



# Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT  
FIRST SESSION  
2015

LEGISLATIVE ASSEMBLY

Wednesday, 9 September 2015



# Legislative Assembly

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THE SPEAKER (Mr M.W. Sutherland) took the chair at 12 noon, and read prayers.

## BASSENDEAN PRIMARY SCHOOL

### *Petition*

MR D.J. KELLY (Bassendean) [12.01 pm]: I have a petition from 344 petitioners regarding the destruction of the school oval at Bassendean Primary School. The petition has been certified as meeting the standing orders and it reads —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled. We, the undersigned, say

In the 1970's there were six houses on the Bassendean Primary School oval we know today. The houses were purchased and demolished between 1971 and 1973 to add a sports oval to the school to make sure that students had enough play space. The parent group at the time raised a significant amount of money for reticulation for the oval and lobbied the State Government to make sure that water was turned on to the reticulation in January 1974.

Sadly, the expansion of the administration building of the school has put this community space in jeopardy to create a carpark. With smaller and smaller backyards in our suburbs open play space like the school oval have become more important, not less and we should be making sure that this precious space is preserved for the purpose for which it was created in the early 1970's.

Research shows that increased contact with the natural environment is associated with positive outcomes in children's health, behaviour and learning. Students at Bassendean use the oval to play together, play sport and as a community we use the oval to recreate after school and on the weekends. It's important that we maintain this natural play space for our children, and for their children too.

Now we ask the Legislative Assembly to cease construction on the carpark, restore the oval, and work with staff, parents, students and the wider community to find a solution that preserves our play space.

[See petition 277.]

## RACING INDUSTRY — TAB PRIVATISATION

### *Petition*

MR M.P. MURRAY (Collie–Preston) [12.03 pm]: I have a petition containing 52 signatures that conforms with the rules of the house. It states —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, say that the TAB is a vital component of and contributor to all three codes of racing in Western Australia and that the sale of the TAB, in any form, will be to the ongoing detriment of the Racing Industry.

We now ask the Legislative Assembly *to commit to ensure that any sale of the TAB does not proceed.*

[See petition 278.]

## PAPERS TABLED

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

## GRAFFITI VANDALISM BILL 2015

### *Notice of Motion to Introduce*

Notice of motion given by Mrs L.M. Harvey (Minister for Police).

## HER MAJESTY QUEEN ELIZABETH II — REIGN

### *Statement by Minister for Health*

DR K.D. HAMES (Dawesville — Minister for Health) [12.05 pm]: I rise today to inform the house that on Wednesday, 9 September 2015, Her Majesty Queen Elizabeth II will become the longest reigning British monarch in history. On this date, Her Majesty will surpass the record set by her great-great-grandmother, Queen Victoria, who reigned for 63 years and seven months. At the age of 25, Her Majesty ascended the throne on 6 February 1952 following the passing of her father, King George VI. Her Majesty's coronation took place

the following year in Westminster Abbey on 2 June 1953. Her Majesty's longevity is a source of strength to the monarchy and commonwealth. During this reign, Her Majesty has given audience to 12 British Prime Ministers; has conducted over 200 visits to commonwealth countries, including 16 visits to Australia; and is patron to over 600 charities and organisations. These undertakings are a true indication of Her Majesty's dedication to the monarchy and the people of the commonwealth. Her Majesty has also celebrated many milestones: the Queen's silver jubilee in 1977, the golden jubilee in 2002, and more recently the Queen's diamond jubilee in 2012. Only five other kings and queens in British history have reigned for 50 years or more, and Queen Victoria is the only other British monarch to have celebrated a diamond jubilee. On behalf of the Western Australian Parliament, I would like to congratulate Her Majesty the Queen on this remarkable milestone as Her Majesty becomes our longest reigning monarch.

#### **WESTERN AUSTRALIAN TRAINING AWARDS**

*Statement by Minister for Training and Workforce Development*

**MRS L.M. HARVEY (Scarborough — Minister for Training and Workforce Development)** [12.06 pm]: Last week, I had the pleasure of hosting the twenty-first Western Australian Training Awards, recognising excellence in our state's nation-leading training system. The awards celebrate innovative programs and partnerships, best practice, and quality in training delivery. Most importantly, the awards highlight the outstanding achievements of individuals who have flourished in Western Australia's training sector.

