



# **Parliamentary Debates**

**(HANSARD)**

THIRTY-NINTH PARLIAMENT  
FIRST SESSION  
2014

LEGISLATIVE COUNCIL

Wednesday, 19 November 2014



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

## **GENETICALLY MODIFIED CROPS**

### *Petition*

**HON LYNN MacLAREN (South Metropolitan)** [2.01 pm]: I present a petition containing 480 signatures, couched in the following terms —

To the President and Members of the Legislative Council of Western Australia, in Parliament assembled.

We the undersigned citizens respectfully request that the Parliament:

1. Retain the GM Crops Free Areas Act 2003 as an essential part of the national regulatory system to regulate where and what type of GM crops are grown in Western Australia.
2. In line with the findings of the 2009 review of the Act under Section 19, call for an independent review of the Act by a parliamentary committee, inclusive of all political parties and stakeholders, including consumers.
3. Support GM-free farming.
4. Introduce Farmer Protection Legislation to compensate any non-GM farmer who suffers economic loss from GM contamination.

And your petitioners as in duty bound, will ever pray.

[See paper 2263.]

## **STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES**

### *Thirty-third Report — “Temporary Orders—2015” — Tabling*

**The PRESIDENT (Hon Barry House)**: I present for tabling the thirty-third report of the Standing Committee on Procedure and Privileges, “Temporary Orders—2015”.

[See paper 2264.]

**The PRESIDENT**: This report arises, in part, from a motion debated in the house during private members’ business on 5 December 2013. That motion called on the Legislative Council to discuss the sitting times of the Legislative Council with a view to changing them.

The committee explored various options and the preferred alternatives were distributed to members for comment. The committee has recommended the option favoured by the majority of members, which would result in the house rising earlier on a Wednesday evening.

It is proposed that any change, if agreed to, would be put in place initially by a temporary order. This provides an appropriate mechanism for the house to determine whether the trial should become a permanent feature of the Council’s standing orders.

It is hoped that the committee’s recommendation can be put in place for the trial to commence at the beginning of the 2015 sittings.

I commend the report and its recommendation to the house.

### *Motion*

**HON ADELE FARINA (South West)** [2.04 pm] — without notice: I move —

That recommendation 1 contained in the thirty-third report of the Standing Committee on Procedure and Privileges 2015 be adopted and agreed to.

[Leave granted for the member’s speech to be continued at a later sitting.]

Debate thus adjourned.

## **PAPERS TABLED**

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

**SCHOOL EDUCATION AMENDMENT REGULATIONS 2014 — DISALLOWANCE***Notice of Motion*

Notice of motion given by **Hon Sue Ellery**.

**DISABILITYCARE***Amendment to Notice of Motion*

**HON ALANNA CLOHESY (East Metropolitan)** [2.06 pm]: Pursuant to standing order 62(a), I give notice of an amended form of motion 2, “DisabilityCare”, as follows —

That this Council condemns the Barnett government for its lack of leadership in the area of disability services and calls on the government to put people before politics and adequately and sustainably fund services and operate trials and evaluations in a transparent and accountable way.

**MARINE PARKS***Motion*

**HON RICK MAZZA (Agricultural)** [2.07 pm]: I move —

That the Council supports —

- (a) a moratorium on the creation of any further marine parks in Western Australia; and
- (b) an investigation into the access to and management of the current marine parks in Western Australia, including allowing shore-based fishing in sanctuary zones.

The call for marine parks is an easy sell. The marine ecosystem is a unique and diverse environment so, of course, we all want to protect it and keep it in good health for future generations. Unfortunately, this sense of responsibility to protect the marine environment is exploited by groups that want to lock up great swathes of our oceans. The usual modus operandi to promote a marine park is to show what a wonderful place our oceans are under the sea. We have seen this with groups that have been promoting the great Kimberley marine park; a giant wrasse on television has spoken to the public about what a wonderful place this is in the Kimberley—of course, it is—and told us that we need to save it and the only way to save it is with a marine park. Those sorts of advertisements are very emotive and politically charged. One of the concerns is whether the marine park is the correct way to go. A little while ago an article in *Australian Geographic* put out an emotive call for marine parks and referred to the great Kimberley marine park to rival the Great Barrier Reef. This is the sort of emotive language used —

**EVERY WINTER, THE OCEANS** of Western Australia stir as thousands of humpback whales make their arduous journey from Antarctica. The whales travel north for the tropical waters of the Kimberley, seeking a refuge where soon-to-be-mothers can birth their young, and supervise their first adventures in the world.

Upon reaching the Kimberley this population of humpbacks, one of the healthiest in the world, can be found recuperating in the waters of the newly formed Camden Sound marine park, part of the Great Kimberley Marine Park, announced by the WA government earlier this year.

Of course that sounds wonderful, but whales are protected anyway, so whether or not they are in a marine park, they can raise their young and recuperate in our north.

The reality is that marine parks are not necessarily the only solution or good value for money for marine conservation. I will lay out my reasons for that in practical, non-emotive terms. Firstly, overfishing is touted as one of the main causes of marine degradation; however, fishing and fish stocks are easily managed both recreationally and commercially. Our Department of Fisheries has one of the world’s best practices for fish management, and it manages thousands of kilometres of our coastline, including inland waters. The real threats to our marine environment are pollutants such as oil and chemical spills, run-off from urban areas, plastics and invasive introduced pest species. These threats of course do not recognise any lines on a map, so calling them marine protected areas and drawing lines on a map will do little for marine conservation.

There was an article headed “\$33 million dumped at sea” in *The Coffs Coast Advocate* in New South Wales in 2010. The article states —

A LEADING scientific voice on world fisheries claims the NSW Government has wasted \$33 million in taxpayers’ money creating marine parks that have failed to conserve fish numbers.

...

“This \$30-odd million spent over the past three years would have been better used addressing the real issues impacting on fish stocks,” Professor Kearney said.

“The issues of introduced pests and diseases and habitat degradation from on-land activities, such as pollution and inappropriate coastal development instead of locking up areas to fishing.”

Drawing lines on maps, calling them marine parks and spending a lot of money creating them is not the ideal or only way to protect our marine environment. We need to establish exactly what we are trying to achieve with our marine conservation. In the video documentary *Drawing the Line*, it was reported that there is an estimated 1 750 threatened species in Australia. Approximately 70 of those are marine life and of those 70, 60 are highly mobile and do not recognise the boundaries of marine parks. If it is apparent that marine protected areas offer limited benefit, what is the economic cost of establishing and maintaining MPAs that could be better spent on other conservation? In Western Australia, there are currently 13 marine parks—Barrow Island Marine Park, Camden Sound Marine Park, Jurien Bay Marine Park, Marmion Marine Park, Montebello Islands Marine Park, Ningaloo Marine Park, Ngari Capes Marine Park, Rowley Shoals Marine Park, Shark Bay Marine Park, Shoalwater Islands Marine Park, Swan Estuary Marine Park, Walpole and Nornalup Inlets Marine Park and the newly formed Eighty Mile Beach Marine Park. The proposed marine parks are Roebuck Bay marine park, North Kimberley marine park and Horizontal Falls marine park. I accept that these marine parks are multiuse areas in which to conduct recreational fishing and commercial fishing, but there are often areas within those marine parks that are sanctuary zones or no-take zones, where there is no fishing at all, and there could be some limitation on spearfishing.

I asked a question without notice on 18 February about how much the marine parks cost to manage, and the answer was just under \$10 million, which I was a bit surprised at, because other states such as South Australia, New South Wales and Queensland quote a much higher figure to manage their marine parks. A Department of Parks and Wildlife website article, which I downloaded today, states —

Additional funding in the State Budget for the management of new marine and national parks in the north Kimberley will boost funding for conservation in the region to an unprecedented \$80.5 million.

A further \$18.5million from Royalties for Regions (over four years) has been allocated on top of the \$63million ...

**Hon Adele Farina:** Did you get a wrong answer to your question?

**Hon RICK MAZZA:** I am not saying that I got the wrong answer at that time, but this article suggests that \$80.5 million is proposed to be spent on marine and terrestrial parks in the Kimberley. The issue is what is the break-up? Is it 50–50 or 75–25? I am unsure, but I suggest that it will far exceed the \$10 million that the government is currently spending on managing our marine parks, because every marine park requires full-time equivalents, vessels, vehicles, accommodation and all the other things that go with managing marine parks such as administration costs et cetera.

In my research on this issue, I could not find any plausible scientific need to create more marine parks. In fact, it was interesting to note that WA Fisheries estimates—this is an important point members—that outside our designated marine parks, the waters are already four times the world standard for a marine park. If the waters outside of marine parks are already four times the world standard for a marine park, why are we going through the expensive exercise of creating more marine parks? I go back to my opening remarks. A lot of that is because groups are exploiting the community’s sympathetic sentiment towards the environment and are using highly politicised and emotive campaigns to drive more marine parks. In fact, Recfishwest stated in its position statement at the last state election that ongoing access by recreational fishers to sustainably managed community-owned resources in WA is being threatened by marine management policy made under political pressure rather than being backed by reliable science-based assessments, and that decisions around the real impacts of recreational fishing need to be balanced and based on science and fact. I think that is a pretty fair statement from Recfishwest. That is how it views the way these marine parks and sanctuary zones are being driven. We should not be creating these costly reserves if there is little measurable environmental benefit simply because well-funded groups are driving very emotive and effective campaigns to pressure government.

The real worry is that once the legislative structure is in place for marine parks, and there is the ability to increase the no-take zones or sanctuary zones within those marine parks, that legislative structure can be used to further other people’s ideals of how things should be managed. There is a very real fear within the fishing community right now that there is the prospect of a biodiversity bill making its way here. It is touted that under that biodiversity bill, the Department of Fisheries will be absorbed into the Department of Parks and Wildlife. The fishing community is very concerned that, if that takes place, environmental interests will supersede the fisheries department and a very experienced, very credible and very well organised department such as the Department of Fisheries could be overruled. In the past, Fisheries has worked very hard to use good scientific research and has balanced the recreational interests, the commercial interests and the environmental interests, which is a bit of a balancing act and, at times, can be quite controversial and quite hard to keep in order. I think, universally, the fisheries department has done a very good job of maintaining that balance and managing our fisheries to world’s best practice standards.

One of the major concerns amongst the fishing community is that once environmental interests take over or have undue influence over our marine parks, we might find a curly haired prawn in one section of a marine park. Of course, that is a rare and endangered curly haired prawn, so we have to lock up that area. The next we know we will find a bit of striped seagrass, which is very rare indeed, so we will have to lock up that part of the marine park, and so it goes on. Members might say, "That's a bit alarmist; we can't see that happening." I can tell members right now that in South Australia, they have just gone through this in a major way. Quite a few articles have been published recently—in fact, very, very recently. An article in *The Advertiser* reads —

Marine Parks Management Alliance claims South Australia's plan to set up 19 marine parks could cost between \$107 million and \$122 million a year ...

In those marine parks are 83 no-catch sanctuary zones, and in those 83 no-catch sanctuary zones is major commercial and recreational fishing, so, of course, everyone is up in arms. Businesses are going broke and people are being disadvantaged so much so, in fact, that an upper house member, the shadow spokesperson for the environment, Michelle Lensink, introduced a private member's bill into the upper house earlier this year to place a moratorium on some of those sanctuary zones and stop them from being declared. Her bill was passed in the upper house but was defeated in the lower house last month by one Independent vote. That is how close that came. It is a very real issue for South Australians. As I say, South Australian waters are pristine and I am sure its fisheries are managed as well as our fisheries are. It seems ludicrous to lock up all those areas without any real environmental benefit or outcome. South Australian fisheries are in real turmoil.

It is interesting to note that in "Fisheries Research Report [Western Australia] No. 169" written by J.W. Penn and W.J. Fletcher it states —

The report notes that in WA coastal waters there is already more than a forty year history of marine management using targeted large and small-scale spatial closures to various fishing activities to ensure sustainable harvesting of fish stocks and the protection of their environment. Most of WA coastal waters have had significant levels of protection, either by closures or controls on the fishing methods that can directly affect marine habitats, to a degree that elsewhere they have been described as being an 'MPA'.

That is where that rating of four times the world standing comes in. We already have a very well managed fishery, so I do not know why we are spending all this money setting up and managing marine parks when we are very doubtful of the outcome of that.

A lot of members may be surprised to hear that Australia, a seafood loving country, imports 70 per cent of its seafood. When I first read that, I was a bit taken aback and thought that it was surely a mistake; we must produce 70 per cent, but no, we import 70 per cent of our seafood. We have a relatively low population, massive amounts of coastline and pristine waters and we import 70 per cent of our seafood. Much of it is from countries that do not have the robust marine environment management we have in Australia. We are kind of robbing Peter to pay Paul.

In the video documentary *Drawing the Line* it was reported also that something like one million tons a year of our pelagic fish, such as tuna and mackerel, come from New Guinea. Australia produces only about 300 000 tonnes. We have to wonder why we are not producing more of our own seafood. Notwithstanding there are good stocks of tuna and mackerel in Australia, in fact in the same documentary video it was stated that a breeding pair of mackerel will lay a million eggs. Of that million eggs 500 000 will hatch and of that 500 000, 100 000 will survive. The article states that a mackerel fishery is extraordinarily easy to manage. Why we are cutting back on the amount of that sort of seafood is a little bit hard to understand. Sure, in Western Australia at times we have had a couple of issues with fisheries management. Fisheries such as the pink snapper fishery in Shark Bay were under enormous pressure for a long time even though there were great schools of pink snapper. Our Department of Fisheries managed that fishery back to the point at which last year it moved the bag limit from one to two. At one stage, I think it was so bad that Shark Bay ran a ballot system. Now there is a bag limit of two a day. Once a fishery recovers like that, the fisheries department gives back.

We have also seen crabs in Cockburn Sound, for example, which fishery was also under pressure. That was not so much from too many crabs being caught; it was more due to the quality of the water in Cockburn Sound. Management techniques have been also put in place there that have seen that fishery recover and open to crab fishing again. A lot of the new fisheries management initiatives that have been put in place over these last few years must be credited to Hon Norman Moore when he was Minister for Fisheries. Some changes were made due to a little bit of concern at the time, but it seems to have played out quite well, so much so that the recreational crayfishing season was extended last year and the boat daily catch limit was increased by 50 per cent. The boat catch limit now is 24, up from 16. There has been quite significant recovery with that.

Members might also not know that the Western Australian rock lobster is our largest live export in the state. It is larger than sheep and cattle exports and worth some \$400 million a year. Live rock lobster export is a major industry and one that we have been managing well.

**Hon Helen Morton:** How do you measure that? Is it measured by dollar value, numbers or what?

**Hon RICK MAZZA:** With more crayfish, there is a better dollar value. Certainly, the commercial fishermen who maintain their licences under a quota system are doing quite well.

Besides rock lobster fishing, commercial fishing over all is worth hundreds of millions of dollars to the Western Australian economy. We could certainly increase that effort somewhat with aquaculture and farming some of those species I mentioned earlier such as mackerel and tuna. But it would be prohibitive to put aquaculture into a marine park because the red tape would be enormous; it would be pretty hard to do. Of course, the value of recreational fishing in Western Australia has been estimated at well over \$1 billion. If required, we have the technology to restock prize fish such as Western Australian dhufish, pink snapper or mulloway but there seems to be some resistance from environmental groups to restock. I am not quite sure what that is about.

Whenever a government considers establishing a marine park, serious thought needs to be given to the social impacts, the economic cost and the real environmental outcomes. I think that is one of the major points. I think the environmental outcome we are trying to achieve is being distorted. Our fisheries department has been managing our oceans very well to be rated at four times the world standard. I do not know that any of our oceans are under enough pressure to warrant more marine parks being declared.

It is also interesting to note our now federal Minister for the Environment, Greg Hunt's comments on a disallowance motion last year when he said —

... let me begin with a simple proposition: we support marine parks where they are based on appropriate science, appropriate consultation and the outcome is a balanced outcome. What we do not support is a lockout of mums and dads and people who will go fishing recreationally, the ability of families to access their local areas. That is the problem with what has occurred here.

I am not sure what problem he was referring to in that debate, but he recognised that we should not be locking out people from recreational fishing activities if there is no science to support that.

A couple of weeks ago I was fortunate to meet with Dr Patrick Moore, a cofounder of Greenpeace and now a campaigner of sensible and sustainable environmental management. It was a very interesting hour with Dr Moore. In his book *Confessions of a Greenpeace Dropout* Dr Moore describes the unfortunate tendency among environmental activists to characterise the human species as a negative influence on the earth. His Wikipedia profiles states —

In 2005, Moore criticized what he saw as scare tactics and disinformation employed by some within the environmental movement, saying that the environmental movement “abandoned science and logic in favour of emotion and sensationalism.”

That is why I moved this motion. It is not that I do not believe we should protect our marine environment; I am concerned that we are going about it the wrong way and in the process we are locking out recreational fishers and commercial enterprises and the environmental outcome of that is probably questionable, if any at all. It is a very unfortunate fact that a lot of these activists put the welfare of humans last in a lot of these environmental programs. How can we spend millions of dollars managing marine parks, locking out the community from legitimate commercial and recreational interests when the environmental outcomes are questionable at best?

New South Wales recently placed a five-year moratorium on its marine parks, allowing some access to some sanctuary zones for shore-based fishers. This was in response to the blind creation of marine parks without solid scientific evidence or valid environmental outcomes. An ABC news item on this issue stated —

The NSW Government has lifted a ban on recreational shore fishing in sanctuary zones within its marine parks.

...

The new approach to managing NSW's marine estate has been criticised by the Greens, who claim the State Government has taken the science out of marine park zoning, but not the politics.

But the Minister for Primary Industries, Katrina Hodgkinson, says that's the most ridiculous thing she's ever heard.

“For once it's actually going to be based on science and based on the advice of expert independent panels rather than just the government being able to willy-nilly draw lines on maps for its our political purposes,” she said.

New South Wales has recognised that the blind creation of marine parks and the money expended on those marine parks without solid science to measure the environmental outcomes is not a wise way to spend money on environmental management. In WA, sanctuary zones prohibit any fishing at all. However, in WA some of these areas could allow shore-based fishing. Most shore-based fishing is grandpa and the kids going down to the

beach, catching a few herring or tailor from their favourite spot on the beach and then going home for a feed. Shore-based fishing is a very low-impact activity. I know that recreation fishers have made a lot of complaints that they are locked out of their favourite spots and they are no longer able to fish where they have been going for many years, but, as I said, there is some doubt about whether that achieves a good environmental outcome.

In conclusion, Western Australia needs a bit of a rest period in this blind creation of marine parks and sanctuary zones in this state. A moratorium could be put in place so that solid scientific research can be conducted to look at achieving good environmental outcomes and at other things we can do besides drawing lines on a map and creating expensive marine parks. Our fisheries department is doing a very good job and if it were absorbed into another department with a change of name and focus, as often happens, that would be detrimental to fisheries management and recreational fishing. We should be taking a deep breath, having a rest period and putting in place a five-year moratorium during which we can consider the cost versus the benefit of the outcomes. I commend the motion to the house.

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [2.35 pm]: I rise in my capacity as the minister representing the Minister for Environment. Much of what Hon Rick Mazza has said relates to fisheries and my colleague the Minister for Fisheries will obviously talk on that aspect of the motion. I will provide some clarification and confirmation of some information that Hon Rick Mazza has provided on marine parks generally—what they are and what they are not, and what we can do in them. I will start by saying that the government will not support the motion moved by Hon Rick Mazza. As the member mentioned, WA currently has 13 marine parks totalling approximately 2.2 million hectares across approximately 12.6 million hectares of Western Australian state waters or about 17 per cent of state waters. These marine parks protect some of the state's most environmentally significant areas while providing for sustainable use and enjoyment. As I indicated, the government does not support a moratorium on marine parks. Marine parks enhance the protection of our unique environment and ensure continued access for recreation, tourism and commercial activities, including recreational fishing.

Hon Rick Mazza commented on the government's release of the Kimberley Science and Conservation Strategy on 17 June 2011 with an unprecedented commitment of \$63 million over five years towards its implementation. A key component of that strategy is the creation of new marine parks at Camden Sound, Eighty Mile Beach, Roebuck Bay and North Kimberley, with the Lalang-garram–Camden Sound Marine Park and North Kimberley marine park comprising the Great Kimberley marine park. The Liberal Party's conservation and biodiversity policy for 2013 further commits an additional \$18.5 million to expand the Great Kimberley marine park to include a new marine park at Horizontal Falls and an extension of the North Kimberley marine park to the Northern Territory border and the creation of the new Kimberley national park. We have already created the Camden Sound Marine Park to help protect one of the great humpback whale calving grounds and nurseries, as well as the Eighty Mile Beach Marine Park, which is an internationally recognised area under the Ramsar Convention for the protection of migratory and other shore birds. Plans are well advanced for a marine park to be created in the waters of Roebuck Bay at Broome and planning is underway for the Horizontal Falls and North Kimberley marine parks. The Kimberley marine park will become a recognisable destination for visitors in the same way as the Great Barrier Reef and will underpin cultural and ecotourism in the region. Marine parks in Western Australia are established under the Conservation and Land Management Act 1984. They are vested in the Marine Parks and Reserve Authority and managed in accordance with a management plan and associated zoning schemes. The new marine parks in the Kimberley will be jointly managed by the Department of Parks and Wildlife and the traditional owners in close cooperation with agencies, including the Department of Fisheries. Joint management of the parks will create opportunities for traditional owners to be involved and employed in managing their country, which will deliver important socioeconomic outcomes for these communities. In addition to conservation, marine parks are available for a number of uses, including sustainable recreational fishing, commercial fishing, tourism, pearling, boating, and diving in appropriate zones. To manage these uses within a marine park, parks are zoned into areas for special purposes or general use. All marine parks have significant areas open to recreational fishing and thus provide ongoing access for this important activity, which is valued by many Western Australians. I might add that I am not one of them. I do not go fishing.

Parts of some marine parks are set aside as sanctuary zones that are look-but-do-not-take areas managed for conservation, nature appreciation, scientific study and non-extractive uses, as well as ensuring that fish stocks are available for the future. Commercial extractive activities and recreational fishing are not permitted in these areas. Sanctuary zones make up eight per cent of WA's marine parks. We are talking about marine parks making up 17 per cent of our waters and the sanctuary zones are eight per cent of that 17 per cent.

The public has the opportunity to provide input to proposed marine parks and their zoning scheme by commenting on the indicative management plans. Management plans guide management of marine parks and reserves and are developed with stakeholder and public input, including a statutory minimum three-month public comment period. The plans provide certainty to the community of what can be undertaken in marine parks and



when and where this can occur. A cursory investigation of marine park management plans in Western Australia will reveal that special purpose shore-based fishing zones exist alongside sanctuary zones in various marine parks, including the popular Ningaloo and Ngari Capes Marine Parks.

The Liberal–National government does not support the motion and is committed to the creation of marine parks in Western Australia, which will leave a significant and enduring legacy of conserving our environment, one which all Western Australians can justifiably be proud while also ensuring that the economic potential of the state is realised, and that our keen recreational fishers have ongoing sustainable access to recreational fishing.

**HON ROBIN CHAPPLE (Mining and Pastoral)** [2.43 pm]: I rise to speak to the motion and I thank Hon Rick Mazza for putting it forward. It might surprise him that there are some elements of his motion that I will touch on with which I agree.

**Hon Rick Mazza:** You always surprise me.

**Hon ROBIN CHAPPLE:** I try to, Hon Rick Mazza; I really try to!

Hon Rick Mazza made a point about a comment by Recfishwest that science should assess these areas. I just happen to have with me a 1964 document entitled *National Parks and Nature Reserves in Western Australia*, put together by the Australian Academy of Science Committee, the recommendations of which are, in essence, what we still use today to establish national and marine parks. It is a very detailed report and goes through all areas of Western Australia and looks at their biodiversity values. In 1993 a document produced by Conservation Reserves of Western Australia, known as the “Red Book”, basically defines the early work of the Australian Academy of Science. It went through the whole of Western Australia piece by piece, and looked at many of the developments and a number of proposals, of which there were several thousand in the report, that should be made into either land-based national parks or indeed marine-based national parks and islands around them. To say—I support the government here—that the decisions around national parks are to a large degree political is disingenuous of the scientific community and those communities within it, such as the now Department of Parks and Wildlife, formerly the Department of Conservation and Land Management, that actually went to great lengths to establish these parks. As the honourable member mentioned, the former Leader of the House and then Minister for Fisheries Hon Norman Moore, who took over the role of fisheries, became quite an advocate for no-take zones and the management of our fish stocks. It is not correct to say that marine parks basically prohibit fishing in this state, because, in fact, in most of our marine parks we are allowed to explore for oil, mine and carry out recreational fishing, and there is only a limited number of what are called no-take zones. However, we need to understand the broader concept of why we try to protect our fish stocks. I turn to a document referred to as “The general situation of world fish stocks” put out by the United Nations Food and Agriculture Organization. This is big-picture stuff, and I understand that it might not drill down to the nuances of what Hon Rick Mazza is talking about within this state.

A snapshot of the global situation of the 600 marine fish stocks monitored by the United Nations Food and Agriculture Organization show that only three per cent are underexploited; 20 per cent are moderately exploited; 52 per cent of fish stocks are fully exploited; 17 per cent are overexploited; and seven per cent are depleted. That is globally. The Australian or Asia Pacific region can be broken down into two zones—zone 71 and 51. When we start to look at those two zones—I will go into this because I will come back to explain the reasons—in zone 57, which is the eastern Indian Ocean, the major species of fish caught are crockers and drums, ranging from fully exploited to overexploited; ponyfish, ranging from fully exploited to overexploited; *Stolephorus anchovies* ranging from fully exploited to overexploited; Indian mackerels, ranging from fully exploited to overexploited; scads, ranging from fully exploited to overexploited; banana prawns, ranging from fully exploited to overexploited; and giant tiger prawns, ranging from fully exploited to overexploited. I will give the tonnages of those shortly. Then when we look at the western central Pacific, which is zone 71, where we refer to the lizard fish, the ponyfish and the giant tiger prawn, again ranging from moderately exploited to overexploited in all three cases.

I am a fisher, and I fished for many, many years in the Pilbara, at my secret creek. I caught barramundi.

**Hon Alanna Clohesy:** Where, where?

**Hon ROBIN CHAPPLE:** It is a secret, I am not naming it.

Over the years I have caught a whole range of fish, including rock cod and all sorts of fish. I must admit that when I started fishing up there, some of my colleagues would say, “Do you want to come out on the tinny with me today? I’ve got a couple of sticks of dynamite!” Yes, that was how they used to fish in the Pilbara in the 70s. Go down the creek, chuck a stick of dynamite in, get your fish.

**Hon Adele Farina:** And they’d eat them?

**Hon ROBIN CHAPPLE:** Oh, absolutely. It was the simple way of getting a heap of stock. I never participated in that; I just did not like the idea of going around in a boat full of sticks of dynamite.

**Hon Peter Katsambanis:** It wasn't enough of a challenge for you!

**Hon ROBIN CHAPPLE:** Yes!

Anyway, as time went on, I would roll up at the Hedland tip and see 5 000 to 10 000 salmon laying on the tip, and I realised that this method of fishing was not really sustainable. Indeed, when one of my favourite creeks—called Catfish Creek, of all things—was earmarked to be used by the then Leslie Salt Company for an intake, I fought long and hard to retain the creek so I could go fishing and that is most probably what led me, to a large degree, into my studies of the environment. I fought long and hard to protect that creek, and eventually was successful, but in the meantime I had given up fishing to a large degree—I do still fish, but I have given up fishing to a large degree—because I had seen some of the errors of my ways. However, I never actually again went fishing in the creek that I ended up protecting.

To return to where we are at the moment in Western Australia, marine parks and reserves have been progressively established in Western Australia since 1987, and we have done a reasonable job. However, in comparison with the recommendations made in the Red Book, it has not been that good.

**Hon Rick Mazza:** Who wrote the Red Book?

**Hon ROBIN CHAPPLE:** The Red Book was produced by the Environmental Protection Authority in 1975 and was based, as I say, on the work of the Australian Academy of Science, so it is science, not some greenie or anybody else.

There are 13 marine parks in Western Australia. We established the management of five marine parks under the Kimberley science and conservation strategy, and I will come back to that in a minute. The Lalang-garram–Camden Sound Marine Park was established on 19 June 2012, and Eighty Mile Beach Marine Park on 29 January 2013. There is also the proposed Roebuck Bay marine park, the proposed North Kimberley marine park, and the proposed Horizontal Falls marine park. Horizontal Falls is an interesting place because the interaction between fish stocks and humans there has reached an incredible level. People can now swim with lemon sharks there and feed them without having their hands chewed off; also the batfish up there have got to a stage where they can be handfed, and it is an incredible tourism adventure to go into Horizontal Falls with the tour guides. There are also proposed marine management areas in the Pilbara, Dampier Archipelago and Regnard Bay. The proposed Dampier Archipelago marine management area has been on the cards for at least the last 20 years and has been a long time coming. There are major reasons why we need to create that management area, and I will talk more broadly about some of the whale movements shortly.

New research from the University of Tasmania shows that properly designed and managed marine parks are extremely effective in boosting fish stocks and restoring biodiversity. One of the things we need to emphasise is the corollary between coastal marine parks and the sustenance of pelagic deep sea fish. The reason for that is that the smaller fish stocks, the baitfish for the larger fish, develop in the shallower coastal regions. We also get a lot of the fry of the larger pelagic fish using those using coastal areas. Therefore, if we are to look after—as I think Hon Rick Mazza said—the welfare of humans, we need to accept that our fish stocks, which are currently being overfished, need to be better managed so that we will have fish stocks and food into the future. We know from studies carried out in the eastern states that significant numbers of fish stock are taken by recreational fishers. I again point out that most of our marine parks in Western Australia allow recreational fishing, so that is not precluded.

