Legislative Council

Wednesday, 5 September 2007

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

ALCOA'S SUPPLEMENTARY PROPERTY PURCHASE PROGRAM

As to Presentation of Non-conforming Petition

HON GIZ WATSON (North Metropolitan) [4.02 pm]: I seek the leave of the house to present a non-conforming petition in relation to Alcoa's compensation for affected landholders in Wagerup. This petition does not conform to standing orders because it calls on the Standing Committee on Environment and Public Affairs to inquire into this matter, and to report back by 30 November 2007.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [4.03 pm] - by leave: The member seeks to table a non-conforming petition. As a general rule, the opposition is not supportive of that course of action. If we were to support this on every occasion, what would be the point of having conforming petitions? We might as well just have whatever we like. I have spoken to the Greens (WA) about this petition. The degree of non-conformity is minimal on this occasion, so the opposition will grant leave, but I want to indicate that that should not be taken as some indication that, in future, this will always happen.

Leave granted.

Petition

HON GIZ WATSON (North Metropolitan) [4.04 pm]: I thank members for their accommodation of this petition. I present a petition containing 210 signatures couched in the following terms -

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia call for the Standing Committee on Environment and Public Affairs to inquire into the fairness and just terms of Alcoa's compensation arrangements, including the Supplementary Property Purchase Program (SPPP) with particular reference to the financial impacts and hardship experienced by the affected landholders and that the committee report back no later than 30th November 2007.
>
> Your petitioners as in duty bound, will ever pray.

[See paper 3105.]

PARLIAMENTARY SITTING DATES 2008

Statement by Leader of the House

HON KIM CHANCE (Agricultural - Leader of the House) [4.05 pm]: I rise to table the 2008 parliamentary sitting dates for the information of members. In preparing the 2008 sitting dates, I have given consideration to the desire of members that this house sit as far as possible when the other place is in session. Other considerations that have been taken into account include the usual deference to school holidays, and also the need to provide for the budget processes. It is proposed that in 2008 this house sit for a total of 21 sitting weeks, which is broadly in line with the sitting patterns of previous years. For the information of members, I table the 2008 Legislative Council parliamentary sitting dates.

[See paper 3106.]

Consideration of the statement made an order of the day for the next sitting, on motion by **Hon Bruce Donaldson**.

PAPERS TABLED

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

BUILDING SUSTAINABILITY INDEX - 5 STAR PLUS SCHEME

Amendment to Motion

Resumed from 30 August on the following motion moved by Hon Ray Halligan -

> That this house insists that, before the 5 Star Plus scheme is introduced as a regulatory regime in Western Australia, the government -
>
> (a) listens to the housing industry in Western Australia;

(b) provides an audited cost-benefit analysis of the proposed regime;

(c) includes in that analysis the additional costs to taxpayers to administer the scheme;

(d) identifies other regimes that have been examined and why 5 Star Plus is preferred; and

(e) explains why it wishes to add to the financial burden already being experienced by first home buyers.

to which the following amendment was moved by Hon Paul Llewellyn -

To delete -

(e) explains why it wishes to add to the financial burden already being experienced by first home buyers.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [4.07 pm]: When the house was last debating this motion, I was commenting on the motion as moved by Hon Ray Halligan and the amendment moved by Hon Paul Llewellyn. The fundamental purpose of the motion is to seek the government's support for a process of providing information to the community in the event that we go down the path of having a mandated regulatory regime for housing standards in Western Australia, based upon the notion of sustainable housing. The motion itself reads -

That this house insists that, before the 5 Star Plus scheme is introduced as a regulatory regime in Western Australia, the government -

(a) listens to the housing industry in Western Australia;

(b) provides an audited cost-benefit analysis of the proposed regime;

(c) includes in that analysis the additional costs to taxpayers to administer the scheme;

(d) identifies other regimes that have been examined and why 5 Star Plus is preferred; and

(e) explains why it wishes to add to the financial burden already being experienced by first home buyers.

The Greens have indicated their support for the first four points of the motion, but believe that paragraph (e) should be deleted on the basis that, according to Hon Paul Llewellyn, there would be no financial burden attached to houses built under the 5 Star Plus regime. It may well be the case that over a long period there will not be a financial burden on purchasers of houses built under the standards, but there is no doubt that the initial cost of building a house under the standards is likely to be higher than that for a normal house, if I can use the phrase "normal house". The building industry has estimated that, under the original building and sustainability index proposition, we could be looking at anything between $8 000 and $15 000 per home for extra construction costs. That is a significant burden on people who are already paying very large amounts of stamp duty and people who have had to take out very large mortgages to buy their homes. A couple of weeks ago during debate on a motion about housing affordability moved by Hon Ray Halligan, we discussed just how expensive it now is in Western Australia to buy a home. People need well over $400 000 to get near the median house price in this state. That means that young people particularly must take out very significant mortgages, and any upward movement in interest rates would have a significant impact on them. It may well be that if people build a sustainable house or a house that meets the requirements of the 5 Star Plus regime, the cost of operating the house will lead to financial savings over time.

I was interested to read a magazine about sustainable houses called *Sanctuary*. An article in the magazine refers to a house that was built in Subiaco as a collaborative effort between the City of Subiaco, some state government departments, universities and business sponsors. The house was built to look like a regular suburban house in a trendy suburban area in Subiaco and it incorporates passive solar, energy-efficient and sustainable design technologies. Some of the things that have been done to the house are quite simple, such as putting all the bedrooms on the southern side of the house; grouping all the rooms that require plumbing on the same side of the house; locating the hot water system above those rooms; taking advantage of the Fremantle doctor for general ventilation through the windows of the house, which is important in suburban Western Australia; and positioning the windows to enable cross-ventilation to assist in cooling the house. The view of the builders - I guess this is yet to be proved - is that the cost of operating this house will be significantly lower than the cost of operating a house that does not incorporate those sustainability principles. Indeed, the house has its own solar power source, and it may be possible for the owners to ultimately sell some of their energy back into the grid. I found this article quite interesting because I have visited the house. I thought it was an interesting house, although the design did not do a lot for me. It is a conventional-looking house built with conventional design in mind; when I talk about "conventional design", I mean that the house has three bedrooms, two bathrooms, a kitchen and a

dining room. It does not look like what we might imagine a sustainable house would look like, which can sometimes have quite a different design. It demonstrates that there is potential for well-designed houses to save the occupants a fair amount of money, particularly for heating and cooling.

One of the issues in Western Australia that has attracted a lot of comment is the increased use of air conditioning for residential purposes. The government has even complained that people should not turn on their air conditioners in summer because it puts too much stress on the power supply system. However, air conditioners, particularly split systems, are now cheap enough for the average person to install in his or her home. People are buying split-system air conditioners in particular in very large numbers so that they can have a modicum of coolness during summer. It was sad when the government said last summer that people should not use them because it is not a nice thing to do and that they should turn them off at four o'clock in the afternoon, which is probably the hottest part of the day and when people need air conditioning the most. If we can develop some sort of housing standards that reduce the need for air conditioning, it would be very good from a number of perspectives. First, air-conditioned rooms are generally less attractive and, secondly, they consume a large amount of electricity. We want to encourage people not to use too much electricity, not so much to save the government the embarrassment of running out of power, but to save themselves some money. The way to sell sustainable homes, if we can call them that, is by saying that they will save the occupants money over time. I have always found that money plays a more important role in convincing people to do things than do most other processes that people might contemplate. If we look at this issue objectively and we take into account what the building industry tells us - I suspect it would know - the cost of these sorts of houses will be higher initially. The initial cost for purchasers will be quite a bit higher, and I have mentioned the figure of $15 000 per home. That will add to the mortgage that homebuyers have to endure. However, it may well be that because of the design the cost of operating the house will perhaps save the same amount of money over time. Who knows? One can only assume that some savings will be gained in the construction of those homes.

I cannot agree with the proposal put forward by Hon Paul Llewellyn to delete paragraph (e) of the motion. To refresh members' memories, paragraph (e) requests that the government explain why it wishes to add to the financial burden already being experienced by first home buyers. It is a fact that the initial burden will certainly have to be borne by first home buyers. That paragraph could be reworded to request that the government explain why it would support a scheme that would add to the financial burden of first home buyers by increasing the level of their mortgage or the construction costs of their house. That would probably be in line with the likely circumstances in the future. However, this motion wants the government to tell people why it might cost them between $8 000 and $15 000 more per house. If the government has a very good reason for that, it should be prepared to tell everybody. The other paragraphs of the motion have been agreed to at least by the Greens (WA). The first paragraph asks the government to listen to the housing industry. I think the government is doing that; I hope it is. The second paragraph asks the government to provide an audited cost-benefit analysis of the proposed regime. That is important because it would tell us what sorts of savings would be available in the operation of these houses, as well as the actual cost of the houses. The third paragraph asks the government to include in that analysis the additional costs to taxpayers to administer the scheme. Once a regulatory regime is in place and it is mandated, somebody has to oversee it. One would assume that in this instance it will be local government. There is likely to be a quite significant burden on local government, the Department of Housing and Works or whomever is to administer any mandatory scheme that requires houses to be built in a certain way. Somebody will have to meet that cost, and who knows who that might be. However, in the time that I have been on this planet I have learnt that invariably it is the taxpayer or ratepayer who pays; very rarely does anybody else pick up the tab on the way through. We need to know about those costs and the government should provide information about them. The fourth paragraph asks the government to identify other regimes that have been examined and why 5 Star Plus is preferred. That is a very legitimate request; why go down this path and not some other path if there are different regimes in place? I have already spoken about the last paragraph, which asks the government to explain why it will cost more to build a house. I think it is important for people to be told why. The only problem the government will have is when it tries to explain to people that it will cost them $15 000 more to build a house. People will not be that fussed about it and may be turned off because of the extra cost. That would then require the government to come up with a proposal whereby it would cost people $15 000 to start with but would save them $15 000 in energy costs or something like that over 25 years. Putting those cards on the table in the current environment would go a long way towards encouraging people to go down this path. I am very supportive of serious architectural effort being put into designing houses that enable us to save energy, building houses that are comfortable throughout the year without the need for cooling and heating and maximising the benefits of design and climate and all the other things that go with that.

I might have mentioned last time I spoke that at a recent conference of state members of Parliament in Melbourne an address was given by a gentleman named Mr Hockings, who advises people on assessing sustainable housing. I have been trying to get a copy of his address because I found it extremely interesting. He went through a range of things that people can do quite easily and relatively inexpensively in houses that would make them more sustainable in the long term. I will get a copy of that address and make it available to members

if anybody is interested. That address got me thinking that we need to try harder, not because I think we are going to fry or drown in the next couple of years, as some people would have us believe, but because people should look at ways of saving money. If we can save money running our house, that is a very good thing. If we reduce the amount of energy we need, we would save the state funds used to build power stations. If we can use less water, we will save the cost of finding new sources of water, as we discussed yesterday. All those things are good simply because "waste not want not" is a very good adage to adhere to.

I support the motion moved by Hon Ray Halligan. It is a very good motion. Although it was put on the notice paper about 12 months ago, the issue is still around. I would be interested to know where we are with 5 Star Plus and when it will be mandated for Western Australia. The issue that was raised 12 months ago is still very pertinent today. We should support the motion. We should not agree with Hon Paul Llewellyn because it is vital that people understand what this scheme will cost. If we put this issue to one side, they will eventually smell a rat and know they are being conned. If we are going to make any progress in this area, we need people to understand that it will cost them more but that there are other benefits to be had over time. To ignore that would be to ignore the main driver of what people buy or do not buy for their housing requirements. That is pretty fundamental to what the government is seeking to do with the regulatory housing regime in Western Australia.

HON RAY HALLIGAN (North Metropolitan) [4.23 pm]: I thank Hon Paul Llewellyn for accepting the majority of the motion that I have moved. To some extent, I can understand why he seeks to delete the final paragraph, which asks the government to explain why it wishes to add to the financial burden already being experienced by first home buyers. I hope that I can encourage Hon Paul Llewellyn to change his mind on this particular aspect of the motion.

We are all aware that a house has been described as a person's castle. It is something that everyone aspires to owning. More often than not, it will be the largest investment that each of us will ever make in our lifetime. It is particularly important. It is also important when people make the decision to buy a home that they are aware of the costs associated with that purchase and with the ongoing cost of its operation. It is particularly important that the government provides first home buyers, people who have not gone down this path previously, with as much information as possible regarding these costs. If the government wants to add to those costs, whether the amount be $800, $8 000 or $15 000 - I do not think it matters greatly exactly what that figure is - it is important that the government provides that information to allay some of the fears that some of these first home buyers might have.

We have repeatedly seen letters to the editor in newspapers written by people complaining that they will never be in a position to buy a home as the costs are far too great at present. Rather than going back to the argument as to why, I point out that I still believe that the situation in the past had prompted me to think of the song, *Que Sera, Sera* - whatever will be, will be. I would hate to think that the government is thinking that way; that it has absolutely no control over the situation and that it should sit back and allow people to find their own way through life. It is incumbent upon the government - in fact, I think it is incumbent upon all members of Parliament - to provide some support for these people who not only are currently having difficulties but also will certainly have difficulties in the future for a variety of reasons.

Although there is an argument that we need to do as much as we can possibly do about climate change, I do not believe that we need to become paranoid about it. I am sure members will remember the Y2K problem, when we were advised that the world was going to stop and all the computers would shut down unless certain things were done. I understand that about $15 billion was spent in Australia alone to overcome a problem that did not exist. People would not fly on planes because they thought those planes would fall out of the sky.

Hon Ed Dermer: Did you ever consider that if the work hadn't been done, the problem may have existed?

Hon RAY HALLIGAN: I do not believe that that is the case. I understand that a number of people did nothing and found that there were no problems. Fifteen billion dollars is a lot of money. I am not suggesting for a moment that we should not be conscious of these things, as we need to be conscious of what we are doing to the climate and the environment. We have to make our own effort to reduce that impact. No-one on this side of the chamber is arguing that that should not be done but I do believe we can overreact. I do not know whether there is an overreaction in this instance, which is why the questions are being asked. I am just asking the government to identify other regimes and to explain why this is the best possible path to go down, and why its timing is in the best interests of everyone in Western Australia, not the least first home buyers.

The housing industry, as members know, has been doing something about these issues over a considerable period. I do not deny that there are occasions when industries, such as the housing industry, may need a little prodding or a little more than encouragement; I will not argue against that. However, I think it is reasonable to ask the government to provide all of its information so that, if members can be convinced, we can become advocates for its initiatives and try to convince people who might not see things in the same light as us. The government is conscious of certain things it needs to do. It has tried to do something about water resources and is building desalination plants. Some might suggest that it should look elsewhere for a solution, but at least it

has identified the problem and is making an effort. What is it doing about affordable housing? It has sat on its hands for years and allowed the cost of land to dramatically increase, and it does nothing to explain what it is doing, and why it is doing it.

Hon Ljiljanna Ravlich: Didn't I give you an answer in relation to this yesterday in question time? I think I did.

Hon RAY HALLIGAN: The minister expels a considerable number of words; unfortunately, I believe a great many of them to be nonsensical. They certainly do not provide an argument to convince me. I will not speak for my colleagues on this side of the chamber, but it certainly does not convince me that the minister knows what she is talking about.

Hon Ljiljanna Ravlich: I just made the point that I gave you an answer.

Hon RAY HALLIGAN: The minister gave me an answer, yes. I was very fortunate; Hon Peter Collier tends not to receive answers from the minister, but I did, I must admit, and I thank the minister for that. I can assure the minister that more often than not the one answer I receive creates half a dozen further questions.

I am trying to convince Hon Paul Llewellyn that the fifth part of the motion needs to remain in place. Yesterday an article appeared in *The West Australian* about a development tax that will again increase the cost of housing. I believe it is important for the government to lay all its cards on the table and show people what they will be up for, so that they can plan for their future. They deserve no less. If they can ever attain it, their largest investment - a home - will be dependent upon the regimes the government puts in place to assist them in achieving that investment, so I think it is particularly important that this motion requires the government to provide that information. It should not be onerous and it is not expected to be onerous, but in view of all these additional costs associated with home building and homeownership, I think it is important for the government to explain - particularly to first home buyers - exactly what costs will be imposed upon them to fulfil a dream which so many have had over the years, and which so many are unfortunately unlikely to achieve in the immediate future.

I ask members to support the motion in its entirety. I ask Hon Paul Llewellyn to please reconsider his amendment to delete the fifth part of the original motion. The wording may not be exactly as he might like, but I believe the sentiment of the question still needs to be answered by the government.

HON LJILJANNA RAVLICH (East Metropolitan - Minister for Local Government) [4.35 pm]: The government will certainly support the amendment moved by Hon Paul Llewellyn. It is indeed a very good amendment, and we are more than happy to support it.

Hon Simon O'Brien: Did he write you a note about it?

Hon LJILJANNA RAVLICH: No, but he might want to.

Having said that, we will not oppose the substantive motion if the amendment is carried. I am pleased to hear that members opposite have regard to the importance of ensuring that we respond to a range of issues relating to climate change, and to the need for preserving resources that have, in large part, been taken for granted because of their relatively low costs. Considering the way in which people have taken water and energy usage for granted, it is time that we responded in a positive way and examined the seriousness of these issues. Everybody recognises the need to do something about it, but when solutions are put on the table, people unfortunately sometimes do not react in the way we think they might. My view is that the 5 Star Plus scheme, which sets a new standard in sustainable housing, is long overdue. The government will support the amendment moved by Hon Paul Llewellyn for the reason that, in large part, most progressive builders already incorporate most of the 5 Star Plus measures into the homes they design and build. In fact, most good builders ensure that they incorporate stage 1 of the scheme, which follows the Water Use in Houses Code. The Water Use in Houses Code is all about limiting water use through efficient tap, shower and toilet fittings, and most good builders already do that in any event.

Hon Norman Moore: Have prices gone up as a result?

Hon LJILJANNA RAVLICH: When the member talks about prices going up, he is looking at only one part of the equation.

Hon Norman Moore: As a result of those changes, have prices gone up or not? If they haven't, so much the better; if they have, I would like to know.

Hon LJILJANNA RAVLICH: The government's view is that if prices go up, they will increase only marginally. The first stage - which reflects what is already good practice for progressive project home builders - will result in minimal costs to new home buyers, particularly first home buyers, who are purchasing smaller, more compact houses. The cost is estimated to be between $500 and $1 000 for the purchase of a larger home, whereas the purchase of a smaller home is deemed to be cost neutral. A cost may be incurred under the first stage of the program because of the requirement that new swimming pools be fitted with a pool blanket. Pool

blankets can cost up to $1 000. However, the argument is that a person who can afford to build a swimming pool in his backyard is probably willing to pay $1 000 for a pool blanket.

Several members interjected.

Hon LJILJANNA RAVLICH: Hang on! Apart from anything else, that person will not have to top up his swimming pool because of the evaporation that occurs. We all know about evaporation in a hot climate. There is no doubt that people consistently top up their swimming pools in summer because of evaporation. When we talk about costs, we must look at both sides of the equation. The other side of the equation is the savings that will be made over a longer period.

In terms of costs, the second stage, which deals with alternative water supplies, may incur more significant costs if rainwater tanks, for example, are required. However, the introduction of this stage will allow developers to provide more cost-effective third pipe supplies and suitable locations. The alternative supplies mean that they will be required only on houses that have a high potential for water use. These provisions will not impact on most first home buyers.

The question of who has and who has not been consulted has been raised repeatedly. The first part of the substantive motion states that the government should listen to the Housing Industry Association. The government works very well with the Housing Industry Association. The Housing Industry Association is represented on the Western Australian Planning Commission's Sustainability Committee, as are the Department of Environment and Conservation, the Urban Development Institute of Australia, the Peel Development Commission, the Western Australian Local Government Association and a number of other participants. That indicates that there has been strong support and endorsement of the 5 Star Plus initiative from that particular sector. It works closely with the government to ensure we get the absolute best outcomes.

Hon Ray Halligan: I am not sure how you can draw that conclusion. All you've said is that it belongs to a board or group.

Hon LJILJANNA RAVLICH: Is Hon Ray Halligan saying that HIA representatives have complained to him about the implementation of this initiative and that they are not supportive?

Hon Ray Halligan: They have complained about the lack of consultation.

Hon LJILJANNA RAVLICH: Have they said they are not supportive of it?

Hon Ray Halligan: They have spoken about the lack of consultation and the implementation, most definitely.

Hon LJILJANNA RAVLICH: I am surprised about that because, as I understand it, HIA representatives have been members of the Western Australian Planning Commission's Sustainability Committee. Further, I think the HIA has been a member of the Sustainable Building and Land Development Partnership Group since its inception. I assume that having been represented on those committees, the Housing Industry Association would have been a part of the process.

If we are dinkum about environmental sustainability and about ensuring that we conserve energy and the resources that are becoming scarcer because of population growth and climate change, we have to be dinkum about the sorts of strategies that we put in place. To do nothing is not an appropriate strategy. We have to be forward thinking, which is exactly what we are aiming to do with the 5 Star Plus provisions and their inclusion in the building code. That is a good start in our need to address the greenhouse gases that are emitted from homes. There is no doubt that more needs to be done.

I refer to water usage and recycling in houses. Some people argue that the relatively low cost of the delivery of water and energy occurs because there is no truth in pricing and that people take these resources for granted. I note, for example, that the energy sector has devised an information program that encourages consumers to be more cognisant of the way they use energy in their homes. It helps them recognise when consumption levels are high and what they can do to reduce the consumption of a particular energy source. When I was a kid I was told to not bother turning off the lights because more energy is wasted turning them on and off than is wasted if they are left on all day. There has been a change in that way of thinking. We are now told that even when our appliances are turned off, they continue to consume energy. It is interesting that we have embarked on a fairly significant campaign to make people aware of what they can do in their behaviour to have a positive impact on reducing energy usage. That is very positive.

The Western Australian government is committed to developing sustainable housing throughout the state. The 5 Star Plus program came into effect in May 2006. It outlines the efficiency provisions for all new homes in the Building Code of Australia. It has been around for some time and the response appears to be very good. There has not been an overwhelming cry of opposition to the initiative. That reflects the fact that our mature community recognises the need to progress to a heightened level of awareness and responsibility. It is a level of responsibility that people are only too happy to accept, because they know that if they do not accept it, things will not augur well for the future and that they will augur less well for their children's future. There is a view

within the community that we have a collective responsibility to ensure that we all make better use of our limited resources, such as water and electricity. The new 5 Star Plus initiative will ensure that houses in Western Australia meet the minimum standards for energy efficiency. They will include requirements such as wall, roof and floor insulation and the appropriate size, type, orientation and shading of windows. I was very impressed when I listened to Hon Paul Llewellyn's overview about how, many years prior to people having a heightened awareness of these considerations, he designed a home that was environmentally friendly and that took into consideration the things he could do to the building to ensure maximum efficiency of the heating and cooling of his house. He said it was as simple as being able to orientate his house in a certain way so that he could maximise the heat and the light coming into his house. He did so in a way that not only was beneficial to the environment, but also suited his family's needs. That is thinking outside the square. For the number of times that we might be a bit critical of the Greens - of course not me personally, Hon Giz Watson -

Several members interjected.

