

## **Legislative Council**

Tuesday, 5 June 2007

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**THE PRESIDENT (Hon Nick Griffiths)** took the chair at 3.30 pm, and read prayers.

### **SENATE VACANCY**

*Message*

**THE PRESIDENT:** I have received the following message -

The Governor transmits to the Legislative Council a copy of a despatch which he has received today from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the state of Western Australia in the said Senate.

### **PARLIAMENTARY SERVICES COMMITTEE**

*Membership Change*

**THE PRESIDENT:** I have received a letter from Hon Sue Ellery, Minister for Child Protection, for Communities, for Women's Interests, and for Seniors and Volunteering, which reads -

Due to my appointment as Minister for Child Protection; Communities; Women's Interests; Seniors and Volunteering, I tender my resignation from the Parliamentary Services Committee effective immediately.

At its meeting of 3 April 2007, Caucus selected Ms Carol Martin MLA, Member for Kimberley as my replacement.

Please do not hesitate to contact Ms Dianne Welch, State Parliamentary Labor Party Office on 9222 7278 for more information.

### **WANNEROO ROAD UPGRADE**

*Petition*

**HON RAY HALLIGAN (North Metropolitan)** [3.34 pm]: I present the following petition -

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

We the undersigned residents of Western Australia respectfully and strongly support the upgrading of Wanneroo Road between the Pinjar Road intersection and Joondalup Drive.

We are concerned that this section of Wanneroo Road has not been upgraded to cope with increased residential development. Peak-hour traffic congestion is causing significant frustration for traffic trying to enter Wanneroo Road and the volume of traffic is also creating additional hazards for pedestrians.

Further, motorists from the Pineview Lifestyle Village have difficulty entering and exiting Wanneroo Road.

Your petitioners therefore request that the Legislative Council do everything in its power to ensure that the safety of all concerned is restored to community expectations.

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

The petition bears 353 signatures and I certify that it conforms to the standing orders of the Legislative Council.

[See paper 2764.]

### **MENTAL HEALTH PATIENTS - SUPPORTED ACCOMMODATION**

*Petition*

**Hon Helen Morton** presented a petition, by delivery to the Clerk, from 37 persons calling on the Legislative Council to support preserving the dignity of people with mental illness who wish to live in the community in supported residential units

[See paper 2765.]

### **ILLEGITIMATE DRUG ABUSE CRISIS**

*Urgency Motion*

**THE PRESIDENT (Hon Nick Griffiths):** I have received the following letter -

Dear Mr President

I hereby give notice that pursuant to Standing Order 72, I intend to move today:

"That this House considers as a matter of urgency the growing crisis of illicit drug abuse in Western Australia and the inadequacy of the Carpenter Government's response to this serious problem".

Yours Sincerely

Hon Donna Faragher MLC

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

**HON DONNA FARAGHER (East Metropolitan)** [3.35 pm]: I move this motion in response to the alarming increase in the number of Western Australians, particularly young Western Australians, taking up illicit drugs. I have said many times in this place that illicit drugs represent one of the greatest scourges upon our community, affecting not only the users themselves, but also their families and their friends. Violence, burglary, theft and a range of other criminal activities are commonly associated with drug use. These activities, along with a variety of psychological, health and physical effects, create significant problems not only for the users themselves, but also for police and emergency services, doctors, nurses, mental health staff and, of course, the wider community.

If we look at Western Australia specifically, we see some very alarming statistics. In one National Drug Strategy Household Survey alone, we find that nearly one in eight Western Australians have used cannabis and one in 20 has used methamphetamine or ecstasy in a one-year period. Alarmingly, the most recent national report found that Western Australia is now the speed capital of the nation. By the government's own admission, approximately 4 500 emergency department presentations across Perth and 460 mental health admissions to hospital were due to amphetamine use each year. This is not a record that anyone should be proud of. I appreciate and understand that the illicit drug issue is a difficult issue and that it will not go away with the wave of a magic wand. It requires a significant commitment by government that encompasses health, education and law enforcement initiatives. What do we see from this current Labor government? We continue to see soft options taken, initiatives not taken up and an overall failure to tackle the scourge that affects so many people in Western Australia both directly and indirectly. Let us go through it.

First, I refer to the much-publicised 2001 Community Drug Summit. This was going to solve the drug problem. Has it? No, it clearly has not. What were the key outcomes? The only real outcome was the effective decriminalisation of cannabis. Then, of course, there was recommendation 45, which asked the Western Australian government to consider the issue of supervised injecting services. Granted, this was the only recommendation that the government did not accept, but was it because it was actually against these types of services? No. A media statement by former Premier Dr Geoff Gallop released on 27 November 2001 states -

Dr Gallop said the concept of a supervised injecting room in WA was rejected at this point in time because the State did not have one particular area - like King's Cross in Sydney - where drug-taking was concentrated.

There was no particular location, Mr President, that was all. It was not an outright dismissal of such a soft initiative; it was just that Western Australia did not have a Kings Cross.

I now turn to the subsequent cannabis legislation that arose as a result of that summit. What a disaster! Since that scheme commenced some three years ago, nearly 10 000 cannabis infringement notices have been handed out. More than half of those have been referred to the Fines Enforcement Registry due to people not paying the fines or not attending the education sessions, and one-third still remain outstanding. Hardly anybody has bothered to turn up to the cannabis education sessions. Why? It is because the government did not make them compulsory. It is quite clear that the offenders are treating these laws with contempt. If they did take them seriously, they would either pay up or attend the one-and-a-half-hour education session. They are clearly not doing either. We are now to have a review of those laws and, once again, we can see some familiar faces on the review team. But, is there a community representative on that team? Of course not. We even had to drag the government into having a public review of these laws. When first asked whether the review would be a public review, we were told that it would not. It was simply to be an internal review. I quote from an answer the Minister for Health gave in Parliament earlier this year. He said that it was to be an evaluation study -

based on objective time series data and research studies and structured interviews with key personnel involved in the delivery of the cannabis infringement notice scheme.

I am pleased that the government has now chosen to have a public review, after opposition questioning, but I remain sceptical. Even with a public review, I have no doubt that this review will find, unsurprisingly, that the laws are working and that perhaps only a few minor changes will be needed, because that is what the government wants to hear.

I will look at some of the other failings in relation to this government. The issue of drug use paraphernalia was first raised with this government nearly two years ago. What has been done? Almost nothing. Although very belated action was taken with glass pipes, Western Australia continues to fall behind other states that have introduced and passed legislation to ban various paraphernalia from sale. The fact that we have not seen any legislation from this government highlights its lack of commitment to addressing drug issues in our community. There are also opportunities for the government to strengthen the legislation in the area of drugs, but it lacks the enthusiasm to do so. Just a few weeks ago we debated in this place some very important legislation related to drug-driving. The opposition tried to strengthen those laws to ensure that people who were pulled over by the breath and drugs bus would be tested for both drugs and alcohol, irrespective of their blood alcohol content. We felt that, given all the evidence, this was an important measure. We identified various research to show that the combination of drugs and alcohol significantly increases the risk of having an accident by as much as 48 times. In response, what did the government do? It agreed that there was an increased risk but in effect it said that it was all too hard. It was too hard to test an extra perhaps 12 people a night who had already been found to have been breaking the law by being over the limit for alcohol consumption and who had already gotten out of their car. Once again the government took the easy option rather than the option to send a very clear message to the community that a combination of drugs and alcohol and getting behind the wheel of a car would not be tolerated.

I could go on about the government's failures in this area, from wanting to subsume the Drug and Alcohol Office into the Department of Health, despite opposition from non-government organisations and even its own community advisory council, to cutting funding to organisations such as Life Education Australia, which assisted in spreading the drug prevention message across our schools in this state. Where are the television advertisements tackling cannabis and illicit drug use generally? I suppose that the government will say that all will be fixed at the upcoming summit on 3 July. I will reserve my final judgement on the summit, and I hope that some strong positive outcomes will come from it. However, I remain sceptical. I remain cautious in my expectations because of the failure of the Labor government's previously much-heralded summit. As I said at the beginning of my contribution, the only real outcome from that summit was the decriminalisation of cannabis and the exacerbation of a drug problem that has led to yet another summit being needed to address the failure of the first. Again we see the government closing ranks.

Although it is supposedly a forum to tackle a significant community problem, the public will be excluded from participating as observers. When asked whether members of the public could attend as observers, the answer from the Minister for Health last week was -

The summit is being held at the Convention Centre and, like all other major venues in Perth apart from Parliament House, does not have a public viewing gallery.

I have a newsflash for the minister. It would not be difficult to cordon off an area at the back of the room and allow interested members of the public, such as mums and dads who have concerns on this issue, to listen to the keynote speakers. It is not that difficult.

**Hon Barbara Scott:** How can the government say no to that?

**Hon DONNA FARAGHER:** It has. I also note with interest that a number of organisations have not been invited to participate in the summit, most probably because they have dared to speak out against this government's soft agenda. While I am at it, where is the Australian Federal Police, the Australian Crime Commission and members of the pharmaceutical industry? Surely they would have been invited to a summit that specifically focuses on amphetamines.

In conclusion, I reiterate that I acknowledge that the drug problem is a difficult issue and is a significant issue for any government. However, let us never forget that this government has either continued to take the soft option or, in some cases, done nothing at all in relation to the illicit drugs scourge. Let us never forget that the now Premier of this state when he was the shadow minister for the drug abuse strategy advocated not for greater law enforcement in the fight against heroin but, rather, for heroin injecting rooms and a medically supervised heroin prescription trial. His answer, and I quote from a speech he made in 1999, was -

I advocate that a heroin trial be held in Western Australia because I do not believe that the circumstances and results that applied in Switzerland will necessarily apply in Western Australia. There should be a trial for the provision of heroin, under very strict circumstances, to heroin users in Western Australia.

That was Mr Carpenter's answer to the drug issue back in 1999, along with the decriminalisation of cannabis. That is hardly a tough approach. Make no mistake - if there is an option to be taken on illicit drugs, the Labor Party and this government will always take the soft option. I commend the motion to the house.

**HON PETER COLLIER (North Metropolitan)** [3.48 pm]: I support the motion. The Labor government's amendments to the Misuse of Drugs Act in 2002 sent the wrong message to the youth of our community. In the eyes of adolescents and the young demographic of the community, the changes effectively decriminalise

someone who is caught with two cannabis plants at the grower's principal place of residence for his or her personal use and for the possession of up to 30 grams of cannabis for personal use. In effect, that is the amended and more liberalised law. To the younger generation of our community, the message delivered through these laws is unambiguous: cannabis use is not a criminal offence. That is backed up by statistics and figures. I ask members of this chamber to not use those statistics and figures but to use the home-assessment method of confirmation. Members should ask their children, grandchildren, nieces, nephews, friends' children, teachers who communicate with adolescents and the young demographic on a daily basis, and others who have constant contact with teenagers whether cannabis is readily available to them and their friends. They should ask them whether the young people or their friends have ever smoked cannabis. They should ask them whether cannabis is used at the parties they attend. They should ask them whether cannabis is dangerous. Most importantly, members should ask them whether smoking cannabis is a criminal act. I doubt that members will be surprised with the response they will get. Frankly, because of these liberalised laws, society is rapidly being conditioned to accept cannabis use. More than anything else, that is due to liberal laws such as the amendments made to the Misuse of Drugs Act in 2002.

It is the drip effect, the social conditioning of the most sinister nature. Whereas for past generations cannabis use was deemed a hanging offence, now, due to the liberal drug laws introduced by this government, it is regarded as a minor misdemeanour and, as far as our youth is concerned, socially acceptable. Smoking is regarded in a much more negative light than cannabis use. How ironic is that? The government is spending millions of dollars trying to get our youth to stop smoking while at the same time it is introducing more liberalised cannabis laws. The message is, quite transparently, that cannabis use is acceptable. There is something drastically wrong with that message. The end product of this social conditioning is that cannabis is now viewed almost as a kindergarten hallucinatory drug. Our youth have become much more daring and crave more impact on their trips. Many of them move on to higher order illicit drug use. I am not saying that all who indulge in cannabis use move to higher order illicit drug use, but I am saying that virtually all those who progress to ice or heroine and such commence their addiction through cannabis.

I want to draw from a commentary from the Drug Advisory Council of Australia in regard to this point, headed "Illicit Drug Use Starts with Cannabis". It states -

Cannabis use leads to the use of other illicit drugs according to a recent study by the University of Otago and published in the Addiction journal.

The study of 1000 Christchurch young people between the ages of 15 and 25 disclosed that nearly 4 out of 5 of the sample had used cannabis by age 25 with 40 per cent of those going on to use other illicit drugs.

The great majority of users had used cannabis before other illicit drugs with the tendency most evident for regular cannabis users.

Adolescent cannabis users were more likely to move onto other illicit drugs than young adults.

Suggested reasons for the progression onto other illicit drugs were -

"Cannabis use may lead to changes in brain chemistry that make young people more susceptible to other illicit drugs.

"Experiences with cannabis may encourage experimentation with other illicit drugs.

"Cannabis users obtain their illicit drugs from drug dealers which exposes them to other illicit drugs.

It goes on as follows -

The study highlights other studies that indicate that cannabis is a gateway to other illicit drug use.

The study is concerning as adolescents and teenagers are more likely to progress onto other illicit drug use, therefore commencing the harm to themselves at an earlier age.

As Cannabis is the most widely used illicit drug in Australia and use is commencing earlier, then mental illness associated with cannabis use is likely to commence at an earlier age.

Members could also take the word of Dr Greg Chesher who, ironically, is one of Australia's most pro-legalisation lobbyists. A pamphlet that he wrote, headed "The Use of Non Prescribed Drugs" and published by the University of Sydney in 1985, was quoted in *The Cruel Hoax: Street Drugs in Australia*, by Elaine Walters, and states -

It is indeed true that the legalisation of marijuana would be followed by an increase in its use. Both the availability of the drug and peer-group pressure for its use would increase. The number of adverse reactions, including motor accidents with drug involvement would increase. We know that alcohol and marijuana are now being consumed concurrently (a practice which legalisation would increase) and that the effects of the two drugs together are at least addictive.

*The Cruel Hoax* also contains an extract from a 1991 report of the United Nations' International Narcotics Control Board on the moral indefensibility of legalisation, which states -

The board wishes once more to reject emphatically the view which continues to be voiced advocating the legalisation of the possession and use of some or all drugs for non-medical purposes. Such an approach would undoubtedly be interpreted by potential abusers as sanctioning drug use and can be expected to lead to exploding abuse, attended by an increase in drug-related deaths, soaring health care costs, the destruction of families and the erosion of basic values. Moreover, any slackening of controls not only constitutes non-compliance with treaty obligations but is morally indefensible.

The announcement by the government that there will be another drug summit, which Hon Donna Faragher just commented on, is an acknowledgement that the liberal drug laws introduced by this government have failed. I am very disappointed that the government has been quite selective about who is invited to the drug summit and also the fact that the public will not be given access. That begs the question why on earth the public would not be invited or allowed to attend. Frankly, the message from the general public would be emphatically, I am sure, that drug use is unacceptable and liberalised drug laws are also unacceptable.

Combined with the ad hoc approach by this government to drug education in our schools, which is not mandated, it is not surprising that the unfortunate message that is being echoed across the state from our younger generation is quite transparent - cannabis is cool! If members follow what I said earlier, they will find that is the term that is used commonly by the youth of today. If members need any verification of this assertion, they should take my advice and over the next few days conduct the home-assessment method of confirmation. For those reasons I support the motion.

**HON MURRAY CRIDDLE (Agricultural)** [3.55 pm]: I want to make a few remarks on this motion, which is a very serious one. There is probably nobody better to bring this to the notice of the house than our youngest member. That underlines the fact that there are serious concerns among younger people about drug use and drug supply. One of the things that really get up my nose when we talk about drugs is that we talk about the people who use them rather than the people who supply them, sell them or traffic in them. I have said before that we hear about a lot of the high-profile sports people who are said to have taken drugs but we never hear about where those drugs come from. That is the issue we need to take heed of and address. I highlight that over and above the current drug concerns, particularly among younger people. I have just recently had a mother in my Geraldton office whose daughter has suffered from this problem and her story is absolutely horrendous. Anybody who takes the time to listen to people's issues in regard to drug use should heed their words.

A while ago I used to be a coach of some description for a football team and we had a person who was supplying drugs to the football club. One of the things we had to do was to get rid of that guy. As soon as that happened the team came good, the issue was overcome and people got back on their feet and we had a successful year. We have to take these products out of the reach of people. Of course, the problem also goes into schools. I was quite concerned to read some of the information we have received. Although we get to see statistics, we have to move around the community to get the feel of what is going on. According to the statistics in the "Illicit Drug Data Report 2005-06" from the Australian Crime Commission, Western Australia's problem is growing not only in numbers but also in the percentages of the amount of product available. There has also been a drop-off in arrests in this area, which is of concern to me, because we have to address this issue.

I will not go on at length. I point out that in hospital emergency departments there are real concerns about this matter. I noticed in the statistics from Royal Perth Hospital the number of people coming in there with drug problems and the problems that causes. My daughter used to work in the emergency department at Royal Perth Hospital and I have a clear understanding of the problem of drug users coming in to that department. Security people have to be called, at enormous expense, throughout our health system.

I want to underline the fact that I have real concerns with this issue. This government has the problem and future governments will have it. The fact is they need to address the problem.

**HON SUE ELLERY (South Metropolitan - Minister for Child Protection)** [3.58 pm]: I certainly am pleased to say on behalf of the government that we take no issue with the fact that illicit drug use is a major concern for the community. Where we differ, I guess, is that we reject the notion that the government's response to the problem is inadequate. All of the objective indicators show that the use of illicit drugs in Western Australia is reducing. I want people to listen to what I am going to say about that because I am not saying that we do not have a problem and I am not saying that it is not a major concern. Any use of illicit drugs is a concern. The impact on families is of prime importance, as is the impact it has on our capacity to deliver other services, including health services. That is reason for us to be always vigilant in the way we tackle the issue. However, the latest measurement of the use of amphetamines in Western Australia from the national household survey, which I think has already been referred to, for people aged 14 years and older is 4.5 per cent in 2004 - that is the most recently published data - which is down from 5.8 per cent in 2001. Among the group of people aged 14 to 19 years -

**Hon Simon O'Brien:** What does the percentage represent?

**Hon SUE ELLERY:** The member means the actual numbers?

**Hon Simon O'Brien:** Yes. Is it incidence of usage or what?

**Hon SUE ELLERY:** Used in the past year.

**Hon Simon O'Brien:** Was it any drug, or was it cannabis or what?

**Hon SUE ELLERY:** I am talking about amphetamines. Among people aged 14 to 19 years, the rate reduced from 11.7 to 5.7 per cent, and among people in their 20s, the rate fell from 17.6 to 15.4 per cent. The more recent survey, which was the Australian school students alcohol and drugs survey, also indicated that amphetamine use in the past year had reduced from 10.3 per cent in 2002 to 6.5 per cent in 2005. The important thing about those figures in particular is that the substantial falls in the rate of teenager use augur well for continuing reductions, obviously, as those people grow older and enter their 20s. The next household survey is to be undertaken this year.

For cannabis, the rate of use fell from 17.5 per cent in 2001 to 13.7 per cent in 2004. Among school students, the rate of cannabis use decreased from 26.8 per cent in 2002 to 19 per cent in 2005. That downward trend is also reflected in a fall in the number of calls to the Alcohol and Drug Information Service between 2004 and 2006. Nevertheless, as I said at the outset, the rates of use of these key illicit drugs are unacceptable. WA's rate of use is higher than the national average, and that is of concern. However, it is worth noting - it is not an excuse but it is a fact - that this is a long-term historical trend that includes the term of the previous government, for example, and earlier.

The rate of use of amphetamines is falling at the same time as police seizures of amphetamines are increasing. The annual number of police amphetamine seizures has increased by about 150 per cent from 1998 to 2005, and there has been a 30 to 35 per cent increase each year in the number of clandestine amphetamine laboratories dismantled by the police since 2002. It is also the case that in Western Australia we are engaging the highest proportion of those amphetamine users in treatment services, with 22 per cent of people in treatment for amphetamine abuse, compared with the national average of 11 per cent. Therefore, although this state's rate of usage is higher, the rate of treatment is in fact double the national average.

Amphetamines are a real and very serious problem in Western Australia. However, it is the case that the rate of use is declining, police seizures are increasing, and more people are accessing treatment services than is the case anywhere else in the country. However, as I said, there is no room for complacency in tackling amphetamine or any other kind of illicit drug abuse. To that end, the government is hosting a summit on 3 July, under the sponsorship of the Director General of the Department of Health and the Commissioner of Police, to bring together experts, stakeholders and community representatives and to build on the work that has been done already and to take it forward, and to address the impact that the use of those illicit drugs is having on our acute health services, mental health services, child protection services and correctional services.

The government is having real success in building the drug strategy. In the past year, it has conducted two rounds of the Drug Aware public health campaign, tackling amphetamines, targeting young people through youth press and radio, and mobile phone messages. I was involved in the launch of one of those last year. The government has opened a new community drug service centre in Rockingham, and will open a new one in Gosnells later this year. We have established a range of new rehabilitation services also.

The Drug and Alcohol Office - I think this is really important - is working proactively with mental health services, the Department for Child Protection and the Department of Corrective Services to support those agencies to put in place concrete plans to tackle illicit drug use among the particular population groups that they look after. That includes ensuring that there are much stronger and more robust linkages with local drug and alcohol services, professional development for staff, and complementary policies and capacity to address mental health and child protection issues at drug and alcohol services.

I particularly wanted to talk about our prevention work, which is concentrated in three areas. One is the school drug education program, which is in fact one of the strongest in Australia. It is made up of teacher training programs, curriculum development work and strong engagement at a local level between agencies. There are also the public health campaigns, which I have already touched on, and, very importantly, community-based action, particularly through the local drug action groups. Members will be aware that there are about 60 of those groups across Western Australia. They are heavily involved in local activity with young people, with family support; in identifying where, for example, particular solvents are appearing in particular locations; and in working with agencies to ensure that those matters are addressed.

I also wanted to touch briefly on the review of the cannabis legislation, which the minister has announced. That review is being conducted by an interdepartmental committee made up of the Drug and Alcohol Office, the Department of Health and the WA Police, and it has an expert advisory panel providing advice to it. It will

report in November. There are three things that the Minister for Health has already said that he particularly wants that review to address: mandatory education, the number of cannabis plants involved with the threshold, and more broadly the threshold for eligibility to fit within the cannabis infringement notice scheme at the time. At the same time, the Drug and Alcohol Office is looking at expanding the prevention strategies for cannabis in particular.

I quickly want to touch on some of the things that the police are doing in respect of illicit drugs. The point that the police have made to me - I think members would find that emergency departments of hospitals would say this also - is that offences relating to alcohol are in fact the major contributor to the demand upon police resources. Nevertheless, illicit drug use continues to be a significant concern to police. The most commonly used illicit drugs in WA are cannabis and amphetamine-type stimulants. WA Police is involved in a range of state and national initiatives to address illicit drugs.

A code of conduct has been established with the chemical industry to prevent and minimise the diversion of industrial chemicals for the illegal manufacture of illicit drugs. WA Police provides training to industry personnel, federal customs staff and other agencies regarding precursors and clandestine laboratories. WA Police also collaborates with other jurisdictions to implement the national clandestine laboratory database and Project Stop. The police are involved in a range of other things, but I am running out of time.

The use of illicit drugs is a serious problem in our community. It has a direct impact on individuals and families. It also has an impact on how we deliver a range of services. However, I reject the notion that the government is not responding adequately.

**HON HELEN MORTON (East Metropolitan)** [4.08 pm]: I support the motion, particularly because of the very clear link between the use of cannabis and amphetamines by young people and the development of the lifelong disabling effects of psychotic illnesses. I do not think the message is getting through to young people that the long-term use of cannabis and amphetamines has a disabling effect on a person for the rest of his or her life. That message has been inadequate to date, and the effect of that is that the use of cannabis and amphetamines will have a greater impact in Australia over the next five years.

I will talk a bit about the important link between the use of cannabis and amphetamines and psychotic illness. I refer to information from the Australian Psychosis Research Network. I went to a lecture last week by Professor Stanley Catts, who visited Western Australia from Queensland and spoke of this. So that people can understand precisely what I am referring to when I am talking about psychotic illnesses, I am referring to the very serious illnesses of schizophrenia, bipolar affective disorders and some others. Examples of the common features of these sorts of illnesses are that people always have diminished insight; they are mostly unaware that they are ill; they quite severely misinterpret their surroundings; and they have delusions, hallucinations and abnormal moods, swinging from overexcited on the one hand to very depressed on the other. The onset is typically in adolescent and young adulthood. These people experience chronic relapsing stages throughout the rest of their life. It is very disabling.

The most important factor that I want to emphasise today is that it is strongly heritable, but environmental factors can tip somebody from having that predisposition for schizophrenia or bipolar affective disorder into full-blown schizophrenia or illness. The problem is much bigger in Australia than people realise. Three per cent of the population has a psychotic illness, and about 50 per cent of these people do not acknowledge that they are ill or need treatment. About five per cent of these people commit suicide as a direct consequence of this illness. Unlike dementia, cancer or cardiovascular disease, which usually come on later in life, this is an illness that affects people early in their lives and permanently disables them. Sixty-nine per cent of people with bipolar disorder are misdiagnosed. In bipolar disorder alone the rate of suicide is 15 times that of the general public. For every one person with muscular dystrophy, there are 150 people with a psychotic illness; for every one person with insulin dependent diabetes, there are 15 people with a psychotic disorder; for every one person with Alzheimer's disease, there are five people with this very disabling psychotic disorder. In Australia, schizophrenia alone costs the community \$2.62 billion a year. It costs government \$1.7 billion. Eighty-five per cent of patients remain reliant on welfare benefits and less than 10 per cent are able to hold down full-time competitive employment. Seventy per cent of homeless people have a serious mental illness, and frequently it is a psychotic illness. Sixty per cent of female and 44 per cent of male prisoners are diagnosed with mental illness, usually a psychotic illness.