As I say, studies from the University of Tasmania show that the need is greater than ever to safeguard whole communities of marine species. This is vital as threats such as development, pollution and ocean warming continue to affect marine life around the country. New research from the Australian Institute of Marine Science links the increased presence of CO<sub>2</sub> in our oceans to changes in the behaviour of fish species, and shows the widespread threat of climate change to the marine environment. Again, those members who fish will know that we have seen movement of many of our fish southwards down the coast; we have mud crabs as far south as Rockingham, with the translocation of many of fish species moving down the coast due to the changes in temperature and the Leeuwin current.

More recently, the Wentworth Group of Concerned Scientists—I keep reiterating that science has a lot to do with this—released in November 2014 a document titled “Blueprint for a Healthy Environment and a Productive Economy”. Under the heading “Commit to a duty of care to do no harm” on page 3, it states —

Communities and businesses would uphold a duty of care that would apply to all landholders, on both private and public land, to do no net long-term harm to the nation's land, water, coastal, marine and biodiversity assets.

In essence, that is science again. On page 4 the document states —

**Healthy coasts**, estuaries and beaches provide habitat for plants and animals, buffer the effect of storms on nearby communities, and give people a place to enjoy the benefits of nature.

**Healthy oceans** provide food, a place for recreation, and habitat for marine plants and animals.

I do not think that varies to a large degree from what Hon Rick Mazza has been saying about the benefits of these areas to the community at large.

I turn now to some of the myths about marine parks, the first of which is that marine parks lock out fishers. Having looked at marine parks and assessments about whether fishers are locked out, the no-take zones in marine parks are usually less than 20 per cent or less of the total area. Another myth is that marine parks spell the end of recreational fishing. In fact, marine parks mean great things for fishing, now and into the future, because they are the one place where we can actually allow fish stocks to rejuvenate, not only for recreational fisheries, but also for fisheries at large. As the UN has already identified, given the decline in fish stocks, we need our breeding grounds to enable fish stocks to be maintained or to gain recruitment. Another myth is that the proponents of marine parks are a bunch of extreme greenies whose views are not supported by the community. The Jervis Bay Marine Park in New South Wales was established in 2008 —

**Hon Rick Mazza** interjected.

**Hon ROBIN CHAPPLE:** New South Wales. The honourable member mentioned New South Wales, I think. In public surveys conducted, 84 per cent of the community supported the establishment of the Jervis Bay Marine Park. I think the community supports the views not of greenies, but of science, and that is what I keep referring to. The reasons for the community support for the marine park were that future generations could enjoy the park, 42 per cent; it supports a diverse array of marine animals and birdlife, 40 per cent; it provides important nature habitats, 40 per cent; it provides important locations for recreation, 11 per cent; and it is an important part of a lifestyle, four per cent.

The NSW Greens' website page titled "Marine Parks Mythbusting: Get the Facts" reads —

In 2004 the Coffs Harbour City Council wrote a letter to a peak environment group stating they had seen 'significant benefits to the tourism industry flowing from the Solitary Islands Marine Park (SIMP) as well as benefits to the community through additional recreational marine pursuits and the SIMP is widely recognised as a major draw card to the region.'

The webpage continues —

Myth: Greens want to ban all fishing and other activities. They want to 'lock up' our oceans.

I recently talked about the international science being discussed by the United Nations. The webpage continues —

International science is calling for a minimum of 20%, to as much as 50%, of all oceans to be protected from fishing.

That is because of declining fish stocks. The webpage continues —

This is essential to protect fish stocks and allow them to recover, and if we are to ensure that our grandchildren can enjoy the type of fishing and seafood we are so lucky to enjoy today.

In 2008, 18 per cent of stocks in NSW were overfished or experiencing overfishing and the status of 42 per cent of stocks was uncertain.

It is interesting that there have been some very important case studies, because we have seen the two sides to the argument in NSW.

As someone who used to fish in Port Hedland harbour, in Stingray Creek, it was nothing in the old days to go out in a tinnie and catch two or three mullock, or "kingie" as they are called. I was talking to some people up there the other day and I asked what the catch rate was these days and whether they were catching any kingie out there. They said they caught one the other week; kingies and mullocks are still out there. I recounted the story of when a friend of mine, Hiko Walsh, went out in his tinnie and caught himself an undue level of feed and ended up swamping his boat because he had about six or eight of the kingies in the 11-foot dinghy and drowned it. That was overfishing, but the stocks were there; they are not today. As somebody who fishes, I know it is more difficult today than it was 30 to 40 years ago along that Pilbara Kimberley coast. I wanted to put that on the record. I still do not use dynamite.

**Hon Simon O'Brien:** You catch them with your bare hands, do you?

**Hon ROBIN CHAPPLE:** Absolutely; *Crocodile Dundee* stuff, mate—definitely! Sorry, I called the honourable member "mate"; I do apologise for that.

**Hon Simon O'Brien:** We're all friends here.

**Hon ROBIN CHAPPLE:** I think it is important to put on record the Greens' policy, which is —

The Australian Greens policy is to ensure that Marine Protected Areas (or Marine Parks) have legislated targets of a minimum of 30% 'no take' areas per bioregion by 2012.

**Hon Rick Mazza:** Of the marine park?

**Hon ROBIN CHAPPLE:** Of the marine park; not 30 per cent of the whole coast.

**Hon Rick Mazza:** What percentage of our oceans do you believe we should have as marine parks?

**Hon ROBIN CHAPPLE:** I believe that is up to science; it is not up to me.

**Hon Rick Mazza** interjected.

**Hon ROBIN CHAPPLE:** Ah, this is where we differ: I actually listen to science; I do not have a view. If we go back to the science told to us by the Australian Academy of Science in 1962, it suggests we need most probably about another 100 per cent of what we have in terms of marine parks. Then by the time the Red Book came out there was quite a large swathe. After this session I will pass the Red Book over so that the member can see the proposed areas. We need to understand what we are trying to achieve in this matter.

I return to the creation of marine parks in the Kimberley, and these comments are more directed at the government than Hon Rick Mazza. The Premier recently commented that the Kimberley is one of greatest untouched wilderness areas in the world, rivalling the Great Barrier Reef. Those comments were spot-on. Members who have looked, dived and swum in those areas will know that the biodiversity is exceptional. One of the problems I have is that we create marine parks, but also allow oil exploration and extraction, and mining—we have mining tenements for diamonds over those areas—and we have seen with the mines around Cockatoo and Koolan Islands and places like that, significant damage done to the marine ecosystem around those areas. That usually comes from dredge getting over the coral reefs and killing off the coral reefs, which then, in turn, affects the general regional biodiversity and affects incrementally the corollary of all fish species in that region.

I thought it was important to mention that in the other house a question was asked of the Minister for Environment on 23 September 2014 by Jan Norberger, MP. He asked for an update on the Liberal-National government's marine park program and the significant benefits it is providing to the environment. The minister replied —

Four new marine parks have been established since 2008.

...

Walpole and Nornalup Inlets, and Ngari Capes Marine Parks have been established in the south west. Two marine parks have also been established up in the Kimberley —

Being Eighty Mile and Camden Sound. The minister stated that another three marine parks will be created, including at Roebuck Bay and Horizontal Falls, which we already knew. The minister then stated —

When we came into government, there was a total of 1.5 million hectares of marine park and reserves in our oceans in this state; indeed, by the end of this term, as we roll out our Kimberley science and conservation strategy, we aim to have more than five million hectares under marine parks—a more than 200 per cent increase through the Kimberley science and conservation strategy! Significantly, not only will there a 200 per cent increase in the marine conservation estate within Western Australia, but also these parks are being jointly managed with local traditional owners, particularly in the Kimberley, providing significant opportunities for training and for employment on country for Aboriginal people. Marine parks provide a variety of environmental, economic and social benefits. Far from sterilising these areas, the Liberal-National government sees marine parks as a responsible way of activating these remote wilderness areas.

The environment minister claimed that the government is putting in place a bold vision for the Kimberley's long-term conservation. He said that when the first of the marine parks to be established—Camden Sound—was gazetted in 2012. If we go back to the 1993 “Red Book Status Report on the Implementation of Conservation Reserves for Western Australia” and look at what was proposed, we see that many of the areas have been left out. So far, no zoning orders have been issued within that park, and the iconic Montgomery Reef, which was to be the centrepiece of the park, is still outside the marine park boundaries. That is an exceptional area. I do not know whether anyone has ever seen the work that has been done to film that area. The reef is exposed by low tides and a massive waterfall system rolls over it when the tide comes in. There is a little sandbar in the middle on which we can land a chopper and head out to the edge of the reef to experience the absolute wonder of that area. When we get to that point, we can see the biodiversity; the fish species gather either side of the reef to catch the influx of fish; it is almost a feeding frenzy. It would be a fisherman's delight to fish from that sandbar. We have to take a chopper to get there; we can get there by boat, but I have seen a number of rubber duckies come to grief on that very sharp reef, so that is not the way to go. There will be no zoning areas for that. The iconic region was identified to become part of the marine park under “System 7” for the Kimberley, as was Middle Island and West Island in the Lacepede Islands. One wonders why they have not become part of a marine park. It will be interesting to note whether the exploration going on in those regions and the potential development of the oil and gas industry in those areas has anything to do with them not becoming part of

a marine park. As I said, so far no zoning laws have been issued and the Montgomery Reef is still outside the area. Interestingly enough, again, the experimental fishing of the commercial barramundi fishermen, the fishing efforts in the Prince Regent River and the prawn trawlers in that general area are causing significant concern. They are not recreational fishers; I make that point. Major commercial fishers are also moving into that area, which can have a significant impact on a very important and biologically diverse area.

The zoned areas in Camden Sound Marine Park in the Kimberley include a general-use area that covers 55 per cent of the marine park. In that general-use area, basically, anything goes. Commercial fishing, recreational fishing, dredging, oyster harvesting and whatever we want to do in that area is permissible. It is a national park, but everything is permissible. Unfortunately, that is one of the things that we tend to do here in Western Australia with national parks, whether they are land-based or marine-based; these areas are left open to mining, oil and gas exploration and even driftnet fishing. It is important that if the government goes down the path of establishing marine parks, it understands the need, at a global level, for the establishment of these parks.

I come back to that important point again: these parks are the breeding stock for the fry and the small fish predated on by the larger pelagic species, which are already under threat. If we somehow do not allow juvenile fish stocks to regenerate—the fry and feedstocks—it will mean a lot to humankind in the long term, because without those breeding areas, our bigger fish stocks and our bigger fishing industry will be affected. An interesting point was made to me a few years ago by a Canadian guy from near the Bay of Fundy, where they have done quite a bit of research into the number of trawlers in the area. I think the number of fishing boats has doubled or tripled and three-quarters of the fish stock are being caught. That gives us an idea of the decline of fish stock in the oceans. The Barnett government's—I will use his word—"bold" vision for marine conservation in the Kimberley has overlooked the Lacepede Islands and Adele Island, which are both prospective areas for oil and gas, yet were identified as most significant in both the original Australian Academy of Science documentation of 1962 and indeed the "Red Book Status Report on the Implementation of Conservation Reserves for Western Australia" of 1993.

The establishment of managed marine areas in the Kimberley will no doubt provide many commercial opportunities for the Department of Parks and Wildlife and respective native title owners, and provide much-needed funding for more research in the region. I commend the Minister for Fisheries at this point, because I understand he is having some quite detailed discussions with the traditional owners about managing some of those areas. In the Kimberley that has been a major step forward; we are working with traditional owners to assist them in an economic pursuit. I really commend the nature of what the minister has been doing in those negotiations, but at the same time we should not forget that overfishing could potentially harm the fish stock. I understand that in most cases fish pens will be used, which will not have a broader impact. However, we need to remember what happened with the fish pens in Esperance where diseased sardines brought in as bulk feedstock from outside the area wiped out the Esperance fisheries for a number of years. We have to be very careful about how we do these things.

We really have to make sure that unsustainable fishing, commercial or otherwise, will not harm the conservation values of these areas. The Great Barrier Reef Marine Park is internationally recognised and is close to the hearts of many Australians. We recently received comments from world leaders about their concerns about how we manage that area. I am more than positive that the Kimberley is an absolutely outstanding area, although little researched and little evaluated, and will eventually become as important, if not more important, for biodiversity of fish stock than even the Great Barrier Reef. One of the reasons is that the Kimberley has a suite of small islands and hundreds of thousands of kilometres of coastline. With island populations in the Dampier Archipelago, the Recherche Archipelago and, indeed, the Kimberley, there are massive interactions between pelagic and non-pelagic fish and reef fish and deep-sea fish, and between all sorts of things. Biodiversity and mingling of species is extremely important to the wellbeing of oceans.

I have to make some comment on the Great Barrier Reef. Although it is not a Western Australian issue, quite clearly dumping millions of tonnes of dredge in that area is an appalling idea, but we have seen that in Western Australia too. We need to note that much of the Rowley Shoals is affected by the iron ore deposits coming out of Port Hedland harbour. The overspill from the ships gets carried out in serious currents, and in the stiller waters around the Rowley Shoals and places such as that, the deposition falls into the ocean and affects those reef systems.

The long-term future of the coastal waters in the Kimberley is quite clearly in the hands of this government and future governments. As somebody who lives in and is passionate about the Kimberley and gets out in this water, I encourage the government to continue on its path of creating the greater Kimberley park system, look at the Red Book and the Australian Academy of Science recommendations and continue with the work, but ensure that we are not going down this pathway of having Clayton's marine parks—parks in which people can do everything that they could do when it was not a park.

I am mindful of what has happened with the Horizontal Falls marine park. Pegasus Metals Ltd was looking at mining either side of the waterfall. A beautiful statement was made that Pegasus had relinquished its leases over the Horizontal Falls; however, it actually handed back one lease, which was over the waterfall itself, yet its mining tenements for copper exist on either side of the Horizontal Falls. If those mines were developed on either side of the waterfall, any tourism industry going into that area, whether by seaplane or the larger boats that move into that area—I think the income generated from the Horizontal Falls is \$18 million or more a year—would see a waterfall with a hole at either end of it. It really will not work. Again, I urge the government, when it proclaims that park, to look at the extended leases on either side of and opposite the park.

I thank the honourable member for bringing on the motion. I cannot support the motion, but I do concur when the member said that other activities, such as petroleum exploration and mining activities, should not take place in some areas within those parks, because that diminishes the parks more broadly. I do not think that we do a disservice to recreational fishers. As I say, there are no-take zones in those parks, but a lot of those parks are open to recreational fishermen. I get up to the Kimberley parks quite a bit and I work with the recreational fishers out of Derby. Getting out to some of those marine parks is pretty hazardous, so there are not a lot of recreational fishers. There are a lot of fishers on the banks of the May River and there is—excuse the expression; I was going to use another word—jolly good fishing to be had on the May River. There are many places where recreational fishers can go, either in boats or by four-wheel drive, and get a very good fish feed.

I thank the member for bringing on the motion. I hope that he has listened, and I will provide him with any of the documentation about science that he wishes to read.

**HON KEN BASTON (Mining and Pastoral — Minister for Fisheries)** [3.24 pm]: I thank Hon Rick Mazza for bringing on this motion. I have some sympathy for the motion in the sense that it has raised many issues, and that is the value of having the motion before us today. The primary purpose of a marine park is to preserve the representative and special ecosystems in the marine environment. Marine parks are just one of the many things that are used in fisheries management to ensure sustainable fish stocks and environments, as well as conserving aquatic biodiversity.

It is rather interesting to stand up as the Minister for Fisheries. I think quite a few people know that I was a very keen recreational fisherperson. I still am, but I do not get the time today. I used to fish the eastern gulf of Shark Bay for some 26 years and I know that bit of water like the back of my hand.

**Hon Mark Lewis:** And I pushed you around a fair bit of it too!

**Hon KEN BASTON:** Hon Mark Lewis did come on one trip.

**Hon Ken Travers:** Is that why we had a problem with the snapper disappearing?

**Hon KEN BASTON:** Let me finish my story.

**Hon Ken Travers:** It was you single-handedly.

**Hon KEN BASTON:** Single-handedly!

It became a World Heritage area and then it became a marine park and all these sanctuary zones were put in the area. I do not believe that these sanctuary zones were based on the science that I would like all sanctuary zones to be based on. One of these sanctuary zones was put over one of my favourite fishing spots, so I was not impressed at all. I approached the then minister, Hon Monty House, and asked him whether he had signed off on it. He assured me that he was not like Carmen Lawrence and he remembered that he had not signed off on it. However, of course, he had signed off on it.

Several members interjected.

**Hon KEN BASTON:** This sanctuary zone was put in there. One of the things that came to my mind at that time was that it was pointless making lots of sanctuary zones if we cannot police them. That is still my query today about the sanctuary zones in marine parks. We must be able to back them up by regulating the sanctuary zones for the purpose that they were created. This involves working with the traditional owners in the Kimberley, as Hon Robin Chapple has said. In my fishing exploits, I never used dynamite. I can imagine that the member caught many fish.

If people know where to catch fish in the Shark Bay area, it becomes easy to get them. I was convinced by the science in the end. The breeding stock in the eastern and western gulfs of Shark Bay and in the Freycinet Estuary had dropped off because the fish were caught during their spawning time. The Department of Fisheries decided to ban the catching of pink snapper during that spawning period. It was quite remarkable how quickly the snapper came back; over a 10-year period from the early 1980s, the fish came right back. The target was a 100-tonne biomass to get it back and it has exceeded that well and truly now, so much so that the Minister for Fisheries before the last Minister for Fisheries, Hon Norman Moore, listed the pink snapper allowance at two. I believe that was a very positive step. It is interesting because at the time I was hesitant to back that particular

science, but I certainly backed it in the end. The scientist is a fellow called Gary Jackson, who still works for the Department of Fisheries. We often talk about the pink snapper there.

There are three different DNA-tested fish zones, even though they are pink snapper zones: eastern gulf, western gulf and Freycinet at the bottom. Interestingly, a tag system was introduced whereby people were allowed to ballot for two tags, or two fish, at \$10 a tag. It was virtually an auction system for what the tags were worth. I remember talking to Minister Kim Chance at the time and he thought they would bring \$5 but they reached \$10 a tag. Both the eastern and western gulfs have increased their stock, but Freycinet has not. Why is that? The information given to me recently is that because people pay for the tag, they size up—in other words they catch a few fish for the day and work out which are the two biggest and keep them—so the level of stock has not been successfully maintained. To see whether we can change that level of fish stock, we will still use tags, but we will not charge for them and people will still be able to catch two fish. As other members have said, the marine parks do not prohibit recreational fishing. In fact, I am told that recreational fishing can still occur in 89 per cent of the parks area. As I touched on in my opening remarks, I guess the most important issue is the location in the park of the sanctuary zones. The best area in the park, where the most fish are, might attract a sanctuary zone, and that needs to be watched.

My experience at Roebuck Bay so far is that the commercial netting licences were brought back there. That was a very popular decision by Fisheries. That is fine, but there is an element from outside who is saying that they want more of Roebuck Bay to be locked away. First of all, the pressure was to get rid of commercial fishermen and now they want parts of it locked away totally. That area is all open at present for recreational fishing. That issue in that area is something, as Minister for Fisheries, I am watching.

Hon Rick Mazza indicated that a trial season and rotational opening of a marine park could undermine fisheries. I believe a rotational area has occurred in Queensland on the Great Barrier Reef, I think. It is something I have suggested for Western Australia, but the feedback to me is that it would undermine the intent of the biodiversity conservation outcomes, and compliance and management—changing it around—could result in a significant government cost. I am still open-minded about that. I have not had the opportunity to study how the Great Barrier Reef handles rotation.

One of the other suggestions made some time ago was to start wilderness fishing zones in the Ningaloo Marine Park, which is of course a World Heritage-listed area, which is south and north of Coral Bay. It was Liberal Party policy in 2005, and involved people camping and eating what they catch, but it would be a no-take area. I believe that with shore-based fishing, that is an excellent way of letting everyone enjoy the magical wilderness experience of camping and catching fish from shore. This could apply also to the Kimberley region.

I mentioned the policing of sanctuaries at Shark Bay. I will take back a message, Hon Rick Mazza, that he considers our fisheries to be very well managed, and I am sure the department will be very pleased to hear that.

Hon Robin Chapple alluded to working with the traditional owners dealing with fish stock. He did not name it, but I presume he was referring to Marine Produce Australia, which is a barramundi farm at Cone Bay. Recently we announced extra environmental approval for people to invest in the extension of that area. That covers some 2 000 hectares, which can produce some 20 000 tonnes of fish. At present, MPA produces 2 000 tonnes of fish and we have just renewed its licence to increase production to 7 000 tonnes, which will make it fairly economical. That will leave some 13 000 tonnes. Yes, disease is always a great concern but the tides are so great up there that they create a clean-out effect. The size of the cages, which each hold 30 000 to 40 000 fish, represent a pinprick in that massive area. I think the opportunity in the Kimberley for aquaculture is fantastic. As the world's population grows, aquaculture is the way we need to head if we are to keep up the supply of fish for human consumption. We will apply careful science in developing those areas. By the way, the area where the cages will be set will be open to recreational fishing—not in the cage, I might add—around the cages because they will take up only about five per cent of the total area when the maximum amount of tonnage comes out. I think this is a good motion by which to raise some of the issues and reflect on how far we have come with fisheries management.

The other point I want to raise is the Red Book Hon Robin Chapple raised and the Horizontal Waterfalls. Hon Norman Moore and I flew over that area and landed there and experienced the waterfalls. The location of the copper leases was then brought to our attention and one lease was right above the waterfalls. The minister decided then to do something about it. That is a legacy Hon Norman Moore left. I guess it would have been hard for him because he was the Minister for Mines and the Minister for Fisheries. It was virtually a no-brainer decision given the beauty of the falls and the benefits of attracting visitors. I do not know how many people have been there but it is a fantastic natural event that happens between the tides rising and falling with the rush of water between the narrow gaps.

I thank Hon Rick Mazza for moving the motion. As Minister for Fisheries, I assure him I will certainly watch every marine park and take note of their effects on our fisheries. When Hon Donna Faragher, who is still here, was the Minister for Environment, the Walpole and Nornalup Inlets Marine Park, I think, was formed. She gave

me an undertaking it would not stop any recreational fishing. A very good friend of mine went out in a boat fishing with his dog, which he always took with him. When he got back the ranger said, “I’m terribly sorry; this has been made into a marine park and you can’t take your dog or your boat out any more.” He rang me and explained the situation with a few explicit words. I approached the minister, and at ministerial level, that was not envisaged, but problems arise at the small working group level. The small working group decided there would not be any dogs on boats out there.

**Hon Donna Faragher:** I think I rectified that.

**Hon KEN BASTON:** Hon Donna Faragher rectified it very quickly when she was minister, and I thanked her at the time. We need that control mechanism at ground level to allow fishing in large areas of marine parks.

**HON KEN TRAVERS (North Metropolitan)** [3.50 pm]: I do not think it makes any difference on motions, but I am not the lead speaker for the opposition on this. Hon Stephen Dawson will fill that role, but I am happy to make a few comments on the motion. I can safely say that the opposition agrees with the government on this matter and will oppose the motion moved by Hon Rick Mazza. We do that because we recognise that marine parks play a very important part in the way that we manage the environment in which we live and that we as human beings have an impact on. We recognise the need for marine parks. They play a very important role in a range of areas. I need to put on the record that the opposition holds the strong view that the creation of marine parks should be based on science. I note that the minister for all things in the sea that are not mammals, also known as fish, has a view that science can be questioned when the science applies to the area in which he wants to go fishing. If we adopt that approach, it becomes problematical for us, but we understand that members on the other side of this chamber have a lot of difficulty, whether it is the way we manage our environment in marine terms or how we manage climate change, accepting what science tells them. Members can talk to any scientist, and they will concur that science will evolve as they get more and more information, but it is about a process and taking a precautionary approach and ensuring that we are not doing damage based on the information available. We do not want to do something today that we find out tomorrow we cannot correct. We are better off taking some precautions today. Even those members opposite who go fishing will recognise that we cannot take actions that ultimately lead to a complete decline of a species.

The minister referred to Shark Bay, and we all know there was a time when there was clearly overfishing. When bans were put on fishing in Shark Bay, there were still people saying that the science was wrong and that fishing should not be banned. Any sensible person would accept that if those bans had not been in place, we would have wiped out the fish stock there. The minister mentioned that it is not just about one type of snapper, as each of the different locations within that area has a different type of snapper. We could wipe out a whole species. There might be other snapper elsewhere within the broader system, but they are not the same species of snapper. Having said that, there is a sense of demonising marine parks by claiming that every marine park completely locks out every form of activity, but of course there are gradients in that. Hon Rick Mazza’s motion refers to allowing shore-based fishing in sanctuary zones. That occurs in some areas, but not in others. The reason it occurs is based on the best available science and, I reiterate, on a precautionary principle. If there is doubt and question marks around the science, we are better off taking a precautionary approach until we can determine the outcome.

I see that Hon Paul Brown is looking a bit quizzical. I do not know if that is about my comments or whether he is thinking about the world and what he is going to buy his family for Christmas. If he is thinking about Christmas presents for me, I am more than happy to talk to him later.

Marine parks play a really important role in helping to develop an understanding of the science about what is obtainable and achievable and what is not. It gives a good basis on which to work out how to repopulate fish stocks and how to operate nursery grounds. We can do things in a take zone that we cannot do in a marine park. Marine parks play a very important role. In the grand scheme of things, we are not talking about a massive shutting down of fishing; there will still be plenty of areas in which people can participate in fishing. I remember years ago going over to Rottnest Island and snorkelling and seeing the abundance of fish life there. People could see large blue groper within close proximity to Rottnest Island. Rottnest Island is a managed area, and people can fish off the beach in some areas and in some areas they cannot. We have significantly damaged the fish stocks in some areas and we need to give the fish stocks time to come back. As part of that, those areas play an important role in assisting us to understand how the fisheries operate.

In talking about this matter, one of the things that the Labor government did back in 2006 was to recognise the importance of science in these matters. I suspect that Hon Stephen Dawson may be able to talk about this, because he was probably involved in some of these issues in another life and is aware of the work that was done trying to undertake scientific studies on the basis for, and role of, marine sanctuaries in marine planning. That highlights the need for a strong scientific basis in marine planning. One of the documents produced from the work of that marine scientific panel is the “Report on the Scientific Basis for and the Role of Marine Sanctuaries



in Marine Planning”. It is an important document, and if members have an interest in this issue they should get it and take time to read it. The executive summary of that report states —

The Panel has examined the scientific information on the basis for and role of marine sanctuaries and similar ‘no-take’ areas from Australia and other countries, and for WA, including sanctuary zones as defined in the Conservation and Land Management Act 1984 (CALM Act), and Fish Habitat Protection Areas (FHPAs) and closures to fishing under the Fish Resources Management Act 1994 (FRM Act). The effectiveness of marine sanctuaries in achieving their purpose has also been examined. The Panel has then drawn general conclusions from this evidence and specific conclusions in relation to WA marine planning (Section G). Finally the Panel has developed policy recommendations on the role of marine sanctuaries in WA marine planning (Section H).

That report gives a good understanding of the sort of work that is needed and that has occurred and should continue to occur when we develop these areas. I do not think we should put a moratorium on the creation of marine parks as outlined in the motion, but we need to ensure that we continue the work that has already occurred over time. That report also gives a very good understanding of some of the roles and benefits of marine sanctuaries. That includes things such as conserving marine biodiversity. The “Report on the Scientific Basis for the Role of Marine Sanctuaries in Marine Planning” also states that the benefit of ecological responses to marine sanctuaries may vary from one area to another and depend on many other factors. Again there cannot be a single sanctuary; there has to be a number of representative areas so that there is that diversity, because different areas and different environments respond and deal with issues differently. Marine sanctuaries add to the resilience of marine ecosystems and their ability to resist or recover from disturbances such as climate change. Again, that is going to be increasingly the case. I know that many in this chamber may want to deny what is happening to the environment, but when a number of scientists around the world collectively hold a view that man is having an impact on the environment, is warming the environment, and that is having flow-on impacts in a range of ways, we know that areas such as Ningaloo and the Great Barrier Reef are at risk. I do not want to sound like Al Gore, but I remember as a young geography student in the 1980s, when the issue of global warming and greenhouse gases was very questionable, looking at the work then being done to try to determine whether or not the human species was having an impact on the environment.

**Hon Jim Chown:** Isn’t that called climate change nowadays, and nobody is sure whether it is warming or cooling?

**Hon KEN TRAVERS:** No, it is called climate change, Hon Jim Chown, and it is called climate change because overall the world is warming.

**Hon Jim Chown:** There are scientific papers out there saying that it is actually cooling.

**Hon KEN TRAVERS:** Parliamentary secretary, we get answers in this place that have to be corrected within less than 24 hours, too, from time to time. If the member lets me finish my point, we know that overall the world is warming. Climate change is leading to an overall increase in the temperature of the world. Because the world is a very dynamic system that may have different results in the way that is dealt with in different areas. There may be an increase in the frequency of storms; it will change the pattern. Hon Jim Chown is right that in certain parts of the world it may lead to a decrease in the specific temperatures at those specific sites, but overall it is having an impact on the rising of the temperatures across the globe. Hon Jim Chown is right, because we are dealing with a very dynamic system and in specific areas it may create specific outcomes in the change of those climates. The bottom line difficulty is that it is evolving and changing the world’s environment so rapidly, it is difficult to find models that will predict the outcome. That is all the more reason for us to take a precautionary approach. However, today is not about climate change; today is about marine sanctuaries. One of the roles marine sanctuaries certainly have is providing an increased resilience for our ecosystems as a result of that climate change.

