: Thank you, Mr President.

This motion seeks once and for all to delete from the metropolitan region scheme a project that will decimate the local graceful sun moth population, because it will remove 64 per cent, or 5.6 hectares, of confirmed habitat for the graceful sun moth in the area, and 48 per cent, which is 60.5 hectares, of its potential habitat. Roe 8 will have a catastrophic impact on the biodiversity of the Beeliar wetlands. The summary of the project’s environmental impacts outlined in the public environmental review is fairly damning, with residual impacts that include the loss of a total of 37.5 hectares of intact flora and vegetation; the loss of seven hectares of Bush Forever land, including four hectares of intact native vegetation; the loss of 15 subpopulations of priority flora, consisting of approximately 7 000 individual plants—most of which are one small herb species that is locally abundant; the loss of 78.3 hectares of foraging habitat for Carnaby’s; as I mentioned before, the loss of 73.2 hectares of the foraging habitat of the red-tailed cockatoo; the removal of 249 significant trees with potential for black cockatoo nesting; the loss of 72 hectares of habitat for the southern brown bandicoot; the loss of 91.4 hectares of habitat for the Perth lined lerista, which is a lizard; the loss of confirmed graceful sun moth population; and reduction in potential habitat for the graceful sun moth.

The Environmental Protection Authority has argued that in addition to directly impacting on the wetland vegetation and faunal values, the construction and operation of a highway through the area will lead to further severance of these ecological linkages, thereby reducing the area’s viability and long-term management. It will be of no surprise to hear that quendas, lizards, frogs and turtles will not be able to safely cross this highway; nor will the swans that walk their cygnets from North Lake to Bibra Lake, to stay until they can fly. Quendas, like many native animals, are too timid to pass under bridges or through fauna underpasses, which leaves them vulnerable to predators. Each wetlands ecological community relies on water flow between the neighbouring wetlands. A bridge design would still affect the connectivity and inhibit plant growth. Connectivity is critical and cannot be maintained with any Roe 8 option. The Environmental Protection Authority has argued that any road alignment through this area should be rejected, as it would sever linkages between the wetlands, resulting in serious biodiversity impacts. The Roe 8 extension is based on plans drawn up in the 1950s, when it was acceptable to bulldoze wetlands and bushlands to build roads. I would argue that times have changed, and many members in this chamber would agree with me that times have changed.

The environmental costs of Roe 8 are too large and this project should not proceed. If we look at the growing body of research about what we want in the cities that we live in, our mental, physical and spiritual health is directly associated with our connection with nature. This is especially true for children. Communities throughout the region, especially the local communities of Samson, Coolbellup, North Lake and South Lake, value and deserve the ecological amenity of North and Bibra Lakes. The area is a key cultural site in the south metropolitan region. Bibra Lake is a popular area for picnicking, jogging, walking, birdwatching and cycling, while North

Lake is a very popular bushwalking and birdwatching area. The whole area functions as a single resource with visitors often cycling or walking around both lakes. The wetlands are also used for educational purposes by the Cockburn Wetlands Education Centre as well as schools and universities. As an area with more biodiversity than Kings Park reserve, the educational and experiential opportunities currently present need to be preserved and enhanced. The construction of Roe 8 between the lakes will seriously devalue the educational and recreational value of the area. The peaceful experience for bushwalkers will be destroyed by the noise of heavy traffic on Roe Highway. Picnickers will not be able to enjoy their outing to Bibra Lake because of the traffic noise and pollution. The many schoolchildren who visit the wetlands each year will also have a greatly diminished experience. The proposed offsets cannot possibly compensate for the biodiversity loss as they will either be too distant or take too long to reach maturity.

The Beeliar Wetlands is the most significant site of Aboriginal heritage in Perth south of the Swan River. Wagyl, firestick and spirit children dreaming stories are integral to this site. Roe 8 will desecrate this heritage. The Nyoongah people regard this as one of their major cultural and spiritual sites. The proposed road will go right through their registered mythological site. The Metropolitan Commission of Elders is a peak Aboriginal organisation that views itself as independent of government. The commission is endorsed by the Western Australian government and resourced through the Department of Indigenous Affairs. In 2002 the elders highlighted their concerns and wishes for this area in a letter to the then Minister for Planning and Infrastructure, Alannah MacTiernan, the Environmental Protection Authority, and Main Roads WA. I will quote from that letter. It reads in part —

... the Elder's wish to inform you that the area in the vicinity is extremely fragile and any encroachment on it may result in permanent damage to the wetlands, that has traditional importance to them. Of further concern is the need to protect the cultural significance of the area, and to highlight that any disturbance would result in irreparable damage.

After considering the Council's concerns it is hoped that any extension of the Roe Highway be removed from future consideration and that Farrington Road remain as it is, without widening or extension.

I seek leave to table that letter from the Metropolitan Nyoongah Council of elders.

Leave granted. [See paper 4377.]

Hon LYNN MacLAREN: Thank you, Mr President, and thank you very much for drawing members' attention back into the chamber.

The PRESIDENT: I could not quite hear at first.

Hon LYNN MacLAREN: I want to spend a bit of time talking about sustainable transport solutions. These road plans are out of date. They no longer fit neatly into the roads network, which has evolved over time. The rationale for building this road just does not stack up. The Roe 8 extension from Kwinana Freeway to Stock Road is just a tiny little piece of highway, but it was based on plans drawn up in 1955. They have been superseded. The rationale was built on engineering models and social values, as I have stated, that are outdated by 55 years. Other parts of this outdated plan for a western suburbs highway have been, rightly, abandoned over time. I remind members of those. The plans included building a bridge across the Swan River near Point Walter from Stock Road to Dalkeith. The bridge plans were scuttled by the then Charles Court government. These plans also included extending Roe Highway to Marine Terrace in Fremantle, or a proposed Fremantle eastern bypass. The Fremantle eastern bypass was deleted from the metropolitan region scheme in 2004, and the land that was reserved for the road was sold, mostly for housing. Because it is no longer necessary for the freight network, the Roe 8 road reserve should be similarly deleted from this planning scheme and rezoned for conservation and recreation. Over time there have been incremental changes to our freight network and planned poor expansions to the south of Cockburn Sound.

Hon Simon O'Brien: You have opposed every bit of it no doubt.

Hon LYNN MacLAREN: They have reduced the need for the planned Roe Highway stage 8.

Hon Simon O'Brien interjected.

Hon LYNN MacLAREN: I beg your pardon, does the former Minister for Transport have something to say about the freight network?

Hon Simon O'Brien interjected.

The PRESIDENT: Order! He will get his opportunity in due course, as will other members.

Hon LYNN MacLAREN: Sorry, Mr President.

Hon Simon O'Brien: Don't provoke me to interject!

Hon LYNN MacLAREN: While our working port will remain in Fremantle, much of the expansion of the freight network will be to the south. An alternative port study identified a southern port in Cockburn Sound to be serviced by Rowley Road. Planning decisions have transformed the industrial buffer zone in Hope Valley, Wattleup, into a new industrial park called Latitude 32 where an intermodal terminal has been mooted.

Hon Simon O'Brien: Did you support that? No, you opposed that at the time too.

Hon LYNN MacLAREN: The estimated cost of building an extension to Roe Highway through the Beeliar wetlands is \$620 million. However, the full cost of the project is likely to be substantially higher. Even if the government manages to build a road within this budget, the Roe Highway stage 8 extension will be the most expensive section of road ever built in Perth. The road section would cost state taxpayers over \$100 million per kilometre, compared to the cost of light rail, which can be much better value, in many cases, at just \$15 million per kilometre. In comparison with a budget of \$657 million, the state government could build 43 kilometres of a light rail network with three routes linking Fremantle to the Cockburn coast and Cockburn Central, to Murdoch, along south street, and along Canning Highway, all the way to the Canning bridge, for the same money it would cost to build this tiny little section of road. This would reduce transport costs and emissions for many more people than would ever use Roe 8; it would improve public transport and ease congestion on our roads.

The government's justification for the Roe 8 extension is flawed because it fails to consider other options to reduce traffic congestion. It is now widely acknowledged that building more roads does not relieve congestion. Studies show that increasing traffic capacity invariably increases traffic volumes. While congestion may be temporarily alleviated, vehicle numbers will increase until the new road becomes too congested.

That brings us to a report released this month by the Victoria Transport Policy Institute. The most cost effective solution to traffic congestion reduction includes a combination of public transport improvements, road pricing and smart-growth land use policies. However, the government has considered none of these alternative options; the government's tunnel vision on this issue is illustrated by an answer I received from the minister in response to my question without notice of 1 September 2011 when I asked: what other strategies were investigated to reduce traffic congestion at peak times in this area? That question was eventually answered by the minister on 20 September when it was tabled and incorporated into *Hansard*. It reads in part —

Major road upgrades are being planned or considered in the south western metropolitan area.

That is the answer to that question. Basically, the government has not investigated any other means of relieving congestion in this area besides building more roads. That is 1950s —

Hon Simon O'Brien: They had two years of putting together a public transport blueprint. If you had read and understood it, perhaps you might make some more balanced and intelligent comment.

Hon Ken Travers interjected.

The PRESIDENT: Order! As I said, members from all sides of the chamber will have an opportunity to put their point of view and explain whatever they want to explain on this issue. At the moment Hon Lynn MacLaren has the floor.

Hon LYNN MacLAREN: I am pleased that there is some interest in debating this issue because it is one we need to debate. This Roe 8 extension is 1950s transport planning, in my view, and the government needs to urgently come up with modern-day solutions to our transport woes to protect our remaining urban bushland and our quality of living. It is clear that Roe 8 will provide very little relief from traffic congestion, even according to South Metro Connect's own figures. Traffic modelling detailed on pages 27 to 29 of the public environmental review show there is likely to be no significant reduction in traffic congestion as a result of this road. Is Roe 8 necessary when it will not solve our transport problems?

Clearly, there will not be much congestion alleviation. I am running out of time so I will skip some of my speech, but I will point out that one of the reasons given for building this extension is to provide access to Fiona Stanley Hospital. This has been debunked because people from Fiona Stanley Hospital have had several information sessions and at a breakfast function held on 13 July 2009 they spoke to people about the impacts of that major development in that area, which all local governments attended, including Cockburn councillors and officers, because it was an information session for that purpose. The question was asked by the mayor how important and urgent Roe 8 was to this very important project of Fiona Stanley Hospital. The response of the executive director of the Fiona Stanley Hospital project, Mr Brad Sebbes, was that Roe 8 is not, and never has been, needed to service this project. So, if the government has been told that this is necessary to access Fiona Stanley Hospital, it is blatantly incorrect. It is not necessary to ease congestion and it is not necessary to access Fiona Stanley Hospital. The minister's answers to the questions that I have asked over time indicate that it is not even going to result in less traffic at those really tight points of congestion in the area. So why is the government doing it? I am going to suggest that this government is running a cynical communications strategy in the marginal electorate of Riverton in an attempt to convince voters that Roe 8 will reduce the amount of traffic on

Leach Highway, despite the minister's admission in Parliament that this is not going to occur. I think that replicating Leach Highway from the Kwinana Freeway to Stock Road will only force trucks back onto Leach Highway or South Street to get to Fremantle port. Taking Roe 8 would involve additional distance and even more traffic lights, making it inconvenient for truck drivers. Therefore, building this road will merely shift traffic problems rather than solving them.

There is no question that there are massive inefficiencies with Perth's freight network. We know that more trucks than necessary are on our roads, and the distribution problems would be better solved by increasing rail and improving the coordination of freight transport. Building Roe 8 is not the answer. Regardless of how many roads lie between Fremantle and Kewdale, access to the port is limited to Port Beach and Tydeman Roads. Roe 8 would do nothing to ease that bottleneck for trucks accessing the port. Funds allocated to Roe 8 could be better redirected to build a better intersection at High Street and Stirling Highway or to increase rail freight or even to repair and maintain the tier 3 lines for grain transport—dare I suggest that some money be spent on that.

Road and rail freight will increase for the new port south of Fremantle. To cope with expected shipping growth, a new outer harbour is planned for the south of Cockburn Sound. Rowley Road is going to be upgraded to become the main east–west truck route accessing the terminal, and that makes Roe 8, which is much further north, redundant for these port facilities.

We know about the Western Australian government's metropolitan freight review network six-point plan. I will not restate it here. However, that strategy should be implemented with additional measures. This argument has been going on a long time. I will bring members' minds back to 2006 when the Beeliar Conservation and Heritage Council released a report calling for the deletion of the proposed Roe Highway stage 8 reservation through the Beeliar Regional Park. In the foreword the council stated that —

The current ALP Government has articulated the need to protect the Beeliar Wetlands from the threats posed by the proposed Roe Highway Stage 8. However, despite having the ability to immediately amend the Metropolitan Region Scheme to delete the Roe Highway reservation and remove the threat to these important Wetlands the State government has not done so.

I hope that Hon Sally Talbot will address this shortly. Unfortunately, the Australian Labor Party government did not get around to deleting Roe 8 from the metropolitan region scheme. Hence, we find ourselves in the position we are in today, and all the activists who have worked for years to stop this road find themselves night after night, weekend after weekend, trying to stop the injustice of this road. Why is that? It is because governments have failed to protect these wetlands from this ridiculous proposal.

At a time of unprecedented population growth, increasing oil prices and growing pressure on our remaining urban bushland, the government needs to come up with an integrated transport strategy. People live in Perth not to be surrounded by roads; we live here because of our beautiful natural environment, our river, the beaches and the urban bushland. We do not want to live in a barren, congested, polluted city, yet this is exactly what the government is condemning us to through its business-as-usual, piecemeal approach to transport planning. The government has demonstrated a complete lack of leadership when it comes to transport planning. Its recent public transport and bicycle plans are unambitious and lack both vision and, most importantly, proper funding.

I want to finish by thanking the literally hundreds of people who have campaigned tirelessly on this issue. I note that Kate Kelly is now with us here in the public gallery. However, these people include Felicity McGeorge, Denise Crosbie, Joe Branco, Phil Jennings, Mary Gray, Eddy Wajon, Heather Atwell, Kate Kelly, Nandi Chinna, Suzanne Smith, Mark Hingston—he used to work with me in Jim Scott's office and he has worked on this—Carol DeBarre, Rex Sallur, Neil Goldsborough, Tony Weeks, Tony Eustace, Kim Hine, Jacinta Mayhew, Dee Park, and Nicholas Gribble. I could name only a few in the time remaining, but hundreds of people have spent many hours on this. I personally have a debt of gratitude to them because they have kept this issue alive over the years and tried very valiantly to save that bushland.

I will finish by saying that one of the principles outlined in "Directions 2031" is to make Perth a green city. It states —

We should grow within the constraints placed on us by the environment we live in.

North and Bibra Lakes should be revived to their former glory as thriving ecological systems bursting with wildlife. Perth should retain much of its remnant bushland. It should support wildlife through the provision of green corridors, and Bibra Lake and the Beeliar wetlands should be protected within those green corridors. That has been identified in "Directions 2031". All that we need to do at this point, members, is to call upon the Barnett government to abandon the proposed stage 8 of Roe Highway and to request that the Western Australian Planning Commission initiate an amendment to the metropolitan region scheme to delete the current zoning for a road reserve over the area of the proposed stage 8 of the Roe Highway development.

HON ALISON XAMON (East Metropolitan) [2.37 pm]: I want to echo the concerns that have been raised by my colleague Hon Lynn MacLaren, who has spoken so comprehensively and so eloquently about the heritage and environmental values of this specific Bush Forever site that we are talking about today. I would like to use this opportunity to reiterate many of the broader concerns that I have previously raised about the lack of protection and the lack of appropriate management of urban bushland and Bush Forever sites across the metropolitan area because I figure that if this can happen to the Beeliar wetlands, it can pretty much happen anywhere.

In brief, the concerns, as I have previously raised, are the lack of statutory purpose for Bush Forever areas in the metropolitan region scheme text. The protection level for Bush Forever sites is dependent on however that site happens to be zoned and/or reserved, and that is the situation we are looking at today for the Beeliar wetlands. Of course, “State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region” is hopelessly weak when it comes to protecting Bush Forever sites from development. As we speak, Bush Forever remains without a stated purpose in the metropolitan region scheme text. As of September last year, the Bush Forever text amendment—whatever that may look like now—was before the State Solicitor’s Office for a determination of whether it was a major or minor amendment. We are still waiting. I wrote to the minister at the end of last month, requesting yet another update on the progress of the Bush Forever text amendment. I asked what the determination of the State Solicitor’s Office had been—whether it was a major or minor amendment—when we would be likely to see this out in the public again, and when we could expect the changes to the MRS text to finally be made. I am yet to hear back from the minister on those things. I know that state planning policy 2.8 will provide absolutely no protection to the Beeliar wetlands, as we are talking about land that has been, unfortunately, zoned for a road reserve since the middle of the last century. State planning policy 2.8 specifically allows for Bush Forever sites to be damaged in these circumstances, so I do not think there could be any pretence that we are actually talking about Bush Forever when we are talking about these sites. The Roe Highway stage 8 extension will cut across a Bush Forever area. The Environmental Protection Authority has said that it would be extremely difficult to make a highway bisecting North and Bibra Lakes environmentally acceptable, but the government has again overridden the advice of its own independent environmental agency.

I have to ask why the government is so dead keen on this road. All the studies done on the value of these wetlands consistently come back to some fundamentals, which are that these wetlands are a vitally important part of the community, many families have wonderful memories of good times while their children were growing up around this area, and people are utilising that space as an important recreational space today. It serves as a home, as my colleague Hon Lynn MacLaren so comprehensively outlined, to bird species that we are required to protect under Australia’s international agreements with Japan and China. It is one of the more biodiverse areas covered by the metropolitan region scheme and one of the most significant areas for Aboriginal heritage in the south metropolitan region. These things are important. I am not particularly keen to see these issues ignored. Members would expect that the government’s own studies on freight movement would provide a compelling picture of urgency and need for this highway extension, considering that it is looking to override those important principles, but that is just not the case. A 1990 review recommended that the Roe 8 reserve be deleted from the MRS, and the 2001 freight network review and congress recommended deleting the Roe 8 reserve from the MRS; what a disappointment it is that that did not occur.

Leaving aside the environmental considerations for just a second, let us look at the planning issues around Roe 8. One of the reasons we have an MRS is so that the lands needed to build our infrastructure are clearly identified in advance. Roe 8 was originally—we are talking decades ago—intended to link up with Roe 9 and the Fremantle eastern bypass. But, through our planning processes since that time, it has become apparent that we neither need nor want the road network that Roe 8 is supposed to link up with. Those road reserves have now been deleted from the MRS and the land has been sold, so getting it back now to build roads is both unrealistic and unaffordable. Allowing Roe 8 to go ahead at this point is simply sacrificing the integrity of these beautiful and important wetlands for no purpose. Roe Highway is then going to stop at Stock Road instead of Kwinana Freeway.

I have spoken many times in this place about my concerns that the commitment to Bush Forever is just not there. We know that, despite its title, construction and development of all sorts can be permitted to take place on these sites, and we also know that the funding for the management and care is not being provided for the vast majority of Bush Forever sites. Members would think that in this respect Beeliar Regional Park is lucky because it is not entirely typical in that it does receive some funding for management, but despite it receiving funding for management as an acknowledgment that this park is significant, even that, apparently, is not enough to save it from having a huge road shoved right through the middle of it. Pushing a road through a Bush Forever site is as far from good management of that site as we can possibly get.

I have said before that this is not the only site facing the threat of a road being built through it. As always when we get on to these matters, I want to refer to the other very important dampland in the eastern metropolitan region—that is, the dampland being threatened by Anstey and Keane Roads in that very unique area. There is

very rigorous science around the identification of Bush Forever sites and the regional bushland areas that need to be protected on the Swan coastal plain. We know that Bush Forever does not even achieve the 30 per cent of total bushland area required to insulate species from the threat of extinction. It only asked for 10 per cent of each identified vegetation type, and we did not even manage to get that with Bush Forever. We already know that we cannot achieve that for many of the identified vegetation types; we have already lost far too many of them. We know that we need to keep our sites as complete as we can to help them be resilient against fire, traffic, weeds and other threats that bushland sites face in the metropolitan area, and we know that again and again government agencies and various transport planning review panels have found Roe 8 to be unacceptable. This government really has to improve on urban bushland issues, and what a great place this would be to start. It is going to have to improve at listening; listening to the environmental experts who are unequivocal on this, listening to its freight planning experts, and, very importantly, listening to the community, which does not want this road to go ahead. No-one wants this road apparently, except for the government. We will be sacrificing something unique and special, and we will fail to solve any of the traffic problems at all. The Roe 8 extension will be an enormous waste, and I honestly cannot understand why this government is so hell-bent on pushing it through.

It is obvious that Roe 8 should not be built. The government needs to come up with a vision for transport that better reflects the priorities and needs of the Western Australian people. A stranded piece of road, left over from the planning of decades ago that has since become outdated, is just pathetic.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [2.48 pm]: I am not the lead speaker for the government on this, but I will just say a few words. I am going to leave the bulk of it to Hon Helen Morton, who is representing the Minister for Environment. Environment is the thrust of the wording of this motion, even though it deals with planning and transport matters as well.

I have a sense of groundhog day about this. I cannot remember how many times this and related matters have been debated in this house—it is certainly many times. I have introduced it into the house on a number of occasions over the years, as have other members. It is interesting to now be lectured by Greens (WA) members about how the government needs to get its planning right to make sure that we are right for the future and to make sure that we are not building nasty roads because we do not need them anymore because there is some other way that our freight and our people and all the rest of the transport task is just going to suddenly gravitate its way around the metropolitan area in the future. Heaven forbid that a road should ever be built anywhere at any time. But, anyway, they have brought it up for debate and we will see what we can do. I like Hon Lynn MacLaren, so we are going to see if we can knock her motion into shape so that we can support it. Hon Helen Morton, I think, will try to look after the member with something—I will leave that to her in a minute.

I want to make some comments about transport, because, with the greatest of respect, I really think the member has a bit to learn. It is one thing for the member to say, “We have some concerns about some change to the landscape here”. It is another thing to find every little creature that moves, or does not move, and try to create some narrative around that to say that we should never build any road anywhere at any time—even if it went past the former rubbish tip at North Lake, because that is what it was when I was a kid, when the planning was done and when Hon Lynn MacLaren was still living in Oregon.

The reasons why, from a transport perspective, we need the completion of this piece of road include the following. First, we need the strategic links connecting Reid Highway and Great Northern Highway. We need the strategic links that link those roads, and Great Eastern Highway in the Midland area, to Tonkin Highway, to Kwinana Freeway and to Stock Road. We need to allow for improved access to the future Fiona Stanley Hospital and other developments in the Murdoch area. The member might have some selective quote from someone connected somehow with Fiona Stanley Hospital—I do not care if the member has found that—saying that Roe 8 is not necessary, as the member claims they say, to service Fiona Stanley Hospital. Well, let me tell the member that adjacent to Roe 7, where it currently terminates at Kwinana Freeway, we do need access to the Murdoch activity centre. There is a lot more, and there is going to be even more, to the Murdoch activity centre than just Fiona Stanley Hospital; and, yes, access is needed. It is at that point, immediately west of Kwinana Freeway, that the access is most critical, and that is where the genuine environmental concerns are contained; they are contained in that immediate part there. That is what makes the project so blinking expensive. If we were to extend any part of Roe Highway west of Kwinana Freeway, we would have to get rid of and replace all of the very expensive infrastructure at the intersection of Roe and Kwinana Freeway, which was deliberately put in place by the previous Labor government to make it as difficult and as expensive as possible to undo. That was the rationale for the way that was constructed at the time. I am speaking here as a former Minister for Transport. I know what has gone on here. That was how it was constructed. That is the first thing we have to do in addressing the very expensive prospect of building this necessary road infrastructure, and that is why. The second thing that makes it expensive in this essential location is that this is where the government recognises that we do need to expend the most money on measures to mitigate environmental damage—it is in this area immediately west of Kwinana Freeway, not in the area between North Lake and Bibra Lake. This is another myth that has been put forward by those who are opposed to building roads anywhere or at any time.

It is beyond doubt that this road is needed, or more to the point will be needed in the future. It is about providing improved access to Fiona Stanley; sure. It is for other developments in the Murdoch area as well. But it goes far beyond that. It is about providing better access to the freeway for residents in the City of Cockburn who are travelling east, particularly if they are coming from the rapidly expanding Cockburn coast area. It is about providing improved access to the Fremantle inner harbour—the same access that the honourable member insisted in her remarks is not needed because the Fremantle inner harbour is perfectly well catered for. Does the member know how many containers, or how many 20-foot or equivalent units—TEU—go in and out of Fremantle harbour each year?

Hon Lynn MacLaren: I know that 28 per cent of trucks leave the port empty.

Hon SIMON O'BRIEN: The annual figure is 600 000 TEU, give or take. That will go up to 1.4 million TEU. So tell me, member, how we already have the road systems to cater for that into the future. Tell me again about how governments ought to plan for what is coming in the future. Tell me again, member, if you will, about the cloud-cuckoo-land idea of deleting one of the key bits of road infrastructure that has been on the books for over 30 years—because that is what the member is proposing now. That is a similar act of vandalism and short-sightedness to the disgraceful deletion of the Fremantle eastern bypass from the metropolitan region scheme by the former Labor government. That is a decision, or more to the point an action, that will have dire consequences into the future. I do not know what the roadscape will ultimately look like 20 or 30 years from now. But a key element was wantonly and randomly removed from that, and no amount of grandstanding by people concerned about Carnaby's cockatoo and other matters is going to make that right.

It has already been demonstrated with Roe Highway, in its previous sections, built by successive governments, including the last government, that a major road can traverse wetlands and can promote, through design and construction, an appreciation consistent with twenty-first century expectations of how a road should live in harmony with the environment that it must traverse. That is why \$20 million has been spent by this government to get all this planning right. We want to make sure that when we are able to progress the extension of Roe Highway west of Kwinana Freeway—for all the reasons it is needed—we will do so in a manner that is fully cognisant of all the environmental concerns that have been raised. We will deal with those concerns—unless we are coming from a mindset that says, “Oh, no; we cannot build a road”, which is the problem that we have to deal with here.