Hon LJILJANNA RAVLICH: We can be.

Hon Norman Moore: You have no shame at all, do you?

Hon LJILJANNA RAVLICH: Why?

Hon Norman Moore: You have no shame. The Greens should hear what the minister says behind their back.

Hon LJILJANNA RAVLICH: I am sure Hon Giz Watson understands exactly what I am saying.

Hon Norman Moore: She sure does understand exactly what I am saying!

Hon LJILJANNA RAVLICH: I am saying that, to some extent, these innovative ideas have been tried over time, and there is a growing awareness of the need to do better in these areas.

Hon Ray Halligan: The opposition is not denying that.

Hon LJILJANNA RAVLICH: The opposition is not denying it; that is why the government will not oppose the motion moved by Hon Ray Halligan. The government thinks it is a good thing to have a debate in this place that looks at a range of critically important issues to all Western Australians. The amendment before us deals with the question of the financial burden of this scheme. The government is of the view that any up-front costs would be far exceeded by the longer-term benefits -

Hon Norman Moore: The minister talked earlier about housing design. Would the minister agree that having cross-flow ventilation with windows open is better than having air conditioning?

Hon LJILJANNA RAVLICH: I am not an architect. I can say that when consumers did not have the choice of air conditioning, the approach referred to by Hon Norman Moore was one way in which people designed their homes and were able to use design to achieve a certain cooling outcome. There is no doubt about that. However, that method of cooling did not deliver an outcome that drastically reduced heat within a home. Air conditioning gives people the ability to take a temperature from 40 degrees down to a very comfortable 19 or 20 degrees, and no number of open windows could provide that outcome.

Hon Norman Moore: So the minister supports air conditioning over natural ventilation?

Hon LJILJANNA RAVLICH: Hang on. I am making the point that people become very comfortable with modern conveniences. The more modern the community gets, the more people want to control every aspect of life. People certainly want to be able to control the heating and cooling within their homes, to control the entry into their homes with modern security systems, to control what happens within their cars, and to control virtually every aspect of their lives. We battle between the modern expectations of individuals, on the one hand, and what is good for the collective in terms of a community. There will always be people who say that they do not really care about everybody else: "What I want is what I want, and, frankly, if it is not sustainable, I do not care."

Hon Norman Moore: I am asking the minister for the government's view about sustainability. Is air conditioning to be accepted because people like it?

Hon LJILJANNA RAVLICH: I do not know. I will have to check with the relevant minister about this because -

Hon Norman Moore: You told us we should support sustainable housing; now you are telling us that air conditioning is a good thing. Hon Paul Llewellyn would say that air conditioning is a terrible waste.

Hon LJILJANNA RAVLICH: The government recognises that air conditioning draws a considerable amount of energy. The government recognises the use of air conditioning is an issue, particularly during peak times of the day over the summer months. In response, the government has had an education campaign in which -

Hon Norman Moore: A propaganda campaign would be more appropriate! You tell people to turn their air conditioners off when it is too hot!

Hon LJILJANNA RAVLICH: No, this education program is a very good thing. The government is trying to educate people about the most appropriate time to turn an air conditioner on, and how to get the most efficiency out of it.

Hon Norman Moore: And open your windows for the rest of the time.

Hon Ray Halligan: It is because you cannot supply all the energy that is required.

Hon LJILJANNA RAVLICH: Hang on! The government wants to conserve energy and is trying to send a very strong message that energy is not unlimited and that everybody has to do their bit for energy conservation and the environment. That is an appropriate response from a responsible government. If the member is telling me that it is not an appropriate response, I disagree with him.

Hon Ray Halligan: The motion talks about first home buyers. The member should not worry about first home buyers using too much energy or having air conditioning because they cannot even buy a home.

Hon LJILJANNA RAVLICH: I do not think so. Many first home buyers are in the market. The government knows that. I know that the member is trying to build this point about no young people being able to buy their first home -

Hon Ray Halligan: I want to know what the government will do for them. Is the government going to sit back and allow -

Hon LJILJANNA RAVLICH: I spent some time yesterday explaining what the government was going to do. I provided some information to members during question time about what the government is doing. Frankly, if the member chooses to block his ears and not take in any information about the government's achievement in this area, and if the member does not want to recognise that the government has delivered in the last state budget probably the biggest benefit for first home buyers ever delivered in history, there is not much I can do about it. All I can do is remind Hon Ray Halligan of these things and point to the fact that I have given a lot of information to the honourable member. If he argues that the government has done nothing, he is completely wrong. If he argues that the government could always do more, there is an expectation in the community that every government could do more across all sorts of areas.

Hon Simon O'Brien: Yours could do a helluva lot more in a whole lot of areas!

Hon LJILJANNA RAVLICH: The member had his chance. I asked if he wanted to speak, and he did not want to get up.

Hon Simon O'Brien: I will fill in the four minutes until question time because you're battling.

Hon LJILJANNA RAVLICH: Obviously, the member opposite has nothing constructive to say, because he was given the information and asked whether he wanted to stand and say a few words, and he said he could not be bothered.

Hon Simon O'Brien: I beg your pardon! I did no such thing.

Hon LJILJANNA RAVLICH: Yes, the member did.

Several members interjected.

THE PRESIDENT: Order! The Minister for Local Government has the call on the motion.

Hon LJILJANNA RAVLICH: Thank you, Mr President.

The substantive motion before the house states -

> That this house insists that, before the 5 Star Plus scheme is introduced as a regulatory regime in Western Australia, the government -
>
> (a) listens to the housing industry of Western Australia;

The government already has listened and does listen, and works with the Western Australian housing industry. The government has obviously done some analysis of the additional cost of the 5 Star Plus initiative. The motion later reads -

> (c) includes in that analysis the additional costs to taxpayers to administer the scheme;
>
> (d) identifies other regimes that have been examined and why 5 Star Plus is preferred;

The 5 Star Plus model is simpler than a lot of other models around. The 5 Star Plus model has been compared with other models and has been found to be quite superior, and that is why the government has adopted it. I reinforce the point I made earlier to Hon Ray Halligan; that is, these initiatives have now been in place, certainly for stage 1, since 2006. Frankly, I have not heard any complaints in my ministerial office, or, indeed, in my electorate office, about the implementation of the 5 Star Plus program. I think if there had been major concerns about this major initiative, I would have heard about that from some of my fellow members, from constituents,

or from the HIA. I think I would have heard about that from any number of people. Clearly, there is no issue about that initiative. Not only is there no issue about that initiative, but also it is a very good and very progressive initiative. I believe it has a very bright future. There is no doubt that having made the policy decision to go down this path, this is the start of an initiative that I believe will be very good. I do not think it will take very long for this initiative to become normal practice, particularly for young people, who tend to be much more environmentally conscious.

Debate interrupted, pursuant to standing orders.

[Continued on page 4808.]

QUESTIONS WITHOUT NOTICE

SHARK BAY WORLD HERITAGE DISCOVERY CENTRE - WESTERN AUSTRALIAN MUSEUM

705. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for Culture and the Arts:

Before I ask my question, I must say it is nice to see a few government members here! Usually all we see is empty seats!

I refer the minister to a letter from the State Solicitor's Office to the solicitors of the Shire of Shark Bay, McLeod's Barristers and Solicitors, dated 30 July 2007, in which the shire is advised that the State Solicitor's Office has been instructed by its client to commence action in the Supreme Court to recover artefacts held at the Shark Bay World Heritage Discovery Centre.

(1) Who is the client?

(2) Has legal action commenced; and, if so, what action has been initiated?

Hon ADELE FARINA replied:

I thank the member for some notice of this question.

(1) The client is the Western Australian Museum.

(2) No legal action has commenced. After several months of attempting to negotiate the recovery of nine iconic objects held by the Shire of Shark Bay, the State Solicitor's Office issued a letter of demand on 30 July, on behalf of the Museum, for the return of those objects by 13 August. The letter of demand reiterated offers of assistance made to the shire to identify approaches to allow the centre to attract visitors and become more viable. On 10 August 2007, McLeod's, on behalf of its client the Shire of Shark Bay, wrote in response that the shire had decided to close the maritime history section of the World Heritage Discovery Centre, and requested that the Museum collect all the items made available to the centre by Monday, 20 August.

SHARK BAY WORLD HERITAGE DISCOVERY CENTRE - MINISTERIAL VISIT

706. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for Culture and the Arts:

(1) Is it correct that the minister was invited to visit the Shark Bay World Heritage Discovery Centre during the recent cabinet visit to the Gascoyne?

(2) If so, did the minister accept the invitation; and, if not, why not?

(3) Has the minister ever visited the Shark Bay Discovery Centre; and, if so, when; and, if not, why not?

Hon ADELE FARINA replied:

I thank the member for some notice of this question.

(1) Yes.

(2) No. The development of the Carnarvon cabinet itinerary was concluded prior to the invitation being received.

(3) No.

RIVERTON TRUCK BAN

707. Hon SIMON O'BRIEN to the parliamentary secretary representing the Minister for Planning and Infrastructure:

Some notice of this question was given yesterday.

(1) Is the government proceeding with the start of the so-called Riverton truck ban from 1 October 2007; and, if so, what orders or other actions are necessary to implement the ban?

(2) If no to (1) -

(a) what are the operational factors, or other considerations, including political considerations, that have caused further delay;

(b) what will be the new start date; and

(c) what are the reasons for choosing this new date?

Hon ADELE FARINA replied:

I thank the member for some notice of this question. The minister has asked that the member put the question on notice.

Hon Simon O'Brien: That is absolute garbage! Are you saying you do not know the answer to that?

The PRESIDENT: Order! If the Deputy Leader of the Opposition will permit, Hon Robyn McSweeney wants to ask a question.

GORDON INQUIRY RECOMMENDATIONS

708. Hon ROBYN McSWEENEY to the minister representing the Minister for Indigenous Affairs:

I refer to the Gordon inquiry recommendations and ask -

(1) Has the government contracted any consultant company or companies to obtain feedback on the implementation of the recommendations?

(2) If yes to (1) -

(a) how many companies have been contracted, and what are their names;

(b) what are the details of each consultancy;

(c) what is the government paying for each consultancy; and

(d) what are the specific recommendations that the government has requested the consultants provide feedback on?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question. I am happy to provide the following response. The information the member has requested is being sought. It is suggested that the question be put on notice.

Hon Simon O'Brien: This is ridiculous! What is the point of this exercise every day when we cannot get a bloody answer?

The PRESIDENT: Order, Deputy Leader of the Opposition! The Deputy Leader of the Opposition will have an opportunity to raise matters at the appropriate time, but this is not the appropriate time.

PRIVATE LAND RELEASES - AFFORDABLE HOUSING

709. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Planning and Infrastructure:

In light of the ongoing affordable housing crisis in Western Australia, I ask -

(1) Does the government require developments on new private land releases to dedicate a certain percentage of the land to address the affordable housing crisis?

(2) If no to (1), does the government consider that a mandated percentage would be a suitable tool to address the affordable housing crisis?

(3) If yes to (2), will the government mandate the provision of affordable housing in private land developments of a significant size?

(4) What other strategies does the minister have to increase the percentage of affordable housing in new private land releases?

(5) Will the government amend the planning regulations to ensure that local government town planning schemes include a percentage of affordable housing?

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

Hon ADELE FARINA replied:

I thank the member for some notice of this question. The minister asks that the member place this question on notice in order that she may provide the member with a detailed response.

Hon Simon O'Brien: Resume the business of the house! We do not want to waste your time any more! You're pathetic! You're a joke!

The PRESIDENT: Order! Hon Murray Criddle has the call.

DROUGHT - NORTHERN WHEATBELT

710. Hon MURRAY CRIDDLE to the Minister for Agriculture and Food:

The minister would be well aware of the conditions in the northern wheatbelt.

(1) Has the minister considered providing further funding for special projects in the areas that are affected by the expanded drought?

(2) Has any consideration been given to implementing a longer-term strategy in those areas?

Hon KIM CHANCE replied:

Mr President -

Hon Helen Morton: Put it on notice!

Hon KIM CHANCE: Now, now!

I thank Hon Murray Criddle for his question.

(1) Yes. The question of bringing forward projects that have been planned has been given consideration. Indeed, an attempt was made to do that, albeit not very successfully, last year. A project was identified, but it was actually too far away and, frankly, too large for it to be suitable for the purposes for which it was intended. That is, I think, the best way that we can provide assistance to people who are impacted by the drought, because not only does it enable farmers to work close to home, but also it enables farmers who have the capital equipment to utilise some of that equipment that would otherwise be idle during a drought period. I am working on that matter most particularly with my colleagues the Minister for Planning and Infrastructure and the Minister for Water Resources, because they are the ministers whose agencies are most likely to be able to provide that sort of assistance. Similarly, I will be seeking from local government authorities advice on projects in their own areas that they know are coming forward and that may be suitable for that purpose, because I believe it will help if local governments and state agencies can cooperate in these areas. There is considerable enthusiasm among my colleagues for that process to be carried through.

(2) Is it a part of the longer term form of assistance that I have previously spoken about in relation to the state's role in drought assistance? Yes, it could be, but it is not precisely what I had in mind. What I had in mind on that occasion was more agronomic issues. We still have a great deal to learn about how to maximise cropping performance in low-rainfall events so that we can at least attempt to define some of the agronomic issues, which might provide a degree of assurance against lower rainfall. In this instance I refer, particularly, to issues such as stubble retention, but also to wide-row seeding, inter-row spraying and tramlining, on all of which work has begun, and the member would be aware of some of that work particularly in Tardun and Pindar. That is more what I had in mind, but there is absolutely no reason that the process of bringing forward public works projects cannot be a part of the longer term answer.

CURRICULUM COUNCIL - GRADE DESCRIPTORS

711. Hon PETER COLLIER to the minister representing the Minister for Education and Training:

I refer the minister to his response to question without notice 28 asked on Wednesday, 21 March 2007 when he confirmed that grade descriptors for all new courses would be delivered to schools early in term 2.

(1) Given that currently we are in week 8 of term 3, have the grade descriptors for all new courses been delivered to schools?

(2) If no to (1), how many new courses remain without grade descriptors and when will they be completed and delivered to schools?

Hon LJILJANNA RAVLICH replied:

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

(1) No, all but physical education studies.

(2) Physical education studies grade descriptors will be sent to schools next week.

MS HAZEL KURAL - APPOINTMENT TO THE DEPARTMENT OF WATER

712. Hon HELEN MORTON to the Leader of the House representing the Premier:

I refer to the answer to question without notice 649 asked on Wednesday, 29 August 2007 wherein the Premier responded to my question about whether Ms Kural's appointment to the Department of Water was a merit-based appointment by saying that the details of the appointment process have not yet been provided by the Department of Water.

(1) Have the details of the appointment process been provided yet?

(2) If yes, was the appointment of Ms Kural to the Department of Water a merit-based process?

(3) If the details of the appointment process have not yet been provided, when will they be provided?

(4) If the details have not yet been provided, would the Premier please provide the answer about whether the appointment of Ms Kural to the Department of Water was a merit-based process without me having to ask the question a third time?

Hon KIM CHANCE replied:

I thank Hon Helen Morton for some notice of the question.

(1) Yes.

(2) The Department of Water has advised that Ms Kural was transferred at her substantive level under section 65 of the Public Sector Management Act 1994.

(3)-(4) Not applicable.

NATURAL HERITAGE TRUST PHASE 3

713. Hon MATT BENSON-LIDHOLM to the Minister for Agriculture and Food:

Can the minister please advise the house of the state government's position on the federal government's announcement of a Natural Heritage Trust phase 3?

Hon KIM CHANCE replied:

Mr President -

Hon Norman Moore: Do you have an answer?

Hon KIM CHANCE: I do have an answer, as a matter of fact.

Hon Simon O'Brien: Will it be done on Leach Highway on 1 October; yes, or no?

Hon Ljiljanna Ravlich: Oh, you are grumpy.

Hon Simon O'Brien interjected.

The PRESIDENT: The Leader of the House is capable of making himself heard above the noise that the Deputy Leader of the Opposition is generating, but he should not have to raise his voice.

Hon KIM CHANCE: I would not think of doing that, Mr President, as you well know.

Hon Simon O'Brien: If this is a ministerial statement, I think I will go out.

The PRESIDENT: The Deputy Leader of the Opposition has not heard the minister start his answer yet.

Hon Simon O'Brien: It is a ministerial statement.

The PRESIDENT: The member does not know that. Frankly, the number of questions asked by government members during the lifetime of this Parliament has been very few, and very few indeed compared with previous Parliaments as the member well knows. I trust that it is not a ministerial statement.

Hon KIM CHANCE: Would I deny your trust, Mr President?

I thank Hon Matt Benson-Lidholm not only for giving notice of this question, but also for the very keen interest that he has taken in community-based natural resource management.

Honourable members would be aware that in May 2007 the commonwealth government announced its intention to provide a third phase to the Natural Heritage Trust, extending arrangements from June 2008 to 2013. In that announcement the commonwealth indicated that it would roll the Natural Heritage Trust and the national action plan for salinity and water quality programs into one and has invited the states to contribute to the program as is done currently. Together that amounts to some $2 billion contribution from the commonwealth over those five years.

On Monday this week the state government formally announced that it will commit to the new phase of the Natural Heritage Trust and funding has been set aside for this process. Members will recall that in 2003 the state government decided to add to the already significant recurrent expenditure on natural resource management by committing up to $158 million to match commonwealth funds available under the national action plan. This week's decision will see a similar level of augmented funding remain on the table to leverage the commonwealth funds. Pivotal in our arrangements for natural resource management is the tripartite model whereby the state and the commonwealth, in conjunction with community-based natural resource management groups, of which there are six in Western Australia, work very closely together and, I might add, in a very cooperative way. This is one of the areas in which commonwealth-state partnerships have been seen to be very effective. I expect that the current arrangements will be further improved to refine the capacity of the regional groups to deliver on-the-ground public investment but - this is a very important "but" and the reason Hon Matt Benson-Lidholm would have asked this question - I do not expect to see a need for any fundamental change to the regional group model that empowers local communities. The state government's decision will enable us to formally complete negotiations with the commonwealth. I am hopeful that that can be done, at least at the umbrella level, prior to the commencement of the caretaker period for the federal election. That is our objective and one that I believe is supported by the commonwealth government.

POLICE - OFFICERS, STAFF AND PERSONNEL NUMBERS

714. Hon GEORGE CASH to the minister representing the Minister for Police and Emergency Services:

Would the minister provide a list of the number of police officers, police staff and the total personnel in each of the following regions-portfolios: office of the commissioner; deputy commissioner - operations; deputy commissioner - specialist services; executive director; media and public affairs; strategy and performance; corruption prevention and investigation; asset management; corporate and community development, corporate programs and development; finance; human resources; temporary holdings and others; professional development; and police academy.

Hon JON FORD replied:

I thank Hon George Cash for some notice of the question. The answer is in tabular form. Therefore, I table the answer and seek leave to have it incorporated in *Hansard*.

Leave granted.

[See paper 3107.]

The following information was incorporated.

I thank the Hon. Member for some notice of this question.

The table below shows the approved strength as at 27 June 2007 which is the number of Full time Equivalents (FTEs) an Agency can pay from its budgetary allocation.

	Police Officers	Recruits	APLO	Police Staff	Wages	Cadets	Others	Total
Office of the Commissioner	1			1				2
Deputy Commissioner (Operations)	3833		68	318.06	18			4237.06
Deputy Commissioner (Specialist Services)	1025		1	434	10.66		5	1475.66
Executive Director	2			13				15
Media & Public Affairs	34			45				79
Strategy & Performance	9			33.8				42.8
Corruption Prevention & Investigation	76			20.9				96.9
Asset Management				35				35
Corporate & Community Development								0
Corporate Programs & Development	55			231.2	6			292.2
Finance				38				38
Human Resources	28.5			117.75				146.25

Temporary Holdings & Others								0
Professional Development	119			111.6		40	2	272.6
Academy	30							30
Total	5212.5	0	69	1399.31	34.66	40	7	6762.47

HOMESWEST PROPERTIES - MARGARET RIVER

715. Hon BARRY HOUSE to the minister representing the Minister for Housing and Works.

I refer to question without notice 125 asked on 5 April 2006.

(1) How many Homeswest properties are there currently in Margaret River?

(2) How many people are on the waiting list for a Homeswest property in Margaret River?

(3) What progress has been made to the three projects referred to in part (6) of that answer?

(4) What progress has been made by Landstart or Homeswest to purchase lots for future Homeswest programs?

(5) How many lots have been purchased in the Margaret River area?

(6) What are the future plans for these lots?

Hon LJILJANNA RAVLICH replied:

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

(1) There are 98 social housing properties in Margaret River made up of 61 public housing properties and 37 community housing properties. This is an increase of 14 social housing properties in Margaret River since 1 July 2007. Since 1 July 2001, four properties were also built in Cowaramup. Notably, in 2006, a unique housing partnership between the state government and the Silver Chain Nursing Association delivered eight two-bedroom seniors' units in Margaret River, at the Silver Vines aged care complex. In the 2007-08 state budget, the government announced that it would invest $417 million over four years in social housing and deliver at least 1 000 extra social housing dwellings over that period. A further eight social housing properties, delivering five additional and three improved or replacement stock, are planned to commence in Margaret River during 2007-08.

(2) Fifty-one.

(3) The first two projects have been submitted to the Augusta-Margaret River shire council for rezoning approval, with an anticipated yield of eight units. The department is seeking a provisional rezoning in relation to the second project, which is currently with the council, and will seek a rezoning in relation to the third.

(4) The department continues to seek to purchase single and broadacre lots in Margaret River and surrounding areas.

(5)-(6) In 2006-07, an established property was purchased.

FOREST PRODUCTS COMMISSION - SALE OF LOGS

716. Hon PAUL LLEWELLYN to the Minister for Forestry:

I refer to the Forest Products Commission's sale of logs from state forests, FPC share farms and state-owned plantations.