Probably the most important factor that I want to put forward in the short time that I have in which to speak is that the causes of schizophrenia are primarily genetic. Schizophrenia is strongly heritable, with genetic factors accounting for 80 per cent of the risk of the disease. There are many susceptibility genes in that process, each of them having a small effect. The fact is that many of us do not have schizophrenia but carry the genes. To tip the predisposition for schizophrenia into the florid illness that it is, environmental factors must come into play. Environmental factors can occur at different stages. They can occur at a predisposition stage prior to conception. Factors can come into play during pregnancy. It is thought that influenza B and a deficiency of vitamin D are

factors that can bring on the illness. Obstetric complications and other issues during birth can bring it on. However, by far the most significant environmental factor that tips someone with a predisposition for this illness into florid illness occurs in early adolescence, and it is the use of cannabis and amphetamines. There are further issues in later adolescence, such as stress and migration, but the onset of the psychosis occurs very shortly after a young adolescent has been using amphetamines and cannabis.

The first episode psychosis is what most people see. Immediately prior to the first episode psychosis there is a marked deterioration of the cognitive factors of that person. There are quite clear, identifiable brain changes in the pathology after the disease has onset, including some microscopic changes in the cells of the cortex. Very identifiable molecular changes occur. Although I do not have the time to go into a description of it, some quite marked changes occur in the synapses of the brain, which mean that distorted messages occur. It is very clear that there needs to be a much greater focus on research and prevention. I have not got a lot of time to talk about that today.

In conclusion, I would like to talk about some of the more recent research papers that have been brought to my attention, linking cannabis and amphetamines and young adult psychosis. A Swedish cohort study found that heavy cannabis use at the age of 18 increases the risk of later schizophrenia sixfold. Another study in New Zealand found that a tenth of cannabis users who were included in the sample at the age of 15 had developed schizophrenia disorder by the age of 26, compared with three per cent in the remaining cohort. Another paper on the policy implications of the evidence of cannabis and psychosis stated -

... there is a good case for discouraging cannabis use among adolescents and young adults.

...

We think that the best explanation for the evidence from prospective epidemiologic studies is that cannabis use precipitates schizophrenia in individuals who are vulnerable because of a personal or family history of schizophrenia.

It also commented -

In addition to a possible increased risk of psychosis, young individuals also need to be informed about the risks of becoming dependent on cannabis, impairing their educational achievement, and increasing their risk of depression.

The report states why prohibition is not enough -

It is clear that prohibiting cannabis use has not been enough to prevent the occurrence of cannabis-induced psychoses among young individuals, although it can be argued that the problem might have been worse in the absence of prohibition.

Finally, the paper makes the comment -

Given the seriousness of psychotic disorders for the life chances of the young individuals who are affected by them, the evidence increases the case for caution in liberalizing cannabis laws in ways that might increase young individuals' access to cannabis, decrease their age of first use, or increase their frequency of cannabis use.

My final paper is on cannabis and schizophrenia and shows future trends in schizophrenia in England and Wales. Its summary reads -

If cannabis use causes schizophrenia, and assuming other causes are unchanged, then relatively substantial increases in both prevalence and incidence of schizophrenia will be apparent by 2010.

The paper states that the age group of high users of cannabis are just about to reach the age at which schizophrenia is most frequently brought on.

The effects of the government's inadequate response to this serious problem are in front of our noses and can be seen in the expanding incidence of psychotic disorders, the crowded prisons, the inadequate mental health services, the increased rate of homelessness and the suicide rates. Governments, parents, schools, clubs and society as a whole need to make sure that our young folk understand that link.

**HON GIZ WATSON (North Metropolitan)** [4.19 pm]: I must say a few words on this motion on behalf of the Greens (WA) and to say at the outset that we share the concerns about illicit drug use. We are well aware of the dangers that it causes to the health of the user and, more broadly, the consequences of drug use, whether it be the use of alcohol or illegal drugs. One of the issues I want to raise is some recent information that has been brought to my attention. The previous speaker mentioned the relationship of drugs with people in prison. We know for a fact that the majority of people who are in prison have used drugs; indeed, the majority are problem drug users and not just casual drug users.

It has been brought to my attention that funding for the alcohol and drug rehabilitation programs that should be taking place in prisons has been reduced. That is of serious concern. We all know that it is easier to get hold of drugs in prison than in the community. Hence, we would argue that the current prohibitionist approach to drug

use does not work. If we cannot keep drugs out of prisons, we cannot keep drugs out of the community. We need to take a completely different approach. I will not go into that matter today, because that will take more than the eight minutes that is available to me for this motion. The fact remains that if we are not able to deal with drug use by people in prison, who are a captive audience - excuse the pun - we will not be able to deal with drug use in the community. Around 70 to 80 per cent of the prison population has a significant drug use problem. If we cannot deal with those people and turn around their addictive behaviour, those people will come out of the prison system and will continue to not only use drugs but probably also traffic in drugs. This issue is critical to the success of any strategy to deal with drug use and drug trafficking in this state. I will be putting questions to the Minister for Corrective Services on this matter, because, as I have said, it is of serious concern that that funding has been reduced.

The second issue that has come to light recently in the media is the crisis in hospital emergency departments. A significant number of the people who attend hospital emergency departments are affected by drugs or alcohol, or exhibit mental health problems that are related to, or exacerbated by, drug or alcohol use. Those people need to be taken off the streets and placed in a safe environment. They probably do not need to be in hospital emergency departments. They should be directed to other facilities in which their drug and alcohol issues can be addressed. The fact that those people are attending hospital emergency departments causes huge problems. I have spent some time in the past sitting in emergency departments, for various reasons. It is very interesting to see the types of people who come through the door at one or two o'clock in the morning. The majority of those people are alcohol affected and have perhaps been in a fight and need a couple of stitches. Certainly a few of them are drug affected as well. We need to find a strategy that will ensure that the resources of our hospital emergency departments are used to deal with genuine medical emergencies, rather than people who are affected by drugs or alcohol.

The third issue is the recent debate in the public arena about Ben Cousins and his drug use. I have been tempted to raise this issue over the past couple of months, because it seems to me to reflect a very interesting attitudinal schizophrenia in our community. I would be delighted if the attitude that the community has taken to Ben Cousins and his drug use were taken to every person who has a drug addiction or health problem - or however we choose to describe the phenomenon that causes a person like Ben Cousins to use drugs that happen to be illegal. The debate in both the letters to the editor columns and in the public arena has been fascinating. People have embraced Ben Cousins and have said we should give him a go, pay for his rehab, and do whatever it takes, so long as he can come back and kick a footy for us. The fact that a person is a good footballer and has been given some privileges and opportunities is fantastic. The path that Ben Cousins has, for whatever reason, taken in allegedly using illicit drugs is a path that many other people have taken. The difference is that they do not happen to be footballers.

**Hon Sue Ellery:** He is not just any footballer!

**Hon GIZ WATSON:** Clearly not! He is a very good footballer! However, we need to look at why people have taken that attitude to Ben Cousins, just because he is a person of standing and a footy hero. Other people's life choices and life paths may also lead them into making bad choices about smoking a bit of marijuana, or trying some other drug at a party just because their friends are trying it. We should not fall into the trap of assuming that those people should be criminalised for doing that. We have all had to make choices, as adolescents and as adults, about whether to use mind-altering substances. Frankly, I do not see the difference between a person who chooses to drink half a bottle of whisky and a person who chooses to take amphetamines. It is all about choosing to take a mind-altering substance. People have been doing that forever and a day. At various times in our history, the community has decided that a certain drug will be illegal and another drug will be legal. That is a very arbitrary decision. We need to think much more laterally about how we can deal with addiction, whether it is to alcohol, amphetamines or heroin. It is fascinating that, because Western Australia is such a tiny community, the drug of choice, and the drug that seems to be the problem of the day, is very much dependent upon the supply, rather than on what drug people want to take, and how that drug affects their experience. The consequences of amphetamine use are much more significant than the consequences of heroin use. The reason that more people are taking amphetamines is that not much heroin is available at the moment. I am not underestimating the consequence of heroin use. However, amphetamine use has a much greater impact on the general community, because it can make people totally inaccessible to rational argument and lead to things such as road rage.

I therefore implore members not to make moral judgements about drug use, but rather to look at how we can help people to feel good about themselves so that they will not need to take drugs to put them into another space. That is the challenge. That is why drug education in schools is so important. We will not be able to stop kids from experimenting, whether it is with alcohol, tobacco or drugs. All these things are potentially addictive. The challenge is to make kids feel good about themselves so that they will not want to engage in behaviours that will cause them harm.

**Hon Peter Collier:** You have my support on that.

**Hon GIZ WATSON:** Yes. At the same time, we need to recognise that young people want to experiment and take risks. We need to give them the information that they need to make good choices. We also need to provide rehabilitation processes within the prison system. If we can get those two things right, there will be a huge change in the current problem with drug use.

**HON LOUISE PRATT (East Metropolitan)** [4.27 pm]: I welcome the opportunity to debate this issue, because it is important that this house tackles the issue of drug use. However, I reject the words in the motion that there is a “growing crisis of illicit drug abuse in Western Australia”. This government has introduced many successful reform processes and policies that seek to change the pattern of drug use. There is no panacea to this problem.

**Hon Ray Halligan:** The problem is that people move from one drug to another.

**Hon LOUISE PRATT:** Exactly.

**Hon Ray Halligan:** Where is your reform to deal with that?

**Hon LOUISE PRATT:** There is no silver bullet that will wipe out all drugs. That is the unfortunate premise that is contained in this motion. A number of people in our community are experiencing a crisis as a result of drug use. That causes both social and economic costs for individuals and their families. Members have given some good examples this afternoon about the problems with mental health. It is far too simplistic to say that there is a growing crisis, and the Carpenter government has failed to address it. This government has introduced comprehensive and ongoing strategies to address the changing problem of drug use in the community.

**Hon Robyn McSweeney:** It started with the decriminalisation of cannabis.

**Hon LOUISE PRATT:** In relation to the decriminalisation of cannabis -

**Hon Robyn McSweeney:** That is where it started.

**Hon LOUISE PRATT:** No, that certainly is not the case. It certainly did not start with the decriminalisation of cannabis because cannabis use is still problematic. However, cannabis use is no more problematic than it was, and there are signs that it is starting to decrease. Hardline criminalisation of drugs is not the only solution that we can put forward to solve the drug problem. For example, the cannabis use rate fell from 17.5 per cent in 2001 to 13.7 per cent in 2004. Cannabis use among school students has also decreased from 26.8 per cent in 2002 to 19 per cent in 2005. That indicates that a wide range of strategies are needed to reduce drug use in the community. Notwithstanding that, rates of drug use in Western Australia are unacceptable. The rate of drug use in Western Australia is indeed higher than the national average; that is true also about the rate of alcohol abuse in many parts of the community. That really says something about the ways in which we need to intervene in the community and work with it in good drug education programs, to raise awareness about the harm that drug use has caused and to work one-on-one with users, particularly young people -

**Hon Ray Halligan:** You have been in government for six years; what have you been doing?

**Hon LOUISE PRATT:** We have been doing exactly those things, and we will continue doing them. We will continue working with community groups. We will continue working one-on-one with drug users. We will continue using Drug Aware programs. This is an ongoing question. However, none of those things amounts to a panacea that will make the problem go away. Members opposite stand in this place and ask for more and more penalties and say that it is the only solution. Penalties are part of the solution but they are not the whole solution. We require ongoing consultation with specific communities so that they can adapt to issues that confront them. We know for example that there has been a big shift in heroin use in the community to more amphetamine use. Because of that we have had to dramatically change our drug intervention and drug awareness programs and have had to adjust our policies. Indeed, a drug summit on amphetamine use is coming up on 3 July. That will be a good opportunity to bring together experts, stakeholders and community representatives on this issue. These are the people we need to ask for solutions. We have been asking them, and this will be a new opportunity for us to do that.

**Hon Barbara Scott:** Could you name one policy that you have adjusted?

**Hon LOUISE PRATT:** There is a variety of different policies and I will be happy to talk to Hon Barbara Scott about them. I do not have them all in front of me.

I conclude by saying that the government has a coherent, coordinated and adaptive strategy to attack illicit drug use. We have the evidence to demonstrate that in many instances the trends are heading in the right direction.

**Hon Robyn McSweeney:** Tell that to the mother of the 16-year-old boy who died on the weekend.

**Hon LOUISE PRATT:** There are many tragic cases and I do not shy away from the fact that people who are suffering need access to services and intervention. Those terrible cases should not be happening. However, the simple fact is that we cannot prevent them all. We should be working to prevent them and making sure that all people have services available to them. The simple fact is that we know that we cannot prevent them all. What we must do therefore is commit ourselves to tackling the problems in an ongoing, proactive way and investing in

and building on our key strategies and services. Anyone who argues for a simplistic set of solutions is misguided.

**HON SIMON O'BRIEN (South Metropolitan)** [4.34 pm]: In the very brief time available to me I just say that this motion is not about employing draconian penalties in dealing with people with drug abuse. I congratulate Hon Donna Faragher for bringing the motion to the attention of the house in the terms in which she has. The motion is not about draconian penalties and it is not about Ben Cousins. It is about doing something to correct the attitude that this government has towards illicit drug abuse, which is about saying that it is recreational, that it is about party drugs, that it is natural behaviour, that somehow the government can rationalise it and that people can find ways to engage in it safely. For heaven's sake, the government will probably have to fill the vacancy it has in the Department of the Premier and Cabinet's propaganda unit to put out some more spin. I wonder whether the government will find someone to take up the position recently vacated by Sharryn Jackson at \$200 000 a year to keep putting out the nonsense that we have heard for so long and that we have just heard from Hon Louise Pratt. It is the same nonsense that we heard spun by Mr Alan Carpenter when he was the then opposition drugs spokesman; he advocated not for the decriminalisation but for the legalisation of cannabis cultivation in this state.

Debate lapsed, pursuant to standing orders.

#### **SENATE VACANCY - MESSAGE**

##### *Order of the Day - Motion*

On motion without notice by **Hon Kim Chance (Leader of the House)**, resolved -

That consideration of the message from His Excellency the Governor relating to the resignation of Senator the Honourable Ian Gordon Campbell be made an order of the day for the next sitting of the house.

#### **FISH RESOURCES MANAGEMENT AMENDMENT REGULATIONS (NO. 8) 2006, CLAUSES 3 AND 10 - DISALLOWANCE**

##### *Discharge of Order*

**HON BRUCE DONALDSON (Agricultural)** [4.36 pm]: I move without notice -

That order of the day 379, "Clauses 3 and 10 of the Fish Resources Management Amendment Regulations (No. 8) 2006 - Disallowance", be discharged from the notice paper.

By way of explanation, I have reviewed all the information and correspondence that I have received on this matter. In moving the original motion, I was trying to seek equity and fairness between the commercial and recreational fishing sectors. Achieving this would have shifted some inequities across to other managed fisheries. Recent decisions by the minister on the outcome of the wetline review would have made it even more inequitable by shifting the inequities to one particular sector on the commercial side. Another consideration was the proposed review of the recreational fishing sector. This will be a very important review simply because it will bring equity to commercial and recreational fishing, and conserving the fishing effort will in some way go towards making fish stocks last a bit longer.

Question put and passed.

#### **ENVIRONMENTAL PROTECTION (REGIONAL POWER STATIONS NOISE EMISSIONS) EXEMPTION ORDER 2006 - DISALLOWANCE**

##### *Discharge of Order*

**HON PAUL LLEWELLYN (South West)** [4.38 pm]: I move without notice -

That order of the day 380, "Environmental Protection (Regional Power Stations Noise Emissions) Exemption Order 2006 - Disallowance", be discharged from the notice paper.

By way of explanation, the Greens (WA) have received briefings from the Parliamentary Secretary to the Minister for the Environment and the Department of Environment and Conservation about the issues raised in this disallowance motion. We are satisfied that the noise exemptions given to these regional power stations are reasonable and that this disallowance motion should be discharged.

Question put and passed.

#### **ESTIMATES OF REVENUE AND EXPENDITURE**

##### *Consideration of Tabled Papers*

Resumed from 31 May on the following motion moved by Hon Kate Doust (Parliamentary Secretary) -

That pursuant to standing order 49(1)(c), the Legislative Council take note of tabled paper 2699A-H (2007-08 budget papers), laid upon the table of the house on 10 May 2007.

**HON GEORGE CASH (North Metropolitan)** [4.40 pm]: At the last sitting of the house, I was concluding my remarks on the tabled paper. I indicated to the house that I wanted to raise five matters. I raised four, and I wanted to complete my comments on the fifth matter. For those members who may not have had the opportunity to sit in and take great interest in what was being said, the first issue I raised related to the revenue flows that the government has enjoyed over the past seven years and the massive increases in revenue that have occurred. Secondly, I looked at the state tax review and the chairman's report of the State Tax Review Reference Group committee dated 11 April 2007. I made the observation generally that those members who were part of the reference group, in particular, and people right across the state would be very, very upset with the way the government has handled its state tax review. It is fair to say that it has been blind for taking no action. The Treasurer had an opportunity some years ago to say that he would put in place a system that would review taxes. That occurred, but notwithstanding the reference group's report, very little positive action is being taken by the government. Of course, some would put forward the argument that the Treasurer intends to introduce significant changes to the state taxation system at the next budget, which is the budget prior to the next state election. That remains to be seen. In the meantime, it can be said that the government was nothing short of blind for taking no action.

I also set out the announcements that the Liberal Party made on 11 February this year. Members will recall that we have been challenging the government for some time to take action on tax reductions and reductions in charges. Our shadow Treasurer, Troy Buswell, made a statement on 11 February. He directed it to the Treasurer, making sure that the Treasurer had plenty of time to incorporate changes in this year's budget. He put forward some very positive proposals that the Liberal Party would have introduced on tax reform had it been in government. Regrettably, the Treasurer stumbled at that hurdle and failed again to make those changes.

The fourth issue that I talked about was infrastructure. I gave specific examples of projects that had been started and the promises that were made about their finishing date and the cost, only to find that for each of the examples I used, both the time period for completion and the actual cost of the project had blown out.

The fifth area that I wanted to look at related to the mismanagement of the government, in particular in the area of planning and infrastructure, over a period of years that has seen land and housing prices in Western Australia go through the roof. On occasions in the past when we have been dealing with stamp duty, I have said that it does not make any difference to someone in Dalkeith or Peppermint Grove purchasing a \$10 million or \$15 million house whether the stamp duty is \$50 000 or \$100 000. If one can afford a \$10 million or \$15 million house - these figures are not correct; stamp duty is considerably higher than that - an increase in stamp duty has very little effect on the decision made. When we increase stamp duty across the board, we crucify first home buyers and those in the lower socioeconomic area of our community, the very people whom the Labor Party has claimed to represent for years. Clearly, they are not being represented by the Labor Party; they are being crucified. The failure of the government to provide adequate housing lots, in particular, has put significant pressure on the market, and the price of housing blocks and homes is going through the roof. It is a major catastrophe for first home buyers. It is a major disaster for anyone in Western Australia who wants to rent property because there is a flow-on effect. I will deal with the rental situation in a moment.

Just to underscore what I am saying about house prices in Western Australia, I note that last Wednesday an article in *The West Australian* referred to the Commonwealth Bank-HIA housing affordability report. It found that prices for the average Perth house had hit \$508 900 in the March quarter and that that price had pipped Sydney, whose equivalent house affordability was \$507 400. That was the first time that Perth houses had beaten Sydney houses. If we had said 10 years ago that housing in Perth would one day be more expensive than Sydney, we would have been laughed out of the room, but that is now the case. It is having a significant effect on young people in Western Australia. The report noted that Perth residents now have to hand over almost 39 per cent of their income to cover mortgages. That is the highest percentage in the 23 years that the housing affordability report has been published. Only a week before that there was an article in the paper with the headline "Perth homes rated less affordable than New York". It said, in part -

A new global housing study has declared Perth one of the world's most unaffordable cities, rating it even more expensive than New York.

The Annual Demographia Survey, released yesterday by the US-based Wendell Cox Consultancy, rates every Australian city as "seriously" or "severely" unaffordable in a global study of 159 cities, with Perth, Sydney, Melbourne and Hobart among the worst 25 cities.

That is an amazing state of affairs in which we now find ourselves in little old Perth, the most isolated capital in the world. Fancy having to compare our housing prices with housing prices in New York! Further on in the article it says that Perth prices are eight times the income, higher than New York at 7.2 times. The least affordable Australian city, according to this report, was Sydney, where median prices are 8.5 times the median income, even worse than London, at 8.3 times. That is a massive shift that is occurring.

Some people will argue that the housing boom has been good to them, but they are a minority of the community. The housing boom has not really done a lot for many people because if one buys a house for \$500 000 and finds

it is worth \$1 million, when one sells it to buy another house, the new home will cost \$1.5 million. There is no real net gain. The only group that gains is the government, which collects stamp duty. It is a real myth to say that the housing boom has been good for the community. We have only to listen to community welfare organisations such as Anglicare, Shelter WA or the Western Australian Council of Social Service to find out what effect this property boom has had on Western Australia and how it has affected the poorest families in this state. Even in the Department of Housing and Works we find that the priority waiting list has now ballooned out to 470 people, which is an increase from 256 in January or February last year. It is because of that massive increase that on 1 May, which was just a month ago, the Minister for Housing and Works announced that an extra \$447 million would be spent to try to ease the current housing crisis. It is interesting that when Minister Roberts was asked how many new units over and above those that had previously been planned for would be built with the \$447 million, the minister was forced to admit that there would not be significantly more new houses delivered into the market and that the new money was required to deliver marginally more than what the government was currently delivering. It was a total mix-up. It was a big announcement to try to sell to the world the proposition that everything was under control. However, when the pressure was put on the government and when we "drilled down", as one of our members would say, we found that it was a shallow well with not much in it at all. The \$447 million will not do much to help ease the housing crisis.

Perhaps the worst area which I have seen in my travels and which certainly has been raised with me is the failure of the government to release adequate housing blocks in the metropolitan area, in particular, but also right across the state. When members consider the size of Western Australia and the fact that we have so much vacant land, it is almost incomprehensible to think that we cannot release sufficient land to cater for the needs of our people. Even if the forecasts into the future were somewhat wrong, we could expect to determine how many lots were likely to be needed in the next five, seven or 10 years and that the preplanning would have been done to ensure that the land was on the market as it was required. However, that has not happened. When driving around the estates of the metropolitan area, we see signs for land ranging from between \$400 000 and \$500 000. It makes members wonder what young people today must think about their futures. There used to be a very special Western Australian dream that most people tried to achieve; that is, to own a block of land and a house in Western Australia. However, over the past few years in Perth in particular, a situation has developed whereby some people will now never be able to buy their own house. They have been forced out of the market and will rent for the rest of their lives. That is an absolute shame on the Labor Party.

**Hon Ray Halligan:** It is an indictment.

**Hon GEORGE CASH:** It is an indictment on the Labor Party and it is a great shame that it has failed to provide adequate land. During this financial year, the government will fall 20 000 blocks short of its earlier stated target. The government will not be able to produce that land because the planning procedures that are in place are so cumbersome that developers in particular cannot get the land approved to get it into the market. That is an absolute tragedy. When the Minister for Housing and Works was asked recently what will be the target number of blocks to be released in the financial year 2007-08, she announced that there would not be a target for 2007-08. Obviously, that was done on the basis that she had just fallen short of the 2006 target by 20 000 blocks. Again, that is an absolute tragedy.

**Hon Ray Halligan:** The shortage is cumulative.

**Hon GEORGE CASH:** Indeed, it is cumulative, which makes the situation worse and worse.

An argument that the government continues to trot out is that there is a shortage of labour. In the end, that excuse can be used only so many times because the bureaucratic system within planning is such that the delays that are being caused are a major contributor. It is not just the fact that there is said to be inadequate labour to produce the lots; most people are hitting a major hurdle in getting the lots approved. I have talked about the Perth metropolitan area, but right across Western Australia, particularly in regional towns, insufficient land is available. I was reading the *Albany Advertiser* this morning and on its front page is a huge headline that says "Hot property: Albany house prices soar by 35.7 per cent".

**Hon Murray Criddle:** That is in just one year.

**Hon GEORGE CASH:** It is. The article states -

Albany's real estate market is not just red hot, it's on fire.

If you are lucky enough to own a house in Albany, the price of your home has risen by 35.7 per cent from April 2006 to March 2007 putting the average price of houses in Albany at \$380 000, according to the latest statistics released by the Real Estate Institute of WA.

That is the sort of problem with which people in Albany are faced. Again, very few people would say that they are doing well out of the boom. However, they will tell members that the value of their property has increased and as a result of that there are flow-on effects with regard to rates, land tax and other issues that fall on them.