Although I cannot share the stories of all 13 winners with the house here today, I will briefly highlight a few that illustrate the quality and breadth of the field. Kahli King Elliott, the WA Aboriginal and Torres Strait Islander Student of the Year, is a police cadet. She is keen to motivate young Aboriginal people living in rural and remote communities to pursue a career through the training sector. Katherine Haag, named WA Vocational Student of the Year, completed her diploma of community services at the Central Institute of Technology and wishes to use her qualification to help high school students increase their financial management skills. An outstanding electrician in the making, Thalia Wilkinson, won WA School-based Apprentice of the Year. Thalia is completing a certificate III in electro-technology at Polytechnic West, while carrying out her practical work at Collins Electrical. Having enjoyed such a positive experience, Thalia is now determined to pursue further studies in the training sector and the completion of her school-based apprenticeship will provide an ideal head start in her career. Sandra Van Der Gaag was named WA Trainee of the Year. She is undertaking a two-year traineeship as a process plant operator with host employer Woodside Energy at its Karratha gas plant.

It was fantastic to see so many inspiring young women among the winners and finalists, and particularly pleasing to note that both Thalia and Sandra are destined for successful careers in industries with low numbers of female participation. Contributions from industry are a critical element of a thriving training sector, so it was great to see Crown Perth named WA Employer of the Year. Crown was recognised for the breadth and depth of training offered to staff and the programs tailored for under-represented groups.

#### **PAUL GORDON ROYLE — TRIBUTE**

*Statement by Minister for Veterans*

**MR J.M. FRANCIS (Jandakot — Minister for Veterans)** [12.10 pm]: It is with sadness that I acknowledge the passing of Mr Paul Gordon Royle, an Australian Royal Air Force pilot who took part in the mass breakout from a German prison camp during the Second World War. The escape was the subject of Paul Brickhill's 1950 book *The Great Escape*. A prewar journalist, Brickhill served with the Royal Australian Air Force and was a prisoner of war at the same camp. The book was the basis for the famous Hollywood movie of the same name; however, Royle did not approve of this version, complaining there were no Americans or motorbikes in the real escape.

Mr Royle was one of 76 prisoners who made it through a 10-metre deep, 110-metre long tunnel to escape their captors in Poland in 1944. Although three Allied prisoners made it to freedom, 50 others from 12 nations were executed by the SS and the Gestapo, reportedly on Adolf Hitler's orders. Five of the 50 were Australian. Mr Royle spent two days hiding in a bitterly cold, snow-covered forest before he was recaptured. He was lucky enough to be one of the 23 escapees spared execution.

Mr Royle's contribution to the escape operation included disposing of soil dug from the tunnel through his trousers under plain sight of guards in the prison yard. He said that he had to be careful to pick a suitable place to release the soil, because the soil from the tunnel was a different colour from the soil on the surface of the yard. Mr Royle's passing leaves only one remaining member of the legendary prison break—94-year-old British man Dick Churchill.

Mr Royle was born in Perth on 17 January 1914 and educated at Hale School. As a flight lieutenant with the Royal Air Force, he was shot down on 17 May 1940. He spent nearly five years as a prisoner of war before he was liberated by British troops on 2 May 1945. After the war, he worked in the mining and engineering industries in Kalgoorlie and worldwide, before returning to Perth after retiring around 1980. Mr Royle was 101 years old when he died on 23 August at Hollywood Private Hospital in Nedlands. He is survived by his wife, Pamela, five children, eight grandchildren and two great-grandchildren. Vale, Paul Royle.

**DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT —  
NATIONAL CHILD PROTECTION WEEK — *AS EYE SEE IT* EXHIBITION**

*Statement by Parliamentary Secretary*

**MS A.R. MITCHELL (Kingsley — Parliamentary Secretary)** [12.12 pm]: I rise to inform the house of National Child Protection Week and the Department for Child Protection and Family Support's *As Eye See It* photographic exhibition. Communities across Western Australia will come together to help make a positive difference in the lives of children and young people in support of National Child Protection Week held from 6 to 12 September. Child Protection Week gives everyone the opportunity to learn how to keep children and young people safe in their communities. Every child deserves to grow up in a safe and nurtured community and have access to the right supports that will allow them to succeed in life.