(1) Can the minister give an assurance that all logs being sold from state forest, FPC share farms, and state-owned plantations have full and verifiable documentation of their source?

(2) If not -

(a) why not;

(b) what steps is the FPC taking to ensure that it can demonstrate that all logs delivered to buyers have been obtained legally; and

(c) will the FPC reintroduce hammer branding of all stumps and logs that are intended for sale, which was the practice used in the logging industry until it was discontinued by the Department of Conservation and Land Management in 1993?

Hon KIM CHANCE replied:

I thank the member for some notice of this question.

(1)-(2) All forest products of various types, including log timber, sold by the Forest Products Commission are accounted for under what is known as the delivery note system, as required by and detailed in the Forest Management Regulations 1993. However, it is not possible at this time to give an assurance that illegally harvested logs are not finding their way to mill landings. I have encouraged the FPC to put in place processes that can provide greater guarantees of integrity than are currently possible. This includes granting FPC and Department of Environment and Conservation officers cross-authorisation powers to police logs from both state forests and private property on mill landings; the employment of an FPC standards officer to monitor log grading and regulation enforcement - those two components have been carried out; and investigating the potential for the reintroduction of hammer branding of state-sourced sawlogs to enable better identification.

WETLINE FISHING - JURIEN BAY MEETING

717. Hon BRUCE DONALDSON to the Minister for Fisheries:

I refer to the meeting in Jurien Bay on 27 June 2007 to discuss the wetline review, held by the Central West Coastal Professional Fishermen's Association Inc, which Department of Fisheries officers were instructed by the minister's chief of staff not to attend.

(1) Will the minister inform the house of the possible concerns held by the minister or his chief of staff about the anticipated "bad" behaviour of association members, which resulted in the no-show by government and departmental representatives?

(2) Which, if any, industry representatives contacted the minister's office raising concerns of possible bad behaviour at the meeting; and, if it was not industry representatives who raised these concerns, how did the minister's office become aware of such concerns?

(3) Given the slur on the association and industry people who participated in the meeting resulting from the refusal to attend, can the minister give a full explanation for the decision made by his chief of staff to stop the attendance of fisheries officers; and, if not, why not?

Hon JON FORD replied:

I thank the member for some notice of this question.

(1)-(3) As per my response to question without notice 512 on Wednesday, 27 June 2007, the chief executive officer of the Department of Fisheries made the decision about the attendance of fisheries officers, and I support that decision. I recognise the importance of industry meetings as a forum for fishermen to share information and develop industry positions. The wetline review process began almost four years ago, and as a matter of course I regularly meet with rock lobster fishermen, the Western Rock Lobster Council, the Western Australian Fishing Industry Council and other peak bodies to discuss this and other issues. It is also important to note that, prior to this particular meeting, I had already announced my final decision on the new wetline management arrangements. The implementation of a management plan for the west coast demersal scale fishery is entirely consistent with other management plans and restricts the take of fish from a licensed fishing boat, whether for personal consumption or sale, to only those persons authorised to operate in that fishery. The most important consideration is and must remain that all fisheries in Western Australia are administered under management plans that will ensure that our fish stocks are sustainable in the future.

This particular meeting was called after the final decision was made. A number of other people wanted to see me, and I spoke to them over the period. By that stage of the game I had consulted so broadly that I was now being criticised for taking too long. Industry was actually asking me formally to get on with the job and make the decision, which I did. The issue that some in the industry picked on is whether rock lobster fishermen should have access to finfish. Of course they have, from a recreational take perspective. Once the scheme is implemented, the fishermen can negotiate with their local managers about the restrictions on what they want to catch, and they have access to a recreational catch.

However, the real issue behind this has nothing to do with that at all; it is about the viability of the industry itself. There are a number of factors affecting that. It has nothing to do with the wetline review. It is about poor forecast catches and current catches in C zone. It is about people who capitalised to such a level that now they are affected by the value of their assets. There has been a fall in the value of their asset base, which is their craypots.

Hon Norman Moore: You didn't want to hear them.

Hon JON FORD: I do hear them. I talk to the groups all the time, as well as individual fishermen, and I still hear from them. It is a difficult debate for industry to face, but the real debate is about how the industry is to be restructured to survive into the future and realise more value for assets and businesses. It is a real challenge for industry and government. I have sent a letter to the Rock Lobster Advisory Council seeking its advice on that matter. That is the real issue behind this.

ORD RIVER - NORTHERN AUSTRALIA LAND AND WATER TASKFORCE SUBMISSION

718. Hon KEN BASTON to the Minister for Agriculture and Food:

I refer to page 9 of *The West Australian* of 29 August 2007, in which the minister is reported as saying that the price of water in the Ord valley is virtually zero, and that the money, water allocation and pricing were discussed when the minister and Deputy Premier Eric Ripper met Senator Heffernan's task force.

(1) Does the Western Australian government support increased water fees for stage 2 of the Ord River project?

(2) What is the anticipated magnitude of the increase?

(3) Would any increased water fees flow on to growers in Ord stage 1; and, if so, what studies have been undertaken to determine the impact of these fees on the commercial viability of the existing enterprises?

(4) Given the reported comments in *The West Australian* of 29 August 2007 that water charges are also paid by the privately owned hydroelectric company operating in Lake Argyle and that this effectively amounts to double-dipping, how will the Western Australian government justify the increase in irrigation charges?

Hon KIM CHANCE replied:

(1)-(4) I think this question should properly be put to the Minister for Water Resources or the commonwealth government. The comments that I made, which I think were fairly accurately reported in the article to which Hon Ken Baston referred, related to a direct question about the nature of matters that were discussed between the state and the northern agricultural task force. I identified that one of the matters that was discussed was the issue of the commonwealth's interest in more rational water charging. The commonwealth is clearly interested in more rational water charging, and this lies at the very heart of the National Water Initiative, not surprisingly. The commonwealth, along with the affected states, must clean up an unbelievable mess that has been created throughout the Murray-Darling system, all the way from Queensland to South Australia. It was created as a result of political and uncommercial decisions that have been made historically in the development of agriculture on the Murray-Darling system. All those decisions have resulted in a massive over-allocation of water, and this is creating a huge issue for Australian agriculture and, indeed, for the Australian environment. The commonwealth is acting entirely responsibly in this by saying that it does not want to repeat the mistakes of the past.

The pricing structure for water at the moment in the Ord River irrigation area is reflective of the fact that the amount of land available for irrigation - about 13 000 hectares - is tiny compared with the volume of water that is available. The market has determined that the cost of that water to Ord River growers is, as I said, virtually nil. Some capital costs are paid, but the price of water is much lower in comparison with the price of water anywhere in Australia, let alone in Western Australia. What has been the effect of that? This is one of the issues that the commonwealth is interested in. It has looked at the amount of water that is available to service the Gascoyne irrigation area, which is tiny compared with the water that is available in other irrigation schemes, yet the net return from agriculture production in Carnarvon is in the order of $60 million. It is almost the same amount as the net annual return from agriculture in the Ord River valley, which is 13 times the area and has a much larger water allocation. That is not to say that we could ever expect the same kind of return per gigalitre of water in dollar terms in Kununurra as can be expected in Carnarvon. However, it points to the fact that we need to be targeted about the way we are investing in irrigated agriculture. I believe there is a strong case for Ord stage 2. I have been a supporter of Ord stage 2 for many years. However, I must acknowledge that the commonwealth's position that water needs to be charged on a rational basis is the right decision, and that is something that I support. Will that mean more expensive water for Ord stage 1? Yes, quite possibly. Will that mean that the price of water in Ord stage 1 will price it out of the market? No way on earth.

SOUTH WEST DEVELOPMENT COMMISSION - NEWSPAPER FEATURE

719. Hon NIGEL HALLETT to the Leader of the House representing the Minister for South West:

I refer to the four-page South West Development Commission region-wide feature in the *Busselton-Margaret Times* of Friday, 24 August.

(1) What was the cost of design of the feature section?

(2) What was the advertising cost?

Hon KIM CHANCE replied:

I thank Hon Nigel Hallett for some notice of the question.

(1) The cost was $671, inclusive of the goods and services tax.

(2) The cost was $3 366, inclusive of GST.

LAW AND ORDER - LENGTH OF SENTENCES

720. Hon DONNA FARAGHER to the minister representing the Minister for Corrective Services:

What is the current average sentence length and the average actual time served by offenders in Western Australian jails for the crimes of murder, attempted murder, manslaughter, aggravated robbery - firearm, aggravated robbery - other, aggravated sexual assault and aggravated assault?

Hon JON FORD replied:

I thank Hon Donna Faragher for some notice of the question. The Minister for Corrective Services has supplied an answer, but, again, it is quite extensive and in tabular form, so I table the answer and seek leave to have it incorporated into *Hansard*.

Leave granted.

[See paper 3108.]

The following material was incorporated -

SENTENCES IMPOSED 1/7/06 TO 30/6/07 SHOWING MEAN MINIMUM SENTENCE IN MONTHS
UPPER COURT SENTENCES (excl Fine Default)

ASOC CODE	MOST SERIOUS OFFENCE	MINIMUM SENTENCE IN MONTHS	NUMBER OF SENTENCES
111	WILFUL MURDER	222.75	8
111	MURDER	57.20	2
121	CONSPIRING TO MURDER	60.67	3
122	ATTEMPT UNLAWFUL KILLING	108.00	1
122	ATTEMPT MURDER	12.00	1
131	UNLAWFUL KILLING	72.00	1
131	MANSLAUGHTER	32.50	9
132	DANGEROUS DRIVING CAUSING DEATH	28.49	4
211	BODILY HARM	39.21	2
211	UNLAWFUL WOUNDING INTENT CAUSE GB	23.67	3
211	GRIEVOUS BODILY HARM W/INT	23.24	4
211	ASSAULT WITH INTENT TO RESIST ARREST	21.05	2
211	GRIEVOUS BODILY HARM	17.23	41
211	ASSAULT OCCASIONING BODILY HARM	11.83	35
211	UNLAWFUL WOUNDING	9.92	9
211	AGGRAVATED ASSAULT-NOT SPECIFIED	7.73	2
311	AGGRAVATED SEXUAL PENETRATION	54.36	13
311	RAPE	48.00	1
311	SEXUAL PENETRATION OF A CHILD	42.64	50
311	SEXUAL PENETRATION OF AN INCAPABLE PERSON	36.00	1
311	SEXUAL PENETRATION	33.88	24
311	AGGRAVATED INDECENT ASSAULT	32.33	3
311	ATTEMPT SEXUAL PENETRATION	21.99	2
311	INDECENT DEALINGS WITH A CHILD UNDER 13	12.78	6
311	DANGEROUS SEXUAL OFFENDER DETENTION	12.00	1
311	INDECENT DEALINGS WITH A CHILD	11.22	9
311	AGGREVATED INDECENT DEALINGS	5.97	1

611	ROBBERY WHILST ARMED	28.98	47
611	STEALING W/VIOLENCE IN COMPANY	24.00	2
611	ROBBERY WHILST ARMED & IN COMPANY	21.97	14
611	ROBBERY WITH VIOLENCE	21.97	1
611	ASSAULT WITH INTENT TO STEAL	20.20	5
611	ROBBERY IN COMPANY	19.97	1
611	ROBBERY WITH AGGRAVATION	16.07	22
611	STEALING WITH VIOLENCE	13.60	9
611	ATTEMPT ROBBERY WHILE ARMED	12.46	4
	TOTAL SENTENCES IMPOSED		343

RELEASES PERIOD 1/7/06 TO 30/6/07 SHOWING MEAN TIME SERVED IN MONTHS
UPPER COURT SENTENCES (excl Fine Default)

ASOC CODE	MOST SERIOUS OFFENCE	MONTHS SERVED	NUMBER OF RELEASES
111	WILFUL MURDER	155.47	2
111	MURDER	126.40	9
122	ATTEMPTE MURDER	48.02	4
131	UNLAWFUL KILLING	29.88	2
131	MANSLUGHTER	29.02	11
132	DANGEROUS DRIVING CAUSING DEATH	12.69	1
211	GRIEVOUS BODILY HARM W/INT	33.99	2
211	INTENDED GRIEVOUS BODILY HARM	22.84	5
211	AGGRAVATED ASSAULT-NOT SPECIFIED	20.14	2
211	GRIEVOUS BODILY HARM	18.18	47
211	UNLAWFUL WOUNDING	18.01	9
211	ATTEMPT GRIEVOUS BODILY HARM	14.10	1
211	ASSAULT OCCASIONING BODILY HARM	13.47	35
211	BODILY HARM	4.47	1
311	RAPE	111.26	1
311	AGGRAVATED SEXUAL PENETRATION	43.72	10
311	ATTEMPT SEXUAL PENETRATION	40.07	5
311	SEXUAL PENETRATION	29.14	23
311	SEXUAL PENETRATION OF A CHILD	27.55	40
311	INDECENT DEALINGS WITH A CHILD	15.11	6
311	INDECENT DEALINGS WITH A CHILD UNDER 13	14.95	13
311	AGGRAVATED INDECENT ASSAULT	0.56	1
611	ROBBERY ARMED W/VIOLENCE IN COMPANY	75.06	2
611	ROBBERY WITH VIOLENCE & IN COMPANY	59.77	1
611	ROBBERY WHILST ARMED & IN COMPANY	33.46	23
611	ROBBERY IN COMPANY	33.37	2
611	ROBBERY WHILST ARMED	33.33	49
611	ROBBERY WITH VIOLENCE	25.51	1
611	ATTEMPT ROBBERY WHILE ARMED	22.99	5
611	ROBBERY WITH AGGRAVATION	22.88	15
611	STEALING WITH VIOLENCE	21.26	11
611	ASSAULT WITH INTENT TO STEAL	16.50	2
	TOTAL RELEASES		341

DEPARTMENT OF HEALTH - CLINICAL MANAGEMENT OF CHILD ABUSE

721. Hon ROBYN McSWEENEY to the minister representing the Minister for Health:

I refer to recommendation 19 of the Gordon inquiry.

(1) Did the Department of Health reintroduce regular training for nursing staff in the clinical management of child abuse, which training was discontinued in 1993?

(2) If so, in what year was this reintroduced and what does the training consist of?

Hon SUE ELLERY replied:

I am sorry; I do not have an answer to that question.

PERTH CONVENTION AND EXHIBITION CENTRE - GOVERNMENT AGREEMENT

722. Hon NORMAN MOORE to the parliamentary secretary representing the Treasurer:

I refer the Treasurer to the government's agreement for the Perth Convention and Exhibition Centre project.

(1) Will the Treasurer provide details on the timing and amounts paid to the developer under the agreement?

(2) Did Treasury provide a briefing on the changes made to the contract following the change of government in 2001, and, if not, why not; and, if so, will the Treasurer table the briefing, and, if not, why not?

Hon KATE DOUST replied:

I thank the member for some notice of this question.

(1) The question should be referred to the Minister for Housing and Works, as the minister was responsible for matters relating to the construction of the Perth Convention and Exhibition Centre, including the timing and amounts paid to the developer.

(2) No; there was no request to the Department of Treasury and Finance for a briefing.

RIO TINTO - PROPOSED INTERNATIONAL AIRPORT

723. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Planning and Infrastructure:

I refer to the proposed international airport to be constructed by Rio Tinto Ltd near Tom Price and Paraburdoo.

(1) Is the minister aware of this proposal?

(2) If so, does the minister support this proposal?

(3) Will the airport be a public airport for the use of other companies and industries?

(4) Will this airport be used for fly in, fly out workers by Rio Tinto and other companies from locations other than Western Australia?

(5) If yes to (4), does the minister support such usage?

Hon ADELE FARINA replied:

I thank the honourable member for some notice of this question. The minister requests that the member place this question on notice.

LYNWOOD SENIOR HIGH SCHOOL - STRUCTURAL PROBLEMS

724. Hon SIMON O'BRIEN to the minister representing the Minister for Housing and Works:

(1) How many reports of damage or requests for corrective works to the roof, guttering and related infrastructure at Lynwood Senior High School have been lodged with the department since 1 July 2007?

(2) Has the state of repair of these parts of the school's buildings been assessed, and, if so -

(a) what repairs or replacement is required; and

(b) when will the works be carried out?

Hon LJILJANNA RAVLICH replied:

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

(1) The department's records show that, to date, 12 requests have been received by its call centre to repair roof leaks at Lynwood Senior High School since 1 July 2007 and have been promptly attended to and repaired.

(2) (a) Because of the frequency of callouts, a detailed condition report of the roof and gutters on all buildings at the school was immediately conducted and has been completed. The report identifies areas of roof cladding that are damaged and require replacement. In addition, the report identifies gutters and downpipes that are rusted and require replacement. The cost estimate for this work is in the order of $350 000.

(b) The report and cost estimates have been provided to the Department of Education and Training.

MUCHEA SALEYARDS - COMPLETION

725. Hon NIGEL HALLETT to the Minister for Agriculture and Food:

(1) What is the estimated completion date of the Muchea saleyards complex?

(2) What is the estimated cost on completion of the project?

Hon KIM CHANCE replied:

I thank Hon Nigel Hallett again for some notice of his question.

(1) Tenders for building construction and pens, gates and rails will be advertised on 12 September 2007, with a closing date of 10 October 2007. The project completion date will be determined by the outcomes of that tender process.

(2) I am unwilling to comment on the project budget while the project is going to tender, although once those tenders are out, I will be happy to do that. The honourable member would be aware that there has been some speculation in the media about the cost of the project. He will have to rely on that speculation for the time being.

BUILDING SUSTAINABILITY INDEX - 5 STAR PLUS SCHEME

Amendment to Motion

Resumed from an earlier stage of the sitting.

HON LJILJANNA RAVLICH (East Metropolitan - Minister for Local Government) [5.41 pm]: I thank members for their contributions to this debate. As I have already stated, the government will be supporting the amendment to the motion. Before we proceed, I want to make a couple of other points.

Firstly, 5 Star Plus will be introduced in two stages. The first stage will apply effective from September 2007. I think it will apply from 1 September, so, effectively, it has been introduced. That will stop the installation of inefficient electric water heaters in new homes and require solar five-star gas-boosted or heat pump water heaters instead. We anticipate that this will reduce water use by mandating efficient shower heads, taps and dual-flush toilets. Apparently, these conditions will be the most stringent applied anywhere in Australia. Under the first stage there is a requirement for pools to have pool blankets. We anticipate that the water savings will amount to about 30 gigalitres over five years and greenhouse gas emissions will be reduced by 129 000 tonnes over the same time frame. We are talking about a substantial impact in environment and energy savings. The second stage, which is set for implementation in 2008, will make it easier for householders to install alternative supplies of grey water - diversion systems, for example - and there will be other savings also.

This is a very good news story. I do not know why the opposition sees it as something negative because I honestly think it is long overdue.

Hon Norman Moore: I suppose when you're on a ministerial salary, you don't have to worry about the $15 000 increase in the price of a new house.

Hon LJILJANNA RAVLICH: I suppose when the Leader of the Opposition has been on a ministerial salary for the past 15 or 20 years, he definitely would have nothing to worry about. We do know that he has been on a ministerial salary for 20 years.

We are happy to support the amendment moved by Hon Paul Llewellyn.

HON GIZ WATSON (North Metropolitan) [5.45 pm]: I wish to add a couple of words to the debate on this amendment. I have not spoken on the proposed amendment but I did want to add something, having had some involvement in the building industry. This debate is about ensuring that we construct houses with low energy running costs and the mechanisms we use to shift the construction of new housing. This should not just apply to the construction of new housing, but also to the retrofitting of existing housing to ensure that not just the running costs of energy and water but also the comfort of living in housing is increased. We are having this debate now because issues to do with global warming have very much come to the fore at last. The motion moved by Hon Ray Halligan suggests that, at the outset, the housing industry is some sort of monolithic thing. The gist of the components of this motion that we seek to amend indicate, if anything, the sentiment of the Housing Industry

Association. Having worked in the housing industry and built houses, I am aware that many people in that sector have been pushing for these changes for a long time.

Debate interrupted, pursuant to standing orders.

TAXI AMENDMENT BILL 2007

Report

Report of committee adopted.

ACTS AMENDMENT (CONSENT TO MEDICAL TREATMENT) BILL 2006

Second Reading

Resumed from 4 September.

HON SUE ELLERY (South Metropolitan - Minister for Child Protection) [5.48 pm]: Members will recall that I had started my response to the Acts Amendment (Consent to Medical Treatment) Bill before the house adjourned last night. I was canvassing some of the propositions that had been put early in the debate as people had perhaps been misled about what this bill was about. I canvassed those issues and drew members' attention to the second reading speech, which quite clearly set out the government's intentions in this bill; that is, to provide people with the option of making an advance health directive with respect to medical treatment, including terminal illness and end-of-life medical treatment, but it was not limited to terminal illness or end-of-life treatment. The second reading speech also states that the bill explicitly seeks to expand the legal protections available to the medical profession.

I drew to the attention of members the principle of personal autonomy, which is one of the core elements of the bill. It is an element some members have struggled with, for philosophical or religious reasons. We need to recognise that no matter how long the house takes to work through these issues during Committee of the Whole - asking questions, seeking to clarify and amend those things in the bill that might be called operational matters or practical matters about how the legislation will work - if the house adopts the bill, it will still not resolve the issue of personal autonomy for some people. What I consider to be my right to determine what happens to my body is an issue that cannot be accepted by some. I understand and respect that; it is not a view that I hold, but I understand that for some people, no amount of adjustment or amendment of the bill or tweaking of operational matters will resolve the issue.

I am not trying to get ahead of myself, but a number of members have made reference to the question of whether the bill will be referred to a committee. Some discussions have taken place behind the chair, and events will happen if they happen. I caution members who, with the best will, might have viewed reference to a committee as an opportunity to resolve the issue of personal autonomy. It is a central issue for some people, which is why a conscience vote will be taken on this bill. It would be unreasonable to expect a committee to resolve the issue for the house; it cannot. A committee might investigate a range of what I have described as operational matters. These are issues that I will touch on in a minute. People have asked questions about them that they want to have answered. I think a committee could provide assistance to the house on these matters. However, members have to make up their own minds about the essential issue. If members are not comfortable with the reference to personal autonomy, referring the matter to a committee will not resolve that. My humble assessment is that the views of most members reflect the views of the community. I think the community generally holds the view that it accepts personal autonomy as it is enshrined in the bill, and that people want the right to determine their own medical treatment.

That is to take nothing away from people who do not hold that view. I am not suggesting this is the case, but if members are looking to the committee to resolve this issue, they need to think long and hard about it. I do not think they could ask the committee to do it; I do not think it is possible for the committee to do it. I think it is possible for a committee to provide advice to the house on a range of operational matters, but I am not sure that we can expect a committee to resolve the central issue of whether people have the right to determine what happens to their bodies. That is why the matter is one of conscience.