Several members interjected.

Hon SIMON O'BRIEN: Other members who did not adequately address the motion now want to say a bit more. But there are other members who want to participate in this debate, so I will wrap up fairly quickly. I want to talk in this debate from the perspective of someone who is a member for South Metropolitan Region and who has been involved in this debate, not as a former Minister for Transport, but as someone who does understand the transport requirements south of the river and as someone who does not want to see some of the mistakes of the past visited on my community in the future. To do that, I would like to take as part of my reference material an email that we have all been sent. The copy that I have was sent to me on Saturday, 10 March, at 11.34 pm, by a lady. The subject line reads —

URGENT — contact politicians to act on Roe 8

So let us use this as our notes. It goes on to read —

ROE 8 — TIME TO ACT

It has been 6 months since we all made our submissions against Roe 8.

This is obviously going out to all the faithful. Mr President, I can remember when 10 000 people from the South Metropolitan Region made written submissions to the Western Australian Planning Commission in connection with the deletion of the Fremantle eastern bypass—an extension, of course, of Roe Highway. That was comprehensively ignored by the previous government. I remember when Hon Ken Travers, the parliamentary secretary to the then Minister for Planning and Infrastructure, and the current opposition spokesperson for transport, came into this place. The occasion was on the eve of the government providing the then opposition with the minutes of the WA Planning Commission in connection with that matter. He came in here with a copy of what was about to be provided by FOI. He said, “In a spirit of openness, we are going to table this here to help the debate.” We went through those minutes by the WA Planning Commission under a Labor government. As we went through all the minutes, we could see over months, even years, the development of the advice to the government to say, “You need the Fremantle eastern bypass, and you need Roe Highway completed” until we got to the last lot of minutes from the most recent meeting, where we could see that someone had come in and put in several paragraphs which turned night into day. In effect it said, “For our political reasons, we are not worried about all of this; we are not worried about the consultation processes provided for by law; we are just going to get rid of this piece of road infrastructure, because we do not like it” or “The bosses, our political masters, have directed us to do it.”

I think it was a disgrace that the WA Planning Commission allowed that material to go into its report. I think the members should have resigned, and I said so publicly at the time. No matter; that is yesterday. But that is the previous form on this matter. Now, interestingly, we are talking about Roe 8, which runs from the Kwinana Freeway to Stock Road. This particular group over on the other side of the chamber has decided that they just want to get rid of this road because they do not like it, whether it is inconvenient for somebody's view or whether they seriously hold some misgivings of a different type, but they just want to get rid of it. So they dress up the narrative and all the negativity they possibly can while ignoring all the very good reasons why successive governments, including the last Labor government, kept Roe 8 in the metropolitan region scheme. They could have taken the opportunity—they have the numbers and they exercised them to get rid of the Fremantle eastern bypass. Why did they not get rid of Roe 8? That is one question that still puzzles me. I think the answer is that the federal government had provided a very large sum of money to complete the rest of Roe Highway, which was then in process. That money might have been withheld if the then Labor government had tried to get rid of the Roe 8 reserve. That seems to me to be the only explanation.

Anyway, this current crew is saying that they have now made their submissions against Roe 8. The supporters of this action ought to spare a thought for the many, many thousands of people—tens of thousands of people right across the south metro region—who have a very different view than the smaller group that is actually proposing to get rid of this important road reserve.

The email goes on —

But there is so much more we can do to ensure Roe8 is consigned to history.

This week we have been given the information that a bill from Lynn MacLaren, MLC, is to go before parliament, probably on 21st March or 28th March, the bill will state that:

There is then an abbreviated version of this motion of sorts. It goes on to say —

But we need to alert everyone who has ever supported our campaign to bring public pressure to bear on the parliamentary process.

Please write to, or email our parliamentarians. Now is the time to act.

This is why I have received probably dozens of emails. It has probably cracked 20. A concerted campaign run from somebody's office somewhere has resulted in about 20 emails. Maybe I am too hard a nut to crack, maybe I am irredeemable in this matter, but 20 hardy souls sent it to me, including this lady whose name is on the email. She did not actually rewrite the thing; she actually sent me all of this, saying —

Forwarding this email to you all with hope.

Best regards

And her first name is Grace. Thank you, Grace, for this.

The interesting thing is that, when we are talking about “now is the time to act”, this email says —

You can either click on the email links below to send individual emails, or cut and paste a list of them to send a group email.

It is a high-tech campaign, this! It continues —

Please tell them to support the motion to abandon Roe8.

A number of people have done that. To every one of those people, if they are reading this debate or listening to it, thank you for getting in touch with me to let me know your views. I note them and I respect them. I may have formed a different view, but I respect them getting in touch with me. Nonetheless, it is not hard to note the quite amateurish tone of this particular email and how it was delivered to me. Not to be unkind to the author, but I point out the juvenile and incomplete nature of the debates that are being advanced to insist very stridently that we have to do away with this piece of planned infrastructure and deny it to Western Australians of the future.

Why does the mover of the motion think that the government persists with this? Is it just to be difficult? Why does she think we do it; is it just for the hell of it or does she think there is a hard body of information that demonstrates that it is necessary? If she opened her eyes, she would find out about it. If she did her proper research, instead of getting people to write that sort of diatribe that she read out today, then perhaps she might come to some understanding. The really interesting thing about this email—not that any of it was that interesting, apart from the way it was constructed and then just simply copied, word perfect, to me by Grace, whoever Grace is—is that it asks people to send a group email or tells them to support the motion to abandon Roe 8. Fine. Then it goes on to say —

The priority is: —

Big letters; name out on its own —

Sally Talbot

Shop 21 Meadow Springs Shopping Centre
25 Meadow Springs Drive
MANDURAH ...

I have a feeling that this refers to none other than Hon Sally Talbot who sits opposite here. Why on earth are they targeting her? I thought she would be onside with this motion?

Hon Sally Talbot: The minister would be really disappointed that he was not top of the list, wouldn't he?

Hon SIMON O'BRIEN: I do not need it. Why on earth would they want to target Hon Sally Talbot? Can the mover explain it? I would have thought they would have the Labor Party's support.

Hon Lynn MacLaren: I do not think Grace is in this house at this time.

A member interjected.

Hon Lynn MacLaren: Who is your constituent? Ask her.

Hon SIMON O'BRIEN: Grace did not write it; Grace just sent it on. The priority is Sally Talbot. The letter says that after they have lobbied Sally Talbot, because she is obviously the weak link in the Labor chain, and dragged her kicking and screaming to the point of view that we have to get rid of the Roe 8 reserve—I will be interested to hear what she has to say—then they need to get on to Joe Francis, Troy Buswell, and the other south metro members. Then, after they have got on to all the south metro members, they need to get on to the National Party. It has got all their details here.

Hon Sally Talbot: Where were you on the list?

Hon SIMON O'BRIEN: I am down at the tail somewhere; I am a bit of a lost cause. I hope we can fix up this motion a bit. Maybe that will come a little bit later in the debate.

I want to conclude with these points. The first is that the extension of Roe Highway west of Kwinana Freeway is going to be absolutely necessary. In due course, if we do not have that benefit, we are really going to find out what road congestion looks like in the Murdoch area. Those who want to adopt the view that for some reason or another, even if it is just a political short-term political imperative, we should support this motion to get rid of any future extension of Roe 8, should not then come back to me and start grizzling about road congestion. Because if they want to adopt a short-term political stance, to go along with whatever flavour they can detect at the time, they should not come back and complain about road congestion. I assert that this is necessary.

Secondly, if we want to talk about representing the overwhelming views of the community—it has been tested on a number of occasions in a number of ways—the overwhelming view of our community is that, yes, we do need Roe stage 8. The big problem is that so far we have not been able to get the wretched thing built.

Thirdly, I want to reassure everybody following this debate, whether they are members in this house, whom I do not think have a mature understanding of the long-term issues, that the reason the government is embarking on the course it is at the moment is in full cognisance of the environmental needs of our community, not only for the sake of the Bibra Lake hinterland into the future but also for the wider environment—the environment that we all have to inhabit in the south metropolitan region.

In conclusion, I thank Grace and others for sending me their wishes, and I mean that sincerely, although I have been a bit cynical about where the campaign came from in the first place. I regret to advise that I cannot support this motion as it is and I hope that someone can knock it into shape.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.11 pm]: Hon Simon O'Brien has fully outlined the issues, with the exception of some of the issues that I want to add relating to the environmental processes that are in place. The reason that it has been left to me to outline these issues as the lead speaker is because the issues that Hon Lynn MacLaren raised in the motion are primarily issues relating to the environmental impact. Consequently, it was determined that I would have the responsibility of being the lead speaker, representing the Minister for Environment in this chamber. I want to go through some of the processes that are in place at the moment and then move an amendment to the motion.

The extension of Roe Highway is currently under formal environmental impact assessment by the Environmental Protection Authority. Members will be aware that the assessment process set down in the Environmental Protection Act 1986 is an independent and transparent process, with requirements on proponents to demonstrate how their project can be undertaken in an environmentally acceptable way. There is also considerable opportunity for the community to have input into this process.

Hon Sue Ellery: Are you going to be in a position to tell us whether the EPA has formally provided its recommendation to cabinet, because we were expecting it in February?

Hon HELEN MORTON: The member will hear that.

This has and continues to be the case for the Roe Highway extension proposal and I propose to outline for members the status of that assessment now. The Roe Highway extension proposal was referred to the EPA in April 2009. The EPA advertised its decision to assess the proposal as a public environmental review—PER—with a six-week review period. Twelve appeals were received, then the Minister for Environment determined that the public review period should be extended for 12 weeks. The EPA agreed on the final environmental scoping document received from the proponent as the basis for the PER. The EPA considered the PER suitable for public release, which was advertised for public review from 20 June 2011 until 12 September 2011. I understand that the EPA received a considerable number of submissions from government agencies, organisations and members of the public. The Office of the EPA has provided the proponent with all of the submissions received and a summary of the issues raised in the submissions. I understand that the proponent is now required to prepare a written response to the issues raised in the summary of submissions to the satisfaction of the EPA. It is expected to be received in June 2012. All environmental issues raised in submissions will be taken into consideration by the EPA as part of its assessment of the proposal. The EPA's assessment of the proposed extension will take into consideration the environmental values within the subject area, which include native vegetation and flora, fauna and amenity issues. Indeed, the types of issues raised by the member will be considered and reported on as part of the EPA's report and recommendations to the Minister for Environment. The EPA's report and recommendations will, of course, be subject to appeal.

The government will decide whether to proceed with the Roe Highway extension when the potential environmental, social and economic implications have been assessed and the appropriate statutory processes have been completed. The values and potential impacts on the Beeliar wetlands will be taken into account by the government. The environment minister is cognisant of the environmental and heritage values of the Beeliar wetlands, which have been recognised through the creation of Beeliar Regional Park, inclusion into Bush Forever and protection of the lakes under a longstanding environmental protection policy. However, it is important that the minister has the opportunity to consider the EPA's independent advice on the environmental issues as a key part of informing assessment of the Roe Highway stage 8 proposal.

The Environmental Protection Act 1986 provides an independent assessment process for proposals that are referred to the Environmental Protection Authority. It is a transparent process that allows for community input and ensures that proponents, including the state government, demonstrate the environmental acceptability of proposals that are put forward. In the assessment of the Roe Highway extension there was opportunity for members of the community to comment on the proposal for 12 weeks. Likewise, when the report and recommendations of the EPA are released, there will also be the opportunity for appeal. As I have indicated, the minister is aware of the environmental and heritage values of the wetlands. There can be no doubting whatsoever the genuine commitment and concern expressed by Hon Lynn MacLaren in her motion.

Amendment to Motion

Hon HELEN MORTON: Consequently, I wish to amend the motion. I move, without notice —

To delete all words after “heritage;” and insert —

this Council calls upon the Barnett government to continue the processes to assess the environmental impacts of stage 8 of the Roe Highway development.

If the amendment is successful, the motion would state —

That, for the purposes of —

- (a) saving the Beeliar wetlands by preserving ecological linkages and a range of other key values including —
 - (i) regionally significant vegetation, which is becoming rare as a result of encroaching urbanisation,
 - (ii) habitat for a great many fauna species, especially internationally and nationally significant migratory birds, as well as seriously threatened species like the Carnaby's cockatoo and the graceful sun moth, and
 - (iii) residential amenity, recreation and education; and
- (b) protecting our unique Aboriginal heritage;

this Council calls upon the Barnett government to continue the processes to assess the environmental impacts of stage 8 of the Roe Highway development.

HON SALLY TALBOT (South West) [3.20 pm]: Thank you, Mr Deputy President.

The DEPUTY PRESIDENT (Hon Matt Benson-Lidholm): Hon Sally Talbot can speak to the substantive motion and to the amendment.

Hon SALLY TALBOT: Is the amendment coming around?

The DEPUTY PRESIDENT: The amendment will be available shortly.

Hon SALLY TALBOT: Thanks, Mr Deputy President. WA Labor does not support the development of an unnecessary road at the cost of what is without any doubt a unique and pristine ecosystem.

Hon Nick Goiran: Does Hannah Beazley agree?

Hon Sue Ellery: Why don't you ask her?

Hon SALLY TALBOT: Is there a problem?

Hon Nick Goiran: Is she your mate?

Hon SALLY TALBOT: Was that unclear?

Hon Sue Ellery: Hon Nick Goiran would like to ask a question of Hannah Beazley, so I am suggesting that he contact Hannah Beazley and ask her himself.

Hon SALLY TALBOT: Mr Deputy President, I am making it very clear that Labor's position is now, and always has been, that Roe Highway stage 8 should not be built through the Beeliar wetlands. It is an unnecessary road, it is a road to nowhere, and it will do absolutely irrecoverable damage to a unique and pristine environment.

In preparing to contribute to the debate on this motion, I started making a list of the reasons why Roe stage 8 should not be built, and I got to 10, fortunately, which is a nice, round number. The list goes like this. I will go through it very quickly so that honourable members on the other side can focus on the reasons, as they clearly have a real difficulty in focusing on the substance of these arguments. That was demonstrated absolutely graphically by Hon Simon O'Brien this afternoon when he got up and did his classic all froth no beer, all bark no bite act, which was presumably supposed to conceal the fact that Hon Helen Morton's amendment was not ready to go or something. I do not know whether the government has any sort of strategy about this issue, but I thought I would spell out this issue right at the start so that people have an idea of where I am going with it.

The first reason that Labor is now, and always has been, opposed to the building of Roe stage 8 is that the Environmental Protection Authority says no. Nothing could be clearer than that report from the EPA that the government has been sitting on now for over three and a half years that says absolutely categorically and unequivocally that Roe stage 8 should not be built through the Beeliar wetlands.

The second reason is that it is a road to nowhere. The Fremantle eastern bypass has been deleted from the metropolitan region scheme. If Roe stage 8 is built, it will go nowhere. Therefore, to dress it up as a solution to traffic congestion in surrounding suburbs is absolute arrant nonsense. The third reason that Labor supports the deletion of Roe stage 8 is that it is a costing mess.

Several members interjected.

The DEPUTY PRESIDENT: Members!

Hon SALLY TALBOT: Government members know this. The government will probably just about have got to the \$20 million promised over four years by the time we go to the election next year. However, the number of different figures that are flying around this community about how much this road will cost is kind of like "think of a number, any number"—\$640 million, \$650 million, \$760 million, \$550 million.

Hon Sue Ellery: It is \$100 million per kilometre.

Hon SALLY TALBOT: Exactly. As Hon Sue Ellery says, when those numbers are broken down to a per kilometre rate, it is absolutely outrageous. We have listened to people such as Hon Simon O'Brien, who, as he quite rightly says, has contributed to debates on this issue several times. However, unfortunately, he has this unique capacity to speak without listening so that every time he gets up and speaks, his speech bears no connection to anything that anybody else has said on this matter. On what is \$20 million to be spent in four years? It is a deeply flawed process. If it is going to have the adjective "consultation", the word "consultation" has to be in scare quotes. If we go to that community and ask whether the community living around the Beeliar wetlands considers that it has been consulted over this road proposal by this government, it will tell the government no loudly and clearly.

Hon Simon O'Brien: They have and most of them living there actually agree with it as well. That's the truth. Tell the truth yourself.

Hon SALLY TALBOT: It was astonishing to hear that aspect of the speech by Hon Simon O'Brien when he was just dripping sarcasm about the community campaign that has been active in the past few weeks in an attempt to let members of Parliament know the strength of community feeling. Hon Simon O'Brien might consider that he has had only 20 emails. I do not know; that may well be the case. I would have thought that a

community activist would not waste their energy on saying anything to Hon Simon O'Brien, frankly. But that is just my view, and I might be a bit biased in that view.

Hon Simon O'Brien: How many did you get? How many thought that you needed to be turned?

Hon SALLY TALBOT: There have been hundreds and hundreds of emails flying around.

Hon Nick Goiran: Ha, ha, ha! Are you seriously telling me you've had hundreds and hundreds of emails?

Hon SALLY TALBOT: Yes; absolutely!

Hon Nick Goiran: Why don't you get your electorate officer on to that?

Hon SALLY TALBOT: I have responded to them all, and I am not the only person on this side —

Hon Nick Goiran: Don't tell us hundreds and hundreds. Tell us the exact amount that you've had, because I can tell you I've received the same as you and I haven't had hundreds.

Hon Sue Ellery: How do you know you've received the same as her?

Hon SALLY TALBOT: How could Hon Nick Goiran possibly know?

Hon Simon O'Brien: They're all probably from the same people.

Hon SALLY TALBOT: I have had hundreds of emails.

Hon Nick Goiran: Hundreds?

Hon SALLY TALBOT: Yes, and I have responded —

Hon Nick Goiran: So tell us the precise amount. Since you've responded, it won't be a problem.

Hon SALLY TALBOT: I have responded to every one of those emails, and I know other people on this side — Several members interjected.

The DEPUTY PRESIDENT: Members, I think we are getting a little counterproductive now. If the member on her feet would like to continue to put her comments through the Chair, I promise I will not interject on her.

Hon SALLY TALBOT: Thank you, Mr Deputy President.

The DEPUTY PRESIDENT: I can handle a modicum of discussion.

Hon Phil Edman interjected.

The DEPUTY PRESIDENT: Member! I can handle a modicum of discussion, but when Hansard is finding it increasingly more and more difficult to listen in, as am I, and I am certainly keen to hear what the honourable member is saying, I would appreciate it very much if members just toned things down for a while.

Hon SALLY TALBOT: Thank you, Mr Deputy President. I can only think that many members opposite have not yet worked out how to open their inboxes if they are not aware of the campaign; or of course it may well be that a number of the people who have written to me, and who I know have written to Hon Sue Ellery and other people on this side of the chamber, have simply decided that they were wasting their time speaking to members of the government.

The fourth reason—four out of 10—why this road, Roe 8, should not go ahead is that it is old-fashioned and out-dated planning. This plan has been in the metropolitan region scheme since 1955. In 1955, Bob Menzies was Prime Minister. I actually found out quite coincidentally the other day that it was also the year that Barry Humphries first performed as Edna Everage. That is going back an awfully long time. The world was a very different place in those days. In 1955 this road was conceived; it should have been deleted from the scheme years ago. It will be deleted when Labor is back in government.

The fifth reason that the building of this road should be opposed is the absolute dramatic threat that it presents to a number of threatened species, not the least of which is black cockatoos. I do congratulate various elements of the conservation movement in Western Australia for the excellent job they have done in bringing the whole topic of the treatment of native forests and the treatment of remnant urban bushland together under the umbrella of a discussion about protecting the habitat of threatened species.

Hon Helen Morton: Member, would you take an interjection? I just want to know whether you believe the EPA is able to undertake an independent investigation of this.

Hon SALLY TALBOT: I will certainly come to that. I think that there is some fundamental difference between the government and the opposition in terms of what the EPA does. I noted a very curious interjection at the beginning of Hon Helen Morton's contribution to the debate from one of her colleagues sitting behind her, who seemed to think that all the information Hon Helen Morton gave us was already on the public record. Certainly, when Hon Helen Morton took the interjection from Hon Sue Ellery, she understood what Hon Sue Ellery was

asking her. Hon Helen Morton's colleagues, obviously, did not understand or they are subject to quite a different understanding.

Hon Helen Morton: But I take it you do trust the EPA's independence and accountability in that.

Hon SALLY TALBOT: I will come to the EPA a little bit later.

The sixth reason this road should be opposed—perhaps I should have listed this in the more dramatic place of either first or last in my list of 10—is that it is proposed by a hopeless government that has not given one iota of indication that it understands what is at stake with this proposal. I have already referred to that dreadful contribution to the debate this afternoon from Hon Simon O'Brien. I do not think he will ever again receive an email from anyone after the razzing he gave the constituent who wrote to him. I certainly would not send him an email because the next thing would be him standing in Parliament to take the mickey out of someone who obviously feels pretty strongly about the issue.

I will return to these points later in the debate, but the seventh reason is that the community hates it. All this nonsense that the government is trying to trot out to convince us that the community is in fact in favour of Roe 8 and that the only people opposed to it are these somehow, sort of, green eccentric extremists has a complete disregard for the truth. The community hates this proposal and it has made its views clear over and over again, not only at rallies at Beeliar and at Parliament House, but also in the thousands of signatures on petitions presented to this place. The community loathes the plan to build Roe 8 and has made its views very well known to the house. It must be very, very upsetting to the community that the government is deaf to those voices.

The eighth reason is —

Hon Nick Goiran interjected.

The DEPUTY PRESIDENT (Hon Matt Benson-Lidholm): Order! The member is not responding to interjection and I would suggest that you listen for a little longer. Members can certainly seek the call in something like 33 minutes. I would welcome that.

Hon SALLY TALBOT: Mr Deputy President, I know the conventions of this place and I am very, very happy to take any interjections that add to the substance of the debate —

Several members interjected.

Hon SALLY TALBOT: — but I am not interested in the kind of nonsensical muttering that is coming out of, particularly, the backbench, and now Hon Donna Faragher.

The eighth reason this road should not go ahead is the devastating effect that it will have on Aboriginal heritage, which I know has been referred to briefly in this debate. It is an aspect of the problem that deserves very serious consideration, and I will address that at more length in a moment.

The ninth reason is the conservation values of the wetland, and I am looking forward to developing that argument in a little more detail. I know other speakers have referred to it. From the amendment that Hon Helen Morton has presented and the view of the minister that she has conveyed to this place, I know that members on the other side of the house are not unaware of these conservation values—nor should they be unaware! This is not something that has been cooked up for the purposes of a short-term debate on the issue; these values have been well documented over decades. This is not the odd spider orchid that has cropped up in a Main Roads proposition to build an on-ramp to a freeway; these values have all been well documented and well discussed for decades. It is gratifying that one or two people in the government are obviously aware of those values and what they are. My question for those government members who are able to articulate those values and talk about why they are worthy of consideration in the government and EPA processes is: how can they possibly be led to the conclusion that we should be ploughing ahead with this assessment process? It has been there in black and white for decades for everybody to see.

The final reason Labor is opposed to the building of Roe 8 is the future use of the area, which is something that tends to be dropped from most of these discussions because we quite rightly focus on the environmental, heritage and lifestyle damage that will take place as the road is built and tend to neglect the fact that in the Beeliar wetlands we have a unique piece of bushland in the middle of an urban area; and the potential for that to be of ever-increasing value to the community in the south metropolitan area deserves, I think, a special mention in its own right. That is the framework on which I will hang the rest of my comments, Mr Deputy President.

To go back to the beginning, Hon Helen Morton asked me whether I was happy that the EPA would be able to carry out a sufficiently rigorous process to reassure the community should it come out with the recommendation that Roe 8 should go ahead. The whole point is that an assessment has already been completed under section 16 of the EP act. An assessment has already been done and it has been on the public record now for, it must be, I think, close to—I cannot remember the date of the EPA report—10 years now. That EPA report is absolutely unequivocal about the damage that will be done. In fact, the EPA report goes so far as to say that the reserve

should be excised from the MRS plan and that the area that is currently in the road reserve should be turned into part of the regional park. The EPA report is very thorough. I have been through it again in recent weeks in preparing for this debate. I read it at the time, and I have gone back to it every time that we have had this debate to see whether there is anything in it, given the provisions of section 16, which obviously is not supposed to replace the process that we are going through now. However, if section 16 has any merit to it at all, surely it should be functioning as what we might term a strategic assessment. I think both sides of the house, and the Greens, think that the basic concept of a strategic assessment is a sound one: an assessment of the values pertaining to an area is done to give proponents an idea of how they may proceed. The problem that we have in the case of Roe 8 is that that strategic assessment, or what is effectively a strategic assessment under section 16, has been done but, as the proponent, the government is not prepared to take that advice at face value. The government wants to play short-term politically opportunistic games with that EPA report and somehow set it aside, saying, “It was only a section 16 assessment; it doesn’t carry any real weight; let’s press on.” That is the crucial mistake that this government has made. It has acted like the worst sort of proponent of these kinds of developments—that is, the type of proponent not prepared to take evidence at face value and work with what it has. That makes this government a very dangerous proposition when it comes to any proposal with such serious ramifications for environment and heritage.

The second point I make, just to recap and elaborate as much as I have time to do on some of these points, is that if Roe 8 were to be built, it would effectively be a “road to nowhere”. A road to nowhere is not what we need in that area. I have been critical of some aspects of the way in which the community chat around the motion we are debating today has unfolded, in that I have been down to, I think, every Roe 8 protest that has been held in the past three and a half years. To at least two of those protests I took the leader of the Labor Party who, on both occasions, addressed the crowd, and we made it absolutely and categorically clear that Labor would stand shoulder to shoulder with the opponents of Roe 8 until we get that scheme deleted from the MRS. We made Labor’s position absolutely and categorically clear; therefore, any talk around the place that Labor has somehow walked away from that is nonsense. I have been reading, as I am sure others have, some of the material put out by local Liberal members in their newsletters and seen the insinuations that Labor has walked away from its opposition to Roe 8 and I can tell you, Mr Deputy President, that that is absolutely not true. The Labor Party remains as committed to stopping Roe 8 as we ever have been, and that is a total, heartfelt commitment not to build Roe 8. The reason is, of course, that we know there are alternatives. There are better ways of solving those problems. We do not need a road to nowhere; we need proper access to Fiona Stanley Hospital and what I heard Hon Simon O’Brien refer to earlier as the Murdoch hub, I think he called it.