Another benefit of marine sanctuaries is that they act as a reference area for us to be able to assess the scale of human impacts on the environment at locations where the collection of data cannot be managed from fish systems. It allows for the development of that baseline data to understand what system would work and then compare it with those areas where fishing occurs. We also need to note that the effectiveness of marine sanctuaries for conservation purposes will vary markedly depending on the match between the size and location of sanctuaries, the life history characteristics of the species in question, and the length of time the marine sanctuary has been in place. There are a range of areas in the conservation of marine biodiversity that come about because of sanctuaries. There is a benefit to fisheries, but it is less clear how they operate. Again that is something that the report discusses. Marine sanctuaries will have greater impact in certain areas than in others, because, again, just as terrestrial flora and fauna systems change depending on the nature of the system, the benefits to us change. Again, on their own they are not the sole solution to fisheries management and they need to be part of an overarching management framework. It is fair to say that the management of fishery systems in

Western Australia has been well run over the years and we have generally had a good management, and marine parks are an element of that.

We also have to recognise that the marine environment is not about only fishing; different people want to use that environment differently. Some of these areas provide points where tourism can be developed. Anyone who has been to Coral Bay or any of the large number of communities up and down the coast of Western Australia, and increasingly in the Kimberley, would recognise that tourism is becoming an increasing part of the economy of those communities. One only has to visit those places during the peak times and try to look at and engage with that environment. The places that people want to go are the places that have not been impacted by fishing. Tourists love the fact that they are going into sanctuary zones. Again, it comes down to how to share these resources, whether it is sharing what fish can be taken between the commercial fishing industry that then provides the opportunity for those people who do not want to fish to access that resource and buy it to put on their plates at night, and the person who wants to go fishing as part of their recreational activities, and the person who wants to use the environment as part of their own personal enjoyment but who do not want to take anything from that environment. Those people have a right to access areas knowing that that area has had as little impact as possible. It comes back to how to share natural resources between all in the community. It is not as though we are saying that there should be no recreational fishing or, for that matter, commercial fishing, but it is about coming up with a system that properly manages the environment. It is not just about tourism; it is about recreation; it is about education. Even for aesthetics' value, those things need to be taken into account when we are determining the areas that we want to present.

I think it is very important that we do not seek to try in any way to demonise marine parks. They are a very important part of the management of the marine environment. They are a very important part of how we share those areas with the different members of our community who want to access, use and enjoy that environment. As I say, we need to ensure that whatever we do is based on science. It is not right to argue for a moratorium on the creation of any further marine parks. If the government is doing its work and is identifying, using science, other areas that should be incorporated in the marine reserves, that should be allowed to occur, and we should not try to stop it. I do not believe that there is an overwhelming need for an investigation into the access and management of the current marine parks in Western Australia; but if members believe that there is a need for that, I am relatively confident in the way things are currently operating. I certainly do not get a great many people putting the argument to me that there are any fundamental problems around access and management, but if there were to be an inquiry, it could be done as a stand-alone inquiry without the need for a moratorium. Again, given the way the motion is currently crafted, with reference to allowing shore-based fishing in sanctuary zones, I have some concerns that that could be interpreted as meaning either that fishing should be allowed everywhere, or that we do not currently allow fishing in some of those areas. The issue comes back to what the science is telling us about those areas. In respect of areas in which there is no take allowed from the shore, I feel confident that it is because the science recommended that. I recognise that there are many areas where shore-based fishing is allowed to occur, so I have some difficulty in understanding the purpose of that point within the motion.

For all those reasons, the Labor Party will not support this motion. Having said that, I welcome the fact that we are having the debate. My view on these matters is that we should always be happy to have a debate, as a Parliament and as a community. We should never lead these things without the opportunity for people to challenge and question whether we have it right or whether we need to be doing something differently. From our perspective, we think we have got it pretty right. We are going generally in the right direction, and if we continue to base our decisions around the application of science in determining these things, I think we will continue to head in the right direction. However, no-one should ever be afraid of having these debates, so for that reason I welcome the fact that we are having this debate and I do not have any problems with the member having brought this motion into the chamber. I recognise that he was elected by a particular group of people—along with a whole lot of preferences—to advocate a particular position in this Parliament. It is the role of the rest of us to choose whether or not we support that view. It strikes me that there is going to be a fairly substantial group of us who express a similar view about the general direction in which we are heading in this area, but there will always be arguments about whether we can do it better or what other changes can be made. Today's debate is just another part of that process.

**HON MARK LEWIS (Mining and Pastoral)** [4.02 pm]: I also would like to thank Hon Rick Mazza for bringing this motion to the house, and I agree with Hon Ken Travers: it is very important to have this debate. I would like to broaden the debate a little to take in the institutional frameworks that we have already in place to undertake resource management. I come to this debate from probably around 30 years of experience in the bureaucracy side of resource management. I have been involved in land-based resource management, fisheries-based resource management, forestry-based resource management and water resource management. I have seen a lot of resources management frameworks come and go, and I can say that we are always improving, but that we can always improve.

I also want to make it very clear that we are talking about a marine park. A bit later I will talk about other mechanisms, but there seems to be a lot of confusion here about the mechanism of marine parks. I have heard the words “sanctuary”, “reserve” and “park”, and if members were to have a look at some of the other management frameworks they would see “management plans”, “management areas” and “special purpose zones”. I was just having a side debate with Hon Phil Edman about whether Rottneest Island has a marine park; it does not. It is a special purpose zone that falls under normal regulations. There are also fisheries habitat protection areas and restrictions and closure regulations.

Over my 30 years’ experience, I have had a particular problem with the range and layers of management frameworks that can be imposed on particular resources. This goes back to the fact that, at the end of the day—Hon Rick Mazza made a very good point on this—it is about bang for the buck. What is the best way to manage a resource? I have not heard any arguments this afternoon about protecting these areas; on that, I think we are all in accord, including even Hon Robin Chapple. What has disturbed me over the years is that we get things like international conventions, international treaties, World Heritage areas and National Heritage List areas. After that, we come down further to marine parks, national parks and all those other things we were talking about—sanctuaries, reserves, management plans, management areas and special purpose zones et cetera, and that all costs money. Hon Ken Baston talked about an area of particular interest to him, the Shark Bay World Heritage area, and commented about some of the restrictions placed on that area. I can tell members that it was not the World Heritage framework that gave power to that regulation; that was brought about by the normal regulation powers under the Fish Resources Management Act. It can be very offensive to those people out there in the field, who are operating under normal legislation, when we say to them that they are not doing a good enough job and that we need National Heritage List areas, World Heritage areas or an international convention to make sure they are managing those resources properly. I personally often felt it to be a little offensive when I had somebody from Spain or Geneva or wherever it was, telling me, an on-the-ground resource manager, how best to manage our country. I just think that is not only offensive, but also very costly. I can remember a number of times travelling around with Hon Kim Chance when he was Minister for Fisheries. We would get to Shark Bay or Exmouth and start talking about the management costs of the World Heritage area. Members who know Hon Kim Chance will know that he was vociferous in his objection to the management costs imposed on those places. In fact, instead of the usual one smoke and one can of Coke, it would take three smokes and two cans of Coke to settle him down!

Debate adjourned, pursuant to standing orders.

## COMMITTEE REPORTS — CONSIDERATION

### *Committee*

The Chair of Committees (Hon Adele Farina) in the chair.

*Standing Committee on Environment and Public Affairs — Thirty-sixth Report — “Review of the Government Response to Report 35: Inquiry into the Sandalwood Industry in Western Australia” — Motion*

Resumed from 22 October on the following motion moved by Hon Brian Ellis —

That the report be noted.

**Hon SIMON O’BRIEN:** I am surprised; I did not realise I had participated at the last sitting! I support the proposition that the report be noted. In particular, I want to reiterate to the house, and through the house to the government, that the thing that characterised both the report of the Standing Committee on Environment and Public Affairs of the thirty-eighth Parliament together with the current report of the committee in this Parliament, was a sense of urgency about dealing with a couple of matters. One of them was about addressing the inadequacy of the penalties available to deal with those involved in illegal dealing with wild sandalwood; the other was, as per our report, about progressing new legislation for a biodiversity act. We are all looking forward to seeing the biodiversity legislation coming forward, hopefully in the new year, because we think that will deal with a range of matters that have been raised in the reports, and we look forward to those being progressed. I do, however, remain a little disappointed that we do not seem to have had a sense of urgency to address this question of penalties. It is more by good luck and circumstance that, for the present, the illegal trafficking activity seems to have had declined. Can I have an extension?

**The CHAIR:** Member, it is my recollection that you were granted an extension when you spoke last time, so you were actually utilising two minutes of your additional five minutes just now. Unfortunately, the standing orders do not allow me to grant you a further extension of time.

**Hon SIMON O’BRIEN:** I will take that as a no then, Madam Chair!

**Hon Ken Travers:** He could always seek leave to have a further extension.

**Hon SIMON O’BRIEN:** I do not think we need do that.

**Hon STEPHEN DAWSON:** I feel some sympathy for Hon Simon O'Brien today because my recollection is similar to his: I thought Hon Brian Ellis from our committee had actually received an extension of five minutes in the last debate, and that in fact he carried out the debate on that afternoon. It is my recollection that Hon Simon O'Brien was not here that afternoon! Nonetheless, the record shows something different.

Look, this is an important piece of work and the Standing Committee on Environment and Public Affairs, which comprises me, Hon Brian Ellis, Hon Paul Brown, Hon Samantha Rowe and Hon Simon O'Brien, certainly took this issue very seriously. As previous members have said, the issue was first raised in the thirty-eighth Parliament. When it was raised again in the thirty-ninth Parliament, this committee took on the terms of reference and continued the work of the committee that had been previously chaired by Hon Brian Ellis. We inquired into the sandalwood industry in Western Australia, particularly looking at the roles of the Department of Environment Regulation, the Department of Parks and Wildlife, and the Forest Products Commission in the management and commercialisation of sandalwood. We also looked at the issue of how future contracts for the harvesting, marketing and selling of sandalwood can be managed to ensure that all sectors of the industry remain viable and sustainable, and that the returns to the state are maximised. We looked at the management of wild sandalwood, including the monitoring of the resource and regeneration. We looked at the government resources required to effectively detect and prosecute the illegal harvesting and export of sandalwood, including the transport, storage, purchase, possession and identification of the sandalwood resource; we also did a review of all relevant legislation pertaining to the sandalwood industry.

Over the period of time we looked at this issue, we conducted a number of public hearings and heard from a great many people involved in this industry. I think it is fair to say that we put a lot of work into this report and expected a better government response to the report. We talked about the biodiversity conservation act, and mentioned that successive governments have said they would bring forward a biodiversity conservation act; this government made it a commitment at the last election. We have not seen any sign of that legislation at this stage, and it is concerning that nobody has progressed on this.

One of the other major issues we looked at was illegal harvesting and the penalties attached. We had a couple of conversations with the Department of Fisheries—I think Hon Brian Ellis previously alluded to the fact that the way the Department of Fisheries manages its prosecution and enforcement operation or unit should be held in high regard, and that the Department of Environment Regulation, or in this case the Department of Parks and Wildlife, should be encouraged to replicate it. Fisheries does it well; as I have said previously, I spent some time as a principal policy adviser to a previous Minister for Fisheries, and I have experienced firsthand how the department works.

**Committee interrupted, pursuant to standing orders.**

[Continued on page 8331.]

*Sitting suspended from 4.15 to 4.30 pm*

## QUESTIONS WITHOUT NOTICE

### DIXIE MARSHALL — SALARY PACKAGE

**1254. Hon SUE ELLERY to the Leader of the House representing the Premier:**

- (1) What was Ms Dixie Marshall's total salary package in dollar terms as at 31 August 2014?
- (2) Has Ms Marshall received any increase in her salary package since August 2013?

**Hon PETER COLLIER replied:**

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

- (1) The base salary is \$256 844 per annum, with a superannuation employer contribution at 9.5 per cent of \$24 000 per annum.
- (2) Yes, in line with the Salaries and Allowances Tribunal determination published on 24 June 2014 for special division and prescribed office holders.

### FITZROY VILLAGE DISTRICT HIGH SCHOOL — DAMAGE

**1255. Hon SUE ELLERY to the Minister for Education:**

I refer to the recent \$200 000 worth of damage done to Fitzroy Valley District High School. I understand this is the sixth time this year that damage has been done to the school. Will the minister commit to installing security cameras as a matter of priority?

**Hon PETER COLLIER replied:**

I thank the honourable member for the question.

I am very conscious of the fact that Fitzroy Valley District High School has been subject to a significant amount of damage over recent years. I was talking to a teacher today at a public forum in Belmont, and they said that their school had just been fenced. I said that it is a sad reflection of contemporary society when we have to fence our schools to prevent damage from members of the community. That is the way it is in contemporary society; some people take pride in damaging schools. We saw a vivid image of that in Mt Lawley a couple of years ago, in July 2012, when the school was burnt down as a result of vandalism. In this instance, I am conscious of the significant amount of damage that has been done by recalcitrant members of the community. I am quite willing to look at installing cameras, but the jury is out on whether that will necessarily resolve any issues. I will certainly look at not only security cameras, but also, in a more general sense, security for the school overall.

**DISABILITY SERVICES COMMISSION — RANDSTAD — DISABILITY SUPPORT WORKERS**

**1256. Hon KATE DOUST to the Minister for Disability Services:**

- (1) Can the minister confirm that the Disability Services Commission currently employs 90 to 100 disability support workers through the labour hire firm Randstad at a monthly cost of \$750 000; and, if yes, how long will these labour hire disability support workers be employed by the agency; and how much money has the department paid to Randstad?
- (2) How many employees in total does the Disability Services Commission employ through labour hire firms?
- (3) How much money does the department spend a month on labour hire firms?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

A response to this question cannot be provided in the time frame available as the information requested by the honourable member requires a sizable amount of data to be extracted, analysed and collated. I will provide a response by Tuesday, 25 November.

**RAIL FREIGHT — VARIATION TO NARROW GAUGE LEASE**

**1257. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:**

When did the parliamentary secretary representing the Minister for Transport first become aware of the following documents: “Variation to Narrow Gauge Lease—Project Agreement for Capital Works”, “Variation to Narrow Gauge Lease—Tier 3 Grain Lines Reopening Requirements” and “Variation to Narrow Gauge Lease—Variation to Project Agreement for Capital Works”?

**The PRESIDENT:** The parliamentary secretary representing the Minister for Transport, but keeping in mind that he is the parliamentary secretary “representing” the Minister for Transport.

**Hon JIM CHOWN replied:**

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

I am more than happy to answer the question in my name. I became aware on 16 October 2014 when the report was tabled in Parliament; that was followed by a full briefing by the Public Transport Authority on 31 October 2014.

**DISABILITY SERVICES COMMISSION — LOWER GREAT SOUTHERN FAMILY SUPPORT ASSOCIATION — FUNDING**

**1258. Hon STEPHEN DAWSON to the Minister for Disability Services:**

I refer to recent correspondence from the Disability Services Commission to families receiving assistance from the Lower Great Southern Family Support Association.

- (1) How much funding has the state government allocated to LGSFSA for each of the past five years?
- (2) How many families have been supported by LGSFSA for each of the past five years?
- (3) Will the minister confirm that all funding to the Lower Great Southern Family Support Association will cease from 29 November 2014?
- (4) If yes to (3), on what grounds has the commission decided to cease all funding to LGSFSA; and how many families currently receiving assistance from LGSFSA will be supported by the commission; and will the level of expenditure allocated to assist families be reduced in any way?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1) In 2009–10, it was \$1 181 941; in 2010–11, it was \$1 693 292; in 2011–12, it was \$2 408 830; in 2012–13, it was \$2 506 096; and in 2013–14, it was \$2 516 039.
- (2) The number of families that have been supported by the Lower Great Southern Family Support Association for each of the past five years is not available because a significant number of families have accessed small amounts of brokerage funding or support.
- (3) When people with individual funding packages change to another service provider, their funding package will be directed to the new service provider to provide their services. The timing of this is dependent on the date of transfer to the new provider. The Lower Great Southern Family Support Association has managed a brokerage budget through which carers of people with disability can access small amounts of funding to arrange their own supports. A project officer has been appointed to manage the brokerage funding, which will not be directed through the association after 31 December 2014. The project officer is located in the Albany local area coordination office.
- (4) I am advised that an independent audit found that the Lower Great Southern Family Support Association met only two of the nine disability services standards, with a total of 23 breaches. The organisation was unable to remediate the breaches and for that reason the Disability Services Commission has advised that it will not direct funds through the organisation in the future. A project officer has been appointed and funding is not being reduced.

**JULIEKA IVANNA DHU — DEATH IN CUSTODY RALLY — PREMIER'S COMMENTS**

**1259. Hon ROBIN CHAPPLE to the Leader of the House representing the Premier:**

I refer to the GWN coverage of the death in custody rally on 24 October 2014 on the steps of the Parliament of Western Australia and the comments made by the Premier to Ms Dhu's mother.

- (1) What did the Premier mean when he said, "I'm trying to get them to you; okay?" in response to a question from Ms Dhu's mother on information?
- (2) What method of fast-tracking does the Premier envisage will enable him to get those answers to Ms Dhu's mother before the coronial inquiry is concluded?
- (3) Given that the Attorney General has stated that all relevant information is together at this time—as reported in the *North West Telegraph* on Wednesday, 1 October 2014—will the Premier provide that information to Ms Dhu's mother?
- (4) If no to (3), does the Premier have the power to expedite the coronial inquiry?

**Hon PETER COLLIER replied:**

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

- (1)–(3) I spoke to Ms Dhu's family members at the rally and agreed to do what I can to help them to get the information they seek about Ms Dhu's death as soon as possible. The government and agencies are working through the appropriate processes and an update is due soon.
- (4) No.

**CLEARING PERMITS — ENVIRONMENTALLY SENSITIVE AREAS**

**1260. Hon RICK MAZZA to the minister representing the Minister for Environment:**

On 21 August this year during the minister's contribution to the debate that followed my motion on private property proprietorship, which called on the government to repeal regulation 6 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 dealing with environmentally sensitive areas, she said —

A total of 924 clearing permits have been granted within environmentally sensitive areas since the clearing provisions of the Environmental Protection Act commenced on 8 July 2004.

Of the 924 clearing permits granted —

- (1) What was the nature of the clearing for which a permit was applied?
- (2) How many of the permits granted were to private landowners?
- (3) How many of the permits granted were to government entities?
- (4) Why are property owners forced to apply for permits to undertake low-impact agricultural management activities in an environmentally sensitive area?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1) The nature of clearing includes agriculture, infrastructure, mining and miscellaneous activities.
- (2) There were 730.
- (3) There were 194.
- (4) The intent of listing areas or classes as environmentally sensitive areas is to ensure that clearing that is allowed by exemption in regulations cannot be undertaken without consideration of potentially degrading areas of special environmental sensitivity or value through a permit application.

#### REMOTE INDIGENOUS COMMUNITIES — CLOSURES

**1261. Hon SALLY TALBOT to the Minister for Aboriginal Affairs:**

- (1) Has the state government prepared any reports on the closure of remote Aboriginal communities?
- (2) If yes to (1), what did the report recommend and will the minister table the report; and, if not, why not?
- (3) Is the state government in the process of preparing a report on the closure of remote Aboriginal communities?
- (4) If yes to (3), when is the report expected to be completed and will the minister table the report when it is completed; and, if not, why not?

**Hon PETER COLLIER replied:**

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

- (1)–(4) The government will undertake a detailed process to determine how to proceed. This will include extensive consultation with Aboriginal people and other stakeholders. This work will be aimed at ensuring that Aboriginal people can live in sustainable and healthy communities that can offer improved education and employment opportunities, especially for young people.

#### NORTH EAST SUBREGIONAL STRUCTURE PLAN

**1262. Hon LJILJANNA RAVLICH to the minister representing the Minister for Planning:**

- (1) What is the planned release date of the north east subregional structure plan?
- (2) As part of the planning process, can the minister advise whether he is considering changing the zoning of land north of Park Street, Henley Brook, to an urban classification?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1) The Department of Planning is working on the preparation of three draft subregional planning frameworks for the Perth and Peel area. It is currently anticipated that these frameworks, including the north east subregional planning framework, will be released for public comment in early 2015.
- (2) The north east subregional planning framework will identify land areas suitable for future urban expansion purposes. It is premature to state the future classification of the land north of Park Street, Henley Brook.

#### CORRUPTION AND CRIME COMMISSION AMENDMENT (MISCONDUCT) BILL 2014

**1263. Hon ADELE FARINA to the Attorney General:**

- (1) Is the Attorney General aware that the position of Corruption and Crime Commissioner has been vacant since April this year and the urgent passage of the Corruption and Crime Commission Amendment (Misconduct) Bill 2014 is needed to address a significant problem in filling the position and that efforts to fill the position have stalled pending enactment of the bill?
- (2) Why has the government failed to identify the bill as a priority bill requiring passage through Parliament before Parliament retires for the summer recess?
- (3) What action has the Attorney General taken to inform the Leader of the House of the urgency of the bill?

**Hon KEN BASTON replied:**

I do not have an answer in this folder. The honourable member is out of the chamber on urgent parliamentary business. I am sorry.

**The PRESIDENT:** I think the minister will endeavour to get the question before the end of question time; and, if not, it will be dealt with later.

## MUNDARING VOLUNTEER FIRE AND RESCUE BRIGADE — FIRE APPLIANCES

**1264. Hon ALANNA CLOHESY to the Attorney General representing the Minister for Emergency Services:**

- (1) Did the Department of Fire and Emergency Services receive a request from the Mundaring Volunteer Fire and Rescue Brigade for a second fire truck for the coming fire season?
- (2) If yes to (1), has it been approved and when will the brigade receive it?
- (3) If no to (2), why not?

**Hon KEN BASTON replied:**

On behalf of the Attorney General, I thank the honourable member for some notice of the question. It should be noted that decisions such as these are operational and are a matter for the Fire and Emergency Services Commissioner. However, the Department of Fire and Emergency Services is able to advise the following —

- (1) DFES did receive a request from the Mundaring Volunteer Fire and Rescue Brigade for a second light tanker for the coming fire season, which is in addition to its two currently allocated fire appliances. The Mundaring Volunteer Fire and Rescue Brigade is already well equipped for the bushfire season in line with other brigades in the metropolitan area.
- (2) It has not been approved.
- (3) A number of high fire season fire appliances are strategically located at various brigades throughout the state for the high bushfire season. This year, as was the case last season, an additional light tanker has been allocated within the Shire of Mundaring to the Darlington Bush Fire Brigade. The Mundaring brigade is also well supported by other brigades throughout the metropolitan area and state resources such as aerial firefighting support.

## DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — HOMELESSNESS

**1265. Hon LYNN MacLAREN to the Minister for Child Protection:**

- (1) Following a Senate inquiry on homelessness last week in Western Australia, is the minister aware of up to 50 people living in their cars in Rockingham?
- (2) How many times have representatives of those living in their cars in Rockingham called the minister's office?
- (3) What has the Department for Child Protection and Family Support done to directly assist?
- (4) Is the minister aware that the representatives claim that the only assistance provided by her office was to advise them to get "patched in" to services currently unavailable or to access a Homeswest bond for which zero properties in the Perth rental market are affordable to people on low incomes as reported in the Anglicare annual rental affordability snapshot?
- (5) How is the state government planning to address Western Australians living in their cars in 2014 and thereafter?
- (6) What is the estimate of people in Western Australia currently living in their cars?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1) I am advised that my office has been contacted by a representative from the office of Senator Ludlam, who reportedly advised that there are up to 50 people living in their cars in the Rockingham area. I have no information to confirm this statement.
- (2) A representative of Senator Ludlam has contacted my ministerial office concerning one individual over the past two months.
- (3) My ministerial office provided information and advice about services that may be of assistance to the specific individual. These included the Entrypoint Perth emergency accommodation service, Mental Health Carers Arafmi and the Rockingham community mental health service. The Department for Child Protection and Family Support provides support to individuals who are homeless to access accommodation services. These include accommodation and support services, day centres, soup kitchens, tenancy support services, rough sleeper programs, the street-to-home program, and family and domestic violence services across the metropolitan and regional areas of Western Australia.
- (4) No; however, I am advised that conversations have occurred between representatives from Senator Ludlam's office and at least one other ministerial office. Any comments relating to these issues need to be directed to the relevant minister.



- (5) The government is committed to addressing homelessness through the provision of specialist homelessness services in Western Australia. In 2014–15, approximately \$75 million will be provided through the National Affordable Housing Agreement and the National Partnership Agreement on Homelessness for the provision of homelessness accommodation and support services provided by the not-for-profit community services sector. The state government has agreed on the importance of continuing a national approach to maintain critical efforts to address homelessness. The state government will continue discussions towards negotiating the development of a future long-term partnership with the commonwealth government, which will include provision for an increase in long-term stable accommodation opportunities for Western Australians.
- (6) The specialist homelessness services collection data provides homelessness data. However, this collection does not specifically collect data on people living in cars; therefore, an estimate of people living cars in Western Australia cannot be provided.

#### FREMANTLE TRAIN — SUSPECTED FIRE

#### **1266. Hon AMBER-JADE SANDERSON to the parliamentary secretary representing the Minister for Transport:**

I refer to comments made by the Public Transport Authority spokesman on Tuesday, 28 October regarding a fire in the rear of a Fremantle-bound train.

- (1) On what basis did the PTA spokesperson claim there was no fire?
- (2) Is the minister aware that two different witnesses both confirmed they saw flames?
- (3) What investigation has occurred?
- (4) Will the minister table the findings of any investigations?
- (5) If not, why not?

#### **Hon JIM CHOWN replied:**

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

- (1) There was no evidence of flame damage on the underframe of the railcar. Furthermore, when reviewing the CCTV footage no flames could be seen. It should be noted that the materials used in the manufacture of brake equipment are designed to operate at high temperatures.
- (2) Although the Public Transport Authority is aware that a fire was reported, there is no evidence that flames were produced only that the brake equipment was glowing and causing smoke. When firefighters doused the brakes, this action created a large cloud of steam.
- (3)–(4) In conjunction with its maintenance provider, the Public Transport Authority is investigating the cause of this incident. A summarised version of the results can be made available to the Parliament when the investigation is complete.
- (5) Not applicable.

#### LONE RANGES SHOOTING COMPLEX

#### **1267. Hon SAMANTHA ROWE to the Attorney General representing the Minister for Police:**

I refer to the recent shooting incident at the Lone Ranges Shooting Complex in Belmont on 16 October 2014, the second such event to occur at this venue in the past two months during which self-inflicted firearms injuries have resulted in death.

- (1) Can the minister detail the licensing and safety requirements in place to prevent injuries to patrons of the Lone Ranges Shooting Complex?
- (2) Has the minister or officers of WA Police held discussions with the manager of the venue following the incidents?
- (3) Will additional safety requirements be put in place in future to prevent similar incidents from occurring; and, if so, what will those additional requirements be?

#### **Hon KEN BASTON replied:**

I thank the honourable member for some notice of this question. I provide the following response on behalf of the Attorney General.

- (1)–(3) The Lone Ranges Shooting Complex operates as an approved indoor range. It is a requirement that such ranges be inspected by a range safety officer to ensure compliance with safety regulations. The proprietor has a corporate and a dealer's firearms licence. The WA Police licensing enforcement

division conducts inspections of the venue to ensure compliance with licensing conditions, for example, the correct storage of firearms. The proprietor had previously installed safety equipment—metal tethering cables—intended to provide a safe shooting environment. Since this latest incident, the proprietor has initiated the installation of further safety features—metal screening between shooter and metal tethering cables.

#### NARROGIN HOSPITAL

**1268. Hon DARREN WEST to the parliamentary secretary representing the Minister for Health:**

- (1) What ancillary services are currently provided at the Narrogin Hospital?
- (2) What ancillary services will be provided at the hospital following the upgrades?
- (3) What maternity services are currently provided at the Narrogin Hospital?
- (4) What maternity services will be provided at the hospital following the upgrades?

**Hon ALYSSA HAYDEN replied:**

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

- (1) The services provided are physiotherapy, speech therapy, podiatry, occupational therapy, community mental health, home-based palliative care nursing and cancer support, wound management, telehealth services and home and community care and support services.
- (2) The services to be provided are as per (1), plus general public dental services, increased cancer services and home-based and in-hospital subacute and rehabilitation services.
- (3) Maternity services provided at Narrogin Hospital are a 24-hour, seven-day service led by general practitioner obstetricians for low-to-medium risk pregnancies.
- (4) Services include antenatal, postnatal, delivery and caesarean section. Existing maternity services will be maintained.

#### EDUCATION — SUPPORT CENTRES — ENROLMENTS

**1269. Hon SUE ELLERY to the Minister for Education:**

- (1) What are the projected enrolment figures for 2015 for each of the education support centres?
- (2) What were the enrolment figures for each of the centres in (1), as at the first census 2014?

**Hon PETER COLLIER replied:**

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

(1)–(2) I have the response in tabular form and I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

The table below provides the number of full-time public school students projected by principals for 2015 and the number of students as at the Semester 1, 2014 student census.