I would like to reiterate that individuals, families, businesses, government and community sector agencies all have an important role to play, and by working together we can help build safer communities. Child Protection Week also importantly provides the opportunity for the community to recognise the invaluable contribution that foster carers make in helping support the state's most vulnerable children and young people. This week a broad and diverse range of activities and events will be held across the state to celebrate Child Protection Week and honour those foster carers who make a significant impact in the lives of our children and young people in care.

The department will be running information sessions, protective behaviours workshops, community presentations, morning and afternoon teas, and picnics across the state from the Kimberley to the great southern, as well as in the metropolitan area, to celebrate this important week. On Friday, 4 September, the Minister for Child Protection launched the department's *As Eye See It* photographic exhibition and presented certificates of appreciation to 32 young people aged between 12 and 17 who are living in care in metropolitan and regional communities throughout Western Australia and whose photographs are currently being showcased at the Western Australian Museum. The exhibition is held during Child Protection Week to raise awareness about what it means to live in care and provide an insight into the world of these young people. Digital cameras were given to these young photographers who were invited to attend a photography workshop and then asked to capture five images—four of people, places and objects that were important to them, and a photograph of their right eye. This experience has given these young people in care an opportunity to express what is important to them through photography.

I take this opportunity to congratulate all the participants on the photographs they have submitted. I am grateful and humbled that they have shared their stories with us. The photographs on display are beautifully captured moments and reflections, heartwarming and often poignant, and I urge all members to take the time to go and have a look at the exhibition for themselves. This free exhibition is currently being held in Hackett Hall at the Western Australian Museum and it runs until 20 September.

**BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS**

*Standing Orders Suspension — Withdrawal of Notice*

Notice of motion withdrawn by **Mr J.H.D. Day (Leader of the House)**.

**STATE FORESTS 14, 22, 23, 39, 49 AND 65**

*Partial Revocation of Dedication — Motion*

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [12.16 pm]: I move —

That the proposal for the partial revocation of state forests 14, 22, 23, 39, 49 and 65, laid on the table of the Legislative Assembly on Tuesday, 11 August 2015, by command of Her Excellency the Governor, be carried out.

This proposal relates to a land exchange and five separate road proposals that require partial excisions from state forests 14, 22, 23, 39, 49 and 65, totalling around 181 hectares. For ease of identification, the six areas have been numbered. One proposal relates to a land exchange with WA Bluemetal, the trading entity of Ransberg Pty Ltd; a second proposal relates to the construction of the Perth–Darwin national highway; and the remaining four proposals concern the widening and upgrades of existing roads by Main Roads Western Australia. All the road proposals will result in vegetation clearing. If the proposed land exchange with WA Bluemetal is approved, two areas of native bushland will be added to the lands managed by the Department of Parks and Wildlife and the net benefit to the state from this land exchange would be the addition of 327.7 hectares of bushland with significant conservation and recreation value.

Area 1 relates to the proposed excision of 1.9645 hectares from state forest 14, with this area being located about two kilometres south east of Dwellingup. Main Roads has requested the excision to facilitate the construction of a passing lane on the Pinjarra–Williams Road. Main Roads advises that this section of road receives a significant volume of traffic, particularly heavy vehicles associated with the operation of Boddington gold mine. To address

traffic problems and improve road safety, Main Roads proposes to construct a passing lane. The new passing lane will ensure that the Pinjarra–Williams Road will be able to cope with the increasing volume of traffic and heavy vehicle movements associated with the operation of Boddington gold mine.

The excision and construction will result in clearing of native vegetation from state forest 14. The native vegetation affected by the proposal is identified as jarrah and marri forest with endemic understorey species. Main Roads has completed an environmental impact assessment and prepared an environmental management plan to address the environmental impacts of this proposal, as required by Main Roads' environmental assessment and approval procedure. Main Roads is also addressing the necessary approvals for native vegetation and clearing, including acquiring a suitable offset with the Department of Environment Regulation.