Hon Sue Ellery: Precinct.

Hon SALLY TALBOT: The Murdoch precinct.

I know because of conversations that I have had with people whom I meet during the course of my duties as shadow environment minister, and also as shadow lands minister, that the government has a colossal problem when it comes to its planning for that Murdoch precinct. Again, it is because of this terrible disease that it has of short-termism. It wants to be able to produce the glossy flyers for the election campaign that suggest that it has got it right with its transport-oriented developments and its precinct plans for that area. In fact, it has got it dramatically and drastically wrong, and the lack of proper road access is one of the elements of those mistakes. I am sure that this is a subject that will come up many times in debate in this place in the next few months.

However, Labor has never walked away from trying to solve the problem about access to Fiona Stanley Hospital. Indeed, my colleagues Hon Ken Travers and Hon Kate Doust have been quite specific about the way in which that problem can be solved. If the government thinks, and I say to the Greens also that if they have been led to believe, that this in any way indicates that Labor is walking away from its opposition to Roe 8, they are wrong, because it does not. There is no way that what Labor is proposing for access to Fiona Stanley Hospital is a reconfiguration of Roe 8. That is absolute arrant nonsense, and I am happy to take anybody who believes otherwise through those plans carefully and systematically. I am sure that Hon Ken Travers, who I know intends to contribute later in this debate, will make that very clear.

Of course, Labor’s planning for that area goes right back to the early years of the previous decade when, under the Labor government, we set up the freight network review. The result of the freight network review and all the subsequent processes showed absolutely clearly that we do not need Roe 8—that Roe 8 is an aberration and it needs to be finished once and for all and taken off the scheme.

I will not go over item 3, which I called the costing mess, because I know that other speakers on this side of the house will talk more about that. We could do so much with that money. Whether it is \$550 million, \$590 million, \$650 million or \$750 million, nobody quite knows, but there is so much more that we could do with that money. As for that rather silly line that Hon Simon O’Brien trotted out a couple of times that people on this side of the house just do not want to build roads, he must have had a dream, probably when he was trying to work out how to open his inbox, that cooked that up for him. Hon Ken Travers is on the record as having named a number of

other road developments and upgrades which are desperately needed around this state and which have been defunded by this government because it wants to quarantine the money for Roe 8—the road to nowhere. So I will leave that point to others to spell out in more detail.

I also mentioned as point 4 that this is an old-fashioned, outdated scheme. The Stephenson plan was the one that saw Perth's development during the middle years of the last century. To say that Roe 8 is a last-century concept is really being much too kind to it. The fact is that the congestion problems in the southern suburbs will not be solved by this plan. They will not be solved by building yet another road, particularly a road that goes to nowhere. The main point here is that there are other, more modern contemporary solutions to this kind of issue.

I noticed earlier in this debate that Hon Philip Gardiner was seeking the call. I look forward to hearing his contribution, because, of course, at the core of this problem, at the heart of this problem, is the whole issue about what the Liberal transport minister and his predecessor, the previous Liberal transport minister, are doing with the freight rail network. We have plenty of data to show that the Liberal government believes that we should push freight off rail and put it onto road, and it is that kind of rhetoric that has kept the Roe 8 ball in the air for all these years. It is absolutely outdated, outmoded, old-fashioned thinking. It is just not good enough for a smart, modern city such as Perth in 2012.

Let me come now to the fifth point that I was making about the threat to species, particularly the black cockatoos. This point really coalesces with the next point, point 6, which was about why would we trust a government with this appalling record with an assessment of the viability of Roe 8. A few weeks ago we saw a very sad scenario unfold in which the environment minister had sat on the results of the 2011 Great Cocky Count, which, as many members on this side of the house at least know, has turned into quite a community festivity every year. There are hundreds and hundreds of sites. I got the list the other day, and it runs to about 20 pages of small-print type, with a list of all the sites where the Great Cocky Count is done. The Great Cocky Count takes place in April of every year. There was one in April 2010, and the government released the results in August 2010. In fact, the results came out a little earlier than August, but it was August when we actually got the documents that said, "This is the result of the Great Cocky Count." That was August 2010, about four months after the count had taken place. We come to 2011, and we had the Great Cocky Count in April 2011. We got to July–August and there was nothing, so we started asking questions. We got to October and we still had not seen anything, so we asked more questions. The answer that we got right through to two weeks ago was, "We are still trying to get the figures in order. We are just checking up. There is something that has to be correlated." It was really hiding behind a lot of words that did not have much substance to them when we pulled them apart. There was obviously some problem.

I spoke to many people who had at first been involved in the count, and they were pretty angry about not having the results after all those months. They had actually sat up all night counting cockatoos. Of course, sadly, what we know now is that many of them sat up all night counting cockatoos that were not there, because it is absolutely heartbreaking to see the number of sites that had zero registered next to them. We have been asking questions for about six months. Eleven months after the Great Cocky Count, the minister, Hon Bill Marmion, finally released the results. What did they show? Exactly what we had feared they would show, because the government did not release the figures back in August when they would have been ready for release; they had been sitting on the minister's desk for those six months. The figures showed that there had been a 37 per cent reduction in the black cockatoo population in Perth and the surrounding areas.

We know that there is no magic bullet when it comes to protecting species such as the black cockatoo. We know that there is no one thing that we can do whereby, once we have done it, we can wash our hands of it and say, "Right; we've fixed that. Black cockatoos will be all right for perpetuity." However, we do know that the one thing we can do—I ask the government to reflect on the difference between those two categories—that will have the single biggest effect is to stop destroying black cockatoo habitat; that is, the vegetation that provides them with food and the trees that provide them with places to nest. The Beelihar wetlands are one of the last remaining areas of real significance in the metropolitan area that provide black cockatoo habitat.

Hon Helen Morton was asking me about my faith in the Environmental Protection Authority process. The EPA has already told government that the effect on species such as the black cockatoos will be so devastating that the road should not go ahead. If that was true some years ago when the EPA did its section 16 report, surely it is now even truer, having seen this huge decrease in the population. There cannot be any other way of dressing up that figure, unless we take the view that the Premier of the state has taken, which is that somehow the whole story about black cockatoos being threatened is something we have made up—not "we" meaning the Labor Party necessarily, but people like me who stand and talk at great length about the need to protect black cockatoos. His view is that somehow we have dreamt it or we are using bodgie numbers or our scientific methods of counting are flawed. But I can tell members that a lot of the research we are presenting comes from the Auditor General's 2009 report, and scientists in our community have been studying the black cockatoo population for decades; they are the figures we use when we make these kinds of statements.

On the other hand, the Premier is happy to go on talkback radio and refer to “so-called endangered” black cockatoos. Where does that come from? What is the Premier actually saying? Perhaps he has become captive to the kind of thinking that many of us have seen amongst some of the drier economists who have their hands on the Treasury coffers who say things such as, “Why do we need black cockatoos? Why do we need these species of fish that are endangered?” Just the other day the Premier made another statement—he really has it in for these creatures that have made it to the threatened list! The other day he had a go at the graceful sun moth—he could not get the name of the sun moth right, but I think he meant the graceful sun moth! It was rather like hearing Hon Simon O’Brien talk about “Grace”, who had written to him about Roe 8! When we heard the Premier talk about the graceful sun moth, he said, “Well, do we really need these things? They sleep for most of their life; they do not eat—what is the point of them?” That demonstrates a profound gap in any sort of beginning of an understanding about how ecology works and what biodiversity means. The political leader of this state does not accept that black cockatoos are threatened and thinks that graceful sun moths do not really deserve an existence because they are not awake for very much of their short lives. That is just a most astonishing way of looking at things. I would hate to have seen somebody like Premier Colin Barnett in charge of Noah’s ark, because clearly he would have picked the cute animals with the long eyelashes and left out a number of others that he was not partial to.

Let us just go back to that EPA report, because it is worth putting on the record something from it. I am quoting from page 13 of the section 16 EPA report, under the heading “2.3 Fauna”, which states —

The area is known to support the Quenda (Southern Brown Bandicoot), which is a Priority 4 species and is considered to be a significant mammal species. The area is also known to support the brushtail possum, a diverse group of reptiles, 1 species of tortoise, 8 species of frog and the Swan River Goby fish. In addition, North Lake is the only urban wetland known to support fresh water sponges.

We are not talking about a scrubby bit of bush, we are not talking about an area that has been repeatedly cleared and has somehow been degraded, and we are not talking about somewhere people dump their rubbish or ride their trail bikes; we are talking about an area that is home to a number of threatened and rare species, and this government wants to drive a highway through it.

Let me just go briefly to what I called point 6, which is about why we would trust the government to do this assessment and why we suspect its motives in even pushing it as far as it has. Yesterday I asked a question of the minister representing Hon Bill Marmion, and it will not have escaped the attention of many honourable members that this question was asked in preparation for today’s debate on the Beeliar wetlands. My question was —

What does the minister regard as the greatest current threat to the environmental, cultural and social values of the Beeliar wetlands?

I would have thought that building a major highway through a wetland was a pretty major threat. Did Hon Bill Marmion identify that as the major threat? No; he did not even mention it. He obviously does not get it. He does not think that the proposal to build Roe Highway stage 8 through the wetlands is the major hazard facing that area. He is on his own. If only the government were open to the representations that it receives from the community in this area, it would understand why yesterday’s answer was so absurd.

I must make one more point while I am on the topic of that answer. What Hon Bill Marmion identified as a major threat was what we would call climate change, but what he calls “the extended trend of a drying climate”. I tell Hon Bill Marmion to practise saying “climate change”; if he does it while he is shaving, he will find it does not hurt one bit. Once he can talk about climate change, he can come and join the rest of the world and have a serious discussion about what areas such as the Beeliar wetlands mean if we are going to appropriately adapt and mitigate the effects of climate change.

I have one further point on why we would trust the government. We are dealing with an environment minister who attracted a headline a matter of a few months ago when he admitted that he does not read the technical documents presented to him as part of his job as environment minister.

Hon Sue Ellery: It is a big ask.

Hon SALLY TALBOT: As Hon Sue Ellery said, it appears that as far as Hon Bill Marmion is concerned, it is a big ask to have technical documents put in front of him.

I will quote from an article of the time. The headline is “Marmion didn’t read fire plan”, and the article states —

He is the state’s Environment Minister, but Bill Marmion says he has just a “tiny bit” of fire expertise and he has not read his department’s prescribed burning plan.

He says things such as —

He said details of the plan were best left to DEC officers and he lacked the expertise to get too involved.

If we substitute “Roe 8” for “fire plan”, we can hear the alarm bells ringing, and they should be ringing on that side of the chamber. I think other government ministers would be ashamed and embarrassed if they thought they were ever going to be accused of not reading the technical aspect of their brief. It is appalling to have a state government minister admit that he cannot get his head around the details. I noticed that the Premier recently put out some kind of defence of Mr Marmion’s perceived inadequacies in being across the details of his portfolio, which was that this man is by profession an engineer, and engineers tend to get bogged down in technical detail. I am sorry, but that is not the problem—this man is not bogged down in technical detail! This man has a too-hard basket that must be going through the roof of Dumas House, or wherever his office is, by now. He is on the record as saying that he leaves all this technical stuff to his department. In the case of Roe 8, and in the case of many, many things that come across the desk of the Minister for Environment, that is simply not good enough.

I come to point 7, which was about the community hating the prospect of Roe 8, and I draw members’ attention not necessarily to the hundreds of emails that have come into my inbox, but to the thousands and thousands of signatures that have gone through this chamber on petitions—thousands of them. I also draw members’ attention to the fact that local government is not supportive of Roe 8. I have here a document from the City of Cockburn—which is absolutely vehemently opposed to the plan—that sets out the following reasons for rejecting it. The first point is —

- That the social and economic justification does not validate the environmental degradation which will be caused as a consequence of the proposal.

Secondly —

- That the Roe Highway Extension proposal will direct significantly more traffic into the City (67,000 vehicles per day) and without any commitment to associated local or regional network upgrades will result in increased traffic congestion, reduced amenity and loss of significant environmental open space,

I am very sorry that Hon Simon O’Brien has had to leave the chamber on urgent parliamentary business, because this goes to the heart of the untruths that he is peddling about the effect of Roe 8—he is claiming the exact opposite. The third point made by the City of Cockburn is —

- A lack of road network assessment to support the proposal and outline the local network implications of the extension.

The final point is —

- A broader network review needs to be conducted which models a shift in the focal point of the freight task from the inner harbour precinct to the outer harbour precinct.

So it is not just lay members of the local community, and it is not just environmentalists and people who are concerned about conservation all over the state, who are concerned about Roe 8; it is also one of the local government authorities in the area that will be significantly affected.

In the few minutes that remain to me, I have three more points to cover. The first is Aboriginal heritage. This is something that I know the government has a great problem with. We had that very unedifying incident a few years ago when Hon Norman Moore made the joke at an industry conference of offering a free Aboriginal heritage assessment to the winner of the raffle. That is the seriousness with which this mob treats Aboriginal heritage assessments. In the case of Beeliar, the traditional owners are the Beeliar people. This has all been well documented. As I say, none of this should be any surprise to anybody sitting opposite. This is a well-documented trade route from the days when the Aboriginal nations had a very complex and sophisticated economy going in this state. The fear is that not only will known heritage sites be lost with the building of Roe 8, but also other areas that have yet to be discovered and yet to be documented will never, ever be known. That is a shocking prospect to contemplate. The government should be bending over backwards to avoid causing those kinds of terrible problems, instead of just blundering on with this blind, short-term political agenda to build this road.

My ninth point is about the conservation values of the wetland. I refer again to the EPA section 16 report, which states at page 6 —

The conservation values associated with North Lake, Bibra Lake and the surrounding wetland areas has long been recognised through its inclusion in System Six area M93 and subsequently, *Bush Forever* Site 244.

At page 4 it states —

The EPA places a great importance on the wetlands remaining on the Swan Coastal Plain, considering that 80% are estimated to have been lost. As a result, the EPA expects the remaining wetlands to be managed according to the principles of ecologically sustainable development regardless of land use or activity.

What that means is: do not build a road through the wetland. The EPA spelt it out. The reason that we cannot build this road is that we have lost most of the wetlands, and building this road will destroy the last part of that wetland chain. This road simply cannot go ahead.

I talked earlier about the future use of this area. I urge anybody who has not done this to go to this wetland on a sunny afternoon, summer or winter, and look at what is in this area. It is one of the most beautiful places one can ever visit. There is the big lake. There is a plethora of wildlife.

Hon Sue Ellery: The bird life is amazing.

Hon SALLY TALBOT: The bird life is absolutely spectacular. Who would ever need to go to a bird park or an aviary to see that kind of thing? It is all there. It is a beautiful area. I have tramped through the area with the guides. It is absolutely indescribably special and beautiful. But it will be like that only for a short time if this government gets its way. It is an absolute ecological paradise. It is a haven for people who live in the metropolitan area, as well as people who value that kind of biodiversity and ecological richness.

I conclude by saying that Labor, like many, many people in our community, says no to Roe 8, for the following reasons, which I have tried to capture in my 10 points. This is an area of outstanding biodiversity. This is an area that provides unique habitat for wildlife, with much of that wildlife being endangered or rare. This is an area that includes very, very culturally significant Aboriginal spiritual sites. If this road goes ahead, those sites will be lost, and we will never know about the others that have yet to be identified. Finally, this area includes recreational facilities that are beyond compare; there is nothing to compare with them in the metropolitan area.

Where the risks outweigh the advantages, and where the environmental damage is far greater than any marginal benefits, we have to say no. I repeat: WA Labor will not support the development of an unnecessary road at the cost of a pristine and unique ecosystem.

The DEPUTY PRESIDENT (Hon Matt Benson-Lidholm): I give the call to Hon Philip Gardiner, noting that there is only a minute and a half left on the clock, but there is still an hour and 45 minutes at the next sitting.

HON PHILIP GARDINER (Agricultural) [4.05 pm]: Thank you, Mr Deputy President. I rise to speak to the amendment and regret that I was away from the chamber for a period during the discussion on this motion. Whenever it comes to making an assessment of environment versus economic-commercial outcomes, it is highly unbalanced, always, because one is mostly measurable, and measurable by that very useful facility that we have, which is the medium of all our commerce—a dollar—and the other is hardly measurable in the same sense. So when we have roads, which we are talking about today, and we have measures of traffic and costs of delays and congestion, it is very easy to make an economic assessment of that. But how easy is it to make an economic assessment of the environmental consequences?

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Matt Benson-Lidholm) in the chair.

Standing Committee on Public Administration — Thirteenth Report — “Report in Relation to the Inquiry into Western Australian Strata Managers” — Motion

Resumed from 21 March on the following motion moved by Hon Jim Chown —

That the report be noted.

Hon ED DERMER: When we were last discussing this report, I was talking about the importance of recommendation 3 from the committee, the second dot point of which states that “strata managers must open separate trust accounts for each strata company”, and I had started to explain why I think that is very important. A matter that we spent quite some time considering when we were doing this inquiry was the importance of having the financial reports of strata companies audited. As a general principle, if a body is dealing with somebody else’s money, as of course happens when a strata company is collecting money from the owners and spending it on their behalf, it always seems to be a very good principle to have those accounts audited to make sure that the money is spent appropriately. It emerged through our deliberations, though, that there are some strata companies of such a size and scale that the cost of having it audited may be disproportionate to the money being spent. Obviously there are other strata companies in which enormous amounts of money are being spent, but some would be quite small, and the cost of having it audited may be disproportionate to the benefit and reassurance of having it audited.

A very sensible compromise would be to have a single trust account for each strata company, which would mean that each owner within that strata company would need to look only at the account prepared by the bank. They could depend on the bank, we would hope, to do the right thing and have a proper set of accounts. If all

significant expenditures were to be transacted through that trust account, it would remove the degree of necessity to have a separate audit, because people would be able to access the information about their money and their strata company by getting the statements from the bank. It would, therefore, be very important to have a separate trust account for each strata company. I think that is a very important recommendation. I hope this government has the insight to understand the importance of the recommendation and implement it at some stage. If not, a future government may implement it, but it is an extremely important recommendation.

I want to turn for a moment to the issue of licensing strata managers. I put the case last week that if a strata manager needed a licence to operate, the possibility of that licence being removed would mean that the strata manager would have to operate at a professional level, honestly and with respect for the owners of that particular strata company that they were managing; otherwise there was the danger of the manager losing their licence. Licensing is extremely important for that reason. It is also important for the good name and reputation of all strata managers in Western Australia. I am confident that most strata managers in Western Australia do their job competently and honestly and deserve a good reputation, but all of them have their reputation damaged by the small number of strata managers who do not do the right thing. I think licensing in that way would be of significant benefit to other strata managers, because it would require all strata managers to operate at a respectable and appropriate standard.

Hon SIMON O'BRIEN: Obviously I support the committee and the motion that the report be noted. I draw attention to the tabled government response to this committee report. If members have not seen it, I am sure they would be interested to find the government response to the various recommendations. By way of brief summary, I am sympathetic, in the terms that have been contained in the government response, to the themes that have been explored and the findings generally of the committee. I have independently embarked on the course of the consultation, regulatory impact statement and discussion paper which was launched by me last year in response to requests for licensing, specifically from the strata management industry. In supporting the motion, I remind members that the government is being proactive in this particular regard.

Hon KEN BASTON: I would like to speak on this very worthwhile report. We started on 17 November 2009 and finished in September 2011. I thank the staff, Christine Kain and Rachel Wells, for the work that they put into this report. The background of the report was that the Standing Committee on Public Administration became aware of concerns amongst strata lot proprietors in relation to the difficulty in establishing how strata levies were being spent, the difficulties resolving concerns and disputes about the activities of strata managers and the lack of regulation of strata managers. The committee commenced its own motion of inquiry, as I said, on 17 November 2009 with the following terms of reference —

Noting a series of parliamentary and government inquiries that have touched on the issue of disputes between strata managers and their clients, the Public Administration Committee has resolved to commence an inquiry —

Committee interrupted, pursuant to standing orders.

[Continued on page 1430.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

NIB STADIUM — GRA EVERINGHAM

138. Hon SUE ELLERY to the Leader of the House representing the Minister for Sport and Recreation:

I refer to the redevelopment of nib Stadium. Can the minister provide details of all discussions between him or his staff with representatives of GRA Everingham since January 2011?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question. Neither the minister nor his staff has had any discussions with representatives of GRA Everingham on nib Stadium since January 2011.

AUSTRALIAN DISABILITY ENTERPRISES

139. Hon SUE ELLERY to the Minister for Finance:

- (1) Is the Department of Finance measuring the success of the State Supply Commission's policy to encourage and broker purchasing opportunities with Australian Disability Enterprises?
- (2) If yes to (1), how is it being measured and what targets have been set?

Hon SIMON O'BRIEN replied:

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

- (1)–(2) No. The role of the Department of Finance in this initiative was to amend State Supply Commission policy and to provide practical advice to government agencies on the scope and application of the supply policy changes. The Department of Finance continues to engage with National Disability Services and Workpower Incorporated to promote opportunities for Australian Disability Enterprises.

The Leader of the Opposition may be interested in some initiatives outside my own portfolio responsibilities if she wishes to pursue an inquiry with the Minister for Disability Services and the Minister for Communities.

RETIREMENT VILLAGES ACT — AMENDMENT

140. Hon KATE DOUST to the Minister for Commerce:

I refer to the minister's advice to the house that he will introduce the Retirement Villages Act amendment bill before the end of the current parliamentary session.

- (1) What is the exact time frame for the introduction of this legislation?
- (2) What changes to the current framework are being planned?
- (3) When will the minister be able to inform the community of both the broad intentions of the bill and of specific measures to be introduced?
- (4) Will the minister now reassure the residents of retirement villages that the new provisions will not raise their cost of living or otherwise raise the level of their financial commitments nor will they impair the amenity of their retirement communities?

Hon SIMON O'BRIEN replied:

- (1)–(4) The retirement village community would be well aware of how I have prioritised this legislation, even though it is an enormous job. I have demanded that we introduce legislation in this current parliamentary session. I am not prepared to wait any longer. As to the exact time frame, obviously that is subject to the normal cabinet processes, and I am sure the honourable member will appreciate that. I think the member wanted the detail of all the changes that are being made. In response, I would say that perhaps the member is not quite aware of them but I refer her to the numerous public statements I have made about the scope of what is being developed rather than take up the time of the house now. In relation to certain undertakings that the member is asking me to give sight unseen, without notice and without the opportunity to even reflect what on earth she means by some of the phrases that she used in about the fifth part of her question —

Hon Kate Doust: Fourth.

Hon SIMON O'BRIEN: Very good. I would ask that the member give me some notice of those matters if she is interested in obtaining a response.

Hon Kate Doust: I am very interested and I will do so.

Hon SIMON O'BRIEN: Well, then the member should have given me notice now.

PLASTIC BAGS — BAN

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

I refer to the answer to question without notice 77 asked on 20 March 2012.

- (1) What is the government doing to encourage voluntary take-up of biodegradable and reusable bags by customers and retailers?
- (2) Following the minister's comments on 6PR's Drive program on Thursday, 22 March 2012, when he appeared not to support a Western Australian bill, and his advice to the house last week that "it would be premature to introduce similar legislation in WA before the results of the review are available", when will the government introduce legislation banning plastic bags in Western Australia?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1)–(2) I refer the honourable member to the response to question without notice 77 on 20 March 2012 and advise that the government is still waiting for the outcome of the South Australian review of legislation banning plastic bags before it considers whether such a ban is warranted in Western Australia.

MARITIME ARCHAEOLOGY ACT 1973 — AMENDMENT

142. Hon GIZ WATSON to the minister representing the Minister for Culture and the Arts:

I refer to the Maritime Archaeology Act 1973 and shipwrecks in Western Australia.

- (1) Does the Maritime Archaeology Act 1973 comply with the United Nations Educational, Scientific and Cultural Organization's underwater heritage requirements?
- (2) If no to (1), what is being done to have the act comply with UNESCO requirements?
- (3) Has there been a review of the act?
- (4) If yes to (3), will the minister table the results of that review?
- (5) Does the minister intend to introduce legislative changes to align the act with other states and the commonwealth?
- (6) If yes to (5), when?
- (7) If no to (5), why not?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1) No.
- (2) We are drafting instructions that would amend the act so that it is consistent with the UNESCO convention currently under consideration by government.
- (3) Yes.
- (4) No. The review, and consultation with relevant stakeholders, informed the drafting instructions that will be presented to cabinet for approval. Therefore, cabinet confidentiality applies to the review.
- (5) Yes.
- (6) Drafting instructions will be considered in line with other legislative priorities.
- (7) Not applicable.

METROPOLITAN RAIL NETWORK — TRAINS

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

- (1) For both A-series and B-series trains, how many have —
 - (a) longitudinal seating; and
 - (b) transverse seating?
- (2) Are there any plans to convert any more trains to longitudinal seating?
- (3) If yes to (2), how many, which type and by when?
- (4) Does the Public Transport Authority still have three A-series and three B-series trains unavailable for service at any time?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. The Minister for Transport advises, as at 8 March, when notice was given —

- (1)
 - (a) All A-series railcar sets and five B-series railcar sets.
 - (b) No A-series railcars and 41 B-series railcars.
- (2) Yes.
- (3) The Public Transport Authority plans to convert an additional seven B-series railcar sets by mid-2012.
- (4) At any time there are three A-series and three B-series trains unavailable for service due to maintenance.

MINARA RESOURCES — ENVIRONMENTAL BOND

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

I refer to the environmental bond provided to the government by Minara Resources for their Murrin Murrin operation.