The notion was raised early in the debate that there was nothing in this bill that does not already exist in common law. I canvassed some of those issues. There are essential differences between the current position and what is proposed under the bill. These include the extent of a guardian's authority to consent to treatment or health care, as clarified by a change in terminology, so that there is now reference to a plenary guardian having the authority to make treatment decisions for a represented person. Another difference is that a person who is "responsible", according to the definition in the bill, may make treatment decisions on behalf of a patient if there is no advance health directive, or a guardian or enduring guardian to make the relevant decision. It is interesting to note that that is a critical difference between what is proposed by the bill and what operated in the Respecting Patient Choices program at Fremantle Hospital. That program could not provide the capacity for substitute decision making in that way. That is an essential difference. I will talk more about that later.

Last evening I briefly canvassed enduring power of guardianship, which is another essential difference. I reckon I will be interrupted again before I have finished. An adult competent person will be able to appoint two or more joint enduring guardians to make personal and lifestyle decisions, including treatment decisions. An appointor will be able to limit the functions of the enduring guardian. If the appointor does not do that, the enduring guardian will have the same functions as a plenary guardian - that is, all the duties, powers, responsibilities and authority that, by law, parents currently have for the medical treatment of their children - and power to make a range of other decisions outside the medical realm. The other essential difference I touched on last night was the codification of advance health directives. That is, putting in code our right as adult competent people to make a written advance health directive containing treatment decisions about our future treatment, should we become unable to make competent judgements at the time treatment is required. Those are the essential points of difference, and I made the point last night that I do not accept the argument that there is no difference between the present common law and what is set out in the bill.

As I flagged earlier, it has been claimed that the pilot Respecting Patient Choices program at Fremantle Hospital, which was funded by the commonwealth government, did what this bill seeks to do. That is not the case. The Fremantle Hospital program did not provide for substitute decision making, whereby competent adults can appoint others to make treatment decisions. That is a fairly fundamental and important distinction. I touched on the issue of codification. By that I mean putting into law the provisions we have been talking about. The law in this area - including the law with regard to palliative care - is uncertain, and concepts of common law are not familiar to ordinary people. Codification provides certainty for members of the community, patients, patients' families and doctors.

I know that the Cancer Council approached most, if not all, members to express the reasons for its support of this legislation. I am sure it made the same point to others that it made to me about the outcomes it sought. According to my notes, based on the experiences of the cancer sufferers it has worked with, the Cancer Council states -

> *"We identified that a clear legislative framework was critical to ensuring that people with terminal cancer have their end of life wishes met - including the capacity for written advanced directives, associated registry and choice of advocate if wished*
>
> *That dying people often wanted to remove the burden of decision from their family and that the use of advanced directives was an important tool to enable them to do so in the times that they are not competent to speak for themselves. It can cause great grief and ongoing family issues if family members disagree re the issue withdrawal of medical intervention and the use of advanced directives can greatly reduce these difficulties. Can be particularly be an issue when there are more dominant family members who "take over" the decision making even though they may not have been the one with the closest relationship with the dying person and were not necessarily aware of their wishes.*
>
> *. . . it was important to have a legal mechanism to make their wishes known and binding, including the choice of another person outside of their direct family to act as their advocate. This has been raised with us a number of times throughout the years."*

Members will have also received, as I did, correspondence from the family of Michael Spanbroek. A member asked how this bill would have assisted Michael, and suggested that it could not.

Sitting suspended from 6.00 to 7.30 pm

Hon SUE ELLERY: I anticipate that this is the session in which I will complete my remarks!

Before we rose for the dinner break, I was addressing one of the issues that had been raised during the second reading debate, which was whether this bill would have assisted Michael Spanbroek. Michael's parents sent me and other members information about his dying days. That information was accompanied by a photograph of Michael. If Michael's wish was to be euthanised, this bill would not have assisted him. However, the bill would have assisted Michael if he had been over 18 and competent and if he wanted the dignity of setting out in writing what treatment he wanted if he became mentally incompetent. In a sense, the fact that we are having this debate at all is as important to Michael's parents as is the outcome of the debate. They want us as their representatives to lead the debate on these issues. They want this debate to prompt other families to have conversations about how they will manage these matters. They want something positive to come from their loss. I do not begrudge them that at all. I wrote back to them and congratulated them for pursuing a public conversation on this matter.

Members also raised the issue of the bill shifting the decision making from the patient to medical professionals and of shifting it too far. The essential and core principle is that doctors cannot give treatment without consent. If the delivery of medical treatment was done in circumstances that are, if I can use the expression, neat and tidy and not in a complicated process that involves assessing the clinical indications and assessing whether treatment A or treatment B will address the problem or invoke further problems; and, if every combination of symptoms

and treatments were set out in a handbook that guaranteed accuracy in diagnoses and guaranteed clinical outcomes, we would not need this bill.

The bill preserves the principle and practice of doctors requiring consent before they provide treatment. It enshrines the principle of personal autonomy for patients who choose or do not choose to set out what they want in an advance health directive. It preserves the principle that a doctor is under no obligation to provide treatment that is not clinically indicated. As I stated earlier, section 259 of the Criminal Code removes criminal responsibility for the administration of medical treatment in good faith for a person's benefit if the provision of such treatment is in all circumstances reasonable. The words "good faith" and "reasonable" are in use now. The bill expands the protections available to medical professionals. In addition to that, it recognises that the delivery of medical treatment does not happen in the neat and tidy context I described earlier and that rigorous science does not mean absolute guarantees. We as a community make a significant financial investment in our medical professionals. We ensure that they are highly trained, we supervise their practice, we remunerate them well and generally we hold them in high esteem. The extensions proposed by the government will codify the fact that consent is deemed valid if there is a valid advance health directive. It will codify the fact that there is a defence to trespass and assault provisions if that directive is valid. It will also codify instances in which it is invalid but cover circumstances in which the medical professional reasonably believes - there is that word "reasonable", which we currently rely on - that the patient is not competent and he or she relies on good faith - which we also currently rely on - or where the medical professional relies on another medical professional having ascertained that the advance health directive was valid or that the patient was not competent to make the decision. The bill does not change the legal position for palliative care, but clarifies the existing protections.

One of the other issues raised is that the bill is deficient because it does not prescribe how a person, having made a decision to make an advance health directive, should prioritise his or her family members when appointing a substitute decision-making capacity. The argument was made that the lack of prescription in setting out exactly how that is to be determined - the example used is how a person with children decides whether child one, two or three should be listened to - will lead to confusion and disputes. Currently when there is confusion and disputes - medical professionals deal with those situations now - there is no recourse to settle those disputes. This bill provides one through the State Administrative Tribunal process.

As I indicated, the bill preserves the principle of personal autonomy. It provides a mechanism whereby a person can make treatment decisions on behalf of a patient. That is similar to the provisions provided in section 119 of the Guardianship and Administration Act, but it clarifies the identity, as chosen by the patient, and the authority of the substitute decision-maker. Members referred to the pro forma and asked what it will look like. I was asked to give a commitment, particularly about the Canadian model that was referred to by a couple of members. The government has made a commitment - I repeat it here again - to consult widely and with the fullest range of stakeholders when developing the pro forma.

Some members referred to a compulsory review of advance health directives at the 10-year mark. There is no compulsory review at the 10-year or any other mark. I refer to proposed section 110S of the Guardianship and Administration Act. There is no compulsory review of advance health directives; however, one of the amendments made in the other place set out the matters that must be taken into account when an advance health directive is at least 10 years old for the purposes of proposed section 110S(3). That is the clause that provides that a treatment decision does not operate if circumstances exist or have arisen in which the maker did not anticipate when the directive was made and that would have caused the maker to change his or her mind about the decision. The matters that need to be taken into account by the medical professional are the maker's age at the time the directive was made and at the time the decision around treatment would otherwise apply; the period that had elapsed between those times; whether the maker had reviewed the treatment decision at any time during that period and, if so, how long ago that had occurred; and the nature of the condition for which the maker needed treatment, the nature of the treatment and the consequences of providing or not providing that treatment.

One of the other issues raised by people, which is an important part of the process, and one the government has given a commitment to and which I will reiterate is the education of the community and practitioners - the community in particular - about what we mean by "advance directive", and outlining people's obligations and their rights and responsibilities. The government has already agreed to an education package that will appropriately be available in all public hospitals, doctors' surgeries and, perhaps wider than that, for example, community health centres, Silver Chain nursing services and organisations of that nature. Information will be available in packaged form, and the package will strongly recommend that people seek medical advice before filling out an advance health directive. The government's position is that it wants to make available to people a pro forma document that could form the basis of an advance health directive for an individual to sign. If the bill is passed, it is the government's intention to have widespread and wide-ranging consultation and discussion with interested stakeholders on what sort of things should go into the package and what should go into the pro forma. The government has reiterated that it wants to ensure input is provided by everyone who has an interest to ensure that we make it as easy as possible for people to understand their rights and responsibilities and the sorts of

things they should take into account when they decide whether an advance directive is for them. That leads me to the point that none of this, of course, is compulsory. If an advance directive is not for a person, it is that person's choice to not take that path.

One of the other issues raised in debate was informed consent. The proposition was put that somehow the bill is deficient because it does not mandate that people produce some certificate or provide some indication that they have sought independent advice and, therefore, demonstrated their informed consent. I think the argument was made that people make commercial decisions for which they are required to demonstrate that they have sought independent advice. Interestingly enough, of course, the words used to describe the outcome of an advance health directive are "living will". However, we do not mandate that people demonstrate that they have sought legal advice on drafting their will. We may well recommend that they think about doing that about getting professionals to draw up their will for them, but it is not mandated. Given the consequences of decisions that arise from wills, that is a more appropriate parallel to draw with this kind of decision than a commercial comparison.

Those were what I saw as the key themes of the matters raised by members. I am sorry if I seem to be labouring the point, but a number of members raised the prospect that the bill be referred to a committee. If a referral motion is moved, the government will support it. We have had conversations behind the chair, and as long as nothing has changed in that regard, we will support the referral. However, I make the point that the matter is a conscience vote because at its heart is the question of personal autonomy, and whether members accept that it is reasonable for me to say what I do or do not want to happen to my body. If members do accept that, a reasonable ask of the committee would be to provide advice about some of the operational or practice matters members have canvassed. If at the heart of the core issue of personal autonomy, members do not accept that it is reasonable for me to make binding decisions about what I do or do not want to happen to my body, this bill is not for those members. Members ought not be confused that they will get an answer from a committee that will address that question for them. That is a matter that we have determined is for our individual consciences. With those remarks, I thank members for their contributions to the debate. There is a task still ahead of us, whether it is referred to a standing committee or indeed we debate each clause in the Committee of the Whole. There is work ahead of us to resolve some of the practical issues. I know that people feel strongly about the matter. I reiterate my thanks to those who have conducted themselves with respect for other points of view, and I trust that the debate will continue in that fashion. I commend the bill to the house.

Question put and a division taken with the following result -

Ayes (23)

Hon Ken Baston	Hon Donna Faragher	Hon Barry House	Hon Ljiljanna Ravlich
Hon George Cash	Hon Adele Farina	Hon Paul Llewellyn	Hon Sally Talbot
Hon Kim Chance	Hon Jon Ford	Hon Robyn McSweeney	Hon Ken Travers
Hon Murray Criddle	Hon Graham Giffard	Hon Norman Moore	Hon Giz Watson
Hon Sue Ellery	Hon Nigel Hallett	Hon Simon O'Brien	Hon Bruce Donaldson *(Teller)*
Hon Brian Ellis	Hon Ray Halligan	Hon Louise Pratt	

Noes (5)

Hon Shelley Archer	Hon Kate Doust	Hon Ed Dermer *(Teller)*
Hon Vincent Catania	Hon Helen Morton	

Pairs

Hon Matt Benson-Lidholm	Hon Barbara Scott

Question thus passed.

Bill read a second time.

Discharge of Order and Referral to Standing Committee on Legislation

HON HELEN MORTON (East Metropolitan) [7.51 pm] - without notice: I move -

> That order of the day 362, the Acts Amendment (Consent to Medical Treatment) Bill 2006, be discharged and referred to the Standing Committee on Legislation for consideration and report by 18 October 2007.

There was always going to be clear support for the principle of advance health directives. I did not hear any member speak against the principle of advance health directives. My argument has been that more resources should be put into education about what is currently available in this area, and there would then be less need for

legislation in this area. The house has decided to go down the legislative path, and I accept that. However, I still believe that this bill will create more problems than it will ever solve. The work that needs to be done to enable this bill to achieve the outcomes that have been put forward by the Minister for Child Protection is so extensive that it can be done only by a committee of this house. A substantial issue that has not been addressed by the minister is that although the public may have some understanding of living wills or advance health directives, it has no understanding of the issue of consent. The issue of consent impacts on every person in every aspect of medical treatment. The issue of consent has to do not only with end-of-life decisions or terminal illness issues, but with every aspect of medical care. The concept of consent as contained in this bill represents a fundamental and major shift away from the concept of medical consent as we currently know it.

The DEPUTY PRESIDENT (Hon George Cash): Order! We are dealing with a motion to refer the bill to a committee. The debate is constrained to the reasons that the bill should or should not be referred to a committee. It is certainly not the opportunity to have another second reading speech. If members state their position as to why the bill should or should not be referred to a committee, we can get on with the vote, and the committee can do whatever it needs to do in due course.

Hon HELEN MORTON: Thank you very much, Mr Deputy President.

I was saying that the public needs to be given the opportunity, through the committee process, to have some input into, and to understand, this fundamental change to the concept of medical consent. Many members spoke about other issues in the bill that they believe should be given further consideration. These issues include, as the minister has mentioned, not only the form of an advance health directive, but also registration. Although the minister raised the issue of registration of advance health directives, she did not raise the issue of the registration of enduring guardians. There is no requirement at this stage for enduring guardians to be registered. That means that no-one will ever know whether an enduring power of guardianship has been put in place. The issue of informed consent also needs to be thoroughly teased out.

Another issue is the 10-year review period. Some members believe the review period should be two years. I believe that the checks and balances for patients, and the rather overzealous protection of medical practitioners, need to be pared back. The professionals who work in this field should be given the opportunity to talk to the committee and have input into the process. Another issue is the declaration by a health professional that a patient is competent to make a reasonable judgement. I have to say, having worked in the health system for as long as I have, and knowing the pressure that is placed on health professionals, that they will face even greater pressure if they will now be required to give consideration to whether an advance health directive has been in place for two years or 10 years, and whether it is still relevant or has been revoked. In some areas of health and medical care, such as palliative care, that may be achievable. However, in some of the more acute areas of health and medical care, these sorts of judgements will be extremely difficult to make. We need some input into that matter from some of the medical practitioners who work in this area. The State Administrative Tribunal is currently given the power to make a determination about whether a person is legally competent. That determination will in future be made by health professionals. That issue needs to be considered further by a committee. One member suggested that the committee should also consider the issue of organ donors and things like that. I am aware that some members have supported the second reading on the basis that the bill will be referred to the Legislation Committee for further consideration. I urge members to give serious consideration to referring this bill to the Legislation Committee to try to tease out those issues that I have raised.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [7.57 pm]: I indicate my support for this motion. Before I comment on the motion, I commend the minister for the way in which she summed up the second reading debate. The minister demonstrated very clearly her capacity to understand the issues raised by members, and she gave a very good explanation of the government's position. What has also been demonstrated in the debate so far is the capacity of members of this house to debate issues of this magnitude and difficulty in a very mature and considered way. I believe that the way the house is headed on this bill now is a very sensible approach to this type of legislation. What the house has done at this point is agree with the principle of the bill. As Hon Helen Morton has said, there are some members in this place who voted for the principle of the bill, but who may or may not vote for the third reading of the bill, depending on what comes out of the committee stage. Therefore, as I have said, I believe that, having determined the policy of the bill, it is now a very sensible approach to send this bill to the Legislation Committee. The Legislation Committee has an excellent reputation and will be able to consider in great detail the way in which the bill is constructed, and the issues that are contained in the bill. It would not be the role of the Legislation Committee to regurgitate the issues of principle. Indeed, the standing orders of the Legislation Committee require it to look only at amendments that are consistent with the policy of the bill, unless otherwise ordered. That is certainly not the intent of the referral motion. The intent of the referral motion is that the Legislation Committee will look not at the policy of the bill, but at the various clauses in the bill to see whether they meet the policy of the bill, and at the end of the day make recommendations to the house about what the bill should look like in its final form. It will then be for members to decide whether they want to vote for the third reading.

I believe that this approach is one that this house has used successfully in the past. If the house agrees tonight to go down this path on this bill, it will be a way in which we can demonstrate the capacity of the Legislative Council to deal with very difficult issues very sensibly.

HON SUE ELLERY (South Metropolitan - Minister for Child Protection) [8.00 pm]: I indicated in my response to the second reading debate that the government will support the referral. I do not want to repeat ad nauseam my comments, but I think there is a role for the committee to play, as the Leader of the Opposition outlined, in looking at amendments that are consistent with the policy of the bill, which might make the operation and the practice clearer or more effective or match more closely the policy intent.

I reiterate for the record, should someone in the future be looking at only this part of the *Hansard* record and not at the second reading speech, that I issue a caution about people having expectations about the committee being able to resolve the questions around the issue of personal autonomy. I think that would be an unrealistic expectation to place on the committee. These are matters that members either accept or they do not. Either they accept that I have the right to determine what happens to my body and to put that in writing in a binding fashion or they do not. That is why it is a matter of conscience. It would be very unreasonable of the house to expect the committee to resolve that issue for us. However, having said that, I am happy to support the referral.

HON RAY HALLIGAN (North Metropolitan) [8.01 pm]: I also support the motion. I think it is important that the committee also look at the issues that members brought to the attention of the house in the second reading contributions - not, as Hon Norman Moore said, at the policy of the bill itself, because the house has already agreed to that, but how, at the end of the day, the policy will be able to be achieved with, might I also suggest, the necessary, whatever that might mean, checks and balances. I think that is important. A lot of those were raised in the second reading contributions.

I can recall in a previous Parliament when a euthanasia bill came before the house that that bill was sent off to what was then the Standing Committee on Constitutional Affairs, of which I was a member. We were able to go away, obtain a lot of information and report back to the house without recommendations, but with an enormous amount of information for the benefit of members, who on that occasion also had a conscience vote. I believe the same principle applies with this bill. I think it is important that as much information as possible should come forward for members to make a very important decision on a very complex subject.

HON GIZ WATSON (North Metropolitan) [8.03 pm]: I indicate that the Greens (WA) will support the referral.

Question put and passed.

STATE SUPERANNUATION AMENDMENT BILL 2007

Second Reading

Resumed from 29 August.

HON GEORGE CASH (North Metropolitan) [8.03 pm]: I note that the State Superannuation Amendment Bill 2007 was introduced into the Legislative Council only a week ago, on 29 August 2007. The reason I make that point is to contrast that with the fact that the same bill was introduced into the Legislative Assembly on 20 June this year, and it was not third read in the Legislative Assembly until 28 August this year; that is, a day before it was introduced into this house. The reason I make that comment is that it is very clear that we are dealing with this bill expeditiously, yet the other place determined, for reasons of its own, not to deal with it for a time. Another bill on the notice paper - in fact, it is the Fiona Stanley Hospital Construction Account Bill - also came into this house last week. The government has indicated that it wants to consider that bill tomorrow. I note that the Fiona Stanley Hospital Construction Account Bill was in the Legislative Assembly for a very long time. I have indicated to the government that the opposition is not in a position to deal with it tomorrow, notwithstanding that an officer from Treasury indicated to me yesterday that if it was not dealt with, there would be some problems associated with whether accounts could be paid for work that is apparently being done either on the site or related to the hospital. I must say that further investigations indicate that in fact the accounts can be paid; they can be paid out of the Department of Health's general account, and the department can seek a recoup in due course. However, the point that I made to the Treasury official was that it is no good going to members of the Legislative Council and asking them to deal with a bill that was introduced only a week or so ago when the history of the bill indicates that it had been languishing in the Legislative Assembly for month after month.

It seems to me that the government must get its legislative program prioritised, so that it deals with the bills that need to be dealt with expeditiously, rather than having an ad hoc, shotgun approach that means that we end up dealing with bills relating to social restructuring, so to speak, for week after week, only to find at the very last moment that some very important financial bills need to be dealt with. Anyway, I have made my point about that, and the Fiona Stanley Hospital Construction Account Bill will have to wait until certain briefings occur. I am sure it can be dealt with when we return in about a week.

However, the State Superannuation Amendment Bill 2007 is a bill to amend the State Superannuation Act 2000. The bill has a number of purposes. The first purpose is to provide a greater choice of superannuation fund for certain of the Government Employees Superannuation Fund's current members and to allow GESB to change its structure to a mutual fund that is owned by the members and will be subject to commonwealth regulations. Those particular purposes or objectives are stated clearly in the proposed changes to the long title of the act, which the bill indicates will be a substitution for the existing long title. The new long title will read -

An Act to provide for -

- **employer-funded superannuation for people working in the public sector; and**
- **the continuation under this Act of certain superannuation schemes; and**
- **the establishment of a superannuation fund to be regulated under Commonwealth legislation to replace certain other superannuation schemes,**

and for related purposes.

As members may be aware, back in 1992 the commonwealth government introduced legislation that saw a statutory guarantee for superannuation contributions that were to be made by employers on behalf of employees come into effect. The purpose of that 1992 commonwealth legislation was centred around the notion that employees in Australia should be able to participate in a national superannuation regime that was aimed at providing for their retirement. Back in 1992, the original statutory guarantee was set at four per cent, and the then commonwealth legislation provided that there should be rises of one per cent in agreed stages until the final total of nine per cent was reached in the financial year 2002-03. Now, nine per cent is the minimum statutory superannuation contribution required to be paid by employers on behalf of employees. Although most employees in Australia receive that nine per cent minimum statutory contribution, there are a number of public institutions that pay considerably more. Universities across Australia pay considerably more than the nine per cent; often up to 18 per cent or better. Some local authorities in Western Australia pay up to 18 per cent, and I am sure some local authorities pay more than 18 per cent on behalf of certain of their employees. I say "certain of their employees", because in some local authorities a substantial amount paid over the compulsory limit of nine per cent is often restricted to some classes of employees; that is, often the senior management gets the very substantial increase, rather than those further down the ranks.