I must acknowledge that the government announced a \$300 million shared equity scheme that it said was for struggling first home buyers. Although it is a terrible situation to think that the government must buy half a house so that people can get into the market, I give the government some credit for at least coming up with the shared equity plan for some housing. However, the bottom line is that it was meant to help a number of people over the next 12 months and already the fund has been exhausted. There have been more applications than there is money available. That says something about people's need, and it tells the government that it will have to consider putting more money into the scheme because that is at least one way of levering some people into the market. In due course, there may be an opportunity for the tenants to buy out the equity partner, so to speak, so that the tenants can continue on their merry ways. I remember that when we were in government and it was suggested that we should sell some of the public housing to long-term rental tenants, we were told that we should discount the value of the home, having regard for the time the people had lived in it. Some 10 or so years ago we were criticised for that. However, the idea was to try to turn people who were tenants into owners and to give them credit for all the rent that they had paid. That is because we know that once someone is an owner, things are different. Instead of a rental house allegedly being an asset on the books of the housing authority, in practical terms the house is a liability because the tenant of the house always has the right to demand that the owner of the house maintain it and do all the sorts of things that private owners do to their own properties. If members look at what Thatcherism was all about in the United States, one of the key elements was turning the housing estates into privately -

**Hon Ed Dermer:** United Kingdom.

**Hon GEORGE CASH:** What did I say?

**Hon Ed Dermer:** You said the United States.

**Hon GEORGE CASH:** Hon Ed Dermer has been listening all along because he has been acknowledging that by nodding his head, and the Minister for Local Government has been listening and waiting to interject, but because she thought that what I was saying was absolutely correct, she decided that she had better not interject. She has been waiting for a chance to interject but has been unable to jump at any chances. I thank Hon Ed Dermer; I meant the United Kingdom.

There was a significant turnaround in the ownership of those houses. I remember at the time attending a very big seminar that was held in Perth by the chap who was behind that scheme. His name was Professor Madsen Pirie. Hon Norman Moore was there and would remember that Madsen Pirie said, "What you believe are assets on your balance sheet are in fact liabilities. The only time they will become assets is when you sell them to the person who is renting them. Then you will see a completely different financial effect and a different social effect as a result of that home ownership." Of course, that happened on the housing estates in the United Kingdom where former Labour voters became mini-capitalists, so to speak, and started voting for the Conservative Party. That was always something that stuck in the craw of Labour people in the United Kingdom.

Debate interrupted, pursuant to standing orders.

[Continued on page 2648.]

#### QUESTIONS WITHOUT NOTICE

FAIR EMPLOYMENT ADVOCATE - HELEN CREED

**376. Hon NORMAN MOORE to the Minister for Child Protection:**

I refer to the answer given to question without notice 337 of Wednesday, 30 May 2007, and ask: will the minister table -

- (a) the submission put to government by the former Minister for Employment Protection;
- (b) advice provided by the Department of Consumer and Employment Protection to the Director General of the Department of the Premier and Cabinet;
- (c) the recommendation of the Director General of the Department of the Premier and Cabinet to the Minister for Public Sector Management; and, if not, in each case, why not?

**Hon SUE ELLERY replied:**

I am sorry, I do not have the question and I have not seen one to sign off on. Maybe it will come in before the end of question time.

**Hon Norman Moore:** It was put in last week.

**Hon SUE ELLERY:** I am sorry, I do not have it. I will chase it up.

**Hon Norman Moore:** I hope somebody took a little bit of notice of what we said in the adjournment debate the other night. Obviously not!

[See answer next page.]

## SUGAR MILL - ORD VALLEY, KUNUNURRA

**377. Hon NORMAN MOORE to the Minister for Agriculture and Food:**

I refer to a report in today's *The West Australian* that the WA government has sent a senior officer to Kununurra to assist Ord sugar growers to formulate a plan to buy the local mill.

- (1) What are the qualifications of this person; was this person seconded; and, if so, from which sector and at what cost?
- (2) What are the options being explored and which parties are involved in the discussions?
- (3) Is the government offering any financial assistance; and -
  - (a) if so, what amount and for what purpose; and
  - (b) if not, why not?
- (4) What is the progress of discussions to date?

**Hon KIM CHANCE replied:**

I thank the Leader of the Opposition for providing some notice of the question.

- (1) The qualifications of the person are Bachelor of Economics, Murdoch University; and Doctor of Philosophy, University of Missouri. No. The person has been made available free of charge in his usual role to provide information on supply chain management to growers groups.
- (2) The parties are assessing the business case for purchasing the sugar mill. The parties involved are the sugar cane growers in the Ord River irrigation area and Maryborough Sugar Factory Pty Ltd, Queensland.
- (3) The government will consider any proposal it receives from the parties.
- (4) The status is ongoing.

## FAIR EMPLOYMENT ADVOCATE - HELEN CREED

**Hon SUE ELLERY:** I have an answer to the question without notice 376 asked earlier by Hon Norman Moore. I thank him for some notice of the question.

- (a) No. The submission by the former Minister for Employment Protection was a cabinet submission and is thus subject to cabinet confidentiality.
- (b)-(c) No. I refer the honourable member to the answer to question without notice 337 in which it was pointed out that the Salaries and Allowances Tribunal has indicated it will not release the information it takes into consideration in making its decisions. Information provided by the Department of Consumer and Employment Protection to the Director General of the Department of Premier and Cabinet and subsequently presented to the tribunal is clearly covered by this.

## PRACTICAL DRIVING TESTS

**378. Hon SIMON O'BRIEN to the Minister Assisting the Minister for Planning and Infrastructure:**

- (1) What is the current waiting time for persons seeking to take practical driving tests at each metropolitan licensing centre?
- (2) For the purposes of (1), how is "waiting time" defined?
- (3) If an intending candidate for a practical driving test were to seek a booking today, what would be the earliest slot available at Welshpool, Kelmscott, City West, Joondalup, Morley, Midland, Willagee, Rockingham and Mandurah?

**Hon LJILJANNA RAVLICH replied:**

I thank Hon Simon O'Brien for some notice of this question. As part of the \$73.8 million licensing reform package I recently announced, a recruitment drive for additional assessors was commenced and is nearing completion. This will see up to 15 additional driving assessors commence work in the metropolitan area once their training program is complete. This recruitment will provide more than 1 000 additional driving assessments each fortnight and should markedly reduce current waiting times.

- (1) Waiting times as at 5 June 2007 are: Welshpool, 19.4 weeks; Kelmscott, 16.4 weeks; City West, 18.8 weeks; Joondalup, two days; Morley, 11 weeks; Midland, 11.2 weeks; Willagee, nil; Rockingham, six working days; Mandurah, one day.

Although these are the waiting times, there is nothing to limit the ability of individuals to choose the licensing centre. For example, somebody who lives in Welshpool who was advised that the waiting

time was 19.4 weeks and asked whether they could slot in elsewhere for easier access could be advised to perhaps try Mandurah, Willagee or Rockingham. However, we do know that, generally, young people in particular prefer to undertake their driving assessment test in an area where they have been practising, so often they will prefer to wait a length of time rather than go into areas that are not familiar to them.

- (2) "Waiting time" is defined as the first available vacancy for each centre in the metropolitan area. It should be noted that this fluctuates on a continual basis as assessments are booked and cancelled.
- (3) As at 5 June 2007: Welshpool, 18.10.2007; Kelmscott, 27.9.2007; City West, 15.10.2007; Joondalup, 7.6.2007; Morley, 21.8.2007; Midland, 22.8.2007; Willagee, 5.6.2007; Rockingham, 13.6.2007; Mandurah, 6.6.2007.

By way of conclusion, if we did not understand or know that there was an issue with licensing and waiting times, we would not have allocated the \$73.8 million to this very important state government initiative.

#### STATE WARDS - JUVENILE DETENTION

**379. Hon ROBYN McSWEENEY to the Minister for Child Protection:**

I refer to question without notice 353 asked last week about eight children who are in the chief executive officer's care and who are in juvenile detention.

- (1) What year was the 12-year-old first placed in the CEO's care?
- (2) How many placements has this child had since being placed in the CEO's care and prior to being imprisoned?
- (3) Has he had 17 placements since 2001?
- (4) What year was the 12-year-old placed in detention?
- (5) What year were the two 13-year-olds first placed in the CEO's care and how many placements did they have before being imprisoned?
- (6) What year were they placed in detention?
- (7) Can the minister confirm that the 14-year-old had 16 prior placements and that this was from 2001 to when he/she was imprisoned?
- (8) If no, how many placements has the 14-year-old had and what year was he/she first placed in detention?
- (9) In what year were the 15-year-olds first placed in the CEO's care?
- (10) How many placements did they have before being imprisoned?
- (11) What year were the 15-year-olds placed in detention?

**Hon SUE ELLERY replied:**

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

- (1) In 2001.
- (2) Seventeen.
- (3) Yes.
- (4) In 2007. This child also had a prior period of detention in 2006.
- (5) One 13-year-old began his/her current period of care in 2005 and had five placements before being imprisoned. This child also had two prior periods of care, 1998 and 2001. The second 13-year-old began his/her current period of care in 2004 and had 10 placements prior to detention. This child had one prior period of care, also in 2004.
- (6) One 13-year-old was placed in detention in 2007, but has been in detention on three prior occasions, twice in 2006 and once in 2005. The second 13-year-old was placed in detention in 2007, but has been in detention on four previous occasions, all in 2006.
- (7) Yes.
- (8) Not applicable.
- (9) Both 15-year-olds entered the chief executive officer's care in 2005.
- (10) One of the 15-year-olds had 13 prior placements, and the second had five prior placements.
- (11) Both 15-year-olds were placed in detention in 2007. However, both have been in detention on two previous occasions, once each in 2007 and once each in 2006.

## BURRUP PENINSULA - INDUSTRIAL DEVELOPMENT

**380. Hon GIZ WATSON to the parliamentary secretary representing the Minister for State Development:**

I refer to the industrial development on the Burrup Peninsula.

- (1) Are any industries currently in contact with the government seeking to establish operations on the Burrup Peninsula and/or any of the islands in the Dampier Archipelago?
- (2) If yes to (1), will the minister name those companies?

**Hon KATE DOUST replied:**

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

- (1)-(2) Yes. It needs to be noted, however, that only proposals that are based on lands set aside for industrial use under the Burrup and Maitland Industrial Estates Agreement, an agreement to which all local Indigenous groups are signatories, are considered. Currently, two companies are in contact with the government. One is Dyno Nobel Ltd. Due to the early nature of discussions and the issue of commercial confidentiality, the other company cannot yet be named.

## DRIVING TESTS IN RURAL AREAS

**381. Hon MURRAY CRIDDLE to the Minister Assisting the Minister for Planning and Infrastructure:**

My question of the Minister Assisting the Minister for Planning and Infrastructure is without notice. The minister has just announced a range of improvements to licensing centres in Perth. In other places in Western Australia such as Northampton, police used to take people for their driver's licence test. How are those people now going to get their driver's licence?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for the question. Clearly, the ongoing opportunity to provide people in regional or rural areas with access to facilities that would enable them to undertake their driving test - that is, practical and theoretical - is obviously being very carefully considered. In fact, we have been working through this issue. Historically, police officers stationed within a town had the responsibility of conducting those tests. Often, they conducted those tests for categories of licences that they themselves did not hold. Quite clearly, if a police officer did not have a heavy vehicle licence or, alternatively, a motorbike licence - all he had was a class C category of licence - he still conducted the examinations for both heavy vehicle and motorcycle licences. There was, therefore, a question about that officer's capacity to undertake those tasks. There was also the issue of risk, and there was also in many of those locations the issue about undertaking those tests in very restricted conditions. For example, there may not have been traffic lights, and there may not have been major intersections etc.

Therefore, we are working with the police department to ensure that there is coverage. Department for Planning and Infrastructure officers from licensing centres will undertake the assessments required in those areas where there currently are not police who hold specific categories of licences. If they hold current categories of licences - for example, heavy vehicle, motorbike or class C licences - they will continue, at least for the next six months or so, to administer those tests. However, the priority for the police is to get on with front-line policing. At the same time, the priority for me, as minister, is to ensure that people in regional and rural areas are not disadvantaged and that they are still able to undertake their theoretical and practical licence tests and acquire those licences, so that they can get on with the business of driving, whether it be for everyday living or for work purposes. However, quite clearly, we have to work through some issues to make sure that there is no disadvantage to those people. I have to say that so far, where some transitioning is occurring, major issues have not emerged. There seems to be a fairly good transition process underway.

## BALGA WORKS PROGRAM - FUNDING

**382. Hon PETER COLLIER to the minister representing the Minister for Community Safety:**

It is disappointing that the education minister will not be in Parliament for another week, so I will ask my question without notice, of which some notice has been given, of the Minister for Regional Development representing the Minister for Community Safety.

I refer to question on notice 4498 concerning the funding of the Balga Works program.

- (1) Will the minister table the grant application that resulted in \$40 000 being provided to the Balga Senior High School Parents and Citizens Association in October 2004; and, if not, why not?
- (2) Will the minister table the recommendation that resulted in the approval of the grant by the then minister on 13 September 2004; and, if not, why not?

**Hon JON FORD replied:**

I thank Hon Peter Collier for some notice of the question. The Minister for Community Safety has supplied the following answer -

- (1) A copy of the application is attached.
- (2) A copy of the recommendation is attached.

I table the documents.

[See paper 2766.]

## MENTAL HEALTH BEDS - SWAN VALLEY CENTRE

**383. Hon HELEN MORTON to the minister representing the Minister for Health:**

How many voluntary and involuntary mental health beds were open at the Swan Valley centre on 29 May 2007?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. There were 18 adult involuntary beds - six secure and 12 open. There were 16 older adult involuntary beds - 16 open.

## PREMIER'S SCIENCE COUNCIL - REPORTS

**384. Hon BARRY HOUSE to the Leader of the House representing the Minister for Science:**

- (1) Are the following reports that were overseen by the Premier's Science Council available to the public: the report on creating a future with science; the public engagement and science communication plan; and the strategic integration working group final report from February 2006?
- (2) Will the minister table copies of these reports today?
- (3) If no to (2), why not?
- (4) How and when will the science education strategy be implemented?

**Hon KIM CHANCE replied:**

I thank Hon Barry House for providing some notice of the question.

- (1)-(2) No.
- (3) All three reports will be discussed at the first meeting of the new Premier's Science and Innovation Council.
- (4) The Premier will receive advice on the implementation of the science education strategy following consideration by the Premier's Science and Innovation Council.

## ALCOA - VARIATION TO STATE AGREEMENT ACT

**385. Hon PAUL LLEWELLYN to the parliamentary secretary representing the Minister for State Development:**

I refer to the answer to question without notice 306 dated 10 May 2007.

- (1) Does the government hold an up-to-date copy of the Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 incorporating amendments made in 1987 and 2000?
- (2) If yes -
  - (a) is that document available to the public;
  - (b) has it been supplied on request to members of the public; and
  - (c) will the parliamentary secretary table a copy of the document?

**Hon KATE DOUST replied:**

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

- (1) There is no single official reprint copy of the Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Wagerup agreement - that incorporates all the amendments to that agreement since it came into operation. Official copies of the Wagerup agreement and any variation to it, or which relates to it and which has been ratified by Parliament, such as the 1987 variation to the Alumina Refinery Agreement Act 1961, referred to as the principal agreement, are available to the public from the State Law Publisher. Copies of any non-ratified tabled variations to the above two agreements, such as that tabled in 2000, are available to members of Parliament and the public from the Legislative Council or the Legislative Assembly papers office.
- (2) See answer to question (1).

## WEST AUSTRALIAN SYMPHONY ORCHESTRA - FUNDING

**386. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Culture and the Arts:**

- (1) Will the \$8 million allocated in the state budget for the West Australian Symphony Orchestra go towards refurbishing the old ABC site in Adelaide Terrace?
- (2) If so, will this be the extent of the government's contribution for this item, and what is the anticipated total expenditure for that refurbishment?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1) An amount of \$8 million has been allocated for a new rehearsal home for WASO. WASO has yet to present the minister with its final business case for where it wishes to be accommodated in the future.
- (2) Not applicable.

## CERVANTES MARINE FUELLING FACILITY

**387. Hon BRUCE DONALDSON to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

In a letter sent to Comen Pty Ltd on 7 November 2006 regarding the Cervantes marine fuelling facility, the minister indicated that amendments to the Jetties Act regulations were being pursued to provide the Department for Planning and Infrastructure with more effective control of jetty usage. The minister indicated also that changes to the navigable waters regulations were also being pursued to make it an offence to refuel a vessel within three kilometres of a jetty other than a licensed marine fuelling outlet. I ask -

- (1) Will these changes to the regulations be in place prior to the 2007-08 rock lobster season?
- (2) If not, why not?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question. I request that the member place the question on notice in order for the minister to seek further clarification of these issues. Also, our question is slightly different from the one the member has asked, so the member might want to look at it and check what has gone wrong in the translation.

## POLICE - DETECTIVE TRAINING

**388. Hon RAY HALLIGAN to the minister representing the Minister for Police and Emergency Services:**

Can the minister provide a comparative list of the number of direct entry and accelerated training course officers compared with non-DEAT officers who are scheduled to complete detective training between June 2007 and December 2007?

**Hon ADELE FARINA replied:**

On behalf of the responsible minister, I thank the member for some notice of this question. The Minister for Police and Emergency Services has supplied the following answer -

There are two detective training courses between June 2007 and December 2007, comprising four DEAT officers and 56 non-DEAT officers.

## MIDLAND HEALTH CAMPUS - RAILWAY STATION

**389. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

- (1) Is it the government's intention to build a train station adjacent to the proposed Midland health campus to service the hospital?
- (2) If yes, what funding has been allocated to its construction, and when will building commence?
- (3) If not, why not?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1)-(3) The Department for Planning and Infrastructure, the Public Transport Authority and the Department of Health are currently examining options that will provide for the integration of the proposed Midland hospital with rail and bus transport links. Once this work is complete, recommendations will be presented to government for consideration.

## WYNDHAM DISTRICT HOSPITAL

**390. Hon KEN BASTON to the minister representing the Minister for Health:**

I refer to the recent budget allocation towards a multipurpose health centre in Wyndham, and ask -

- (1) What was the average daily bed occupancy at Wyndham District Hospital for the period 1 January 2006 to 31 December 2006?
- (2) On how many occasions during the above period was the average daily bed occupancy rate exceeded?
- (3) How many hospital beds will be available, and for what purpose will they be provided, when the multipurpose centre is developed?

**Hon SUE ELLERY replied:**

I thank the member for some notice of this question.

- (1) The average daily bed occupancy at Wyndham District Hospital during the period 1 January 2006 to 31 December 2006 was 3.52. The occupancy for each month averaged 44.04 per cent during 2006.
- (2) The average of 44.04 per cent was exceeded in the months of January, February, March, April, July and November 2006.
- (3) The new hospital will have four beds in total, consisting of three acute care beds and one multipurpose acute-palliative care "swing" bed.

## VEHICLE INSPECTION SERVICES

**391. Hon SIMON O'BRIEN to the Minister Assisting the Minister for Planning and Infrastructure:**

I refer to the government's intention to conduct a trial of outsourced vehicle inspection services, and ask -

- (1) Has RAC WA already been chosen to be the service provider for the trial?
- (2) Has the minister required that there be a general call for expressions of interest from other potential service providers; and, if not, why not?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question.

- (1) No, although we have had discussions with RAC.
- (2) Certainly, other providers will be considered.

## GREENHOUSE GAS EMISSIONS

**392. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for the Environment:**

I refer the minister to the debate concerning greenhouse gas emissions, and ask -

- (1) What is the estimated annual amount of greenhouse gas emissions produced in Australia?
- (2) What is Australia's emissions production as a proportion of total world emissions?
- (3) What is the estimated annual amount of greenhouse gas emissions produced in Western Australia?

**Hon SALLY TALBOT replied:**

I thank the member for some notice of this question. The Minister for the Environment has provided the following response -

- (1) Australia's greenhouse gas emissions are estimated through the National Greenhouse Gas Inventory. The most recently available data is for 2005. In 2005, it is estimated that net greenhouse gas emissions were 559 million tonnes.
- (2) According to the National Greenhouse Gas Inventory, Australia's greenhouse gas emissions were approximately 1.5 per cent of global greenhouse gas emissions in 2005.
- (3) Western Australia's greenhouse gas emissions are estimated through the National Greenhouse Gas Inventory. In 2005, Western Australia's net greenhouse gas emissions were estimated at 67 million tonnes.

## SAFECARE PROGRAM

**393. Hon ROBYN McSWEENEY to the Minister for Child Protection:**

- (1) What is the program SafeCare, and why is it funded by the Department for Child Protection?
- (2) Are men who abuse children in their care removed from the home while they are undergoing the SafeCare program?

- (3) Are the abusers allowed to remain in the home with the child they abused when they go into the SafeCare program?
- (4) If yes, at what stage of the program are the men allowed to return home and live with the child, or children, they abused?
- (5) If yes, why would a department that is called the Department for Child Protection allow this to happen?

**Hon SUE ELLERY replied:**

I thank the member for some notice of this question.

- (1) SafeCare is funded by the Department for Child Protection to provide counselling and treatment services to address child sexual abuse within families. SafeCare works with all family members, including victims, supportive non-offending family members, and adult and adolescent offenders or those who may be at risk of offending. SafeCare also works with offenders who are awaiting trial. As a result of participation in the SafeCare program, some offenders acknowledge the harm they have caused and plead guilty. In doing so, they choose to avoid perpetuating further harm by requiring a child to testify. Such outcomes are in the interests of children, and of securing justice. Referrals to SafeCare under department-funded programs are made only by the Department for Child Protection. The department notifies police of matters where there has been a criminal offence, including child sexual abuse. SafeCare reports to the department any breaches of safe practices by program participants.
- (2)-(4) Adult offenders, or those adults at risk of offending, who are in the SafeCare families program are not permitted to live at their family home for a period of at least one year. If, after that time, the family concerned seeks to be reunited, and the participants have satisfactorily completed therapy, a graduated reunification plan is put in place. Family reunification planning includes program participants, children, and the supportive non-offending parent. Before reunification, all must successfully complete training in child safe practices.
- (5) Responding to child sexual abuse within families is complex, involving work with those who may be at risk of offending and those who are awaiting trial. Child victims sometimes need a safe environment within which they can be assured by offenders that the experiences of the child are not the result of their behaviours. For this to occur, offenders need to acknowledge the harm they have caused. Nine services funded under the child sexual abuse treatment services program, including those provided by SafeCare, have been the subject of a recent evaluation conducted by Rosemary Cant, Darrell Henry and Anne Butorac. SafeCare and other services were found to implement high standards of child safety.

**GIFTED AND TALENTED EDUCATION PROGRAM**

**394. Hon GIZ WATSON to the minister representing the Minister for Education and Training:**

In relation to the government's gifted and talented education initiative for secondary public school students, can the minister advise me in respect of the secondary schools that have not been included in the gifted and talented program -

- (1) Will the academic extension programs currently offered by these schools for years 8 to 10 students still be available from 2008 and onwards?
- (2) If yes to (1), what minimum enrolment figure in an academic extension program in year 8 does the minister consider to be necessary to ensure the continued teaching of this program at any one school?
- (3) If no to (1), why not?
- (4) Does the minister expect that schools with low academic extension program enrolments will need to amalgamate their academic extension programs with other mainstream schools, if any, in their education district?
- (5) If yes to (4), how will this be achieved?
- (6) If no to (4), why not?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question. Information in the time required is not available; therefore, I ask the honourable member to place this question on notice.

**MOTOR VEHICLE INFRINGEMENT WORK ORDERS - RURAL AREAS**

**395. Hon NIGEL HALLETT to the Minister Assisting the Minister for Planning and Infrastructure:**

In view of the minister's response to the question from Hon Murray Criddle, does this mean that all police officers who put infringement notices for work orders on motor vehicles will now have to have mechanical training equivalent to a qualified mechanic to carry out this duty?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for the question. I do not believe that is the case, but I am happy to take that question on notice and provide the member with a thorough response.

#### WOMEN'S ADVISORY NETWORK

**396. Hon HELEN MORTON to the Minister for Women's Interests:**

- (1) Will the minister please outline the new ministerial advisory structure to enhance community engagement on women's issues.
- (2) Has the new Women's Advisory Network of WA met yet?
- (3) Who is on the Women's Advisory Network of WA and what are their backgrounds?
- (4) How many people on the Women's Advisory Network of WA are or have been affiliated with a trade union?

**Hon SUE ELLERY replied:**

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

- (1) The establishment of the Women's Advisory Network was publicly announced and nominations opened on 7 March 2007. Nominations closed on 27 April 2007.

The network will comprise 14 members representing peak women's groups and community organisations and the Executive Director of the Office for Women's Policy in an ex officio capacity.

The terms of reference of the Women's Advisory Network of WA are: to provide advice to the Minister for Women's Interests and the Office for Women's Policy on priority issues in women's interests; to develop submissions for consideration by the minister on priority issues in women's interests; to undertake consultation of member groups/organisations on priority issues in women's interests; and to address priority issues in women's interests including economic independence, safety and justice, leadership and governance, and gender equality.

- (2) No.
- (3) A recommendation regarding the appointments will be going to cabinet and I will then advise the Parliament of the appointments.
- (4) See response to (3). I add that I do not intend to ask all the people I will be appointing whether they are members of a union.

#### ESTIMATES OF REVENUE AND EXPENDITURE

*Consideration of Tabled Papers*

Resumed from an earlier stage of the sitting.