- (1) Did Minara have a series of meetings with the minister, his staff and department officials in late 2008 and early 2009 at which they sought an alternative security arrangement to that of the traditional bank guarantee on the environmental bond for Minara's Murrin Murrin operation?
- (2) If yes to (1), what was the alternative arrangement and was it accepted by the minister?
- (3) What form of environmental bond has now been put in place to meet Minara's environmental obligations?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) With cabinet endorsement, I approved under the Mining Act 1978 a temporary reduction, for an 18-month period expiring on 31 December 2010, of the environmental bond requirement for the Murrin Murrin nickel project for the purpose of reducing Minara's bond requirement over that period from \$26.5 million to zero. The remaining environmental bond liability for the Murrin Murrin project of about \$17.7 million accrued to Glencore and remained in force.

This decision was taken at the height of the global financial crisis, when the nickel price had collapsed and this project was facing imminent closure because of demands from financial institutions that Minara underwrite its bond with cash. Minara's past record of excellent environmental management on this project was an important factor supporting this decision, which enabled the project to remain in operation and avoid the significant job losses that would have resulted from its closure.

- (3) The project now has unconditional performance bonds lodged against all the relevant mining tenements.

NUCLEAR WASTE STORAGE — COMMONWEALTH LEGISLATION

145. Hon ROBIN CHAPPLE to the Minister for Mines and Petroleum:

I refer to nuclear waste storage and the recent passage of the commonwealth National Radioactive Waste Management Bill 2010 through the Senate.

- (1) Has the minister sought legal advice about the impacts of this legislation on the operation of Western Australia's Nuclear Waste Storage and Transportation (Prohibition) Act 1999?
- (2) If yes to (1), will the minister table the advice or provide an explanation to the house?
- (3) What, if anything, will the minister do to uphold the intent of WA's Nuclear Waste Storage and Transportation (Prohibition) Act 1999?
- (4) Will the minister take immediate action to convey to the commonwealth government this state's clear and legislative opposition to the storage and transportation of nuclear waste in Western Australia?

Hon NORMAN MOORE replied:

Is that question meant to be on notice? Has the member given notice of it?

Hon Robin Chapple: No.

Hon NORMAN MOORE: I do not seem to have a copy of the question or the answer at present. In the event that it turns up, I will provide the answer but I have not seen it to sign off on it.

ROCKINGHAM GENERAL HOSPITAL — MENTAL HEALTH UNIT

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

I refer to the facilitated discharge program at the Mimidi Park mental health unit at Rockingham General Hospital.

- (1) For the recording period prior to and the monthly records kept since the FDP commenced, how many patients have been referred to the intensive day therapy program, including those considered for referral who chose to opt out?
- (2) Is it true that patients were transferred to attend day activities at Mimidi Park from 8.30 am to 8.00 pm seven days per week so that someone else could take their general bed for that period of time; and, if so, does Rockingham General Hospital receive additional funding for filling these beds?
- (3) Can the minister provide the figures that cover the supply of pro re nata—PRN—medications for those with a bed in the mental health unit; and for those mental health patients in medical beds for the hours between 8.00 am and 8.00 pm?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1)–(3) The facilitated discharge program started on Monday, two days ago. As I said before in my response to some queries the member had, and so that people understand what we are talking about here, this program allows those patients at Rockingham General Hospital who are willing and able, when they have come to the end of their stay in the specialist mental health unit and when it is appropriate, to move into the general ward for the last few days of their stay. They may do that. Many people prefer to

do that, I can assure the member. Then if they require some ongoing assistance and support, such as socialising activities et cetera, in the specialist mental health unit, which is called Mimidi Park, they may go back there for one or more of those sessions during the day for those socialising or other activities. Again, that is good management. Equally, if they are deemed appropriate and are able and willing to participate in a community program, they may go off-site to the community program, and that is considered good practice as well. However, for the member's benefit, the facilitated discharge program commenced on Monday, 26 March 2012 and no patient has yet been referred. Obviously the union members are feeling a bit touchy about it, even though they do not understand the benefit of it.

Hon Ljiljanna Ravlich: They're your employees.

Hon HELEN MORTON: On the other aspect, the middle aspect of the member's question about whether we are hot-bedding patients at Rockingham hospital, I did not think that her credibility could reach a new low. It is unbelievable that she would even ask that question, let alone imagine it could be possible that somehow or other people are being admitted to the hospital and sent somewhere else during the day so that someone else can use their bed!

Hon Ljiljanna Ravlich: To take pressure off the four-hour rule maybe.

Hon HELEN MORTON: The member is unbelievable, again!

Hon Ljiljanna Ravlich: To take a little bit of pressure off the emergency department maybe, minister.

The PRESIDENT: Order!

Hon HELEN MORTON: Mr President, the answer to that, and I have toned it down from the service provider, is that it is just not true. For the member to ask the third part of the question, I do not even know whether she knows what PRN medication is. Does she know what PRN medication is?

Hon Ljiljanna Ravlich: Can you just give the answer?

Hon HELEN MORTON: The member does not know what it is.

Hon Ljiljanna Ravlich: Just give the answer.

Hon HELEN MORTON: She has no idea how ridiculous her question is, again, because she does not know what PRN medication is.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! Minister, direct your comments through the Chair.

Hon HELEN MORTON: That is a good idea, Mr President.

The PRESIDENT: Then I will have absolutely no tolerance of interjections from that point on.

Hon HELEN MORTON: Mr President, for the member's sake, I will explain what PRN medication is. It is any medication that is given as needed; rather than, say, an antibiotic that is required at certain times throughout the day.

The third part of the question was whether I could provide figures that cover the supply of medication for all the people in the mental health unit. I do not know whether the member is asking about the past 10 years, the past one year, a 24-hour period, a certain type of medication or what. This question is just not answerable. This sort of information is not collected. But that is only the first part of the question in which we had three or four hours to try to get information. The second part of the question was about patients in medical beds in the hours between 8.00 am and 8.00 pm. It is just a ridiculous question, Mr President, and I do not propose to waste anybody's time trying to answer silly questions like that.

BANKWEST — LICENCE

147. **Hon MATT BENSON-LIDHOLM to the minister representing the Treasurer:**

I refer to Bankwest's banking licence.

- (1) When will the government be introducing legislation to amend the Bank of Western Australia Act 1995?
- (2) Has the Australian Prudential Regulation Authority advised the government of the date by which amendments to the Bank of Western Australia Act have to be made; and, if so, what is that advice?
- (3) How many times over the past 12 months has the minister or representatives of the minister met with representatives from Bankwest in relation to its banking licence?
- (4) How many times over the past 12 months has the minister or representatives of the minister met with APRA to discuss the Bankwest banking licence?

Hon SIMON O'BRIEN replied:

I thank the honourable member for notice of the question. The Treasurer has advised me of the following —

- (1) The government has been in discussions with Bankwest regarding amendments to the act. These discussions are ongoing and a final decision to proceed has yet to be made by the government.
- (2) Yes, by mid-2012.
- (3) The Treasurer has met with Bankwest in relation to its banking licence twice over the past 12 months. Members of the Treasurer's office have met with Bankwest numerous times, and the Treasurer is willing to provide this information. However, the member is asked to put this question on notice so that an exact and accurate number can be provided.
- (4) The Treasurer has not met with APRA regarding Bankwest's banking licence in the past 12 months and neither has any staff member in his office.

STIRLING HIGHWAY, EAST FREMANTLE — NOISE AND POLLUTION LEVELS

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

- (1) Is the government aware of calls from Duke Street residents in East Fremantle for the installation of a four-metre high sound wall on Stirling Highway between Marmion Street and Canning Highway?
- (2) Has any air pollution or sound monitoring been conducted in this area to ascertain whether air quality and noise levels are acceptable?
- (3) Does the government plan to conduct any air pollution and sound monitoring in this area to ascertain whether air pollution and noise levels are acceptable?
- (4) Has the government conducted any modelling to assess the impact that the predicted doubling of truck movements on this section of road by 2017 will have on noise and air pollution levels in the surrounding neighbourhoods?
- (5) What action will the government take to reduce the noise and air pollution impacts of traffic on the people living in this neighbourhood?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. Main Roads WA advises —

- (1) Yes.
- (2) There has been no recent noise measurement taken at this location.
- (3) Noise testing is planned as part of the High Street–Stirling Highway upgrade project.
- (4) No.
- (5) The provision of noise walls will be considered as part of the High Street–Stirling Highway upgrade project. If noise testing undertaken as part of this project shows noise walls are justified, it is the minister's intention that these walls will be constructed as part of the upgrade project.

MARGARET RIVER AREA — PROTECTION LEGISLATION

149. Hon ADELE FARINA to the Leader of the House representing the Premier:

I refer to the Premier's answer to my question on notice 5017 concerning special legislation to protect the Margaret River area.

- (1) Why will the government not provide details of the planning options being progressed?
- (2) When will the government inform the public of the details of the planning options being progressed?
- (3) When can the people of Margaret River expect the planning protection to be in place?
- (4) Will the government give an assurance that the planning options being progressed will override the Mining Act?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) The Minister for Planning has directed the Department of Planning to review the key planning documents for the south west region to provide clear direction on mining proposals and protection of environment and tourism values. A review of the south west framework has already commenced and a review of the statutory policy covering the Capes region, state planning policy 6.1, Leeuwin–Naturaliste Ridge, will commence shortly.

- (2) Stakeholder and public consultation will take place as part of the review of the planning framework.
- (3) Significant protection of the Margaret River region is already in place, which is evidenced by the state government's recent rejection of the proposed coal mine at Osmington, near Margaret River. This policy review will ensure the most stringent planning framework possible is in place to protect the capes region from all forms of high-impact mining.
- (4) The Mining Act requires planning scheme provisions to be taken into consideration in determining mining tenement applications and procedures are in place for Department of Planning advice to be considered in determining mining applications.

LAND RELEASE BALLOT — SOUTH HEDLAND

150. Hon HELEN BULLOCK to the minister representing the Minister for Housing:

I refer to the land release ballots conducted in South Hedland.

- (1) Can the minister confirm that the next land release ballot will not be held until April or May this year, almost 12 months since the last one?
- (2) Can the minister confirm that only 33 lots will be available by ballot?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. The Department of Housing advises —

- (1) The next land release ballot is planned to be held in May.
- (2) It is anticipated that 33 lots will be available and allocated between private sector and Department of Housing programs.

HANSON RED HILL QUARRY — PLANNING APPROVAL

151. Hon ALISON XAMON to the minister representing the Minister for Planning:

I refer to investigation of the planning approvals for Hanson Red Hill quarry that the Department of Planning informed me by letter on 21 April 2011 would be undertaken and the response to question 3333 answered on 15 February 2011 that stated that Hanson had approval to quarry only in the 5.4 hectare expansion area of the site and not the main pit area.

- (1) Has the Western Australian Planning Commission received an application for the continuation of quarrying in the main pit area yet?
- (2) If yes to (1), when was that application received by the WAPC; when was a decision made by the WAPC; and what was the decision?
- (3) Has the Department of Planning given any advice to Hanson or the City of Swan regarding this matter as was suggested would occur in the letter of 21 April 2011?
- (4) Will the minister please table any such advice?
- (5) If no to (4), why not?

The PRESIDENT: I know members ask these questions with some notice given, therefore the minister responsible has the question in front of them, but I suggest that other members need to be able to understand the questions being asked. I do not believe that Hansard had any chance of picking that up and I hope that there is a written copy. I think members need to be a little more careful about the way in which they ask their questions so that it is clearer to the house.

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

- (1) The Western Australian Planning Commission has not received an application for the continuation of quarrying. The Department of Planning has sought legal advice on whether the current approval includes the main pit area.
- (2) Not applicable.
- (3) The Department of Planning has not provided any further written advice to Hanson or to the City of Swan while receipt of legal advice remains outstanding.
- (4)–(5) Not applicable.

OPERATION SAFE PLACE

152. Hon LINDA SAVAGE to the minister representing the Minister for Police:

I refer to the government's Operation Safe Place that moves on children from Perth CBD train stations to other areas.

- (1) Is the minister aware of the corresponding number of children congregating at Halliday Park in Bayswater and the subsequent spike in antisocial behaviour including drinking, fighting and breaking into nearby houses?
- (2) What police resources will be allocated to deal with these flow-on effects?
- (3) Does the minister concede that the problem of antisocial behaviour has simply been moved from one place to another?

Hon PETER COLLIER replied:

- (1) Operation Safe Place did not move on children from Perth CBD train stations to other areas.
- (2) There is no evidence to suggest any significant increase in the volume of crime within a 300 metre radius of Halliday Park during Operation Safe Place. Patrols of the location are conducted on a regular basis due to its close proximity to the Bayswater Police Station and the Bayswater railway station, which is always a focus for policing activity due to the number of people utilising the transport system and associated infrastructure.
- (3) No. The operational focus of Operation Safe Place is based in the linking of children at risk to support services that they would not have otherwise accessed. The aim is to move children at risk to a safe place, not to other areas. Children at risk, due to age or relevant circumstances are conveyed either to a responsible adult, or to the purpose-designed premises in Burton Street. Children are not displaced to other areas where antisocial behaviour is allowed to continue.

NIB STADIUM — HEADS OF AGREEMENT

153. Hon ED DERMER to the Leader of the House representing the Minister for Sport and Recreation:

I refer to the heads of agreement between the state government and the manager of nib Stadium signed on 13 March 2012.

- (1) Is the new heads of agreement different in any way to the previous heads of agreement; and, if yes, will the minister detail the differences?
- (2) What is the total cost of the nib Stadium deal to the state of Western Australia including the costs of upgrading the stadium; the ongoing payment to nib Stadium; and any other payment or receipts from the deal?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) Yes, changes were made to reflect the state taking over the stadium governance from the City of Vincent and a small number of commercial changes were agreed. In respect of detailing the differences—no.
- (2) The cost of the upgrade is \$95.1 million; the ongoing payment is \$25 000 per annum; and there is a \$5 million lease payment to the City of Vincent.

THORIUM WASTE

154. Hon ROBIN CHAPPLE to the Minister for Mines and Petroleum:

I refer to the answer to question without notice 116 and the Customs (Prohibited Imports) Regulations 1956, regulation 4R “Importation of radioactive substances”, the Hazardous Waste (Regulation of Exports and Imports) Act 1989, and the Hazardous Waste (Regulation of Exports and Imports) Regulations 1996.

- (1) If the waste material is not classified as hazardous under any of the above, can the minister identify which act or regulation prohibits the Lynas Corporation waste from import?
- (2) If the waste material is classified as hazardous under any of the above, can the minister identify under which regulation it is deemed hazardous and why?

Hon NORMAN MOORE replied:

I thank the member for the question. I am having a bad day today because the answer I have been provided contains an error that I will need to check, so I ask the member to place the question on notice so that I can provide him with a proper answer.

RESIDENTIAL PARKS (LONG-STAY TENANTS) ACT — REVIEW

155. Hon KATE DOUST to the Minister for Commerce:

I refer to the review of the Residential Parks (Long-stay Tenants) Act 2006 brought forward from its scheduled date of August 2012.

- (1) Has the review been completed; and, if not, when will it be completed?
- (2) When will the minister publish the review?
- (3) When will legislation proposing amendments be introduced into the house?

Hon SIMON O'BRIEN replied:

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

- (1) The statutory review is underway and is expected to be completed during the second quarter of 2013. The government has brought forward the statutory review ahead of the August 2012 date in response to community concerns about the operation of the act.
- (2) A public consultation paper inviting stakeholders to provide input to the review will be released in June this year for a consultation period of three months.
- (3) The government is strongly committed to addressing issues impacting long-term tenants residing at residential parks, and reforms in this area would be a priority for a next term of government.

CAPE TO CAPE MARINE PARK

156. Hon SALLY TALBOT to the Minister for Fisheries:

I refer to the proposed cape to cape marine park.

- (1) Has the minister or his department drafted, or is the minister or his department intending to draft, regulations to protect any marine species, including living rock, within the areas identified for the proposed cape to cape marine park?
- (2) If yes to (1), when will the drafting be completed?
- (3) If no to (1), why not?

Hon NORMAN MOORE replied:

I thank the member for the question.

- (1)–(3) This relates to the cape to cape marine park, which was announced last weekend. In respect of the management of the marine park, obviously the Department of Fisheries is very much involved in regulating the activities that can and cannot take place within the various zones within the marine park. As the member would be aware, there are different levels of protection within a marine park. Obviously, sanctuary zones have rules and regulations in respect of what people can and cannot do there that are different from those that apply to other parts of the marine park. Therefore, clearly, the fisheries department will work with the Department of Environment and Conservation to put in place the proper management structures that will be required for managing the marine park, and that is as it should be.

Hon Sally Talbot: Have you started?

Hon NORMAN MOORE: I suspect so.

MULTIPLE CHEMICAL SENSITIVITY

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

- (1) Does the minister consider there is a need to investigate and consider the health issues of people in Western Australia who are living with multiple chemical sensitivity?
- (2) If no to (1), why not?
- (3) If yes to (1), will the minister establish a reference group for this?
- (4) If no to (3), why not?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1) Yes. As indicated in the minister's response to the member's similar question—question without notice 834 on 27 September 2011—on this issue, the minister considered that a national approach through the commonwealth Department of Health and Ageing was the most appropriate.
- (2) Not applicable.
- (3) No.
- (4) A national approach is more likely to be effective because it could draw upon greater expertise and a far larger body of cases to investigate. The Western Australian Department of Health would be willing to provide input into such an initiative.

MURESK CAMPUS

158. Hon MATT BENSON-LIDHOLM to the Minister for Training and Workforce Development:

I refer to the minister's media statement of 6 October 2011 in relation to the Muresk agricultural campus.

- (1) Is it the government's intention to implement all the recommendations in each of the reports into Muresk by Hon Phil Gardiner and by Hon Hendy Cowan; and, if not, why not?
- (2) Is the task of the managing director, Mr Steve Cooper, to implement a new strategic business model, the same as that of Mr Jeff Gunningham, appointed in August 2011 as general manager, to prepare a business plan for the campus; and, if not, can the minister explain the apparent duplication of tasks?
- (3) When will the promised \$10 million be available to the campus?
- (4) How much of the \$10 million will be spent on expanded course content and how much on capital upgrades?
- (5) Was the meeting with the Muresk Old Collegians' Association, planned for October but subsequently cancelled, rescheduled; and, if so, when did it occur?

Hon PETER COLLIER replied:

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

- (1) The reports by Hon Phil Gardiner and Hon Hendy Cowan have been extremely helpful in shaping the future of Muresk. The direction for the future of Muresk is largely in keeping with the recommendations of those reports. Some variation is likely, due to changes in circumstances and opportunities since those reports were written.
- (2) They are the same role. Mr Gunningham had to finish the role unexpectedly and Mr Cooper replaced him.
- (3) The release of the royalties for regions funding is subject to a cabinet process. It is anticipated that this will be concluded in late April or early May.
- (4) The purpose of the funding is not for expanded course content.
- (5) The meeting between me and the Muresk Old Collegians' Association was held on 6 December 2011.

INDIGENOUS CHILDREN AND FAMILY CENTRE

159. Hon LINDA SAVAGE to the minister representing the Minister for Education:

I refer to the Indigenous children and family centre that is to be constructed in the Swan region pursuant to the Council of Australian Governments national partnership covering Indigenous early childhood development and the minister's announcement on 20 March 2012 that the state government will open 10 new child and parent centres across Western Australia.

- (1) When is a formal announcement going to be made as to the location of the ICFC, given that work has already commenced at Clayton View and Middle Swan Primary Schools?
- (2) Is it the case that the ICFC, rather than being a one-stop shop, is going to be a two-stop shop split across two primary school sites?

Hon PETER COLLIER replied:

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

- (1) A formal announcement on the Swan children and family centre is imminent.
- (2) Details will be made public when the announcement is made.

QUESTIONS ON NOTICE 5077 AND 5078*Papers Tabled*

Papers relating to answers to questions on notice 5077 and 5078 were tabled by **Hon Peter Collier (Minister for Energy)**.

QUESTIONS ON NOTICE — HON ALISON XAMON*Questions on Notice 5056, 5058, 5061 and 5065 — Answer Advice*

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.06 pm]: Pursuant to standing order 107(2), I wish to inform the house that the answers to questions on notice 5056, 5058, 5061 and 5065, asked by Hon Alison Xamon on 29 November 2011 of me, the Minister for Mental Health, will be provided on Thursday, 29 March 2012.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Matt Benson-Lidholm) in the chair.

*Standing Committee on Public Administration — Thirteenth Report —
“Report in Relation to the Inquiry into Western Australian Strata Managers” — Motion*

Resumed from an earlier stage of the sitting.

Hon KEN BASTON: Just before the break, I touched on four points on the background of the committee inquiry. Then, of course, the committee heard evidence, and basically that evidence was that significant payments were made by a strata manager without the required authority; that there was a failure of some strata managers to account for strata company funds; that there were low levels of engagement in the internal governance of the strata company among lot proprietors; that there were difficulties in finding volunteers to form strata councils; and that there were cases in which the strata manager was required to take an increasing role in the running of the strata company as treasurer and secretary for a council that may not have appointed a chairman.

Currently, strata managers are not defined in the act and are not required to be licensed. For the purposes of this report, a strata manager is defined as a person who, for fee or reward, is engaged to provide management services to a strata company. Matters raised in this report are not intended to be critical of all strata managers, as there are some very good strata managers in Western Australia. But the committee heard many cases of managers who were considered to be a problem and who had not been truthful to their clients. One of the concerns stressed by many was the misappropriation of strata funds, and we heard about the lack of provision of financial information, the resignation of strata managers when confronted with accounting questions, and failures to provide satisfactory accounts for discrepancies in amounts between \$15 000 and \$32 000—quite large amounts. Payments had also been made without authority. We heard about poor financial record keeping, which prevented the tracing of payments, and an inability to trace funds. An amount of \$15 000 had gone missing from a strata company’s sinking fund, funds had been transferred between strata companies, and there had been inadequate accounting for amounts of between \$15 600 and \$31 600. We heard about many more accounting faults. Of course, these things could all be attributed to not having licensed strata managers.

The minister touched on the government response that was tabled in the house, and I would like to touch on the committee’s 11 recommendations. The first recommendation, as touched on by Hon Jim Chown, was that —

... The Committee recommends that strata managers should be regulated by a system of positive licensing. Eligibility requirements for the granting of a license should include at a minimum:

- **Educational qualifications.**
- **Demonstration that the applicant is a fit and proper person to hold a licence.**
- **An indication the applicant has sufficient financial and material resources available to enable them to meet financial and operational requirements.**
- **Current professional indemnity insurance.**

Current professional indemnity insurance is extremely important. The government responded to that recommendation in a positive way. The Minister for Commerce, as he stated on 31 October 2011, put out a consultation regulatory impact statement discussion paper, inviting public comment on whether the state government should introduce a licensing regime for strata managers. I believe this report provides plenty of evidence that that should happen. Of course, one of the difficulties is that there is an intergovernmental agreement with a national licensing system for specified occupations, and the government is precluded from implementing a stand-alone licensing scheme. We cannot just license Western Australian strata managers; we actually have to fall in with the model scheme. That is something that should be considered.

The second recommendation was that —

... The Committee recommends that a transition period should apply to the implementation of the recommended licensing scheme.

In other words, the good managers who are already in the positions should be allowed to continue in their work until they get their qualifications, as happened in Victoria. The government was okay with that recommendation.

Recommendation 3 was that —

... The Committee recommends that a new section be introduced into Part IV of the *Strata Titles Act 1985* providing that:

- **All assets held by strata managers on behalf of strata companies should be deposited in a trust account held by the strata manager ...**

Hon Ed Dermer certainly touched on this; it was very clearly a required change. The government's response was that it supported the proposal for strata managers to hold moneys in trust, but not necessarily in separate trust accounts. The reason for supporting separate trust accounts is that automatic audits would be carried out by the bank, and auditing costs a lot of money. Some of these strata managers are very small, and the costs of auditing would be great. We also recommended somewhere that whatever auditing took place did not have to be mandatory every year—instead it should be random—to make it manageable. I think the government's response was positive.

Recommendation 4 was that section 50 of the Strata Titles Act 1985 be amended with regard to proxies. The government supported in principle the recommendation that a proxy be valid for only one meeting, and that proxies were to be reviewed.

Recommendation 5 was that —

... The Committee recommends that Part IV of the *Strata Titles Act 1985* be amended to include a new section requiring a contract appointing a strata manager to be in the prescribed form.

The aim of that recommendation, very quickly, was to define the role of a strata manager—what their functions are and what they should and should not do. The committee travelled to Victoria and found that, over there, commissions are a major part of the income of strata managers—in fact it was 25 per cent, if I remember. Sorry, I was looking at Hon Ed Dermer for a nod of the head, but he was not with us.

Hon Ed Dermer: I wish my memory was better than it is, Hon Ken Baston!

Hon KEN BASTON: I always found it quite hard to believe that they could actually accept commissions on insurance, so if a strata manager is getting a commission, I know which insurance company he will select—it will probably be the one that pays the most dollars.

Point of Order

Hon ED DERMER: Mr Chair, can I call a point of order? I do not wish to interrupt Hon Ken Baston, but with the new standing orders, what is the mechanism by which I can seek an extension of Hon Ken Baston's time?

The CHAIR: There is no capacity to do that, member.

Hon ED DERMER: I see.

The CHAIR: The standing orders in that respect are very explicit.

Hon ED DERMER: So there is no opportunity for me to request such an extension?

The CHAIR: There is no opportunity.

Hon ED DERMER: Thank you.

Hon Simon O'Brien: You could put in another report on the same subject!

Hon ED DERMER: I will knock one up quickly!

Hon Ken Travers: Or Hon Ken Baston could stand and pretend he was someone else and we just will not notice!

Committee Resumed

Hon KEN BASTON: The generosity from the other side of the house overwhelms me, but I will get through it as quickly as I can.