Education support school or centre	Students projected by principals for 2015*	Students Semester 1, 2014
Albany Secondary Education Support Centre	39	39
Armada Education Support Centre	80	46
Avonvale Education Support Centre	27	22
Beldon Education Support Centre	34	47
Belridge Education Support Centre	105	80
Burbridge School	43	45
Canning Vale Education Support Centre	30	45
Cannington Community Education Support Centre	113	104
Career Enterprise Centre	40	32
Carson Street School	75	83

<b>Education support school or centre</b>	<b>Students projected principals 2015*</b>	<b>by for</b>	<b>Students Semester 1, 2014</b>
Cassia Education Support Centre	16		14
Castlereagh School	53		61
Cloverdale Education Support Centre	24		32
College Row School	26		28
Coolbellup Learning Centre	16		21
Creaney Education Support Centre	18		39
Cyril Jackson Senior Campus Education Support Centre	16		19
Duncraig Senior High School Education Support Centre	67		63
Durham Road School	149		164
East Victoria Park Education Support Centre	9		13
Eastern Goldfields Education Support Centre	44		29
Endeavour Education Support Centre	33		49
Esperance Senior High School Education Support Centre	15		12
Geographe Education Support Centre	56		58
Gladys Newton School	78		83
Gwynne Park Education Support Centre	50		53
Halls Head Community College Education Support Centre	70		53
Holland Street School	35		35
Joondalup Education Support Centre	44		50
Kalamunda Education Support Centre	36		46
Kalamunda Senior High School Education Support Centre	60		44
Kensington Secondary School	37		26
Kenwick School	71		69
Koorana Education Support Centre	12		14
Leda Education Support Centre	24		36
Leeming Senior High School Education Support Centre	75		61
Maddington Education Support Centre	20		31
Malibu School	94		100
Manjimup Education Support Centre	20		21
Meadow Springs Education Support Centre	46		50
Merriwa Education Support Centre	32		47
Mirraboooka Senior High School Education Support Centre	70		67
Mosman Park School For Deaf Children	13		17
Mount Hawthorn Education Support Centre	20		23
Newton Moore Education Support Centre	56		49
O'Connor Education Support Centre	16		34
Riverside Education Support Centre	41		59
Riverton Education Support Centre	14		17

Education support school or centre	Students projected by principals for 2015*	Students Semester 1, 2014
Rockingham Beach Education Support Centre	35	34
Rockingham Senior High School Education Support Centre	62	48
Roseworth Education Support Centre	20	26
Shenton College Deaf Education Centre	55	30
Sir David Brand School	53	59
South Ballajura Education Support Centre	38	39
South Bunbury Education Support Centre	54	65
Spencer Park Education Support Centre	19	23
Warnbro Community High School Education Support Centre	85	69
Westminster Education Support Centre	32	37
Wirrabirra Education Support Centre	26	34

\* These projections have been completed by principals as at 13<sup>th</sup> May 2014 and are consistent with those used for providing preliminary budgets for 2015. They are subject to change prior to the 2015 student census on 13 February 2015.

#### MALCOLM DICK WILSON AND DEON JAMES RUFFIN — PRISONER TRANSFER

#### 1270. Hon ROBIN CHAPPLE to the Attorney General representing the Minister for Corrective Services:

I refer to the transfer to Roebourne Regional Prison of prisoners Malcolm Dick Wilson and Deon James Ruffin from the South Hedland watch house.

- (1) At what time and date was the transfer commenced by Serco's prisoner transport system?
- (2) At what time was Serco's prisoner transport system advised that the transfer was required?
- (3) Did the Serco prisoner transport system leave the relevant transfer documents behind at the South Hedland watch house?
- (4) If yes to (3), at what time did the Serco prisoner transport vehicle return to collect the relevant documents?
- (5) At what time and date was the transfer to Roebourne Regional Prison concluded?

#### Hon KEN BASTON replied:

On behalf of the Attorney General and the Minister for Corrective Services, I thank the member for some notice of this question.

The Department of Corrective Services advises as follows —

- (1) This movement was a lock-up clearance. The two persons in custody—PICs—appeared in South Hedland Courthouse between approximately 0940 and 0945 hours on Monday, 4 August 2014. They were remanded into custody and transferred back to the police lock-up. The transport vehicle commenced its journey from South Hedland to Roebourne Regional Prison at 1406 hours on 4 August 2014. This is in accordance with the court security and custodial services contract, which stipulates that lock-up clearances are required to be conducted at the earliest opportunity but no later than 24 hours from receiving the request, unless Western Australia Police agrees otherwise.
- (2) The Serco–Roebourne transport crew were notified at approximately 1010 hours of the requirement to conduct a lock-up clearance and pick up the two PICs from South Hedland police lock-up once court was finished. The Serco–Roebourne transport crew departed Roebourne at 1030 hours to conduct the clearance.
- (3) No documents were left behind at the watch house.
- (4) Not applicable.

- (5) The Department of Corrective Services records indicate the PICs arrived at Roebourne Regional Prison at 1611 hours and were allowed entry into Roebourne prison at 1626 hours on 4 August 2014, the same day as the PICs were remanded in custody. The movement was within the time frames stipulated in the court security and custodial services contract for Roebourne Regional Prison for regional lock-up clearances.

#### WESTERN POWER — CONFLICTS OF INTEREST

**1271. Hon KATE DOUST to the Leader of the House representing the Minister for Energy:**

- (1) Since January 2009 have there ever been any investigations into conflict of interests within Western Power?
- (2) If yes to (1) —
- (a) please provide the total number of investigations for each year;
  - (b) the cost of undertaking each investigation;
  - (c) the outcome of said investigations;
  - (d) how many staff dismissed as a result;
  - (e) how many staff reprimanded as a result; and
  - (f) how many staff resigned as a result?

**Hon PETER COLLIER replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) (a) Western Power was not able to collate all this information in the time provided, and will submit this answer on notice through the Minister for Energy. The following are the investigations for each year —
- 2009, zero; 2010, two; 2011, zero; 2012, one; 2013, zero; and 2014, two.
- (b) 2010, conflict of interest confirmed, employee resigned.  
2010, conflict of interest confirmed, employee resigned.  
2012, conflict of interest was unsubstantiated.  
2014 to date, one confirmed written warning issued.
- (c) Nil.
- (d) 2010, two resigned.  
2014, one warning.

#### TAXI — PLATES

**1272. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:**

I refer to the minister's answer to question without notice 1166.

- (1) Why have leased taxi plates in each category that expired in the last 12 months been extended for only three, six or 12 months?
- (2) How many leased taxi plates have expired in the last 12 months?
- (3) How many of the taxi lease plates referred to in (2) have been renewed or reissued for five years or more?
- (4) How many of the taxi lease plates referred to in (2) have been extended by only three, six or 12 months?

**Hon JIM CHOWN replied:**

I thank the member for some notice of the question.

- (1) There were 12-month variations offered to existing lease plate holders whose performance fell short of expectations, providing them an opportunity to improve; and three and six-month variations have been offered to lease plate holders to ensure their leases do not expire before the next expression of interest process is offered.
- (2) There were 54.
- (3) Zero.

- (4) Between 1 October 2013 and 14 October 2014 —

Conventional: three months, 30; six months, 10; and 12 months, eight.

Peak period: three months, three; six months, zero; and 12 months, one.

Multipurpose: three months, one; six months, zero; and 12 months, zero.

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — REUNIFICATION AND PERMANENCY PLANNING

**1273. Hon STEPHEN DAWSON to the Minister for Child Protection:**

- (1) Has the department recently implemented or been considering the implementation of a new policy relating to early and intensive reunification processes and permanency planning?
- (2) If yes to (1) —
  - (a) will the minister table a copy of the changes;
  - (b) will child protection workers be allocated additional resources to implement these policy changes; and
  - (c) does the minister envisage an increase in contested matters for “until 18 orders” from parents of children in the care of the CEO?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1) Yes. The department has been looking at opportunities to improve permanency planning for children.
- (2) (a) No. Consideration of the opportunities to improve permanency planning for children is well progressed but has not yet been finalised by the department.
- (b) It is not expected that additional resources will be required.
- (c) The changes will not necessarily result in an increase in contested matters for “until 18 orders”. Until changes being considered by the department are finalised, it is too soon to make assumptions about the impact the changes might have.

DEPARTMENT OF EDUCATION — LAND DEVELOPMENT REVENUE

**1274. Hon SUE ELLERY to the Minister for Education:**

I refer to increased subdivision contributions by land developers to the department in 2013–14.

- (1) Of the \$15.9 million greater than anticipated revenue for that period as reported in the annual report, how much was from those land developers?
- (2) How much in subdivision contributions is the department projecting to receive in the 2014–15 financial year?

**Hon PETER COLLIER replied:**

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

- (1) The amount of \$11.958 million, as reported in note 15 on page 106 of the published annual report.
- (2) Revenue from land developers is unpredictable because it depends on developer activity. The Department of Education estimates the potential revenue from this source for 2014–15 to be \$6.5 million.

FIONA STANLEY HOSPITAL — CHRONIC PAIN MANAGEMENT SERVICE

**1275. Hon LYNN MacLAREN to the parliamentary secretary representing the Minister for Health:**

I refer to the transfer scheduled for early 2015 of the chronic pain management service from Fremantle Hospital and Health Service to Fiona Stanley Hospital.

- (1) Please list by position how many doctors, administrative staff, physiotherapists, clinical psychologists, and occupational therapists currently work at the Fremantle chronic pain management service clinic?
- (2) Please list by position how many doctors, administrative staff, physiotherapists, clinical psychologists, and occupational therapists will be moving from the Fremantle clinic to the new clinic at Fiona Stanley Hospital?
- (3) Can the minister confirm that a doctor who has not resigned has not been placed at the new Fiona Stanley clinic for 2015?

- (4) Is the minister aware that the current model for pain management at the Fremantle clinic is an award-winning service that has been replicated in the eastern states and is respected internationally?
- (5) Will the department carry over to Fiona Stanley Hospital, without changes, the existing model for the pain clinic?

**Hon ALYSSA HAYDEN replied:**

I thank the honourable member for some notice of the question. I also thank the member for giving an extra day before asking the question, as it was a lengthy question.

(1)–(2) The answers are provided in tabular form and I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

(1)

POSITION	Headcount	October paid FTE
Doctors	5	1.51
Administrative Staff	5	2.41
Physiotherapists	2	0.8
Clinical Psychologists	2	1.2
Occupational Therapists	1	0.2

(2) Of the 15 staff currently associated with the Fremantle Hospital and Health Service pain clinic, four have been confirmed as moving to Fiona Stanley Hospital (FSH), as per the below table.

POSITION	Headcount	FTE
Doctor	1	0.2
Physiotherapists	1	0.5
Clinical Psychologists	2	1.2

The planned FTE profile for the FSH Pain Management Unit is as follows:

PROFESSIONS / POSITIONS	FSH FTE
Doctors	1.8
Physiotherapy	0.5
Clinical Psychologists	1.2
Occupational Therapy	0.4
Administration	2.0

- (3) There is one consultant on a fixed-term contract who is not going to Fiona Stanley Hospital and whose current contract is due to cease on 19 December 2014.
- (4) It has been well publicised that the Fremantle pain management service has won several awards.
- (5) Fiona Stanley Hospital has scope to run chronic pain services in accordance with the Fremantle Hospital and Health Service model and will be providing a multidisciplinary model of care including medical and allied health services. There will be continuity of chronic pain management services in the south metropolitan area provided at Royal Perth and Fiona Stanley Hospitals. The pain management service at Fiona Stanley Hospital will be staffed by an integrated and cohesive team of medical, nursing and allied health staff and includes a multidisciplinary pain clinic, a medical pain clinic, the self-training educative pain program, the pain understanding and management program, a clinical psychology clinic and an occupational therapy clinic.

REGIONAL DEVELOPMENT AUSTRALIA — SOUTH WEST REGION

**1276. Hon SALLY TALBOT to the parliamentary secretary representing the Minister for Regional Development:**

I refer to the three Regional Development Australia organisations operating in the south west region—the great southern, Peel and south west.

- (1) Do any of these organisations operate as charities?
- (2) Are any of these organisations registered as public benevolent institutions?
- (3) How many employees work at each organisation and at what level?

**Hon COL HOLT replied:**

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

- (1)–(3) All Regional Development Australia organisations operating in Western Australia, including those in the great southern, Peel and south west regions, are incorporated bodies funded by the Australian government.

VUE GROUP, BUNBURY — MEMORANDUM OF UNDERSTANDING

**1277. Hon ADELE FARINA to the parliamentary secretary representing the Minister for Regional Development:**

I refer to the proposal to build a film studio and training facility in Bunbury.

- (1) Will the minister table a copy of the memorandum of understanding signed between the South West Development Commission, the City of Bunbury and the joint venture partners, the Vue Group and Shanghai Hippo?
- (2) If no to (1), why not?

**Hon COL HOLT replied:**

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

- (1) I table a copy of the document.

[See paper 2265.]

- (2) Not applicable.

DEPARTMENT OF PARKS AND WILDLIFE — ILLEGALLY DUMPED WASTE — HILLS DISTRICT

**1278. Hon ALANNA CLOHESY to the minister representing the Minister for Environment:**

For each of the following financial years, what were the Department of Parks and Wildlife and its predecessor's budget allocations for cleaning up illegally dumped waste in the Perth hills district —

- (1) In 2012–13?
- (2) In 2013–14?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1)–(2) The Department of Parks and Wildlife's Perth hills district budget allocation for the removal of illegally dumped waste totalled \$99 002 in 2012–13 and \$116 491 in 2013–14.

MORLEY POLICE STATION — UPGRADE

**1279. Hon AMBER-JADE SANDERSON to the Attorney General representing the Minister for Police:**

I refer to Morley Police Station and to the Minister for Police's answer to question without notice 303, citing a capacity for 41 full-time equivalent staff and to media reports that the station houses 26 police officers.

- (1) How many full-time equivalent sworn police officers were stationed at the Morley Police Station from 14 October 2014?
- (2) How many of those FTEs will be permanently located at the station?
- (3) How many of them are temporarily stationed at Morley while the Mirrabooka station refurbishments are undertaken?

**Hon KEN BASTON replied:**

On behalf of the Attorney General, I thank the honourable member for some notice of the question.

- (1)–(3) Western Australia Police advises that due to operational sensitivities, specific information relating to staffing levels of individual police stations is not released. Resources are allocated at a district level and district superintendents deploy those resources within their districts to deliver the best possible policing service to the community. Additionally, metropolitan districts are supported by a range of other police staff, including, for example, regional operations group, traffic enforcement group and the dog squad.



**QUESTIONS ON NOTICE 1845, 2058, 2062, 1517 AND 1518***Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Peter Collier (Minister for Education)** and **Hon Ken Baston (Minister for Agriculture and Food)**.

**TRANSPERTH FARES REDUCTION  
TRANSPERTH — CARBON TAX — ADDITIONAL REVENUE**

*Questions on Notice 1703 and 1705 — Answer Advice*

**HON JIM CHOWN (Agricultural — Parliamentary Secretary)** [5.11 pm]: Pursuant to standing order 108(2), I inform the house that the answers to questions on notice 1703 and 1705, asked by Hon Ken Travers on Wednesday, 24 September and Thursday, 25 September respectively will be provided on Thursday, 4 December.

**Hon Ken Travers:** As long as you don't have to make any corrections.

**Hon JIM CHOWN:** We shall see.

**SCHOOL EDUCATION AMENDMENT BILL 2014***Returned*

Bill returned from the Assembly without amendment.

**COMMITTEE REPORTS — CONSIDERATION***Committee*

The Chair of Committees (Hon Adele Farina) in the chair.

*Standing Committee on Environment and Public Affairs — Thirty-sixth Report — “Review of the Government Response to Report 35: Inquiry into the Sandalwood Industry in Western Australia” — Motion*

Resumed from an earlier stage of the sitting.

**The CHAIR:** Before the taking of questions without notice, Hon Stephen Dawson was on his feet, but he has had to go away on urgent parliamentary business.

**Hon KATE DOUST:** I know that we are almost at the end of the debate on this report, but I want to make a few comments given that I participated in the earlier Standing Committee on Environment and Public Affairs in the last Parliament when it first started to look at a petition about sandalwood. I have been encouraged by Hon Brian Ellis to say a few words about the report. I am pleased to see that the new committee of this Parliament has continued its inquiries and presented a very good report into the sandalwood industry. When our committee conducted the initial inquiries and delivered an interim report to this chamber, not having had any exposure to the sandalwood industry at all prior to that petition being tabled, I must say that it was an eye-opener to see how the industry operated in this state and to also look at the archaic legislation. I have not looked at this report for a while, but I think the legislation dated back to about 1929 or even earlier, and its provisions and the penalties for breaches of the provisions of the legislation were not up to date. It was fairly obvious that a lot of the malpractice in the industry, which is one way of describing the activities in the industry—it was interesting to hear commentary about how sandalwood was being removed illegally in a lot of cases—involved people getting away with blue murder. The inquiry also educated us about how the relevant agency handled the industry.

The sandalwood industry is very significant, particularly in the north of the state, and holds great opportunities for the state with exports particularly into markets such as India and other parts of Asia where sandalwood is an important product, and is something that we should be developing. I know larger commercial markets are also opening up. Given the information provided to the first inquiry and the second inquiry that there needs to be radical change, I hope that—although I have not had time to go through the government's response to this report—the first thing the government does is tear up the legislation and start afresh and bring it up to speed so that the industry works in a modern and more appropriate way, and so that those people who have a tendency to take sandalwood illegally are dealt with in a contemporary manner in terms of penalties or imprisonment. I recall hearing at the time of the initial inquiry that there had been a substantial theft of sandalwood worth around \$1 million, and not having had any engagement with that industry, it was interesting to get my head around how sticks of wood, if you like, could have that type of value, but they obviously do.

I heard the tail end of Hon Simon O'Brien's comments today concerning the biodiversity legislation, and that is important, but for this particular industry I would hope that there is a clear focus on what is going to happen.

**Hon Simon O'Brien:** There's lots I could tell you, but I was artificially constrained.

**Hon KATE DOUST:** I am a bit in the same boat from the earlier inquiry into this particular matter. It was very educational, and there is an “ambit” scope for improvement to assist the industry.

I congratulate the committee on the good work in this report. It is very thorough and its recommendations are solid. I hope that the government delivers on its commitments in this space. It is, indeed, a very good export product for Western Australia, and in terms of trade and opening up the markets, we need to make sure that we manage the industry better than it has been done. It may have started out as a sideline opportunity for people on the land to make a few dollars, but it has certainly developed over the years into a multimillion-dollar industry. The legislation currently in place does not reflect the growth of change in that industry and I hope based on the recommendations of the good work of this committee that the government brings it up to speed and up to date.

**Question put and passed.**

*Standing Committee on Estimates and Financial Operations — Fiftieth Report — “2013–14 Agency Annual Report Hearings — November Timetable”*

Resumed from 21 October.

*Motion*

**Hon KEN TRAVERS:** I move —

That the report be noted.

I take the opportunity to make a couple of comments, but before doing so, I can assure Hon Simon O’Brien that I will come to members’ statements to hear the conclusion of his comments about the previous report; it is a shame he was cut down in his prime!

**Hon Simon O’Brien:** There’s not enough time in members’ statements from here to the house rising for Christmas!

**Hon KEN TRAVERS:** In which case we might have to go back to my first option, which was to move that so much of standing orders be suspended, but we will of course talk to the Leader of the House to get his concurrence before we do that! One would never want to take management out of the government’s hands!

In all seriousness, I just want to make some comments. We will obviously ultimately provide a report; the report we are referring to here is the report that outlined the timetable for the hearings that we have now actually already held with a range of agencies with respect to their annual reports. Members may be aware that we obviously have our annual budget estimates hearings, then we have the first round of annual report hearings, and then a further follow-up round based on giving members the opportunity to submit questions on notice. Those hearings will occur in December and I hope to be in a position to report to the house in the very near future about the timetable for those December hearings.

I hope that members found the November hearings useful; as always, the committee welcomes feedback from members about the process. I will talk to the Leader of the House about this at some time, behind the Chair, but one of the things we would be keen to look at as a committee is to try to get some agreement as to the dates next year on which those three rounds of hearings might be held, so that we can give members and ministers a bit more certainty and clarity in terms of keeping a note in their diary. I will have a conversation with the Leader of the House behind the Chair about how we might go about doing that and about what might be suitable or possible dates. I think it would be very useful for us to be able to give members some clarity. My suggestion would be that for the annual budget hearings, we pretty much use the whole week; I think we used three days for the last one, and we will probably have another three days in December; it will be three or four days, or whatever the demand is from members in terms of questions.

I get the sense that members find the hearings useful and beneficial, and I realise that it is quite time consuming for the agencies in terms of preparation, so it is worth placing on the record our appreciation for those agencies for the contributions they make. I think we had a good round of hearings in November; lots of issues were covered and a range of members from outside the committee attended. As I say, all members in the chamber should feel free to pass on any views, comments, suggestions, ideas and feedback about how we can do things better; we welcome that. They can pass their comments on either formally in writing, or just through corridor conversations with me or any of the other members of the committee—deputy chair, Hon Peter Katsambanis; Hon Martin Aldridge; Hon Alanna Clohesy; and Hon Rick Mazza. Members should please feel free to give us any feedback that they think would make it better.

**Question put and passed.**

*Standing Committee on Environment and Public Affairs — Thirty-seventh Report — “Overview of Petitions”*

Resumed from 23 October.

*Motion*

**Hon SIMON O’BRIEN:** I move —

That the report be noted.

It has been a feature of successive standing committees dealing with petitions in this house that, from time to time, we give feedback to members of the house about the petitions that we have received and dealt with, and how we have dealt with them. This overview report provides an interesting consolidation. My experience over many years is that such a report is generally read by members who are interested in finding out about the consolidated petition workload that has been received in the period covered and the sorts of outcomes that have been achieved. Of course, members also tend to take an interest in reviewing the report to see what was done with their petitions, and to perhaps take advantage of the opportunity to pursue some of the matters raised, to provide some further input, and maybe even to give an update to the house. Something that I am sure members of the committee will be interested in is what has since happened in the area of activity that the petition related to. For all of those reasons, it is historically a generally popular report.

The committee knows and understands that members like to get feedback, so we are proposing to provide overview reports perhaps a little more frequently than just annually. It was fairly late into the term of this Parliament that our committee got up and running, but this one deals with the less than 12 months up to June this year; others will follow. We are also adopting a process whereby there will be other reports—not about specific, stand-alone inquiries with their own terms of reference which, of course, are notified to the house on other occasions anyway—when we have petitions that lead us, in the normal course of our business, to quite extensive inquiries. Members can anticipate that we will be putting in a number of occasional reports, perhaps even one or two before we rise for Christmas, just to give a little bit more information than one would normally find in an overview report about matters that are of particular interest, matters on which we feel the house needs to take possession of certain information that we have acquired, or simply matters that are of such public interest that they have taken a great deal of work by not only members of the committee, but also committee staff. It seems silly to us that the benefits of all that work should not receive wider publication and, of course, at the same time assist the house generally in considering the affairs that come before it.

I commend this report to the house, and in doing so I would like to thank the members of the committee for their efforts; I would also like to thank our staff and I will make particular mention of our long-suffering part-time research officer, Amanda Gillingham, who has particular responsibility for petitions and does a heck of a lot of work. If any members think that any of that special acknowledgement is drawn from any additional workload that may or may not have emerged as a result of this morning's meeting—the details of which are, of course, confidential and will not be alluded to—then they probably would not be far from the truth. Thanks very much to Amanda for her ongoing work, ably assisted by our committee clerk, Margaret Liveris. I commend the report and its contents to members.

**Hon LYNN MacLAREN:** I note the thirty-seventh report of the Standing Committee on Environment and Public Affairs, “Overview of Petitions”, and I thank the committee for its diligent work over this long period. I, too, commend Amanda Gillingham for her work. She is an excellent research officer. I was on this committee during the last term of government, so I know that the standard of her work is very high and I really appreciate it.

This report really gives members no indication of the amount of work that this committee does; this is just the tiniest tip of the iceberg. It is a superficial consideration of the tremendous detail that that committee looks at. No fewer than seven of the petitions dealt with in this period are of direct interest to me. One was the great white shark cull petition that had no fewer than 381 signatures way back on 11 December 2013. That petition was tabled when we were just sort of talking about putting in drum lines. I know the Wilderness Society was very quick off the mark to get that petition in, to let members know there was considerable opposition to it. Members know that that campaign built into the biggest environmental campaign this state has ever seen, with more than 4 000 people protesting a month after this petition was tabled during the summer break. Recently we celebrated the win in that the proposal to put drum lines in was withdrawn by the Barnett government. We celebrated it last weekend at Perth Town Hall, and it was a tremendous event for all who had worked so hard and built such a great network in that time. That was one of the petitions the committee looked at, finishing its inquiries on 2 April. That campaign, of course, is ongoing. The “imminent threat” policy will target sharks off popular beaches, and as members well know I am continuing to scrutinise the government's choice to embark on that strategy. I do not think it makes the beaches any safer, and it certainly is wrong to kill great white sharks.

Another petition that I tabled in this chamber about a week before that the committee reported on was about protecting the health of the environment. It basically just says that we do not need to have any more clearing of remnant bushland and removal of mature trees from public land. The committee chose not to look into that very deeply, but that issue, of course, is very important, especially in a time of climate change when we need to ensure that we have enough green space in the city to keep the temperatures down as temperatures rise.

Another one was the specific dog breed restrictions—known as BSL. That was a very strong campaign, again led by community activists who wanted to make sure that pit bulls were not unfairly treated by the new Dog Act. The committee reported on that and the work it did. The debate on that legislation in the chamber, of course, was quite thorough.

There were two petitions that are very dear to my heart. Roe Highway stage 8 was again looked at; gee, it must be for 10 years that we have had a Roe Highway stage 8 proposal in the committee stages. The committee finalised looking into the petition on 23 October, because the Premier announced that the Roe Highway extension would not be built in this term of government on 16 October 2013. As members know, that, too, has opened up debate because the federal government has pursued that relentlessly and has thrown on the table significant financial resources to build Roe Highway stage 8. We only recently have debated that in relation to the validation of the Environmental Protection Authority decisions made by board members with conflicts of interest. Watch this space; there might well be another petition for that.

There was also the free-range eggs labelling petition that was tabled on almost our first day of sitting, as I recall, by Hon Alyssa Hayden. I was very interested in that because I have a bill in my name on the notice paper on that. There were six signatures on that petition; no submission was ever received by the principal petitioner, and therefore that petition lapsed. That is what happens; if people do not make a submission after they put in a petition, their petition lapses. That was good news to me because I was concerned to see who could possibly want to not label free-range eggs; it is clear that there was not really a strong case, and one has not been presented yet on behalf of those six signatories.

The main petition I want to talk about is the Mangles Bay marina-based tourist precinct, which was tabled on 15 May and comprised 8 191 signatures. That looks like, by far, the biggest number of petitioners in this report. That was debated through a motion I put on the notice paper that was defeated on 14 August 2013. It looks as though the committee did not really look into that horrendous development proposed for Rockingham. Currently, members of the community are campaigning against that; in particular, they believe the impacts of that development on little penguins have not been taken into account or adequately assessed. Further, there is an SPP2.6, which is a state planning policy to do with sea level rise, and there are concerns that that development may fall foul of that policy. That remains to be seen, because we know the Western Australian Planning Commission is likely to have to consider whether that Mangles Bay development will proceed, in spite of all the hype to the contrary. Hon Phil Edman, who is now trying to interject, is more than welcome to make a comment on this report. It is on page 4, if the honourable member wants to make a comment.

I remind members that the local opposition is growing, and it has now become a city-wide and statewide matter. In fact, at the last rally I went to there were international people opposed to this because they love that marine environment. The community has gone to great lengths to explain and develop, in conjunction with all the people who care about that area, an alternative vision for a people's park. The notion that we would waste millions of dollars on that peninsula to actually carve out canals at a time when no-one in Australia is carving canals out for any kind of development is ridiculous. The sooner we talk about marinas that do not involve these canals, the sooner all the boat owners in this state will be happy. They need facilities, and that means the government needs to invest in environmentally sustainable facilities for boaters, not this ridiculously expensive what will be luxury housing in Rockingham. It is completely out of scale. Even the local council is now raising an eyebrow. A month ago the National Climate Change Adaptation Research Facility held its conference in Mandurah, and I was able to talk about my own climate change bill for sea level rise. At that conference the mayor gave a presentation and was very proud, spruiking the local government's credentials for climate change; in fact, Rockingham has an excellent climate change preparedness policy—perhaps the best in the state. Even the mayor was flabbergasted to try to explain how they were going to get this marina-sea canal development through his internationally acclaimed climate change policy and the new SPP2.6 that clearly states that such developments are no longer acceptable in today's day and age. Scientifically, we know coastal developments of this kind will be under tremendous pressure by storm surge, increased storminess and sea level rise. Too bad the committee missed an opportunity to look at those issues this time around, but it has reported and I commend it for its diligent work and I kind of miss being on that committee.

**Hon KATE DOUST:** I again congratulate the committee. These reports are indeed important for the rest of us in the chamber because they keep us up to date with the work this committee is doing. We get a fairly high volume of petitions through this chamber, and they often disappear to the committee and there can be a period of time before we know the outcomes of those petitions. I think it is very important to have this overview of petitions. I must say to the chair of that committee that this report is a lot less substantial than some of the overview reports that have been tabled in the past, but that must be because he is being more succinct with the information provided, and that is not a bad thing at all.