**HON GEORGE CASH (North Metropolitan)** [5.33 pm]: I was saying before question time that one of the groups of people who pay a very substantial price for the current housing boom in Western Australia is the group that pays rent. It is interesting to note that the Department of Treasury and Finance published its own report on this matter in March this year. The report released by the Department of Treasury and Finance found that 31 per cent of low-income earners buying a house in 2003-04 expected housing stress - as the report called it - which occurs when a household that is in the bottom 40 per cent of the income distribution pays more than 30 per cent of its income on housing costs. It also noted that the up-front costs of buying a property for first home buyers in Western Australia had increased from just under \$12 000 in 2001 to nearly \$50 000 in 2006, and the report clearly confirmed that affordability had hit record lows. I was interested in a report of April this year on renting accommodation that suggested the median house rent in Perth had risen \$60 in two years and was now \$280 a week. Only two months later, just the other day, on Saturday, 2 June, a newspaper article said that the median house figure for rentals in Perth had now hit a record \$300 a week. The article in fact referred to a report from Australian Property Monitors that confirmed that the rental market across the country was exceptionally buoyant, with median weekly rents at record levels for all capitals except Darwin. Apart from it being difficult for young people to get into a rental house, an interesting aspect is that older people who are renting houses - people sometimes referred to as old renters - also face a very bleak future. Often, seniors in rented accommodation in WA rent units rather than houses. The article that I have with me notes that in the past year the median weekly rent for a unit in Perth had jumped 25 per cent to \$250. However, the latest figures from the Australian Bureau of Statistics indicate that one in seven people over the age of 65 are in rental accommodation, and a high proportion of those people - about 20 per cent - are renting and paying bills alone. That is double the rate for older couples who are renting. However, it shows the pressure that is on both young people and older people in the rental market in Perth. That is really part of the ugly side of the housing boom that we see in Western Australia.

It is fair enough for someone to say: what is the Liberal opposition doing about it? Members would no doubt recognise that late last year Paul Omodei, the leader of the Parliamentary Liberal Party in Western Australia, in fact commissioned a housing affordability task force, under the chairmanship of Mike Nahan, to examine the issues in Western Australia and come up with some solutions. The task force report was brought down earlier this year. Some of the points that Dr Nahan and his team acknowledged were that in 2001 housing affordability in Western Australia was higher than at any other time in the state's history and was the highest of all the mainland capital cities. In 2001 there was also a change of state government in Western Australia, when the Labor Party took office. By December 2006 the situation had reversed itself and Perth had the least affordable housing in the country. A lot of the issues that the task force looked at showed that the planning policies that were being followed by the government were flawed, in both design and implementation, and were inconsistent with sustaining adequate levels of housing affordability. Clearly, the current government policy does not take into account or represent the interests or wishes of Western Australian households. Some of the other findings indicate that the household income required to buy a median-priced house in Western Australia had blown out to \$110 000 per annum; that only three Perth suburbs provided affordable housing for families on a median income of, say, \$59 000 a year; and that there were now no affordable suburbs in the whole of the Perth metropolitan area for low-income families; that is, families with an income of less than \$51 000 a year. When the task force published its report, it noted that the median house price for non-metropolitan Western Australia was \$50 000 higher than in Melbourne. It further showed, as part of the work it had done, that first home buyer participation in Western Australia had fallen from 25 per cent in the 1990s to 12.4 per cent in November 2006. They are very significant figures, with a horrific effect on young people.

**Hon Helen Morton:** It is a disaster.

**Hon GEORGE CASH:** It is a disaster, as Hon Helen Morton indicated. The parliamentary secretary read the budget speech when she presented the budget papers, and the speech is published in a glossy handout booklet. It tries to show that things in Western Australia could not be better. The only thing that could not be better at this stage of the game is the revenue that the government enjoys from the high taxes it imposes on the citizens of Western Australia. Underlying the glossy speech that was presented to the house is a very significant situation encompassing a lot of bleak prospects for those who are renting or trying to get into the housing market, in particular for the first time.

I have nearly exhausted my unlimited time, but I want to make one more point.

**Hon Simon O'Brien:** Do you want an extension? I can move for one.

**Hon GEORGE CASH:** I do not think I will need an extension, but I want to make a very important point. It is a point that most first home buyers would be reflecting on as they go around at this stage - that is, in the two weeks or so following the budget - looking for their home, believing what they read in the paper about the stamp duty being at a lesser rate than before. As they sign up for their first home today, one of the first things the real estate agent would say to them is that the stamp duty they are required to pay on this contract is the same stamp duty they would have had to pay 12 months ago. When the first home buyer asks about the reduction in stamp duty for first home buyers that the government has been trumpeting for so long, the agent is obliged to say that when the contract is signed, the buyer will become liable for the stamp duty as it was 12 months ago, and as it was on the day of the budget.

There is no current reduction in stamp duty, because the bill is not even in this house. There are two or three sitting weeks before the end of the parliamentary session. If those bills do not arrive in this house and are not passed by this house, there can be no reduction in stamp duty for first home buyers. I ask the government: where are the bills it has been talking about for months and months? The fact that there were likely to be reductions in stamp duty for first home buyers was not something that came out of the blue; the government has been talking about that possibility for a very long time. One would have assumed that, when the appropriation bills were introduced, two minutes after having completed the speech, the government would have introduced the revenue bills to allow for a reduction in stamp duty rates in Western Australia. Whether or not the bills have been introduced in the other place remains to be seen, but they certainly have not arrived in this place, and if they arrived today we certainly could not deal with them before the end of the week, even though I would hope that the opposition would expedite their passage to assist home buyers in Western Australia.

At present, first home buyers are required to pay the same stamp duty they would have had to pay 12 months ago, and the same stamp duty they would have had to pay on budget day. The only consolation is that they can get a rebate in due course if and when the bills go through the house. However, it is cash money upfront and a rebate in due course after the bills have gone through the house, because at the moment the law is the law. The government has let first home buyers down by not addressing that matter in a more timely manner. I ask the parliamentary secretary to get the bills into the house. If they are introduced today, I will talk to my colleagues on this side of the house and see whether we can pass them by Thursday. That is how important it is. They are revenue bills. They will reduce the stamp duty for first home buyers.

**Hon Ken Travers** interjected.

**Hon Simon O'Brien:** Put up or shut up.

**Hon GEORGE CASH:** Was the member telling me to put up or shut up, or is he telling me just to shut up?

**Hon Simon O'Brien:** No, I was just interjecting in an unruly fashion across the floor.

**Hon GEORGE CASH:** Indeed. I ask the parliamentary secretary to introduce the bills.

**Hon Ken Travers:** I think Hon Simon O'Brien was being very rude to you.

**Hon GEORGE CASH:** I will not digress, because I think there are probably other speakers. I appreciate the interjections anyway, because one thing I learnt in my time in the Legislative Assembly is that -

Several members interjected.

**Hon GEORGE CASH:** I want the Minister for Fisheries to listen to this, because it will give him an opportunity in due course. When someone interjects, it is the best thing that can happen to the member on his feet because he has control of the situation. That is why I know Hon Jon Ford would never interject. That cannot be said for the minister who sits next to Hon Jon Ford, who often opens the gate.

**Hon Ken Travers:** The one thing we know about you, Hon George Cash, is that you can keep a speech going for as long as you want and kill it off whenever you want anyway.

**Hon GEORGE CASH:** Indeed, and to save the member from interjecting any further, I will kill it off right now. I have made comments about the budget. I will get another opportunity when the bills come into the house, because we are talking about the tabled papers at the moment. I support the motion that was originally moved by the parliamentary secretary in respect of the tabled papers.

**HON ROBYN McSWEENEY (South West)** [5.47 pm]: This morning I had the pleasure of being shown the breast-screening department at Sir Charles Gairdner Hospital. Four or five years ago, I went to a breakfast given by the Cancer Council of Western Australia and heard about how the centre had one very old ultrasound machine that had already passed its use-by date. It still has this machine, plus another one that is four years old. The one that is four years old is quite a modern machine. This morning I sat amongst 10 women who were waiting to have ultrasounds, and there were another 10 in the front office. The reason so many were waiting was that the old ultrasound machine is now 13 years old and the radiographers hate using it, for a good reason. It is practically obsolete. This clinic is known as the clinic for excellence, but when it has only two ultrasound machines - one that works and one that is obsolete - it has a problem. One doctor who sits in the office looking at X-rays could be used more often if there were two modern state-of-the-art ultrasound machines. This ultrasound must service all the women in Western Australia, including many from my country electorate. They are referred by the mobile breast clinic, which is an extremely good service. I would not want anyone here to believe that I do not think the breast clinic is an extremely worthwhile service. When I was sitting in the clinic this morning, I noticed that there did not seem to be much privacy; it is a very small space. However, the staff are excellent. I hope that the Labor women who are listening will take up this cause. There are two in the house at present - Hon Shelley Archer and Hon Kate Doust. The others are away on urgent parliamentary business, but I hope they will take up the cause. I will certainly be taking this cause up myself because many women in Western Australia will be saved if they are detected early. If we had two modern machines, more women would be able to be tested. It may sound a bit below the belt, but if the chief executive officer of the Department of Health can get \$500 000 for holding that position, surely we can have one more ultrasound machine. I do not believe that it would cost \$500 000. It is an extremely worthwhile project.

Last week in New Zealand a 44-year-old woman who needed an electric oxygen pump to breathe died after the energy company cut off the power to her house because a \$122 power bill had not been paid. That news was reported worldwide. The Prime Minister of New Zealand had to come out and say that New Zealand was not a heartless country. In Western Australia, during the first week of April a mother and her two sons - Cozette Pickering, her eight-year-old son Shayden and her 12-year-old son Reece - died when their Homeswest house burnt down in Karrinyup. I put these tragic events together because Cozette Pickering owed some \$300 to Synergy. It allegedly cut off her power some three weeks before the house burnt down. I have put questions on notice about this particular situation that have not been answered. Her grown-up children tell me that the power had been cut. I believe that Synergy had tried to engage her in some sort of payment plan but it failed in its attempts. The power was then cut off. I believe that is particularly heartless. We can only speculate because we do not know what caused the fire but if the power had been left on, candles would not have been used and perhaps a mother and her two little boys might still be alive. There has to be a better way. How terribly pathetic it would be if it turns out that \$300 could have saved three lives. I have worded that very carefully because a coronial inquest is taking place, but that should never happen in Western Australia. I am not saying that the Labor Party does not care - it was probably as horrified as I was - but I make the point that there has to be a better way. I wish to put forward a better way. As soon as people are having trouble with any utility, the utility

must cut through the privacy laws and ring up the financial section of the Department for Community Development to see if the people concerned have children. If they have children, there has to be another way. Utilities cannot be cut off when children are in a house.

This state is in an economic boom. The word on the street via the government's spin is that everyone is prospering. The figures certainly look impressive. The Treasurer tells us that we have the nation's lowest unemployment, highest business confidence levels and the fastest growth in retail sales. The Treasurer says that the state's economy has stepped up to a new level, a level we have never seen before, following expected growth of six per cent for the current year. The economy is expected to grow by 4.5 per cent in 2007-08. If the budget was and is so good, why did people criticise it? Why did the Western Australian Council of Social Service say that this budget hit low income earners through higher fares and cost increases? The government might not realise that every day, 35 people, many with children, are turned away from services for homeless people in Western Australia. These figures come from WACOSS. Specific groups have experienced harsher changes in the cost of living. Age and disability support pensioners who are reliant on the rental market and public transport, for example, have experienced cost increases that are 30 per cent greater than underlying inflation rates.

Housing affordability is in crisis. Houses for purchase and rental accommodation at the low end of the price scale are scarce, with increasing numbers of Western Australians in housing stress, paying more than 30 per cent of their income on housing costs. It is estimated that the percentage of children living in poverty is between 13 per cent and 17 per cent. I looked for figures on how many children in WA were in poverty. The latest I could find were from Anglicare. It went through the six marginal federal seats in the 2001 election. It found that 32 000 children under the age of 15 are living in houses where both parents do not work. Hopefully that would have changed a bit in 2005-06 with the economic times. If WACOSS is saying that 35 people are turned away from services for homeless people in Western Australia, it means that there are still a lot of children in poverty. I must try to find the most up-to-date figures. I suppose I will have to wait until the results of the next census come out because there are no ABS statistics in that form. WACOSS also says that economic indicators put WA at the forefront of the nation for housing, jobs, business investment and resources on the back of business investment rising by 51.2 per cent. Western Australia's domestic economy grew at 14 per cent in the June 2006 quarter compared with the same period a year earlier, higher than China's growth rate of 11.3 per cent and the fastest in the nation. I do not always go by what WACOSS says but in the following case it is quite on the mark. In a media release it says -

“At the same time that the Government is handing out \$1.2billion in tax cuts and embarking on a massive infrastructure investment on the back of the boom, people being left behind from the boom are suffering from homelessness, ill health, isolation and a lack of support services, . . .

I will go into that later -

The treasurer has made a start at addressing the current crisis issues of housing and child protection, but we need to see the long term plan . . .

I will also go into that later in my speech -

Community agencies are turning away over a third of clients, unable to meet the demand for help and the budget fails to turn around this crisis, at best only partly plugging the leaking hole in community wellbeing.

. . .  
The budget allocation for the reformed child protection system does not consider the resources required for promoting children and family welfare to prevent child abuse from occurring in the first place, or the role that the Department for Communities should play. The Department for Communities has an operating budget . . . of only \$30mil while the Department for Child Protection has an operating budget of \$230mil . . .

I will also explain that further. WACOSS was not particularly happy with this budget. I want to point out that there are people living in poverty and it seems that we are just skimming the surface where they are concerned because everyone likes to point out what a boom time we are having. The government budget papers said that there were 2 220 children in state care as at 30 June 2006. This was a six per cent increase on the year before. The government expects that there will be a further 20 per cent increase for 2006-07. Either it has found the 400 children who it is expecting to be living in poverty already or a further 20 per cent are now living in poverty. I am pleased that the government has finally recognised that there needs to be flexibility for placements to maintain a range of flexible, high quality placements and support for children in care, many of whom are vulnerable and at risk due to their past experiences. There remains a need for intensive quality services to prevent children from entering care, support and treatment services whilst in care and services to manage their transition from care.

Today members heard me ask a question without notice. I think we would all be horrified at the answer to that question. It relates to a 12-year-old who is in detention. He was placed in care in 2001. He has had 17 homes since then - he must have been placed in care when he was six years old - and then went to prison in 2007. This child also underwent a prior period of detention in 2006, so he would have been 11.

*Sitting suspended from 6.00 to 7.30 pm*

**Hon ROBYN McSWEENEY:** Before the dinner suspension, I was talking about the children who have been placed in juvenile detention. I was indicating that one child had been placed in 17 homes since 2001 and that he had been placed in detention when he was 11 years old. Another 14-year-old child had been placed 16 times since 2001, before he and the other boy were imprisoned. A 13-year-old had a period of care in 2004, but had 10 placements prior to detention.

**Hon Barbara Scott:** Where are they being detained?

**Hon ROBYN McSWEENEY:** I presume they are at Banksia Hill. One 13-year-old was placed in detention in 2007 but had been in detention on three prior occasions: twice in 2006 when he would have been 12 and once in 2005 when he would have been only 11 years of age. From memory, the youngest age of a child placed in detention at Banksia Hill was 10 years. The second 13-year-old placed in detention in 2007 had been in detention on four previous occasions, all in 2006. It is very obvious that something is not working. Two 15-year-olds entered the chief executive officer's care in 2005. One of the 15-year-olds had 13 prior placements and the second had five prior placements.

I guess government members sometimes wonder why I stand here and continue to talk about foster care and how foster care needs to be done better. I maintain that if clinical psychologists and a multidisciplinary team are involved, those children can be better matched with foster parents so that they are placed only once rather than on 17 different occasions. They would not end up in jail at 10 or 11 years of age. If I were put into 17 different homes by the age of 10, I would probably end up in jail. Every time those children change places, they need to change schools, get to know new people and get used to a different bedroom. Everything is different. How must they feel if they have to pack up their stuff and get taken to a different home 17 times? Those children feel unloved after being placed in a different home for the third time. They know that nobody wants them and they feel unwanted and unloved. They know that their future will not be very good. This government must do better.

Before the suspension I said that quality services are needed to prevent children from entering care support and treatment services whilst in care, and that services are required to manage their transition from care. Members have mentioned the proposed hostel at the Kath French Centre. I wonder why the government keeps on saying that it is the first proposal of its kind, because one already exists. Does anybody remember a child the newspaper dubbed "Peter the Rabbit"? When he was 10 years old, he would rob from houses and he stole cars. He was put into detention for two years, but it was not at Banksia Hill Detention Centre; it was at a facility run by the Department for Community Development. I have been told that at times there have been probably 12 or 15 children in that facility, and each child costs \$1 500 a week. "Peter the Rabbit" got out again when he was 12 or 14 years old. I think the newspaper report stated that he was about 14. What did he then do? He went on another stealing spree. What does the government mean when it says that it does not have therapeutic services where the kids are? I looked at last year's budget, which shows that the government has allocated something like \$8 million, from memory, for that facility. I could be wrong, because I have not looked it up tonight. Why is it costing so much for these children to be placed in that facility? Surely the facility has therapeutic services and clinical psychologists; and, if it does not, why not? Why has this little bloke, who has been locked up for two years, been released and why has he started the same type of behaviour all over again so that he is then put back into detention? I do not know whether he was put in the same lock-up facility or Banksia Hill.

**Hon Barbara Scott:** He was sent to Broome on a plane with a 19-year-old cousin who is a drug addict.

**Hon ROBYN McSWEENEY:** Hon Barbara Scott tells me that he was put on a plane to Broome with a 19-year-old drug addicted cousin. If that is what the department is doing, it must have a serious look at what is being done. As I said, there is already a lock-down facility. Why does this government keep saying that there is not? Government members can correct me if I am wrong, but I have spoken to people who work in those facilities, and so I know that there is one here. The workers call the children \$1 500 babies. That boy did not get the help he needed. I hope that when the Kath French Centre is done up, the kids will get the help that they need.

Minister Templeman, the former Minister for Child Protection, said in the budget estimates in the other place that he visited a lock-down facility in Melbourne and noted that one important element of those sorts of facilities is the need to also provide therapeutic services so that a child has not only secure accommodation but also the other services that go along with it. In Western Australia, 180 children have alleged that they were abused while in state care over a 19-month period. Those children are not safe from their state caregivers. On page 1178 of the *Budget Statements* under "Outcomes and Key Effectiveness Indicators" for 2005-06 under "Outcome: Children and young people in the CEO's care receive quality care", this government states that the proportion of children in the CEO's care who are safe from abuse by caregivers is 99.8 per cent, and that for the 2006-07

budget it is 100 per cent. It was not long ago when I chaired the Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development that we heard of 59 children who were not safe from their caregivers. They were being abused while in state care. This has to be an untruth. I will not say it is an outright lie because statistics can go up and down over the years. It brings me to the issue of all those Aboriginal children who are abused and then placed with relatives and re-abused. I have the figures to back that up. In the Gwenn Murray report the figure for Aboriginal children who had been re-abused was something like 42 per cent. That was not so long ago, so how can this government say that 99.8 per cent of children are safe in care? They are not. What about the 180 children who have alleged abuse? The total number of children in care subject to substantiated abuse in 2006-07 is eight, according to the estimates hearings in the other place. If only eight children's cases have been substantiated, God help the others whose cases have not!

The government estimates that new protection order applications will increase by 55 per cent compared to the previous year. The extent of this increase is placing stress on the capacity of services that support children and families. Why does this government estimate that sort of increase? Why does it not get out and be proactive? Why are government members sitting there waiting to see that new protection orders will be 55 per cent more? That is one helluva figure. Does this mean the government knows of children who are being left in unsatisfactory conditions? Are there children who the department knows have been neglected but it cannot do anything about because of understaffing and lack of placements? If members recall, neglect of children is the number one issue around the world. They go under the radar. Many Aboriginal children are neglected and they go under the radar; they are undetected. In fact, in the last 22 years it has got worse.

The Treasurer mentions families and says the government will continue to assist WA families by keeping increases in key state government tariffs, fees and charges below inflation. How can members opposite put such a spin on what they are doing for ordinary taxpayers? He goes on to say -

Annual spending by a 'representative household' on the basket of State government goods and services will increase by \$133.65, or 3.95 per cent. Included in these figures is a \$27.30 . . . increase in water charges for the average household.

. . .  
These decisions follow the freeze in key household charges in 2004-05 and the decision to remove, reduce or freeze a number of tariffs, fees and charges in 2005-06. In seven years, Labor has reduced key household fees and charges for a representative household by \$413 . . .

How can he say that? Where did he get this figure from? How can the truth be stretched to breaking point like this and people be expected to believe it?

**Hon Kim Chance:** What part of it do you dispute?

**Hon ROBYN McSWEENEY:** Just keep listening. Every household in WA will pay an extra \$134 per annum for the basket of household goods and services. As Troy Buswell pointed out in the other place, there are approximately 822 000 households in Western Australia. The amount of \$134 multiplied by 822 000 will provide the Treasurer with an extra \$110 million of revenue from householders in WA. Last year it was only \$31. The government is good at spin. In 2007-08, the Treasurer says, families will be better off under Labor. Spending by the representative household on the above basket of state government goods and services will decrease by \$80.74. He says this equates to a 2.5 per cent decrease on the previous year's expenditure on the same basket of goods and services and is significantly below the forecast inflation rate of 2.5 per cent. Who would know what a 3.95 per cent increase means and who would know exactly what 2.5 per cent means?

**Hon Kim Chance:** It means exactly what it says.

**Hon ROBYN McSWEENEY:** Different terminology is used for each year. All I and many others in the electorate know is that this government has ripped us off, and it is continuing to do so.

**Hon Kim Chance:** What part of that don't you agree with?

**Hon ROBYN McSWEENEY:** The government is fudging the figures.

**Hon Kim Chance:** It is a calculation of ordinary household expenditure.

**Hon ROBYN McSWEENEY:** Yes, according to the Leader of the House. However, according to me, Treasury has fudged it a bit.

**Hon Ken Travers:** Treasury is using the same system that it used last year.

**Hon ROBYN McSWEENEY:** That is not right at all, and the member knows it. I will point it out to the member afterwards, if he would like.

**Hon Kim Chance:** Why not take it up with Treasury if you don't understand?

**Hon ROBYN McSWEENEY:** I understand it very well. It is \$720 more in Western Australia than it is in Queensland.

**Hon Kim Chance:** What is?

**Hon ROBYN McSWEENEY:** A basket of goods. I do not have that information, but that is the figure that was given in the other place.

**Hon Kim Chance:** You could be right, if petrol is counted in the calculation, because petrol is cheaper in Queensland. Petrol is actually subsidised in Queensland.

**Hon ROBYN McSWEENEY:** It probably is, but \$720 is quite a lot of money.

I turn now to housing affordability. I congratulate the government for providing tax relief for first home buyers. However, I also congratulate the opposition for pointing out the need for that tax relief to be provided. The government knows how difficult it is for first home buyers to purchase a home. I believe the government was wrong to wait until the budget to put this proposal forward. I therefore agree with Hon George Cash that it is up to the government to bring that bill into this place very quickly. An article in *The West Australian* of 8 May states -

REIWA data shows home loans to first home buyers are 42 per cent down compared to the same time last year. However, it is impossible to tell how much of the slump is a result of overall market conditions such as high house prices and how much can be attributed to people waiting for tax relief.

Mr Druitt said while governments typically put off tax reform until the start of a new financial year, there was an urgent need for action to ease pent-up demand.

Another problem is the shortage of rental accommodation in Western Australia. That has led to what I would call a rental crisis. Rents have skyrocketed. Over the weekend, I looked in both *The West Australian* and the *Sunday Times* to see what rents are being charged in various suburbs in Perth. A few rental properties are available for \$180 a week. However, for the majority of rental properties, the rents range between \$230 and \$400 a week. In some suburbs, rents are as high as \$500 a week. Executive rentals are about \$1 000 or \$1 200 a week. That is a lot of money. That makes it very difficult for young people to find a property to rent. Many times in the past, when I was living in the country and my children were living in the city, I have had to provide my children with bond money of nearly \$1 000, plus two weeks' rent in advance. My children now earn good money. However, the cost can be very prohibitive for young people. The rental crisis does not affect only young people. I noticed the other day that the average wage has now gone up to \$65 000. However, \$300 a week in rent is a lot of money for a family with young children to pay. That makes it very difficult for people to save enough money to purchase a home.

I welcome the government's initiative to build 3 700 new public and community housing units over the next four years, at a cost of \$376 million. However, that does not seem enough. The government's lack of planning has been very obvious. I note that some \$417 million will go into social, affordable and Indigenous housing over the next four years. Does that mean, therefore, that there is only \$35 million for Indigenous housing and that it is for only Aboriginal town-based communities? What about the communities? Kalumburu Aboriginal community has been in the press lately because Aboriginal children are being abused. I am pleased to see that charges have been brought against the perpetrators. I believe 11 charges have been brought forward so far. That is probably very unusual.

**Hon Kim Chance:** Of course it is unusual; Kalumburu didn't have a police presence until last year.

**Hon ROBYN McSWEENEY:** I congratulate the government for putting a police presence at Kalumburu. However, many little Aboriginal girls are being abused.