This bill also deals with the opportunity for employees to have a choice of the superannuation fund that they wish to be part of. Members will remember that, as recently as June 2004, the federal Parliament passed the Superannuation Legislation Amendment (Choice of Superannuation Funds) Act 2004, which came into effect on 1 July 2005. The legislation was designed to operate on behalf of employees right across Australia, but there were some exemptions. Under the legislation, employees would be allowed to nominate the fund to which they directed the contributions made by their employers. I said there were some exemptions. For instance, the legislation amended by this bill, the State Superannuation Act 2000, was restricted in its application to public service employees and a limited number of other people, but they did not have a choice; they were bound to remain with a particular fund, and therefore were unable to exercise the freedom of choice made available to many others across Australia. Part of the reason for the bill currently before the house is to enable members of GESB to choose the fund into which their superannuation is paid. The opportunity for employees to choose superannuation funds will assist those members with multiple superannuation accounts with other schemes who, because of the multiplicity of their superannuation schemes, are required to pay a diverse range of fees and charges for the services provided. This legislation will enable members of GESB to consolidate their superannuation into one scheme and, hopefully, as a consequence of that consolidation, save unproductive and costly duplication of the administrative fees they are required to pay.

We on the opposition side, as members of the Liberal Party, agree with the principle of choice that gives the opportunity to members of superannuation schemes to have the right to choose who will manage and protect their hard-earned funds. We believe that is a fundamental right in the community, and we support it very much. We obviously support the notion that that choice may enable some members to save on the multiplicity of fees but, more than that, with the superannuation industry becoming more competitive every day, we trust that the opportunity for choice will enable employees to look to a fund manager who is able to offer a wide range of competitive financial services, including superannuation.

In discussions on this bill with officers of the public service, it was indicated to me that consultation by the management of GESB had not been as wide as they believed appropriate. When I heard that, many weeks ago now, I took the opportunity of looking into it a little more. It appears to me, but I think GESB can prove it very clearly, that there has been considerable consultation on the substance of this bill over a long period. All members of GESB have had considerable information available to them on the GESB website. On some pages of that website there are opportunities to offer feedback to the organisation on the various propositions now contained in this bill. From speaking to some members of the management of GESB, it is my understanding that that feedback proved very useful to GESB and, I would assume, in due course to the government in producing

the final version of this bill. There has been wide consultation, and the opportunity has been provided for members of GESB to make their own observations to management, and to have, in some cases, very complex issues considered by the management and, one would hope, incorporated into the substance of this bill.

Because of the nature of the schemes currently run by GESB, it is proposed that there will be a division between the defined benefit scheme - which in the main involves the unfunded liability carried in the name of the government, amounting to about $5.7 billion - and the market-based accumulation schemes that are managed by GESB. Those two arms are to be separated to allow this bill to operate. That will occur, in the first instance, by dividing the current GESB into two entities. Firstly, the State Superannuation Board will have oversight of the defined benefit schemes. They will remain under state regulation and, as I mentioned earlier, because of the unfunded nature of these schemes they will retain the current state guarantee for the payment of unfunded liabilities amounting to about $5.7 billion. Secondly, the other arm of the equation is the establishment under the Corporations Act of a proprietary company known as MutualCo, which will comprise the market-based accumulation superannuation schemes. It is further proposed that it should have trustee oversight through a subsidiary entity to be known as TrustCo. That subsidiary entity will act as the trustee or the responsible entity of the new regulated fund. By way of process, the amendments to the act will enable the ownership and control of the mutualised GESB to pass to the members through the new entity to be known as MutualCo. The new entity is to be owned by the members, and will be subject to commonwealth regulation. As I said earlier, TrustCo will be the trustee for the mutualised organisation.

I have raised the word "mutualised" or "mutual", which appears a number of times within the bill. In discussing the bill generally with my colleagues I have been asked whether this is an act of privatisation of the organisation by the state Labor government. There has been some debate in other places about whether this is a mutualisation or a privatisation. I took the opportunity of doing a little research because I wanted to establish whether the proposed changes in the bill were, in fact, an act of privatisation that was masquerading behind the veil of the term "mutualisation". Like some other members, I looked up a particular online dictionary, which is called Encarta. I note that the word "mutualise" is a verb; that is, "mutualise" is the operative word or action that is constantly referred to within the bill. Encarta suggests that "mutualise" is a transitive verb that means to alter the organisation of a company so that the majority of its shares become owned by the employees and customers. On the other hand, "privatisation" - which I take from the dictionary definition provided by Encarta - suggests that it is a noun that means to take something out of state control and transfer to private ownership; that is, an economic enterprise or public utility that has been under state ownership. The question is whether we can distinguish an act of mutualisation or an act of privatisation. I think we can if they are very clear-cut.

In this case I think it is fair to say that the mutualisation of GESB is, in effect, the transfer of the market-based accumulation schemes from state control to private member control, and is certainly akin to an act of privatisation. Members might ask whether it really matters. To me, it does not matter because, in the end, we are putting in place a procedure that will enable the establishment of MutualCo and enable current GESB membership of the accumulation funds to move across to the new MutualCo. It seems that it matters more to members of the state Labor Party. They do not want to use the word "privatisation", and I can understand why. The word "privatisation" is often shunned in Labor circles. They do not like talking about it because when we talk about privatisation, we immediately conjure up memories for Labor Party members of Australian brand organisations such as Qantas. It was a federal Labor government that privatised Qantas.

Hon Ray Halligan: And the Commonwealth Bank.

Hon GEORGE CASH: Yes, as my colleague Hon Ray Halligan said, also the Commonwealth Bank. Do members remember many years ago in Forrest Place and other places around Australia when Mr Beazley said that they would never, ever privatise the Commonwealth Bank? Sure enough, the federal Labor Party privatised the Commonwealth Bank. I might say that all the people who were members of the Commonwealth Bank at that stage ended up becoming shareholders of the public issue. They have certainly done very well because I see that the value of the Commonwealth Bank has increased considerably since then.

Hon Bruce Donaldson: Shares have gone from $9 to $55!

Hon GEORGE CASH: Is that a fact? I can only remember the Commonwealth Bank when I was a student at Mt Lawley Primary School and we used to put two shillings a week in those days into the bank. That is how long ago that was. Hon Vincent Catania looks at me and asks, "Two shillings?" He does not know what two shillings looks like; he knows only dollars and cents.

Hon Bruce Donaldson: What about a florin?

Hon GEORGE CASH: No, florin was English money. We had shillings. As Hon Bruce Donaldson would remember when he was a young person, he probably operated in shekels! That is something different.

Hon Kim Chance: Or just wielding a big wooden spoon!

Hon GEORGE CASH: Indeed. In that case, I will move on. However, I will not move on until I complete the trilogy of major privatisations by the federal Labor government, which was the Australian National Line. It was the Australian government shipping company that plied the Australian coast, in particular, but was often required to go overseas as part of its charter. The poor old Australian National Line was not really privatised. In the end, it was abolished -

Hon Ljiljanna Ravlich: I hope you do not mind when I get on to state privatisation.

Hon GEORGE CASH: When the minister gets on to state privatisation? I am glad she mentioned that because she will start talking about Stateships. I want to talk about state superannuation but the minister wants to talk about Stateships. I am the person the minister should talk to because I met with the then Premier, Richard Court, and the then Minister of Transport, Eric Charlton, and I was one of the group of ministers who ensured that we worked through the problems that we had with Stateships in the 1990s. If it is the minister's contention that the then Liberal government scuttled Stateships, she would be totally wrong because it was the unions, regrettably, at the time who scuttled the organisation. They scuttled it because of the threats they made. The Court Liberal government stood up and accepted the threats. As a result of that, after a time Stateships went into the never-never, so to speak.

Hon Kate Doust: I thought you were doing well when you were just speaking on superannuation.

Hon GEORGE CASH: I am sure the member did. The reason Hon Kate Doust says that is that she does not want to learn about Stateships. I think it was one of the greatest achievements of the Court Liberal government to provide a service to the north west by way of private charter - please Hon Kate Doust, do not go; I will not be able to tell the member tomorrow.

Hon Ljiljanna Ravlich: She is on urgent private business.

Hon Kim Chance: Urgent parliamentary business.

Hon GEORGE CASH: I do not know whether to wait. The fact is that Stateships in those days was sustaining losses of about $20 million a year. We managed to provide the same service through private shipping at a fraction of the cost. The same private shipping operates today. Can we imagine the amount of money that has been saved over that period?

If Hon Ljiljanna Ravlich, the Minister for Local Government, wants to talk about Stateships, she can ring my bell any time because I am the one -

Hon Ljiljanna Ravlich: I do not need to mention Stateships to ring your bell!

Hon GEORGE CASH: - she needs to talk to because I am the only one left standing. The former Premier, Hon Richard Court, is gone and Eric Charlton is gone. I am here to tell the minister the truth and to tell her what happened to Stateships in those days.

Having moved through the Australian National Line to Stateships, I will get back to state superannuation. The bottom line is that this bill will help mutualise or privatise - call it what you like - the market-based accumulation schemes that are currently within GESB. Once MutualCo is established, it will have to fulfil quite a number of conditions that are contained in this legislation. The government, through the Treasurer, will remain closely attached - so to speak - to the new MutualCo for a considerable time. In fact, it is not definite in years, but it is a considerable period, and we can deal with the exact period in a moment. Once MutualCo is established, it must establish a constitution. That constitution has to be approved by the Treasurer and is to contain certain specific issues that are stated clearly in the bill. The Treasurer is to be made a special member of MutualCo, and that will be for an undefined period. For instance, under clause 16 of the bill, proposed new section 52 provides for the special membership to be reviewed as soon as practicable after the third anniversary of the transfer time, and thereafter at three-yearly intervals. That wording alone contemplates that the Treasurer will be a special member of MutualCo for a relatively long period to ensure that MutualCo is on the road to success and that all the bumps are ironed out in the meantime. There is also provision for the Treasurer's special membership to terminate when he is satisfied that he is no longer required to be a special member, and that membership will terminate when the Treasurer agrees in writing to cease to be a member. That is just some of the detail that we can consider later.

Members will be aware that the Government Employees Superannuation Board was established some decades ago. It is now the largest Western Australian based superannuation fund, with approximately 280 000 members and an investment portfolio that exceeds $8 billion, which it manages on behalf of its members. I said earlier that the act restricts the organisation to providing superannuation services to a limited category of persons. First, it is limited to providing superannuation services to persons working for the Crown; the government of Western Australia, including current and former employees of the Western Australian public sector and their partners; ministers of the Crown; and certain other authorities, bodies and persons. That is a significant limitation on GESB at the moment. I have had some discussions with GESB, and I thank some of the senior officers who

were good enough to discuss with me the activities of GESB over a period. Of course, members in this place will have attended some of the seminars run by GESB over a number of years. The aim of GESB is to run an organisation that is able to manage its members' funds under its control in an efficient, effective and prudent manner, having regard to both market conditions and the returns achieved by the wider superannuation and finance industry. I indicate also that the bill will allow the mutualised GESB to be a public-offer fund, and this will enable GESB to cater for the needs of both public sector employees and their families and former public sector employees. The 280 000 current members of GESB are divided into a number of membership categories; for instance, there are 55 286 members of Gold State Super, 372 contributors and 9 750 recipients in the pension scheme, and five members in the provident account. Those particular members will remain within the oversight of the state superannuation board, and the proposed GESB MutualCo will take over the 249 439 members in West State Super, 3 092 members in GESB Super, 931 members with retirement income products, 1 901 members with retirement access and 68 members with term-allocated pensions. When those figures are added up, they actually come to more than 280 000, but for the sake of aggregating the membership it should be noted that some are members of more than one scheme.

Once MutualCo has been established, it is intended to transfer the assets and liabilities relating to the transferred members to the new fund. This transfer will be the subject of actuarial advice and also require the oversight of the Auditor General, who will be required to report the success or otherwise of the transfer in a future report to the Parliament. I have a number of questions about the transfer that I will raise with the minister in due course. For instance, what guarantee is there that MutualCo will be able to meet the prudential requirements that will be imposed by APRA? Also, what is the default mechanism that will come into play if additional funds are required for MutualCo to meet any imposed prudential requirements? On this particular issue, the minister might wish to advise me whether it is intended that clause 16 - I am referring in particular to proposed section 72 - is to apply, given that this section provides a power for the Treasurer to remedy an insufficiency to ensure that MutualCo has the capacity to meet its proposed prudential requirements. In respect to that particular issue, given that proposed section 72 is subject to the expiry provisions that are set out in proposed section 54 - I am dealing with special membership - that expiry provision will come into effect when the Treasurer is no longer a special member. It is clear, by that action, that the power to remedy an insufficiency which, in itself, amounts to a state guarantee, could last for as long as three or more years, depending on the period that the Treasurer is a special member, but it will come to an end.

Considerable requirements have to be met in respect of the transfer of the assets and liabilities. This is a matter that deserves the scrutiny of Parliament. There must be a proper, equitable division of the assets and liabilities. Notwithstanding that there are numerous clauses that deal with the transfer of assets, liabilities, schemes, members and staff of GESB, it seems that there are some additional accountability regimes that can be put in place so that members of Parliament know they are acting on behalf of the current members of GESB, both in respect of the accumulation schemes and the defined benefit schemes.

Part 2, division 4 deals with the proposed transfers in detail and certainly provides significant consequential transition provisions, but the minister who is responsible for GESB should be required to table a final distribution of the assets and liabilities of the organisation within 60 days of such division taking place. I seek, from the minister, some comments on a suitable amendment in that regard. I am aware of the role of the Auditor General, but that seems to be post the fact. It would be a very proper requirement for the Auditor General, when certifying the accounts of GESB, to make a statement that everything is in order. However, we need something more definite that stands on its own and is tabled in Parliament so that current members of GESB understand that the transfer has occurred in a proper manner.

The bill indicates that the minister has to seek actuarial advice in respect of the transfer. The principal act clearly defines what an "actuary" is. However, it seems to me that one actuary may not be sufficient. The way the actuarial advice is required to be sought and given at the moment means it is very much advice between the actuary and the Treasurer. Given the very significant amount of funds involved, and that a considerable membership has an interest in these funds, the transfer must be a lot more transparent than is currently proposed. For instance, in theory, it would be possible for MutualCo to attempt to strip the current GESB of its assets and liabilities on the basis that the state will remain responsible for the unfunded nature of those schemes that remain. More than that, there will be a continuing government guarantee in place as a consequence of the special membership of the Treasurer and the undertaking that he is required to give in respect of insufficiencies, as stated in the bill. Some might say that perhaps that is stretching a long bow, but all the bill says at the moment is that actuarial advice will be given to the Treasurer, who will then act on that advice and sign the transfer order. However, I want to be quite sure that before the transfer order is signed, there is increased public accountability and transparency of those actions.

Although provision is made for costs to be applied, one other matter that is not stated in either the bill or the second reading speech is the estimated cost of the changes, and who is to bear those costs. The bill has references to certain costs being borne by the fund. I would like the minister to tell me the estimated costs of

those changes, what sort of percentage split or division is proposed between the defined schemes and the proposed mutualised schemes, and how it is proposed to be calculated.

Given the mere fact that the Auditor General currently audits GESB, there will be an opportunity for the Auditor General in due course to present a report to Parliament as part of his normal reporting process, and he will be able to comment on the accounts of GESB. However, it seems to me that we need an independent auditor - whether it be the Auditor General, who already acts for GESB - to certify that the final division of assets and liabilities is fair, equitable and just. This should occur prior to the Treasurer signing the transfer order that is provided for in the bill. It seems to me that without some certification of fairness in the division of assets and liabilities, the proposed process will lack transparency and accountability. I do not think that we would be discharging our responsibility to GESB members if that transparency were not provided.

Members would be aware that GESB is at the moment subject to a regulatory regime overseen in the main by the Department of Treasury and Finance. Although for many years the current regime has worked without any major calamity, it is fair to say that overseeing this particular regulatory regime is not the core role of Treasury. Quite clearly the regulation of the state superannuation scheme is better handled by an organisation that has greater expertise in the area and where regulation is in fact its core responsibility. The good news is that to date there has not been a major calamity in the regulatory regime. However, it is proposed that the new MutualCo will be a corporation established under corporations law and subject to a commonwealth regulatory regime overseen by the Australian Prudential Regulation Authority, or APRA. I think this is a very significant step forward in regulating the finances of GESB members' funds. Members would probably be aware that APRA supervises regulated funds around Australia, other than the self-managed superannuation funds, which are supervised by the Australian Taxation Office. It also supervises approved deposit funds and pooled superannuation trusts, and that supervision, and the regulations relating to it, are founded within the Superannuation Industry (Supervision) Act 1993. I have no doubt that under APRA supervision the funds in MutualCo will be subject to a more stringent and effective governance than that of the old Treasury regime. I argue that this will be to the advantage and long-term interest of the members.

In order to ensure that GESB members will be properly protected by the proposed commonwealth regulatory regime, I took the opportunity to research and become more aware of the roles and functions of APRA. The APRA website suggests that APRA is the prudential regulator of the Australian financial services industry. It oversees banks, credit unions, building societies, general insurance and reinsurance companies, life-insurance companies, friendly societies, and most members of the superannuation industry. The purview of its responsibilities is extensive. The APRA website indicates that it is funded largely by the industries that it supervises. It was established on 1 July 1998 and it currently supervises institutions holding approximately $2.5 trillion in assets for 20 million Australian depositors, policy holders and superannuation fund members. There are extensive statements on the APRA website about its mission, about the importance of integrity, about its accountability policies and about the way in which it generally conducts its supervisory regime. Again, this degree of professionalism and commitment to regulatory schemes will be to the advantage of those moving across to MutualCo and who will therefore be under the supervision of APRA.

Members will be aware that some years ago a considerable number of people lost money as a result of the actions of finance brokers in this state. I say as an aside that there must be many in the community who would have benefited from an Australian Prudential Regulatory Authority style regulatory regime during the 1990s when certain registered mortgage brokers - when I say "registered mortgage brokers", I mean state registered mortgage brokers - were wreaking havoc on the community, in some cases by not securing or registering mortgages, and the consequence was that some unfortunate investors personally lost hundreds of thousands of dollars. I do not think that that situation could occur under APRA supervision - I certainly hope it could not occur. To further emphasise the professionalism of APRA, I note that the chairman of APRA, Mr John F. Laker, in a speech two weeks ago to the Reserve Bank of Australia Conference on the Structure and Resilience of the Financial System, held on 20 and 21 August, at the H.C. Coombs Centre in Kirribilli, in a paper that he titled "The Evolution of Risk and Risk Management - Prudential Regulator's Perspective", stated in part that his paper discussed the evolution of risk and risk management in banking over the past decade from the perspective of a prudential regulator and the fact that APRA was Australia's integrated prudential regulator of banking institutions, insurance companies and most superannuation or pension industry organisations. He recognised that it would be impossible to eliminate failures, but in his speech the chairman made it very clear that it was APRA's responsibility to keep the incidence of any failure at the lowest possible level.

I will leave the regulatory regime because, as I say, the MutualCo organisation will operate under the commonwealth scheme, and I think that is a great plus.

In respect of the transfer of assets and liabilities I also mention the word "staff". There are provisions within the bill that will enable staff who currently work for the Government Employees Superannuation Board and who are transferred across to MutualCo to either work with the MutualCo organisation or, if they wish, to indicate that they want to return to the Western Australian public sector and, if that is the case and they do that within 12

months, they will be entitled to return with their normal benefits protected. There are, interestingly, some transition provisions that will provide for bonuses, as it were, or transition payments to be made to those members of staff who move across to MutualCo and indicate that they intend to stay with MutualCo or indicate that they do not intend to return to the Western Australian public service. During the committee stage I would like the minister to explain just what sort of money is anticipated to be involved in those transition payments, which are to be made by the state and not by GESB. Quite clearly, the reason for that is that the government will be compensating those public service employees if they move out of the public service area in Western Australia. I do not see a problem with that but I do believe that some quantum should be indicated in respect of that matter.

I have had discussions with GESB management. It would be wrong to nominate particular people who have provided advice over a period of time, but it would also be remiss of me not to recognise Michelle Ahearn, the general manager of the organisation, who has been very helpful in discussions that I have had over a period of years, but certainly other senior officers have also been involved in discussions about the organisations. It has been made clear to me that GESB management welcome the proposed changes. They are confident that the changes will enable GESB to continue to provide competitive fees, investment return and realistic services for their members. In fact, they believe that the change will enable them to expand some of the services they provide to their members. Overall, many at GESB are looking forward to the changes that will occur.

The bill keeps referring to the mutualisation of the accumulation funds. Not so long ago in Australia we had the mutualised Australian Mutual Provident Society, which had been a mutualised society in Australia for many decades. The membership agreed to demutualise AMP. Later, as part of the demutualisation, it became a public company. After some hiccups along the way, it has gone from strength to strength. In due course, it would be possible for the members of the mutualised MutualCo to demutualise the organisation, but that would obviously require whatever majority is stipulated in the constitution to be achieved. That could be some way down the track but it is certainly a legal possibility. Over a period of years it will be interesting to see whether there is any move to demutualise the mutualised fund we are now creating under the name of MutualCo.

The bill itself is interesting because it is not structured in the way most bills that come into this house are structured. It is 101 pages long. Members will note that the bill amends the State Superannuation Act 2000. The first 16 or 18 pages of the bill directly apply to that act. As we work through the bill, there are significant amendments allowing for the transfer of assets and liabilities to be incorporated into the principal act. As we work further through the bill - I am not talking about amendments to allow for the transfer but amendments at transfer time - we will find that there is a need to go back because the later clauses in the bill amend earlier clauses that will have just been agreed to by the committee. There are interesting standing orders in this place that have been observed for decades that argue that we cannot amend something that has already been agreed to by that same committee. However, this is the way the bill has been structured. It is structured this way because of the nature of the amendments. It is interesting to see the way in which the process will be employed. In some cases, we will be deleting amendments that have been agreed to for the purpose of substituting amendments that are contained in the same bill. It will be an interesting time in committee because when we are talking, for instance, about clause 21, which inserts part 2 after section 4, we will be talking about an amendment to page 3 of the principal act. Also, when we are talking about part 5, amendments relating to West State scheme, on page 62 of the bill, and we are dealing with clause 53, section 41 amended, we will be dealing with part 12 of the bill because we will be attempting to amend the bill itself, which will have already been agreed to as a result of a previous amendment.