**Hon Simon O'Brien:** I am noted for my brevity; you should know that!

**Hon KATE DOUST:** How long is a piece of string? We will not go there.

I think it is important that we do this. I will sound as though I am banging on the same drum again, but if we want to get the community more engaged and to access this type of facility—this important method of raising an issue of concern in the community—we need to look at a variety of options, including e-petitions. A number of e-petitions have been organised over the past few years; the most substantial one was for daylight saving. We all

remember that because most of our systems crashed with the high volume of emails that came through. We have to acknowledge that the world has changed and people use that vehicle to communicate. Quite often, e-petitions are organised through a central point.

In the last term of government the Standing Committee on Environment and Public Affairs commenced looking at e-petitions. Given that there has been a change in the make-up of the committee, I am not too sure whether that particular line of inquiry has been resurrected. However, it would be useful to look at e-petitions and online petitions. I understand that there might be issues around the security of those petitions or the validity of the individual who signs off on those petitions. However, given the way that people access and use information and communicate, perhaps we need to modernise how we get that information from the community. Members are now used to working online for most of the things that we do, and that is how a lot of our constituents engage with us. It would be worthwhile for the committee to look at how petitions can be managed in other ways. The Parliament of Scotland certainly uses e-petitions. I think the Tasmanian Parliament has also gone down that path. From memory, I think the federal Parliament was looking at online petitions. I am not too sure whether it has introduced that system, but that is something the committee might want to look at.

Petitions are a very useful vehicle for the community to raise an issue when they may have exhausted other avenues. I have raised a few petitions recently that I hope the committee will inquire into. I look forward to a single report or the next instalment of the overview of petitions to be tabled in the house. I note at least one petition that I tabled is listed in this report, and that was about the changes to the Local Government Act. I note the petition was finalised, and I understand the reasons for that. It was an interesting time. The debate on local government boundary changes is ongoing and that petition was made, predominantly from people in South Perth and Victoria Park, to demonstrate the anger of those two communities about the potential decision of Burswood to be excised from the Town of Victoria Park. I think that we now have an outcome on that issue. We are not too sure whether it will be a permanent outcome, but we hope it is. Obviously, local government boundary changes are an ongoing matter that we all watch with great interest.

A range of other matters link to my electorate, particularly Roe Highway stage 8, which has been canvassed by Hon Lynn MacLaren, and Mangles Bay Marina; we have had a range of opportunities to speak on those matters. I was interested to read what happened with the Bassendean Fire Station. It is not in my electorate, but I have a personal attachment to it. I used to stay at my great grandfather's house just a few doors down from the fire station. When I was very young and I came to Perth from Coolgardie, my aunts would take me to the fire station to look around. For sentimental reasons I hoped that the government would give consideration to the terms of this petition and hand over that fire station to the Bassendean community so it could use it in an appropriate way and acknowledge the heritage of that fire station, but that is obviously not the case.

It is useful to see how the committee progresses through these petitions. From having served on the committee, I know that we will not get an outcome for every petition, but I commend the committee for the methods it puts in place to seek as much information on the aspects of petitions as it can and to try to satisfy the requests of the principal petitioner. It is not always an easy task and quite often members of the committee are bombarded by truckloads of information. Members can drown in that information sometimes. The committee on which I serve has tried to change that by becoming paper-free. I am not too sure whether the Standing Committee on Environment and Public Affairs has looked at this issue, but I encourage it to do so, because it may save it from drowning in paper and carting it around the countryside.

I wanted to comment because the committee does an excellent job in dealing with the petitions that are tabled and trying to get reasonable outcomes for the principal petitioners or, indeed, quite significant change via policy or legislation. However, there are ways in which we can modernise how that committee does its work to become more productive and assist members —

**Hon Simon O'Brien** interjected.

**Hon KATE DOUST:** I am simply talking about how the committee manages paperwork. I am trying to be pleasant about this. It could help with the physical load of carting around paperwork and assist the staff involved, who do a superb job, so that they do not have to worry about photocopying and couriering and sending things out and the hard yakka involved. Given that resources seem to be shrinking around this place, it is better to utilise staff for their research and committee management capacities than have them standing over a photocopier. I am sure I will stand and make these comments on a regular basis and keep banging away on these issues, because we need to constantly look at how we can change to improve and get better outcomes for our communities. This committee operates as a very good vehicle for managing petitions and getting outcomes for principal petitioners. Well done to the committee and the staff. This report very succinctly sums up the outcomes of each petition from that period, and I look forward to the next overview report sometime in the future.

**Hon SIMON O'BRIEN:** If we have some time left, I am wondering whether I might seek leave to make a few concluding remarks.

Leave granted.

**Hon SIMON O'BRIEN:** I thank members for their contributions. A couple of matters that arise are about the nature of what we do with petitions. We can be very proud that we do something with petitions that are tabled in this place. The tabling of a petition in a public forum such as a house of Parliament is in some cases an end in itself. We have systems in place whereby if that were the intended end of a petition tabled in this place, we would note that and move on, the end having been achieved. However, other petitions seek something else, and each one of those is examined. Of course, that does not mean that the standing committee is in possession of a magic wand that grants the wishes of anyone who wants to present a petition, and that is unfortunate from some people's point of view. We do not care whether the petition has one signature or 8 000 signatures; one signature can sometimes be more important than 8 000. We make sure that the people who need to have their issue raised are heard. In particular, we come across situations fairly rarely in which a petitioner is in a parlous position through no fault of their own but they have slipped through all the checks and balances that the Parliament and government have otherwise established to deal with matters. That is when the committee is of very great value indeed. Most of the time, though, it is a matter of people wishing to bring matters to attention, and I will not go into the variety that we have had. I reassure members that the overview is just that; it is the tip of the iceberg of what goes on.

In conclusion, because members who were not in previous Parliaments may not have observed what we do, we have a process to establish the level of inquiry that a petition typically and reasonably requires. Even though it may be ages until we present an overview report such as this, that does not mean that a lot is not happening in the meantime. When we conclude a petition, we write to the petitioner and the tabling member and provide them typically with copies of all the material that we have sent for and obtained from ministers and local governments—we give them the lot—so that they have a full explanation of what is going on and a full demonstration of the avenues that have been pursued, particularly to make sure that those avenues have been travelled by those who are responsible for travelling them. Of course, by definition, every time there is a petition that some people might say colloquially did not go anywhere as there are still problems with the issue that concerns them because the government is determined to go with it, that does not mean that our processes or the petitioner's efforts have been in vain. One of the things that our committee does virtually as a matter of course—we may do it repeatedly—is to make sure that the petition and the subsequent submissions made by the main petitioner are forwarded to the responsible minister, and in some cases departments, local governments and all the rest of it, with a request—a please explain, if you like: “Could you please address the items raised in this petition?” That happens at a very early date, long before matters are finalised. I hope that reassures newer members in particular that our stewardship of these matters is done diligently and always in good faith.

**Question put and passed.**

**Progress reported, pursuant to standing orders.**

### **GENE TECHNOLOGY (WESTERN AUSTRALIA) BILL 2014**

#### *Introduction and First Reading*

Bill introduced, on motion by **Hon Ken Baston (Minister for Agriculture and Food)**, and read a first time.

#### *Second Reading*

**HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food)** [5.55 pm]: I move —

That the bill be now read a second time.

The purpose of the bill is to ensure a consistent national approach to the regulation of genetic modification. Genetic modification is part of the suite of biotechnology processes used in modern research. GM refers to changing the genes of an organism, such as by introducing a new gene or activating or deactivating an existing gene. It is used in a number of fields, including medical, pharmaceutical and agricultural research. As well as the common examples of crops resistant to herbicides or pests, GM has been used to create vaccines and to help researchers develop targeted medical therapies. GM is also being used to increase the nutritional content of food to assist in areas where malnutrition is common.

In 2001, the states and territories signed the Gene Technology Agreement, recognising the need to ensure a consistent national scheme for the regulation of gene technology. The states and territories agreed to introduce legislation to ensure that the commonwealth gene technology laws, comprising the Gene Technology Act 2000 and the Gene Technology Regulations 2001, applied consistently across Australia. The effect of the bill is to replace the current Western Australian Gene Technology Act 2006 with a new act, applying the commonwealth act as a law of the state. This will ensure that there are no gaps or loopholes in the legislation and that there is consistency with the national approach in accordance with the Gene Technology Agreement. This approach has already been adopted in New South Wales, the Northern Territory and Tasmania. Adopting the commonwealth act as a law of Western Australia will remove the need to update the Western Australian act every time the commonwealth act changes, minimising the administrative and operational cost to Western Australia and

ensuring that efficient processes are in place. It will ensure that all researchers and organisations have a clear understanding of the regulations applicable and that all parties operate on consistent terms across Australia.

The object of the commonwealth Gene Technology Act is to protect the health and safety of people and the environment by identifying risks posed by or as a result of gene technology and to manage identified risks through regulating certain dealings with genetically modified organisms. The commonwealth act has several key components, including establishing the Office of the Gene Technology Regulator; establishing advisory committees to provide expert advice to the regulator; creating a process to assess risks associated with various dealings with GMOs, including opportunities for public input; and establishing a centralised, publicly available database of all GMOs and GM products approved in Australia. The commonwealth act also contains extensive monitoring, compliance and enforcement powers. Under the commonwealth act, any dealing with a GMO—including research, manufacture, production, release, transport and disposal—requires a licence from the regulator, unless the dealing is to be an exempt dealing, is a notifiable low-risk dealing, is listed on the GMO register or is specified in an emergency dealing determination.

Granting a licence can take from 90 working days for a dealing not involving the release of the GMO into the environment to 255 working days for a commercial release. The strict process for assessing a dealing involving the release of a GMO into the environment, such as a field trial, involves consultation with experts, agencies and authorities; the preparation of a risk assessment and management plan; and a second consultation process, including public consultation. Following this, a decision will be made on whether to issue the licence. All decisions are recorded in the publicly available GMO record. For dealings involving the release of GMOs into the environment, the licence conditions, as well as the risk assessment and management plan, are also made publicly available.

In accordance with the commitment made under the Gene Technology Agreement, Western Australia enacted the Gene Technology Act 2006 to ensure consistency with the national scheme. Western Australia's legislation mirrors the original commonwealth legislation and therefore needs amendment every time the commonwealth legislation is amended. In 2011, an independent review of the Western Australian act found that, over time, as the commonwealth act was updated and amended, the Western Australian act had become inconsistent. The effect of this inconsistency is that the same dealing with a GMO could have different requirements depending on the party undertaking the dealing. This results in confusion and uncertainty, creating potential compliance issues. The proposed act will not affect the operation of the other Western Australian GM legislation—the Genetically Modified Crops Free Areas Act.

Pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It will give effect to a multilateral intergovernmental agreement between the commonwealth and all the states and territories—namely, the intergovernmental Gene Technology Agreement. Pursuant to standing order 126(4), the bill will stand referred to the Standing Committee on Uniform Legislation and Statutes Review at the conclusion of this speech.

I commend the bill to the house and I table the explanatory memorandum.

[See paper 2271.]

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

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

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

That the Standing Committee on Uniform Legislation and Statutes Review report to the house on the Gene Technology (Western Australia) Bill 2014 by no later than Tuesday, 10 March 2015.

*Sitting suspended from 6.01 to 7.30 pm*

**CUSTODIAL LEGISLATION (OFFICERS DISCIPLINE) AMENDMENT BILL 2013**

*Committee*

Resumed from 18 November. The Deputy Chair of Committees (Hon Liz Behjat) in the chair; Hon Michael Mischin (Attorney General) in charge of the bill.

**Clause 1: Short title —**

Progress was reported after the clause had been partly considered.

**Hon KATE DOUST:** I just have a couple of things in clause 1 that I want to canvass before we move into the amendments I have on the notice paper. Other members may have other questions they may want to canvass, but I know the police have quite an extensive training program that canvasses not just what they will do on the job, but issues around discrimination. I imagine there is also an ethics session, a physical aspect and a whole range of

other things about how to be an effective police officer. Because I do not know, I wonder whether the Attorney General could tell us how long the training course for a prison officer is. What are the components of that course; and is there some type of ethics training program? The government has talked about this legislation in terms of dealing with people's competency and the issues around who they might associate with outside of work. I wonder whether those types of matters are canvassed in any way, shape or form during the training process so that before people walk through the door on the job on day one, they are fully aware of the requirements of the work and the implications if they step outside the set parameters of the work and the nature of the work. It would be helpful if the Attorney General could provide some information about that.

**Hon MICHAEL MISCHIN:** Yes, there is a three-month course, which includes elements of accountable and ethical decision-making and training in those aspects, including being alerted to issues such as being groomed to be corrupted and matters of that nature. Indeed, the honourable member has provided me with a segue to another aspect of the importance of this particular legislation and the reforms that are intended. It is not merely out of the public interest that the commissioner has to have confidence in his or her officers but other prison officers have to have confidence that the person standing next to them and upon whom they rely for their safety is someone with whom not only can they have confidence, but also the commissioner can have confidence.

**Hon KATE DOUST:** I thank the Attorney General for that piece of information. When we were in government, I had the good fortune to attend a number of graduation ceremonies for prison officers that were held at what was called Nyandi Women's Prison in those days. I was always very interested to find out what occupations people held before deciding to become a prison officer. From memory, they were all mature age workers; they were not terribly young people.

As well as the training process, which occurs after the event of being employed, what sort of assessments are made of individuals before they are hired—before they get into the training process—to assess whether they are an appropriate person to deal with those types of ethical issues that have been canvassed during this debate? I am sure the police do this as well. I expected there to be a raft of evaluations, not just physical and intellectual. I imagine there would be a series of psychiatric evaluations or a range of other testing to see how people react to certain situations or environments. Does that happen beforehand or is it really left until the training process to discuss what is or is not appropriate on the job?

**Hon MICHAEL MISCHIN:** I mentioned some of these during my second reading reply.

**Hon Kate Doust:** You were very quiet; I may have missed it.

**Hon MICHAEL MISCHIN:** I will do better. I went through several of those issues about the rigorous screening that is undertaken by the department. They include reviews of criminal history and any outstanding court appearances, a review of internal intelligence holdings, including any known association with offenders, and an assessment of an integrity declaration by the applicant that requires disclosure of issues with a potential nexus to integrity risk, such as associations with offenders of organised crime, past disciplinary action et cetera. Psychometric testing is carried out and referee checks are made. I understand it is not unlike the sorts of checks that are carried out for potential police officers. Further screening is also conducted at the end of any probationary period relating to job suitability, with evaluations and the like. Notwithstanding all that, people can be corrupted or they can become inefficient. Notwithstanding the most rigorous testing and evaluation, they may prove to be unsuitable, either temperamentally or otherwise, for the responsibilities that they are entrusted with. That may not emerge until some period after they have become permanent employees. Of course, people can also be corrupted over time, or they may have changes in their life that make them more vulnerable to being influenced by criminal elements, so no matter how rigorous we are at the pre-employment stage, their circumstances may change later on in their career.

**Hon KATE DOUST:** I thank the Attorney General very much for that information, and he is right; circumstances can change and alter people's manner of operating and their understanding of what is and is not appropriate. I want to move on to another matter relating to the commissioner's loss of confidence in a prison officer. An aspect of this was canvassed on pages 37 and 38 of the twenty-fifth report of the Standing Committee on Legislation. The committee considered whether loss of confidence should apply to a prison officer because the officer was medically unfit. I note a report in today's media about the disabled police officer, Constable Ryan Marron, who contracted Murray Valley encephalitis while on duty in the Kimberley some years ago. There has been quite a lot of media around this young man; it is a quite tragic set of circumstances for him and his family. I read today that the Commissioner of Police has determined that he will move a loss of confidence in Constable Marron because he has been deemed to be medically unfit. That is a dreadful thing at this point in Constable Marron's life, and I know that the Western Australian Police Union of Workers has been acting on his behalf. I know that that has happened from time to time to police officers. Police officers do not have workers' compensation in the same way that other public service or private sector employees do; they have different arrangements. Quite often when loss-of-confidence provisions kick in for a police officer who has been



deemed medically unfit, some sort of payment is made, and I am aware that there are currently discussions on foot around Constable Marron's circumstances.

I am not going to talk about that matter, but I want to link it back to a matter that was raised in the legislation committee and canvassed in the report. The committee on page 37 of the report makes reference to the explanatory memorandum. Paragraph 7.29 reads, in part —

*... the CEO retains a wide managerial discretion to remove prison officers where their suitability is in question. They are also broad enough to ensure the CEO is able to remove a prison officer who is medically unfit to continue performing the duties of a prison officer.*

Paragraph 7.30 then reads —

The Committee is concerned by this passage in the Explanatory Memorandum given the evidence it has heard as well as the fact that, currently, the discharge of a custodial officer on medical grounds occurs in accordance with regulation 5 of the *Prisons Regulations 1982* and regulation 51 of the *Young Offenders Regulations 1995*. The Committee is of the view it is inappropriate to use a removal power for loss of confidence in cases where custodial officers are medically unfit.

I would imagine that there have been occasions on which prison officers have sustained substantial injuries as a result of the work they do; we all know that it is quite dangerous work and that they do not know from day to day what is going to happen on the job, and they are exposed to a range of hazards. The committee apparently raised this issue with the Minister for Corrective Services and was informed that —

... the Bill does not intend to override the regulations governing the discharge of a custodial officer on medical grounds.

That all sounds very good, but paragraph 7.32 reads —

A minority of the Committee —

Which I would assume was Hon Sally Talbot and Hon Lynn MacLaren —

found troubling the apparent contradiction between the Second Reading Speech statement that the CEO could use the provisions for removing a medically unfit prison officer and the Department's assurance that the provisions were not intended to be used for removal of a medically unfit prison officer.

I know that from time to time explanatory memoranda will say one thing, and somebody from the department or the minister will say that they would never do that. We need to have absolute clarification here of whether, in the circumstance of a prison officer who is medically unfit, the chief executive officer would use loss of confidence to remove them or, on the flipside, prison officers can be reassured that that would never be used in those situations.

**Hon MICHAEL MISCHIN:** I note the basis for the concern, but I will explain it this way. With the police, there may be other considerations. I am not sure that there is a means of removing someone who is physically or mentally unfit, other than by the use of the loss-of-confidence provisions because, as the honourable member has identified, they do not have access to Workers' Compensation and Injury Management Act 1981 regimes. That is something that the government is looking at addressing. The compensation for police is that they have very generous sick leave provisions and the like, and medical benefits.

**Hon Kate Doust:** I hope you take that into account when you have a look at their future workers' compensation arrangements.

**Hon MICHAEL MISCHIN:** I cannot speak to that, because that is not my portfolio. They have all of that, but unfortunately it does not lead to the same rehabilitative regime that is the focus of that piece of legislation. It does need to be addressed. With prison officers, that is not the case; they do have access to that regime. The explanatory memorandum says that and, yes, I would have to accept that, on reading of the bases for the use of loss of confidence, such as integrity, honesty, competence, performance and conduct, the performance aspect may very well be that a person's physical performance may not be up to the standards that are necessary for a prison officer. However, I would be surprised if that avenue were to be used in preference to those that are already in place and are being used now under the prison and young offender regulations for dealing with people who have medical conditions and are not physically fit for their duties. I would have thought that, as a matter of commonsense, if a prison officer is otherwise sound and has performed diligently, but because of some injury on the job has not been able to be rehabilitated enough to be returned to their original duties, the Commissioner of Corrective Services would not want to dispense with their services entirely without making use of that corporate knowledge and other skills in some other capacity in the department. I cannot promise, but I would find it very unlikely, and the assurance that I have had is that that is not the avenue that would be used in those sorts of cases. One would have thought that, with the review prospects by the Western Australian Industrial Relations

Commission, it would be difficult to sustain a dismissal on the basis of loss of confidence if there were another means of using their services.

**Hon KATE DOUST:** I thank the Attorney General for that explanation. I suppose I am looking for something a bit more concrete. I know the minister is probably very genuine in expressing those views, but we live in a very strange world when it comes to employment practices. Governments and ministers change, or ministers change before the government changes, as it turns out. We need to perhaps lock this down. Will it actually happen? It is all very well to say that a prison officer still has access to the WAIRC, and would have payment for 28 days, but in some ways, for the prison officers, it is probably—I am not sure whether the word is “unfair”—that there is a greater disadvantage than there would be for a police officer, albeit that they have different arrangements. I think there needs to be more clarity for people working in the sector about the circumstances around that. I think if people are in that situation of having copped a significant beating at work, they may have developed significant physical injuries, there may be some other health matters that arise—maybe some mental health matters that arise—from the incident, they are not always in the position of being able to defend themselves in the Industrial Relations Commission and argue the case as to why they should be allowed to continue their employment. I do not know what other options there are in the prison sector for light duties or other forms of occupation. I can understand—I may not necessarily agree with it—the government’s arguments about those other aspects, but I just think for prison officers this might be quite difficult. I would be interested in knowing at what point “medically unfit” would kick in. What type of level or situation could it possibly kick in? Maybe “kick in” was the wrong use of words!

**Hon MICHAEL MISCHIN:** A couple of points need to be made; firstly, what are the skills that prison officers and youth custodial officers possess? As I outlined in my second reading reply, they are people who, through the nature of having been found suitable for the job, have communication skills, negotiation skills and conflict resolution skills. They have received training in respect of cultural sensitivity and are able to work with people from a range of backgrounds, and are able to deal with people with mental health issues and behavioural issues. They, as a matter of course, work in teams; they deal with problem-solving, they can make decisions under pressure, and they would have picked up significant experience in the corrective services system and acquired skills and training there. They are valuable employees. They would not be people who one would likely dispose of unless there were issues with their ability to do any sort of a job and be entrusted in the corrective services system. Also, unlike the police, where, essentially, there are sworn and unsworn officers, there are a lot of public service positions within the Corrective Services regime, and not all of them involve patrolling corridors and keeping order with prisoners. There are different skills that can be applied and different positions that can be found. I am assured that because of the more customised, if you like, processes available for dealing with officers who are physically unfit through medical reasons for their tasks, there would be no recourse to this avenue at all. It is true to say that the terms may be broad enough to embrace that; I find it a little difficult to fit medical unfitness into the categories that we have been looking at that would substantiate loss of confidence. Let us say it is arguably broad enough, but I am informed and assured that it would have to be a pretty extreme case to have recourse to that. Given that there are other avenues and processes that are working well in that regard, there would be no cause to do that and suffer the pushing of a system beyond its bounds.

**Hon SALLY TALBOT:** I want to ask a couple more questions relating to this subject that Hon Kate Doust raised. The point I want to make to the chamber is that the committee did not dream up this area of concern. It arose originally in relation to the police because the WA Police Union came to a public hearing and talked about the fact that loss-of-confidence provisions are used in the police force to deal with people who are medically unfit for work. I will take the Attorney General to that part of the evidence, recognising that he is not the minister with final carriage of the bill and is possibly unaware of it. Mr Tilbury was asked by Hon Donna Faragher —

You mentioned that you are concerned with ... the use of the loss-of-confidence provisions for officers for whatever reason from a medical point of view if it is used for that purpose? Can I just seek some further detail on that?

Mr Tilbury said —

That is correct. If an officer is deemed not to be able to be operational or effectively be a police officer anymore due to their medical condition, and that is regardless of how that has come about, whether it be work related or non-work related, they have to go through that same process as any other person who had committed a serious criminal offence, for example. So they are lumped into the same basket, which gives them no dignity at all in relation to their separation from WA Police.

Then the witness went on to answer other questions from committee members, including me, about the fact that loss-of-confidence provisions would apply to somebody who had had a heart attack and they would be used in their case to terminate their employment. They would also be used in the case of somebody who had a mental illness, and somebody who had had a nervous breakdown would still be dealt with under the loss-of-confidence

provisions. This is the part to which I want to draw the Attorney General's attention. The police union told the committee that it was currently working on what it called "project recompense", and Mr Tilbury said this —

We are in the final stages and we will be launching that at our annual conference in November, where we will be seeking the appropriate amendments.

He went on to say —

Incidentally, I will say, too, WA Police is very supportive of the change.

That was confirmed in the hearing with the Commissioner of Corrective Services when again we got a very categorical assurance that loss-of-confidence provisions were not the appropriate tool to use with someone who is medically unfit for work. In fact, I would probably go as far as to say that the commissioner was slightly shocked by the question. I am not indicating in any way that he was not already aware of it but I think that it was put to him in a pretty blunt way. Again, Hon Donna Faragher took up the questioning and said —

I have some sympathy for that,

"That" being the expressed view that the provisions were inappropriately used, and Mr McMahon said —

Absolutely; as do I.

And we went on to have an assurance from his second in command, Mr Norris, who said —

We have a process that I am not completely familiar with; however, it is a medical boarding process. There is an existing framework for officers who do not meet the criteria in terms of their operational readiness to effect their duties. I can say that there is no intent to utilise these provisions in that manner.

My comment to the Attorney General—I do not want to dwell on this point as Hon Kate Doust has pursued it in some detail—is that it would be an absolutely devastating thing for a person who was already in a psychologically vulnerable position, for instance, having had a nervous breakdown of some kind, to then find that the loss-of-confidence provisions were being pursued. Again, I agree with the Attorney General that if there was doubt under other criteria, such as honesty, integrity et cetera, then it would be appropriately used. However, I wonder, particularly as we have drawn many parallels between the equivalent provisions in the Police Act and the amendments we are contemplating here, if the Police Act does end up being amended to make some specific provision, whether the government would entertain bringing the same amendments to the Prisons Act and to the Young Offenders Act before the house just to make sure that we are delivering on the assurances—I think we are 90 per cent of the way there—to the officers who might be involved.

**Hon MICHAEL MISCHIN:** I think the honourable member may have been out of the chamber on urgent parliamentary business when I addressed part of this issue. I identified the fact that the police have a different regime in place, and they do not have any option other than to use that particular means to deal with people who are physically or mentally unfit. In the case of prison officers, there is another avenue that has been used and continues to be used. So I can understand the Commissioner of Corrective Services' surprise at the suggestion, because it would probably be the furthest thing in his contemplation. If I seem to be a bit less emphatic about it, it is because I do not have the administration of the Prisons Act under my charge, so I cannot speak for other people. But I would be surprised if this were to be used in that fashion, when other more appropriate avenues are available—quite apart from the criticism that would be drawn to the department, of the very character that the member has identified. Therefore, so far as potential amendment in the future, I would have thought that it would be unnecessary. I cannot speak for the Minister for Corrective Services as to whether, in order to close off that particular avenue, that would be done. But what has been identified, and what I understand the Minister for Police has been addressing, is the lack of an appropriate workers' compensation and injury management structure within WA Police that can provide any option other than the extreme one that is being used by the Commissioner of Police at this stage. I cannot assure the member any further than I have. But I would be very dismayed if a sensible and sensitive process, which until now has proved effective from the point of view of not only public administration but also officers, would be ignored in favour of this provision, when this is not designed for that and I would have thought would be very difficult to fit within that regime.

**Hon SALLY TALBOT:** By way of concluding my comments on this point, I reiterate the point made by Hon Kate Doust that the possibility that the loss-of-confidence provisions would be used in this way was not only left open by the second reading speech, but also referred to specifically in the second reading speech as a way of commending the measures, because it left open the possibility of using them in the case of medical unfitness. I am sorry. It is in the explanatory memorandum, which refers specifically to the use of the loss-of-confidence provisions for medical unfitness.

**Hon Kate Doust:** I think it is referenced in the committee report in that way.

**Hon Michael Mischin:** Yes. It is at page 37 of the report.

**Hon KATE DOUST:** We are at the point at which we probably do not have much more to say on clause 1. But the Attorney General would be aware that there —

**Hon Simon O'Brien** interjected.

**Hon KATE DOUST:** I am so pleased that we are keeping Hon Simon O'Brien entertained!

**Hon Simon O'Brien:** I am having a whale of a time!

**Hon KATE DOUST:** I know. As I was saying before I was beautifully distracted, there are a number of proposed amendments on the supplementary notice paper. From the Attorney General's comments in his second reading reply, I fully assume that the Attorney General will not be supporting any of those amendments, but we will move them anyway. All I will say to the Attorney General to assist him so that he does not think we are spending too much time on this issue is that when we move the first few amendments, I will probably spend a bit of time explaining why we have moved them. As we work our way through them, I hope to seek some assistance to move some of them en bloc to move things along a little so that we do not just repeat our comments. I thought I would canvass that with the Attorney General so that he knows how we propose to travel through this process and see how we go.

**Hon Michael Mischin:** I am obliged.

**Hon LYNN MacLAREN:** I can hear that the clause 1 debate is concluding. I just want to make a few comments, as I have worked on the committee for so long. We have agreed to the policy of this bill. This is not the second reading debate; we are looking in detail at whether the clauses will deliver what the policy intends to deliver. In looking in detail at the clauses—there are not very many clauses and part X is a big part of the bill—my rule was to look at whether safeguards were in place to ensure that loss-of-confidence notices would be used in appropriate circumstances. As we have already canvassed tonight, one of those circumstances would not be if someone was medically unfit. I also looked at whether there would be adequate appeal rights in place and whether there would be enough parameters around removing the right to be protected from self-incrimination—that is the most complex way to express it!