Area 2 relates to the proposed excision of 83.9124 hectares from state forest 22. The area is located about six kilometres south east of Byford. WA Bluemetal owns and operates a granite quarry located west of state forest 22. The Department of Parks and Wildlife has supported the proposed excision of an 83.9124 hectare proportion of state forest 22 adjacent to the existing quarry. In exchange, WA Bluemetal would provide the state with two vegetative freehold properties. The first property is located south of Manjedal Brook. This property contains the upper reaches of Whitby Falls and was initially proposed to be quarried. Instead, the addition of this 48.6 hectare lot to the adjacent state forest 22 will ensure that Manjedal Brook and the downstream Whitby Falls can be managed for conservation and future recreational opportunities. The second lot is 363.1 hectares in the area and is adjacent to more of the national park. The area is known to contain Carnaby's black cockatoo foraging and breeding habitat and is an important inclusion into this state's conservation and reservation system. The land exchange will result in a net benefit to the state of an additional 327.7 hectares of bushland for conservation and recreation. WA Bluemetal will be required to undertake all the necessary environmental assessments and clearing permits for its proposed quarrying activities in line with the granting of its mining approval. It will also be required to comply with the necessary approvals required by the Department of Lands, which will complete the land exchange.

Area 3 relates to the proposed excision of 3.0775 hectares from state forest 23. This area is located about three kilometres west of Dwellingup. Main Roads has requested the excision to facilitate the widening of a portion of the Pinjarra–Williams Road between Dwellingup and Teesdale. This proposal, like area 1, seeks to address the significant volume of traffic, particularly heavy vehicle traffic associated with the operation of Boddington gold mine. Main Roads proposes to widen the road pavement, upgrade the road shoulder and improve the road geometry to improve safety and ensure that the Pinjarra–Williams Road is able to cope with the traffic volume associated with Boddington gold mine. The excision and road widening will result in the clearing of native vegetation. The native vegetation affected by this proposal was identified as wandoo and marri woodlands, with an endemic understory species. Main Roads has completed an environmental impact assessment and provided an environmental management plan to address the environmental effects of this proposal, as required by Main Roads environmental assessment and approval procedure. Main Roads is also addressing the necessary approvals for native vegetation clearing, including acquiring a suitable offset with the Department of Environment Regulation.

Area 4 relates to a proposal to upgrade the intersection of Vasse and South Western Highways. This area is located about 12 kilometres south of Manjimup. Main Roads is proposing to realign a portion of Vasse Highway and construct a turning lane from South Western Highway and construct a new rest area north of this intersection. The proposed upgrades require minor excisions from Sir James Mitchell National Park and state forest 39, which is a combined area of less than 0.4 hectares. The area required from state forest to facilitate this upgrade is 0.0825 hectares. The proposed excision and associated upgrades are anticipated to improve the safety of the intersection, particularly for vehicles turning right onto Vasse Highway. The proposed construction of a turning lane will remove the current practice in which some vehicles cut the corner when turning right into Vasse Highway. The excision and road widening will result in the clearing of native vegetation. The native vegetation affected by this proposal has been identified as karri and marri forest, with endemic understorey species. Main Roads is in the process of completing the necessary assessments to meet the requirements of the Environmental Protection Authority for environmental approvals and native vegetation clearing, and the Environmental Protection Authority will identify whether an offset for the proposed roadworks will be required.

Area 5 relates to a minor excision of 0.5356 hectares from state forest 49. This area is located about two kilometres south of Kirup. Main Roads is proposing to upgrade a portion of South Western Highway between Mullalyup and Kirup. The upgrades involve extending the northbound passing lane. Main Roads anticipates that the upgrades will allow for better separation of cars and trucks travelling north along South Western Highway. The excision and upgrades will result in the clearing of native vegetation. The native vegetation affected by this proposal was identified as jarrah and marri open forest, with endemic understorey species. Main Roads is in the process of completing the necessary assessments to meet the requirements of the Environmental Protection Authority for environmental approvals and native vegetation clearing, and the Environmental Protection Authority will identify whether an offset for the proposed roadworks will be required.