The bill has been structured in an interesting way. I understand that it has been done that way because there are very specific divisions in the bill. To be tacking on amendments to allow for the transfer, along with amendments at the time of transfer, we would have to agree to the amendments to allow for the transfer before we could consider the amendments to be applied at transfer time. It certainly would be complicated if those amendments at transfer time were also to be added to the amendments to allow transfer in one stage or effort, so to speak. It would be very confusing to know exactly where we were heading. However, I have great confidence that the minister who is handling this bill will be able to answer succinctly all the questions put to her because I observe her every day in question time answering questions. I am quite sure that she will have recourse to obtain the advice of her advisers. Therefore, rather than tell me to put the question on notice, she will be able to seek some advice from her advisers, who I am sure will be able to confirm the minister's understanding of the bill in any case.

Hon Ljiljanna Ravlich: I will do you a deal. I will give you the answer to every question you have asked and we will just proceed to the third reading.

Hon GEORGE CASH: Today, after the minister had given Hon Peter Collier the answer that the minister has given every day for the past two or three weeks - that is, "put the question on notice" - I asked him why he did not say to the minister, "I will give you the answer, because I know what the answer will be, and now you can think of the question."

Hon Kim Chance: That would take the challenge out of it, George!

Hon GEORGE CASH: It is good that the minister and I have dealt with each other before and that we know each other's quirks - not that I have any quirks, but I recognise the minister's quirks - because we will need a bit of that old-time music to make sure that we can get this legislation passed in a proper and orderly way. We support the bill.

HON BRUCE DONALDSON (Agricultural) [9.02 pm]: I support this bill. It is very hard to give a speech following Hon George Cash, who spells out matters so succinctly, and not be accused of boiling the cabbage twice. The Parliamentary Superannuation Board was very fortunate because the chairman of that board, Hon Kate Doust, organised a briefing with the Government Employees Superannuation Board. One of the minister's advisers in the house tonight and her colleague gave us a very extensive briefing. As a matter of fact, we were provided with a folder that contained a very good plan of the structure of GESB. All members gave back the folder because at that stage the legislation was impending and had not been completed. To keep the matter confidential, we felt that if we at least handed back all our briefing papers, no-one could accuse us of leaking the information. I cannot speak for my colleagues, but after listening to the briefing, which we appreciated, I got the feeling that it was a very sound move for the government to take this path. A few of us who are still on the old defined benefits scheme were pleased to know that we were being protected. That is always a very good start, and that got us in a very good mood before we looked at the other matters. I am joking, but it was refreshing.

The speed with which this bill has been brought on is interesting, as Hon George Cash said. Yesterday, I was offered another briefing because I was told that the briefing I had been given previously was held a long time ago and that to have the matters fresh in my mind it might be better to have a briefing 48 hours before the bill was to be debated in this house. That was only yesterday. No doubt the person who very generously offered me a further briefing was a bit surprised to learn this morning that the bill was to be debated tonight.

It is interesting to recognise - I think it staggered many people in the financial world and people with superannuation such as retirees etc - the major changes that were made to the commonwealth legislation. I do not think any of us expected some of these benefits. When beneficiaries of an untaxed superannuation scheme turn 60, their accumulations are non-taxable, and the money they take out of the fund is also non-taxable. It is possibly the result of successive governments tinkering around the edges. They have never got to the real crux of the problem, which is that within 25 or possibly 30 years, we may not be able to afford pension and welfare schemes as we know them today. I may be wrong, but that is what some of the more brilliant economic people say. This is the case in countries such as Sweden. Norway is fine because it has very good oil and gas revenue, but Sweden's welfare system has almost overburdened the economy. The value of what is called the service dollar became far greater than that of the replacement dollar. Sweden has had to actually claw back some of its welfare system and finetune it, because it was becoming quite impossible for it to continue.

The tax-free element upon turning 60 was necessary to ensure that the Government Employees Superannuation Board was able to march along with the changes. I think that is very important. As Hon George Cash said, GESB represents about a quarter of the working population, or 280 000 people, and we are starting to get into significant funds. For GESB to give its own employees - the public sector - the right of choice was, I think, very important. I think all members support that. It was also important to make sure that they were in the loop for all the changes that are occurring at the commonwealth level, and that they would also benefit in Western Australia. I think that was crucial to what has been done, and I think it has been very good.

There is one downside, and that is the commonwealth government's inability thus far to recognise the situation that arose when it wanted to move West State Super away from an untaxed fund to a taxed scheme. It has been investigating this for quite some time. The Government Employees Superannuation Board is unable at this stage to come to a suitable arrangement with the commonwealth that would not disadvantage members through that change. That is a bit sad, because the taxed fund has great implications for the people who will be in that particular scheme. I do not know whether that is dead and buried or whether the commonwealth government is still prepared to look at it; I hope it does.

Hon Ljiljanna Ravlich: They're just a bit preoccupied at the moment.

Hon BRUCE DONALDSON: I presume so, but I am not going to knock the federal government. I suppose even Treasury would be a little nervous at the end result the provision of a tax-free element will have on its bottom line. I reckon Treasury is still suffering from a little nervous dyspepsia or shock, and is asking, "Hell, what has the government done to us?" Treasury, as members know, usually runs the country or the state; it has the final say, or seems to. There is some reluctance about how much further this can go. I hope GESB and the government continue to negotiate to ensure that people within the West State Super scheme will be able to operate within a taxed fund. I think it is very important.

It was pointed out to us - I note it is also in the second reading speech - that there was very strong support for choice for members and employees. That is a very good reflection of the provisions that are being put forward in this bill. If a superannuation fund has the support of not only its members but also the employees for any change

to a scheme such as this, it goes to show that it is very worthwhile achieving. It is a good thing for members in the public sector to have that freedom, which until now they have not been able to have, because the lack of choice has impacted on the attractiveness of the state public sector as an employer. The commonwealth government has also urged people to bring all their funds in various superannuation schemes into one scheme to save on the multiplicity of administration fees. That is not possible in some cases when people opt in and out of different public service agencies.

I wonder how much more money could have been invested by people between the announcement on the changes to superannuation and 30 June, when people were able to take advantage of tax incentives for investing up to $1 million in superannuation. I know that a considerable amount of money has poured into superannuation schemes in the past month or so. The minister might be able to bring us up-to-date on what happened during that period. If this legislation had been in place during that period to give people that opportunity, I believe the amount of money invested before the cut-off date would have been considerably more than it was. I guess GESB, on behalf of its members, missed that opportunity on a number of issues, and now people without a tax-incentive scheme have real problems. I know a few GESB members who retired from the public sector and wondered when they shifted their money to a retirement account why their funds were suddenly reduced by 15 per cent. Of course, it was because the contributions to GESB were never taxed.

I think Hon George Cash said that only about 120 000 members of GESB are currently WA sector employees; the other 160 000 are former employees. I think the structure under the undefined benefit schemes that was made under state regulations was overseen by the state superannuation board. In view of the unfunded nature of the defined benefits schemes, they retained the existing government guarantee for payment of benefits.

I was told a few years ago, back when I think Brian Burke was Premier, that he removed $13 million from the superannuation fund, which was a self-managed pension scheme - I think Hon Max Evans told me that - and that the state's consolidated fund would not accept liability for the pension scheme. Hon Max Evans was a very astute chartered accountant and he actually calculated the facts and figures. As parliamentary salaries went up, of course the 12.5 per cent contribution became greater and greater. That gave the state a greater ability to put more money into that fund. If it had, it would have included interest over time. Members would know that at that time people were getting interest payments on their money on the open market of 17 and 18 per cent. He worked out that that fund would now contain more than $100 million. He believed it almost operated in a self-funded mode. I am not an accountant so I could not check his figures. I have lost the piece of paper he gave me. Nevertheless, that scheme was discontinued. Parliament agreed to shift that scheme so that it was out of the reach of all new members. Present members have access to the superannuation guarantee levy, which is more than nine per cent. If they contribute as members on the pension scheme, pay 12.5 per cent of their gross salary, remain in Parliament for about 16 years and put the funds into a new GESB fund, they would not be far behind, depending on the results. Members would be pleased to know where GESB sits overall when it comes to superannuation funds. This year it will report a 17 per cent return; last year's return was 15 per cent. Like all funds, a few years ago the return was between negative growth and four per cent. That is the movement of the share and property markets. The organisation has received a wonderful boost in the past few years and it is now recognised as one of the leading superannuation organisations in Australia. That gladdens the heart of all those involved. It has been said to us more senior members that GESB is very much looking forward to looking after us when we retire. The changes in the bill will give it the opportunity to do just that, which is excellent.

The opposition supports this bill, as Hon George Cash pointed out. I do not want to cover the ground that he covered. I thank the staff of the Government Employees Superannuation Board for the briefing we received. We were fortunate to have an early look at all the information. I wish I had kept my book so that I could show members some of the graphs and structural plans that were provided to me. However, they would be no good to Hansard, because Hansard cannot record pictures! With that, I support the bill.

Debate adjourned, on motion by **Hon Ljiljanna Ravlich (Minister for Local Government)**.

FIONA STANLEY HOSPITAL CONSTRUCTION ACCOUNT BILL 2007

Second Reading

Resumed from 29 August.

HON MURRAY CRIDDLE (Agricultural) [9.18 pm]: I was fortunate to have had a briefing on this bill today, so the information I received is reasonably fresh in my mind. As stated in the bill, this is a bill for -

> **An Act to establish a Treasurer's special purpose account called the Fiona Stanley Hospital Construction Account for the purposes of construction and establishment of the Fiona Stanley Hospital, and for related purposes.**

Page 581 of the *Budget Statements* refers to Fiona Stanley Hospital, and $1 092 421 000 has been provided for construction of stage 1. That is an enormous amount of money to be set aside. I should have mentioned that it has come from the 2007-08 budget surplus. It is in a special account and, as a result of this bill, the interest in

the account will assist with some of the anticipated cost escalations. No debt will arise from the construction of the hospital. This is an unusual way of funding a capital item from consolidated revenue. By and large, we spend the money in consolidated revenue as it comes in. The state has been in the very fortunate position of enjoying in the vicinity of $2 billion in surpluses every year for the past two or three years. That has enabled the government to do these sorts of things.

The south metropolitan area has been pretty fortunate over recent times; it is doing very well. An announcement was made recently that the cost of the New Metrorail has blown out to $1.66 billion. That is an extraordinary blow-out. I remember making the announcement in 1999-2000 when the coalition's estimate of the cost of the southern rail link was $941 million in 1998 dollars. When this government took office and decided to build the railway it was talking about $1.1 billion. The minister then decided to build the railway alongside the river. Since construction has commenced, the cost has rapidly risen to $1.3 billion, $1.5 billion and most recently $1.66 billion, and there are some issues surrounding that particular figure. That is one area in which the south metropolitan railway has benefited.

Recently, we heard about the further extension of the Kwinana Freeway. I remember finalisation of an earlier stage of the freeway, which cost $168 million, and which was opened just after the coalition lost government. I was not invited to its opening but a substantial contribution was made by the coalition government. The cost of the extension further south will run to something like $600 million. Now we are debating a bill, which, of course, will legislate for setting aside $1.09 billion or thereabouts, plus the interest it will earn over the years. It will be very interesting because I understand the health department will oversee the construction of the hospital and Treasury will manage the funding arrangements and pay out the money over the duration of construction. I note that the budget estimate has provision for the money to be expended until 2014-15. However, the very large amounts of money to be expended on the hospital will be, in 2009-10, $106 million; in 2010-11, almost $300 million; and in 2011-12, almost $400 million. Eventually, this 643-bed hospital will come to fruition. Further examination of the 2007-08 budget reveals finalisation of planning and commencement of development of the new Fiona Stanley southern tertiary hospital, which will contain the new state trauma centre; a burns centre and major cancer services, including radiotherapy; paediatrics; neonatal facilities; and acute mental health care. It sounds as though it will be a fantastic hospital. There has also been some discussion about Royal Perth Hospital, which is proposed to be closed - I understand it will be closed - and the ramifications of that closure.

I have mentioned that the Treasurer will administer and control the account. The Auditor General will also have an oversee function and will provide an annual report. Any moneys left over in the account will be put back into consolidated revenue upon completion of the construction of the hospital. That will be done by order in the *Government Gazette*. The account will then be finalised, and this legislation will expire. The completion of construction will be in 2014-15.

This bill is not just about building a hospital. It is also about providing things such as rail and bus services. Everyone would realise that the current hospital facilities that are provided in Perth are linked with the bus circuit. I do not envisage that this hospital will be on that bus circuit. Therefore, some form of transport will need to be provided to enable people to move freely to and from this hospital facility. I hope the road situation will also be accommodated. I do not know whether any funding has been set aside for that purpose. I notice that the bill uses the term "and related purposes". I am not sure what that means. Perhaps the minister will be able to tell us what the related purposes will extend to.

It is all very well to set aside moneys for the city to provide things such as football ovals and arts facilities. However, we need to remember that other parts of this state also need facilities and resources to enable them to generate the funding that drives the economy of this state. The rail freight systems and the road systems in many of the rural and regional areas in this state are in dire straits. The amount of money that is required to address those matters is minimal compared with the amount of money that is being expended just in the south metropolitan area. I have mentioned the $3 billion or $4 billion worth of infrastructure that is proposed for the south metropolitan area. I implore the government to think about the areas of this state that are putting the money into the pockets of the state Treasury. The government also needs to respond to the requirements of industry in those areas. There are massive industry requirements in the mid-west, the north west and the Ord River, and also in the south west with the extension of the gas pipeline. The implication to country people is that the majority of the money is going to the city. That is of enormous concern to me as a person who represents rural and regional Western Australia. The state government complains time and again that the federal government is not giving the states any money. Well, the same thing is coming to fruition with this state government in its funding of rural and regional Western Australia and, indeed, local government. Therefore, as I have said, I implore the government to look at the requirements of people in rural and regional Western Australia. The Minister for Agriculture and Food would be aware that many of these people are experiencing a very difficult situation because of the drought. I live very close to some of those people, and I know the hardship they are facing. I do not think any of these people expect a handout. I mentioned earlier today the prospect of putting infrastructure in place in rural and regional areas and giving the people in those areas the opportunity to

build some of that infrastructure I notice that the Leader of the House is nodding. This is not a plea that comes without concern for those people. I am very concerned for those people out there and seek to give them a bit of pride by allowing them to construct infrastructure in their area. In doing that, they will get some pride. I had experience of that when I was a minister. Members can ask anybody. I know that I have been blamed for every road in the northern wheatbelt, and I am proud of that, because my farm does not extend throughout the wheatbelt, and not every road that was built up there -

Hon Norman Moore: Not yet anyway!

Hon MURRAY CRIDDLE: Not yet, no. We are moving that way.

Hon Robyn McSweeney interjected.

Hon MURRAY CRIDDLE: I accept any criticism that anybody wants to cast in my direction when it comes to making decisions that allow local people to become involved in opportunities that will give them some pride and allow them to work in what are difficult conditions. People who live in the country do not get it easy, and we need to recognise that.

I support the idea of these sorts of funding arrangements being put in place, provided everybody in Western Australia has a crack at the money and those of us in the country have the opportunity to gain some benefits as well, so that we can continue to provide some of the wealth - in fact, most of the wealth - that people enjoy in Western Australia. What would we do without the regions of Western Australia? I hope that we get some rain so that country people can add a bit more dough to the pockets of people in the city. It would be a wonderful thing to happen. I welcome this bill. Remember those of us in the bush.

Debate adjourned, on motion by **Hon Kate Doust** (**Parliamentary Secretary).**

FISH RESOURCES MANAGEMENT AMENDMENT BILL 2006

Second Reading

Resumed from 3 May.

HON GIZ WATSON (North Metropolitan) [9.32 pm]: I was just checking back through *Hansard*, and I think I was previously debating this bill back in May. Therefore, I had to remind myself where I had reached in discussing the Fish Resources Management Amendment Bill 2006. I was talking about the impact of this bill in providing for mandatory prison sentences. I wanted to raise with the house that the current estimated expense of imprisoning somebody in Western Australia, according to the latest annual report of the Department of Corrective Services, is $94 000 per annum for each adult prisoner, and I believe it is close to $120 000 per annum for a juvenile. That is a very large expense to the state for keeping people in prison. I do not know whether members would contemplate that it would be easier to spend half that amount of money on the Indonesian villages that these illegal fishermen come from. We might be able to provide them with something that would keep them there, rather than have them come to Western Australia and continue to overfish certain parts of the state's waters. The Greens (WA) would argue that the money would be better spent on other measures to prevent illegal fishing, such as helping Indonesians to restore their own depleted fisheries and to improve fisheries management in that region.

I have already noted that the Greens have a fundamental objection to mandatory sentencing, as it is inconsistent with international human rights principles. I will refer to a statement on this issue by Professor Alice Tay, who is the President of the Human Rights and Equal Opportunity Commission, which was provided by way of a speech to a HREOC press conference back in February 2000. Professor Tay said as follows -

> **As stated in many media reports over the past week, mandatory sentencing laws violate Australia's international human rights obligations.**
>
> In particular, they contravene article nine of the International Covenant on Civil and Political Rights which states that all offenders shall not be subject to arbitrary detention. This covenant was ratified by Australia in 1980.
>
> Mandatory sentencing laws also violate the international minimum standards for the sentencing of juveniles.

Members might remember that, when I was speaking on this subject back in May, I raised the issue that a number of the people on these Indonesian fishing vessels are children, or at least are under the age of 18. I asked whether it was anticipated that these juveniles would also be subject to the imprisonment provisions, because there is certainly an indication that Indonesian juveniles are being held in the Northern Territory as a result of being picked up on fishing vessels. The minister might remember that I made reference to that in my earlier comments. The speech continues -

> These International treaties are binding on Australia and it is the federal government's responsibility to fulfil its international obligations.

> **Mandatory sentencing laws are contrary to the principles of justice, which call for punishments to be appropriate to the offence and the offender.**
>
> In the case of children, detention should only be considered as the last resort. Mandatory sentencing makes it the only resort.
>
> The best interests of the child must be a primary consideration when making sentencing decisions. These laws take away a young person's right to a variety of sentencing options.
>
> Only a judge who can choose from a range of sentencing options is equipped to consider the best interests of the child.
>
> **Mandatory sentencing does not work.**
>
> While little detailed Australian research has been conducted in assessing its effectiveness, studies in the USA indicate that mandatory penalties prevent little or no crime.
>
> There is no evidence to suggest that these laws have made a significant impact on crime statistics in either the Northern Territory or Western Australia. The precise preventative effects of mandatory sentencing laws are still being disputed.
>
> **Mandatory sentencing diverts scarce resources away crime prevention to the most expensive option of detention.**

I have just quoted the figures from the annual report of the Department of Corrective Services for what that actually costs Western Australian taxpayers. The speech continues -

> The latest "Trends and Issues" paper published in December by the Australian Institute of Criminology estimates that it costs around $60,000 to keep a prisoner imprisoned for one year and $200,000 to build just one new cell.

As I have said, the Western Australian figures are considerably higher than that. The speech continues -

> The enormous government investment required by mandatory sentencing laws would return a much better yield in terms of crime prevention if it were invested in prevention policies in areas such as education.
>
> This money could be used to fund real programs and policies which provided assistance to the disadvantaged young people affected by mandatory sentencing today.

The Greens are bound to oppose this bill, because it imposes mandatory sentencing provisions, and it is discriminatory in that it provides that these mandatory sentencing provisions will apply only to people on foreign fishing vessels - not that we are suggesting that they should apply to Australians as well. In that respect it is also a discriminatory bill. Having checked the legal situation, I gather that Parliament is not in breach of any international treaty obligations or constitutional matters in writing legislation that discriminates.

Hon Murray Criddle: What would you have done as an alternative to mandatory sentencing?

Hon GIZ WATSON: The whole approach to dealing with illegal fishing off the northern coast needs to be rethought in the direction of a much more thorough preventive approach, rather than simply waving a big stick. Most Indonesian fishermen quite frankly do not mind sitting in Broome prison for a few months, because they get well fed. It actually does not solve the problem. I cannot see that any of the incremental cranking-up of the penalties has done anything to deter people.

Hon Murray Criddle: I am just asking for an alternative.

Hon GIZ WATSON: Some of the alternatives are to do with dealing with the communities and villages. The majority of the fishers come from particular areas in Indonesia. Much more work needs to be done in terms of a cooperative engagement with them to try to ensure that people are not being forced to fish in Australian waters. I realise we are dealing with a very complex equation. Not only do we find this particular legislative approach offensive, but also it will not be effective. Even if people feel that it is the right thing to do to have very strong penalties, I do not think that the evidence suggests that they have been any deterrent at all.

Hon Murray Criddle: Perhaps the minister can outline a reply to that.

Hon GIZ WATSON: Certainly. I would be happy to hear the response to that. In the third paragraph of the second reading speech it states -

> There has been a significant increase in illegal foreign fishing in the northern parts of Western Australia and Australia over the past 12 months . . .

I hope that in the second reading speech or the explanatory memorandum that was somehow quantified. If we are being asked to impose quite draconian penalties, at the very least we ought to be provided with the statistics.

Another point I raise is that there is a reference in the second reading speech to illegal foreign fishing operations being known to engage in the very cruel and wasteful practices of shark finning and the killing of protected species. I acknowledge that that occurs. I am also aware - I am interested to know whether the minister will give me some indication - that illegal shark finning occurs within Australian fishing fleets as well.

Hon Jon Ford: Legal shark finning.

Hon GIZ WATSON: There is a black market in shark fins in Western Australia and Australia. It is all very well for us to paint a picture of very bad fishing practices and unsustainable fishing practices but we should not kid ourselves that the Indonesians are the only fishers who engage in these sorts of practices. It is an unfortunate fact that when the value of shark fins is so phenomenal, it is not just foreign fishing vessels and foreign fishers that engage in these sorts of activities. We could do a lot more to ensure that we stamp out the practice in the highly regulated fisheries we have in Western Australia. I have an indication that it occurs to some extent within Western Australian fisheries.

I think I have said what I need to say about this bill, but I indicate to the minister that I have just come across some more notes and there may be a need for a brief committee stage. I am sorry to alert the minister at this point. I have some more detailed questions that we cannot deal with through second reading contributions. I apologise for indicating earlier that I did not. I have some detailed questions concerning at least four of the clauses. They are questions about the provisions of the bill that introduce compulsory forfeiture of all possessions. Again, that seems to me to be a harsh penalty. It does not seem to me that it differentiates as to whether it will be legal under the amended act to also seize items of personal value. It is one thing to take items that might be reasonably associated with the commission of an offence, but it seems that this provision is exceedingly broad. The question I am asking is: is there any limitation on what items can be seized from a boat and, indeed, who those items can be taken from? Would it include any juveniles who might be on the boat?