After looking at that and hearing from the various witnesses the committee had the privilege to hear from, my original support for this bill was tested. That is why the recommendations to fine-tune the bill are in the minority report. Indeed, I think it is important to recognise that the committee recommendations are not just majority recommendations; they are unanimous recommendations from the committee. I was obviously disappointed to hear the second reading reply, which seemed to quite quickly dismiss the issues that were raised. That is why I will check during the debate on the clauses to see that the Attorney General is completely across the evidence that has been put forward in the committee report. If we have read something wrong or if witnesses have somehow given evidence that is not applicable to a situation, perhaps the Attorney General can clarify that and explain exactly why the recommendation should not be followed.

During the debate, many improvements can be made to the clauses that will, I think, lead to a better disciplinary process for prison officers, give them some clarity around this new modernised approach to managing employees, and ensure that the natural justice that most people feel they are entitled to is upheld for those employees who work in Western Australian prisons. I am looking forward to the clause-by-clause debate on each of these matters and I hope that more of the evidence that was canvassed during the committee hearings can come into this debate and members can become more aware of it.

In the Legislative Council we have what I have grown to deeply respect—namely, a committee system that takes its task very seriously. This is one of the first inquiries I have been on with the Standing Committee on Legislation and I hope that the tireless efforts we have gone to in examining exactly how these clauses will affect the Prisons Act—we have not even touched on youth custodial officers—and impact the prison system in Western Australia are noted. The Minister for Corrective Services' electorate is in my South Metropolitan Region. I have got to know him quite well over the few years we have worked together in politics in this area and I know he has a deep passion for improving the prison system. However, it is important that, as members of the Legislative Council, we carefully examine whether any improvements can be made to the bill before us and that we use the experience and recommendations of the Standing Committee on Legislation to carefully examine whether the clauses indeed deliver what the policy of the bill promises.

#### *Division*

Clause put and a division taken, the Deputy Chair (Hon Liz Behjat) casting her vote with the ayes, with the following result —

## Ayes (16)

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Paul Brown

Hon Jim Chown  
Hon Peter Collier  
Hon Nick Goiran  
Hon Dave Grills

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Robyn McSweeney

Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

## Noes (9)

Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery

Hon Adele Farina  
Hon Lynn MacLaren  
Hon Amber-Jade Sanderson

Hon Sally Talbot  
Hon Ken Travers  
Hon Samantha Rowe (*Teller*)

## Pairs

Hon Jacqui Boydell  
Hon Nigel Hallett  
Hon Mark Lewis  
Hon Donna Faragher

Hon Stephen Dawson  
Hon Ljiljana Ravlich  
Hon Darren West  
Hon Alanna Clohesy

**Clause thus passed.**

**Clauses 2 to 6 put and passed.**

**Clause 7: Part X replaced —**

**Hon SALLY TALBOT:** I move the amendment standing in my name. I am getting a look from the Clerk. Does that mean sit down?

**The DEPUTY CHAIR (Hon Liz Behjat):** You were merely rising to speak to clause 7. You were not moving an amendment to clause 7, were you?

**Hon SALLY TALBOT:** I have an amendment on the notice paper.

**The DEPUTY CHAIR:** You are opposing the clause; you are not moving an amendment. You are just speaking to clause 7.

**Hon SALLY TALBOT:** I am opposing the clause, which I will then propose to delete.

**The DEPUTY CHAIR:** I have given you the call to speak to clause 7.

**Hon SALLY TALBOT:** I am opposing clause 7. I see! I am sorry. I have now read the supplementary notice paper and I perfectly understand what I am doing. Having canvassed many of these arguments quite extensively during the second reading debate, which of course took place before the committee inquiry was held and therefore before the chamber had the report in front of it, I will now speak briefly about our general opposition to clause 7. Clause 7 proposes to delete the existing part X of the Prisons Act and insert a new part X. My proposed amendment is to delete the clause, but I draw the attention of honourable members to minority recommendation 1 on page iv of the committee's report, which states —

A minority of the Committee recommends that:

**All clauses relating to the application of loss of confidence provisions be deleted from the Bill.**

All members on this side of the chamber have made it very clear why these provisions should not be supported. They are extreme and they are draconian, but perhaps, most important of all, most Australian workers, particularly people who work in the prison system, are very tough customers—they can cope with a tough working environment; that has never been a problem. The toughness and the force of these provisions, in the minds of members on this side of the chamber, are secondary to the fact that these provisions simply will not work. They will not fix the problem that the government says it has identified; in other words, introducing loss-of-confidence provisions will not fix the problem.

The reason they will not fix the problem is twofold. Firstly, they will not fix the problem because the problem is caused by something other than the provisions of existing part X. I will not go over ground that I have already covered because anybody who is sufficiently interested to get to this point of the debate will be sufficiently interested to read the entire debate. I have already made the point that the existing provisions of part X include the capacity to dismiss a prison officer. All levels of disciplinary action can be taken up to and including dismissal. The very troubling point that we gleaned during the debate on clause 1, which the Attorney General has confirmed, was that in the government's mind the shortcomings of existing part X are that under that dismissal provision, there is a requirement that the prison officer will have breached disciplinary procedures or committed a disciplinary offence. In other words, in plain, ordinary language, they will have done something wrong. When we pressed the Attorney General on this point, he conceded that under the loss-of-confidence provisions a prison officer could be removed without having committed a disciplinary offence—in other words,

in plain language, without having done anything wrong. There is something profoundly unfair about that new provision, and that is why we oppose it.

Let me get back to the point I am making about clause 7. I have said that the problem is not caused by an inadequacy of the existing part X measures, and I have pointed out how all-encompassing part X is. The problems are caused by a massive growth in the prison population. Overcrowding has reached a crisis point in some corrective services establishments, so much so that the government is now talking about locating women at Hakea Prison, with all the concomitant problems that will go along with that measure, because there is no room for them anymore at Bandyup Women's Prison. There has, of course, been no increase in staffing and no commensurate increase in resources. The workforce is under pressure simply because the prison population has grown so much and staffing has not grown at the same rate. Frequently, prisons are put into lockdown because there are not enough prison officers, and I have heard anecdotal evidence in the last couple of weeks that the processes for the admission of visitors to prisons will be circumvented because there are no prison officers on duty to carry out those jobs. The whole system is under stress because it is overburdened by the prison population and overcrowding. In that situation, of course it will be difficult to deliver appropriate support to the workforce because the whole system is creaking at the seams. We have heard evidence—again, it is all on the public record for people who are interested—of disciplinary procedures being used in a pretty heavy-handed way, in which it turned out that an officer was operating in a much more senior position than the position that they had been trained to operate in. They made a mistake in acting in that position—such a mistake that when we heard the full explanation of how the situation had arisen, my reaction was that it was absolutely obvious how the circumstance had arisen. Fortunately, in that particular case, the prison officer was able to be mentored, coached and given special support so that the commissioner was confident that it would not happen again. That story had a happy ending, although of course the prisoner officer subject to that experience went through a very stressful time. The point I make is that we have a system groaning under the weight of the prison population. The government has not properly planned for it; the government has not properly managed it. If there are problems in administering the existing disciplinary scheme under part X, the blame has to be entirely laid at the government's door for a lack of adequate resourcing.

I wanted to make a couple of other points about clause 7, but I will let the Attorney General respond to those points before I do so.

**The DEPUTY CHAIR:** I am not sure there was anything for the Attorney General to respond to. Hon Sally Talbot has a minute to finish if the minister chooses not to respond.

**Hon SALLY TALBOT:** I will move on to my next point if the Attorney General chooses not to respond. I have pointed out to the Attorney General that one of the reasons the opposition opposes clause 7 is that the wrong cause of the problem has been identified. I am asking the Attorney General to respond.

**Hon Michael Mischin:** There is nothing to respond to. You are telling me what you think.

**Hon SALLY TALBOT:** Yes; what does the Attorney General think?

**Hon Michael Mischin:** I have already said what I thought in the second reading reply. I have outlined the basis for us taking this course. There is nothing to respond to.

**Hon SALLY TALBOT:** I have made the point that the main reason the opposition opposes this clause is that it will not serve the purpose that the government thinks it will serve. That purpose could be better served by putting more resources into making the most effective use of the measures contained in part X. The committee heard plenty of evidence that procedures are long and drawn out, that people are made to go through unnecessary delays and that they are subject to unnecessary stress because the resources are not there.

In opposing this clause and because this opposition comes from minority recommendation 1, I would like to draw the attention of the chamber to the fact that the application of part 5 of the Public Sector Management Act, which is part of clause 7, will not be subject to further amendment to delete those specific clauses. Does the Attorney General need a more specific reference to what I am talking about? Proposed section 98, "Application of Public Sector Management Act 1994 Part 5", on page 4 of the bill, prescribes prison officers for the purposes of that act. Of course, a clause later in the bill refers to the Young Offenders Act. This is a very important point because, interestingly, the Western Australian Prison Officers' Union said that although it felt the measures in existing part X of the Prisons Act could be used more effectively, it conceded that it could live with the prescription under the Public Sector Management Act largely because those provisions are well tested. Members who are familiar with part 5 of the act will know that it very carefully enumerates the steps that can be taken in disciplinary proceedings and they are well tested in the public sector. However, a particular point was made about the application of the PSMA. If the Attorney General does not want to deal with this point now, I am happy to take a signal from him that there is somewhere else in the bill he would like to deal with it. However, I would ask him to address a particular point made by the Community and Public Sector Union—Civil Service Association that it has canvassed in several different contexts, and I believe it came up during the discussion of the Workforce Reform Bill—that is, the view that the existing provisions under the Young Offenders Act are

more stringent than those under the PSMA. I wonder whether I could ask for the Attorney General's reaction to that or perhaps an indication from him that he wants to talk about it somewhere else in this debate.

**Hon MICHAEL MISCHIN:** I note that the member is speaking generally against clause 7, which has a twofold effect. Firstly, clause 7 not only deletes existing part X of the Prisons Act and inserts a new disciplinary process for prison officers, but also provides for the application of part 5 of the Public Sector Management Act, which has several advantages that I have indicated, one of which is applicable to all other public servants. It will also replace the two systems for discipline currently operated in respect of prison officers and youth custodial officers with one system.

It is my understanding that there is support for the use of part 5, leaving aside the loss-of-confidence issues. The opposition to clause 7 entails that that will not be made available to prison officers and instead will maintain the inadequate disciplinary system that is currently in place in part X. I do not know where the idea comes from that more resources of some sort will somehow make part X operate more effectively when the process is cumbersome and outdated, far inferior to the refined one that is available to other public sector workers in part 5 and, one would have thought, as a matter of uniformity and equity, ought to be applied to prison officers and youth custodial officers as well. There is no advantage in opposing clause 7 in its entirety.

I have already outlined the purpose of the loss-of-confidence provisions and the need to align the disciplinary processes rather than to have, at the very least, two separate ones operating within the corrective services system. I will not go through that again. I have already pointed out the advantages of the new loss-of-confidence management system because it does not rely on the proof of wrongdoing but simply the capacity to do the job in a way that would encourage confidence.

Hon Sally Talbot again mentioned the availability of the part X disciplinary system but has not addressed how the two scenarios that I outlined in my second reading reply, neither of which evidence a disciplinary offence, would be managed by the Commissioner of Corrective Services. It would be easy to see how it would be managed if one were the Commissioner of Police and a police officer had been in those circumstances, but no amount of resources, whatever they might be, will manage those two scenarios in the case of a corrective services officer.

Hon Sally Talbot mentioned the increase in the prison population. I fail to see how that has anything to do with the two sorts of scenarios that I have outlined that would give rise to loss of confidence. If part 5 of the Public Sector Management Act were to be adopted as the disciplinary process for custodial officers and youth custodial officers, one questions what the point would be of maintaining part X of the Prisons Act because no-one would use it. I am not quite sure where the opposition is coming from in all of this, other than simply casting the baby out with the bathwater by opposing clause 7 because it does not like the loss-of-confidence regime that that establishes, but also disposing of the significant advantage of having access to part 5 of the Public Sector Management Act. If it will shorten any further debate on the subject—I have addressed those points—the government will of course be maintaining that clause 7 be enacted as a key component of the proposed reforms and it will do so in its entirety.

**Hon SALLY TALBOT:** It is not that complicated, Attorney General; it is actually quite straightforward. What the opposition and, indeed, the minority of the committee believe is that the existing provisions of the act are adequate for dealing with prison officers whose behaviour breaches professional standards. That is very, very clear. Nobody in this chamber would doubt that the provisions of part 5 of the Public Sector Management Act are well tested and clear, and the majority of people have confidence in the way they work. However, the Attorney General will be very much aware that there are objections to part X of the existing act being removed simply to be replaced by the PSMA, because of the problems I have already outlined with implementing the existing part X. The Department of Corrective Services is not adequately resourced to be able to put those measures into effect.

However, that is the simple point. The slightly more complex point that I am asking the Attorney General to engage with is that, along with the general concern about these measures not fixing the problem, there is a specific concern about part 5 of the PSMA. I will now be more specific; I was not sure how familiar the Attorney General would be with this argument, but he will find it on page 23 of the Standing Committee on Legislation's twenty-fifth report. It states, at paragraph 6.5 —

The Community & Public Sector Union/Civil Service Association of WA was, however, not supportive of the application of PSMA to youth custodial officers. It pointed out that the investigation process under the current *Young Offenders Act 1994* is more rigorous than under the PSMA. For example, it pointed to certain rights, such as cross examination and re-examination, given to youth custodial officers under the *Young Offenders Regulations 1995*, which do not exist under Part 5 of the PSMA.

I am asking the Attorney General to address that particular point so that we can understand how the government reacts to that criticism of removing certain provisions for the implementation of disciplinary processes, and replacing them with provisions that appear to be less rigorous.

**Hon MICHAEL MISCHIN:** I remain confused because clause 7 has nothing to do with Young Offenders Act custodial officers.

**Hon Sally Talbot:** In that case, I'm happy to bring it up later, because we'll get to the clause —

**Hon MICHAEL MISCHIN:** Absolutely, because —

**The DEPUTY CHAIR (Hon Simon O'Brien):** Order! We only have one member on their feet at a time. The Attorney General currently has the call.

**Hon MICHAEL MISCHIN:** This may assist: clause 7 introduces the part 5 regime for custodial officers under the Prisons Act, and it is a disciplinary regime that is applicable to the 250-odd public service officers who work within the Department of Corrective Services, so it would be a uniform PSMA disciplinary regime, but it would apply only to custodial officers and bring them within that regime. The bringing in of youth custodial officers would come under clause 14 of the bill, which deals with the Young Offenders Act. Specifically, by way of assistance, clause 14(3) prescribes the regulations made for youth custodial officers for the purposes of the Public Sector Management Act. That argument, with respect, has nothing to do with clause 7.

**Hon SALLY TALBOT:** I appreciate the point made by the minister, and I will take it up later because there are other questions about the prescription of youth custodial officers under the provisions of part 5 of the PSMA, which we will come to later.

**Hon Michael Mischin:** That is what I assumed you were arguing. If that regime is more stringent, that has nothing to do with what we are dealing with here.

**Hon SALLY TALBOT:** I will take that point up later. I was, however, just making the general point that in opposing clause 7 there is a less fervent and less adamant opposition to that one small provision in clause 7 and it involves the application of part 5 of the PSMA, because it is a system that clearly works. I point the minister to the evidence that was obtained by the committee on pages 22 and 23 of its report, that the WA Prison Officers' Union is not opposed to the provisions of part 5 of the PSMA being applied to them.

I point out for the benefit of the many dozens of people following this debate very closely on the internet that clause 7 —

**Hon Alyssa Hayden** interjected.

**Hon SALLY TALBOT:** No, while they could of course be following this, fortunately for them they have other concerns in their lives. This bill is of such interest to the Western Australian community that I know for a fact that many people are listening out there.

I point out that what is being opposed here is a clause that goes from page 4 to page 23, so it is a massive part of the bill; nearly half the bill is being opposed here. In the interest of the effectiveness of this debate, at this stage I might finish my comments about the opposition to clause 7, noting the unlikelihood of the government supporting the opposition on this point, and that Hon Kate Doust has a number of specific amendments in her name, and we can debate clause 7 line by line.

**Hon LYNN MacLAREN:** I can feel Hon Sally Talbot's pain. This clause is the guts of the loss-of-confidence provisions, with which we found considerable issues. We were concerned that this was not the way to implement them. However, within these pages the PSMA is included, which is an improvement. It is a question of how hard we work to fix it. The suggestion to delete the entire clause 7 is an elegant solution, but I agree that it goes a little too far.

**Hon Michael Mischin:** It is not an elegant solution; it is a blunt instrument.

**Hon LYNN MacLAREN:** Okay, it is a bit blunt, but it does indicate that there were considerable concerns with the loss-of-confidence provisions, and we will deal with them line by line. One of the aspects of the research into these loss-of-confidence provisions brought me back to the inquiry that we held on the transportation of prisoners in custody related to the death of Mr Ward. At that time we examined the culture among custodial officers and whether they had adequate training, as Hon Kate Doust has already raised today, and whether they were regularly assessed to ensure that they had the right skills necessary to deliver the task we are giving them. In approaching the Custodial Legislation (Officers Discipline) Amendment Bill 2013, I think that was one of the lessons I implemented. People should be managed in a culture of continuous improvement, upskilling and having their performance regularly monitored. There should not be this what I will call a blunt instrument of using a loss-of-confidence provision. The management kind of knows who they are, what they are doing and whether they are doing their job well. Trying to amend this bill by deleting clause 7, I think, is an attempt to flag—perhaps with a blunt instrument, and there is no way to make those metaphors work—that it is the managerial culture that really needs to develop. Currently, for example, a prison officer can be fired for not doing their job. Already we know that something is in place that enables us to ensure that if they do not do their job, they lose it. This loss-of-confidence thing is well over the top for what we see as the role of a prison officer in that contained,



tightly controlled environment, with the rules they have to do their job. The deletion of clause 7 is important to ensure that the managers in that position sort of learn that their job is to manage their staff, not to look into the back cupboard and pull out the wildcard of loss of confidence when all someone needs is performance management.

I understand the minister's reasons for not supporting this amendment before us, which is to oppose the pages that cover clause 7. But in the interests of making a very good bill, I support Hon Sally Talbot's suggestion and will leave it up to the government to fix it if we win this debate, and will maybe seek to reinsert those clauses to do with the Public Sector Management Act. I will support this amendment.

**The DEPUTY CHAIR (Hon Simon O'Brien):** Members, before I put the question that clause 7 stand as printed so that those of a mind to do so can vote against it, we have to consider the form that clause 7 will be in before I put that question. As has been observed, physically it is a very long clause that runs for 20-odd pages. I am proposing that we now work through the amendments that have been proposed, and that will us through it. Hon Kate Doust, would you care to move an amendment?

**Hon KATE DOUST:** I really looked forward to doing that; thank you, Mr Chair.

**Hon MICHAEL MISCHIN:** Can I just make a comment before Hon Kate Doust does? In terms of the amendments, I note that there was no opposition to the moving of clause 6, and clause 6 directly refers to proposed section 101(1)(b), which is the removal action provision in clause 7—one of the key provisions, the government would say, to the new regime. So, that creates another difficulty as well. If that provision is not passed, section 13 of the Prisons Act will have been amended in a way that does not sit with the way the act will appear, and it will refer to a non-existent and utterly irrelevant provision that clause 7 will have removed. There is therefore more than one difficulty with the course that has been adopted by, first, opposing clause 7 and, second, agreeing to clause 6.

**The DEPUTY CHAIR (Hon Simon O'Brien):** We have dealt with clause 6 for the present and we have moved on to clause 7, to which Hon Kate Doust is about to move an amendment, I believe.

**Hon KATE DOUST:** I am indeed; thank you, Mr Deputy Chair. I move —

Page 5, lines 30 to 33 — To delete the lines.

I appreciate the comments of both Hon Sally Talbot and Hon Lynn MacLaren, as I know that they have worked very diligently on the Standing Committee on Legislation to put that report together and have certainly worked through those minority recommendations that they have been referring to in this part of the debate on clause 7.

The Attorney General would be aware that clause 7 is a significant concern for the opposition with the introduction of the term “loss of confidence”. Our view is that the whole debate, to which we have referred before, has really focused on the potential corruption of prison officers. I am not too sure of the number of prison officers in the system, but I think the figure of 1 500 was mooted last night. The Attorney General might correct me and tell me that there are a couple of thousand prison officers in the system. We are very concerned that if the whole focus is on potential corruption, the community might start to view prison officers in a different light. It will have the potential to impugn the reputation of individual prison officers, and we have a concern about that. We take the view, as has been expressed by my colleagues, that if an individual prison officer does not comply and deliver on matters relating to their work performance—such as whether they can work to capacity, whether they are obeying managerial instructions, and whether they are complying with the rules and requirements laid out in the appropriate legislation or set down by their employer to enable them to perform each task as required—there is in place a regime to deal with that. Our view is that that regime to date has been adequate to deal with work-related performance matters.

I note that the discussion we have just had was about the fact that there will be a change and the two separate regimes will collapse into one to deal with those types of issues. I refer back to the report in which there was discussion about the unwieldy time frames and extended periods taken to resolve a disciplinary matter through the current processes. We know all of that. However, our view is that if that was the core problem, by all means the government should address those issues. If it really wants to sort out the processes and mechanisms by which those slights and breaches of work standards are dealt with, it should do so. However, the discussion that arose from the Minister for Corrective Services for getting this legislation into this place referred to a number of allegations made about a group of prison officers. I think the number was around 59 but I am happy to be corrected on that. I understand that at the end of the day only three were removed as a result of the allegations being investigated, and I think rather than being terminated, they ultimately resigned.

Our view is that we need to separate out the issues. If it is really around the day-to-day manner in which prison officers conduct their work—whether they are reaching the standards that are required, or whether they are ticking off the boxes on the tasks that are given to them—there are mechanisms in place to deal with that, and that is obviously what is happening in terms of collapsing those two systems into one. But if it is around whether prison officers have made bad choices, if we like, or are mixing with people outside of work who are not

necessarily appropriate to the nature of their work, or are coming under—I think the Attorney General used the words—“bad” influences or “negative” influences, or if they have been picked up as being groomed, that needs to be treated differently. I think my colleague Hon Adele Farina talked last night about the role of the Corruption and Crime Commission in this space. We know that if there is misconduct in this space, the Corruption and Crime Commission is the appropriate vehicle that should be used to investigate alleged corruption of prison officers, as it is for any other public servant—because that is what these people are. They are public servants. They are indeed different from police officers.

The purpose of this amendment is to delete the definition that is set out at page 5, lines 30 to 33. We believe these words need to go, because we need to bring the focus back to the individual officer’s integrity and honesty, rather than their work performance. The loss-of-confidence provisions are around, if we break them down, the issue of corruption. There needs to be a different set of words to deal with them. We do not believe that this definition is appropriate at all, because it just pulls that attention in. Therefore, we are seeking to have these words deleted, and we will then move another amendment that we believe spells them out more clearly. If loss of confidence is to be applied, it should be applied to investigations that have occurred into alleged corruption when a person is found not to be a fit and proper person to continue in that role. I think the language needs to change around that individual and the reasons why a chief executive officer would lose confidence. This is a significant issue. When we get to the next amendment, I will talk about why we are very concerned about the use of the loss-of-confidence provisions and why we want to ensure that they are contained to specific areas, because, as they stand now, they are too broad for what we believe are appropriate.

#### **Amendment put and negated.**

**The DEPUTY CHAIR (Hon Simon O’Brien):** The next amendment on the supplementary notice paper, I think, may now be in jeopardy with the disposal of the amendment that we have just dealt with.

**Hon Kate Doust:** Is it?

**Hon Michael Mischin:** It would leave undefined the words “prison officer’s suitability to continue”.

**Hon Kate Doust:** It is really about expanding what is there.

**The DEPUTY CHAIR:** I notice that the member wishes to proceed with the next amendment, so please do so. In the interest of expediting the debate, I am inviting the member to please go ahead.

**Hon KATE DOUST:** Thank you, Mr Deputy Chair. I move —

**2/7** Page 6, lines 7 to 9 — To delete the lines and insert —

- (a) the chief executive officer has formed the opinion on reasonable grounds that the officer —
  - (i) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
  - (ii) is no longer a fit and proper person to hold a position as a prison officer; and

Does the Attorney General want to say something before I deal with this?

**Hon Michael Mischin:** No.

**Hon KATE DOUST:** Flowing on from the amendment that we tried to get up, a loss of confidence is very significant. Our concern is that if the CEO applies this provision to an individual and the individual goes through the process and is stood down for a period of 28 days, they may end up going to the Western Australian Industrial Relations Commission to have a series of hearings to put their case. If they go through all the processes, they might even end up at the Corruption and Crime Commission; I do not know. If it is found that there is no case to be made, the loss-of-confidence notice is not appropriate, there are no grounds and the charges are not proven, how will that individual ever get back the confidence of the commissioner? How will they ever return to their workplace and be able to hold up their head and get on with their job and their life? It will be nigh on impossible; they will never regain the confidence that they need to do their job. This comes back to the other issues that we have talked about. It is one thing to deal with workplace matters in one way, but we think they should be separated from matters related to what the government is really talking about—that is, identifying people when it is thought that there might be some corruption or potential corruption.

The amendment that we have put tries to clarify that, so we say that we should delete the lines and substitute the following words —

- (a) the chief executive officer has formed the opinion on reasonable grounds that the officer —
  - (i) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
  - (ii) is no longer a fit and proper person to hold a position as a prison officer; and

We think that is a much fairer way to operate than just issuing a loss-of-confidence notice, because a loss-of-confidence notice, as proposed in the legislation, denies natural justice to a worker. It is a one-way street. There is no genuine comeback from there. If the government is trying to use this as a mechanism to remove from the prison system people whom they believe to be corrupt or to have engaged in corrupt activities, we think it should be put in the language that we have proposed so that the commissioner would need to have reasonable grounds to believe that the person had engaged in corrupt conduct or was no longer a fit and proper person. I think it is better language. I will be interested in the Attorney General's view on it, but this is the proposal that we have put. We think it is a more appropriate and fairer way to go. If we leave it as it is, there will be no comeback for the individual. If a loss-of-confidence notice is issued to a prison officer and they go through all the processes and the charges are proven not to be true, I would like the Attorney General to put on the record and explain to us how that individual worker can possibly hope to regain the confidence of the CEO and return to work as though nothing had happened, because it is just not going to happen.

**Hon MICHAEL MISCHIN:** I will be quite short with this. I have already explained the rationale for the loss of confidence provisions. They are the same regime as those used quite effectively by Western Australia Police to remove police officers who the Commissioner of Police has lost confidence in on the basis of an officer's integrity, honesty, performance or conduct. It is not the case of a charge being laid for loss of confidence. As indicated, it is a managerial tool as came out in the evidence before the committee.

The proposed amendment is too restrictive and will create a few problems internally. The opposition proposes that the chief executive officer must form an opinion that the officer is engaged in corrupt conduct or other conduct constituting an indictable offence, an offence of some significant seriousness. He has to be satisfied not only of that but also that the officer is not a fit and proper person, which suggests that there are circumstances in which one can be corrupt or commit an indictable offence and still be a fit and proper person to be a prison officer. I find that to be an astonishing idea. The commissioner must be satisfied of both. With this amendment, the legislation is saying they have to be satisfied of both, so it will be arguable somehow that it is Parliament's intention that a person can be corrupt or have committed an indictable offence and still be a fit and proper person. The amendment cannot be passed in its current form. The member would have to amend the amendment to make it make sense.

**Hon Kate Doust:** If you'll support an amended one, I'm happy to do that.

**Hon MICHAEL MISCHIN:** No; it would create another problem if we put an "or" in place of the "and" because then it would open up the provision for the chief executive officer to have reasonable grounds for believing the prison officer is no longer a fit and proper person on its own, and arguably that would provide a broader basis for commencing loss-of-confidence activity than the rather more restricted one that is defined under "suitability to continue as a prison officer" in proposed section 99. We cannot support the amendment for a raft of reasons, quite apart from the policy reasons.

**Hon KATE DOUST:** Will the minister answer the second part of the question: how does a person come back to a workplace where that loss of confidence has not been proved? If everything has been resolved, how does the person return to work? How does the CEO deal with that when it is applied?

**Hon MICHAEL MISCHIN:** He will deal with it in the same way as the Commissioner of Police might; in the same way as under existing part X of the Prisons Act if there is a reasonable basis shown for the officer's conduct. Let us take the scenario I outlined in the second reading reply. A prison officer is intoxicated on the premises of an outlaw motorcycle gang where criminal activity has taken place. There is no direct evidence to prove involvement with any criminal activity, but it raises suspicion that the person is too close to, or corrupted by, criminal elements, bearing in mind that even though one might be off duty at the time, the next day on shift he will go back into a prison where some of the mates of these types reside at public expense. That might raise a legitimate question about whether the Commissioner of Corrective Services has confidence in that officer's ability to discharge his or her function. That will open up the loss of confidence process. Under the current regime, the officer can say, "I'm not going to talk to you about it; I was off duty; none of your business; end of story." Nothing much can happen. Under this regime, they will be required to give an explanation. It may be quite a legitimate explanation. It may be that the officer wandered into the wrong house or was kidnapped by the bad guys. There may be a raft of explanations. There may be an explanation that is legitimate and cogent, and confidence can be restored. That situation is present with police, and there is no reason prison officers cannot have a similar regime apply and do so effectively. I would expect that before embarking on a case as extreme as loss of confidence that the Commissioner for Corrective Services would at least have a reasonable basis for doing so and must indeed inform the officer of the grounds for that loss of confidence. I cannot take that any further. Plainly there is a difference of opinion. The minority of the committee thinks it is a bad idea; the majority accepts the policy. The government has brought this bill forward with a view to that and we are just going to have to agree to differ and move on with the amendment.