**Hon Kim Chance:** Yes; it is tragic.

**Hon ROBYN McSWEENEY:** We need many more police stations. I am not telling the government that it is not on the right track; it certainly is. What I am saying is that it will take many governments and many years to solve the Aboriginal problem, which I will refer to later. However, I am pleased that 11 charges have been brought forward. It is not only little girls who are being abused but also boys; and the perpetrators still roams the community free to do as they please. Some 60 children in a four-month period had sexually transmitted incidents; 52 of them were Aboriginal and they were all under 14 years of age. There has been known abuse of some 600 children in the past five years. There is violence; poverty; sexual abuse; lack of housing; lack of education; lack of health services; babies dying from sudden infant death syndrome and co-sleeping; babies dying from preventable diseases; alcoholism; petrol sniffing; drugs; pornographic videos; gambling; and the list goes on. Not many people mention pornographic videos; however, articles in the newspapers and people who work in Aboriginal communities mention pornographic videos. Very young children watch those pornographic videos and then start acting them out. That is dangerous for the little girls and boys in those communities. I have said before in this house that state governments all over the country struggle to cope with these issues. It is not down to only the government either; it must start with Aboriginal people being responsible for their own children. Aboriginal men must stop abusing their women and girls. Aboriginal women must take a stand; many

are but there are just not enough of them. Years ago when I was studying Aboriginal history, I read a book called *We Are Bosses Ourselves* written by Fay Gale and published in 1972 and reprinted in 1978; that is, 35 and 29 years ago respectively. It had an Aboriginal woman on the front of the book saying, "The white men come and they talk to our men. Our men don't talk to us. Perhaps if we were at the front listening, too, we would get somewhere" or words to that effect. They were really trying to get something off the ground. I have watched various programs that have shown that Aboriginal women do make a difference when they take a stand; however, it is very hard for them with all the other issues in front of them.

Getting back to health, last week I asked question without notice 360 about the legal situation if a member of the public died because that person was turned away from an emergency department as the allocated number of people being treated had been reached. I asked what would happen. I was being rather tongue-in-cheek about it because I knew that a legal opinion probably would not be forthcoming, and it was not. I just wanted to highlight how dangerous it is to put a cap on the number of people admitted to an emergency department. I have said in speeches before in this house that it would be either a very brave or a very stupid government that turned people away from emergency departments. The Victorian Minister for Health has said that will not happen in Victoria as long as she is the minister. I therefore asked in my question without notice what the allocated number was for each hospital. The answer given was carefully constructed. It did not tell me the number of the cap at each of the hospitals, just the number of treatment cubicles and observation beds each had. At Royal Perth Hospital the number is 44; at Sir Charles Gairdner Hospital, 48; and at Fremantle Hospital, 47. I say again that it will be a very brave government that caps the number of people who are allowed to come into emergency departments. I was told that no-one has been turned away yet. However, the issue has hit the news headlines in an article headed "Ambulance crews riled at hospital trolley plan" in *The West Australian* on 31 May. It reads -

Ambulance officers are angry over what they claim is a half-baked plan to make them "pseudo hospital staff" forced to look after patients on trolleys in hospital corridors because they cannot be admitted to overcrowded emergency departments.

The Liquor, Hospitality and Miscellaneous Union said ambulance paramedics could find themselves in a vulnerable situation caring for so-called non-urgent patients in makeshift areas for long periods of time.

It sounds a bit like a triage in a war zone, does it not? The article continues -

In a plan revealed by *The West Australian* yesterday, patients could be kept in holding areas supervised by ambulance officers once major emergency departments reach 120 per cent of their capacity, a limit agreed to by the State Government and senior doctors and nurses last week.

...

"The Government is saying the new limits aren't intended to increase pressure on the ambulance service.

"But our members think it will and if that's the case, we shouldn't have to have some special procedure put in place where our members are left looking after people out the front of hospitals.

That is a very dangerous practice for the government to get into. The laugh is that our Treasurer stands up and says we have the best quality health care in the nation. I know that if people have heart attacks in the country, they are flown in to Sir Charles Gairdner Hospital and Royal Perth Hospital and get world-class treatment. I understand that emergency departments are creating a situation in which people are going to seek help because they have no money. General practitioners can be very expensive. My daughter went to one in Winthrop, and she was charged \$70. I thought that was rather expensive, because a small country town doctor would charge about \$42 to \$45. In Sydney, many doctors say they will see patients who pay upfront. Half of me thinks that that is a bad thing and half of me thinks it is a good thing, because the people who can afford it would perhaps be out of the emergency departments and into those medical centres that stay open and charge upfront. It makes a lot of sense to me to have clinics near hospitals. I know that this government did that, and it is a good idea. I do not have the health portfolio, but I wonder why these clinics are failing now. Are they not open? I know that if I wanted to go to Murdoch, I would pay \$50 or thereabouts. It is a private hospital, and I would get straight in and be seen by a general practitioner. I do not know how many free clinics there are, but it seems to me that they would be a good setup around the place if people are going to emergency departments because they think it is their right to do so, or they do not know any better. There needs to be something in between.

**Hon Kim Chance:** You have made a very important point. I think the reason we do not see the bulk-billing clinics that seem to be everywhere in Sydney is that the proportion of GPs per head of population is much higher in Sydney than here. There just are not enough GPs; it is a supply and demand equation.

**Hon ROBYN McSWEENEY:** The Leader of the House is right. Perhaps we can do something about that in the future. The Treasurer said that he was pleased that the number of people on the elective surgery waiting list was at a record low as at 31 March. He did not say what that low number was. I was pleased to see in the

forward estimates that \$237 million will be spent on mental health. I do not believe that this will make a small dent in what is needed at a community level. I am not knocking the \$237 million by any means. Today I alluded through interjection to a 16-year-old boy who needed help and who did not get it. There are so many people in the community who really need help.

As I was writing this speech, I wondered how many prescriptions are written out for antidepressants in Australia. I was staggered to find that between nine million and 12 million prescriptions are written out each year. That does not mean that there are nine million or 12 million people on antidepressants - people could take out two or three prescriptions a year - but an awful lot of people in Australia are on serotonin uptakers, the antidepressants. I have always rallied against putting two-year-olds on antidepressants and the attention deficit disorder medication Ritalin. Martin Whitely in the other house shares my line of thinking. We do not believe that two-year-olds should be placed on antidepressant medication, let alone five-year-olds placed on ADD medication. When I leave Parliament I would like to do a survey of all the kids who are in juvenile detention, all the children who grow up and who do not fit into society like we fit into society, who take drugs such as heroin and ice and end up addicts and see whether they started on ADD medication or some sort of antidepressant. I have always been interested to know whether those kids go on to marijuana or heroin and form other addictions. It is not something I can prove because I have not studied it, but when I leave Parliament, I am going to do that. That will be an interest of mine, to see whether Ritalin or the medication that those children take when they are young leads to an addiction later in life. I could be totally wrong.

**Hon Ljiljanna Ravlich:** You could do some work now really and find out whether you're right or wrong. It's a long time to wait.

**Hon ROBYN McSWEENEY:** I could, but there are other people -

**Hon Kim Chance:** We may have to wait another 30 years.

**Hon ROBYN McSWEENEY:** I hope so. People have been reported in the press as saying the same thing. That is a pet theory that I will be taking up.

I wish to mention education and training briefly. There are not enough teachers. They are on a fly in, fly out arrangement in Port Hedland. It was interesting to see *The Weekend Australian* last weekend feature Port Hedland. It was a very interesting article. Members should read it. We have had the debate on outcomes-based education. We have had a new Minister for Education and Training. The old minister has got local government!

**Hon Ljiljanna Ravlich:** I'm only 33; give me a break!

**Hon ROBYN McSWEENEY:** The "old" minister is actually a month younger than me. I am really pleased that my children have grown up and been educated and are no longer in the education system. It is hard for parents to choose whether to put their children in private or public schools. Mine have had both a private and public school education. I think public primary schools are absolutely magnificent; I do not have a problem with them. Parents obviously have a choice when it comes to high school. I agree with that. There are some really good government schools and some really good government teachers. Sometimes the system beats them and gets them down a little with all the red tape, like everything else.

I turn now to law and order and safety. There are not enough police, and I notice that a million-dollar recruitment campaign is going on. It is a little like the current community development recruitment campaign. I think that 300 recruits are wanted in community development and child protection, and 36 applications have been received. It will be interesting to see over five years how many police the government trains and how many of those young recruits leave over that time. I know that someone in my family was trained as a young policeman here, but he left to go to the Australian Federal Police. I know that quite a few young state police officers leave to go to the AFP.

I was talking today to a lady who lives out at Wanneroo. She phoned me up and asked why Wanneroo has a big police station and nobody staffing it. She said that the Wanneroo Police Station is unstaffed, and that phone calls are diverted to Joondalup. The station is not in my area, but if anyone in this place represents the Wanneroo area, I hope that they will look at why the Wanneroo Police Station has not been staffed.

Before I conclude, I need to mention some issues in my electorate. The proposal to further tap the Yarragadee aquifer has been shelved because the government knew that it would be unsustainable to take a further 45 gigalitres. I uncovered a few interesting bits and pieces about that situation. The Environmental Protection Authority report said that it would be unsustainable to remove 120 gigalitres. I kept asking for the actual figure for the amount of water taken out of the aquifer. At first I was told it was 71 gigalitres, with a maximum allocation of 116 gigalitres - so that was plus 45 gigalitres. However, when the Environment and Public Affairs Committee had the chief executive officer of the Water Corporation answer my question, I was told that only 45 gigalitres was taken out of the aquifer. When I went looking for articles on the aquifer, some said that only 50 gigalitres is taken from the Yarragadee. The chief executive officer said words to the effect that the 71 gigalitres figure was from all the aquifers - the Leederville and the Yarragadee combined. However, I knew

that that was not quite right, so I kept asking questions. The response meant that the Water Corporation was trying to say that with the 45 gigalitres being taken now, plus another 45 gigalitres, only 90 gigalitres would be taken. However, that was wrong. Our current figures, which were asked for in Parliament, show that as of 3 April 2007, the total and current allocations specifically from the Yarragadee are 83.5 gigalitres.

**Hon Kim Chance:** That is the allocation, too.

**Hon ROBYN McSWEENEY:** No. The total allocation is 83.5 gigalitres. That has been reduced from the initial 90 gigalitres through the Department of Water's recent recouping activities. I know that the highest allocation it can have taken out is 116 gigalitres; the licence holders do not take out 116 gigalitres, but that is the total that could be used.

**Hon Kim Chance:** There are three levels - approvals, allocations and abstractions. The abstraction and the allocation figures are quite different.

**Hon ROBYN McSWEENEY:** The allocations consist of the 75-gigalitre licence entitlement, so I presume that the licensing entitlement is coming out.

**Hon Kim Chance:** Yes.

**Hon ROBYN McSWEENEY:** Yes, and 8.5 gigalitres is in reserve.

**Hon Kim Chance:** Yes.

**Hon ROBYN McSWEENEY:** Yes.

**Hon Kim Chance:** No. Licence entitlement does not equal abstractions, because the abstractions are always lower than the entitlement.

**Hon ROBYN McSWEENEY:** However, in one answer I was told that the actual extraction was 71 gigalitres. The Water Corporation is now telling me that it is 83.5 gigalitres and that it was 90 gigalitres. Previously, it was trying to tell me that I got the whole extraction wrong. I still might be wrong and I will allow for that, but on the information I have, I think I am pretty much on the mark. The Water Corporation is now telling me that it knew it was extracting 90 gigalitres and that it was going to take some 45 gigalitres on top of that, which would have taken the total to 135 gigalitres, which would have been unsustainable. I would like to know when the Water Corporation knew that it would have taken too much water out of the aquifer. It has spent \$16 million, when we probably could have told the Water Corporation that that amount was not sustainable a long time ago. I am not grizzling about some of the millions that it spent because that money can be used for the future. However, I wonder why I have reports that indicate that only 45 gigalitres, or a maximum of 50 gigalitres, are coming out of the aquifer. I went back and read the question that I asked, and I have with me the answer that was reported in *Hansard*. The south west has had a win, as has every Western Australian, in keeping the aquifer as it is.

An article in today's paper indicates that a lot of people are protesting about where the second desalination plant will be located. They do not want it at Binningup. Kemerton is an industrial park. I wonder whether the government would consider locating the new desalination plant at Kemerton. It seems to make a lot more sense. I know there is a question about money, but Kemerton is an industrial area, so surely it would not be too difficult to locate the desalination plant there.

Hon Simon O'Brien tabled my petition on the Yarragadee aquifer asking the government not to take 45 gigalitres from the aquifer. It was through this petition that the Standing Committee on Environment and Public Affairs was able to access the Water Corporation's heads of department to answer questions. The Standing Committee on Environment and Public Affairs is a very important committee, as are all parliamentary committees. However, because this committee inquires into petitions, we get to see a good range of issues that people in Western Australia are protesting about, and sometimes this committee can do some really good work with these petitions.

As a member for the South West Region, I note that the budget covers some three areas: the south west, Peel and the great southern. My electorate office is in Albany. Even though it is very much in the great southern, it is still called the south west for electorate matters. It remains to be seen whether it will go into the Agricultural Region at the next election. The south west, for its economic perspective, goes from Yarloop through to Walpole and covers 12 local government areas: Bunbury, Harvey, Collie, Dardanup, Capel, Busselton, Augusta-Margaret River, Nannup, Manjimup, Bridgetown, Greenbushes, Boyup Brook and Donnybrook-Balingup. The great southern, for its economic perspective, goes from Albany to Bremer Bay and covers 12 local government areas: Albany, Broomhill, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, Tambellup and Woodanilling. I will leave other members for the South West Region to comment on the Peel region, not because I do not like the Peel region - I actually love it - but because of time constraints with my speech. There is nothing new in the budget for the south west and great southern regions. The major expenditure for the south west is \$80.2 million on a variety of waste water and water supply projects, including a \$30.5 million upgrade to Stirling Dam. This work is ongoing and should have been planned for long before

now. An amount of \$48.2 million has been allocated to the Muja power station. This upgrade has taken many years and the region that I represent is at breaking point now with its lack of power. I really felt for the people in Denmark over Easter and at other times since then. Denmark people had to throw out many food items over Easter, but, more importantly, it was the height of the tourist season. Automatic teller machines would not work, nor would the petrol bowsers. We take these things for granted in the city. Donnybrook had a similar problem last year or the year before, during the apple festival. That was also at Easter, although I could be wrong on that.

I could go on about major blackouts and major concerns that I have with the electricity supply, but I welcome the upgrade. I only have a couple of minutes left for my speech, so I might continue talking about the budgetary items for the south west and the great southern, especially Albany, in a later speech, because that is my area and I certainly do not want anyone reading my speech to think that I have neglected it. I have a lot more to say. The trouble is, members have only an hour to speak on the budget, and I could probably speak for three hours. When I first came into Parliament I thought that speaking for five minutes was a really hard thing to do; then it was 10 minutes. I have now spoken for an hour and I wish that I had another hour. However, I do not, so I will leave it for another time.

Debate adjourned, on motion by **Hon Paul Llewellyn**.

#### STANDING COMMITTEE ON LEGISLATION - STATE ADMINISTRATIVE TRIBUNAL

##### *Notice of Motion - Order of the Day*

**HON KIM CHANCE (Agricultural - Leader of the House)** [8.17 pm] - without notice: I move -

That motion 60, Standing Committee on Legislation - State Administrative Tribunal, be made an order of the day for the next day's sitting.

Mr Deputy President, notice for motion 60 was given by me on 29 May. The motion deals with the Standing Committee on Legislation and the State Administrative Tribunal. The motion that I gave notice of was that, under the State Administrative Tribunal Act, the function of conducting an inquiry into the jurisdiction and operation of the State Administrative Tribunal be conferred upon the Standing Committee on Legislation. The reason for my motion at this stage is to enable it to become an order of the day so that sometime this week I can bring it out of the orders of the day and debate it.

Question put and passed.

#### CHEMISTRY CENTRE (WA) BILL 2006

##### *Committee*

Resumed from 5 April. The Chairman of Committees (Hon George Cash) in the chair; Hon Kim Chance (Leader of the House) in charge of the bill.

**Postponed new clause 31 -**

The new clause was postponed after it had been partly considered.

**The CHAIRMAN:** Members, we are dealing with the Chemistry Centre (WA) Bill 2006. Members will be aware that all clauses of the bill have been dealt with, with the exception of proposed new clause 31. In that regard, when the matter was last before the committee, the Deputy Chairman (Hon Graham Giffard) raised concerns regarding proposed new clause 31. The Leader of the House responded, various questions were asked, and the committee agreed that it would defer further consideration pending some further advice.

**Hon KIM CHANCE:** Does the Chair have advice for the committee?

**The CHAIRMAN:** Does Hon Kim Chance have any further advice?

**Hon KIM CHANCE:** I do.

**The CHAIRMAN:** If he gives his further advice, we may have a solution.

**Hon KIM CHANCE:** Thank you, Mr Chairman. I was not too sure whether it was coming from the table first. Honourable members will recall that in the Committee of the Whole this clause, new clause 31, was postponed so that advice could be taken on whether the clause constituted a tax. Proposed new clause 31 is set out in supplementary notice paper 121, dated 28 March 2007. I have now received advice from the Minister for Science's office, and I am able to relay the crux of that advice to the committee to assist in deliberations. In the first instance, members will note that "The Chemistry Centre is an agent of the Crown and enjoys the status, immunities and privileges of the Crown." That is from clause 5 of the bill. Members will understand that it is a principle of statutory construction that agents of the Crown enjoy immunity from statutes of general application that impose taxation, unless the Crown is bound by express words or necessary implication. New clause 31(1) clearly fits that principle by making it clear that the Chemistry Centre and any other deed or instrument to which it is a party are liable to duties, taxes or other imposts imposed by any written law. However, new subclauses (2)

and (3) make clear that the immunity from the operation of the statutes of general application, which the Chemistry Centre enjoys as an agent of the Crown, is preserved in relation to statutes that impose local government rates or charges. New subclauses (4) and (6) then work together to, in effect, require a payment to be made in lieu of certain taxes, which, but for the immunity that has been preserved by new clause 31(2), the Chemistry Centre would be otherwise liable to pay. This is the first reason new clause 31 viewed in its contextual entirety cannot be characterised as a tax. It is clear that the new clause is not meant to preserve immunity from a statute that imposes taxation but on the other hand imposes a tax under a different guise.

The second reason new clause 31 cannot be characterised as a tax is the practical effect of the new clause on consolidated revenue. A test of whether something is a tax is whether it builds up consolidated revenue. The operation of this new clause will not do that because the charge will be paid by the Chemistry Centre funds, which ultimately derive from consolidated revenue. Finally, members will be aware that provisions virtually identical to proposed new clause 31 can be found in the Land Information Authority Act 2006, the Forest Products Act 2000 and the Port Authorities Act 1999. As a separate taxing act was not imposed in these instances, it seems that Parliament did not take the view that the relevant provision in each case imposed a tax. Provisions of this kind reflect current government policy on competitive neutrality by endeavouring to ensure that statutory corporations operate on a level playing field with other bodies corporate.

*Ruling by Chairman*

**The CHAIRMAN (Hon George Cash):** We are dealing with proposed new clause 31. I thank the Leader of the House for the additional advice he has provided to the committee. I do not propose to comment on the merit or otherwise of the substance of the advice just given as, notwithstanding the advice, following earlier debate on this particular new clause and having regard to the earlier concern that was raised by the Deputy Chairman (Hon Graham Giffard), I took the opportunity to again consider the issues. Accordingly, on Wednesday, 4 April 2007 the Deputy Chairman raised concerns regarding proposed new clause 31. The Deputy Chairman put the view that provisions subclauses (4) and (6) may amount to a tax. The Legislative Council may not originate a bill imposing taxation. In addition, it cannot do by amendment what it is prevented from doing by way of originating a bill. If it is prevented from originating a bill imposing taxation, it cannot amend a bill so as to impose taxation. If the amendment proposed by the minister is imposing taxation, it will be out of order as beyond the legislative capacity of the Legislative Council. In addition, it would be contrary to section 46(7) of the Constitution Acts Amendment Act 1899, which provides in section 46(7) -

Bills imposing taxation shall deal only with the imposition of taxation.

It is clear that the bill deals with a broad range of matters relating to the establishment, powers and functions of the Chemistry Centre. The Deputy Chairman invited the minister to provide advice on this matter before making a ruling. On Thursday, 5 April 2007 the minister presented the government's argument in favour of proposed new clause 31 as follows: firstly, the wording of the proposed amendment is the same as in the Land Information Authority Act 2006; secondly, the proposed new clause 31 does not impose a tax but simply restores the liability for tax imposed by another instrument; that is, without crown immunity having been conferred by clause 5, the Chemistry Centre would have been liable for rates. Proposed new clause 31 therefore simply restores that liability. Thirdly, the proposed new clause does not impose a tax but merely transfers revenue from one agency to another. Proposed new clause 31 is in the same terms as section 72 of the Land Information Act 2006.

I now refer to the *Hansard* of 23 October 2006 when, during the Committee of the Whole stage when considering the Land Information Authority Bill 2006, Hon Kate Doust, in her capacity as parliamentary secretary representing the Minister for Housing and Works, stated on clause 72 -

Although it may not have to pay local government rates or charges, it pays an equivalent amount to the Treasurer. I understand that this is a standard provision.

Similar provisions can be found in section 32 of the Western Australian Land Authority Act 1992 and section 43 of the Forest Products Act 2000.

The following is from the preamble to a 4 November 1986 commonwealth revenue ruling No SD041: crown immunity from stamp duty - commonwealth instrumentalities, which states -

There is a common law presumption that the Crown is not bound by statute except where the statute by express words or necessary implication evinces an intention that the Crown should be bound. So far as this principle applies to stamp duty it means that generally the Crown will not be liable to duty as the Stamp Duties Act 1920 does not, for the most part, specifically bind the Crown.

Odgers states at page 281 that the imposition of charges on commonwealth entities, and commonwealth entities only, is not an imposition of taxation. The test to apply is not the legal status of the body but where the money is coming from. In this particular case, the money is being extracted from the Chemistry Centre. The Chemistry Centre is an agent of the Crown and clause 5 of the bill expressly provides that it enjoys the status, immunities and privileges of the Crown. The money is coming from a crown entity. This house supplies an interpretation to

section 46 of the Constitution Acts Amendment Act 1899 so as not to restrict the ability of this house to make amendments to bills. I therefore rule that the amendment is in order, as the state is simply extracting money from its own entities. That is money that the state has already extracted from taxpayers. It is not imposing taxation in any real sense.

Having resolved that issue, the question is that proposed new clause 31 be agreed to.

*Committee Resumed*

**Hon BARRY HOUSE:** Thank you, Mr Chairman. I appreciate the advice from the Chair, and the explanation from the Leader of the House, on the Chemistry Centre (WA) Bill, and some issues that were raised a couple of months ago when the bill was debated in this house. However, there are still some outstanding questions that deserve an explanation. I am still confused about a number of things. I will start with the explanation from the Leader of the House. It seems that the Leader of the House has brought into play a new definition for a tax. It is certainly a definition that I have never heard of before. The Leader of the House said -

A test of whether something is a tax is whether it builds up consolidated revenue.

My understanding is that a tax is a levy that is applied without any direct correlation to a service. The Leader of the House may well be right; that is, a tax would by its very nature build up consolidated revenue. In fact, it would not be a very efficient tax if it did not do that!

The other point that the Leader of the House made, and that he may care to comment on, is found in the next sentence -

The operation of this new clause will not do that because the charge will be paid by the Chemistry Centre funds, which ultimately derive from consolidated revenue.

In this bill, the Chemistry Centre is being set up as a statutory authority that can derive income from other sources. That was one of the main motivating factors behind the change to the structure of the Chemistry Centre. I forget the exact figure, but I think that 50 or 60 per cent of the operating funds of the Chemistry Centre will come from consolidated revenue. We know also that the Chemistry Centre can derive funds from fee for service, from corporate contributions, and from research organisation contributions. Therefore, not all the funds that the Chemistry Centre deals with will be from the consolidated account. Perhaps the Leader of the House can give us an explanation on that point also.

The other point that is vitally important, and that both the Leader of the House and the Chairman referred to in their explanation, is that a similar clause has been inserted in other pieces of legislation that have passed through the Parliament in recent years. We know that this house cannot initiate financial bills. However, to repeat the question that was asked when we debated this matter last time, were those similar clauses in the Land Information Authority Act, the Forest Products Act and the Port Authorities Act initiated in the Legislative Council, or were they part of those bills as they began their passage through the Parliament in the Legislative Assembly? That question has not been answered to this point. The Leader of the House may be able to clarify those points. It seems to me that there is not necessarily a difference of opinion, but perhaps a difference of interpretation, about some aspects of the explanations that we have heard tonight. I am interested that the statement from the Leader of the House draws on advice from the Minister for Science's office. That is fair enough in terms of Chemistry Centre matters. However, this is a financial matter. I would have thought that the advice that the Leader of the House would present to the table tonight would have come from the chief financial officer in this state, the Treasurer.

Perhaps that can be cleared up for me as well. In terms of whether the amendment is tacked onto the bill in this house, I think the standard procedure, if something like this comes up in Parliament, is for this house to request the Assembly to take this into consideration. I believe that has been the method used in the past, and perhaps it is a pretty obvious request if we send an amendment back to the Legislative Assembly.

In summary, on behalf of the opposition, we support the Chemistry Centre (WA) Bill, and we also support the tax equivalence regime in this particular provision. We also support the principle of competitive neutrality for statutory authorities and government agencies. However, it seems to me that some question marks are left hanging over the process employed to put this piece of legislation through the house in its final form by inserting new clause 31 as an amendment. Either the parliamentary draftsman got the process wrong by not including it upfront, or the bill partly proceeded through its passage and got to this house before the omission was realised. I do not really believe that this is the case, but it has to be floated as an option: certain powers that be may be thumbing their noses at the parliamentary process. The minister might like to comment on some of those matters.