I have probably covered the issues in this bill that I wanted to raise. I indicate that the Greens (WA) will not support the bill. However, I have some further comments to make when we go into the Committee of the Whole.

HON JON FORD (Mining and Pastoral - Minister for Fisheries) [9.45 pm]: I thank members for their comments on this important bill. I will try to touch on a few of the issues that they have raised. The mandatory sentencing provision will not apply to juveniles; that is, persons under 18 years of age. I understand that the standard operating procedure is that once someone has been identified as being under 18 years of age, there is a short processing period, and the person is then flown home. Hon Giz Watson referred to some issues in Darwin. Sometimes it is difficult to determine the age of the people involved because of their background. The commonwealth is developing a common database of those fishers who are in the trade, and that database will be able to be accessed by all jurisdictions. It will allow us to identify reoffenders and to deal with issues of mistaken identity or age. Interestingly, there are some other methods that can be used to determine the age of the people involved.

In the areas in Western Australia where shark-fishing activities are allowed to take place, the processing of shark fins is not allowed without the retention of the trunk. It is a requirement that the trunk be retained and processed.

Hon Giz Watson: Are you saying that there is no illegal trade in shark fin? I know what the laws are, but people keep breaking them.

Hon JON FORD: I was leading to that. As part of the compliance process, there are limited ports at which these animals can be brought to shore. We actually match up the fins to the trunks to make sure that the numbers coincide. We also do a DNA check to make sure that the trunk matches the species of shark that the fin is taken from. I am sure that members have heard stories about the fin trade. I recently instigated an inquiry because people were worried that there was illegal trade going on. In fact, when we investigated it, we found that it was a legal activity. Some illegal trade has occurred in the past. However, it is very difficult to do that now in Western Australia because Western Australia now has the largest shark reserve in Australia, if not the Southern Hemisphere, which extends from Cape Leveque nearly all the way to Jurien Bay, where fish are commercially protected. There are also recreational catch limits of one and a half metres on sharks and pelagic sharks. I am currently debating with the commonwealth the joint managed fishery that runs from east of Cape Leveque all the way into Queensland; in fact, I had a meeting with Senator Abetz last Friday. I think we have found a way forward.

This is an important complementary measure to the plans that have been negotiated between the two state jurisdictions, the Northern Territory and the commonwealth. Three ministerial council meetings have been held on it, the last one being on Friday in Darwin, which I attended. As a result, a dramatic reduction in catch has taken place during the off-season, so those strategies have been very effective. I thank the commonwealth for taking this matter seriously in the end. I particularly thank Senator Ellison, who did a lot of good work on it, and even Senator Abetz. Members might find it hard to believe that I am complimenting him, because we disagree on a few things, but we have brought about a dramatic reduction in the catch during the off-season. However, we are at the start of the season of highest activity.

The idea behind this strategy is to have a three-tier legislative framework. The commonwealth legislative framework will cover from 200 nautical miles from the coast, which is the end of the exclusive economic zone, to 12 nautical miles from the coast. From 12 nautical miles to three nautical miles from the coast, another set of legislative framework will apply. Then states have their own legislative framework to deal with territorial waters. This bill deals particularly with Western Australian coastal waters; that is, up to three nautical miles from the Western Australian coast and around islands off the Western Australian coast. Therefore, the basic strategy is that as people move closer to the coast, they face a harsher set of penalties. There are also consistent penalties across the jurisdictions, which mean that some of the provisions of the bill will be mirrored in complementary legislation, such as forfeiture of equipment. Hon Giz Watson asked a question on the forfeiture of private equipment. It is a matter for the courts, but there are two aspects to it. Offenders would have their boat and fishing gear confiscated, which is what the legislation is targeting, and it would be destroyed. The bill provides powers for officers to seize and hold such gear while waiting for a court order. The provisions therefore apply only to the gear named by the prosecutor; therefore, personal gear is not included. Most offenders do not have personal gear and travel very light, but some of the gear is becoming quite sophisticated. For example, hand-held global positioning system equipment would be confiscated.

Another aspect of the compulsory nature of the penalties and the imposition of imprisonment is to take away the viability of the criminals who force people into this trade. I have said in answer to questions and in talks before that a not well published tragedy in all this is that many people who make the trip disappear and are not seen again. We are hopeful that situation will change. The other matter that Hon Giz Watson raised related to education and promoting dealings between Australia and Indonesia. Western Australia has been working with Indonesia, and has also offered the commonwealth assistance. The commonwealth is negotiating with Indonesia in a fairly effective manner and looking at programs. It is also working with the regional jurisdictions to come up with local solutions to help these people out of this trade. Part of that involves aquaculture programs and re-seeding. Now it is talking about bringing completely different non-allied skills into tourism or whatever is available at the time. Currently we are having a debate about traditional fishing. One of the difficulties for Indonesia is that it also suffers from a large amount of illegal foreign fishing. Indonesia is negotiating with the commonwealth, which is assisting it to deal with the compliant activities of those people who are damaging its environment, which is making it hard for its people.

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

Debate adjourned, on motion by **Hon Jon Ford (Minister for Fisheries)**.

NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA) AMENDMENT BILL 2007

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sally Talbot (Parliamentary Secretary)**, read a first time.

Second Reading

HON SALLY TALBOT (South West - Parliamentary Secretary) [9.57 pm]: I move -

That the bill be now read a second time.

Nationally consistent and effective environmental protection standards are important goals that must be strived for in Australia to address pollution and other environmental issues. Western Australia has contributed, and will continue to contribute, significantly to establishing national environmental protection standards, primarily through its active involvement with the National Environment Protection Council. The National Environment Protection Council is a ministerial body created through the commonwealth National Environment Protection Council Act 1994, and through complementary legislation in all states and territories. This council has the responsibility for making national environment protection measures with the objective of ensuring that the people of Australia enjoy the benefit of equivalent protection from air, water, soil and noise pollution, wherever they live. The council also works to ensure that decisions by businesses are not distorted and that markets are not fragmented by inconsistencies in the adoption or implementation of environmental protection measures across jurisdictions. A service corporation assists the council by providing secretariat, project management and administrative services. The council has made seven national environment protection measures covering ambient air quality, air toxics, assessment of site contamination, movement of hazardous waste between jurisdictions, a national pollutant inventory, diesel vehicle emissions, and used packaging.

The purpose of the National Environment Protection Council (Western Australia) Amendment Bill is to implement nationally agreed minor amendments to the National Environment Protection Council (Western Australia) Act 1996. The bill is uniform legislation and its amendments will ensure that Western Australia's legislation complies with the 1992 Intergovernmental Agreement on the Environment, in which it was agreed

that commonwealth legislative changes affecting the commonwealth National Environment Protection Council Act 1994 would be incorporated into the corresponding legislation in all states and territories.

In 2001 the commonwealth, state and territory acts were reviewed, as required by section 64 of the commonwealth act. The review analysed the operation of the legislation to determine the degree to which the objects of the act were being attained. In responding to the review, the council concluded that substantial progress had been made on issues of national environmental protection and that only minor amendments to the legislation, which were highlighted in the review, were needed. These amendments are the establishment of a simplified procedure for implementing minor variations to national environment protection measures, allowing the National Environment Protection Council Service Corporation to provide support and assistance to other ministerial councils, and the introduction of five-yearly reviews of the act. At present, under the Western Australian act, every variation to a national environment protection measure, regardless of its significance, must go through a widespread, resource-demanding consultation and impact assessment procedure. This is appropriate for significant variations, but a streamlined process for minor administrative variations, such as correcting spelling errors and name changes to organisations, will enable changes to be made without a complete revision of the national environment protection measure.

The proposed amendments mean that minor variations could only occur after agreement by the ministers on the National Environment Protection Council. This will enable Western Australia to consider the impact of minor variations before committing to them. Any proposed variations that would substantially alter a national environment protection measure - for example, by changing monitoring procedures - would still require the full statutory public consultation process to be implemented. The establishment of five-yearly reviews will provide an instrument for the National Environment Protection Council's objectives to continue to meet the requirements and expectations of the Australian community.

The third amendment in this bill follows from a review of ministerial councils by the Council of Australian Governments. The result of this review is that the National Environment Protection Council now meets jointly with the Environment Protection and Heritage Council. The new council also deals with environment protection and heritage issues previously dealt with by the Australian and New Zealand Environment and Conservation Council - ANZECC - and the heritage ministers meeting. This amendment confers the legal capacity for the National Environment Protection Council Service Corporation to expand its secretariat and project management services to the Environment Protection and Heritage Council.

The remaining amendments contained in the NEPC (WA) amendment bill are administrative in nature and will have no significant impact on Western Australia. The amendments in this bill have been implemented into commonwealth legislation and mirrored by our state and territory counterparts. I commend this bill to the house.

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

TERRORISM (PREVENTATIVE DETENTION) AMENDMENT BILL 2007

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Jon Ford (Minister for Regional Development)**, read a first time.

Second Reading

HON JON FORD (Mining and Pastoral - Minister for Regional Development) [10.03 pm]: I move -

That the bill be now read a second time.

At a special Council of Australian Governments meeting held on 27 September 2005 to consider national counterterrorism issues, state and territory leaders agreed that a strengthening of Australia's counterterrorism laws was warranted. An agreement was reached to amend the commonwealth Criminal Code Act 1995 to include provision for measures such as control orders and preventative detention to improve Australia's capability to prevent terrorist acts and to prosecute perpetrators of such acts when they occur. Due to constitutional constraints on the commonwealth, it was also agreed that the states and territories would enact legislation to allow for certain counterterrorism measures, including preventative detention for up to 14 days.

In 2006, the Western Australian Parliament passed the Terrorism (Preventative Detention) Bill 2005, which became an act in 2006, thereby enacting this state's response to the COAG agreement. Separate to the preventative detention powers contained in the commonwealth Criminal Code Act, the Australian Security Intelligence Organisation has significant questioning powers with respect to the investigation of suspected terrorist activities under the Australian Security Intelligence Organisation Act 1979. ASIO's powers of questioning and detention in relation to suspected terrorism may either require a person to appear before a prescribed authority for questioning, or authorise a person to be taken into custody immediately by a police officer, brought before a prescribed authority for questioning and detained by a police officer. The federal

Parliament enacted ASIO's questioning and detention powers in 2002, subject to review by the Parliamentary Joint Committee on Intelligence and Security. The committee conducted its review in late 2005, and as a result of that review, ASIO's questioning powers were recast through the ASIO Legislation Amendment Act 2006, which came into effect in late 2006.

The Terrorism (Preventative Detention) Act 2006 contains a number of cross-references to the provisions of the Australian Security Intelligence Organisation Act 1979, as they were prior to the enactment of the ASIO Legislation Amendment Act 2006. They refer to the ability to release a person who is in preventative detention into the custody of ASIO for the purpose of exercising its questioning powers. In their current form, these cross-references are to outdated provisions of the ASIO act, and therefore could give rise to uncertainty about the capacity of ASIO to exercise its questioning powers. To avoid any doubt about the ability of ASIO to take into its custody a person who is in preventative detention under the Terrorism (Preventative Detention) Act 2006, it is necessary to amend the act to refer to the updated provisions of the Australian Security Intelligence Organisation Act 1979. The bill before the house today will achieve that by making housekeeping amendments to the Terrorism (Preventative Detention) Act 2006.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

ROTTNEST ISLAND AUTHORITY AMENDMENT BILL 2007

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Adele Farina (Parliamentary Secretary)**, read a first time.

Second Reading

HON ADELE FARINA (South West - Parliamentary Secretary) [10.07 pm]: I move -

That the bill be now read a second time.

Rottnest is one of Western Australia's iconic holiday experiences. Its unique environment has been enjoyed by generations of Western Australians and other visitors to our state. In 2004, the government accepted the majority of the recommendations of the Rottnest Island Taskforce report "Open for business: a sustainable future for Rottnest". The government remains fully committed to implementing the Rottnest Island Taskforce report. We have invested over $26 million over six years to fund the many major upgrades required for Rottnest Island to ensure the ongoing sustainability of its infrastructure.

However, other reforms are needed in order to improve the overall financial sustainability and governance. The Rottnest Island Authority Amendment Bill 2007 addresses the need for appropriate changes to be made to corporate governance. The bill will ensure financial accountability systems in the Rottnest Island Authority's operations and will implement the government's commitment to create the Rottnest Island Wadjemup Conservation Reserve. The new reserve is intended to raise awareness of the value of the A-class Rottnest Island reserve. The name Wadjemup, meaning "land across the water", has been chosen to highlight the Indigenous history of Rottnest Island. The creation of the Rottnest Island Wadjemup Conservation Reserve provides the opportunity to amend the boundary of the settlement area to include the entire area of the heritage-listed Kingstown precinct including the Bickley Battery at the southern side of the island. This amendment is provided for in clause 5. The most efficient cost-effective way to create and manage the Rottnest Island Wadjemup Conservation Reserve is for the reserve in its entirety to remain under the care, control and management of the Rottnest Island Authority. This will ensure the decision-making responsibility will remain with one minister and one government agency, whilst at the same time acknowledging the importance of seeking support, consultation and agreement on decisions, as appropriate, with key stakeholders. In particular, clause 14 of the bill provides that in the development of all future management plans, the Rottnest Island Authority will seek agreement with the Conservation Commission on all conservation matters within the Rottnest Island Wadjemup Conservation Reserve. The Conservation Commission will be consulted on all such matters, but the decision-making role will remain with the Rottnest Island Authority. In the same way, clause 14 of the bill provides that all future management plans concerning the marine environment within the reserve will be developed in consultation with the Marine Parks and Reserves Authority.

One of the prime considerations of the Rottnest Island Taskforce was how best to achieve greater financial accountability. A criticism of past management plans was that they were not fully costed. Accordingly, the existing legislative requirement for the development of a five-year management plan will be strengthened by an additional legislative requirement for the development of a fully costed five-year strategic development plan and a statement of corporate intent. This will bring the Rottnest Island Authority broadly in line with government commercial enterprises, and ensure greater financial accountability. This is reflected in clause 21 of the bill. A strategic development plan will ensure the provision of clear objectives, performance targets and financial information, including the nature and extent of any community service obligations.

Other governance matters included in the bill to address task force recommendations are as follows. The membership of the Rottnest Island Authority Board will be increased by one member. There will be a chairman and six other members of the authority. The current prescribed conditions of membership based on specified areas of knowledge and/or experience or practice will be removed, thereby facilitating a broader range of skills and expertise on the authority board to achieve good management. The act will be amended to allow for a contemporary approach to written submissions on management plans by allowing other forms of submissions. The act will be amended to allow authority board members to use instantaneous communication technologies where necessary to meet their obligations to attend meetings. The act will also be amended to specify a maximum penalty of $10 000 for breaches of the act or the Rottnest Island Regulations 1988. Currently, the act does not prescribe a maximum penalty for a breach of subsidiary legislation, and the maximum penalty prescribed under the act is $1 000. That penalty has been ineffectual as an enforcement tool.

This bill reflects sensible changes to the management of Rottnest Island that will provide for increased accountability, both financially and environmentally, and will provide more effective forward planning for the Rottnest Island Authority. The approach builds on sustainable management improvements being realised on the island. These amendments also give effect to recommendations in the task force report. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2007

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Minister for Child Protection)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan - Minister for Child Protection) [10.13 pm]: I move -

That the bill be now read a second time.

The commonwealth child support scheme enables maintenance payments to be collected or paid to parents with responsibility for a child. The scheme operates under two commonwealth statutes: the Child Support (Registration and Collection) Act 1988 and the Child Support (Assessment) Act 1989. Following the making of an assessment for child support, which includes the payments to be made for the maintenance of a child, the Child Support Registrar and the Department of Families, Community Services and Indigenous Affairs ensure those payments are deducted from either salary payments or other income. Through the legislation administered by that commonwealth department, the scheme also establishes enforcement procedures to ensure that payments are able to be collected on behalf of the child; that is, the commonwealth legislation means that parents must provide for their children. However, as members may be aware, the commonwealth Parliament has constitutional power to legislate only for children of a marriage. Therefore, exnuptial children are not covered by the commonwealth legislation unless state Parliaments either refer power to the commonwealth or adopt the legislation.

All other states have referred power to the commonwealth Parliament so that the commonwealth scheme applies to exnuptial children in those states. Western Australia has not referred power. Rather, pursuant to the Western Australian Child Support (Adoption of Laws) Act 1990, the Western Australian Parliament has adopted the commonwealth legislation establishing this scheme as well as subsequent commonwealth amendments. Therefore, the commonwealth statutes that implement the child support scheme now apply to exnuptial children in Western Australia.

The commonwealth legislation has been amended on several occasions. In Western Australia, those amendments do not apply until they are adopted by this Parliament. The method of adopting legislation rather than referring power requires that commonwealth legislative changes to the child support scheme must, if they are to apply to exnuptial children in Western Australia, be also adopted through the amendment of the Western Australian legislation. The bill indicates that amendments have recently been made to the commonwealth legislation that implements the child support scheme. Those amendments are designed to improve the administration and efficiency of the child support scheme and, in particular, improve the collection and enforcement regimes. However, those provisions do not apply in Western Australia until they have been adopted by Western Australian legislation. It is appropriate and desirable that the recent commonwealth amendments be adopted by Western Australia, as proposed in the bill. This legislation will ensure that the child support scheme and the commonwealth amendments relating to it can apply to and benefit all children in Western Australia. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON KIM CHANCE (Agricultural - Leader of the House) [10.16 pm]: I move -

That the house do now adjourn.

Shark Bay World Heritage Discovery Centre - Adjournment Debate

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [10.16 pm]: One of my favourite places in Western Australia is Shark Bay. It is a great place and great people live there. They are forthright, independent and proud, and they have a very serious love of the sea, its heritage and its history. In fact, the Shire of Shark Bay's logo is a drawing of Dirk Hartog's ship surrounded by the words "Shire of Shark Bay, first in Australia". They are very fond of their maritime history and maritime heritage. Nobody typifies the Shark Bay people more than the shire president, Les Moss, and my recently deceased friend Marshall Hipper, who was the deputy shire president of Shark Bay.

My concern tonight relates to a blatant sledgehammer approach by the Western Australian Museum, aided and abetted by the Minister for Culture and the Arts, to gut the new discovery centre in Shark Bay of its most important historical artefacts. A brief history is as follows: Shark Bay had World Heritage foisted upon it during the 1980s and early 1990s. It did not want it but it got it, and it has fought against it ever since. The state and federal governments, as part of the World Heritage arrangements, provided funds for a new interpretive centre in Denham. There was a dispute about where it was to be built, but eventually it was built in Denham, which was the most sensible place. It is a magnificent building and has wonderful facilities for a museum. It is a place in which the most historic and valuable artefacts can be stored. It is a credit to the state government for the amount of money it contributed and for making the decision to go ahead and build it, and I congratulate the state government for that. I was at the opening by Premier Carpenter.

As part of the display at the museum in Shark Bay, the Western Australian Museum loaned the centre 68 artefacts, and now it wants nine of the most important ones back, which it claims were on short-term loan. Indeed, the Shire of Shark Bay has received a letter via its solicitors from the State Solicitor's office in the following terms -

My client -

I was told today during questions without notice that the client is the WA Museum.

> has instructed me to commence action in the Supreme Court to recover the items listed below, which were on short-term loan to the Shire, unless arrangements are made to return the items to the Museum of Western Australia . . . by **5:00 pm Monday 13 August 2007**. My client's instructions relate to the following items:
>
> . . . *Zuytdorp* bronze swivel gun . . . ;
>
> . . . *Zuytdorp* cannon ball callipers;
>
> . . . De Vlamingh Post;
>
> . . . Hamelin Post;
>
> . . . French . . . bottle;
>
> . . . Lead capsule with iron wire . . . ; and
>
> . . . Silver *ecu* dated 1767 . . . .

They also included the *Gudran* figurehead and the *Zuytdorp* stern piece. They are nine very significant artefacts that, in my view, belong to Shark Bay because they are, indeed, part of the heritage of Shark Bay.

There is some confusion about the legal situation relating to these particular artefacts. I do not know who is right and who is wrong. In fact, I do not care. It is not a legal issue; it is matter of sorting out what is fair, proper and reasonable. The reason I am raising this matter tonight is that the Minister for Culture and the Arts will not try to mediate an acceptable outcome. She is sitting back and watching while the Western Australian Museum has engaged the State Solicitor's Office to threaten legal action against this small remote country shire. The Western Australian Museum has a magnificent collection of maritime artefacts in Fremantle, albeit those artefacts have been collected all along the coastline of Western Australia. Surely Shark Bay, as a place that has a significant maritime history, is entitled to keep some of those artefacts. The shire wants to keep these nine artefacts because they are vital to what it believes the Discovery Centre is all about. As a result of this heavy-handed and dictatorial approach by the Western Australian Museum, the shire is now of the view that it will need to close down the museum part of the Discovery Centre and operate this magnificent new building simply as a tourist centre; in other words, a travel agency. It is a ridiculous state of affairs to have this ridiculous standoff.

However, there is a way to resolve this issue. The minister should go to Shark Bay, look at this facility, talk to the people and work out a sensible compromise. The minister was invited to go to Shark Bay when cabinet visited Carnarvon recently as part of its visit to the Gascoyne. However, she said that she could not go to Shark Bay because legal action has been instigated. In answer to a question today, I was told that legal action has not yet commenced. Therefore, the minister has no excuse for not going to Shark Bay. The minister has not gone to Shark Bay as the Minister for Culture and the Arts. The Discovery Centre is a magnificent centre that has been provided largely by the state government. The minister should get off her backside and go to Shark Bay, sit down with the local people and work out a solution to this matter. At the same time, the minister needs to recognise that if she does go to Shark Bay, she should not go there as a representative of, or advocate for, the Western Australian Museum. She should go there as the Minister for Culture and the Arts, whose job it is to sort out these problems. That is what ministers are for. Of course the Western Australian Museum has a mentality of hanging on to all the things that it thinks are important. Of course it does not want these artefacts to remain in Shark Bay. My view, and the view of the Shark Bay community, is that these artefacts belong to Shark Bay and that is where they should be displayed in perpetuity. Not every valuable artefact that is found along the Western Australian coast needs to be centralised in Fremantle. People in regional Western Australia are entitled to have housed in their own localities the very famous and important artefacts that relate to their district. These artefacts relate to Shark Bay.