Area 6 relates to stage 1 of Perth–Darwin highway. The area in question is located between zero and nine kilometres west of Ellenbrook. Main Roads is proposing to construct stage 1 of the Perth–Darwin national highway, a new 37 kilometre road link between the intersection of the Reid and Tonkin Highways and the town of Muchea, north of Perth. The first stage of the Perth–Darwin national highway will join the existing Great Northern Highway at Muchea. Main Roads advises that the project is anticipated to improve freight capacity, efficiency and productivity, reduce heavy vehicle traffic from Great Northern Highway, and in turn improve the amenity for the community, tourists and road users, particularly those travelling through the Swan Valley. To facilitate the construction of the new road, Main Roads is seeking the excision of around 91.2018 hectares from state forest 65. An excision of about 7.6 hectares from two nature reserves has also been requested to facilitate the construction. The excision and road construction will affect the Gngangara pine plantation and some areas of native vegetation. Late last year the Forest Products Commission harvested the areas of pine plantation that were proposed for excision. Of the 91.2018 hectares proposed to be excised from state forest, 18.19 hectares is mature standing pine and 31.5 hectares is native vegetation, and the remaining 41.5 hectares is comprised of plantation regrowth, cleared areas and fallow land. Main Roads is addressing the environmental impacts of this project through the environmental approvals required under the Environmental Protection Act 1986, and also the commonwealth's Environment Protection and Biodiversity Conservation Act 1999. Offsets associated with the environmental impact and native vegetation clearing for the Perth–Darwin national highway will be assessed as a part of the environmental approvals process.

All six proposals have the support of the Forest Products Commission, the Department of Lands and the relevant local government authorities. They have also been endorsed by the Conservation Commission of Western Australia, the vesting body for state forests. The excisions from Sir James Mitchell National Park and two nature reserves in Ellenbrook are being progressed under the Land Administration Act 1997. I recommend this revocation proposal to the house and I ask members to support it.

**MR C.J. TALLENTIRE (Gosnells)** [12.25 pm]: I am happy to speak to this motion on the partial revocation of state forests 14, 22, 23, 39, 49 and 65. Broadly speaking, these partial relocations relate, with one notable exception, to widening roads and making roads safer, which, of course, we on this side of the house support. When it is a matter of road safety, that is the priority. The explanations given by the minister give us some insight into the thought processes of Main Roads when looking at alternatives. I sometimes question, though, how well those alternatives are pursued. I will also raise the issue of the cost to the state for some of these road widenings. I will come to the actual number of revocations, but on a couple of occasions the minister said that this is because of Boddington gold mine. I wonder whether we should not in fact ensure that the people who are making money from the Boddington gold mine contribute to the cost of these road-widening operations.

Essentially, the debate this afternoon is about the environmental impacts of these partial revocations. It is clear that one partial revocation is quite substantial, and it is not about a road widening. I refer to the partial revocation that relates to the area in state forest 22. That is the one in which we are doing a deal with WA Bluemetal. WA Bluemetal already has a quarry operating in the area where it wants to extend its activities. It proposes a reasonable offer. It suggests that the quarry project is something that it really urgently and keenly wants to pursue. Obviously there is a demand for blue metal. I am not sure how much blue metal there is in the Perth outer-metropolitan area. Is it possible that there is an abundance of blue metal on already cleared land that we could have directed the company towards thereby avoiding the need to destroy a substantial area? It is 83 hectares of native vegetation that is going to be destroyed. It seems that we did not pursue that. Instead we have just gone down the route of accepting the proposal by WA Bluemetal for a number of offsets. This is what I really want to get to. The minister has heard me talk on this point before. It is all very well for us to accept offsets for these sorts of partial revocations. However, my concern is that we do not have a comprehensive register of all the offset proposals that are going on in the state. I have tackled the minister on numerous occasions about offsets relating to part IV of the Environmental Protection Act, environmental impact assessments for which we do have an offset register. That is a document and a publicly available register that gives us some idea of the standards that are being set for environmental offsets.

As an example, there is no global recording for a whole host of offsets. For a number of reasons, I think this is a very serious problem, but I would particularly like to highlight two reasons. It is a problem because it means that people cannot consult the offsets register and check that land put up as an offset is not double counted. We cannot be sure about its long-term protection and viability. We cannot be sure what it relates to. The one I am really concerned about is the double counting issue. The other aspect is that we do not know the standard for offsets. We need a publicly available register so that people can see where we are setting the standard. Why should some proponents put forward a very weak offset and have it accepted when somebody else has a very high standard of offset? Why would we allow that potential situation? Instead, we need this public register.