**Hon KIM CHANCE:** The minister may or may not like to comment but I guess he has very little choice! To deal with the first point raised by Hon Barry House relating to a new definition of a tax, there are a number of tests rather than definitions of what constitutes a tax. The example Hon Barry House gave in raising this matter - that is, whether the money raised is attributed to a particular service or whether it goes into a general pool - is a

test of whether a charge is a fee or a tax. If it is not attributable directly to a particular service, it is not a fee; it is a tax. That is where the line is drawn. Both could be classified as a tax to the extent that both contributed to consolidated revenue, albeit in the case of the fee that the attribution is automatically spoken for with respect to the services provided, but still ultimately provided by consolidated revenue. It is a different test. However, the ultimate test of whether something is or could be a tax, or a fee - that question is not asked here - is that they both contribute to consolidated revenue; otherwise, it is not a tax at all. I know it is a difficult concept to explain, but we are actually talking about different qualities of revenue raising and what their end use is. In the example Hon Barry House gave, he said the definition was made by the end use of the charge, and that that is what differentiated between a tax and a fee. What I have said here is yes, but ultimately if a charge does not build up consolidated revenue. In other words, if a charge is immediately hypothecated - to use that wonderful word Main Roads invented many years ago, and that as far as I know is only ever used in Western Australia - to another source and never enters consolidated revenue, it could probably be argued on that basis at least that it is not a tax, and one would then have to go into a more convoluted argument. I think that is one of the reasons Treasuries hate the concept of hypothecation so much -

**Hon Murray Criddle** interjected.

**Hon KIM CHANCE:** Do they not, former Minister for Transport, because the question of hypothecation was really a Main Roads issue?

**Hon Murray Criddle:** I will come to it.

**Hon KIM CHANCE:** Yes. I made a bit of a hash of that, but that is the best I can do in trying to answer that question.

The second question related to the last sentence of the paragraph Hon Barry House referred to, which reads that the operation of this clause will not impose a tax, because the charge will be paid by the Chemistry Centre funds, which ultimately derive from consolidated revenue. Hon Barry House asked whether the whole idea of the Chemistry Centre was that it would ultimately attract much of its business out of the private sector. Of course, he is quite right, and that is the whole reason we are doing this. However, that relates to the question of operating funds and not the ultimate derivation of the capital of the business; that is, ultimately, who owns the business? This is a business. Notwithstanding that it will be operating in the private sector and providing services to private companies, this is a business that has one shareholder; that is, the government of Western Australia, on behalf of the Western Australian public. I think it is therefore fair to describe the derivation of funds as consolidated revenue, as it has only one shareholder.

The more difficult question was the third that was asked by Hon Barry House. That was: although it may be fair to say that virtually identical provisions to proposed new clause 31 can be found in a range of other acts, were those provisions initiated in the Legislative Council, and is that an issue? I do not know whether those provisions in those three acts were or were not initiated in the Legislative Council. It is true to say that, as we all understand it, the Legislative Council is unable to initiate a money bill. That is accepted. I do not know whether this system of introducing a clause of this nature in respect of those bills was done in that way. I would argue that proposed new clause 31 does not imitate that of a money bill. Since it does not impose a tax, it is not a money bill. That is the best I can do on that question.

In answer to the fourth question asked by Hon Barry House on why I quoted the Minister for Science's office as the source of my advice, it comes from the Minister for Science because it is that minister's bill. However, when we put those questions back to the Minister for Science, the Minister for Science obviously sought advice. I am not allowed to say where the advice came from, but legal advice was sought and I have actually read that advice. I will put it in this way: I am confident that this position is legally sound.

**Hon MURRAY CRIDDLE:** I will just make one or two observations. The only way to clearly identify that the consolidated account is covering for the amount of rates and taxes that are raised is to have a clear line item in the budget so that we actually know that that is what the money is expended for. Because the Chemistry Centre has the capacity to raise money from outside for all sorts of reasons, we would then be able to see when there has been a change in the funding from the consolidated account. The only way to overcome that would be to clearly define that the amount of money is that that covers the rates and charges. The other question I would like the minister to answer is: why has this amendment come into this house?

**Hon Norman Moore** interjected.

**Hon KIM CHANCE:** I want to know, Mr Chairman, whether I am allowed to give the answer the Leader of the Opposition proposed to me!

To answer the first question, that is a pretty fair point, but that is really a matter for the Auditor General. I think the Auditor General could quite reasonably note what the member has said. I think it is quite a fair thing to say. The second question is: why was this amendment moved in this house, and in this way?

**Hon Murray Criddle:** No; why have you amended it, given that the bill was in the other form? What inspired the government to change it?

**Hon Kim Chance:** That is a hard question. All I know is that I cannot tell the member anything about the genesis of new clause 31. However, when its logic is followed through, it has a clear purpose. It sets out to do what is required to be done. Perhaps there was an oversight; I really do not know the answer to that question. Just before Hon Murray Criddle spoke, I took the trouble to go back to the original bill to see whether there was something in the original bill that could have led us to this point, and there really is not. The old clause 31 is just a general clause seeking to apply the Financial Administration and Audit Act. There is actually nothing there that could lead to this construction. I really do not know its history.

**Postponed new clause put and passed.**

**Bill reported with amendments.**

### BIOSECURITY AND AGRICULTURE MANAGEMENT BILL 2006

#### Committee

Resumed from 30 May. The Deputy Chairman of Committees (Hon Ken Travers) in the chair; Hon Kim Chance (Minister for Agriculture and Food) in charge of the bill.

#### Clause 98: Recovery of unpaid charge amount -

Progress was reported after Hon Kim Chance (Minister for Agriculture and Food) had moved the following amendment -

Page 76, after line 12 - To insert -

- (4) The Director General must not exercise a power of sale in relation to land referred to in this section unless the Director General is satisfied that other reasonable means of recovering the amount charged on the land have been exhausted.
- (5) The existence of a charge or registration of a memorial of a charge on land does not affect the Director General's discretion to proceed for recovery of the unpaid amount in proceedings unrelated to the charge.

**Hon GIZ WATSON:** At this point I indicate to the chamber that this amendment followed recommendation 23 of the Standing Committee on Legislation's report on the bill. I alert members to the comments that the committee made on clause 98, recovery of unpaid charge amount. Page 67 of the committee's report states -

This clause allows land (whether it is privately or publicly owned) which is charged with the cost of remedial action (known as the 'charge amount') undertaken by the Director General to be sold in order to recover the charge amount if it remains unpaid after the due date. The DAF advised the Committee that:

*action by the Director General to force the sale of land to recover an unpaid charge amount would only be taken as a last resort. The Director General would only consider this course of action if the amount unpaid was substantial and all other avenues to recover it had been exhausted.*

The committee then made the following comment -

The Committee supported the DAF's proposed approach to the exercise of the power of sale conferred by clause 98. The Committee was of the view that it was necessary for clause 98 to reflect this approach expressly.

This was a unanimous committee recommendation; therefore, the committee was happy that the government had accommodated it. I understand that this is the basis of the amendment that we are currently dealing with at 64/98. The Greens therefore will certainly support this amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 99 put and passed.**

#### Clause 100: Release of land from charge -

**Hon Kim Chance:** I move -

Page 77, lines 4 and 5 - To delete "give a notice of release to the owner of the land to be lodged for registration under section 101" and insert instead -

lodge a withdrawal of memorial with the Registrar of Titles

When the charge amount of a registered charge is paid, the director general needs to give a notice of release to the owner that is to be lodged with the registrar of land titles. The amendment to clause 100 makes this clause consistent with standard Landgate terminology.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 101: Approved form of memorials and notices -**

**Hon KIM CHANCE:** I move -

Page 77, after line 8 - To insert the following -

(1) In this Division -

“land document” means -

- (a) a notification or removal of notification lodged with the Registrar of Titles under Part 3 Division 1; or
- (b) a memorial or withdrawal of memorial lodged with the Registrar of Titles under Part 4 Division 6;

“register”, in relation to a land document, means -

- (a) endorse the particulars of the document on the certificate of title for the land to which the document relates; and
- (b) register or enter the particulars of the document in the Land Titles Register;

Page 77, line 9 - To delete “A memorial or notice lodged with the Registrar of Titles under this Act” and insert instead -

A land document

Page 77, lines 12 and 13 - To delete “memorials and notices lodged with the Registrar under this Act” and insert instead -

land documents

Page 77, line 15 - To delete “form” and insert instead -

land document

Page 77, line 17 - To delete “memorial or notice” and insert instead -

land document

A memorial or notice that is to be lodged with the registrar of titles has to be in a form that is approved by the registrar, who may seek further information from the director general. When a memorial is lodged for registration, the registrar must register it and there is no discretion involved.

Amendment 66/101 is the key amendment. Clause 101 deals with the registration of memorials and notices. It is strictly correct to say that a memorial is registered on the land titles register, whereas a notification is endorsed - that is, endorsed rather than registered - on the certificate of title. Rather than make this distinction in each place necessary, I am seeking the committee’s support for an amendment to define register of land documents in a new subclause (1). As a consequence of the first amendment, amendment 67/101 amends subclause (1), which will become subclause (2) to accord with the new terminology. Amendments 68/101, 69/101 and 70/101 are all the same; that is, they are amendments resulting from the change in terminology. The key issue is amendment 66/101, and the next four amendments are basically a reshuffling to take account of that change.

**Hon BRUCE DONALDSON:** For clarification, when a memorial or notice is registered with the registrar, is there any charge to the landowner to register it?

**Hon Kim Chance:** I am told not, but that is not a matter for this bill; that is a matter for the minister for lands to deal with.

**Hon BRUCE DONALDSON:** I just wondered. I will not go into it now; I will wait until we deal with clauses 102 and 103.

**Hon KEN BASTON:** Where will the memorial be registered? Will it go on the title or will it go into the shared land information platform?

**Hon KIM CHANCE:** It is a double-barrelled answer. A registration goes on the title. A notification goes on the certificate of title.

**Amendments put and passed.**

**Hon KIM CHANCE:** I move -

Page 77, lines 18 and 19 - To delete the lines and insert instead -

- (3) The Registrar of Titles may, on the lodging of a land document and payment of any relevant fee, register the document.

This amendment goes more to the issue raised by Hon Bruce Donaldson about the earlier part of this group of amendments. Clause 97(3) is amended as a consequence of an amendment to be made to clause 102 to remove the exemption from fees for registration of a land document. There is a reason for that and I believe that reason is in our advice from Landgate. Individual fee exemption was provided in this and other legislation initially, but now, because all departments pay those fees in any case, the exemption is no longer needed. Those fees are picked up by the government department that has caused that entry to be made.

**Hon MURRAY CRIDDLE:** I presume that the fee covers the cost of any work that is done.

**Hon KIM CHANCE:** That is my understanding.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 102: Exemption from stamp duty and registration fees -**

**Hon KIM CHANCE:** This is a very short pair of amendments, and I believe we can take them together. I move -

Page 77, line 21 - To delete "The registration of a memorial or notice under this Act" and insert instead -

A land document registered under section 101

Page 77, line 22 - To delete "and registration fees".

The clause provides that the registration of a memorial or notice is exempt from stamp duty and registration fees. That is because the government is not required to pay those government charges. Specifically, amendment 72/102 is a terminology change amendment, as we have just dealt with. With respect to amendment 73/102, clause 102 will be amended to remove the exemption from registration fees. As a result, the director general will be required to pay registration fees on documents lodged with the registrar of titles in the same manner that anyone else is required to pay. Landgate does not believe that there is any justification for an exemption that is not available to other government agencies, and it is difficult to argue against that. All government agencies pay those fees, and there is no justification seen for an exemption for the Director General of the Department of Agriculture and Food.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clause 103: Notice to mortgagees -**

**Hon KIM CHANCE:** I move -

Page 77, line 24 - To delete "or notice in relation to land is registered" and insert instead -

is registered under section 101

When a memorial or a notice is registered, the director general is required to notify all mortgagees who hold registered mortgages. However, failure to do so does not invalidate the registration of that memorial. The amendment in 74/103 imposes a duty to notify mortgagees when a memorial or notice is registered on the land. It is amended by this amendment so that the reference to a notice is removed, as this term is not used with the changes made to the terminology of this part of the bill.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 104 to 107 put and passed.**

**Clause 108: Penalties for continuing offences -**

**Hon KIM CHANCE:** I had a moment of indecision, Mr Chairman; I am still working from my version. I move -

Page 79, line 27 - To insert after "section 71" -

in relation to an offence committed under this Act

Page 79, line 29 - To delete "under this Act".

These amendments are to correct a drafting error.

**Hon KIM CHANCE:** As drafted, the clause refers to “an offence under this Act” - that is, the BAM act - but, technically, although committed in relation to an offence under the BAM act, the separate and further offences in contemplation here are committed under section 71 of the Interpretation Act 1934. It is a matter of getting the terminology of the act right.

**Amendments put and passed.**

**Hon MURRAY CRIDDLE:** What sorts of offences does the minister envisage will be covered by this provision?

**Hon KIM CHANCE:** A continuing offence has its ordinary meaning, but I think the member is asking about what sort of primary offence it would be related to. One good example that I can think of is failure to comply with a control order issued under this act.

**Clause, as amended, put and passed.**

**Clauses 109 to 120 put and passed.**

**Clause 121: Documentary and signed evidence -**

**Hon KIM CHANCE:** I move -

Page 88, line 24 - To delete “Unless the contrary is proved” and insert instead -

In the absence of evidence to the contrary

Page 88, line 30 - To delete “Unless the contrary is proved” and insert instead -

In the absence of evidence to the contrary

These amendments give effect to the standing committee’s recommendation 24?

**Hon Giz Watson:** Yes.

**Hon KIM CHANCE:** It is always advisable to check! In subclause (1), proof of the contents of a code, or other document adopted by the regulations or a code of practice, or a declaration of a permitted or prohibited organism or declared pest at a particular time may be given by production of a copy of the document certified by the director general as a true copy as at that date. Under subclause (2), signatures of the minister, the director general, an inspector or an approved analyst are presumed to be the signatures of people who held those positions at the time. That in effect is an averment. Under subclause (3), if a delegate signs a document, it is presumed that the person signing was a delegate and was authorised to sign it.

**Hon GIZ WATSON:** Comments by the Standing Committee on Legislation can be found on page 73 of the committee’s report as follows -

*Clause 121*

2.182 Clauses 121(2) and (3) presume that certain documents have been signed by certain persons, such as the Minister, the Director General or their delegates, unless the contrary is “*proved*”. In the Committee’s view, proof of these matters would be too onerous for the defence and should properly remain the burden of the prosecution. The Committee would be satisfied if the defence was only required to show some evidence to dispute the presumptions, rather than being required to prove that the presumptions are incorrect.

The committee therefore made the following recommendation -

... that clauses 121(2) and (3) of the Biosecurity and Agriculture Management Bill 2006 be amended so that the matters provided for in those clauses are presumed only in the absence of evidence to the contrary.

The minister’s amendment that we are dealing with accommodates this recommendation and we will support it.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clause 122 put and passed**

**Clause 123: Evidence of ownership or occupancy -**

**Hon KIM CHANCE:** I move -

Page 89, lines 26 to 29 - To delete the lines.

Clause 123(1)(b)(i) makes provision for the registrar of titles or assistant registrar of titles to provide, for the purposes of proceedings under the BAM act, a certificate that a registered proprietor’s name appears in the land titles register. Provision already exists under section 239B of the Transfer of Land Act 1893 for documents and printouts setting out matters at a particular point in time to be certified and sealed for use as evidence in court.

Consequently, clause 123(1)(b)(i) will be deleted, as it is unnecessary because of those provisions of the Transfer of Land Act.

**Amendment put and passed.**

**Hon KIM CHANCE:** I move -

Page 90, line 15 - To delete “unless the contrary is proved, evidence” and insert instead -  
in the absence of evidence to the contrary, proof

I do not propose to speak to this. It is exactly the same argument as the last amendment we just dealt with to clause 121.

**Hon BRUCE DONALDSON:** I will put forward a hypothetical situation regarding this clause. As we all know, an executor of a will can do almost anything except sell land or a building or anything else; it must be transferred to the executor who issues a duplicate certificate of title. I wonder how this amendment will relate to an executor who sells a property. That property must be transferred under a duplicate certificate of title to allow the sale to continue because that is the only way that the papers can be signed.

**Hon KIM CHANCE:** In the circumstances described by Hon Bruce Donaldson, a person would not go to section 123 to determine that question because the question of probity in the circumstances outlined are quite easily established by the processes relating to the dealings with the estate. For example, one knows the identity of the dead person who owned the asset; one has the will that denotes the will of the dead person; one has the statement of probate, which gives probity, if one likes, to that will and the processes of challenge which may have occurred in the meantime, so identifying the owner of said land is quite easily done through those processes. This bill does not have to deal with it; it deals with other circumstances of identifying the owner. It is an interesting question, but I do not think Hon Bruce Donaldson would find the answer in this bill. I do not think he would need to. I think the answers are readily provided, albeit through sometimes complicated means, but they are not a concern for this bill.

**Hon BRUCE DONALDSON:** I asked that question because I learnt quite a lot just recently selling real estate as an executor of a will. I did not realise until a lawyer and an accountant informed me that a particular residence had to be transferred into my name before I could sell it. I thought that was a bit strange. Who then really became the owner? They did mention that on the duplicate certificate of title there were the words “estate of”, but I had the ownership and signed the necessary papers for transfer. I was quite enlightened because I thought that as executor one had the powers to just do it. It raises the question: am I the owner or the estate? As the minister said, it probably does not come under this bill.

**Hon Kim Chance:** No, but I think I have bad news for the honourable member.

**The DEPUTY CHAIRMAN (Hon Ken Travers):** I have not given the Minister for Agriculture and Food the call and I may not if he is going to give bad news and prolong the debate! The minister.

**Hon KIM CHANCE:** In respect of the liabilities attaching to land, the question about who is the owner is actually much more readily solved by this bill than it is through the processes of probate and transfer of ownership. The member’s advice that he had to become the owner of the land before he could dispose of it is interesting. In the case of liabilities arising from his control of the land as the executor, we would very quickly identify him as the person on whom notice had to be served in relation to this bill, because he is the executor. The estate is liable.

**Hon GIZ WATSON:** I appreciate the minister’s comment that this is very similar to the amendment that we just dealt with, but I want to indicate a slight difference by way of the standing committee’s comments on this clause. Subclause (1) provides that certain information is evidence that a person is an owner or occupier of land unless the contrary is proved. The committee said it would be more satisfied with the subclause if the defence was required to only show some evidence to dispute the form of information that was listed rather than being required to prove that the person was not the owner or occupier of certain lands. It is very similar to the amendment to clause 121, but there is a slight variation. We then made recommendation 25, and this amendment reflects that recommendation, so the Greens will support it.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 124 to 128 put and passed.**

**Clause 129: Meaning of terms used in this Division -**

**Hon KIM CHANCE:** I move -

Page 93, lines 8 to 10 - To delete the lines and insert instead -

“operating account” means an agency special purpose account established and maintained under the *Financial Management Act 2006* section 16;

This clause contains definitions for the purposes of the rating division - division 1. This amendment takes account of the fact that the Financial Administration and Audit Act 1985 has been replaced by the Financial Management Act 2006, which refers to "agency special purpose accounts".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 130 to 133 put and passed.**

**Clause 134: Multiple rating -**

**Hon KIM CHANCE:** I move -

Page 95, line 21 - To delete "that".

This amendment removes the reference to "that" in relation to the land. The amendment is designed to enable the clause to have a broader meaning, because "that" land means that it is specific to that land, and that was not the intention. It was intended to have a broader meaning.

**Hon BRUCE DONALDSON:** Will that particular amendment mean that the clause is still grammatically correct? That is the sort of question Hon Derrick Tomlinson would have asked!

**Hon KIM CHANCE:** Yes! To test whether that is true, we will work our way through it, with that offending word removed! The paragraph would then read -

(a) under the *Mining Act 1978* or a Government agreement a person holds in respect of land . . .

Perhaps there should be a comma after land.

**Hon Bruce Donaldson:** Yes. Something is wrong with that.

**Hon KIM CHANCE:** I will try it again -

(a) under the *Mining Act 1978* or a Government agreement a person holds in respect of land a mining tenement within the meaning given to that term by that Act or agreement; or

It does work, because it is preceded by the word "if", which covers paragraphs (a), (b) and (c). My attempt to read it at this time of the night would have sounded a lot better had I put the word "if" in front of it! It is intended to have the broader meaning.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 135 to 138 put and passed.**

**Clause 139: Appropriations against the Consolidated Fund -**

**Hon KIM CHANCE:** I move -

Page 99, line 9 - To delete "Fund" and insert instead -

Account

Page 99, line 18 - To delete "Fund" and insert instead -

Account

This is the same amendment that we have dealt with on a number of occasions. It deals with a change of name from the Financial Administration and Audit Act to the Financial Management Act.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clause 140 put and passed.**

**Clause 141: Establishment of accounts, management committees and schemes -**

**Hon KIM CHANCE:** I move -

Page 99, lines 29 and 30 - To delete "a sector of agricultural activity specified in the regulations" and insert instead -

a prescribed sector of agricultural activity

This is an amendment that puts in place recommendation 6 of the Standing Committee on Legislation report. It does no more than change the word "specified" or "specify" where they occur with the words "prescribed" or "prescribe" respectively, as recommended by the committee.

**Amendment put and passed.**

**Hon KIM CHANCE:** I move -

Page 100, line 6 - To delete "management" and insert instead -  
activity

This amendment simply corrects a drafting error.

**Amendment put and passed.**

**Hon MURRAY CRIDDLE:** Subclause (2) states that the regulations may relate to an agricultural activity. Obviously, the regulations are not yet available to us. How does the minister envisage those regulations coming forward? Obviously, we are flying blind to a certain extent on this one, but could the minister give us an update?

**Hon KIM CHANCE:** A number of the schemes that are currently established under different forms of legislation are a bit out of date. Hon Murray Criddle may recall discussion during question time after a question asked by Hon Vince Catania dealing with the banana industry in Carnarvon. That is one example, even though that was an issue that arose out of the Agricultural Produce Commission Act, which is the most recent of the acts. A number of the other pieces of legislation are quite old. One that Hon Murray Criddle and I know very well relates to the use of the skeleton weed levy, which derives its power from an act of, I think, around the 1970s. That was the Plant Pests and Diseases (Eradication Funds) Act. That very important funding scheme, the skeleton weed levy, has always bothered a lot of people in the grain industry who have always questioned whether it was legal. It seemed awfully like an excise to me. However, nobody ever raised that difficult question, so we never had to answer it. We are trying to get all these schemes that have been modified from their original construction as a result of a High Court ruling back in the late 1980s. They have all been modified at different times and, quite frankly, although they are still useful mechanisms, they are a bit of a mess. Should anyone decide to challenge any of them in the High Court, they would probably be found to be unconstitutional or illegal, or both. It therefore really is time to sort out these issues, get these generally very useful and popular funding mechanisms into a form that can work better, be cognisant of recent legal opinions and decisions and try to get a degree of equality between them. The important thing in relation to the whole spirit of the BAM bill is that there will be much more consultation with the people who will be levied as a result of the broader empowerment under the heads of this legislation than we have ever had in the past. In keeping with that, we will be very soon releasing a discussion paper right through the industry setting out some of the options for the regulations. As the member knows, we have been in consultation with a number of regulation working groups for years now, working through how the regulations are expected to be constructed, but generally speaking the legislation provides that, for any industry fund, there must be clear evidence that the industry has approached the government and sought this fund, of its purpose, and how the money will be collected for the fund. Clear evidence must be provided. It is different from the Agriculture Protection Board legislation, which requires a poll. However, governments will be well and truly politically accountable every time they seek to introduce a levy for this purpose.

**Clause, as amended, put and passed.**

**Clauses 142 to 144 put and passed.**

**Clause 145: Application of prescribed account -**

**Hon KIM CHANCE:** I move -

Page 102, line 21 - To delete "specified" and insert instead -  
prescribed

Page 102, line 27 - To delete "specified" and insert instead -  
prescribed

Page 103, line 6 - To delete "Fund" and insert instead -  
Account

Page 103, line 6 - To delete "specified" and insert instead -  
prescribed

Page 103, line 21 - To delete "Fund" and insert instead -  
Account

Page 103, line 31 - To delete "specified" and insert instead -  
prescribed

These amendments are all pursuant to recommendation 6 of the Standing Committee on Legislation, with the exception of the third and the fifth, which are amendments required because of the change of name of the

Financial Administration and Audit Act to the Financial Management Act. They are issues that we have dealt with before. The first, second, fourth and sixth amendments are all recommendation 6 amendments, and we have already had that debate, and the debate on the change of name of the Financial Administration and Audit Act to the Financial Management Act and what that means for this legislation.

**Hon BRUCE DONALDSON:** This clause describes what the prescribed account may be applied for. Some of the purposes for which a prescribed account may be applied are listed in the explanatory memorandum -

- Refunds of contributions in prescribed circumstances - e.g. where a producer elects to opt out of a scheme.
- Payment of amounts required to be paid under section 146(3), that is, repayment of moneys advanced by the Treasurer to make up a deficiency in an account (also interest on this).
- The repayment of an amount charged to the Consolidated Fund and used for a purpose specified by the relevant regulations.
- The costs and expenses of administering an account.

I was a bit curious about some of these purposes when looking at the cost and expenses of administering an account. I would like some clarification on the repayment of an amount charged to the consolidated fund and, more importantly, the payment of amounts required to be paid as repayment of moneys advanced by the Treasurer to make up a deficiency in an account, plus interest. I could turn to some of the producer sections, where at the moment there is a dollar-for-dollar arrangement and the money that is collected for the funds comes from consolidated revenue.