**Hon KATE DOUST:** Loss of confidence is a substantial stain, if you like, on a worker's record; it will always be there. In a community that has relatively small workforce numbers, word would spread pretty quickly that that loss-of-confidence provision had been applied to a particular individual. The opposition's concern is that if the scenario the minister talked about is applied and there is a perfectly acceptable reason that that individual was in that location and the commissioner accepts that, how does that individual go back into that workplace? How can they demonstrate that that confidence has been restored and that their future is on track? I would have real concerns with how they manage that.

**Hon MICHAEL MISCHIN:** In the same way they do currently under the part X regime and the charges are not founded. They go back to the prison; they are removed from suspension if, for example, after investigation charges are proved to be unfounded. In this case, it is probably better because if the commissioner is persuaded that there has been no reasonable foundation for his loss of confidence, that would be recorded. Whereas, if there was no avenue to test the officer by way of explanation or the requirement to give an explanation, the allegation or suspicion still hangs there.

**Hon ADELE FARINA:** Could the minister please inform the chamber how often a decision by the Commissioner of Police to remove an officer through the loss-of-confidence provisions has been overturned by the Industrial Relations Commission, if ever?

**Hon MICHAEL MISCHIN:** I understand it is two cases in 10 years.

**Hon ADELE FARINA:** Would the minister agree that the whole purpose of the loss-of-confidence provision is that it is a fast track to get an officer that the commissioner is unhappy with to resign. The reality is that once an officer is faced with the prospect of going through a loss-of-confidence and removal process, in a large majority of cases, if not greater than that, the officer elects to resign in order to avoid that stain, as Hon Kate Doust referred to it.

**Hon MICHAEL MISCHIN:** I do not accept the proposition that the majority resign rather than see through the loss-of-confidence process. I have indicated that in the last 10 years I do not know how many loss-of-confidence proceedings have been commenced by the Commissioner of Police, but I am informed there have been only two successful reviews by the WA Industrial Relations Commission. One resulted in the reinstatement of the officer and the other resulted in compensation being paid. That seems to suggest that in most cases the Commissioner of Police's judgment has been vindicated, assuming there have been more than two cases. In other words, there was a sound basis for having lost confidence in those particular officers. I do not know what the figures are; perhaps the honourable member has access to them. I do not know that it is necessarily correct to say that most officers subject to the loss-of-confidence process resign rather than see the matter through or do not contest it or do not provide some basis for the Commissioner of Police having his confidence in the officer restored.

**Hon ADELE FARINA:** If the Attorney General is not aware of those figures on police, will he undertake to obtain and provide them to this chamber? Will the Attorney General provide figures about how many times over the last two or five years the Commissioner of Police has brought a no-confidence action against one of his officers and, in each of those instances, whether the officer saw the process through and was dismissed or actually resigned before that process was completed?

**Hon MICHAEL MISCHIN:** No. If the honourable member is interested in that sort of information relating to the Police Act, she is quite welcome to ask the Minister for Police matters about her portfolio. It has nothing to do with the bill before the house.

**Hon Adele Farina:** Is the Attorney General prepared to defer consideration of the bill until I get that information?

**Hon MICHAEL MISCHIN:** No.

**Hon Adele Farina:** I didn't think so.

**Hon MICHAEL MISCHIN:** It has nothing to do with the bill. I am sure the Minister for Police would be happy to provide the information on police officers. I do not have access to that information and I do not see that it has any relevance to the regime here.

**Hon ADELE FARINA:** It has relevance if this process is actually used to exit an officer out of an organisation as quickly as possible with the least amount of fuss. There is an argument to be made that it is a denial of natural justice. That raises a range of questions. If it is not a denial of natural justice in its normal sense, it is in the intent because it forces people to opt for resignation rather than have a finding of no confidence against them.

**Amendment put and negatived.**

**Hon KATE DOUST:** I move —

Page 7, lines 8 to 10 — To delete the lines and insert —

(3) The chief executive officer shall conduct any investigation to determine that a prison officer —

- (a) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
- (b) is no longer a fit and proper person to hold a position as a prison officer.

The opposition thinks it is appropriate to delete the lines currently in the bill and insert the lines in the amendment. I know that there has been some discussion around this, but it is clearly the opposition's view that before the chief executive officer moves on a prison officer and uses the loss-of-confidence provisions, there should be an investigation, and before that occurs, they should be very clear in their minds why it is going to happen, and that it is based on fact. The opposition is concerned, given the nature of the business in which these people are working—in the very confined spaces with the individuals that they are looking after, who are probably not the most pleasant of individuals and who are probably a bit creative about what they would like to do to the prison officers—that a prisoner could make an allegation about corrupt behaviours of a particular prison officer, and if the CEO takes the word of a prisoner about that prison officer and applies loss-of-confidence provisions, an appropriate investigation should be carried out to verify the allegations being made so that the prison officer is not put in the dreadful position of not having access to natural justice and of having to go down the path of clearing their name, if you like, which may involve extended time off work and a significant loss of income over time. As members know, anyone who is stood down from work, even if they are getting paid in the first instance for 28 days—it may be extended for a longer period, and there is reference already in this legislation to back pay for up to 12 months, which is another issue that the opposition thinks should be revisited and perhaps extended—will never recover that money, because they may have to pay legal fees and their ongoing living costs, and they may have to resort to borrowing from family or friends. Therefore, allegations that are not investigated before loss-of-confidence provisions are applied could certainly dramatically and dreadfully change the situation of that worker. Before the CEO makes that decision and lets the worker know about that decision, an investigation should be conducted into the veracity of any allegations to see whether that prison officer has indeed engaged in any corrupt activities or whether they are still a fit and proper person to hold that job.

I want to make it clear to the Attorney General that the opposition does not condone the corrupt activities of any individual, and it would certainly want those individuals treated appropriately, but it would want them treated appropriately with a full investigation and the facts on the table before the door was open to loss of confidence because the opposition is concerned about the implications afterwards if those complaints or allegations are found to be false.

**Hon MICHAEL MISCHIN:** With respect, the process-of-removal action is triggered by the chief executive officer not having confidence. That presumes that a decision is made on the basis of some information. The purpose of proposed section 101(3) is to make any necessary investigation to determine the prison officer's suitability to continue as a prison officer, which means that prison officer's suitability as a prison officer with regard to that officer's integrity, honesty, competence performance or conduct. That then informs the grounds for identifying to the prison officer the basis for the loss of confidence and the prison officer then knows what they are to answer if they choose to do so. There is a process of natural justice involved because the prison officer has the ability to answer and the issue is reviewable in due course. Therefore, we do not accept that that provision should be removed and we do not accept the basis for the proposed amendment.

Turning to the proposed amendment itself, it does not work. If it were to be introduced, it would not empower the chief executive officer to make any investigation that may be necessary in respect of the suitability of the officer. On the contrary, it requires the chief executive officer to investigate a prison officer to determine whether they have engaged in corrupt conduct or any other indictable offence and are no longer fit and proper. It does not relate to any particular prison officer and certainly not the one who is the subject of removal action alone. It is a broad-based requirement to investigate any prison officer, so it logically does not follow and sit with the rest of that regime in proposed section 101. Therefore, for a variety of reasons the government will not support the amendments.

**The DEPUTY CHAIR:** I remind members that when the presiding member is speaking, people in the chamber are not to walk around and are to remain silent. The question is that the words proposed to be deleted be deleted.

**Amendment put and negatived.**

**The DEPUTY CHAIR:** The next amendment is in the name of Hon Sally Talbot, who appears to be away on urgent parliamentary business. Unless someone wishes to move that amendment, we will move on.

**Hon KATE DOUST:** I move —

Page 7, after line 19 — To insert —

(4A) The prison officer must be advised of —

- (a) the implications of giving information, answering any question or producing a document when required to do so under subsection (4); and

- (b) the relevance of the information or document that is required for the purpose of the investigation.

My amendment probably relates to some of the matters Hon Sally Talbot may have referred to. Hon Lynn MacLaren may want to back this up, because I think it is linked to a minority recommendation, or at least that is why Hon Sally Talbot would have sought to delete those lines. The amendment 53/7 I have moved is also linked to amendment 54/7 that I will move at a later stage. Both those amendments arise from recommendation 1 in the report, which is a committee recommendation that had not been moved formally by the committee, so I have moved it formally to assist it. If the Attorney General remembers, recommendation 1, as set out on page 2 of the committee report, states —

**The Committee recommends that the *Custodial Legislation (Officers Discipline) Amendment Bill 2013* be amended to reflect the reference in the Second Reading Speech that:**

*Importantly, the compelled information will not be used in any other proceedings and the officer must be advised of the implications of the abrogation, and the relevancy of the required information.*

If members go to page 47 of the report, they will also see that recommendation there. They will also see on page 46 the committee comment leading up to that recommendation. I understand there was a difference between the majority and the minority report on this section. On page 46, the “Committee comment” states —

The Committee appreciates the importance of custodial officers answering questions in matters that may have disciplinary repercussions given the nature of their role outlined above. A failure to do so could, in certain circumstances, raise issues of integrity, which may have serious repercussions for the custodial facility and, potentially, community safety.

I think those are some of the matters that the Attorney General canvassed as well. Paragraph 8.18 of the report states —

The Committee notes section 9 of the *Prisons Act 1981*, as noted in **Appendix 5**, already abrogates the privilege against self-incrimination. This is in circumstances where a person is required to give any information or answer any question as part of an inquiry set up by the Commissioner. However, such compelled information cannot be used in any other proceedings, including any disciplinary proceedings, other than proceedings for failure to give an answer.

I think that is a significant concern of the committee. I think the committee wanted to clarify whether it was the case that if prison officers were required to provide information, that information would be used for only that purpose and would not be used for other purposes. I want to be very clear about that. That relates to paragraph (b) of my amendment.

The committee then noted in the second reading speech that a penalty will be imposed for not producing the required information and that safeguards apply. One of the questions I had for the Attorney General I may as well ask now because it is referenced in his speeches. When he gets to his feet, can he explain to the chamber what those safeguards are? The report continues —

Importantly, the compelled information will not be used in any other proceedings and the officer must be advised of the implications of the abrogation, and the relevancy of the required information.

The committee then stated that it would appear that the stated intention is not clearly articulated in the bill. The second reading speech is saying one thing but the committee—I take this to be the majority of the committee—was not satisfied that that sentiment was reflected appropriately in the legislation. The report continues —

The Committee has also taken into consideration the following:

- the Department’s evidence ...
- concerns expressed in evidence about the use of compelled information by other agencies; and
- the existing safeguards in section 9(4) of the *Prisons Act 1981*.

I am sure that Hon Sally Talbot and Hon Lynn MacLaren will be able to provide us with some more detail about the committee’s concerns about those matters. The report went on to state —

The Committee recognises that custodial officers work in a closed environment, requiring a heightened degree of trust and confidence.

That is something we all acknowledge. As the Attorney General said earlier, one has to know whom one is standing next to and one has to be able to trust them. I agree with him on that, particularly in the nature of that work. It is an incredibly hazardous job. As I said earlier, we do not know from minute to minute what will happen in some of those situations, not necessarily in our prisons but we read some pretty horrific stories of violent activities in other prisons. I do not think we have had any outrageous violent activities for quite some

time. I am thinking back to the Fremantle jailbreak back in the 1970s or the 1980s—it was 1988, which was not that long ago when we think about it. I thank the Deputy Chair (Hon Simon O'Brien) for that.

The majority of the committee—I imagine it would have been Hon Robyn McSweeney, Hon Donna Faragher and Hon Dave Grills—believes that it is justified for the abrogation of privilege against self-incrimination to be extended to removal actions, but the minority take a different view. I would imagine that recommendation 1 was unanimous, so the amendment in my name is really just stepping out, if you like—I really hate the expression “stepping out”—what is actually listed there, because I understand that the recommendation that was written was not written in a format appropriate for inclusion in the bill. I have drafted this amendment to assist the committee with its concerns that if prison officers were to be put in a situation of having to answer questions, prior to being questioned they would be advised of the implications of giving information, answering any question or producing a document when required to do so, and they would also be advised of the relevance of the information or document that is required for the purpose of the investigation.

I have moved this amendment to assist the committee because unfortunately, for some reason, the committee was not able to do so. It has highlighted an important issue and it is only logical that if loss of confidence has been applied and a person is brought in for questioning about that situation, they should be told in advance about what is going to happen with the information that they supply and how it will be used.

**Hon ADELE FARINA:** What precaution is given to officers who are being interviewed about a set of circumstances that may lead to a loss-of-confidence action by the commissioner? Are they cautioned in any way?

**Progress reported and leave granted to sit again, on motion by Hon Michael Mischin (Attorney General).**

### ABC — FUNDING CUTS

#### *Statement*

**HON KEN TRAVERS (North Metropolitan)** [9.45 pm]: Normally, I would not seek to raise in this chamber what I would consider, in the main, to be federal issues. They are more appropriately dealt with in the federal Parliament. However, on some occasions, issues at the federal level have an impact on Western Australia, and they need to be raised in this chamber. Tonight I want to talk specifically about the cuts to the ABC announced today, and how I think they will not only adversely affect Australian democracy and our way of life and culture at a national level, but also disproportionately affect Western Australia. It will be a blow to Western Australian democracy and the level of scrutiny applied in Western Australia's democracy.

Hopefully, everyone in this chamber would accept that free and open media, along with parliamentary privilege, I might add, are essential to a strong functioning democracy. If there are no free media to cover what happens in chambers like this one, we are effectively without free and open media in Western Australia. It is my view that the cuts announced today have the potential to adversely impact on the way in which this chamber is able to fulfil its role as a place of scrutiny within the Western Australian political system.

State governments handle billions of dollars in revenue, so there is always the risk of people seeking to divert some of that money for their own personal gain. Governments at a state level can make decisions that result in significant windfalls and gains for individuals in the community. It is therefore absolutely crucial that chambers such as this one are able to apply scrutiny to decisions of government and the actions of people in our community, using the tools available to us to scrutinise those issues. That is a fundamental tenet of our democracy, but if no-one from the media is there to report those matters, our ability to do that job is diminished. As much as we all might hope and think that people are out there reading *Hansard*, the majority of information about what happens in this chamber reaches people because of strong media.

The media outlet in Western Australia that takes this chamber seriously, and provides coverage to this chamber, is the ABC. In my time as a member of this chamber, I have noticed that the press gallery—the press gallery has someone from the ABC in it tonight—used to be full of representatives of a number of media outlets. A journalist from *The West Australian* used to stay here throughout the evenings to report on what happened in this Parliament. Today, we are down to having only the ABC as the mainstream media outlet providing coverage of what goes on in this chamber.

The cuts to the ABC announced today are clearly broken promises by the Prime Minister, who, on the eve of the 2013 election, said there would be no cuts to education, no cuts to health, no changes to pensions, no changes to the goods and services tax and no cuts to the ABC or SBS.

**Hon Sue Ellery:** He's right on one; he hasn't changed the GST.

**Hon KEN TRAVERS:** Yet.

He also said in 2011 that it is an absolute principle of democracy that governments should not, and must not, say one thing before an election and do the opposite afterwards, yet that is exactly what the Prime Minister has done.

How will those cuts occur? We only have to look at what has happened to the other mainstream media outlets in Australia. We have seen a consistent centralising of media on the east coast. Many of the commercial stations have gone through consolidation cuts that have resulted in centralisation. In Western Australia, we have lost our own current affairs programs, particularly on the ABC. We used to have our own locally produced daily current affairs program. Today we have one current affairs program on a Friday night, still presented by the ABC, that deals with the real political issues of the day in Western Australia. When these cuts are made, members can rest assured that Sydney, Melbourne and Brisbane will seek to protect themselves and minimise the cuts, and those cuts will be disproportionately applied to states like Western Australia.

But it will get worse. When those cuts come to Western Australia, where will they look to cut? My view is that they will look to cut in places like regional Western Australia, and again the important role that the ABC plays in ensuring that proper news is delivered to regional Western Australia that is locally based, and locally produced in many cases, will be the first cut. I am sure many members in this chamber who represent regional areas have regularly spoken and dealt with regional media, and know that the ABC is the main organisation that still even runs talkback radio, good current affairs programs and good news programs in regional Western Australia. Regional WA would suffer, and it is my view that we will go down the same path that we have seen with the consolidation of newspapers like *The West Australian* in that we no longer have its regular coverage of this chamber. We no longer see, on a regular basis, people from the newspaper that is supposed to be the paper of record in Western Australia covering this chamber; it is left to the ABC. I am incredibly concerned. I noted on the news tonight, when the ABC was talking about these cuts, it quickly flashed up a scene from 7.30 WA. I hope that everybody in this chamber will join me in demanding that—even though Prime Minister Abbott might be breaking his promises—we want to maintain 7.30 WA for Western Australia. We should be demanding that Western Australia does not suffer as a result of these cuts that have been imposed. We should be demanding that the Legislative Council in Western Australia does not lose the coverage that it currently receives from the ABC, because if we are not successful in maintaining that coverage and protecting democracy in Western Australia, WA will be a lesser place as a result of the loss of that scrutiny. We can do good work. Everyone in this chamber knows that we might spend some time on this side of the chamber or might spend some time on that side of the chamber. Sometimes when members sit on the other side of the chamber, media scrutiny is not what they really want. Sometimes members just want the good news to come out when they sit on the other side of the chamber.

**Hon Jim Chown:** It's all good news from this side of the chamber, as you well know!

**Hon KEN TRAVERS:** I love the member's optimism.

**Hon Jim Chown:** You may differ, but that's a fact.

**Hon KEN TRAVERS:** I love Hon Jim Chown's optimism —

**Hon Jim Chown:** Do you think I'm going to sit here and listen to what you're saying?

**Hon KEN TRAVERS:** Hon Jim Chown can just keep dreaming on like that. He can just stay in his slumber in that dream world he is living in.

**Hon Jim Chown:** It's not a dream; it's a reality!

**Hon KEN TRAVERS:** I think even Hon Jim Chown knows that he is not supposed to mislead this house, so we will move on, even though he occasionally does it accidentally. Hon Jim Chown needs to understand that the word "no" often means yes when we get it from his bureaucracy.

The key point here is that this house needs to ensure, and we need to be demanding, that the federal government honours its commitment not to cut funding to the ABC, because it will ultimately lead to this place—as an important place in the democracy of Western Australia—being diminished. That is just one aspect of how those cuts will damage the fabric of Australian society, the culture and arts of Australian society, democracy, and proper scrutiny—for that matter, both of the government and of the opposition. I hope everyone will join me in demanding that the government reverse this broken promise to cut funding to the ABC.

## ABORIGINAL COMMUNITIES — CLOSURE

### *Statement*

**HON ROBIN CHAPPLE (Mining and Pastoral)** [9.54 pm]: Tomorrow a motion will be moved during non-government business to which it is my intention, hopefully, to contribute. Given the limited time available in that debate, I thought it would be pertinent to read in tonight a media release from the Kimberley Land Council that touches on the very substance of that debate tomorrow.

**Hon Ken Travers:** You can't foreshadow a debate, and you can't quote from it. You can't read it in either.

**Hon ROBIN CHAPPLE:** I will quote from a media release. I am listening. Is there debate going on up in the chair there?



**The PRESIDENT:** Carry on, Hon Robin Chapple. There are some references in this chamber to anticipating debate, but this is the time for members' statements, which are very broad. I will therefore allow you to continue, until I make up my mind differently.

**Hon ROBIN CHAPPLE:** There has been recently a media release from the Kimberley Land Council.

**Hon Peter Katsambanis:** Without anticipating the debate tomorrow!

**Hon ROBIN CHAPPLE:** Without anticipating the debate tomorrow. I thank the honourable member opposite!

**Hon Ken Travers:** You can talk about whatever issue you like; you just can't anticipate!

**Hon ROBIN CHAPPLE:** I would love to have a go about the ABC cuts as well, but I do not have the time. The media release from the Kimberley Land Council headed "Barnett turns his back on Aboriginal people" states —

The Barnett Government's plan to shut down Aboriginal communities is discriminatory and unjust, says KLC Chairman Anthony Watson.

Closing up to 150 remote communities and forcing people to move into towns will not solve any problems, he said, but make them worse.

"If the WA State Government cannot continue to service remote communities, how is it going to cope with the extra service demands put on towns because of an increased population?" Mr Watson said.

"Colin Barnett has turned his back on Aboriginal people. His solution is to give up and do nothing at all. To say there is no answer; is not good enough. There is always an answer.

"It is the mandate of the government to look after its constituents. How is it possible that the government can choose to abandon a number of its people and pretend they don't exist and expect to get away with it?

"Aboriginal people do exist and we invite the Premier to come and meet with us in the Kimberley so we can show him the disastrous affects closing Indigenous communities will have.

"There is a solution. Mr Barnett just needs to come to the table and work with us to find one."

Mr Watson said the State Government had made its position on Indigenous issues clear, with this new attack the latest in a long list of negative actions.

"The State Government has made it clear to us that they are prepared to do whatever they can to undermine the rights of Aboriginal people in Western Australia," he said.

"This latest plan joins a long list of recent attacks on Aboriginal people including: Mr Barnett's refusal to recognise Indigenous people in the Constitution; changes to the WA Aboriginal Heritage Act that disregard Aboriginal heritage; failure to act on the suicide epidemic in the Kimberley; and numerous attempts to undermine native title by using it as a bargaining chip for services."

Mr Watson said shutting down Indigenous communities would undermine all the work that is being done to create jobs and generate an income stream in remote communities.

"There's a lot of work that is being done to capitalise on the enormous economic opportunities that are unfolding in our region and to create cultural enterprises that use traditional knowledge to stimulate economic activities," he said.

**Hon Jim Chown:** James Price Point was one of those activities which your people stopped.

**Hon ROBIN CHAPPLE:** What was that? I love the interjection—please.

**Hon Ken Travers** interjected.

**The PRESIDENT:** Order!

**Hon ROBIN CHAPPLE:** Thank you, Mr President. That is all I have.

*House adjourned at 9.58 pm*

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# QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

## FOREST PRODUCTS COMMISSION — CONTRACTS OF SALE

### 1517. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:

- (1) Further to question on notice No. 1014 of 2014, do Simcoa Operations Pty Ltd and WA Chip & Pulp Co. Pty Ltd have contracts of sale with the Forest Products Commission for the purchase of native forest products?
- (2) If yes to (1), why were they not included in the list of buyers other than sawmills that have contracts of sale with the Forest Products Commission for the purchase of native forest products?
- (3) For each of Simcoa Operations Pty Ltd and WA Chip and Pulp Co. Pty Ltd, will the Minister please provide:
  - (a) contract name;
  - (b) contract number;
  - (c) product (species and grade);
  - (d) quantity per annum;
  - (e) current expiry date; and
  - (f) final expiry date?

#### Hon Ken Baston replied:

- (1) Yes
- (2) The omission of these contracts was an oversight by the Forest Products Commission.
- (3) [See tabled paper no 2269.]

## FOREST PRODUCTS COMMISSION — CONTRACTS OF SALE DETAILS

### 1518. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:

For each of the contracts of sale for native forest products entered into by the Forest Products Commission after 31 March 2014, will the Minister please provide:

- (a) contract name;
- (b) contract number;
- (c) product (species and grade);
- (d) quantity per annum;
- (e) current expiry date; and
- (f) final expiry date?

#### Hon Ken Baston replied:

- (a)–(f) [See tabled paper no 2270.]

## MAX LIGHT RAIL PROJECT — QUEEN ELIZABETH II MEDICAL CENTRE AND UNIVERSITY OF WESTERN AUSTRALIA

### 1680. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

- (1) Will the Minister please table the briefing note entitled 5118 – *MAX Light Rail Project – Light Rail Route Adjacent to Queen Elizabeth II Medical Centre and University of Western Australia*?
- (2) If no to (1), why not?

#### Hon Jim Chown replied:

- (1) No
- (2) This document contains policy options and recommendations prepared for submission to Cabinet.

## MAX LIGHT RAIL PROJECT — PERTH CBD LIGHT RAIL ALIGNMENT

**1681. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

- (1) Will the Minister please table the briefing note entitled *5330 – Perth CBD Light Rail Alignment*?
- (2) If no to (1), why not?

**Hon Jim Chown replied:**

- (1) No
- (2) This document contains policy options and recommendations prepared for submission to Cabinet.

## MAX LIGHT RAIL PROJECT — LORD MAYOR AND CITY OF PERTH

**1682. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

- (1) Will the Minister please table the briefing note entitled *30–42633 – meeting with the Lord Mayor and City of Perth – MAX Light Rail Project Update*?
- (2) If no to (1), why not?

**Hon Jim Chown replied:**

- (1) No
- (2) This document contains policy options and recommendations prepared for submission to Cabinet.

## MAX LIGHT RAIL PROJECT — WA ITALIAN CLUB

**1683. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

- (1) Will the Minister please table the briefing note entitled *30–42365 – WA Italian Club Business Form – 1 November 2013 – MAX Light Rail Project*?
- (2) If no to (1), why not?

**Hon Jim Chown replied:**

- (1) No
- (2) This document contains policy options and recommendations prepared for submission to Cabinet.

## TRANSPORT — UPDATE PROGRAM OF WORKS

**1684. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

- (1) Will the Minister please table the briefing note entitled *30–38576 – Update Program of Works for Western Australia*?
- (2) If no to (1), why not?

**Hon Jim Chown replied:**

- (1) No
- (2) This document contains commercially sensitive information. Additionally the release could prematurely disclose information that would affect future tender options.

## JOONDALUP RAIL LINE — TRAIN DISRUPTION

**1696. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

I refer to the train disruption to the Joondalup rail line on 19 September 2014, and I ask:

- (a) what time did the delays first occur;
- (b) what were the technical issues responsible;
- (c) when did services resume; and
- (d) how many services were affected?

**Hon Jim Chown replied:**

- (a) 1:42pm
- (b) An overhead line catenary splice failed.
- (c) 6:42pm
- (d) 145 Services were delayed and 39 services were cancelled.

## ARMADALE AND THORNLIE RAIL LINES — TRAIN DISRUPTION

**1697. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

I refer to the train disruptions to the Armadale and Thornlie rail lines on 21 September 2014, and I ask:

- (a) what time did the delays first occur;
- (b) what were the technical issues responsible;
- (c) when did services resume; and
- (d) how many services were affected?

**Hon Jim Chown replied:**

- (a) 11:28am
- (b) A tree branch had been blown onto an overhead line high voltage cantilever which was caused by severe weather.
- (c) 12:50pm
- (d) 16 services were delayed and seven services were cancelled.

## TRANSPORT — PERTH PARKING MANAGEMENT EXEMPTIONS

**1702. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:**

- (1) What are the Perth Parking Management Exemptions referred to on page 277 of 2014–15 Budget Paper 3?
- (2) Who is eligible for the exemption?
- (3) What is the reason for providing the exemption?

**Hon Jim Chown replied:**

- (1) The Perth Parking Management Exemptions refer to parking bay categories prescribed in Schedule 2, items 1 to 10, 11(a), 12 and 13 of the *Perth Parking Management Regulations 1999*.
- (2) Any licensee with parking bays referred to in (1) above within the Perth Parking Management Area is eligible for the exemption (i.e. does not have to pay a parking bay levy but must still license the bays).
- (3) The exemptions are provided to encourage the continued economic and social viability of central Perth. Most exemptions allow for parking types deemed to support this objective (such as loading bays, ACROD parking) to be licensed at no cost, thereby encouraging their provision. The remaining exemption is for properties with 5 or less fee-liaible parking bays and is in place to minimise the impact on small businesses in central Perth.

## WA POLICE — NUCLEAR INCIDENTS

**1709. Hon Lynn MacLaren to the Attorney General representing the Minister for Police:**

- (1) What would be the maximum time allowed for a controlling agency to be appointed after a nuclear detonation?
- (2) Would the maximum time allowed for a controlling agency to be appointed be different in the event of multiple nuclear detonations?
- (3) What human and material resources will be required to deal with an average nuclear detonation sited at either:
  - (a) Fremantle Port; and
  - (b) Perth CBD?
- (4) How far away from ground zero would the controlling agency be located?
- (5) What is the minimum distance a vessel with a damaged nuclear reactor must be towed from the Western Australian coastline?
- (6) If the minimum distance in (5) varies per vessel and reactor, please table the details?
- (7) In the case of a foreign power, who has control over a vessel experiencing a nuclear reactor incident?
- (8) In the case of a damaged nuclear reactor owned by a foreign power, who has the right to direct the ship's placement out to sea?