I refer to a document that was prepared in January 2006 by the Environmental Protection Authority. As far as I am aware, this document still has currency. The government will say it has since released its own document on environmental offsets, but the government's document, which I think came out in September 2012, does not

have the same sort of discussion and academic rigour as this EPA document. It is important that we look at some of the content in this EPA document. The number one point is that it states there must be no net loss of environmental values. When the minister was talking about the partial revocation from state forest 22, I heard him say that in fact there is a net benefit to the state. What offset will the WA Bluemetal proposal bring to state forest 22? The minister outlined that part of it is an acquisition of land—some 363 hectares, I think the minister said. I have been advised that it is more like 327 hectares, next to Moore River National Park. On the surface of it, I think this is a very good acquisition of land. I welcome the acquisition of this land, this addition to Moore River National Park. It is very sensible. I have looked at that land through Google Earth. The minister said it was all fully vegetated, but it struck me—this might be of great environmental significance—that a lake is in the middle of the land. It could be a salt lake or some form of sandfire flat that has high ecological significance. I am not sure; that has not been explained to us. It has been left to members to do their own research on these matters, which is not always easy.

However, I am prepared to accept that that area is a useful, significant acquisition and of value to the state. But in saying that it is a net benefit to the state, we must be clear about what we mean. Although it has been said that it is a net benefit to the state, an increase of conservation land will not be achieved from this. Yes, we will add land to the conservation estate, but will we increase the amount of native vegetation in Western Australia? No; we will have a net loss of native vegetation when clearing for the blue metal quarry goes ahead. We have to be clear about that. When there is a net loss of something, we have to say it. In claiming that it is a net benefit, the minister is suggesting that the change in tenure makes it a significant achievement. I think that is questionable. The minister has said that these offset agreements going ahead will be a net benefit to the state, but I think that is questionable. The fact is that that land is there. I assume it is of high conservation significance. I am not sure who the current landholder is, but they would perhaps have been quite happy to keep it in its present condition, which, by definition is one of high conservation significance. I am unclear why we are trying to pretend there is a net benefit to the state with this excision. It is something we have to sort out.

This is where we get back to the issue of the offsets register. That offsets register would provide a high degree of transparency. The public would be able to consult it, see what is being offered and check the relativities of proposals. Some companies will put up proposals for major works and for rehabilitating tracts of land and will also be adding them to the conservation estate. I think it would then be possible to claim a net gain of native vegetation cover over the state. But to say that it is a net benefit because we have added land to the conservation estate is not a genuine achievement. It is just shifting things around, and that is something we have to expose.

I want to look a little further at the EPA's 2006 "Position Statement No. 9". One of the points highlighted in the document is on page 25, and states —

It may be necessary to establish a repository of offset commitments to avoid double counting and to provide the basis of auditing success and compliance.

I think that is a very important point. We must have transparency around these issues. Essentially, these offsets are deals that have been cut between bureaucrats on the one hand and the legal teams or professional negotiators for companies such as WA Bluemetal on the other hand. I can guess who will win in those sorts of arrangements. The only protection for us as the people of Western Australia is absolute transparency around the nature of these deals. That is when we need a public register that contains all these offsets. We cannot have a register that includes just one category of offset; it has to be a comprehensive register that contains absolutely everything that is deemed an environmental offset. That is absolutely essential.

I want to turn to some of the principles that the EPA has established. As I say, its document is an excellent study of what offsets can and cannot achieve. It set the way for us. Unfortunately, the government came out with its own environmental offsets document of, I think, about four pages. It was a satisfactory document for the purpose of indicating to proponents some of the broad principles but it did not get into the level of detail that is absolutely essential when talking about things such as offsets, which in many cases will be worth millions of dollars. It is the way a company can make palatable something that might otherwise be objected to by the state. When I think about this excision of land from state forest 22, which the minister has told us is essentially jarrah-marri vegetation—I know some land nearby was acquired that will protect the head waters of Whitby Falls, and that is valuable—I note that with this land at Moore River, we are talking about a very different vegetation type. It might be argued that, in fact, this vegetation type is severely underrepresented in the conservation estate and therefore its value is greater than the value of the somewhat well-represented jarrah-marri vegetation we will lose with the WA Bluemetal proposal. I think that needs to be assessed properly and transparently and we need to look at the principles the EPA said should be considered when these projects are under consideration.