**Hon Kim Chance:** That is in rating provisions. These schemes are not dollar for dollar.

**Hon BRUCE DONALDSON:** Are they self-funded?

**Hon Kim Chance:** Yes, it is like the cattle industry compensation fund.

**Hon BRUCE DONALDSON:** They would possibly have to kick in.

**Hon Kim Chance:** That is already in the existing legislation. Can we deal with that when we get to clause 146? Also, can we deal with the first part that you raised when we get to amendment 85/145 because we are dealing with a different set of amendments?

#### **Amendments put and passed.**

**Hon KIM CHANCE:** I move -

Page 102, line 27 - to insert after "control of" -

, or for the advancement and improvement of control measures for,

This amendment broadens the purposes for which a prescribed account may be used. This is getting to the crux of the issue that Hon Bruce Donaldson just raised. It may be that a sector of the agricultural industry regards research into and development of new technologies for the control of relevant declared pests as services for which the industry's prescribed account may be used. For example, this is allowed under the cattle industry compensation fund, which in due course will be replaced by a prescribed account. That capacity needs to be provided for in the bill; otherwise, the fund that will replace the cattle industry compensation fund in the absence of that legislative provision will not be as good a mechanism as we currently have for the cattle industry compensation fund because the CICF can make special provision for research and development. For example, if we wanted to fund some particular research into bovine Johne's disease out of the cattle industry compensation fund, we can do that. Unless we have this amendment, we cannot do it out of the fund that would replace the cattle industry compensation fund. It does not mean that it has to apply to each industry fund but it can apply to an industry fund; that is, the research and development provision, for example.

**Hon BRUCE DONALDSON:** Some of the purposes for which a prescribed account may be applied include the purchase of capital assets, also the cost and expenses of administering an account. Can the minister give us a ballpark figure or a percentage? It is a bit like money coming from the federal government and the state administering it. It takes about 12.5 per cent to 18 per cent off the top as administration fees. I was just curious. I am sure the producers would be very interested to find out as well.

**Hon KIM CHANCE:** It is very difficult to answer that question. Every fund has an administrative cost, and that cost is highly variable. With, for example, the skeleton weed fund, I would hesitate to identify an actual figure, but my feeling is that it is a very low administrative cost because the data is drawn mostly from a central source, the Australian Wheat Board. The growers then are charged relative to their deliveries, including their deliveries to the domestic market, such as to Milne Feeds or some body like that. Milne Feeds is also bound by law to notify and transmit the levy whatever it might be in that particular year. The work is basically all done for the fund because there is only a narrow multiplicity of people dealing in that commodity. When one gets into

livestock, it gets more difficult. If it were all in saleyards or all in abattoirs, it would be relatively easy because there is still a narrow multiplicity of agents. However, when we get into grower-to-grower sales or into country saleyards, it would mean that there would be significantly higher operational costs. I can give another example of funding under the existing funding mechanisms under the Agricultural Produce Commission Act. The administrative cost of operating those funds, even within that act, is widely variable because it depends on the fund, on the number of contributors and on what it is that people want to do with the money from that fund. Specifically, the administrative cost is always transparent. Growers become aware very quickly if the administrative cost is excessive relative to the outcome. My view is that integrity is the natural outcome of transparency. If the lights are on, the children do not misbehave. I think that is a pretty good way of describing how integrity can be achieved. If everybody sees what people are doing, those people are generally going to do the right thing.

**Hon Bruce Donaldson:** What about the old saying that the lights are on but nobody is home?

**Hon KIM CHANCE:** That would be a case with a very unsuccessful industry levy. Any industry levy when there is a drought would be another good example of that. Ask the Grains Research and Development Corporation about that. To the other question -

**Hon Bruce Donaldson:** The purchase of capital assets.

**Hon KIM CHANCE:** Why capital assets? One example of that is the R&D work and the capital application work being done by the Skeleton Weed Committee in respect of funding the development of the identify-and-destroy automated technology.

**Hon BRUCE DONALDSON:** For further clarification of the compensation aspect of it all, the regulations will probably prescribe the compensation that is available. It states in the bill that apart from compensation for the purpose of which the prescribed account may be used, under paragraph (a)(ii), are the costs and expenses of destroying things under this act because they are infected or infested with a declared pest or as a result of other actions or measures taken under the act to control the declared pest. However, this means that in any particular scheme, compensation can be limited to loss of crops or animals if this is what is agreed. I guess that is agreed in the first place, so that is going to be set by regulations under the agreement. Is that correct?

**Hon KIM CHANCE:** Yes, regulations are consistent with these heads of power. The member will note that in this division, which deals with these industry funding schemes, the legislation is rather more full and more prescriptive than in other parts of the legislation. In a sense, it is a hybrid between the new and the old form of legislation. There is a reason for that, and that is that in this particular area, we want the heads of power to be quite precise about what can be gazetted as a regulation, because it is anticipated that this will be an area in which a lot of questions will be asked. In designing the legislation, we had a very clear vision of what will work in industry schemes of this nature, and that requires a little more prescription in the wording of the primary legislation. Certainly, the regulations will still be important. However, there is a way of doing this that will work. It is very easy to imagine how it could be done in a way that would not work. We can have a very narrow vision of the schemes that we think will come out of this legislation, but if we deviate a bit to the left or to the right of it, it could go haywire, literally. I can see why industry people, not just the architects of the bill, have been particularly careful about the way that the part of the legislation that can be responsible for these schemes will be established.

The key principles are simple enough. The key principles are all based around the concept that if there is a problem out there, we want to know about that problem and we want to know about it now while we can do something about it, quarantine the problem into that area and not let it become a problem for everyone else. That is the principle we have here. We learnt a great deal from the changes that we made in the skeleton weed methodology. We learnt that if farmers have control of the process, they will do a lot more than if an industry regulator is in control of it. That process has worked. We hoped it would. It was a bit of a leap of faith, but it did work. Similarly, when there is a serious new exotic animal problem - ovine Johne's disease is one example of that - it can either be handled well or become a major problem. If a farmer thinks he has an animal with OJD, and he knows from the experience of somebody else who had one that it destroyed his life - as it did to many Victorian farmers; a lot of farmers ended in bankruptcy and in suicide and it was horrible - he will not report it straightforwardly. He will try to cover up his concerns. He will destroy the animal and bury it. The problem is that the OJD will still be there if, indeed, it was OJD. That farmer will live with decades of worry about what he did and all his neighbours will be at risk. We must have a scheme whereby a farmer can say that he has a problem, and we can say that there is no reason for him to make it a problem for the whole state and so let us deal with it. It is about cooperation. It is about removing the fear of consequences for individuals within the industry. Similarly, from the industry's point of view, it is about removing a collective fear of things hanging around that might cause problems five, 10 or 20 years down the track. This is an important concept. It takes a bit of getting right. Who knows, we may be back in this place amending this legislation in a couple of years. I hope not. I hope we have got it right now. However, it is important that we all share the same vision, and I think we do

share the same vision; it is just a matter of whether we have properly articulated that vision in this legislation. I think we have, and that is why we have gone into some additional detail in this part of the bill.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 146 put and passed.**

**Clause 147: Review of regulations -**

**Hon KIM CHANCE:** I move -

Page 104, line 25 - To delete "specified" and insert instead -  
prescribed

Page 104, line 28 - To delete "specified" and insert instead -  
prescribed

This is a matter that has been dealt with before.

**Hon BRUCE DONALDSON:** This is a very interesting clause - the review of regulations. This clause requires a review of regulations establishing a prescribed account every five years, or a shorter period if prescribed. This will ensure that a scheme cannot continue in operation longer than is necessary. I can understand the reason for that. It seems interesting that the minister is prepared to look at the necessity for this after five years. We have been very happy to leave the act itself hanging around for 10 years, or up to a maximum of 10. It was quite interesting to see the difference between what was normal, and I raised this matter during the second reading debate. I still find it very difficult to understand why it could wait for up to 10 years. I know that governments sometimes get a bit behind. During my time in Parliament, and across all governments, I have seen bills suddenly rushed in when governments realise that they are running out of time for a review. I can understand the need to do this where a scheme cannot continue as long as necessary. However, I wonder why the minister is separating the two.

**Hon KIM CHANCE:** I think in my rather overlong explanation of the last amendment I may have pre-empted Hon Bruce Donaldson's question, because the answer to this question lies principally in the issues that lay behind my last comments in relation to regulations for schemes of this nature. It is important that we get them right. I do not suggest for a moment that we have not, even potentially, made any mistakes in the way these prescribed schemes will be established. I think it is necessary, in relation to the regulations that put the flesh around these schemes, that we examine them earlier in their operation than we examine the act itself.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

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

**ADJOURNMENT OF THE HOUSE**

**HON KIM CHANCE (Agricultural - Leader of the House) [9.59 pm]:** I move -

That the house do now adjourn.

*Shire of Gnowangerup Councillors - Adjournment Debate*

**HON MATT BENSON-LIDHOLM (South West) [9.59 pm]:** On Wednesday, 23 May it was my great pleasure and honour to represent the Minister for Local Government at a very important function in Gnowangerup. In fact, I was there to present some framed certificates in recognition of outstanding service in local government to three people; namely, Councillor Rob Hitsert, Councillor Jan Savage and Councillor Ken Pech. I would like to document some of the achievements of these people in local government. As members will appreciate, particularly those with constituents in small country towns such as Gnowangerup, Jerramungup and those other south eastern wheatbelt towns that some of us travel to, the very fabric of society is dependent upon the hard work of people such as those three. The dedication and commitment shown by Councillors Savage, Pech and Hitsert, who have collectively given more than 60 years of local government service to their community, must be not only recognised but also applauded. I would like to spend a little time drawing the attention of the house to some of their achievements.

Councillor Hitsert has been living and farming in the area for more than 40 years. He is therefore very familiar with the issues that are of concern to local people. As well as attending regular council meetings, he is chairperson of the Plant and Works Committee and is a member of the Finance, Audit, Industrial Relations and Industrial Development Committees. Councillor Hitsert is also involved in the Gnowangerup Fire Advisory Committee as deputy chief fire control officer, and is a member of the Stirling Range Fire Management Group.

He is also council's delegate to the Gnowangerup and Districts Tourism Committee, and is strongly committed to encouraging tourism in the area.

Councillor Jan Savage has been involved for some 20 years in local government. Her commitment began way back in 1987 as the third female councillor on the Shire of Gnowangerup, a position she retains to the present day. During that time, she stepped up when the need arose to become deputy president from 1994 to 1995. In 1995, she became the first female president in the history of the shire, a role she continues to perform ably. Apart from regular council meetings, Councillor Savage sits on eight council-related committees, including the Emergency Committee, the Road Wise Committee, finance-related committees and five community-related committees, including the Ongerup Telecentre, the Ongerup Sports Complex Committee and the Ongerup Museum Committee. On a regional level, she has been chairperson of the Great Southern Zone of the Western Australian Local Government Association for three years. I believe she recently also received an Order of Australia medal, I think in 2005, for her outstanding commitment to the wider community. She was also announced the Shire of Gnowangerup's Citizen of the Year in 1993. In the area of law and order, Councillor Savage contributes her time as a practising justice of the peace, which she has done since 1990. She has been a member of the Children's Court since 1992 and an Ongerup Football Association Tribunal member since 1995. That is quite a varied list of achievements and abilities. Last, but certainly by no means least, I acknowledge the more than 25 years of dedicated service of Councillor Ken Pech. Councillor Pech received an Order of Australia medal in 1999 for his outstanding commitment to the community and was announced the Shire of Gnowangerup's Citizen of the Year in 1990. He was also made a freeman of the Shire of Gnowangerup in 2006 and his long service in local government was recognised by the then Western Australian Municipal Association in 2003 when he was presented with a life membership of the association. I will quickly detail some of Ken's achievements and contributions in local government. He has been a councillor since 1981 and he has served as the deputy president from 1984 to 1986 and from 2003 to the present. Significantly, Councillor Pech was the public face of the shire as the shire president from 1986 to 1994. Councillor Pech has given tremendous service not only at the local level, but also at the regional, state and national levels. From 1987 to 2000, Ken was the council's delegate to the great southern ward of the Country Shire Councils' Association and has been a delegate to the great southern zone of the Western Australian Local Government Association from 2001 to the present. His leadership qualities were further recognised when he was elected president of the then Western Australian Municipal Association in 1996. He served in that role until 1998, following a term as its vice-president from 1994 to 1996. At the national level, Ken was a delegate to the Australian Local Government Association from 1994 to 1998. My comments are just a small testimonial to the outstanding service that Ken Pech has given to local government at all levels. He is totally committed to promoting local government at every opportunity that arises and is completely dedicated to everything that he undertakes. Along with his local government commitments he has been heavily involved in the local and wider community through his representation on the WA salinity council, the Agricultural Practices Board of Western Australia, the Gnowangerup Agricultural School advisory committee and the Gnowangerup Training Centre, of which he has been chairman since 2000. I am told that Councillor Pech has even found a little time to do some farming over the years. However, with that sort of schedule, he has been a very busy person.

I commend all of these people. They are part of a very successful and motivated shire council. Their continuing hard work has been something of a legend over the years. All three people have committed themselves to their shire with an enormous level of hard work and commitment. I congratulate all three of them and wish them well in their future personal and professional careers.

Question put and passed.

*House adjourned at 10.07 pm*

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## QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

### DEPARTMENT OF EDUCATION AND TRAINING - OPERATING BUDGET FOR CENTRAL OFFICE

4459. Hon Peter Collier to the Minister for Local Government representing the Minister for Education and Training

I refer the minister to the Central Office of the Department of Education and Training (151 Royal Street, East Perth) and ask -

What was the total operating budget of the Central Office, separated into salaries and other costs, in -

- (a) 2003;
- (b) 2004;
- (c) 2005; and
- (d) 2006?

Hon LJILJANNA RAVLICH replied:

(a)-(d) The operating budget for Central Office is managed on a financial year basis not a calendar year basis. Actual expenditure was as follows:

|         | Salaries<br>\$'000 | Other Costs<br>\$'000 | Total<br>\$'000 |
|---------|--------------------|-----------------------|-----------------|
| 2003/04 | 71,949             | 210,997               | 282,946         |
| 2004/05 | 84,922             | 231,261               | 316,183         |
| 2005/06 | 93,500             | 241,215               | 334,715         |

As well as Corporate Services, the Central Office operating budget includes programs managed centrally but directly supporting schools such as ICT, maintenance, behaviour management, indigenous education initiatives, inclusive education programs, senior schooling academic standards and support, syllabus development resources, schools resourcing such as the It Pays to Learn Allowance and various other programs.

### EDUCATION DISTRICT OFFICES - OPERATING BUDGETS

4460. Hon Peter Collier to the Minister for Local Government representing the Minister for Education and Training

I refer the Minister to the fourteen Education Districts (Albany, Bunbury, Canning, Esperance, Fremantle-Peel, Goldfields, Kimberley, Mid West, Midlands, Narrogin, West Coast, Pilbara, Swan and Warren-Blackwood), and ask -

What was the total operating budget (including salaries) for each Education District Office in 2006?

Hon LJILJANNA RAVLICH replied:

#### **2006 Operating Budget**

|                  |                     |
|------------------|---------------------|
| Albany           | \$1,604,000         |
| Bunbury          | \$2,406,500         |
| Canning          | \$5,735,300         |
| Esperance        | \$1,402,900         |
| Fremantle/Peel   | \$7,365,700         |
| Goldfields       | \$2,140,500         |
| Kimberley        | \$2,371,700         |
| Midlands         | \$2,303,200         |
| Mid-West         | \$2,830,400         |
| Narrogin         | \$1,501,400         |
| Pilbara          | \$2,354,700         |
| Swan             | \$5,178,200         |
| Warren-Blackwood | \$1,532,500         |
| West Coast       | \$6,460,000         |
| <b>Total</b>     | <b>\$45,187,000</b> |

#### MINISTERS OF THE CROWN - MEETINGS WITH MR PETER CLOUGH

4714. Hon Giz Watson to the Minister for Local Government representing the Minister for Education and Training
- (1) Did the Minister or any of his staff meet with political lobbyist Mr Peter Clough at anytime during 2006?
  - (2) If yes to (1), what were the details of those meetings?
  - (3) If yes to (1), who was Mr Peter Clough representing?
  - (4) If yes to (1), was the Core Consultative Committee on Waste (3C) process on hazardous waste or the 3C activities discussed?

Hon LJILJANNA RAVLICH replied:

- (1)-(2) I have not had a meeting with Mr Clough, however he was present at an industry breakfast that I attended in April 2006.

My staff met with Mr Clough on two occasions in 2006. Chief of Staff (9 March 2006); Chief of Staff and Senior Policy Advisor (27 October 2006).

- (3) Industry clients
- (4) Yes, among other issues. It is proper and appropriate that my office should listen to various points of view on these matters. It should be noted that I met with the Clean Air Alliance, the 3C co-chairs, the Kemerton Community Committee, the Avon Community Development Foundation, and various local members on hazardous waste issues. I also visited hazardous waste facilities in Queensland.

#### TEACHERS - LEAVE WITHOUT PAY

4748. Hon George Cash to the Minister for Local Government representing the Minister for Education and Training
- (1) Will the Minister advise whether teachers are being encouraged to take leave without pay instead of resigning their positions?
  - (2) Will the Minister advise how many teachers were offered leave without pay for the months of January 2006 through to March 2007?
  - (3) If yes to (2), how many took up this offer?
  - (4) Will the Minister advise the length of time of leave without pay for each teacher?
  - (5) What benefits or entitlements, if any, were accrued during this period?
  - (6) Will these teachers be retained in the statistics for the overall number of teachers in the State?

Hon LJILJANNA RAVLICH replied:

- (1) Teachers are not encouraged to take leave without pay. It is an entitlement contained within the provisions of The School Education Act Employees' (Teachers and Administrators) General Agreement 2006.
- (2) No teachers were offered leave without pay. Leave without pay is an entitlement for which teachers apply.
- (3) Not applicable
- (4) Not applicable
- (5) Leave without pay granted under the terms of the Agreement does not count as good service however it does not constitute a break in service.
- (6) Not applicable

#### FIRE AND EMERGENCY SERVICES AUTHORITY OFFICERS - LEAVE WITHOUT PAY

4749. Hon George Cash to the Minister for Regional Development representing the Minister for Police and Emergency Services
- (1) Will the Minister advise whether fire officers employed by Fire and Emergency Services Authority (FESA), are being encouraged to take leave without pay instead of resigning their positions?
  - (2) Will the Minister advise how many fire officers were offered leave without pay for the months of January 2006 through to March 2007?
  - (3) If yes to (2), how many took up this offer?

- (4) Will the Minister advise the length of time of leave without pay for each fire officer and nurse?
- (5) What benefits or entitlements, if any, were accrued during this period?
- (6) Will these fire officers be retained in the statistics for the overall number of fire officers in the State?

Hon JON FORD replied:

- (1) Not as a general rule. However, in some instances where there are extenuating personal reasons FESA will suggest to the firefighter that they apply for leave without pay in the first instance rather than resign and give up their entitlements.
- (2) Nil
- (3)-(6) Not applicable

#### INDIGENOUS AFFAIRS - REPORT OF SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

4750. Hon GIZ Watson to the Minister for Local Government representing the Minister for Indigenous Affairs Regarding the Report of the Senate Standing Committee on Legal and Constitutional Affairs entitled 'Unfinished Business: Indigenous Stolen Wages', tabled in December 2006, I ask -

- (1) Will the Minister provide a public response to the report and each of its recommendations?
- (2) If yes to (1), when will the public response be provided?
- (3) If no to (1), why not?
- (4) Will the Minister consult Indigenous people in Western Australia, on the report's recommendations, in particular the recommendation that the Western Australian Government establish a compensation scheme?
- (5) If yes to (4), what form of consultation will the Minister undertake?
- (6) If no to (4), why not?
- (7) Given the findings of the report into the importance of archival records, and the evidence of the Aboriginal Legal Service of Western Australia concerning their difficulty in accessing relevant records, will the Minister facilitate unhindered access to their archives for Indigenous people and their representatives to research stolen wages issues?
- (8) If no to (7), why not?
- (9) Given the findings of the report into the importance of archival records and the need for further urgent historical research in Western Australia, will the Minister facilitate access to the records for the purposes of research into stolen wages issues and substantially increase resources for the management of these records?
- (10) If no to (9), why not?
- (11) Given the evidence presented to the Committee of the lack of effective scrutiny of the Government's management of individual trust accounts, and of the destruction of records in Western Australia, will the Government -
  - (a) index and locate records of financial controls that were exercised over Indigenous people in Western Australia; and
  - (b) conduct a forensic audit into the mismanagement of Indigenous trust accounts and maladministration of Commonwealth benefits for Indigenous people?
- (12) Given the urgency of investigating the issues raised in the report due to the ageing of many of the Indigenous people directly affected, will the Government fund and facilitate the gathering of personal testimony and oral history in relation to Indigenous stolen wages?

Hon LJILJANNA RAVLICH replied:

- (1) No.
- (2) Not applicable.
- (3) The Government has established a taskforce, which includes representatives from the Departments of Indigenous Affairs; Communities; the Premier and Cabinet; Treasury and Finance; and Culture and the Arts, that is examining and preparing advice on future stolen wages policy options.
- (4) The taskforce will undertake consultation with Indigenous people, communities and organisations.

- (5) The form of consultation is yet to be formulated, but is expected to include meetings with key Indigenous organisations, community meetings, written submissions and opportunities to consider individual case studies. Consultations will also occur with non-government sector bodies and organisations that may have had some connection or involvement in the stolen wages issue.
- (6) Not applicable.
- (7)-(8) The Department of Indigenous Affairs (DIA) allows access to records in accordance with its Access to Archival Records Policy. It offered the Aboriginal Legal Service (ALS) access to archival records, however, there were conditions related to confidentiality and privacy to which the ALS would not agree.
- The ALS has now received edited copies of the requested archival records, with all personal information removed, in accordance with the Freedom of Information Act 1992.
- (9) The DIA will continue to allow access to records in accordance with its Access to Archival Records Policy. Cabinet has authorised funds to assist the taskforce with information management of archival records.
- (10) Not applicable.
- (11) The taskforce will identify the scope of issues related to stolen wages, including matters related to available records and financial administration.
- (12) This will be considered by the taskforce as part of its investigation of this matter.

#### WOODSIDE PLUTO SITE - SAFETY PROCEDURES

4751. Hon Giz Watson to the Minister for Local Government representing the Minister for Indigenous Affairs With regard to the heritage surveys and visits by the Minister and Department of Indigenous Affairs (DIA) staff to the Woodside Pluto Site area, and answers to question on notice No. 4154 to the Minister for Employment Protection, answered on 19 September 2006, and photos of a survey crew on site B located at <http://members.iinet.net.au/~f4949/Woodside/pluto.html>, I ask -

- (1) Are all DIA staff who visit the Woodside Pluto site provided with a copy of the Burrup Fertilisers 'Neighbouring Facilities Information' presentation which explained what to do in an emergency on site?
- (2) If no to (1), why not?
- (3) Was the Minister advised of, or provided with a copy of the Burrup Fertilisers 'Neighbouring Facilities Information', when she visited the site on 7 February 2007?
- (4) If no to (3), why not?
- (5) Have the DIA staff or the Minister been provided with respiratory equipment when visiting the site?
- (6) In relation to (1) and (3) above, was the Minister or the DIA staff aware of any evacuation strategies in place during their visits to the site?
- (7) If no to (6), why not?
- (8) If no to (1), (3) and (6), will the Minister ensure that the correct procedures are carried out for all visitors covered by her portfolio according to the 'Neighbouring Facilities Information', in the future?

Hon LJILJANNA RAVLICH replied:

The Department of Indigenous Affairs advises:

- (1) No.
- (2) Visiting parties are inducted according to Woodside's safety procedures and are accompanied by Woodside officers.
- (3) No.
- (4) The accompanying Woodside officers were aware of the procedures recommended by Burrup Fertilisers in its "Neighbouring Facilities Information".
- (5) No.
- (6) Yes.
- (7) Not applicable.
- (8) According to safety officers employed at Burrup Fertilisers, visiting parties have complied with recommended practices appropriate to visiting neighbouring sites.

## BRIDGETOWN BUSHFIRE, BOXING DAY 2003

4755. Hon Giz Watson to the Leader of the House representing the Minister for Energy

Regarding compensation claims from the Bridgetown bushfire on Boxing Day 2003 and referring to an article in *The West Australian*, of 7 March 2007, 'Long Fight for Compo after Big Bushfire', I ask -

- (1) How many compensation claims have been settled?
- (2) Is the Minister satisfied that they have been settled fairly?
- (3) How many compensation claims are still outstanding?
- (4) How many affected land owners are yet to lodge a claim?
- (5) Who is the insurer of Western Power?
- (6) What arrangement exists between this insurer and Risk Cover with regard to liability and compensation for the fire?
- (7) What role did loss adjuster Ron Norris have at his appointment in 2004?
- (8) Has his role changed since then?
- (9) If yes to (8), why was his role changed?
- (10) Will the Minister please explain why Ron Norris has been instructed to no longer deal with at least one claimant?
- (11) Is the Minister satisfied with the implementation of the Government's promise, made by Conservation and Land Management's (CALM) Executive Director, on 4 February 2004 and after, that CALM had set up a 'one stop shop so that affected land owners could have their claims dealt with efficiently and quickly'?
- (12) In light of the time elapsed since the bushfire, the emotional stress suffered by fire victims and the 2004 Government promise, will the Minister ensure a review all outstanding claims with a brief to avoid court proceedings?