Therefore, I urge the Minister Culture and the Arts to go to Shark Bay and talk to the people. I urge the minister to allow the people of Shark Bay to keep these artefacts, and to give the Discovery Centre a chance to survive, because it will not survive unless it has these sorts of artefacts to attract people to visit the place. It cost the state a lot of money to build the Discovery Centre. The shire is struggling to run it because the shire is very small and has a very small rate base. Shark Bay needs these kinds of attractions to attract people to the shire. The minister should give the Western Australian Museum the message that to take legal action through the Supreme Court against a tiny country shire is a gross overreaction to this situation. The minister should tell the Western Australian Museum to back off. The Minister for Culture and the Arts should earn her salary and personally intervene in this matter and negotiate a fair settlement. It will not be hard. The people of Shark Bay are typical country people. They understand what is fair and reasonable. However, they will fight tough and argue their case, and they can be belligerent. Those members who know Les Moss will know that the word "belligerent" sometimes comes to mind when we talk about him. The one thing Les Moss does is stand up for Shark Bay and its history. He is the man who worked with Hugh Edwards to find countless artefacts from shipwrecks along the coast. He is the man who has been involved in all sorts of activities to promote Shark Bay as an area that has a wonderful maritime history. He is absolutely determined and dedicated to ensuring that Shark Bay has a future. Because of World Heritage listing, people can hardly have one industry of any consequence in Shark Bay these days without upsetting the Department of Environment and Conservation or the federal Department of the Environment and Heritage. The place is looking for ways in which it can employ its young people. Tourism is the only thing I can see that has a real chance of surviving in the future, and this particular discovery centre is a crucial part of the tourism industry.

I cannot believe the attitude of the Western Australian Museum and the attitude of the minister about these matters. In fact, in answer to a question I asked yesterday about why the Museum was seeking the return of these artefacts, the minister stated -

> The world heritage centre was established to interpret the World Heritage values - the natural and cultural heritage of the area. This includes European, social history, pastoral, Aboriginal and pearling stories. Shipwrecks were not included in the reasoning for World Heritage listing but were strongly pursued by the shire president.

In other words, the minister is saying that shipwrecks and all the things that go with them have nothing to do with World Heritage; therefore, they do not have to be in the interpretive centre. How ridiculous is that? Fancy putting that in an answer to a question asked in Parliament. It is an absolute joke. I suggest to the Leader of the House, as a person who understands these places, who understands the sorts of people who live in Shark Bay and who understands their needs, that he talk to the Minister for Culture and the Arts and tell her to get up there and sort this out quickly before some real problems occur in the future.

Child Abuse - Adjournment Debate

HON ROBYN McSWEENEY (South West) [10.26 pm]: This week is National Child Protection Week, and it would be remiss of me, as the shadow Minister for Child Protection, and for Communities, if I did not speak on this very important issue in our society. The plight of Aboriginal children has been highlighted, and child abuse has been put on the national agenda by the Prime Minister, John Howard. He was quite right to do so. I believe that Mr and Mrs Average in Western Australia have been shocked to the core at the news coverage that shows the way in which some of our nation's children live. Some of those children live in Western Australia. The media have played a huge part in providing us with direct access to this poverty in our homes. Sadly, I do not believe that we are doing enough, nor do I believe that we will make a difference fast enough to save many

young people from a life of misery.All of us in this house would want Aboriginal children to have better health, housing and education, and to be free from the scourge of sexual abuse that is akin to a disease in their communities. The family violence that plagues so many of these communities needs to be halted, and the issue of alcohol that flows freely and is the root cause of misery for children and families needs to be assessed and reassessed. I was told by a friend of mine, Bruce Dixon, that in an Indigenous community overseas many years ago, an alcohol licence was given to people who could drink responsibly. The licence was taken away if any violence, abuse or neglect of children took place through people drinking too much alcohol. The licence was given back after a period of suspension that was meted out by people who I guess in our society now would be called the elders in the Aboriginal community. This system was set up and managed by that community's own people. I know that many people would disagree and say that it is racist. However, what is it called when we all stand by and let a race of people continue to live as they do in some communities? I am talking only about communities; I am not advocating anything. I am just saying that this is what I have been told. However, sometimes one must have the courage to do something different. Sexual abuse is not occurring only in remote communities, nor is it just an Aboriginal problem. Sexual abuse happens in all families, and all forms of abuse happen all over Australia. All forms of abuse take an emotional toll on abused children, and they carry this baggage into adulthood.

Hon Ed Dermer: Did you say that sexual abuse happens in all families?

Hon ROBYN McSWEENEY: It happens in any family - not in all families, but in any family.

Hon Ed Dermer: That was not what you said, was it?

Hon ROBYN McSWEENEY: I guess that is what I said, and people could take that literally. I meant that it happens in many families, not in all families. What I was saying, I suppose, is that it happens not just in Aboriginal families; it happens in many types of families.

Hon Ed Dermer: I think it's just as well you clarified that.

Hon ROBYN McSWEENEY: I have clarified it. I did not mean every single family. However, it would happen in about one in five families. That can be taken to be the proper statistic. Family violence hurts kids, too. Many women are subjected to violence from their partners or husbands, and many children and young people in Australia live in families in which a parent is being abused. They grow up in a climate of fear, and this is called direct abuse of a child. There is increasing evidence that physical, sexual and emotional abuse of children is more likely to occur in a home where one adult is violent towards the other than in a nonviolent home. The effects of violence and abuse are that children who witness family violence have been found to have higher levels of behavioural and emotional problems than other children. It is no surprise. One child interviewed about family violence said that sometimes his father locked all the doors and hid the phone so that the child could not get out or talk to anyone. If the research is right, this little boy is in all probability being physically as well as emotionally abused by his father. I have heard many times that children live in fear of their beloved pets being harmed by a violent member of the family. I have a one-year-old dog - a flat-coated retriever - that is very spoiled and loved. As an adult, I would not be able to bear it if anyone deliberately harmed or set out to harm her. As a child, I would be terrified if I lived with the dread of coming home from school to find that my dog had been shot, kicked or hurt. This, unfortunately, happens to some children. How can they function normally, and how can they ever love or trust anyone again if they are hurt like this, over and over again, with fear and intimidation, and having their pet dangled before them as bait? Violence breeds violence, and I would go further to say that if I were to interview every young person in detention, I would find that many of them were victims of abuse of one kind or another, and in some cases victims of every form of abuse. That is not to say that every child who is a victim of abuse goes on to commit crimes.

I was interested to read the Australian Institute of Criminology " Trends and issues in crime and criminal justice" paper on family homicide in Australia. It states -

> The family is viewed by most people as providing a nurturing and loving environment. But for some, the family environment can be deadly. In Australia, almost two in five homicides occur between family members, with an average of 129 family homicides each year. The majority of family homicides occur between intimate partners (60 per cent), and three-quarters of intimate partner homicides involve males killing their female partners. On average, 25 children are killed each year by a parent, with children under the age of one at the highest risk of victimisation.

The executive officer of the National Association for Prevention of Child Abuse and Neglect has said that Australian children are now at risk in many settings, including at home, in the wider community, and through bullying at school and online.

My purpose tonight was not to give the government a hard time about what it is doing or not doing about child protection in this state. I do that often enough at other times. My purpose was to highlight that there are children who will go to sleep tonight wondering just what they have done to deserve the circumstances they find themselves in. The truth is that they have not done anything; they were just unfortunate enough to be born into a

dysfunctional family. Child abuse is everybody's business, but that is a very easy thing to say. It is very hard, when a person suspects that a child is being abused, to stop and think about whether to interfere in a private family, because they perceive that to be family business, and not the business of everyone else. My point tonight was just to highlight the issue of child abuse and once again say that it is everyone's business.

Minister for Health - Adjournment Debate

HON HELEN MORTON (East Metropolitan) [10.34 pm]: Is it possible that late last week the Premier carpeted the Minister for Health for his poor performance? I can imagine that he would have said something like, "If I have any more mistakes, stuff-ups or negative publicity about health, you're out." Of course, pigs might fly, too! However, something must have happened for the minister to resort to his trademark behaviour late last week of shooting the messenger and blaming anyone but himself.

Last Thursday, 30 August, the minister became upset over two more failures of his own making that were brought to the attention of the public. They are relatively simple failures - tardiness, inaccuracy, I do not know and do not care. It started with an answer to a question on notice dated 20 June that was provided to me. It was about the recruitment of nurses from overseas. I asked how many overseas-recruited mental health nurses commenced work with the government, how many left the government after six months, how many left the government after 12 months and how many before two years.

I also asked for the average length of time that mental health nurses recruited through overseas recruitment drives remained employed in the Western Australia government mental health service. In answer to the four questions I was advised -

> The current Department of Health Human Resources Database system does not enable electronic extraction or reporting of this information.

I also asked what recruitment incentive payments, including relocation expenses, are offered to overseas-recruited mental health nurses to come and work in Western Australia. The answer was -

> To remain competitive with other states and countries, from 1 July 2007, this amount will increase up to $20,000. If required, newly arrived overseas staff will be provided accommodation in a furnished apartment for one month up to a total value of $5,000.

Prior to 1 July the amount offered was $4 000. Collectively, the new offer is worth $25 000. I then asked what contractual arrangements exist for bonus payments and whether overseas-recruited nurses leave the government before an agreed period of time. The answer was -

> There is always a risk that overseas recruited nurses will leave the employment of the health service before the agreed length of time. As a risk mitigation strategy, relocation remuneration will be split into two payments. The first payment will be made upon commencement of employment and the remainder after six months of continual employment. There are no bonus payments.

The answer was signed by Minister McGinty.

Following that, a press release and newspaper article appeared in *The West Australian*. I know that when I was in Geraldton for three days I had at least three telephone calls from the reporter at *The West Australian*. I know for certain that the reporter made three email contacts and one telephone attempt to get answers from the Department of Health and the minister. Currently, when the Department of Health releases information, it has to go through an individual, and it is ticked off by the minister. The Minister for Health made a statement in the other place. Am I allowed to refer to a statement made in the other place by the minister?

THE DEPUTY PRESIDENT (Hon George Cash): Yes, as it is a statement of fact.

Hon HELEN MORTON: I thought that the statement made by the minister on 30 August in the other place was rather incredible. He referred to the article under the headline "Overseas mental nurses 'can take money and run'". The minister referred to Daniel Emerson, who is the young reporter who rang me three times when I was in Geraldton. I know for a fact that he made three email attempts and one telephone attempt to get information from the Department of Health. The minister stated -

> Daniel Emerson did not bother to take the time to make sure his story was correct. Instead he took the line he was fed and swallowed it.

Further in his statement he said -

> . . . had Mr Emerson taken the time to do his research properly he would have known that.

The minister went on further in his statement and talked about the relocation expenses -

> Relocation remuneration is split into two payments. The first payment - 50 per cent of the entitlement - is made upon commencement of employment. The remaining 50 per cent will be paid at the end of 12 months . . .

The answer provided to me in Parliament was that the payment is made after six months, but in his ministerial statement he said that the payment is made after 12 months. The minister cannot quite get it right. However, I am really concerned about the attack on the journalist, despite the attempt by the journalist to get the correct information. The journalist relied on the information that I relied on, which is the information that the minister signed off on and provided in Parliament. In his ministerial statement, the minister said that the payment is made after 12 months, but in his answer to the question on notice, he said that the payment is made after six months. The minister has said that splitting the payment as a risk-mitigation strategy will be implemented. I believe that *The West Australian* was quite justified in making those comments in its article. However, that was not enough. It prompted the editorial in *The West Australian* the next day, which was headed "Sir Humphrey has a kindred spirit in crisis ridden McGinty". The editorial states -

> The McGinty response is to monster medical staff representatives who speak up about this or the media messengers who carry news of it to the public. In a disgraceful episode of low politicking, he used the protection of Parliament to attack a young journalist on this newspaper who reported some Opposition comments on health. The reporter made conscientious efforts to get balancing responses from both Mr McGinty and his department.

The article goes on to state -

> . . . yet again they were delivered into chaos by inadequate planning. And yet again the embittered and unpopular Mr McGinty sought to place blame anywhere but on his management, or lack of it. If his performance were judged by the deplorable state of the public health system, he would be deemed a dismal failure. His undeniable political clout in the Labor Party has kept him in the job, though anyone else with such a lamentable record surely would have been moved on.

I can only assume that that is absolutely right. It is unbelievable that he is still in the job. However, that was still not enough for Mr McGinty. Things are just getting worse instead of better for him in that respect. On the same day he put out another press release, but this time it alerted the media to check the truth of my media statement about mental health nurses. Now the minister is saying that last week I was telling anyone who cared to listen that the Department of Health was giving $25 000 in incentives to mental health nurses recruited from overseas. I actually said that they were given incentives, including relocation expenses - the figure of $25 000 was his, not mine; I did not know how much the nurses were getting - without any requirement for them to commit to working in the system. Again, when I asked the minister whether there is any incentive for these nurses to work in the system, his response was that they will get the first half of the money when they arrive and that in future the $25 000 will be split into two payments and they will get the second half after six months. However, that means that these nurses could still come to Western Australia for six months and then nick off, if that is what they want to do. I would rather know how many nurses stayed for six months, how many stayed for up to 12 months and how many stayed for up to two years, but the minister has not been able to tell me that information. I have put this question back on notice because we need to know the answer. I think the minister knows the answer, but I think the answer is really bad and his preference would be to be seen to be unable to give the information, rather than to actually tell us the real situation.

Shark Bay World Heritage Discovery Centre - Adjournment Debate

HON BRUCE DONALDSON (Agricultural) [10.43 pm]: I was rather bemused tonight to hear the saga about the demand for the return of the artefacts from the Shark Bay World Heritage Discovery Centre. I do not intend to go into the whys and wherefores of it, but at face value I certainly support the comments of the Leader of the Opposition, which were endorsed by his colleague in the Mining and Pastoral Region Hon Ken Baston.

Governments talk about decentralisation and regional development, yet here is an example of the opposite that shows the complete hypocrisy of the government. The minister obviously cannot make a decision, but that does not surprise us with this government. The most important aspect of this is the threat of legal action. I just wonder. We had an experience with the donation of certain items to two museums and art galleries, one in Melbourne and one in Bendigo. The WA Museum and Art Gallery did not have the ability to keep them on show ad infinitum, which meant they would be in a vault for probably six or eight months of the year. The museum wanted the items but could not guarantee anything. They were taken to where they had been based many years ago, which is Victoria. The authorities of the big new Melbourne art gallery and museum, when shown the items, wanted to grab them then and there to put them in vaults until the new museum and art gallery was completed, but there was a long delay in that happening. As one item had associations with the goldfields in Victoria, the other place they could have been situated was Bendigo, and consequently that is where they are. Members must believe me when I tell them about the huge number of papers the family had to sign to have those on permanent loan. We cannot ever get them back, but we did not want them back anyway because who would want to pay the insurance premiums on the damn things? I would have been the next one to collect them, and I did not want to pay an awful lot of money on insurance. In any event, the loan was for the benefit of all people, because one of the items was one of only four in the world. As a family we joked about maybe taking it to the

United States or England to flog it and the family having a few world trips on the proceeds. However, being responsible citizens, the family did not do that.

Hon Norman Moore: You would not have time to do it with all the other trips you make!

Hon BRUCE DONALDSON: Hon Norman Moore may possibly be right. The point I make is that I am absolutely staggered; somewhere along the line there must be some documentation. The Museum has threatened legal action in the Supreme Court, but I would have thought that had the Museum possessed signed papers, it would have had a valid point, so why go to court? Has the Museum produced those documents to the Shire of Shark Bay as proof that it must get these items back? Another example is what happened with the Zoo when we had a big wedge-tailed eagle's nest on one of our properties. The eagles nested there every year, but in this particular year two young eagles dropped out of the nest. The first thing we saw was some wool, a few legs and bits and pieces near some bushes, and then we found two young wedge-tailed eagles. We realised that they were probably being fed, but we had not seen mum or dad around and we used to be on this particular property almost every day. We took these two young eagles home. We rang the Zoo to find out what we should feed them on. We were told to feed them on mince but also to get some feathers and crush them up for roughage. One of the young eagles was male and the other was female. The female never grew properly and passed away. However, the male was magnificent. My wife, Lyn, looked after it. It got to the stage when it would have a go at us every time we got near it, so it was time to take it to the Zoo. We took it to the Zoo, and as a result we had to sign papers to indicate no claim of ownership whatsoever. The young wedge-tailed eagle was in quarantine in the Zoo until it was able to be in the wedge-tailed eagles' enclosure. At that stage the number of wedge-tailed eagles in the Zoo was declining. It is all in the signing of the papers, which is very important. We visited the Zoo for some years after as we had free passes, and we used to see this eagle and say, "That's ours."

Hon Kate Doust: So we should call you Noah.

Hon BRUCE DONALDSON: No. All I am trying to say is that it seems very strange that the Museum has to go to the Supreme Court and threaten to take these nine artefacts back, which would destroy the centre. Hon Norman Moore congratulated the government for establishing that centre. The centre would have to go to court to retain the artefacts. Where is the documentation showing that the Museum can take back these artefacts? Maybe Hon Norman Moore can track it down and thrust it under the nose of the minister.

Hon Norman Moore: I think they may well have a case but the point is it shouldn't be a legal battle. There needs to be a commonsense arrangement.

Hon BRUCE DONALDSON: Does the Museum have any documentation?

Hon Norman Moore: There are documents.

Hon BRUCE DONALDSON: Hon Norman Moore did not explain that. It would be most interesting to see what that document said.

Hon Norman Moore: There is some confusion about the interpretation of it.

Hon BRUCE DONALDSON: That is another issue.

Hon Helen Morton: The morals.

Hon BRUCE DONALDSON: There is the moral issue. I cannot believe that we are seeing people run rife. Luckily, it will go down to Fremantle. If it was going to the Museum, it would be stored in a building on Orrong Road in Kewdale. That is where the Museum is. There is no likelihood that the government will build the new oval at East Perth where it would stick the Museum in the old power station or whatever it is.

Hon Helen Morton interjected.

Hon BRUCE DONALDSON: No, there is nothing wrong with the thing. All the wonderful artefacts and everything else from the Museum are stuck in that building. Let me remind members of the days of the then Premier Richard Court, who made sure the Maritime Museum was built in Fremantle. I can remember the opposition saying that ships could run into it and it should never be built there. Can members remember the opening by Hon Geoff Gallop? I can. There were pages in *The West Australian* calling it a wonderful achievement. Geoff Gallop invited Richard to the opening and he passed some comment that Richard Court had been involved in some of the earlier planning. I keep thinking to myself, what hypocrites! To shift everything back out of the country into the city smacks of lip-service. It is a city-centric government. Unfortunately, this attitude rubs off onto a lot of people. A lot of people rightly say that if they are going to work in the north, they might as well fly in, fly out. If I was going to work in the north, that is exactly what I would be doing because of what this government has done. It has not stood by the community of Shark Bay to keep those artefacts that rightfully belong in that area and in the discovery centre.

Question put and passed.

House adjourned at 10.53 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MT PERCY GOLD MINE, KALGOORLIE - SALINE WATER SPILL

4973. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

I refer to the gold mine operated by Kalgoorlie Consolidated Gold Mines (KCGM) on behalf of the owners Newmont Mining and Barrick Gold and a saline water spill on or about 18 June 2006 at the Mount Percy operation, and I ask -

(1) Is it correct that the saline water spill went outside of the bunding and travelled along a road?

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

(3) Can the Minister state how far in metres did the saline water spill travel from the pipeline bunding and the amount of area in square metres that the saline water spill impacted upon?

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

(5) Did this saline water spill flow onto an Aboriginal reserve in the Mt Percy area?

(6) If yes to (5), how was this allowed to occur?

(7) If no to (5), has a saline water spill occurred onto an Aboriginal reserve in the Mt Percy area over the last 14 months?

(8) Did KCGM breach section 50 of the *Environmental Protection Act 1986* by discharging waste water which was likely to cause pollution?

(9) If no to (8), why not?

(10) Will KCGM be prosecuted for breaching any section of the *Environmental Protection Act 1986* in causing the saline water spill at the Mount Percy operation?

(11) If no to (11), why not?

(12) Can the Minister state what extra controls are now in place for the KCGM operations to prevent ongoing saline water spills outside of the pipeline bunding so that no further breaches of the *Environmental Protection Act 1986* will occur?

(13) If no to (12), why not?

Hon SALLY TALBOT replied:

(1) Yes. It is important to note that the road forms part of the bund; however, the spill was not contained within the road and bund structures.

(2) Not applicable.

(3) The distance travelled outside the bund varied. It is estimated that 1000 square metres of land outside the bunding was affected.

(4) Not applicable.

(5) No.

(6) Not applicable.

(7) Yes. A saline water spill on 22 May 2007 flowed onto an Aboriginal reserve.

(8) No.

(9) A Department of Environment and Conservation (DEC) Inspector examined the 18 June 2006 spill on 21 June 2006 and considered that:

- native vegetation was unlikely to be impacted.
- the vegetation in the area was rehabilitation and unlikely to be considered native vegetation as it was vegetation still under mining area bond arrangements.
- given the saline constituents of the pipeline are not on Schedule 1 of the Environmental Protection (Unauthorised Discharge) Regulations 2004 a breach had not occurred.

(10) No. See (8) and (9).

(11) See (9). The pipeline in question is not a prescribed activity under the Environmental Protection Act 1986 or its various regulations.

(12) Normal pipeline management controls and earthworks are in place. DEC will continue to investigate any spills from this area to determine whether a breach of the Environmental Protection Act 1986 has occurred. DEC is investigating a saline water spill at Mt Percy operations that occurred on 22 May 2007. This investigation is currently underway and it is not appropriate for me to comment on the details at this stage. KCGM has been required to provide a full investigation report into these incidents, including outlining actions to minimise the risk of such incidents occurring again

(13) Not applicable.

COMMUNITY DEVELOPMENT - REMOVAL OF TWO ABORIGINAL GIRLS FROM FOSTER PARENTS

4984. Hon Norman Moore to the Minister for Child Protection

On 10 September 1991, I wrote to the then Minister for Community Services, Hon E Ripper MLA, in relation to the decision to remove two Aboriginal girls, Kerri-Anne Wilson and Olivia Wilson, from their foster parents, and I ask -

(1) Does the Department have any records of what happened to these two girls since September 1991?

(2) If the Department has any information, will the Minister provide me with the details?

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

(4) If the Department has no information about these girls, will the Minister explain why the Department does not have any information?

Hon SUE ELLERY replied:

(1) Following the September 1991 correspondence, the children were returned to their mother's care in December 1991 following a Children's Court decision.

(2) The Department has no up to date information on the children's whereabouts.

(3) The Department does not keep up to date information on children where no concerns have been reported.

(4) A Children's Court determination in December 1991 returned decision making for the children's care to their mother and the Department was satisfied at the time that the children were not at ongoing risk.

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