I will run through some of those principles —

**Environmental offsets should only be considered after all other reasonable attempts to mitigate adverse impacts have been exhausted.**

I would include another one there: “Proper consideration has been given to alternatives”, which I mentioned earlier. My knowledge is that blue metal is a fairly abundant material; there is loads of the stuff around. We do not have to go to state forests to get access to blue metal. It can be found on already cleared land within reasonable proximity to Perth and the sorts of construction projects the blue metal might be required for.

I know there is discussion around the preparation of documents known as basic raw materials documents, and that, of course, is under consideration in the strategic assessment work that is going on. We keenly await some word on when the strategic assessment document will be made available to us.

I will continue with the principles that the Environmental Protection Authority set. It also stated —

**An environmental offsets package should consider direct offsets and contributing offsets, ...**

It also goes into some detail on what that involves.

I think the next one is absolutely critical to the state forest 22 situation. The document reads —

**Environmental offsets should ideally be ‘like for like or better’**

That is why I say it is quite possible that on this occasion there is a case to say that the land that will be acquired and added to the conservation estate is something that has become more precious. Because we have destroyed so much of it, these remaining patches might be desperately needed additions to the conservation estate, so that is of some value.

The EPA raises a further point that —

**Positive environmental offset ratios should apply where risk of failure is apparent.**

An increase in the actual area of native vegetation cover is needed, not just an addition to the conservation estate.

A further point is that —

**Environmental offsets must entail a robust and consistent assessment process.**

I do not think we have had that in this case at all. I think we have it to some extent with the EPA formal assessment offset considerations, because that is a whole formal assessment process that can and should expose the offsets being offered.

A further point is that —

**Environmental offsets must meet all statutory requirements.**

I take it as given that that is the case with the excision for WA Bluemetal.

Another point is that —

**Environmental offsets must be clearly defined, ... transparent, ... and enforceable.**

I have a real concern because I do not know whether in 10 years someone will be able to say, “Yes, WA Bluemetal got that approval for that extension, but there is the land that was added to the conservation estate as a result of that.” As to public recording, yes, it will be in *Hansard*, but we do not have a document such as a consolidated environmental offsets register, and we desperately need one.

A further point is that —

**Environmental offsets must ensure a long lasting benefit.**

That is a fairly self-explanatory suggestion, I think.

I will quote from the EPA’s “Position Statement No. 9” on the issue of net loss. The EPA states —

While environmental offsets can offer a sustainable approach to environmental protection, the concept is not without its limitations. Long-term studies of environmental offset schemes overseas have shown that implementing offset projects without sufficient data, research, information, available resources, regulation and commitment will only result in a *net loss* of environmental assets and values—the opposite desired effect of environmental offsets ...

I think the EPA makes a very important point there that is based on a considerable amount of its own research and research from others, looking at overseas examples. We are not at all unique in wanting a good, workable offsets policy, but even as far back as 2006, we were well aware that there was potential for offset systems to fail us. That is what makes the EPA’s work so valuable; it has set what should be the parameters for a detailed consideration of any offset proposal.

The Environmental Protection Authority’s “Position Statement No. 9” continues —

This has been shown to be especially true for offsets related to natural ecosystems, especially wetlands and complex vegetation types. Therefore it is imperative to ensure that offset-related policies, programs and projects are robustly coordinated, monitored, managed, evaluated and enforced to ensure the environmental offset contributes to successful, long-term environmental outcomes.

That is what gives me serious doubts about the offset proposal before us, especially for the land that will protect the headwaters of Whitby Falls. I am really concerned that that will not be something that people will be able to closely monitor, and the same goes for the additional land that will go into Moore River National Park. These additions, of course, would necessitate some mention in the management plan for Moore River National Park. The status of the management plan for Moore River National Park escapes my knowledge, but I will try to get that researched as we head into our next discussion today that will touch on the issue of management plans. I am very concerned about the slow delivery of management plans, the poor turnaround time and the inability to review them and produce contemporary documents that reflect the conservation objectives of the land, not just the tourism aspects. We will come to that in further detail as we move on to discussion about amendments to the Conservation and Land Management Act.