Recommendation 6 was that —

... The Committee recommends that Part IV of the *Strata Titles Act 1985* be amended to include a section providing that, on the appointment of a strata manager, the manager shall provide to the lot proprietors a plain english statement containing the following information:

I have just touched on that.

Most of the recommendations from 7 through to 11 have been accepted by the government, and it is basically waiting to see a model licensing scheme. We need that licensing scheme; it is important, and it will actually help solve many of the problems in the strata business. The strata business is growing rapidly; it is a lifestyle choice that people are making, and as new units go up they are all being strata managed. The report contains a lot of other information, so would all members please read the report.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Eighteenth Report —
“Parliamentary Inspector’s Report Concerning the Procedures Adopted by the Corruption and Crime
Commission when Dealing with Complaints of the Excessive Use of Force by Police”*

Resumed from 7 March.

Motion

Hon NICK GOIRAN: I move —

That the report be noted.

This is the sixth of the nine reports tabled by this committee in this place last year. In moving that the report be noted, I wish to state that the genesis of this report was the parliamentary inspector’s concern that serious complaints alleging the excessive use of force by officers of Western Australia Police were not being adequately investigated by the Corruption and Crime Commission. I am sure Mr Chair will agree that that is a most serious matter.

The parliamentary inspector began to harbour that concern after receiving a number of complaints from persons who were dissatisfied with the manner in which their original complaints to the CCC had been dealt with. Over an almost two-year period only one out of 381 complaints of excessive use of force by police was independently investigated by the CCC. That statistic, in my view, serves only to undermine the CCC’s role and the good work of the CCC in improving the integrity of the Western Australian public sector and helping public sector agencies minimise and manage misconduct. Interestingly, the inspector highlighted two separate incidents in his report, and I propose to outline them.

Firstly, I want to turn to the CCC’s role in these matters. The committee agrees with the CCC and the parliamentary inspector that agencies, including the police, need to take primary responsibility for investigating complaints. However, this does not mean that the Corruption and Crime Commission should never itself investigate claims of serious police misconduct. In fact, it is our view that when an apparent serious and credible complaint alleging excessive use of force by police is made to the CCC, it is plainly the role of the commission to conduct a full and independent investigation. As stated by the committee in this report and an earlier report, the committee is firmly of the belief that the CCC’s priority should be on improving its oversight of WA Police, as the committee believes that the CCC’s most important function is to ensure that the work and role of WA Police is not hampered by misconduct or corruption. In this respect, the committee made three recommendations. I will not outline them at this point, but if there is sufficient time I will go back to that.

I turn now to the response from the Attorney General to this report. I am very pleased to say that on this occasion the committee is enthusiastic about this response, for reasons I will outline in a moment. The committee elected to endorse the three recommendations made by the parliamentary inspector in his report. This was because the committee felt that the parliamentary inspector’s recommendations deserved a fulsome response from the Attorney General. The committee has been encouraged by the positive response from the Attorney General. I will quote the following from the Attorney General’s response, because I think this aligns with the view of both the committee and the parliamentary inspector —

The Government is of the view that there is clearly a role for the CCC to play in directly investigating serious incidents of misconduct which have not been satisfactorily resolved through WA Police procedures.

He goes on to say —

... the newly appointed Commissioner has identified serious police misconduct as an important area of focus for the CCC. The CCC have indicated that since the appointment of the Commissioner, its procedures have been adjusted in order to give a higher priority to police matters generally and use of force matters particularly.

It is a very important that members of this place understand the significance of this. It has been a tortuous process, if I might say, for the committee and the parliamentary inspector to get this shift from the CCC. In fact, prior to the arrival of this commissioner, there was, if I can put it so mildly, a complete refusal by the CCC to accept the view of the committee and the parliamentary inspector that police matters need to be the primary focus of the commission. There just was not an acceptance that that was the case. I am pleased to say, and pleased to note in this response from the Attorney General, that the new commissioner, who has been in place for only a few months, has already made a significant change in this respect, and, as has been outlined by the Attorney General, has identified serious police misconduct as an important area of focus for the CCC. I think that is an outstanding outcome, and in that respect a lot of credit needs to be given to the parliamentary inspector. You would be aware, Mr Chair, that last week, the committee regrettably had to inform the house that the parliamentary inspector intends to retire at the end of this financial year. As I said publicly last week, that is very disappointing, because he has been an outstanding parliamentary inspector.

Hon Ken Travers: Hear, hear!

Hon NICK GOIRAN: I think this particular report proves that in a very comprehensive way.

In the time remaining, I want to note further aspects of the Attorney General's response. Recommendation 2 of the committee is that consideration should be given to amending the Corruption and Crime Commission Act 2003. The response from the Attorney General states in part —

... one issue which the legislation may well address is the need to develop mechanisms to ensure the Executive can more effectively respond to perceived areas of concern and assist the CCC in shaping its priorities.

For members' awareness, recommendation 2 states —

Having regard for the CCC's understanding of the legislative intention conveyed by the CCC Act, consideration should be given to amending the Act, perhaps by way of an amendment to s7B (which specifies how the Act's purposes are to be achieved), so as to ensure that greater importance is accorded by the CCC to the need to conduct independent investigations into allegations of the kind identified in recommendation 1 above.

In other words, the parliamentary inspector was saying that given that at the time the CCC was not of the view that serious police misconduct needed to take a higher priority than other matters, it would be necessary to amend the CCC act to make this crystal clear. We might argue that this is no longer necessary, because the CCC has changed its processes, as identified in the Attorney General's response. However, I would argue that we should err on the side of caution in this regard and still amend the CCC act to make that crystal clear, because it seems to me that it would take only a change of commissioner to very quickly change the focus of these things. I think it is instructive for us to remember that the Kennedy royal commission, which led to the creation of the CCC, was around the issue of police corruption. Therefore, what could be more important than the CCC keeping, if I can use a colloquial term, an eagle eye on the police, effectively, at all times? The parliamentary inspector certainly has agreed with that; this committee has agreed with that; and I get the impression, from the response from the Attorney General that he agrees with that; and, encouragingly, the new CCC commissioner, Hon Roger Macknay, also agrees with that.

So I very much commend this report to the attention of members and ask that it be noted.

Hon GIZ WATSON: I read this report with interest, because, having followed the establishment of the Corruption and Crime Commission and its history, and the conversation about what it is meant to do and what it is not meant to do—which is receiving a considerable amount of ongoing attention, as it should—one of the areas that I absolutely agree with and have no doubt about is that the CCC has a significant role. I remember the debates in this place when we established the CCC. I remember being advised that the establishment of what is basically a standing royal commission was a really bad idea and that it would lead to all sorts of problems. I have seen that played out over time, with people being brought before the CCC who have not been afforded procedural fairness and those kinds of questions, which are addressed elsewhere. The role of overseeing the operation of the police service is one that I absolutely agree has to be given to an independent body. We know what the Kennedy royal commission said, and we know what all royal commissions into the operation of police services everywhere say. They say that a police service is given exceptional powers, unlike anybody else in our community, and inevitably there is a temptation and a tendency for an element within the police service to use those powers excessively or corruptly, or both. So the one thing I do agree with is that we need an independent body to look at the operation of the police service.

I was amazed when I read the statistic that between July 2009 and March 2011, there were 381 complaints of excessive police force, of which only one was independently investigated. That is extraordinary. When I read this report, I was also interested to note the two case studies that the Parliamentary Inspector of the Corruption and Crime Commission referred to. One of those cases I have actually been pursuing myself, and that is the issue that arose in Fremantle, as I know one of the people involved.

It is essential that we have a debate about the role of the CCC, which I am sure we will when new legislation is presented to the Parliament. It is a really important issue to get right. I am also, in my preparation for a bill on covert powers we are about to debate in this place, thinking about who has powers to do what; who oversees whom. It is a very complicated formula. The current CCC legislation has not got the balance right. Some amendments need to be made.

I was also interested and somewhat disturbed to see in this report that there is also a reference to the CCC's response about why it was not going to investigate allegations of excessive use of force by police. One thing it said was, "If we are going to do that, what are we not going to do?"; the other was, "How can we afford to do it?" The committee's recommendations suggest that if that is a concern for the CCC, perhaps there needs to be an additional budget allocation to make sure it has the capacity to do that.

As I say, there have been a significant number of occasions when constituents have brought to me concerns about excessive use of police force. There will be vexatious and mischievous claims, but out of the 381 complaints I would think more than one would have warranted an investigation. Various royal commissions have indicated that when there is a threat, police services, perhaps more than any other public service, often close ranks, and people look after their own work colleagues. It is part of a culture, and it is both a good thing and a bad thing. They look after each other, but when it comes to issues of inappropriate behaviour or corruption, they are certainly very good at covering their tracks. I am not the only person to have made that observation.

Perhaps that is enough to say about this report. It is sufficient to say that I will be awaiting with interest any legislative changes presented to this place on the operation of the CCC. I have remembered the other thing I wanted to mention. It relates to one of the issues that might be related—I know it is not touched on in this report—to a reluctance by the CCC to investigate complaints of excessive use of police force. It is my understanding, and I am willing to be corrected, that on a number of occasions senior police officers have got senior positions in the CCC and then gone back to the police service. There is an exchange at a senior level of staff. Arguably sometimes, in some cases, that is good. Certainly in terms of education and processes of trying to change culture, that is not a bad thing, but it can lead to a less independent body if there is that transfer of staff from the police service into the CCC and then potentially back the other way. I could be wrong, and I might check with somebody about whether that is actually true, but I can think of a couple of names of senior officers who have held senior positions in both of those organisations. I would ask that the government consider that in terms of any changes to the operation of the CCC. Maybe there should be a cooling-off period or some sort of exclusion period so that there is not that exchange. I am not suggesting any person in particular is doing the wrong thing, but it is a question of trying to keep those two bodies distinct.

With those comments, I thank the standing committee for the report. I appreciate the work that it does in keeping a close eye on the operation of the Corruption and Crime Commission. It is an important role. It is not an easy one. I found this report very valuable.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Twentieth Report —
“Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the
Corruption and Crime Commission Act 2003” — Motion*

Resumed from 7 March on the following motion moved by Hon Nick Goiran —

That the report be noted.

Hon NICK GOIRAN: This is the eighth of the nine reports tabled by the committee in 2011. We have already dealt with report 19. Consideration of this report was deferred on the last occasion it was before the house because we had not received the response from the Attorney General. That was received 13 March, so I think we can usefully have a discussion about it.

I will outline for the benefit of members the origin of this report. Mr Deputy President, you would certainly be aware that Ms Gail Archer, SC, concluded her term as Acting Corruption and Crime Commissioner in February of last year, having previously been the author of the statutory review into the CCC act in 2008. After some responses from the Attorney General on previous reports of this committee, which referred to “principal recommendations of the Archer review”, the committee decided to clarify the issues by summoning Ms Archer to a closed hearing. Essentially, the purpose of this report was to demonstrate three things. Firstly, the recommendation to expand the role of the Corruption and Crime Commission to combat organised crime was not initiated by Ms Archer. She concurred with the work that had been done. Although allowing the recommendation to stand, she did not consider it to be a principal recommendation. The second thing this report sought to do was demonstrate that the recommendations Ms Archer considered to be most important included the powers of delegation of the commissioner and the role for a public interest monitor. Lastly, this report seeks to demonstrate that the role of the commission in the education and prevention of misconduct and corruption is seen as vital and should not be diluted in any way or handed on to another agency.

I am just going to spend a moment unpacking some of the evidence provided to the committee by Ms Gail Archer, SC. She raised several points during her evidence. Those members who want to look at that in greater detail can obviously familiarise themselves with the report. However, I will summarise it as follows: firstly, Ms Archer raised the point that the organised crime function of the CCC was only one of eight areas that she had been asked to look at in her statutory review. Secondly, due to the amount of work that had already been completed, evidence and data gathered and previous recommendations made in favour of an expanded role for the CCC, Ms Archer decided not to reinvent the wheel and to allow those recommendations to stand without further review. I think Hon Ken Travers would be familiar with that particular report, because I think he may in fact have been the chairman of the committee at the time.

Thirdly, the point made by Ms Archer was that 58 recommendations arose from her review, and she considers those relating to “significant impediments”, if I can use her phrase, to the operation of the act to be the principal recommendations made by her. Fourthly, Ms Archer considers the issue of creating a public interest monitor to be of overwhelming importance. Fifthly, the point was made that the current misconduct role of the Corruption and Crime Commission, including its education function, is one that is of vital importance and should not be diluted in any way. Lastly, the point was made that the value of the CCC is found in its unique skills set, which fits with the investigation of public sector corruption.

The recommendations Ms Archer considered most important included powers of delegation for the commissioner and a role for a public interest monitor. This importance is reflected in the committee’s recommendations in this report, and I draw members’ attention to them; there are three. Firstly, if the CCC is to be given an enhanced organised crime investigation function, its functions of preventing, identifying and dealing with misconduct should be maintained at least at their current capacities. The second recommendation is that the appointment of a public interest monitor be considered vitally important. Thirdly, the delegation of powers from the commissioner of the CCC to a deputy or nominated person should be considered an integral part of any changes to the Corruption and Crime Commission Act.

I will conclude my remarks by considering the response of the Attorney General to the committee’s report. He stated —

... it is not entirely clear from —

Her evidence —

... whether or not Ms Archer SC would characterise her recommendation in respect of organised crime as either of a ‘primary recommendation’ or a ‘principal recommendation’ and consequently this statement does not necessarily conclusively establish, as appears to be maintained by the Committee ... that Ms Archer SC did not consider the recommendation with respect to organised crime to be a ‘principal recommendation’ of her report.

I will just pause there for a moment to say that I was there when the evidence was given, and I can assure members that that absolutely was the case. I will continue with the consideration of the Attorney General’s response. He continued —

... the Government rejects any assertion that Ms Archer SC’s recommendation was not ‘principal’ in the sense that it can be discounted as unimportant or unwarranted.

Again, in that respect, obviously I agree and I think the committee wholeheartedly agrees. Although we have not sat down and specifically worked our way through the response here, I think that particular assertion goes without saying. We continue to consider the final aspect of the Attorney General’s response, which states —

In any event, the Government notes the present Committee’s recommendations which concern the Government’s mooted reforms to the *Corruption and Crime Commission Act 2003*. Although these reforms are presently subject to Cabinet processes, and consequently it is not proposed to respond directly to the Committee’s recommendations regarding this matter,...

We are not really any further enlightened in that respect, but I do not say that as a criticism; that is just the way the processes work, and we will be enlightened in the fullness of time. Like other members of this place, I will watch that with interest.

Perhaps I should take the opportunity while I am on my feet to note that last week we had, for the first time, an indication from the Labor Party of what its position will be in respect of these mooted reforms, to use the Attorney General’s phrase. I understand, after reading something that the shadow Attorney General said, that the explanation was provided that the Labor Party would oppose the reforms for the reasons outlined by this committee. I obviously thought it was interesting, being on this side of the chamber, that that was the position taken; I will leave it to others to comment on that. What I will briefly comment on is the fact that the shadow Attorney General consistently refers to this committee as a “government-dominated” committee, and I have to say that I am starting to get a bit exasperated by that because, for those members who are interested in mathematics, this committee consists of four members: two from the Liberal Party and two from the Labor Party.

Hon Ken Travers: It’s your renowned powers of persuasion!

Hon NICK GOIRAN: Perhaps Hon Ken Travers could have a conversation with his good friend the shadow Attorney General and just remind him that it is actually a bipartisan committee by virtue of those numbers and that, in actual fact, it cannot operate unless at least three of the four members agree to anything. It would be good if someone gave him a quick mathematics lesson!

Hon GIZ WATSON: I also took an interest in this report, for various reasons. I am looking more closely at the operation of the CCC, and I again congratulate the committee on producing this report. I note the comments of

the chairman as to what was sought to be achieved through this report. I think there is an interesting sort of nuancing of various words in terms of how Ms Archer did or did not prioritise this particular recommendation; it is probably a little cute, but I also note the chairman's foreword at page viii in this report, which reads, in part —

It has been, and continues to be, the Committee's view that given the historical link between organised crime and police corruption, that the fight against organised crime is best served by the CCC in monitoring the WA Police for corruption.

That kind of ties in with comments made in a previous report of the same committee, which we just dealt with—the eighteenth report. Again, it goes to: what is, in the view of Parliament, the role of the CCC? On behalf of the Greens, I agree that that oversight role is more important and that the CCC should not be given enhanced powers to do with organised crime investigation functions.

I also want to comment on the recommendation regarding the appointment of a public interest monitor. I absolutely support that recommendation; there is a very great need for that role. I believe that public interest monitors exist in other state jurisdictions. If I were to go back to the debate on the original bill, which was a long time ago, I am sure that I made the case for a public interest monitor way back then. I cannot even remember when that was—2002 or 2003? It was 2003.

Again, the committee has been diligent in pursuing a number of hearings and conversations with Ms Gail Archer, who was given the job of making recommendations on the operation and future role of the CCC. I note that the committee has produced its tenth, thirteenth, fifteenth and twentieth reports to put on the public record and to provide to Parliament some clarification on what Ms Archer has or has not recommended, and the government's response to her recommendations.

I must say I look forward to some legislation to actually have a debate around, and I hope that any amendments to the CCC act can be debated in a truly multi-party, cooperative way, because it is beyond party politics. The CCC plays a really essential role, and the powers we have given it need to be qualified and accountable to the Parliament. We certainly need to ensure that it does not impinge on the operation of the Parliament and that it best serves the community in dealing with misconduct in the public service and overseeing the role of the police service. Those are the key roles the Corruption and Crime Commission should have. It should be as accountable as possible to the Parliament and, by the Parliament, also to the public at large. I support the report.

Hon MAX TRENORDEN: I do not intend to say much more than to express to the committee and the chair of the committee my appreciation of how this matter has progressed. Most members will know that, like the previous speaker, I have paid a lot of attention to the Corruption and Crime Commission over the years. I have had a range of concerns, like most members of this chamber, about the Corruption and Crime Commission's operations. The truth is if we take off our political hats and do the right committee work in this place, we assist each other. I want to congratulate the committee, particularly the chair of the committee, on the manner in which this CCC issue is now progressing. There has been great concern over the years.

I received a telephone call not so long ago from a lady who was involved. I will not say who because I do not want to embarrass her and I have not asked her permission. A range of people have been seriously burnt in a range of episodes over too many years. Like the previous speaker, I recall meeting the initial commissioner. I am pretty sure no notes were taken of the meeting so no-one can contradict me! I am certain in my mind that I told him that if we lose the confidence of the people, we lose everything. The CCC has gone very close to doing that.

I have listened with interest to the Chair of the Joint Standing Committee on the Corruption and Crime Commission during the noting of the committee's last couple of reports. I appreciate the strong effort that the committee is putting in. It gives me the confidence that I can leave a lot of matters in its hands and just follow its reports. We are meant to be a house of review; being a house of review, if the committee process works properly, we can have confidence in each other. We can have differing points of view as to what the outcome will be, but I have to say I have extreme confidence in the current committee. I appreciate the report on the police and the issues surrounding that.

Unfortunately, I have grey hair and can strongly remember the past! I also felt the pain of previous royal commissions—not only the Kennedy one but previous ones. There was considerable pain during the decision-making process about what to do. My concern at the time, and my concern now, remains. It is like the argument on the federal scene about work conditions—one side gets in and goes to one extreme; the other side gets in and goes to another extreme. We do not need to go to extremes here. We need a functioning CCC that the people of Western Australia can have confidence in. That is not currently the case. That is not to have a shot at the current commissioner, or even people in the past. The best we can do is look at the experiences we have had, put them to a sum, add it up and say, "This is where we are going. Let us put some of these things behind us. Let us go to where we need to go." I still have a continuing concern about some people who got burnt. The degree of their crucifixion is the question—not that they should not have been brought into the public image, just how much capacity they had at the time to defend themselves, getting ambushed in the argument that happened during open

hearings, which the Chair talked about earlier. All those things have given me confidence. I want to put on record that this committee is doing good work. I encourage it to keep on doing that.

Question put and passed.

*Standing Committee on Environment and Public Affairs —
Twenty-fourth Report — “Inquiry into Cockburn Cement Limited, Munster” — Motion*

Resumed from 7 March on the following motion moved by Hon Brian Ellis —

That the report be noted.

Hon BRIAN ELLIS: The Standing Committee on Environment and Public Affairs received seven petitions that had been tabled in the Legislative Council requesting the Legislative Council to take immediate action to stop dust and odour emissions from Cockburn Cement Limited operations at Russell Road, Munster. After preliminary inquiries, the committee resolved to inquire formally into the Munster plant on the following terms. The committee was to inquire into and report on: firstly, the health, environmental, dust, odour, property and other concerns arising out of the operation of the Cockburn Cement Limited plant, Munster; secondly, the adequacy of action to address the above concerns; thirdly, the process of issuing and amending licences; and, fourthly, any other relevant matters. Chapter 3 of the committee’s report contains a lot of discussion on the nature of the causes and impacts of the different types of emissions from the Munster plant. I will not go into much detail because I will leave that to the members of the committee who actually represent that region. They have a better understanding of their constituents’ concerns about the odours and emissions. The most common complaints made via submissions to the committee related to dust and odour emissions, and the alleged effect of these emissions on the health of surrounding residents and their properties.

The inquiry drew a strong response from the community. The committee received 97 submissions. The committee made 23 recommendations and seven findings. I will refer to some of those. The committee found that the dust emitted from Cockburn Cement Limited’s Munster plant is a contributing, if not the primary, cause of amenity and property-related dust complaints in the surrounding communities. The committee recommended that the government commission suitable, qualified experts to conduct a comprehensive, rigorous and peer-reviewed health study of residents living in the vicinity of CCL’s Munster plant. One of the reasons for that is that there were some health reviews, mainly from doctors receiving complaints from those people living in the area. The committee felt there were enough concerns for there to be a full health study done of residents of that area. The committee also found that the Department of Environment and Conservation and its predecessors have not adequately ensured CCL’s compliance with its licence; nor have they enforced the licence. The committee found that the Kwinana air quality buffer has not been well implemented. It also found that the relevant decision makers and governmental bodies have failed to appreciate and address the complex planning issues associated with CCL’s Munster plant and the surrounding areas.

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

Sitting suspended from 6.00 to 7.30 pm

**ROAD TRAFFIC (VEHICLES) BILL 2011
ROAD TRAFFIC LEGISLATION AMENDMENT BILL 2011**

Report

Reports of committees adopted.

ADOPTION AMENDMENT BILL 2011

Report

Report of committee adopted.

**LAND ADMINISTRATION ACT 1997 — AMENDMENT TO CLASS A RESERVE 22429 —
DISALLOWANCE**

Motion

Pursuant to standing order 66(3), the following motion by Hon Phil Edman was moved pro forma on 27 March —

That proposal 11/2011 — amendment to class A reserve 22429, tabled in the Legislative Council on 23 November 2011 under section 42(4)(b) of the Land Administration Act 1997, be and is hereby disallowed.

HON PHIL EDMAN (South Metropolitan) [7.33 pm]: The proposal facilitates the building of Mundijong Road west of Mandurah Road. That project will have significant benefits for the Rockingham–Kwinana region and is one that I have been pursuing for some time. I would like to talk about that time, which dates back to

before I was a member of Parliament and I was a candidate in the federal election in 2007. The City of Rockingham had applied to the federal government for \$6.7 million in AusLink funding for the extension of Mundijong Road. The City of Rockingham was successful in obtaining that money, which thankfully was put into the City of Rockingham's bank account before the federal government went to the polls. But there was a time limit on how long the local government had to use that money after being granted that funding.

In 2006 the Rockingham Kwinana Development Office was chaired by the member for Rockingham. Its job was to basically purchase the land so that the City of Rockingham could extend that road. The \$6.7 million provided by the federal government was for the construction of the extension of the road. The City of Rockingham felt quite fortunate to receive that cheque, and I remember Hon Simon O'Brien and Tony Simpson, MLA, were with us when the cheque was presented to us by the federal government.

After the matter of this class A reserve has been finalised, the City of Rockingham can proceed with its tender process; however, the tender cannot proceed until the prospect of disallowance has been extinguished by the effluxion of time or if moved by resolution in the negative. The City of Rockingham is keen to proceed as soon as possible, as it has had to twice ask for an extension of the AusLink funding. The Mayor of Rockingham, Barry Sammels, and, I believe, the chief executive officer of the City of Rockingham, Andrew Hammond, have flown to Canberra on two occasions to ask for a time extension in relation to the building of this road. The current state government has had to find the money to purchase the land and negotiate with the different landholders to buy that land so that the City of Rockingham can proceed. The federal government has imposed a deadline on the building of this extension. I would like the house to deal with this motion now, so as to avoid a period of uncertainty and a possible delay of two months. My purpose in moving this motion is to remove the impediment by having the question of disallowance resolved, and in so doing I am of course asking the house to vote against this motion for disallowance.

Mundijong Road is vital as a major artery for the south-eastern part of Perth; it also helps commuters in the Rockingham and Kwinana area get to the city. I think it has been timed, and commuters will save 10 minutes' travel time once the extension is built. It will also be a major entrance statement for the City of Rockingham. At the moment we have Safety Bay Road as the entrance statement to Rockingham, and we have a beautiful substation that was put there by the former government. That land was supposed to be for a school, not for a substation; we missed out on the school and got a substation. As well as providing a time saving for freight and the general public who reside in that area, it will give us an exciting new entrance statement for the City of Rockingham. It is also important to note that it will help the Defence Force in relation to getting to HMAS *Stirling* and Garden Island. I guess it is important for the state.

If the former chair of the Rockingham Kwinana Development Office had done what was needed at the time, which was to actually purchase that land, we would not be in the situation we are today of having basically run out of time. We do not want to run out of time, because there is the risk that every cent of the \$6.7 million that has been sitting in the City of Rockingham bank account since 2006—on which I believe it has also earned interest—could go back to the federal government, and the state of Western Australia could miss out on it altogether. We do not want that to happen. The City of Rockingham needs to start this tender process.

Point of Order

Hon LYNN MacLAREN: Mr Deputy President, maybe you can help me navigate this, but is it a point of order that the member has put something on the notice paper and now he is speaking against it?