Hon KIM CHANCE replied:

Insurance matters relating to the Bridgetown fire on Boxing Day 2003 are handled by RiskCover. This Question should therefore be addressed to the Minister for Government Enterprises who is responsible for RiskCover.

## WATER RESOURCES - WELLINGTON CATCHMENT

4765. Hon Paul Llewellyn to the Leader of the House representing the Minister for Water Resources

In relation to the Wellington Catchment, I ask -

- (1) How much money has been spent on the Wellington Catchment since 2001, from all State and Federal sources?
- (2) Which State and Federal programs have these been sourced from?
- (3) How much money was sourced from each program?
- (4) What are the forward estimates for expenditure on recovery of the Wellington Catchment for the next financial year?

Hon KIM CHANCE replied:

The Minister for Water Resources has provided the following response:

- (1) \$970,338 has been spent to-date from a \$30 million program to which the State and Commonwealth contribute equally.  
In addition to this, since 2001, the DoW and its predecessors have spent approximately \$600,000 each year on monitoring, assessment, on-ground works, catchment management and consultation in the Collie River catchment.
- (2)-(3) The \$600,000 is from Consolidated Funds allocated to the DoW. For the \$30 million program, \$15 million is from the National Action Plan for Salinity and Water Quality (a federal program) and the \$15 million State contribution is from Water Corporation.
- (4) It is estimated that a further \$29 million will be spent over the next 18 months from the Collie River project as part of the National Action Plan for Salinity and Water Quality. In addition the ongoing program of \$600,000 each year for monitoring, assessment, on-ground works, catchment management and consultation in the Collie River catchment is expected to continue for next financial year.

### WATER LICENSING FEES

4772. Hon Nigel Hallett to the Leader of the House representing the Minister for Water Resources

On 19 April 2007, the Department of Water (DoW) provided information to a meeting in Manjimup of the statutory Warren Water Management Area Advisory Committee, showing that under proposed water licence fees applying from July 2007, of the 428 licences in the Manjimup and Pemberton area, eight licences or 1.9 per cent will be subject to a \$200 annual fee and 190 licences or 44.4 percent will be subject to a \$325 annual fee.

Six days later on 25 April 2007, the DoW ran an advertisement on page nine of the *Manjimup-Bridgetown Times* headed 'Water Licensing Administration Fees' stating – 'The change means 82 percent of the 13 000 existing licensees will pay an annual fee of less than \$325.'

Noting the only fee of less than \$325 in the proposed fees is \$200; this statement suggests 82 percent of 13,000 existing licensees will pay an annual fee of \$200. I ask –

- (1) Is the Minister for Water Resources and the DoW aware of the concern farmers in the Manjimup and Pemberton area have expressed in regard to the water licence fees to be introduced from July 2007?
- (2) Did the DoW lodge the advertisement with the *Manjimup-Bridgetown Times* to address what it perceived as the expressed concern of people in the Manjimup and Pemberton area in regard to water licence fees?
- (3) With what other newspapers did the DoW lodge the same advertisement implying 82 percent of 13 000 existing licensees will pay an annual fee of \$200, and on what dates were those advertisements published?
- (4) Recognising that only 1.9 percent of water licence holders in the Manjimup and Pemberton area will be subject to \$200 licence fees, does the Minister for Water Resources acknowledge the advertisement may have misled and deceived readers in the Manjimup and Pemberton area?
- (5) Will the Minister confirm that table seven page 35 draft Blueprint for Water Reform July 2006 shows 10940 of a total 18674 water licences in Western Australia in the less than 5000 kilolitres class and now \$200 fee class; which is 58 percent not 82 percent subject to \$200 fees?
- (6) What action will be taken by the Minister for Water Resources and the DoW to correct misleading advertising on water licence administration fees?

Hon KIM CHANCE replied:

- (1) I am aware that some farmers in the Manjimup and Pemberton area have expressed concerns regarding the water licensing administration fee. The fee only applies to a water licence and there are many farm dams in this area that will not be subjected to the fee as they do not require a licence. The Department of Water has, and continues, to provide advice on this issue and information to licence holders on how the fee will affect them. The information provided to all licensees, and available from the Department of Water's website, clearly shows the number and percentage of licences for each of the fees in the schedule.
- (2) The schedule of fees from which licence holders could determine their fee was advertised in the *Manjimup-Bridgetown Times* on 25 April 2007 and subsequently on 9 May 2007 with some minor corrections
- (3) The advertisement was run in the:
  - Wanneroo Times on 24 April 2007 and 8 May 2007
  - Stirling Times on 24 April 2007 and 8 May 2007
  - North Coast Times on 24 April 2007 and 8 May 2007
  - Joondalup Community Newspapers on 26 April 2007 and 10 May 2007
  - South West Times on 26 April 2007 and 10 May 2007
  - Bullsbrook Gingin Advocate on 24 April 2007 and 8 May 2007
- (4) The information in the advertised schedule of fees related to the State as a whole and there was no deliberate intent to mislead readers.
- (5) Subsequent to the draft Blueprint for Water Reform, it was determined that approximately 13,540 licences will be subject to the water licence administration. Approximately 39% of licences will incur a fee of \$200 and 82% a fee of \$325 or less.
- (6) The advertisements were re-published incorporating Department of Water's amendments that addressed the concerns raised.

**WATER RESOURCES - EXTRACTION FROM ALL GROUNDWATER RESOURCES  
INCLUDING GNANGARA AND JANDAKOT MOUNDS**

4774. Hon Paul Llewellyn to the Leader of the House representing the Minister for Water Resources
- (1) What is the total annual extraction from -
    - (a) all groundwater resources;
    - (b) the Gnangara Mound; and
    - (c) the Jandakot Mound?
  - (2) How does this compare with the Water Corporations projected demand, based on 156 kilolitres per person for the next year?

Hon KIM CHANCE replied:

- (1) (a) A total of 1586 GL per year is currently licensed to be drawn from all groundwater resources for all licensed use in Western Australia.
- (b) A total of 312 GL per year is currently licensed to be drawn from the Gnangara Mound for all licensed use.
- (c) A total of 79 GL per year is currently licensed to be drawn from the Jandakot Mound for all licensed use.
- (2) The licensed quantities referenced at 1 (a), (b) and (c) above cover all users of the resource.

With respect to the Metropolitan Perth (excluding Mandurah and the Goldfields and Agricultural Water Supply Scheme), the Water Corporation's projected demand for 2007/2008, under the current watering controls, from all sources (ground, surface, and desalinated water) is 240 GL.

**ALCOA WORLD ALUMINA AUSTRALIA AND WORSLEY ALUMINA PTY LTD - STATISTICS**

4775. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for State Development With reference to the mining activities, rehabilitation activities and residue disposal areas for each of Alcoa World Alumina and Worsley Alumina Pty Ltd, I ask -

- (1) How many hectares are currently mined for bauxite each year?
- (2) How many hectares will be mined each year when the company expands to its fully approved rate of production?
- (3) What is the total area mined to date?
- (4) How many hectares have been rehabilitated to date?
- (5) How much of the total area mined required the clearing of native forest?
- (6) How much of this area has been rehabilitated with jarrah forest species?
- (7) What is the current annual production of -
  - (a) bauxite; and
  - (b) alumina?
- (8) When the company has expanded to its fully approved rate what will be the annual production of -
  - (a) bauxite; and
  - (b) alumina?
- (9) How many hectares are currently used as Residue Disposal Areas each year?
- (10) How many hectares will be used as Residue Disposal Areas when the company expands to its fully approved rate of production?
- (11) How much residue is currently produced each year?
- (12) How much residue will be produced each year when the company expands to its fully approved rate of production?
- (13) What is the total amount of residue produced to date?
- (14) For how much longer does its mining lease extend?

Hon KATE DOUST replied:

- (1) Alcoa - Approximately 600 hectares ("ha") are cleared each year.  
Worsley - Approximately 180 ha are cleared each year.
- (2) Alcoa - Approximately 750 ha will be cleared each year if the Wagerup expansion proceeds.  
Worsley - The annual area cleared or disturbed for bauxite mining is anticipated to increase to an average of 240 ha per year if the company commits to its approved expansion capacity.
- (3) Alcoa - 15,900 hectares have been cleared so far. Most of this area has been, or will be, mined but some was cleared for infrastructure, such as conveyor alignments, haul roads, workshops and offices.  
Worsley - A total of 2625 ha have been mined to date.
- (4) Alcoa - 13,200 ha to the end of 2006. That is, 83% of the area disturbed for mining over the last 40 years has already been rehabilitated  
Worsley - A total of 1651 ha have been rehabilitated to date. The remaining disturbed area is made up of clearing for infrastructure, haul roads and service roads, pits under development, active mining pits and areas under rehabilitation earthworks.
- (5) Alcoa - All of it.  
Worsley - A total of 2280 ha of native forest (Crown land) has been cleared to date. The remainder of the land disturbed was either pasture or remnant bush on private property (393 ha projected to end of FY 2007).
- (6) Alcoa - Non-native eucalypt species were used up until 1988 in accordance with prescriptions agreed with State Government agencies. Only jarrah forest species have been used in rehabilitation since 1988. Approximately 4000 ha of rehabilitation were completed up to 1988 and 9200 ha since.  
Worsley - A total of 1410 ha of Crown land has been rehabilitated to date with jarrah forest species. The early rehabilitation (1986-1990) included jarrah, marri and some Eastern States eucalypt tree species. The individual tree seedlings from these Eastern States eucalypt tree species have since been identified and removed from the rehabilitation.
- (7)
  - (a) Alcoa - 32 million tonnes.  
Worsley - 12.8 million tonnes.
  - (b) Alcoa - 9 million tonnes.  
Worsley - 3.45 million tonnes.
- (8) If approved capacity expansions proceed:
  - (a) Alcoa - 39 million tonnes.  
Worsley - 16.5 million tonnes.
  - (b) Alcoa - 11 million tonnes.  
Worsley - 4.4 million tonnes.
- (9) Alcoa - 635 ha.  
Worsley - 493 ha.
- (10) Alcoa - 698 ha.  
Worsley - 561 ha.
- (11) Alcoa - 16.5 million dry tonnes  
Worsley - 7.3 million dry tonnes
- (12) Alcoa - 22 million dry tonnes  
Worsley - 9.2 million dry tonnes
- (13) Alcoa - 365 million dry tonnes  
Worsley - 95 million dry tonnes
- (14) Alcoa - The mining lease currently is due to expire in 2045 but an option exists for Alcoa to apply to extend it for at least another 21 years (to 2066).  
Worsley - Potentially, the Crown leases (for mining, alumina production and residue storage) will extend for another 39 years (to 2046).

#### WATER LICENSING FEES

4779. Hon Nigel Hallett to the Leader of the House representing the Minister for Water Resources

In answers to question Nos 2090 and 2092 in regard to water licence administration fees to be introduced from July 2007, the Minister said the fees are based on recovering the \$5.8 million cost of administering water

licences and advised of the percent proportion for the administrative functions. The Minister said the proportions were based on calculations within the discussion papers attached to the State Water Strategy Water Reform Program. Making the assumption this refers to table seven page 35 in A draft Blueprint for Water Reform in Western Australia (July 2006) which shows proposed fees for 18 674 licences to raise required annual revenue of \$5 786 905, I ask -

- (1) In regard to the answer that licensing and renewal is 71 percent of \$5.8 million, can the Minister confirm that in principle a licensing application fee should not normally exceed a fee for renewal of a licence at the end of the licence duration?
- (2) In regard to the answer that licensing and renewal is 71 percent of \$5.8 million or \$4 108 702, how can licensing and renewal administration constitute 71 percent of \$5.8 million when there is now a licence application fee of \$200, which if applied to the existing 18 674 ten year duration licences renewed at the end of 10 years would raise \$373 480 annually, which constitutes 6.45 percent of \$5 786 905 not 71 per cent?
- (3) In regard to the answer that licensing and renewal is 71 percent of \$5.8 million, if the \$200 application fee doesn't full cost recover licensing application and renewal costs, why doesn't it?
- (4) In regard to answer that licensing and renewal is 71 percent of \$5.8 million, if the \$200 application fee doesn't recover licensing application and renewal costs, what rationale is the Minister applying to instead distribute the balance of the 64.55 percent licensing application and renewal costs into the annual fees of \$200, \$325, \$600, \$1200, \$1800, \$2400 and \$3000 applied each year for 10 year duration licences?
- (5) In regard to answer that checking compliance with licence conditions is 14 percent of \$5.8 million does the Minister believe it is fair businesses pay \$810 166 annually for enforcement of the *Rights in Water and Irrigation Act 1914* when businesses do not have to pay fees for checking compliance with the *Occupational Safety and Health Act 1984*, and the *Minimum Conditions of Employment Act 1993* applying to the same businesses?
- (6) In regard to answer that maintaining licensing database is 7 percent of \$5.8 million or \$405 083, will the Minister acknowledge that applying a fee of \$222 for a ten year duration water licence, equivalent to a drivers licence fee, will raise an amount of \$414 562 exceeding what is required to maintain a licensing database?
- (7) In regard to answer that maintaining licensing database is 7 percent of \$5.8 million, is the Minister aware that 17 of the 71 public submissions in 2006 on the draft Blueprint for Water Reform suggested a water licence fee of \$222 for a ten year duration water licence, equivalent to a drivers licence fee in cost?
- (8) In regard to answer that management of appeals is 4 percent of \$5.8 million or \$231 476, does the Minister believe it is fair businesses pay \$231 476 annually so the Department of Water can respond to appeals before the State Administrative Tribunal when there has been only one decision of the Tribunal during 2001 to 2007 related to the *Rights in Water and Irrigation Act*?
- (9) In regard to answer that management of appeals is 4 percent of \$5.8 million; will the Minister advise if it is the Governments intention to introduce fees on businesses in relation to all statutes relevant to both the State Administrative Tribunal and businesses, to fund the cost of Government Agencies responding to appeals against their decisions?
- (10) In regard to answer that community awareness is 4 percent of \$5.8 million or \$231 476, will the Minister itemise costs for 2005-06 for the management and support of each of the ten Water Resources Advisory Committees?

Hon KIM CHANCE replied:

The Minister for Water Resources has provided the following response:

- (1) There will be no application fee for the renewal of a water licence. The application fee only applies to new applications for water licences or amendments to existing licences, not to renew existing water licences.
- (2) As above, application fees are not charged for the renewal of water licences.
- (3) Answered in Question 1. The fees have been calculated to recover the \$5.8M in costs associated with administering 13,500 licences (based on 2005/2006 figures and recurrent funding). The Government has just announced an amendment to Class 1 fee band from 0 kilolitres to 1,1501 kilolitres per annum. This has resulted in 2,700 licence holders, general stock and domestic use, avoiding the \$200 annual

fee. This change to the licence administration fee structure will result in a reduction in revenue of \$540,000.

- (4) The annual fee structure was determined from the amount of effort required to administer licences with different water entitlements. It is more complex and time consuming to manage a water licence with a large water entitlement than a smaller one and the range of fees reflects this.
- (5) The range of processes applied in administering a water licence which includes checking compliance with licence conditions, maintaining licensing databases, managing appeals and community awareness are complex and exhaustive and are not undertaken in the manner of straight forward functions like other Government agencies such as the issue of a driver's licence. These functions directly relate to the creation and protection of water user's valuable entitlement.
- (6) Answered in Question 5.
- (7) To compare water administration fees to a driver's licence fee is not appropriate considering the different numbers involved and that once a driver's licence is issued no further administration is undertaken. Once a water licence is issued several processes occur as mentioned in the answer to Question 5, including compliance checking against licence conditions and is not equitable to charge the same fee to licences with different water entitlements.
- (8) The Government considers that the management of appeals by the Department of Water (DoW) is a function of administering water licences and is a cost incurred over and above that applied by the State Administrative Tribunal. While the Tribunal has only handed down one decision there are several cases pending and others have withdrawn, all at cost to the DoW.
- (9) There is no intention at this time to introduce fees to other statutes.
- (10) The management and support of the Water Resource Advisory Committees are not costed to individual committees at this time.

#### WATER LICENSING FEES

4780. Hon Paul Llewellyn to the Leader of the House representing the Minister for Water Resources

Regarding water licence fees, I refer to the draft 'Blueprint for Water Reform' dated July 2006. Table seven on page 35 indicates that 18 674 water licences subject to the then proposed five classes of annual fees that would generate an estimated total revenue of \$5 786 905. In response to the draft Blueprint for Water Reform, the Minister for Water Resources announced on 27 February 2007 a water licence Application fee of \$200 and Annual water licence fees ranging from \$200 to \$3000 across seven classes of licences. On 18 April 2007 in a media release the Acting Director General, Department of Water said there were 13 000 existing water licensees in Western Australia and the Department of Water has repeated this in advertisements in the press. To establish which is correct I ask the following -

- (1) For the \$200 Application fee what is the estimated -
  - (a) number of new licence applications for 2006-07; and
  - (b) revenue for 2006-07?
- (2) As of April 2007, for each of the seven licence classes what is the -
  - (a) number of existing licences;
  - (b) number of existing licensees;
  - (c) volume of water licensed; and
  - (d) estimated annual revenue?
- (3) As of April 2007, for the aggregate of the seven licence classes what is the -
  - (a) total number of existing licences;
  - (b) total number of existing licensees;
  - (c) total volume of water licensed;
  - (d) estimated total revenue from annual fees; and
  - (e) estimated averaged revenue per kilolitre of licensed water?

Hon KIM CHANCE replied:

- (1)-(3) In response to questions from the Hon Paul Llewellyn regarding water licence administration fees. It is estimated that 650 applications will be received for the period 2006-07 that at \$200 per application would result in \$130,000 in revenue.

The estimated revenue per kilolitre of water is 0.23 cents.

Number of licences as of May 2007:

| <b>Class</b>           | <b>Water Entitlement<br/>Kilolitres per</b> | <b>Fee</b> | <b>Number of<br/>Licences</b> | <b>Number<br/>of<br/>Licensees</b> | <b>Water<br/>Entitlement<br/>Gigalitres<br/>per year</b> | <b>Expected<br/>Revenue</b> |
|------------------------|---|------------|-------------------------------|------------------------------------|--|-----------------------------|
| 1                      | 0 - 5 000                                   | \$200      | 4,610                         | 4,887                              | 9  | \$922,000                   |
| 2                      | 5 001 - 50 000                              | \$325      | 5,741                         | 6,010                              | 102  | \$1,865,825                 |
| 3                      | 50 001 - 100 000                            | \$600      | 1,119                         | 1,204                              | 79   | \$671,400                   |
| 4                      | 100 001 - 500 000                           | \$1,200    | 906                           | 967                                | 206  | \$1,087,200                 |
| 5                      | 500 001 - 1 000 000                         | \$1,800    | 172                           | 177                                | 129  | \$309,600                   |
| 6                      | 1 000 001 - 5 000 000                       | \$2,400    | 253                           | 257                                | 594  | \$607,200                   |
| 7                      | > 5 000 000                                 | \$3,000    | 67                            | 68                                 | 1,366  | \$201,000                   |
| <b>Total</b>           |   |            | <b>12,868</b>                 | <b>13,570</b>                      | <b>2,486</b>   | <b>\$5,664,225</b>          |
|                        | Applications                                | \$200      | 640                           | 640                                |  | \$130,000                   |
| <b>Grand<br/>Total</b> |   |            | <b>13,508</b>                 | <b>14,210</b>                      |  | <b>\$5,794,225</b>          |

#### ALCOA WORLD ALUMINA AUSTRALIA AND WORSLEY ALUMINA PTY LTD - STATISTICS

4781. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for State Development I refer to the mining activities, rehabilitation activities and residue disposal areas of Alcoa World Alumina and Worsley Alumina Pty Ltd. For each of Alcoa World Alumina and Worsley Pty Ltd -

- (1) How many hectares are currently mined for bauxite each year?
- (2) How many hectares will be mined each year when the company expands to its fully approved rate of production?
- (3) What is the total area mined to date?
- (4) How many hectares have been rehabilitated to date?
- (5) How much of the total area mined required was native forest?
- (6) How much of this area has been rehabilitated with jarrah forest species?
- (7) What is the current annual production of -
  - (a) bauxite; and
  - (b) alumina?
- (8) What will be the annual production of -
  - (a) bauxite; and
  - (b) alumina?
- (9) When the company expands to its full approved rate of production -
  - (a) how many hectares are currently used as residue disposal areas each year;
  - (b) how many hectares will be used as residue disposal areas when the company expands to its full allowable rate of production;
  - (c) what is the total area of residue disposal areas;
  - (d) how much residue is currently produced each year;
  - (e) how much residue will be produced each year when the company expands to its full approved rate of production;
  - (f) what is the total amount of residue produced to date; and
  - (g) for how much longer does its mining lease extend?

Hon KATE DOUST replied:

- (1) Alcoa - Approximately 600 hectares ("ha") are cleared each year.  
Worsley - Approximately 180 ha are cleared each year.
- (2) Alcoa - Approximately 750 ha will be cleared each year if the Wagerup expansion proceeds.  
Worsley - The annual area cleared or disturbed (e.g. pasture) for bauxite mining is anticipated to increase to an average of 240 ha per year if the company commits to its approved expansion capacity.
- (3) Alcoa - 15,900 hectares have been cleared so far. Most of this area has been, or will be, mined but some was cleared for infrastructure, such as conveyor alignments, haul roads, workshops and offices.  
Worsley - A total of 2625 ha have been mined to date.
- (4) Alcoa - 13,200 ha to the end of 2006. That is, 83% of the area disturbed for mining over the last 40 years has already been rehabilitated  
Worsley - A total of 1651 ha have been rehabilitated to date. The remaining disturbed area is made up of clearing for infrastructure, haul roads and service roads, pits under development, active mining pits and areas under rehabilitation earthworks.
- (5) Alcoa - All of it.  
Worsley - A total of 2280 ha of native forest (Crown land) has been cleared to date. The remainder of the land disturbed was either pasture or remnant bush on private property (393 ha projected to end of FY 2007).
- (6) Alcoa - Non-native eucalypt species were used up until 1988 in accordance with prescriptions agreed with State Government agencies. Only jarrah forest species have been used in rehabilitation since 1988. Approximately 4000 ha of rehabilitation were completed up to 1988 and 9200 ha since.  
Worsley - A total of 1410 ha of crown land has been rehabilitated to date with jarrah forest species. The early rehabilitation (1986-1990) included jarrah, marri and some Eastern States eucalypt tree species. The individual tree seedlings from these Eastern States eucalypt tree species have since been identified and removed from the rehabilitation.
- (7) (a) Alcoa - 32 million tonnes.  
Worsley - 12.8 million tonnes.  
(b) Alcoa - 9 million tonnes.  
Worsley - 3.45 million tonnes.
- (8) If approved capacity expansions proceed:
  - (a) Alcoa - 39 million tonnes.  
Worsley - 16.5 million tonnes.
  - (b) Alcoa - 11 million tonnes.  
Worsley - 4.4 million tonnes.
- (9) (a) Alcoa - 635 ha.  
Worsley - 493 ha.  
(b) Alcoa - 698 ha.  
Worsley - 561 ha.  
(c) Alcoa - 1179 ha (across three refinery sites in WA).  
Worsley - 561 ha.  
(d) Alcoa - 16.5 million dry tonnes  
Worsley - 7.3 million dry tonnes  
(e) Alcoa - 22 million dry tonnes  
Worsley - 9.2 million dry tonnes  
(f) Alcoa - 365 million dry tonnes  
Worsley - 95 million dry tonnes  
(g) Alcoa - The lease currently expires in 2045 but an option exists for Alcoa to apply to extend the lease for at least another 21 years.  
Worsley - Potentially, the Crown leases (for mining, alumina production and residue storage) will extend for another 39 years (to 2046).

**GOVERNMENT BUSINESS EXIT FUNDING TO TIMBER INDUSTRY**

4785. Hon Paul Llewellyn to the Leader of the House representing the Minister for Industry and Enterprise  
With reference to the Government's business exit funding provided to the timber industry, I ask -

- (1) Would you please provide a list of companies, company directors, businesses or business proprietors who received funding under the Timber Industry Development and Restructure Program to exit the timber industry and who have since received further funding to establish another timber related business.
- (2) If no to (1), why not.
- (3) If yes to (1), can you please explain why the Government has paid an exit fee for an industry in one instance and a re-entry fee for what is essentially the same industry in another?

Hon KIM CHANCE replied:

The Minister for Industry and Enterprise has provided the following response:

- (1) Barry Owens, director of BA & CA Owens and previous director of Australian Craftwood and Timbers Pty Ltd.
- (2) Not applicable
- (3) Barry Owens, as director of BA & CA Owens, received a payment under the Business Exit Assistance program for its harvesting and haulage operations. The restraint in the Deed of Discharge was "Any activity, which in the opinion of the State, relates to the log harvesting and haulage of native hardwood timber sourced from any Crown land or State forest of and in the State of Western Australia".

This restraint does not preclude Barry Owens, in his capacity as director of Australian Craftwood and Timbers Pty Ltd, from sawmilling native hardwood timbers.

The funding was sought and offered to Australian Craftwood and Timbers Pty Ltd and not to Barry Owens specifically. Barry Owens did not profit from these funds personally as they were provided to assist with the set up of the sawmilling operations at the Palgarup West site (ex Worsley Timber site)

Mr Barry Owens is no longer a Director of Australian Craftwood and Timbers Pty Ltd.

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