**Hon Michael Mischin replied:**

- (1) There is no timeframe. However, for an undefined hazard, State Emergency Management Policy 4.1 will be followed to determine the most appropriate Controlling Agency. The management of a nuclear powered warship reactor accident is conducted in accordance with 'WESTPLAN Nuclear Powered Warship' and the operation order maintained for each visit. A WA Police Incident Controller is appointed for the duration of each visit.
- (2) See (1). In addition, an Emergency Control Centre is activated at the various stages detailed in 'WESTPLAN Nuclear Powered Warship', commencing when notification of a nuclear powered warship visit is received from the Australian Government.
- (3) As for any emergency, resourcing requirements are incident dependant. The response would be planned in consideration with emergency management policies and procedures and determined by the controlling agency based on expert advice. The planning for a nuclear powered warship accident is based upon the Nuclear Powered Warship Reference Accident and other Australian Government documents. This information is included in 'WESTPLAN Nuclear Powered Warship' and includes the required radiological responses to reduce the health risks to the population. Due to the design of a naval power reactor, a detonation in a nuclear powered warship is extremely unlikely because of its design, the level of preventative maintenance it receives, and the competence of the operators.
- (4) The term 'ground zero' is not used in the nuclear powered warship reactor environment. However, there are a number of planning zones used, and the size of these varies between single and multiple reactor nuclear powered warships. There are three planning zones: Zone 1 is 600–800 metres around the nuclear powered warship; Zone 2 is 2 500–3 700 metres and also includes Zone 1. Zone 3 extends some kilometres from the nuclear powered warship and also includes Zones 1 and 2, the controlling agency is located outside all 3 zones.
- (5) The Australian Government's Department of Defence, Defence Operations Manual (OPSMAN 1): Visits to Australia by Nuclear Powered Warships Edition 9 contains advice on safe distances. If a nuclear powered warship is to be removed to sea or to a remote anchorage, the distance would be determined by the WA Police Incident Controller based on recommendations provided by the State Radiation Officer, using radiation monitoring data and the plume prediction model.
- (6) See (5).
- (7) The Commissioner of Police is the controlling agency for the hazard of radiation escape from a nuclear powered warship in accordance with regulation 16(e) of the *Emergency Management Regulations 2006*. In accordance with 'WESTPLAN Nuclear Powered Warship', a Commonwealth condition of entry for a visit by a nuclear powered warship is that the vessel must be able to be removed to sea or to the remote anchorage within a specified time limit following a confirmed alarm, which will be set out in the operation order for the visit.

The decision to remove the nuclear powered warship will rest with the WA Police Incident Controller, in consultation with the nuclear powered warship's commanding officer, after advice from the State Radiation Officer (SRO) who will, if necessary, recommend removal of the vessel from the anchorage in the event of a confirmed alarm indicating elevated gamma levels, or where the nuclear powered warship advises that such an event may occur as a result of a current problem. Further reference is made in OPSMAN 1 (See (5)).

The Harbour Master is the competent Australian authority responsible for directing removal of the nuclear powered warship and also for controlling shipping movements within the port and its approaches. The Harbour Master would be consulted concerning the state of the sea and shipping movements within the port and along the removal route to ensure shipping would not interfere with the removal of the nuclear powered warship, or cause delays which may result in significant exposures to the surrounding population.

- (8) See (5).

**ROAD SAFETY — STRAYING LIVESTOCK — DEFAULT NOTICES****1723. Hon Robin Chapple to the Attorney General representing the Minister for Road Safety:**

I refer to questions on notice Nos 700 and 709, and more generally the danger to motor vehicle operators and passengers from straying livestock on our major haulage roads and highways, and I ask:

- (a) how many times has the Pastoral Lands Board issued default notices for failure to maintain infrastructure, including fences, during the past ten years:
  - (i) how many pastoralists were issued with these notices;

- (b) of the default notices issued in (a):
  - (i) what was the average time allowed for pastoral lessees to comply;
  - (ii) how many times were the pastoral lessees liable for payment of the \$50,000 penalty and/or the daily penalty of \$1,000 for failure to comply; and
  - (iii) how many of the breaches resulted in forfeiture of the pastoral leases;
- (c) how much time were pastoral lessees given to rectify outstanding compliance issues;
- (d) what follow-up will occur, and by whom, to ensure pastoral lessees comply with orders to maintain fences and other infrastructure prior to their pastoral leases being renewed; and
- (e) how many pastoral properties along the Great Northern Highway and North West Coastal Highway are unfenced:
  - (i) how many head of cattle do each of these unfenced properties have?

**Hon Michael Mischin replied:**

- (a)–(e) Refer to Legislative Council question on notice 1722.

**COURT FUNDING — SOUTH WEST ELECTORATE**

**1821. Hon Adele Farina to the Attorney General:**

I refer to the funding of courts in the South West electoral district, and I ask:

- (a) what is the total budget allocation for each of the following courts in the South West electoral district for 2014–15, and 2012–13:
  - (i) Albany;
  - (ii) Bunbury;
  - (iii) Busselton;
  - (iv) Collie;
  - (v) Mandurah; and
  - (vi) Manjimup;
- (b) how many cases were heard and completed in each of the courts listed in (a) in 2012–13;
- (c) how many magistrates are permanently allocated to each of the courts listed in (a) in 2012–13 and 2014–15;
- (d) which of the courts listed in (a) make use of justices of the peace (JPs) to hear matters before the courts; and
- (e) in relation to (d), what matters are handled by JPs?

**Hon Michael Mischin replied:**

- (a) The budget allocation for direct costs for each of the courts is:

	2014–15	2012–13
(i)	\$1 403 681	\$1 272 083
(ii)	\$3 000 647	\$2 775 140
(iii)	\$656 373	\$600 670
(iv)	\$275 113	\$277 885
(v)	\$1 156 555	\$1 097 371
(vi)	\$279 981	\$283 739

- (b) Criminal cases heard in 2012–13 (total number of cases listed and heard, but not necessarily finalised):
  - (i) 3 335
  - (ii) 7 251
  - (iii) 1 878
  - (iv) 702
  - (v) 5 456

(vi) 727

Civil cases heard in 2012–13 (total number of cases listed and heard, but not necessarily finalised);

(i) 1 449

(ii) 4 081

(iii) 1 398

(iv) 205

(v) 2 815

(vi) 384

Criminal cases completed (finalised) in 2012–13;

(i) 1 772

(ii) 3 751

(iii) 1 041

(iv) 402

(v) 3 078

(vi) 368

Civil cases completed (finalised) in 2012–13;

(i) 765

(ii) 2 359

(iii) 898

(iv) 130

(v) 1 805

(vi) 225

(c) In both 2012–13 and 2014–15

(i) One resident magistrate who circuits to Katanning, Narrogin, Gnowangerup and Mt Barker.

(ii)–(iv) Three resident magistrates who circuit on roster to Busselton, Collie, Manjimup, Donnybrook, Bridgetown, Harvey and Margaret River.

(v) One resident magistrate. A Children's Court magistrate from Perth circuits one day a month for arrest and remand matters and one day per month for trials if required.

(vi) Please refer to (ii)–(iv).

(d) (i) Albany

(ii) Bunbury

(iii) Busselton

(iv) Collie

(v) Mandurah — Justices of the Peace do not sit.

(vi) Manjimup

(e) (i) Magistrates Court minor traffic matters and interim restraining order applications.

(ii) Magistrates Court minor traffic matters, minor drug matters, minor Criminal Code matters and interim restraining order applications.

(iii) Magistrates Court minor traffic matters, minor drug matters, minor Criminal Code matters and interim restraining order applications.

(iv) Magistrates Court minor traffic matters, minor drug matters, minor Criminal Code matters and interim restraining order applications.

(v) Not applicable.

(vi) Magistrates Court minor traffic matters, minor drug matters, minor Criminal Code matters and interim restraining order applications.

## SOUTH WEST EDUCATION — REGIONAL OFFICE — FULL TIME EQUIVALENT STAFF

**1844. Hon Adele Farina to the Minister for Education:**

How many full time equivalents are currently located at the South West Education regional office, and what is the position title of each position?

**Hon Peter Collier replied:**

As at October 2014, the Southwest Education Regional Office has 9.3 FTE.

The positions titles are as per table below.

Position Description	FTE
Regional Executive Director	1.0
Coordinator Regional Operations	1.0
Coordinator Regional Operations	1.0
Coordinator Regional Operations	1.0
Coordinator Regional Services	1.0
Administrative Assistant	1.0
Administrative Assistant	1.0
Clerical Assistant	0.8
Clerical Officer	0.5
Gardener/Handyperson	0.2
Cleaner In Charge	0.6
Cleaner In Charge	0.2
<b>Total</b>	<b>9.3</b>

## SCHOOLS — PSYCHOLOGISTS — SOUTH WEST REGION

**1845. Hon Adele Farina to the Minister for Education:**

In relation to school psychologist time allocations, I ask:

- (a) which schools in the South West Education region have been allocated school psychologist time;
- (b) how much time has each school been allocated; and
- (c) which schools have the psychologist based at the school?

**Hon Peter Collier replied:**

(a)–(c) [See tabled paper no 2266.]

## SCHOOLS — YEAR 7 — SOUTH WEST REGION

**1849. Hon Adele Farina to the Minister for Education:**

I refer to the additional Year 7 accommodation construction, and ask:

- (a) will the additional accommodation for Year 7 students be completed in time for the start of the 2015 school year at:
  - (i) Australind Senior High School;
  - (ii) Bunbury Senior High School;
  - (iii) Cape Naturalist College; and
  - (iv) Margaret River Senior High School?

**Hon Peter Collier replied:**

- (a) (i)–(iv) Yes



## SCHOOLS — ATTENDANCE OFFICERS — SOUTH WEST REGION

**1850. Hon Adele Farina to the Minister for Education:**

I refer to school attendance officers in the South West, and ask:

- (a) how many school attendance officers, in both full time equivalents and head count, were employed in the South West Education region in:
  - (i) 2012;
  - (ii) 2013; and
  - (iii) 2014 to date; and
- (b) where in the South West were they located?

**Hon Peter Collier replied:**

- (a)
  - (i) 0 FTE and 0 staff
  - (ii) 0.77 FTE and 2 staff; and
  - (iii) 0.6 FTE and 2 staff to date.
- (b)
  - (i) None
  - (ii) Newton Moore Senior High School (0.6 FTE/1 staff) and Collie Senior High School (0.17 FTE/1 staff); and
  - (iii) Newton Moore Senior High School (0.4 FTE/1 staff) and Maidens Park Primary School (0.2 FTE/1 staff).

It should be noted that the figures are point in time, last pay date in October for each year.

## BIOSECURITY GROUPS — SOUTH WEST REGION

**1892. Hon Adele Farina to the Minister for Agriculture and Food:**

I refer to bio-security groups in the South West, and I ask:

- (a) how many bio-security groups have been established in the South West region; and
- (b) who is the contact person, and what are the contact details of each group?

**Hon Ken Baston replied:**

- (a) Seven
- (b) The biosecurity groups established are:
  - Central Wheatbelt — Doug Cail (Chair), 1 Glamoff Road, Kalannie WA 6468
  - Eastern Wheatbelt — Cyril (Sugar) Smith (Chair), PO Box 126, Hyden WA 6359
  - Ravensthorpe — Bevan and Karen Tuckett (Chair), 2400 Hayes Road, Ravensthorpe WA 6346
  - Peel-Harvey — Barrie Thompson (Chair), PO Box 21, Pinjarra WA 6208
  - Leschenault — Oren White (Chair), 402 Collie River Road, Burekup WA 6227
  - Bridgetown-Greenbushes — Andrew Mathews (Deputy Chair), PO Box 271, Bridgetown WA 6255
  - Lower South West — Kathy Dawson (Executive Officer), 52 Bath Street, Manjimup WA 6258

## CAREY PARK CHILD AND PARENT CENTRE — SERVICES AND PROGRAMS

**1897. Hon Adele Farina to the Minister for Education:**

I refer to the Carey Park child and parent centre, and I ask:

- (a) what services and programs are offered at the Carey Park child and parent centre;
- (b) are all of the services and programs run onsite; and
- (c) are any of the services and programs extended to neighbouring schools by way of outreach delivery?

**Hon Peter Collier replied:**

- (a) Services and programs offered at the Child and Parent Centre, Carey Park include:
  - Playgroups are provided for different age groups (morning and afternoon sessions) Mondays to Thursdays.

Positive Parenting Programs (Triple P) are scheduled during Term 4.

The Protective Behaviours program and an eight-week Circle of Security program.

Conversational English for parents from different cultural backgrounds is currently being delivered over a seven-week period.

Community Child Health is currently using the clinic two days per week with the school nurse using the clinic room when required. Negotiations are underway with the West Australian Country Health Services for the provision of allied health services.

- (b) No. Parenting Programs (Triple P), playgroups and a Transition to Kindy program are being offered at surrounding schools.
- (c) Maidens Park Primary School and Djidi Djidi Aboriginal School are currently receiving outreach services and programs. Advertising of services offered at the Child and Parent Centre is also provided to the broader community through local libraries and pamphlets to community groups.

#### SCHOOLS — BUNBURY SENIOR HIGH SCHOOL

##### **1904. Hon Adele Farina to the Minister for Education:**

I refer to the commitment to build four new classrooms, staff collegiate area, toilets and store room at Bunbury Senior High School, and I ask:

- (a) has this been completed; and
- (b) if no to (a), when will works be completed?

##### **Hon Peter Collier replied:**

- (a) No
- (b) The expected completion date is 9 December 2014.

#### SCHOOLS — MARGARET RIVER SENIOR HIGH SCHOOL

##### **1906. Hon Adele Farina to the Minister for Education:**

I refer to the commitment to build five classrooms, food technology studio, activity computer area, staff studies area, toilets and store rooms at Margaret River Senior High School, and I ask:

- (a) has this been implemented;
- (b) if yes to (a), have works been completed; and
- (c) if no to (a), when will works commence and when are they expected to be completed?

##### **Hon Peter Collier replied:**

- (a) Yes
- (b) Works were completed on 1 October 2014.
- (c) Not applicable

#### POLICE — SPECIALIST OFFICERS

##### **1910. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the election commitment to provide 30 additional specialist officers to work with young offenders and youth at risk, and I ask:

- (a) how many of these officers have been employed; and
- (b) where are they located?

##### **Hon Michael Mischin replied:**

- (a)–(b) The recruiting of the additional 400 police officers as part of the State Government's commitment is a four year program and is progressing in line with a plan developed by Western Australia Police and approved by the State Government.

The creation of additional positions as part of the program will also occur over the four years as the Commissioner of Police determines the timing and function for the creation of positions. Allocations are made to address priorities as they occur and the allocation of positions to work with young offenders will be made as part of this process.

## POLICE — BUNBURY PCYC

**1911. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the \$10.3 million election commitment to refurbish and upgrade existing police and citizens youth clubs (PCYC) and ask, given the poor condition of the Bunbury PCYC, how much of this funding will go towards improvements at the Bunbury PCYC?

**Hon Michael Mischin replied:**

Decisions have not been made regarding the refurbishment and upgrade of PCYC facilities as part of the Liberal–National Government’s election commitments. All such decisions will be made in consultation with the PCYC Federation and will be informed by the Federation’s Strategic Asset Management Review and Conditions Survey and other relevant considerations.

## POLICE OFFICERS — BUNBURY

**1916. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the election commitment to provide \$4,000 per officer to attract police officers to take positions in Bunbury, and I ask:

- (a) has the commitment been implemented;
- (b) how many police officers have been paid the \$4,000 attraction payment;
- (c) if no to (a), what is the delay in implementing the commitment; and
- (d) if no to (a), when will it be implemented?

**Hon Michael Mischin replied:**

- (a) The Better Incentives for Regional Police Scheme has been implemented, effective for transfers issued/arrival on or after 1 July 2013.
- (b) 13 as at 23 October 2014.
- (c)–(d) Not applicable

## POLICE STATIONS — VIDEO LINK — ALBANY AND BUNBURY

**1917. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the election commitment to expand video link technology at the Albany and Bunbury police stations to provide the stations with seven days a week access to the Perth police complex services, and I ask:

- (a) has this commitment been implemented; and
- (b) if no to (a), when will the commitment be implemented at each station?

**Hon Michael Mischin replied:**

- (a) No
- (b) WA Police is currently in the process of determining the locations where the technology will be installed and the most cost-effective solution to achieve this. This is due to be implemented during the first half of 2015.

## TOURISM — STATEWIDE FOOD AND WINE STRATEGY

**1918. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Tourism:**

I refer to the election commitment to build a state wide food and wine strategy, and I ask:

- (a) how much will the strategy cost;
- (b) how much has been allocated towards the strategy in 2014–15;
- (c) when will work on the strategy be completed; and
- (d) will there be opportunity for community consultation on the strategy?

**Hon Alyssa Hayden replied:**

- (a)–(d) The Food and Wine Strategy is currently under development. Details of the Strategy will be released when it is finalised and approved.

A significant amount of research and consultation on the Strategy has been undertaken, including a number of workshops throughout the State involving relevant stakeholders.

## POLICE — DOMESTIC ASSAULTS

**1935. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to domestic assaults, and I ask:

- (a) does the Minister agree that domestic assaults are an offence against the person;
- (b) does the Minister agree that domestic assaults should continue to be assessed as an assault against the person;
- (c) is it the case that prior to 2013–14 police did not record and investigate all domestic incidents that came to their attention;
- (d) if yes to (c), why is this the case given it has always been government policy to record and investigate all domestic incidents;
- (e) what training is provided to police officers to ensure they understand domestic assault is a criminal offence and must be taken seriously; and
- (f) is the Minister concerned that by separating the recording of domestic assaults from assaults against the person, police will view domestic assaults as less serious and revert to their previous practice of not recording or investigating all domestic incidents?

**Hon Michael Mischin replied:**

- (a)–(b) Yes
- (c) No, as per sections 62A and 62C of the *Restraining Orders Act 1997*, police investigate acts of family and domestic violence, and record their actions.
- (d) Not applicable
- (e) All police officers who undertake recruit training at the Police Academy receive training in relation to family and domestic violence response, including criminal offences and other interventions. Compulsory online police officer eLearning is provided on 'Reporting Family and Domestic Violence' to maintain contemporary responses to family and domestic violence incidents.
- (f) Violence is a societal issue impacting on WA Police service delivery in tackling personal crime. Separating domestic assaults from other assaults will provide a better indication of the effectiveness of police responses to domestic violence, as well as identifying trends. WA Police do not treat domestic assaults as less serious than other assaults.

## POLICE OFFICERS — BUSSELTON POLICE STATION

**2048. Hon Adele Farina to the Attorney General representing the Minister for Police:**

When will the Western Australia Police provide the six additional police officers required at Busselton Police Station so that the station can properly staff rosters 24 hours a day, seven days a week?

**Hon Michael Mischin replied:**

The Western Australia Police Services Definition Resource Model process is currently examining Police Stations as part of Phase 3 of this process. During that examination, issues such as police officer staffing levels at Police Stations in regional Western Australia will be considered. The Busselton Police Station will be examined during this process.

## POLICE — ALLOCATION — SOUTH WEST DISTRICT

**2051. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the South West police district, and I ask:

- (a) how many of the following are currently allocated to the South West police district and where are they located:
  - (i) marked police cars;
  - (ii) marked police vans;
  - (iii) unmarked police cars;
  - (iv) fixed speed cameras;
  - (v) hand held speed cameras;
  - (vi) marked police motorbikes;
  - (vii) trained police dogs; and
  - (viii) auxiliary police officers?

**Hon Michael Mischin replied:**

- (a) The following resources are allocated to police stations and specialist support areas throughout the South West:
- (i) 21
  - (ii) 20
  - (iii) 14
  - (iv) 0
  - (v) WA Police do not possess hand held speed cameras.
  - (vi) 0
  - (vii) 1
  - (viii) 3

**POLICE — KEY PERFORMANCE INDICATORS — SOUTH WEST DISTRICT****2052. Hon Adele Farina to the Attorney General representing the Minister for Police:**

What key performance indicators are currently in place for police in the South West police district?

**Hon Michael Mischin replied:**

There are no Key Performance Indicators (KPIs) in place for any police district. KPIs are set at an agency level in accordance with Treasurer's Instruction 904. Police districts contribute to the achievement of the WA Police targets set in the Budget Statements for each KPI.

Refer to the WA Police Annual Report for information on KPIs.

**POLICE — RESPONSE TIMES — SOUTH WEST DISTRICT****2054. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the South West police district, and I ask:

- (a) given St John Ambulance have had response time key performance indicators (KPIs) in regional areas for some years now, will the Minister introduce response time KPIs for the South West police district; and
- (b) if no to (a), why not?

**Hon Michael Mischin replied:**

- (a) No
- (b) Agencies are required by Government to develop Key Performance Indicators (KPIs) to assess the extent to which the agency's outcomes are being achieved. KPIs are not required for every facet of agency performance.

WA Police has chosen to base its response time KPIs on incidents that have occurred in the Metropolitan Region. This is due to the fact that more than 75 per cent of incidents occur in the metropolitan area and that all calls for police attendance are made through the Police Operations Centre and recorded in the Computer Aided Dispatch System.

The response time data for the metropolitan area is sufficient to meet the Office of the Auditor General's auditing requirements.

**POLICE — PEEL POLICE DISTRICT****2055. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to the amalgamation of the Peel police district into the South metropolitan police district, and I ask:

- (a) how many police stations in the Peel district will be closed;
- (b) will the Mandurah police station be open 24 hours a day, seven days a week;
- (c) how many additional police officers will be on the ground in Mandurah during any shift;
- (d) will police response time key performance indicators be imposed for Mandurah;
- (e) will the police make available in their annual report, response times for call outs in the Mandurah area; and
- (f) if no to (e), why not?

**Hon Michael Mischin replied:**

- (a) Nil
- (b) Yes
- (c) Western Australia Police advises that due to operational sensitivities, specific information relating to staffing levels of individual police stations is not released. Resources are allocated at a District level and District Superintendents deploy those resources within their District to deliver the best possible policing service to the community.  
  
The South Metropolitan Police District will increase to a full-time strength of 550 FTE officers. The South Metropolitan Police District will also receive additional support from Police Auxiliary Officers, forensic officers, and various specialist resources that are deployed across the Metropolitan area.
- (d) WA Police grades of service key performance indicators will apply.
- (e) Response times for call outs will be published in line with WA Police Annual Report requirements.
- (f) Not applicable

**POLICE — HOON LEGISLATION — SOUTH WEST DISTRICT****2056. Hon Adele Farina to the Attorney General representing the Minister for Police:**

What was the cost of implementing the hoon legislation to the South West police district in 2012–13, 2013–14 and 2014 to date?

**Hon Michael Mischin replied:**

The amounts paid to contractors in the South West Police District for the towing and storage of hoon vehicles was \$44 627 in 2012–13, \$106 787 in 2013–14 and \$41 336 in 2014–15 (as at 31/10/14). These amounts are inclusive of GST, and do not include frontline officer hours nor WA Police administration costs.

**POLICE OFFICERS — INJURED ON DUTY — SOUTH WEST DISTRICT****2058. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to police officers injured on duty, and I ask:

- (a) for each 2012–13, 2013–14 and 2014 to date, how many police officers in the South West police district were injured while on duty; and
- (b) how many of these officers were off duty due to injury for:
  - (i) less than two weeks;
  - (ii) more than two weeks but less than six months;
  - (iii) more than six months but less than one year;
  - (iv) more than one year; and
  - (v) permanently unfit to return to work?

**Hon Michael Mischin replied:**

- (a)–(b) [See tabled paper no 2267.]

**POLICE OFFICERS — KILLED ON DUTY — SOUTH WEST DISTRICT****2059. Hon Adele Farina to the Attorney General representing the Minister for Police:**

For each 2012–13, 2013–14 and 2014 to date, how many police officers in the South West police district were killed while on duty?

**Hon Michael Mischin replied:**

None

**POLICE OFFICERS — SOUTH WEST DISTRICT****2060. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to police officers in the South West police district, and I ask:

- (a) for 2013–14, how many police officers in the South West police district were required to work outside of the South West police district for any period of more than two consecutive days;
- (b) what were the reasons for this; and
- (c) were their positions left vacant during this time?

**Hon Michael Mischin replied:**

- (a) Five
- (b)
  - (i) Relief duties as Acting Commander — Regional WA.
  - (ii) Operation Camellia (ANZAC Celebrations in Albany).
  - (iii) Internal Investigation in Kalgoorlie.
  - (iv) Relief at Bidyadanga multi-function police facility.
- (c)
  - (i)–(iii) No
  - (iv) Yes

**POLICE — VACANT POSITIONS — SOUTH WEST DISTRICT****2061. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to vacant positions in the South West police district, and I ask:

- (a) as at 1 March 2013 and 1 March 2014, how many full time equivalent (FTE) police officer and FTE police auxiliary officer positions allocated to the South West police district were vacant; and
- (b) as at 1 October 2014, how many FTE police officer and FTE police auxiliary officer positions in the South West police district were vacant, and for each:
  - (i) how long had the position been vacant;
  - (ii) how many of the positions remain vacant at the time of providing the answer; and
  - (iii) how many FTE police officer and FTE auxiliary officer positions are vacant as of the date of providing the answer?

**Hon Michael Mischin replied:**

- (a) As at 1 March 2013: 5 Police Officers and 2 Police Auxiliary Officers. As at 1 March 2014: 11 Police Officer positions.
- (b) As at 1 October 2014: nil Police Officer vacancies and 1 Police Auxiliary Officer.
  - (i) The PAO position has been vacant since 27/08/14.
  - (ii)–(iii) See (i).

**POLICE — EVENT ATTENDANCE — SOUTH WEST DISTRICT****2062. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to events in the South West, and I ask:

- (a) for each of 2013–14 and 2014 to date,:
  - (i) what South West events have required police attendance;
  - (ii) for each event identified in (i), how many police were present at the event or managing the traffic and people outside the event;
  - (iii) for each event identified in (i), were the police notified of the event as required by legislation;
  - (iv) for each event identified in (i), did the police charge for the attendance at or outside the event;
  - (v) for each event identified in (i), how much did the police charge to attend; and
  - (vi) for each event identified in (i), was the money received by police retained by the:
    - (A) South West police district;
    - (B) paid into the Western Australia police budget; and
    - (C) returned to the Consolidated Revenue Fund?

**Hon Michael Mischin replied:**

- (a)
  - (i)–(ii) [See tabled paper no 2268.]
  - (iii) Yes to all events.
  - (iv) No to all events.
  - (v)–(vi) Not applicable.

## POLICE — NOTIFICATIONS OF PARTIES — SOUTH WEST DISTRICT

**2063. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to notifications of parties, and I ask:

- (a) for each 2013–14 and 2014 to date, how many notifications of parties were received by the Western Australia police for the South West police district;
- (b) for each 2013–14 and 2014 to date, how many parties notified to the South West police district, required police to attend due to the party getting out of control;
- (c) for each 2013–14 and 2014 to date, how many times were police in the South West police district called out to parties of which they had not been notified;
- (d) of the parties identified in each (a) and (b), were the people who organised the parties charged for the cost of police attending; and
- (e) if yes to (d), what was the cost charged for each party?

**Hon Michael Mischin replied:**

- (a) 172
- (b) 0
- (c) 1
- (d) No
- (e) Not applicable

## POLICE — FAMILY AND DOMESTIC VIOLENCE — SOUTH WEST DISTRICT

**2158. Hon Adele Farina to the Attorney General representing the Minister for Police:**

I refer to family and domestic violence incidents in the South West and I ask, how many family and domestic violence incidents were attended by police in the South West police district in 2013–14?

**Hon Michael Mischin replied:**

Between 1 July 2013 and 30 June 2014, 2,248 Computer Aided Dispatch tasks identified as ‘Domestic (Serious to Minor)’ or ‘Domestic Violence Breach’ were attended by police in the South West Police District.

## FISHERIES — SHARK INCIDENT — WYLIE BAY

**2172. Hon Lynn MacLaren to the Minister for Fisheries:**

I refer to the Government’s response following a shark bite incident at Wylie Bay on 2 October 2014, and ask:

- (a) at what time on 2 October 2014 did the Government become aware of the shark bite incident;
- (b) at what time on 2 October 2014 were drum lines deployed in the vicinity of the incident;
- (c) how many people were on the vessel that was used to deploy the drum lines;
- (d) will the Minister please list the job or position titles and the organisations of each of the individuals referred to in (c);
- (e) was there a firearm for euthanising a large marine animal on board the vessel;
- (f) was there an individual appropriately qualified to use a firearm on board the vessel;
- (g) at what time on 2 October 2014 was the first great white shark recovered on the gear and what was its condition;
- (h) at what time on 2 October 2014 was the second great white shark recovered on the gear and what was its condition;
- (i) was either shark euthanised and, if so, who did this;
- (j) what was the reason for continuing to deploy capture gear after one shark had been killed, given the exemption granted by the Federal Minister only refers to a single shark;
- (k) given beaches were closed in the immediate vicinity of the incident, and the wider Wylie Bay area was in the process of being closed at the time shark capture gear was deployed, how can it be claimed that there was imminent threat from the shark or sharks, following the incident;
- (l) what evidence does the Government have to indicate that a shark that has bitten a human is more likely to bite other humans than other sharks; and
- (m) does the Minister believe in the rogue shark theory that was developed in the 1930s which is dismissed as unsubstantiated on the government’s SharkSmart website?



**Hon Ken Baston replied:**

- (a) The Department of Fisheries Esperance Office was advised of an unconfirmed shark attack at Wylie Bay at 11.15 am on 2 October 2014.
  - (b) The first drumline was deployed at approximately 12.18 pm and the second at 12.25 pm.
  - (c) 2
  - (d) Senior Fisheries and Marine Officer and Fisheries and Marine Officer.
  - (e) No
  - (f) Not applicable
  - (g) The first shark was dead on the line and recovered at 3:13 pm.
  - (h) The second shark was dead on the line and recovered at 6:49 pm.
  - (i) No
  - (j) There was no further deployment of gear following the initial deployment at 12:18 pm and 12:25 pm.
  - (k) Wylie Bay beach is approximately 15 km long. Beaches were closed in the immediate vicinity of the incident, and the wider Wylie Bay area was in the process of being closed at the time shark capture gear was deployed. People use the area for camping, surfing and swimming and this incident occurred during the school holidays. The area is also remote and it was not possible to be sure that everyone in the area had been advised of the closure.
  - (l) Sharks that have attacked humans are considered a serious threat.
  - (m) The actions taken were not based upon any rogue shark theory.
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