The DEPUTY PRESIDENT (Hon Col Holt): There is no point of order. According to the Land Administration Act, section 43(1), the only way in which there can be a resolution to this matter is for a disallowance motion to come to Parliament, and to vote against it.

Debate Resumed

Hon PHIL EDMAN: Thank you, Mr Deputy President.

In relation to Mundijong Road in this class A reserve, we have just heard the debate, which we have not finished, on Roe Highway 8 and the graceful sun moth and so forth. I point out to members that in relation to this road, and in relation to environmental considerations, this proposal will take approximately 2.4 hectares from the class A reservation. The regional reservation, which this is a part of, covers over 2 200 hectares. So the excision will remove only 0.1 per cent of the total area. The affected area is not of environmental significance. The Department of Environment and Conservation issued a vegetation clearing permit in October 2011, which is valid until January 2014. There is no significant flora or fauna in the affected area. I also point out to members that the City of Rockingham advertised the lifting of the reservation for three weeks to 19 September 2011. No submissions were received, and there was basically anecdotal evidence to say that residents welcomed the extension of this road. I have not had any emails from any of my constituents to say they do not want this extension of Mundijong Road.

Hon Ken Travers: So why did you move to disallow it, then, if you want it?

Hon PHIL EDMAN: I will say it again for the benefit of those who were not in the chamber at the time. My purpose in moving this motion is to remove the impediment by having the question of disallowance resolved. In so doing, I am of course asking the house to vote against this motion. I am bringing this on now, because the disallowance will have to sit on the table for 14 days, and because we will not be sitting in April, that will mean that it will not come on until 1 May. So, by 1 May, the City of Rockingham could be in a bit of trouble with the federal government in relation to the AusLink funding, as I have already said.

Hon Max Trenorden: And 1 May is Labour Day!

Hon PHIL EDMAN: There we go! So it will be 2 May, then, Hon Max Trenorden, when we are back in the house.

In conclusion, I am asking the house to support the extension of Mundijong Road, and I ask the house to do that by voting against the motion.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [7.43 pm]: The government supports the motion put forward by Hon Phil Edman. I would like to make some observations in offering that support. Firstly, this procedure is a bit unusual, in that we do not see it happen very often. Hon Lynn MacLaren asked how usual it is for someone to move a motion and then ask everyone to vote against it. The fact of the matter is, as Hon Phil Edman has pointed out, that the proposal to excise some land from a class A reserve for the purpose of building this extension of Mundijong Road is dealt with under section 43 of the Land Administration Act, which provides for a disallowance procedure in respect of any such proposed excision. There is a time after the proposal is tabled during which notice of motion to disallow may be lodged in either house. That impediment to proceeding to the finality of the excision of the land from the reserve—in this case, for the purpose of building a road—cannot be resolved until the disallowance machinery has been dealt with by either the effluxion of time and no motion being forthcoming or the resolution in the negative of a disallowance motion, such as we have before us now; that is, that a disallowance motion be not agreed to.

The honourable member has outlined the situation whereby the City of Rockingham wants to get on with the tenders and ultimately put out a contract to get on with building this road. He has indicated that the federal government, which has provided some funding, has granted a couple of extensions to the city to accommodate delays in getting this construction underway. So, in addition to all that the state government has done to make sure that land is available and what have you, we can do our bit by making sure that this further impediment is removed. Since Hon Phil Edman gave notice of this motion to disallow recently, another member has also moved to disallow the excision of this land. If that motion had come up in the normal course of events, and as we will not sit after Thursday until the first week in May, we would have had to allow for however many sitting days are required until the motion can be dealt with, unless it was dealt with beforehand. Either way, we would have been looking at a couple of months' delay, and that would be a serious matter for a council that needs to get on with the cycle of calling tenders and all that that involves. And that is before we even consider the benefits of this road that will accrue to the community.

With all of that in mind, we recognise that there is a need to remove the impediments to the resolution of this proposal. The house might decide to uphold the disallowance; it might say that it does not want to build the Mundijong Road extension. I hope it will not but, either way, the matter has to be resolved. The Liberal Party will certainly support Hon Phil Edman in opposing this disallowance motion. We are not voting against what he has moved per se; it is just that we agree that it is more convenient for the matter to be dealt with now, and the future decided, rather than to have a delay of several months.

I will close by offering a couple of observations about what Hon Phil Edman is doing, because this is typical of what I have observed about this member over a number of years. There was quite a silly article in a local paper down Rockingham way that referred to how many times members stand and speak in this place, as though that is some legitimate form of key performance indicator. Of course, it may or may not be legitimate. I pointed out that Hon Phil Edman does more for his electorate as a member of this place than a heck of a lot of other people. This is just typical of his way of getting things done, whereby he persists with a decent project and leads delegations of council members to Canberra to bang on doors and pester people until they give him the money to build the road he wants or whatever else he needs for his community. I have seen him do this a number of times. I have worked with him on a number of occasions. Hell's bells, I have even been the bloke who said, "For God's sake; let's go and do it because Phil is not going to give us any peace until we do." I want to acknowledge on the public record that this is what Hon Phil Edman does. He actually gets things done. When he notices that something is almost at the stage where it can go ahead—this will be a very useful road when it is built—and he notices that there might be a delay for several months for no good reason and it might jeopardise the thing at this late hour, what does he do? He finds a way to work within the law to bring it to the Parliament's attention at an early date so that we can resolve the matter. I think that deserves a fair bit of credit. It now seems a bit funny to say it, but I think we should all support Hon Phil Edman by voting against his motion.

HON LYNN MacLAREN (South Metropolitan) [7.51 pm]: I rise to support this disallowance motion, as one does when one sees a disallowance on the notice paper. In fact, when I put disallowances on the notice paper, usually it is because I want to disallow something, not because I want to not disallow something. I can understand that Hon Phil Edman has a way about him—as Hon Simon O’Brien said, he has a certain style. I am going to go along with that, and I am going to say: thank you very much for allowing us to debate this very important road, because, surprisingly, I am actually in favour of extending Mundijong Road. I think that is not a bad suggestion.

If anyone was across the detail of this, they would know that this alignment goes through a Bush Forever site. It is a ridiculous alignment. There is a much more sensible alignment along the railway and through the tip site, and there is no reason why this government should be putting another road—we have already talked about this today—through bushland. I am going to explain exactly what the value of this bushland is. I am not going to guess at 2.4 hectares; I am going to tell members it is 2.7 hectares. Hon Phil Edman neglected to mention that for a Carnaby’s cockatoo with a roosting site within the 0.3 hectares, this is a really important 0.3 hectares. It is the detail on which we need to support this disallowance.

This has been going on for a long time. I have emails in my hand from 12 September 2010, after I sought input from my constituents about this road. Let me tell members that they were not happy with this road. I am sorry they did not copy members opposite into the emails, but they have advised me that there are serious concerns about this road alignment. It is not because of the beautiful idea that we could perhaps extend Mundijong Road, but the fact that it is cutting through bushland that some people value in this state—that is why I am standing up to speak on this issue. This is the wrong place to put this road. We are excising class A reserve, and it is not good enough that this government continues to excise class A reserve for roads. Even if it is only 2.7 hectares, it is 2.7 hectares that I am going to spend some of my breath tonight speaking about.

Some of my constituents were very interested in this proposal. They mentioned, “... it’s a case of what corporate giants want they get from the corporate puppets of the Barnett government.” That is what I have been told by my constituents. This is not just any old road going into Rockingham, which we do think is a good idea. This is a road which conveniently provides a nice buffer for BHP. Why does BHP need a little buffer? What is going on in their tailings? That is why I asked in November 2010 about just what was going on down there. As the realignment was necessary to provide a wider buffer between the road and the BHP Billiton Nickel West Pty Ltd tailings pond will the company contribute to this cost? I was advised on November 2010 that it would not be contributing to the cost, but the realignment is definitely going to benefit it. Then I asked: what substances can be found in this tailings pond? I was told that the evaporation ponds contain water circulated through BHP Billiton’s Kwinana nickel refinery. Everything is fine! I had a drive around there, and I do not know how many other members have driven around there, but I hope they visit Beeliar wetlands first, because if they drive around the nickel tailings ponds, at the back of Kerosene Lane or something, they will find that it is a fairly desolate place. It is a place where I would not mind having a road! All that would have to be done is that instead of the road going this way through Bush Forever land, it could go that way down a railway reserve and down the back of the tailings ponds and down the back of the Rockingham tip site. I ask why the government is not spending \$6 million of commonwealth funds on that alignment, because I would perhaps be here supporting what Hon Phil Edman says, but in this case, Hon Phil Edman, I say, no.

One of the things that brought my attention to this issue was when this paper outlining the proposal was tabled in this house. It is supposed to have accurate information in it. This paper, which was submitted by the Minister for Lands, quite clearly states —

The Rockingham Kwinana Development Office has advised the Member for Rockingham and each Member from the South Metropolitan Region —

Of which I am one —

have been briefed all of whom have been supportive of the proposed.

That is an outright lie. Has Hon Kate Doust been briefed? She is a member for the South Metropolitan Region, is she not?

Hon Kate Doust: I am, but I have not had the opportunity to be briefed on it.

Hon LYNN MacLAREN: I know that today my fellow members of the South Metropolitan Region are not prepared for this debate because they have not been briefed, yet this tabled paper sat in this house as a true record of what was wanted to be done in that bushland and it stated that we were all fine with it, but I am not fine with it.

Do members know who else is not fine with it? Members will not be too surprised by this, but there are several black cockatoos that will not be fine with this. This motion will excise a class A reserve that is the potential habitat for, yet again, Environment Protection and Biodiversity Conservation Act-listed threatened Carnaby’s, Baudin’s and forest red-tailed black cockatoos. In this case, Baudin’s black cockatoos do not hang around so

much in the Beeliar wetlands, but they do in this place. Also threatened are black-gloved wallabies and quendas. According to the Minister for Planning's answer to my question of 10 November 2010, the alignment also impacts approximately 2.7 hectares of Bush Forever site 356. A couple of weeks ago on 16 March, the *Weekend Courier* ran a front-page story about the dramatic decline of Carnaby's black cockatoos in Baldvis. It states —

... Baldvis resident Anne Bellman saw the sky darken every evening as hundreds of them came to roost in trees on her property.

Now she's lucky to see a group of 20, ...

Results of the 2011 Great Cocky Count report released the same week were damning. The report summary found —

There was a statistically significant ... decline of 37% from 6,672 Carnaby's Cockatoos counted in 2010 to 4,222 counted in 2011, in the DEC Swan Region.

Hon Nigel Hallett: I tell you what, I'll send you all the Carnaby's cockatoos you want; I've got too many of them at my place!

Hon LYNN MacLAREN: Hon Nigel Hallett might still have some bushland where he is and that would be a great place to live I am sure.

If this species continues declining at this alarming rate we could see Carnaby's black cockatoos vanish from the Swan region in the next five years. The situation is really that serious; I am not overstating it. The results in Baldvis are even worse, with page 30 of the Great Cocky Count report detailing that up to 1 000 birds were displaced due to the harvesting of two pine plantations in the area. I saw that harvesting; it was devastating. In the article in the *Weekend Courier*, Kaarakin Black Cockatoo Rehabilitation Centre manager Chris Phillips states —

"We have rescued injured birds from Baldvis as they're forced to forage along the roadsides — and that's usually fatal," ...

We have seen that recently. The government is proposing yet another road through two Carnaby's black cockatoo habitats, and as I say, that has to stop. The Minister for Environment admitted in question time last week that the Mundijong Road extension would result in the clearing of another 11.11 hectares of Carnaby's Black cockatoo habitat—completely unacceptable.

Hon Simon O'Brien: We could never build a road anywhere, is that what you're saying? It seems to be that way.

Hon LYNN MacLAREN: Hon Simon O'Brien, I have stated quite clearly that I have been in that area and I know that there is an alternative alignment. I am not saying that we should not have that road. I am saying that it is in the wrong place and I oppose the excision of a class A reserve, as I am supposed to do as an elected member of the state of Western Australia who really cares about class A reserves.

The minister failed to admit in question time last week that the proposed alignment also contains 16 trees that are considered suitable nesting habitat for Carnaby's, Baudin's and forest red-tailed black cockatoos, as documented on page 20 of the proponent's preliminary environment protection and biodiversity conservation documentation. Why did the Minister for Environment neglect to mention that 16 trees had been identified? I cannot answer that and I hope that the Minister for Environment will.

Chris Phillips from the Kaarakin Black Cockatoo Rehabilitation Centre called for a moratorium on the removal of trees. I believe that this is needed to halt the dramatic decline of this species on our watch. The opinion piece in Monday's *The West Australian* about the graceful sun moth demonstrated the low priority that Premier Barnett and his government place on wildlife conservation. I do not know how many members saw that opinion piece in *The West Australian*, but I found it shocking.

Hon Michael Mischin: Who wrote it? Is it an objective opinion?

Hon LYNN MacLAREN: If the Premier is going to seek to counter the statements made with direct quotes from him, I look forward to that, as do many Western Australians, because those comments were shocking.

The proponents argue that the clearing will be offset. However, the offsets proposed are existing forested areas, so the proposal will still result in a net reduction of feeding habitat for a species already in terminal decline. If members look at the documentation on page 27, they see that it shows that one proposed offset site is near Singleton, which is 20 kilometres away. How will that help the Baldvis cockatoo population? I do not know; I hope they can still get enough food to fly that far.

The clearing guidelines on table 2 of page 9 of the proponent's documentation show that the proposal is also at variance, or potentially at variance, with three of the 10 clearing principles outlined in the Environmental Protection Act. These are —

Native vegetation should not be cleared if —

...

- (d) it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community; or

...

- (f) it is growing in, or in association with, an environment associated with a watercourse or wetland; or

...

- (h) the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area ...

The Minister for Planning stated in question time on 10 November 2010 —

The current metropolitan region scheme alignment preceded both Bushplan and Bush Forever, the establishment of the Rockingham Lakes Regional Park, and the other seven metropolitan regional parks.

It is time that we revisited this metropolitan region scheme—we have been on that theme today—to take into account the presence of Bush Forever sites. I think that Hon Alison Xamon made crystal clear today what Bush Forever means in this state. I do not think that we should proceed with the government's business-as-usual approach. It is increasingly frustrating that no bushland is required to be cleared for this road extension; the road can be extended with minimal or no clearing by using degraded land. With a bit of remediation, the road could go through the evaporation ponds for BHP Billiton's Kwinana nickel refinery or the municipal tip and then down the rail reserve. What is the other option for those disused tailing ponds? Will they just remain an open area where hardly anything grows except wild grass, which itself is struggling? That is the perfect place for a road. That is how we need to be clever about land-use planning. Unfortunately, BHP Billiton has raised concerns about potential odour problems if the road were to pass near these ponds.

I commend the City of Rockingham for trying to find a way out of this. It paid \$69 242.80 for consultants to investigate options for the realignment. We probably need to look at how that money was spent, because this alignment is not acceptable. How any consultant could suggest that a road go through bushland instead of degraded, misused or disused industrial land is beyond me. The same day in Parliament, 10 November 2010, I asked the minister —

As the realignment was necessary to provide a wider buffer between the road and BHP Billiton ... will the company contribute to the cost?

I have already said that BHP said no.

It is clear to me that the Mundijong Road extension is in the wrong place. We should be supporting this disallowance motion that has finally been moved by Hon Phil Edman. We should say, "Go back to the drawing board." Yes, \$6 million should be spent, but not in clearing any more bushland. It is a completely wrong decision in this case. Mundijong Road has been identified by the Department of Environment and Conservation as an important road for flora, albeit not in that area but further down Mundijong Road. We know that tourists like going down the whole road when it is a flora road; they enjoy these roads. We know that there are endangered, threatened communities in this area and we should be preserving them. We should be planting in that area and rehabilitating it. We should be putting that road where it belongs—in a transport corridor that has existing rail.

I will finish soon by saying that Hon Phil Edman has repeatedly said, through the newspapers, that this road will make a very nice entrance to Rockingham. He said it will be a really stunning entrance statement to the City of Rockingham. The people I have talked to in the region say that this road will carry freight. It will truck sheep from the hills to the port. This road will be used as a port access road. If the good citizens and residents of the City of Rockingham are being sold this road as a beautiful entranceway to the city and, instead, it will be used for freight, I think they too have been misled, just as this house has been misled by the tabled proposal. It was blatantly claimed that I and six other members in the South Metropolitan Region have no issue with this road. As I have said, we do have an issue with this road. I entirely support this disallowance motion. I hope that other members in this house who have heard this argument, who have heard some of the truth of what is behind this road, will agree with me that this is the time to say no, we do not want this road cleared, we do not want this bushland cleared and we do not want a road put through it. The line has to be drawn. I am asking members to draw it here and now.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [8.07 pm]: I rise tonight representing the Minister for Lands. I urge the house not to support this disallowance motion. The City of Rockingham proposes to extend Mundijong Road between Baldivis and Mandurah Roads to complete a road link between the Kwinana Freeway and the Rockingham city centre as part of the extension that will require an

excision from class A reserve 22429. Class A reserve 22429, described as lot 1387 on deposited plan 218497, is set aside for the purposes of recreation and parklands, and is an unmanaged reserve. The proposed new road link will provide commuter access to the city centre and HMAS *Stirling* naval base via Dixon Road—a strategic freight route from both the east and the south, to East Rockingham and the Kwinana industrial areas. That is east from the South Western Highway via Mundijong Road, and south via the new Perth–Bunbury Highway and the Kwinana Freeway. More than \$6 million in federal funding has been secured by the City of Rockingham to build the five-kilometre extension to Mundijong Road, with the state government providing additional funding to enable this project to be completed. The City of Rockingham advertised the proposed excision within *The West Australian*, and signposted the area. No comments or objections were received from the public. The proposal was also published in *The West Australian* on 19 October 2011. At the conclusion of the 30-day period for comments or objections, no submissions were received.

This proposal to extend Mundijong Road between Baldivis Road and Mandurah Road will facilitate a good outcome for the local community and should be implemented as soon as possible. The Department of Regional Development and Lands has been advised by the Rockingham Kwinana Development Office that the proposal is well supported by the federal member of Parliament, Gary Gray, as well as state MPs Hon Simon O'Brien, MLC; Hon Nick Goiran, MLC; Hon Mark McGowan, MLA; Mr Roger Cook, MLA; Mr Tony Simpson, MLA; and Mr Paul Papalia, MLA. With this information and given that there have been no objections following the extensive advertising of this proposal, I urge members not to support this disallowance.

Adjournment of Debate — Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [8.11 pm]: Unfortunately, when I provided information about today's legislative program to the Clerks today, I listed this disallowance as my number one item for business on today's notice paper, forgetting of course that, as a matter of course, any other disallowances are also listed on the notice paper. It was understandable that when members of the Labor Party saw the notice paper, they assumed that this disallowance was the same as all the others and would be dealt with when the time came for it to be dealt with, so they were not prepared to deal with this matter tonight. I have given an undertaking that we will adjourn the debate until tomorrow, and hopefully we can resolve it then. I think arguments have been made by members who support the disallowance and by those who do not support the disallowance. To be fair to members of the opposition, who have not had time to determine their official position on this matter, albeit some members in other parts do support the extension of the road, I move —

That the debate be adjourned to the next sitting of the house.

Question put and passed; debate thus adjourned.

WESTERN AUSTRALIA DAY (RENAMING) BILL 2011

Second Reading

Resumed from 27 March.

HON NICK GOIRAN (South Metropolitan) [8.12 pm]: I am pleased to make a contribution to the Western Australia Day (Renaming) Bill 2011 this evening. I have had the opportunity to consider in detail the excellent second reading speech on this bill delivered by my good friend the Leader of the House. Since that time there have been a number of excellent contributions, including that of Hon Helen Bullock, who issued a moment of caution to the house to ensure that this was not some kind of covert attempt to rewrite history. With respect to those comments, I concur with the honourable member. I am satisfied, on thorough examination, that that is not what is intended with this bill.

I was also pleased to hear the intelligent comments of my learned friend Hon Michael Mischin who, amongst other things, acknowledged the settlement culture, if I can use that phrase, of the times. If my memory serves me correctly, he was imploring us in that excellent contribution not to be ashamed of the settlement culture of the times but, rather, just reflective of the fact that that was simply the way things were at that time in the era of humankind. I thought it was a useful contribution by the honourable member.

Reflecting on this bill, as has been mentioned by a number of other members, it is difficult not to turn one's mind to 1 June 1829 and what I understood was the arrival at the Swan River by Governor Stirling and a group of settlers. However, my good friend who sits to my left Hon Phil Edman reminded me that it was not the arrival that took place on that day, and I am indebted to him for that correction and his excellent grasp of the history of this date. As the honourable member has advised me and as we all know, the ship called the *Parmelia* was the decisive ship that has since that time shaped the history of our state known as Western Australia.

It would be remiss of us if we did not, in discussing this bill, recognise the first peoples of this country. Of course, before the arrival of the settlers, it needs to be said that for several thousands of years this land was home to the Indigenous peoples. In addition to that, there was the group of people I have just spoken of, the original settlers, who were British. Since then, there have been migrants, including people such as my parents, from

virtually every country on the globe who have made Western Australia their home. I therefore, naturally, share some sympathy for the migrants of this wonderful country and this wonderful state. I note, according to the 2006 census, that I share French ancestry with nearly 10 000 other Western Australians, which was a surprising figure, I must say. All of those people have together formed the community and the society that we are. We therefore have this opportunity to contribute to the ongoing development of this state and to the wellbeing of our community; and we should see that as a privilege, as I know the members of this place do. All human beings, in my view, need a sense of place, whether we are Indigenous people who have no other country, whether we are newly arrived migrants or whether we are in fact Australian-born descendants of settlers and immigrants, as we all share this particular part of God's earth, Western Australia. It is appropriate, I think, that we take one day each year to celebrate Western Australia.

In consideration of this bill, which the Leader of the House has brought to our attention, I need to reflect on what this bill does not do. It is interesting to note that this bill makes no change to the date of that celebration, which will of course remain the first Monday in June. Therefore, while other Australians are celebrating and honouring the Queen on her official birthday, we will continue to celebrate Western Australia on that day, and of course we will honour the Queen with an appropriate holiday in September or October each year.

When one considers these important bills, one must not limit oneself only to what the bill does not do; we must also consider what the bill does do. This particular bill changes the name of the holiday. It shifts the focus from a particular event in history, the foundation of the Swan River Colony, to a broader focus on everything that Western Australia means to us as a community. In that respect, we have had some excellent contributions to the second reading debate from members on that particular point and on what Western Australia means to those members.

As I do from time to time, I would like to observe what the Premier had to say about these matters. The Premier concluded his second reading speech on this bill in the other place by making the following remarks —

Although that initial settlement by Captain Stirling and his party will always be an essential part of Western Australia Day, this celebration will go further. Western Australia Day will reflect on a shared history of perseverance, resourcefulness and creativity. It will be an appropriate celebration of our state and all of its people.

Mr Deputy President (Hon Col Holt), I have to say that I look forward to the passage of this bill and to celebrating many Western Australia Days in the future with you, with my colleagues and with all Western Australians.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [8.19 pm] — in reply: Thank you, Mr Deputy President. I think everyone has spoken. Did anyone miss out?

Hon Ken Travers interjected.

Hon NORMAN MOORE: I did not want anyone to miss out on speaking on this very important bill.

Hon Sue Ellery: I am anticipating a fascinating rendition of the history of Captain Stirling from you.

Hon NORMAN MOORE: That is only because I brought with me a book called *James Stirling: Admiral and Founding Governor of Western Australia*, written by Pamela Statham-Drew. It is a fascinating book.

Hon Kate Doust: I'm sure you are going to read us great chunks of it.

Hon NORMAN MOORE: It is a very scholarly book and very difficult to read. But I did spend a lot of time reading it so that I would learn a little bit about James Stirling. Members should be aware that only part of his life was spent in Western Australia. He was engaged in many other activities throughout his life in other parts of the world.

Hon Kate Doust: Did you teach history?

Hon NORMAN MOORE: I did, and I am going to give members a history lesson tonight!

Hon Kate Doust: I knew that was coming our way.

Hon NORMAN MOORE: It is actually practise for my retirement in case I decide to get one of those jobs in a hard-to-manage school where the school principal can be paid \$200 000.

Hon Kate Doust: You could've gone to London.

Hon NORMAN MOORE: There may be an opportunity for me, so I will practise on the house tonight and see how I go. If anyone learns something tonight I may well have succeeded in resurrecting my former teaching career!

On behalf of the government, I thank members for their contributions to this debate. It is a very simple bill. As we have heard, it will simply change the name from Foundation Day to Western Australia Day. But it is about

much more than simply changing the name. In my view, it is a very, very significant change because I hope it will lead to a renewed emphasis on what Western Australia is all about and what this day seeks to celebrate. I will come back to that in more detail in a moment.

A number of members spoke about their own families and related their stories to the history of the Swan River colony and to Western Australia, as it subsequently became. Indeed, in my own case, my mother's family is the Chidlow family who settled in the Avon Valley in the 1830s. Indeed, the Chidlow family will argue that William Chidlow was the first settler in Northam. The history books do not record that and suggest that John Morrell was indeed the founder of Northam. That dispute continues and it depends on who you believe as to who was right and who was not. But, generally, historians are the ones we believe.

William Chidlow was a labourer who came out from England to Western Australia in the early 1830s and, with his brother Peter, went to the Avon Valley and worked with John Morrell in developing a farm there. Over the years he acquired very large tracts of land in the Avon Valley. Regrettably, the family does not still have it. As an aside, I was very interested to find out when I went to the centenary of the Goomalling shire celebration back in the 1990s and the then shire president was reading out the names of all the original landowners, it turned out that William Chidlow owned 30 000 acres of land in Goomalling in the 1840s and 50s. That was part of the property empire that he accumulated. For a man who had no education at all, it was an amazing achievement. Indeed, he became very wealthy. Regrettably, his children spent it all or lost it all or it was dissipated through the various probate laws that existed at the time. Ironically, the Chidlow and the Morrell families were in bitter dispute about who should and should not get the money. Regrettably, our lot did not get it, so we no longer own countless thousands of acres in the Avon Valley. However, I might add that I have bought 50 acres at Toodyay in an attempt to buy some of it back, but it may take me a long time to accumulate what William Chidlow did.

It is also interesting that his brother, Peter Chidlow, was in fact speared to death by Aborigines at a place called Mokine, near Northam. He was out farming, and the story goes that he and another fellow named Jones were putting lime on the soil. The Aboriginal people thought it was flour or sugar or something, and when they said that the Aboriginal people could not have it, they speared them. That was a very traumatic experience for the settlers in that part of the world, because the bodies were apparently disfigured and buried in shallow graves, which had not occurred before. That led Governor Stirling, as he was then, to send the troops to Northam to deal with those issues, and it was not pleasant, from what I have read about it. I guess that is just another reflection of the fact, when members in this chamber start thinking about their own personal history, that many of us have ancestors who have been in Western Australia for a very long time and who have made a contribution over many, many years to the growth of the state.

As I said at the beginning, I think that by going from Foundation Day to Western Australia Day, we should have a new emphasis on what this occasion means in Western Australia. I was talking to Hon Matt Benson-Lidholm last night about this. When I was teaching in Tom Price in the 1970s, we used to have WA Week as a celebratory week, and most schools had different functions every day of that week. It became quite a celebration over a whole week of all things Western Australian. It was very much part of the way in which we reflected on Western Australia and celebrated more than just one day's holiday on Foundation Day; we sought to make this into a bigger and better celebratory occasion. I hope that now we have gone down the path of changing the name, we might also change the emphasis on what we do on this day, and we might then make it into a week when we celebrate Western Australia from a whole range of perspectives, to give us a chance to contemplate what Western Australia has come from, what it is now and what its prospects are for the future. I will be making a number of suggestions to the Premier about that once this legislation is passed and we begin to celebrate Western Australia Day.

When we look at the state's history, we see that we have a great deal to celebrate in respect of our past; when we look at what is happening in Western Australia now, we see that we have a great deal to celebrate about what is happening in our state at present; and when we look at our prospects, we see that we also have a great deal to celebrate. I will spend a few moments looking at some of the reasons for celebration. I particularly want to concentrate tonight on our historical economic growth. Most members have talked about issues surrounding the treatment of Aborigines, the cultural issues surrounding Foundation Day and the historical issues relating to that also.

As I am the Minister for Mines and Petroleum and have a very strong interest in economic issues, I think that having a quick look at the state's economic history does give us reason to celebrate what we have achieved. If members look at our history, they will find that we have had many ups and downs in our economic growth. As members will know, in the early years of Governor Stirling and his successors, it was very slow growth indeed. We know about Peel, his attempts to develop the Peel region and the problems that they had there. The colony grew very, very slowly in its first 20 or 30 years, which led the government of the day to request that convicts be sent out to provide labour for capital works in Western Australia. They came out in 1850 and were here for some 18 years. They provided the labour that was necessary to develop a range of public works, many of which are still around today.

We have heard from members about the very poor treatment of Aboriginal people throughout the history of Western Australia and I concur with the comments that members have made. I also make the point that the treatment of convicts was probably as bad as, if not worse than, the treatment of Aboriginal people at the time. As Hon Michael Mischin pointed out very clearly last night, we need to consider these issues in the context of the way people thought and behaved in those days. Recently I visited Port Arthur and spent time there trying to understand the absolute brutality of what happened at that location. Clearly the occurrence of some sort of brutality in the Swan River Colony demonstrates that the attitude that people had towards convicts and people of that sort at that time was quite different from what it is today. A significant amount of brutality was inflicted on Aboriginal people and convicts but apparently that seemed to be the way people behaved in those days. It is quite horrendous to imagine what it was like to be an inmate at Fremantle Prison. Similarly, one gets the same eerie feeling at Port Arthur.

The Swan River Colony limped long until the 1890s and the gold rushes, which were a period of massive growth when t'othersiders came here to search for gold. That was probably our first wave of quite significant economic growth. Gold was found in the Kimberley, Yilgarn, Murchison, goldfields, Kalgoorlie and Coolgardie and generated significant wealth for the then government of John Forrest. As a result of the wealth that was created by that economic boom, a number of very significant capital works projects were undertaken. Probably the most outstanding of those was the goldfields pipeline, built by C.Y. O'Connor. It was an amazing engineering feat at the time and still is when one thinks about the importance of the water that is piped to the goldfields and the agricultural areas that feed off it. That was one of the benefits we achieved as a result of the gold rushes. Another benefit was the railways. Railways were built all the way to Wiluna and Sandstone, and north of Kalgoorlie there was a period of massive railway expansion. Regrettably, a lot of the railway was very poorly laid out and very low grade and has not survived to this day. Many of the significant public buildings in Perth, Kalgoorlie, Coolgardie and Cue resulted from the gold rushes and the revenue they provided for Western Australia. Members are aware that in 1901 WA became part of the Federation, and Western Australians have been complaining about that ever since! I might mention a bit more about that at the end of my comments tonight.

Hon Kate Doust: Is this leading up to talk of your secession?

Hon NORMAN MOORE: There is succession and secession.

Hon Kate Doust: I know; it came out incorrectly.

Hon Ken Travers: I am just worried that we will be tested on this at the end of your speech.

Hon NORMAN MOORE: You will be. Did I not tell you? I hope you are taking notes, Mr Travers!

Hon Ken Travers: So far I know that you bought 50 acres in Toodyay to try to win back the family land.

Hon NORMAN MOORE: Go to the top of the class, Mr Travers!

Hon Ken Travers: Did the Fergusons ever own the land you bought in Toodyay?

Hon NORMAN MOORE: I do not think they did.

Hon Ken Travers: They have owned an awful lot of the land around it over the years.

Hon NORMAN MOORE: A family whose name escapes me had the property before I did, but I do not own much of it yet.

After the gold rushes we had the early period of Federation and all the issues surrounding that. Western Australia was the last state to join the Federation and there was quite a lot of anti-Federation feeling in Western Australia at the time because we are a long way from the rest of the nation. There was a feeling that we would be disadvantaged.

Indeed Hon Max Evans, a former member of this house, has, in conjunction with another gentleman whose name escapes me, written a book about how Western Australia has been robbed, in respect of the taxes we can collect, from day one when we federated. That story continues to this present day.

But then we had World War I and the Great Depression, and Western Australia, like the rest of Australia, went through those economic woes of the 1930s. We really did have very, very slow economic growth in the state during that period. Like most parts of the world, the Depression had a very significant detrimental impact on the state's economy in that time and we grew slowly, probably until the 1960s when we had the massive growth of the iron ore sector in the Pilbara, the discovery of nickel in the goldfields and alumina in the Darling Range, and all that significant mining and resource growth that took place in the 1960s and 1970s. There was the development in the Pilbara, for example, of the Hamersley Iron project, the Mt Newman project, the building of ports at Dampier and Port Hedland and the mining towns of Tom Price, Paraburdoo, Newman, Pannawonica and Goldsworthy. There was massive economic growth in the Pilbara, the nickel industry saved the goldfields from the downturn in the gold industry, and then we had alumina in the Darling Range, which provided a significant benefit to the metropolitan area.

In the 1970s and 1980s we had the petroleum discoveries in the North West Shelf and the success of Woodside. It was a small company, but it was the only company that wanted to take up any of the offshore tenements that were made available for tender. That little company took them up, found the money, found the gas, and, as they say, the rest is history. As a result of that, we had the development of the gas pipeline from Dampier to Perth, and then on to Bunbury, which was a very significant decision by the then government because it had to have a take-or-pay contract through the State Energy Commission to take the gas, whether it was needed or not, to provide enough security for the project to go ahead. As a result of building that pipeline, Western Australia was in a position to encourage the development of the liquefied natural gas trains at the Burrup Peninsula, and we then saw the growth of the liquefied natural gas industry. I should make the point that in the 1960s, 1970s and 1980s we were much dependent upon demand from Japan, and the growth of the Japanese economy at that time was a very important catalyst to developing our economy.

The next wave of economic development was in the early 2000s, when we saw a massive growth in iron ore production in the Pilbara. There was the huge growth of BHP Billiton and Rio Tinto, and the advent of the Fortescue Metals Group, Atlas Iron, and a range of other companies that are working very hard in the Pilbara to massively develop new iron ore projects and expand existing projects. Work is also happening in the midwest region, with Gindalbie Metals and other companies working in that area. We have the potential for a significant iron ore province in the midwest region of the state, based upon the Oakajee Port and Rail project, assuming that that can be brought to fruition. In addition to that, there has been massive growth in the petroleum sector with the North West Shelf, the Pluto project, the Gorgon project, Wheatstone and Browse; all of these existing and potential projects are very, very valuable to our economy.

Members may be interested to know that in 2010-11, the value of all our resource production in Western Australia reached \$100 billion for the first time. Last year there was \$101.2 billion of value from our resources industry, which was 39 per cent more than the previous year, and the previous year was 50 per cent more than the year before that. The growth has been unbelievably massive. Interestingly, Western Australia now produces 45 per cent of the nation's merchandise exports. That just demonstrates very clearly how important our economy is to the national economy, and I think that the federal politicians need to begin to recognise and understand that because it is a very, very significant fact. Indeed, we have come through the financial crisis in reasonably good shape because of the positive growth in our resources sector, most of which, as I said, is in Western Australia.

That is a brief history of where we have come to, but if we look at what is available to us in the future and look at all the projects that are either under construction or committed for Western Australia, at the present time they total \$138 billion worth of projects. One of those projects is the Gorgon project—the Chevron project at Gorgon. That is a \$43 billion project. To put that in perspective, that is about twice the state's total budget. We could run Western Australia for two years as a government on the money that it is costing to build the Gorgon project. That is just a demonstration of the massive growth that is taking place and the huge investment that is necessary these days to get projects up and running.

If we look at all the other projects that are in either the “planned” or the “possible” category, there is another \$169 billion worth of potential investment in Western Australia. If those projects come to fruition, we will have around \$300 billion worth of investment in Western Australia's resource sector, and that is huge by any measure. As members will be aware, much of this is dependent upon the Chinese economy and the determination of the Chinese government to maintain economic growth of around eight, nine or 10 per cent per annum. Interestingly, China is going through probably the greatest transformation of a society in the world's history, where it is getting people out of poverty and into a far improved standard of living; and I do not know that China gets the credit that it deserves for doing that. But we are very much dependent upon China, and we can only hope and pray that that demand continues to come from China. There is no doubt that India will also become a growing importer of our resources as its economy continues to grow, as we have been seeing in the past couple of years.

That is just a potted history of the state's economic growth. I have spoken about that tonight because I think it is important that we recognise just what sort of a player we are these days when it comes to our place in the world. Western Australia now, as a separate economy, is a very successful economy, and we need a successful economy if we want to look after those things that we regard as important in the community—things such as health services, education, roads, schools, public buildings and stadiums; you name it. If we want these sorts of things, and, indeed, good environmental management, we need the economic capacity to pay for these things. So we are very fortunate that this economic growth has put us in the position in which we are now a very significant player in terms of our economy and are well regarded around the world.

Just as a matter of interest, there is a magazine called *ResourceStocks*, which judges the different mining jurisdictions around the world on the basis of their attractiveness as an investment destination. In its last report last year, it rated Western Australia first among the Australian jurisdictions and equal third in the world. I think that tells us that as far as the investing world is concerned, Western Australia is a place to go. That is not to say that there are not some problems here, with the extra taxes that we will have to bear, and the issue of China, as I

have already mentioned, and also the increasing competition from Africa, where many companies are investing large sums of money in the underdeveloped resources of West Africa.

I wanted to make that point because I think we have a great deal to celebrate in Western Australia—our past, our present and our future. I hope that Western Australia Day will become Western Australia week and that we can use that time to look at a range of issues that are important to Western Australians, and that we can take advantage of the good fortune that has been bestowed upon us by the hard work of our ancestors and by the work that will be done in the future by those who live here.

I want to conclude by making a comment about an issue that I have occasionally commented upon publicly—that is, secession. I am not here tonight to promote secession because I do not actually support secession if we can fix the Federation. Western Australians voted in 1933 to secede from the commonwealth because at that time they had come to the conclusion that it was not in their best interests to be in the Federation, but I will not go into that now. My simple view is that if we have a Federation that works, that is the best place for Western Australia to be. I do not think the Federation is working very well at present. Indeed, we have noted in recent times the GST distribution, the impact of the so-called two-speed economy and how that is not necessarily reflected in greater wealth for Western Australia, and the fact that commonwealth decisions sometimes do not meet the needs of a state such as Western Australia. The notion of redistributing wealth around the commonwealth does not fit well with my view of reward for effort. I think we need to work very hard in this country to fix the Federation. It would be a good start, perhaps, if we were to simply go back to how it was under the Constitution in 1901 and forget about all the changes that have been made to it over that period. We might get back to a positive and real Federation whereby the powers of the commonwealth are determined by the Constitution and the states do everything else. As we all know, that has changed dramatically over time.

When people have talked to me about secession and asked what I would call the place, I have said that I thought we might call it Hesperia. I want to tell the house where that name comes from. I brought a book today about James Stirling. When he sought to encourage the British government to settle at the Swan River and to create the Swan River Colony, he was in constant communication with Governor Darling, who was then the Governor of New South Wales. I will quote from page 89 of this book called *James Stirling: Admiral and Founding Governor of Western Australia* by Pamela Statham-Drew. In his letter, he wrote —

It now only remains to state that, from Cape Leeuwin to Shark's Bay, the neighbourhood of Swan River is the only part where a Port is known to exist. The Port therefore has a value far beyond that which it might have in other circumstances, for it is the Key of the whole intervening Coast.

I am therefore of opinion that it ought to be immediately retained for the French Nation have the shadow of a right founded on discovery to a portion of that Coast, which cannot be too speedily extinguished by British occupation, particularly as it will be impossible now to prevent the attractions of that Country from being known.

It is also important to occupy Geographe Bay, its mineral wealth and fertile Territory as well as its convenient Summer Anchorage render it too attractive to be left unguarded.

It is interesting to note that in those days Geographe Bay had mineral potential. We have just had a debate about a coalmine in Margaret River; needless to say, how times change. It goes on —

These two places, with a Settlement on their Northern flank at or near Shark's Bay would probably be sufficient to exclude all foreign intrusion. I also take the liberty to recommend the adoption of a general name for the Western Coast of New Holland. The Name of 'Hesperia' indicating a Country looking towards the Setting Sun, would be descriptive of the Situation of the Country in question; it would not interfere with any Name previously given, —

I can understand why —

nor would it be subject to the imputation of Nationality. James Stirling, Captain, R.N.

James Stirling suggested that we call it Hesperia. One of these days we might come to Parliament to change the name of Western Australia Day to Hesperia day in recognition of our determination to be self-governing.

Hon Ken Travers: We could go into committee if you like.

Hon Kate Doust: We could do it now.

Hon Ken Travers: We shouldn't let that lower house tell us what to do! We should send it back and say that we want Hesperia day.

Hon NORMAN MOORE: Does the member want that?

Hon Ken Travers: Why not? I like the name Hesperia.

The DEPUTY PRESIDENT (Hon Michael Mischin): Has the member moved an amendment?

Hon Ken Travers: When we get to committee, absolutely, I will.

Hon NORMAN MOORE: That is a clearly tongue-in-cheek comment about the name Hesperia, but it is just to bring to the attention of the house that this is how that name came about. When I have mentioned it on the odd occasion, people say “Hysteria” and try to make fun of it, but James Stirling regarded it as an appropriate name for a country facing the setting sun, which of course is in the west. Indeed, we face north now more than we ever faced east, and that is where our future lies. With that sermon and that lesson, I recommend that the house support the legislation.

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 Norman Moore (Leader of the House)**, and passed.

ARCHBISHOP BARRY HICKEY

Statement

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.51 pm]: I rise tonight to say a few words to acknowledge the recent retirement of the Catholic Archbishop of Perth, Archbishop Barry James Hickey. Archbishop Hickey retired last week after more than 20 years in service to the Catholic community of Western Australia and to the Western Australian community in general. He has not only made quite a significant contribution to the Catholic community but also been involved in trying to improve the lives of many members of the Western Australian community who are outside the faith.

Archbishop Hickey was born and bred in Western Australia in 1936. He is from Leonora. He was educated in the goldfields. He entered the seminary in Guildford and then continued his studies for the priesthood in Rome. He was ordained in Rome in 1958. He served in a range of parishes throughout Perth, West Perth and Highgate, both as an administrator and parish priest. In the last couple of years, whilst St Mary’s Cathedral was being remodelled and rebuilt, he spent some time in the Victoria Park parish of St Joachim’s when it became the Pro-Cathedral. It was a very pleasant experience for parishioners in Victoria Park to be able to attend mass with the Archbishop on a regular basis.

He has not only a Bachelor of Arts from Western Australia but also a Master of Social Work. I think his work experience in that particular area was one of his guiding forces in some of the projects that he has become involved with through his work in the various parishes in Western Australia. He has received a number of awards. He became a member of the Order of Australia in 1977 and received a Centenary Medal in 2003. He is an author who has had a couple of books and articles published. He has also held a number of Western Australian government appointments, particularly in areas that I know he was interested in. He was on the Homeless Persons’ Advisory Committee, the WA Ethnic Affairs Advisory Committee and the Northbridge History Project—I think he was a Premier’s appointment and chairman of that particular committee.

I pick up on the Homeless Persons’ Advisory Committee because from time to time I had cause to meet with the archbishop over a range of matters and at one point, when he was not living in Bishop’s House, but was in a small house just alongside that building, he talked at great length about the problems in Perth for homeless people in finding a bed for the night or a safe or dry place to sleep. He talked about the number of people who would come and stay in and around his home. He was very concerned for the future of those individuals and he talked about the need for government to provide a range of options of safe and dry places for those people to sleep in and to give them the opportunities to get on with their lives.

The archbishop was appointed to the Diocese of Geraldton in 1984 and he was installed as the Bishop of Geraldton in the same year. He stayed there until 1991 and was then elected to the Archdiocese of Perth and was installed as the Archbishop of Perth in August of that year. Since that time, until about a week ago—I think, 21 March—he remained in the position of Archbishop of Western Australia.

When met privately, Archbishop Hickey is a fairly quiet and restrained gentleman. He is very well regarded, particularly amongst the parishioners. I know he was very active in media and I do not know whether anyone watched it over the last few years, but he had a little TV slot on the weekends on which he would talk about a particular issue. I think it was very good and I understand it was well received. Being fluent in Italian, he would speak on Italian radio from time to time and is much loved by the Italian Catholic community here in Perth for his efforts there as well.

I understand he is a very keen West Coast Eagles supporter. That is probably the only negative we would have against the archbishop! He is very passionate about his football team.

I understand that he also enjoys travel. I am told that from time to time he would lead pilgrimages in various parts of Europe that would ultimately end up in Rome. A lot of people were always very keen to travel with him because he was very knowledgeable about those parts of the world and certainly very popular with the people who travelled with him. He has an extensive knowledge of those parts of the world, and also of its history and theology, which he is able to share with his fellow travellers.

The archbishop was engaged in projects to try to improve the lot of people who were perhaps homeless or vulnerable. He was involved in establishing the shopfront in Maylands to assist people who were homeless or who needed support or guidance. He was also involved in setting up the Daydawn Advocacy Centre and I know, having dealt with some people there, that it is an excellent service for people who need help. Earlier this year we had cause to engage with some people there who were having problems with the Department of Housing.

He has been very active in building Catholic education throughout Western Australia. There have been significant changes in the Catholic education curriculum over the last few years, particularly in the high school system. All Catholic high school students in Western Australia are now required to do, I think, about 200 minutes a week of Catholic education and religion, and it is now a compulsory tertiary entrance examination subject for all Catholic education students.

Hon Ljiljanna Ravlich interjected.

Hon KATE DOUST: That is right and well done to Hon Ljiljanna Ravlich.

I think it has been quite a significant change. Both my daughters have done those subjects as TEE subjects.

Archbishop Hickey has acted as chaplain to both Mercedes and Trinity Colleges and having had my children at both of those schools, I have from time to time had the benefit of participating in mass with him. I know he was much loved by those students and had an excellent rapport with students from both of those schools.

I think that over time, as he travelled throughout the state, Archbishop Hickey built up a reputation amongst the Catholic community; he is very well regarded. His sermons were balanced, informed and very educated. I know that from time to time I and a number of other members had cause to speak to him about a range of issues dealt with in this Parliament and to seek advice or the view of the church, if it was a particular moral or ethical issue. He always gave good, sound, educated advice and in a lot of cases took a very good, practical and commonsense approach in how to deal with some of these matters.

I understand that although the archbishop may be formally retired, he will continue to participate in a local parish in the provision of mass and working with communities. Sometimes we do not always acknowledge the sacrifice individuals make when they take on religious vows and serve the community. Given Archbishop Hickey's high-profile position, from time to time conflict came up or he provided a response that may not have been so popular in the broader community; it is important to note that he managed that on the vast majority of occasions very well and has continued to do whatever he can to both grow and hold together the Catholic community in Western Australia. I was very fortunate to be invited to attend the archbishop's farewell mass at the cathedral. It was a great celebration for the Catholic community to acknowledge his tenure in the role and his great contribution to the Catholic community. I think that it is appropriate on these occasions that we note the hard and significant work of such great individuals as Archbishop Barry Hickey.

Members: Hear, hear!

GUILDFORD HOTEL

Statement

HON LINDA SAVAGE (East Metropolitan) [9.02 pm]: Recently I spoke about concerns raised with me about the Guildford Hotel. Since I spoke last week and wrote to the Minister for Heritage some weeks ago, I have found that more and more people are coming to speak to me about this issue.

As I said last time I spoke about it, one concern has been the failure to cover the building, and the building is about to enter its fourth winter uncovered. When I spoke last time, I referred to the brief of Structerre Consulting Engineers, which is the engineer's report that the owners have relied on. I will read into the record what was provided to one of my constituents from Structerre Consulting Engineers about its actual brief when it inspected the building. The document states —

Structerre Consulting Engineers was engaged by the City of Swan on 14 December 2009 to inspect and report on the Guildford Hotel following the fire event that occurred on 1 September 2008.

The scope of works requested was, in summary, to:

- Identify any safety risks to public pedestrians and road users
- Determine whether the Guildford Hotel structure was in a “dangerous state” per the provisions of Section 403 of the Local Government (Miscellaneous Provisions) Act 1960

- Provide recommendations for securing and making safe the building façade to protect public safety

On the basis of this engagement, an inspection of the building was carried out on 16 December 2009 and a report addressing the above requirements was issued to City of Swan.

...

A further inspection was carried out for the Owners of the Guildford Hotel on 16 November 2010. This inspection was to advise on the ongoing safety of the building in accordance with the monitoring programme agreed between the Owners of the Guildford Hotel and the City of Swan.

As I mentioned last time, the concern of Guildford residents and others concerned about the building is that this report and the brief were not directly on point about the preservation of the building and the fact it has been uncovered and subjected to the elements. It is entering its fourth winter.

A more recent concern raised with me is about possible vandalism and theft from the hotel. In particular, concerns were expressed about the possible loss of pressed tin panels. In fact, there was a report in the *Echo* in February with the title “Damaged beyond repair?” by Rashedle Predovnik. I will read some of that —

Previously unreleased photographs showing the neglect eroding the Guildford Hotel have been given to the *Echo* with a plea for someone to move on protecting the interior from the weather, thieves and vandals.

...

The concerned resident who took the photographs has asked to remain anonymous because he admits he had to trespass on private property to take them.

He said getting into the building was easy access and his pictures show the progressive theft of pressed tin from the wall, which was first noticed a year ago.

...

“People can walk onto the crumbling site and take what they like,” ...

This concern was raised with me. In fact I raised this concern in a letter to the Minister for Heritage, Mr Castrilli, in February. In that letter I asked about a number of things, including the pressed tin panels and the steps that had been taken to look into what is called “shrink wrapping”, or processes that could protect the building. After three winters, and now coming into the fourth, it seems inconceivable that anyone could believe that the full force of rain in the interior of a building would not have some detrimental effect.

I also wrote to the Heritage Council. I asked a number of questions, including the specific question: had the Heritage Council given any consideration to providing funds towards protecting the hotel from water damage; and, if the Heritage Council had not considered taking this action, how did it reach the conclusion that no action would be taken? I received a letter in response from the minister, which indicated that all inquiries in future were to be directed to him and that I was not to write directly to the Heritage Council. I found that quite an interesting response.

In my opinion, although the minister did not actually directly respond to the questions I asked, he made the point that he understood that one of the weaknesses in the current legislation was that neither the Heritage Council nor he as minister had the power to direct the owners to undertake work such as protecting the hotel by covering it. He said he had initiated a comprehensive review of the Heritage Act in April 2011. That is coming up to a year ago. I seem to recall, when some other legislation went through this place, the point was made that this was quite an urgent matter which needed to be addressed. I am wondering when that review will be completed and when, if it is possible, legislation will be introduced? I intend to write again to the minister to raise a number of questions. I will again seek an answer to some of the questions I previously asked including: has the Heritage Council given any consideration to providing funds towards the protection from water damage of the Guildford Hotel; and, if the Heritage Council has not considered taking this action, how did it reach the conclusion that no action will be taken?

Specifically, was an inventory taken after the fire of salvageable material such as the wood and the pressed tin panels? A concern was raised recently about whether the pressed tin panels had been removed. I would assume that an original inventory was carried out, the property was inspected and what had to be left on the site was recorded. I do not think it would be that difficult to check those records to see if any of the pressed tin panels had been removed, which is of particular concern. I would be very concerned if an original inventory was not done but, if that was the case, there is no reason why an inventory should not be done immediately. Despite development plans for the restoration being approved, with some conditions, they are now subject to an application in the State Administrative Tribunal, which could again take some considerable time and take us into another winter. Obviously the concerns about vandalism and theft and the fact that other things could be

removed remains an issue. There are a number of other questions that I do not think are unreasonable to seek a direct answer to. The constituents who have come to see me about the hotel have waited patiently since September 2008. They are losing faith in the project. They should expect a comprehensive answer or at least an attempt to answer the question directly. That letter will be sent to the minister shortly. I look forward to his reply.

ROCKINGHAM GENERAL HOSPITAL — MENTAL HEALTH UNIT

Statement

HON LJILJANNA RAVLICH (East Metropolitan) [9.12 pm]: I take this opportunity to make some comments about the mental health unit at the Rockingham General Hospital. I have been raising this issue for a number of days now. I finally managed to get a copy of the facilitated discharge program, which outlines what is proposed to go on down at the Peel and Rockingham Kwinana mental health unit at the Rockingham General Hospital. When questioned about this, once again the Minister for Mental Health did not seem to know much about it. It is probably a reflection of the fact that her agency as a purchaser of services is not involved in the delivery of mental health services. When it comes to the clinical side, consequently, I do not think she is regularly informed about some of the changes that are occurring as they relate to mental health patients.

Having said that, under this program voluntary mental health patients who meet certain criteria can be placed in a medical bed in a general ward at Rockingham General Hospital. Patients admitted to a medical bed will then attend day activities at PaRK mental health unit for no less than 12 hours—that is, from 8.30 am to 8.00 pm. They will then return to the medical bed at night where they will be supervised by a general nurse, not a mental health nurse, as should be the case. This discharge program at the Rockingham General Hospital tries to make the best out of what seems to be a very difficult situation but it is really very far from ideal on many levels. It looks very much like the thin end of the wedge with general nurses having every cause to be concerned about this discharge policy, as do patients, their families and their carers. While this policy talks about transferring only one or two mental health patients into medical beds in medical wards at any one time, there is always a strong possibility—I think this is the fear—that this practice becomes normalised in hospitals over time and becomes much more widespread than it was ever intended to be. The program is driven by the old enemy of the health system—that is, bed shortages, especially mental health beds. It works on the principle that one patient has to vacate a bed to create an opportunity for the next patient to get one. This is really how the whole of the health system, and especially the mental health system, works in this state. When I went visiting mental health facilities in hospitals, I was told time and again that the only way someone can get a bed is if somebody else is gotten rid of.

Under the program a voluntary mental health patient from the Mimidi Park mental health unit is transferred to a medical bed in a general ward. That then facilitates an acute admission from Rockingham General Hospital emergency department to the Mimidi Park mental health unit. Under the program, with a mental health patient transferred to a medical bed on a general ward and then on a daily basis transferred to Mimidi Park for day activities for no less than 12 hours a day, seven days a week, it then leaves that bed vacant for all that time. The patient is then returned to their bed daily at night to be supervised by a general nurse, not a mental health nurse. Hence the concern of United Voice on behalf of its members.

There are serious questions that need to be answered here by the minister; for example, what happens to the bed that is vacated and sits there vacant for 12 hours every day when the mental health patient is attending their day activities? Is it hot-bedded; and, if so, by whom? If it is not hot-bedded, what happens to that bed? If the bed is not being used for 12 hours a day by another patient, why does the program mandate that the mental health patient has to attend day activities from 8.30 am to 8.00 pm and is not allowed to return to his or her bed if and when they want? In fact I note in the answer to a question without notice from the minister to me today—I am now reading from an uncorrected proof—she said —

... if they require some ongoing assistance and support, such as socialising activities et cetera, in the specialist mental health unit, which is called Mimidi Park, they may go back there for one or more of those sessions during the day for those socialising or other activities.

Whilst they can go back to Mimidi Park, they do not seem to be able to go back to the medical bed on the general ward. I have to ask myself why that is the case. It just simply does not add up. Clearly, these beds have been earmarked for something, and I think that we have a right to know.

I half suspect that what we have here is a case whereby the program is linked to the emergency department four-hour rule. Basically, that four-hour rule is a challenge for the government, given the pressure on beds. I think we need to know exactly how this program is linked to the requirements of the four-hour rule in which patients have to go through an emergency department and the department has to find a bed for the patient within a period of four hours. I suspect what is happening is that the mental health patients are being sent off for activities for a full 12 hours a day, leaving beds vacant, and during that time people are pushed through Rockingham General Hospital emergency department and are given a place in one of those beds.

I do not know the answer to some of these questions, but I do know this: it may not be in the best interests of mental health patients to have such a disruptive routine, shuffling between hospitals to an acute centre and then back again. That, to me, appears to be far from ideal. It cannot also be good to give a mental health patient a medical bed and then deny them access to that bed for 12 hours a day, seven days a week. It just simply does not sound right to me. It cannot be good for a mental health patient to be on a medical ward without appropriately trained mental health nurses. For example, what happens if the mental health patient has a psychotic episode during the night and there are no mental health nurses on that ward? I am told, in fact, that to allay their fears, the nurses have been told, “Don’t worry; there won’t be any problems with the mental health patients that you will be required to supervise; simply don’t worry about it.” Well, minister, I think that is really, really bad advice from whoever is giving it.

It cannot be good to make general nurses responsible for the care of mental health patients when they are not trained to do so. They do not have the training in that expertise. It simply, once again, does not sound right to me. It cannot be good to put nurses and patients at risk should something go wrong. That does not sound right, and it cannot be good for the Minister for Mental Health to not know what goes on with the treatment of mental health patients in the health system in this state. If the Minister for Mental Health believes for a moment that this is good policy and that this discharge program is in the best interests of mental health patients, mental health nurses and mental health families and carers, I suggest she might like to think again.

Finally, I want to say that I understand nurses will be taking action in the Industrial Relations Commission because of this government’s mismanagement of the mental health facilities, which is putting patients and nurses at risk. It is not fair on mental health patients to be not getting the best treatment; it is not fair on non-mental health patients; and it is not acceptable to the families or carers.

House adjourned at 9.21 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WATER ALLOCATION LICENCES — USAGE METERING

5074. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

I refer to the answer to my question on notice Nos 3885 and 4443 regarding the Department's Strategic Policy 5.03 – Metering the Taking of Water, in which it was identified that of the 1786 licences entitled to draw more than 50ML/annum, only 801 were required to meter and report their usage and of that 801, only 259 were doing so, and I ask —

- (1) What, if any, compliance actions will or has the Department of Water taken to ensure metering and monitoring of the 542 licensees that are not meeting their obligation to meter and monitor their water usage?
- (2) What are the reasons, if any, that 985 licensees that are entitled to extract more than 50ML/annum do not have a condition to meter and monitor their water usage?

Hon HELEN MORTON replied:

- (1) The Department of Water assesses on a case by case basis the appropriate enforcement action. This may include one or more actions including warning letters, infringements, directions or prosecution.
- (2) Metering is only required for entitlements to draw 500 megalitres per year, where assessed necessary as outlined in the Strategic Policy 5.

POWER SUPPLY — NORTHERN WHEATBELT

5077. Hon Kate Doust to the Minister for Energy

- (1) How many supply interruptions arising from power quality problems or blackouts have occurred in Moora, Miling, Watheroo and Coomberdale in 2010, and 2011 to 30 November?
- (2) What were the causes of these interruptions?
- (3) What is the Government doing to ensure that these areas have a reliable, quality power supply?

Hon PETER COLLIER replied:

- (1)–(2) [See paper 4379.]
- (3) A number of approaches are being enacted to minimize the impact of lightning, including automating specific equipment, increasing power quality monitoring and recording, and implementing routine inspection and maintenance activities for that area.

Targeted refurbishment work has been planned for the feeder starting from 2012/13 FY with all the stages of work expected to be completed by 2014/15. This includes

- installation of 61 km of overhead earth/shielding conductor that will minimise the impact of lightning
- additional automated equipment to facilitate faster isolation of faults, automatic restoration following an interruption and capability for greater remote monitoring and control

In addition to the above, the refurbishment work will provide added benefits that include:

- improving public safety by rebuilding sections of the relevant feeders which have come to the end of their useful life;
- reducing the risk of fire resulting from asset failure;
- improving reliability by reducing the risk of network outages;
- minimising the outage duration; and
- achieving better customer service outcomes.

To reduce the occurrence of interruptions from equipment failures, pole reinforcement and replacement programs are also being progressively carried out along the Moora network. Western Power will continue to undertake routine maintenance and inspection to identify poor performing assets and carry out corrective works as they are identified..

POWER SUPPLY — DALWALLINU SHIRE

5078. Hon Kate Doust to the Minister for Energy

- (1) How many supply interruptions arising from power quality problems or blackouts have occurred in Buntine, Dalwallinu and Wubin in 2010, and 2011 to 30 November?

- (2) What were the causes of these interruptions?
 (3) What is the Government doing to ensure that these areas have a reliable, quality power supply?

Hon PETER COLLIER replied:

(1)–(2) [See paper 4378.]

- (3) A number of approaches are being enacted to minimize the impact of lightning, including automating specific equipment, increasing power quality monitoring and recording, and implementing routine inspection and maintenance activities for that area.

Targeted refurbishment work has been planned for the feeder starting from 2012/13 FY with all the stages of work expected to be completed by 2014/15. This includes

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- achieving better customer service outcomes.

To reduce the occurrence of interruptions from equipment failures, pole reinforcement and replacement programs are also being progressively carried out along the Moora network. Western Power will continue to undertake routine maintenance and inspection to identify poor performing assets and carry out corrective works as they are identified.

“SWITCH THE FUTURE” CAMPAIGN

5079. Hon Kate Doust to the Minister for Energy

I refer to the Government’s ‘Switch the Future’ campaign, and ask —

- (1) In 2010–11, what was the budgeted amount for this program, and what was spent?
 (2) In 2011–12, what is the budgeted amount for this program, and at 31 October, what had been spent?
 (3) In all expenditure on this program to date, what has been spent on —
- (a) television advertising;
 - (b) radio advertising;
 - (c) newspaper and print advertising;
 - (d) web advertising, including the website;
 - (e) administering the program; and
 - (f) market research?

Hon PETER COLLIER replied:

- (1) The budgeted amount in 2010/11 was \$3m. The actual expenditure was \$2,706,286.
 (2) Budgeted amount for 2011–12 is \$3m and as at October 31, 2011 had \$237,328 been spent.
 (3) Total expenditure on the program in the categories requested since its inception to October 31, 2011 is as follows;

	2010/11	2011/12	Total
TV advertising	\$1,496,596	\$44,514	\$1,541,110
Radio advertising	\$232,535	\$0	\$232,535
Newspaper and print advertising	\$456,070	\$17,934	\$474,004
Web advertising and development	\$65,575	\$64,598	\$130,173
Administration	\$143,036	\$72,162	\$215,198
Market research	\$103,636	\$37,135	\$140,771
Total	\$2,497,448	\$236,343	\$2,733,791

Details of expenditure across the requested categories is detailed in the table above, however it should also be noted additional expenditure (\$209,823) occurred in the areas of events (launch and display materials for home shows), outdoor advertising, and hardware purchased for a study into customer energy efficiency behaviour.

Figures provided include expenditure incurred by both Synergy and Western Power.

UNDERGROUND POWER PROGRAM — SALTER POINT

5080. Hon Kate Doust to the Minister for Energy

I refer to the proposed State Underground Power Program project in Salter Point, and ask —

- (1) What is the estimated total cost of this program?
- (2) What will be the average cost per residential lot in this project area?

Hon PETER COLLIER replied:

- (1) \$9,392,352

It should be noted that the State Underground Power Program uses cost per property owner, not cost per lot.

- (2) (a) Average cost per property owner is \$9,128 (1029 property owners).
- (b) Average property owner charge by City of South Perth is \$4201.

WESTERN POWER — OVERHEAD SERVICE CONNECTION PROJECT

5081. Hon Kate Doust to the Minister for Energy

I refer to the Overhead Service Connection replacement project being undertaken by Western Power, and ask —

- (1) How many connections were replaced in 2009–10, and at what cost?
- (2) How many connections were replaced in 2010–11, and at what cost?
- (3) How many connections have been replaced in 2011 to 31 October, and at what cost?

Hon PETER COLLIER replied:

Financial Year	Connections Replaced	Total Cost
2009/10	36,077	\$24,451,103
2010/11	35,852	\$19,480,743
2011/12 (31 October YTD)	11,586	\$6,375,051

ELECTRICITY — METER READINGS

5082. Hon Kate Doust to the Minister for Energy

- (1) Is the Minister aware of any new meter installation that did not accurately record the final reading of the old meter?
- (2) If yes to (1), how many old meters were not accurately read before being replaced, and for what reason did this not occur?

Hon PETER COLLIER replied:

- (1) Yes, there have been occasions where a new meter installation did not accurately record the final reading of the old meter.
- (2) During the period 1st December 2010 and 30th November 2011 Western Power replaced 49,093 meters connected to the South West Interconnected Network. 5,894 (12%) were changed where an actual reading of the old meter was not possible, and instead a substitute final reading was provided.

Reasons for substituted readings of old meters include:

- Negative consumption/reversed reading due to electromechanical meter spinning backwards.
- Electromechanical meter dial error
- Meter destroyed — fire related
- Blank display on electronic meter
- Error code displayed on electronic meter
- Meter not scrolling (error electronic meter)
- Meter stopped (electromechanical)

In circumstances where an actual final reading cannot be obtained, in accordance with Clause 5.23 (1) and (2) of the Electricity Industry Metering Code 2005, Western Power generates an estimated or substituted reading in place of an actual reading.

SYNERGY — BILLING SYSTEM

5083. Hon Kate Doust to the Minister for Energy

I refer to Synergy's new billing system, and ask —

- (1) When was the last time Synergy's bill layout was reviewed, and when will it be reviewed next?
- (2) Is Synergy's billing system able to display a graph indicating comparisons to previous bills in both dollar terms, and usage?
- (3) If yes to (2), will the Minister ensure that Synergy changes its billing layout to include both graphs to enable consumers to monitor their energy usage as well as the impact it is having on their household budget over time?
- (4) If no to (3), why not?

Hon PETER COLLIER replied:

- (1) Synergy reviews its bill design on an ongoing basis, and collates suggestions and feedback from customers to be considered in any changes to the bill design and layout in the future.
- (2) It is technically possible to display a comparison graph in both dollar and unit consumption terms.
- (3) No
- (4) It is appropriate for Synergy to determine the design of its bills. Synergy has advised the chosen format was determined after consultation with customers, through focus groups. The provision of usage information enables customers to understand if their behavioural changes are resulting in their average daily usage being reduced. Synergy has advised the existing bill format also enables customers to compare the amount of their current bill with their previous bill. Synergy has also advised that many utilities around Australia provide usage details only.

HORIZON POWER — CUSTOMER SURVEY BY SYNOVATE

5084. Hon Kate Doust to the Minister for Energy

I refer to the Horizon Power Annual Report 2010–2011, and ask —

- (1) When was the independent survey of Horizon Power customers carried out by Synovate as detailed in page 23?
- (2) How many Horizon Power customers were surveyed by Synovate?
- (3) What was the result of the survey of Horizon Power customers?
- (4) Will the Minister table the Synovate survey and findings of the survey?
- (5) If no to (4), why not?

Hon PETER COLLIER replied:

- (1) The survey was carried out between 27 June 2011 and 14 July 2011.
- (2) A total of 2814 customers were contacted by Synovate. There were 252 residential and business customer responses via telephone interview, and 179 customer responses via the online survey — a total of 431 customer responses.
- (3) Overall satisfaction with Horizon Power is at 75%. Corporate reputation is at 76%.
- (4) No
- (5) The main purpose of the survey is to measure key performance indicators, which are reported in Horizon Power's quarterly and annual reports, prepared in accordance with the Electricity Corporations Act 2005. Other information gathered in the survey report is used to assist internal business planning and is commercially sensitive.

WESTERN POWER — UNAUTHORISED ENTRY TO PROPERTY

5085. Hon Kate Doust to the Minister for Energy

I refer to Western Power's alleged unauthorised entry to a property at 47 Turner Gully Rd, Dale, and ask —

- (1) Has the Minister reviewed complaints regarding 'unauthorised access' to this property?

- (2) If yes to (1), what action has he taken to address these issues?
- (3) How many complaints has Western Power received regarding unauthorised access to any private property in —
 - (a) 2009–10;
 - (b) 2010–11; and
 - (c) 2011 to 31 October?

Hon PETER COLLIER replied:

- (1) Yes, the owner of this property has alleged unauthorised access by Western Power. However, at no time has this been the case. Under section 43 of the Energy Operators (Powers) Act 1979, Western Power and its agents have right of access to carry out maintenance of its assets on private properties.
- (2) Not applicable.
- (3) This is not applicable as all access is authorised.

SYNERGY — REVENUE

5086. Hon Kate Doust to the Minister for Energy

- (1) During the 2010–11 financial year, what was Synergy's —
 - (a) total revenue from credit card transaction fees; and
 - (b) total expenditure on credit card merchant service fees?
- (2) What total amount was paid by credit card by Synergy's customers in —
 - (a) 2008–09;
 - (b) 2009–10; and
 - (c) 2010–11?

Hon PETER COLLIER replied:

- (1)
 - (a) \$1,842,100.00
 - (b) \$1,556,500.00
- (2) Synergy collected the following amounts via its telephone and website credit card payment facilities:
 - (a) 2008/09 — \$226,665,110.24
 - (b) 2009/10 — \$262,149,155.36
 - (c) 2010/11 — \$314,173,687.14

MINISTER FOR ENERGY — SPORTING EVENT INVITATIONS

5087. Hon Kate Doust to the Minister for Energy

- (1) Since September 2008, on how many occasions has the Minister received invitations to attend major sporting events that incorporated corporate hospitality, including food and beverage?
- (2) Of those invitations, on how many occasions has the Minister accepted?
- (3) What were the events and the name of the company hosting the Minister?
- (4) What are the names of guests accompanying the Minister to the event?

Hon PETER COLLIER replied:

1. 25
2. 13
3. 2009
25th July — AFL match hosted by Horizon Power
2010
2nd May — AFL match hosted by Synergy
22nd August — AFL match hosted by the West Coast Eagles Football Club
27th December — Represented the Premier at the Tom Hoad Cup, hosted by the Melville Water Polo Club.

2011

3rd January — Hyundai Hopman Cup hosted by the International Tennis Federation and Directors of the Hopman Cup

27th March — AFL match hosted the Australian Hotels Association

28th April — AFL match hosted by the West Coast Eagles Football Club

15th May — AFL match hosted by Shell

22nd May — AFL match hosted by West Coast Eagles Football Club

12th June — AFL match hosted by the West Australian Football Commission

24th July — AFL match hosted by the Satterley Property Group

30th July — AFL match hosted by GRA Everingham

17th September — AFL match hosted by Synergy

4. 2009

25th July — Not applicable

2010

2nd May — Not applicable

22nd August — Les and Beryl Collier

27th December — Not applicable

2011

3rd January — Not applicable

27th March — Not applicable

28th April — Andrea Mitchell

15th May — Not applicable

22nd May — Not applicable

12th June — Shayne Zanetti

24th July — Shayne Zanetti

30th July — Andrea Mitchell

17th September — Shayne Zanetti

SYNERGY — L1 SMALL BUSINESS TARIFF

5088. Hon Kate Doust to the Minister for Energy

I refer to Synergy's L1 Small Business Tariff, and ask —

- (1) What was the average bill for small businesses on the L1 tariff in —
 - (a) 2008–09;
 - (b) 2009–10; and
 - (c) 2010–11?
- (2) What was the total revenue collected from the L1 tariff in —
 - (a) 2008–09;
 - (b) 2009–10; and
 - (c) 2010–11?

Hon PETER COLLIER replied:

- (1)
 - (a) \$436.79
 - (b) \$332.16
 - (c) \$394.16
- (2)
 - (a) \$207,312,181.00
 - (b) \$144,578,601.00
 - (c) \$191,598,479.00

Note: The reduction from 2008/09 to 2009/10 is due to the introduction of the L3 tariff for contestable business customers as a result of the market reforms in 2006.

HORIZON POWER — L2 SMALL BUSINESS TARIFF

5089. Hon Kate Doust to the Minister for Energy

I refer to Horizon's L2 Small Business Tariff, and ask —

- (1) What was the average bill for small businesses on the L2 tariff in —

- (a) 2008–09;
 - (b) 2009–10; and
 - (c) 2010–11?
- (2) What was the total revenue collected from the L2 tariff in —
- (a) 2008–09;
 - (b) 2009–10; and
 - (c) 2010–11?

Hon PETER COLLIER replied:

- (1) (a) \$353.28
- (b) \$419.89
- (c) \$461.34
- (2) (a) \$11,038,212.65
- (b) \$13,052,573.03
- (c) \$15,406,299.38

RENEWABLE ENERGY PROJECTS — MINISTER'S DIRECTIONS

5090. Hon Kate Doust to the Minister for Energy

- (1) Is the Minister aware of any instruction or direction given by any Minister or public servant directing any State Government department or agency not to apply for any Federal Government funding for renewable or clean energy projects?
- (2) If yes to (1), who made the direction, and for what reason?
- (3) If no to (1), will the Minister undertake to ensure that no such direction has been made by any Minister or their representative?

Hon PETER COLLIER replied:

- (1)–(3) No. I am not responsible for the conduct of other Ministers, or their departments or agencies.

STATE AGREEMENTS — WATER RESERVED

5093. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

I refer to page 10 of the First-in First-served policy review discussion paper published September 2011 that says 'The department has also reserved water where required to meet the State's obligations under State Agreement Acts'. I also refer to the answer to my question on notice No. 4766 regarding the volume of water reserved for State Agreements being nil. I ask —

- (1) Will the Minister please clarify this apparent contradiction?
- (2) If water has indeed been reserved for State Agreements as identified in the discussion paper, will the Minister please specify —
 - (a) for which State Agreements water has been reserved; and
 - (b) how much water has been reserved and from which water allocation area and sub-area this water has been reserved?
- (3) Has any water been allocated (licensed) under any State Agreements?
- (4) If yes to (3), how much?
- (5) If yes to (3), has the department been restricted in any way as to what conditions it may apply to any such licence?
- (6) If yes to (5), how?
- (7) Is the department involved in negotiating State Agreements where those Agreements touch on matters of relevance to the department, such as water allocation?

Hon HELEN MORTON replied:

- (1) The application of 'reserved' in the First In First Served policy discussion paper uses 'reserved' in an historical context. Early State Agreements may have made reference to access to water without the need for a licence however, under the Rights in Water and Irrigation Act 1914, all self-supplied water, including that referenced in State Agreements, is subject to licence.

In a current administrative context, as referred in Legislative Council Question on Notice 4766, there are no outstanding amounts of water reserved through State Agreements that have not yet resulted in a water licence or a contract with a water service provider.

(2)–(6) Not applicable

(7) No

WAGERUP REFINERY — UNIT THREE EXPANSION

5097. Hon Giz Watson to the Minister for Mental Health representing the Minister for Environment

Regarding the Wagerup Refinery Unit Three Expansion, I ask —

- (1) Is the Minister for Environment considering an application by Alcoa to extend the implementation time limit for the approved expansion of the Alcoa Wagerup Refinery which was approved under Ministerial Statement 728?
- (2) If yes to (1), will the Minister make the application by Alcoa and supporting material publicly available prior to deciding the application?
- (3) If yes to (1), will the Minister invite public submissions on the application prior to deciding the application?
- (4) If yes to (1), does the Minister follow the procedures under section 46 of the Environmental Protection Act 1986 for modifying the conditions of Ministerial Statement 728 to extend the implementation time limit?
- (5) If no to (4), does the Minister intend to rely on section 46C of the Act for the purpose of making changes to the implementation conditions without requesting an inquiry by the Environmental Protection Authority (EPA)?
- (6) If yes to (4), will the proposal be publicly exhibited and public submission invited prior to the EPA making its report to the Minister under section 46(6) of the Act?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

- (1)–(6) Alcoa of Australia Limited submitted a request to me to extend the time limit for substantial commencement of the Wagerup Alumina Refinery expansion authorised under Ministerial Statement 728. This request required a change to the implementation conditions of Ministerial Statement 728 under section 46 of the Environmental Protection Act. In accordance with section 46 I requested the Environmental Protection Authority inquire into the proposed extension of time limit and change to implementation conditions and report to me. This report is now publicly available on the Environmental Protection Authority website. There are no requirements for public consultation under section 46, however, the EPA advised in its report that Alcoa consulted with all relevant government authorities and stakeholders prior to seeking approval. I will consider the Environmental Protection Authority's report before making my decision regarding the proposed change to implementation conditions.

WATER CORPORATION — CONTRACTS PROCUREMENT BRANCH — BULLYING COMPLAINTS

5100. Hon Ljiljanna Ravlich to the Minister for Mental Health representing the Minister for Water

I refer to the Contracts Procurement Branch of the Water Corporation, and ask —

- (1) Has the Minister been made aware of a number of bullying complaints in this branch of the agency?
- (2) If yes to (1), what actions has the Minister taken to address this?
- (3) Is it true that as a result of the extensive bullying, more than 10 staff members have resigned?
- (4) How many people have been sacked from the branch since 1 January 2011?
- (5) How many investigations have been undertaken since 1 January 2011 into work practices of the branch, following grievances or allegations by staff of bullying?
- (6) Of those investigations undertaken in (5), how many of the grievances were upheld?
- (7) Will the Minister request a further, independent investigation whereby all affected staff are given the opportunity to raise any concerns without fear of backlash?
- (8) If no to (7), why not?

Hon HELEN MORTON replied:

The Minister for Water provides the following response:

- (1) Yes
 - (2) An investigation was undertaken and no further action is recommended.
 - (3) No
 - (4) One employee has been terminated from the Procurement Branch since 1 January 2011.
 - (5) Two investigations into an individual allegation of bullying have been undertaken within the Procurement Branch.
 - (6) No allegation of bullying investigated was upheld.
 - (7) No
 - (8) Two independent external investigations have already been undertaken. Employees of the Corporation have the ability to raise any further grievances in line with the Water Corporation's policy.
-