The other excisions in this series strike me as reasonable. They, as I have said before, provide for Main Roads Western Australia to make our roads safer, and, of course, that is the priority. I note that Main Roads has committed to develop its own offsets. I do not think the minister made any mention in his speech a little while ago of the actual offsets that Main Roads will be involved in. He did, though, mention that the widening of these roads, especially the Pinjarra–Williams Road, were for the benefit of those travelling to the Boddington goldmine. I say again that I think we have to look at that. When we have particular mining projects causing us to upgrade roads, I think we have to look at the potential for the mine operator to be involved in the overall cost of some of these projects. There, again, it could be around the acquisition of land for an offset proposal. That would mean that already we would assume that a company with ownership of the Boddington goldmine would be involved in some substantial offsetting of its work—its clearing footprint—and it would not be too hard for it to add onto that an area that reflects the loss that we are having because of the widening of roads that make access to the mine easier.

I note the situation of Sir James Mitchell National Park with the Vasse Highway–South Western Highway intersection. The area is of particular vegetation types that I think are under-represented. We have a fairly heavy amount of loss in those vegetation types, and they should, again, be properly offset.

I look to the acquisitions relating to the Perth–Darwin highway. I gather an offset will be determined to offset the loss of native vegetation for 37 kilometres of road construction. That is a good thing, and I noted the minister's comments that of the area that will be destroyed about 19 hectares is pine plantation or former pine plantation, about 30 hectares is native vegetation, and about 41 hectares is, as he described it, regrowth and fallow land. I think he was suggesting that there was pine regrowth as well as native vegetation regrowth. That is the nature of the land that will be acquired for the road construction works, but there is a project to offset the overall amount of land being lost, principally from state forest 65. I am happy to support the partial revocations but I want to emphasise my concern about the process we are using to determine the offsets applied to these projects. It is absolutely urgent that we have a comprehensive offsets register that can be applied to all these projects and that there is some consistency and transparency around these offsets.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [12.50 pm]: Thank you for the opportunity to speak on this particular instrument, Mr Speaker. I am not even sure how to describe it. Is it a notice of motion or is it a —

**Ms S.F. McGurk:** It is a motion.

**Mr R.H. COOK:** It is a motion—excellent. Thank you very much for the opportunity to speak on this motion, Mr Speaker. I note from the comments by the member for Gosnells that we will support this motion, and it is sensible to do so. I want to pick up on a couple of very telling points the member for Gosnells made about the net benefit of the offsets. One observation the member for Gosnells made is that offsets are created for these sorts of revocations or when a parcel of bushland is utilised for some other purpose. We always assume that that is done with the best of intentions and we are trading like for like. As a member of Parliament representing an outer metropolitan electorate, I know that these issues are very much at the forefront of the minds of a lot of people as new suburbs develop, not necessarily on old farming land as one would expect in a place such as Baldivis, but in areas that to the untrained eye look like high-value bushland. I want to talk about a few of the experiences I have had in my electorate to date and how we come to these places.

First I will talk about the widening of Gilmore Avenue in Kwinana. Gilmore Avenue was a dual carriageway to a certain point and then a single-lane road down to Dixon Avenue. It was a bottleneck and it was a dangerous and very dark, winding piece of road. Unfortunately, a young 16-year-old girl was killed in a car crash on that stretch of road. When the government moved to extend the dual carriageway through to Dixon Avenue, the realignment of that road needed to be addressed. On either side of this road was Bush Forever land as well as a conservation area, and therefore some of that Bush Forever status needed to be revoked. I was very pleased to support that revocation because there was a clear public interest in that road being developed, albeit it meant the loss of a very small but obviously valuable piece of bushland. I should note that the Greens in the other place moved to disallow the revocation of that patch of Bush Forever site. In doing so, the Greens stuck to its guns and

principles on these things but there was a very clear and present public interest in the widening of that road going ahead. For me, the decision to support the revocation of that particular part of land was clear.

I am also drawn to the various mining tenements in my electorate. It may come as a surprise to some members that as a metropolitan member of Parliament, I have mining tenements in my electorate, but I actually have many sand mining tenements in my electorate. Much of that sand is needed for either mineral processing or landfill for land development in some suburbs. Residents in my electorate see bushland around them being developed and ploughed for other uses, which comes with an enhanced level of anxiety about the loss of that bushland. I am reminded in particular of an old rifle range in Banksia Avenue in the south of my electorate that has some valuable banksia woodland on it, albeit surrounded by what is considered to be a significant level of lead contamination from the old shells that litter that patch of land.

However, it is considered by the community to be valuable bushland and it is valued by black cockatoos that use that site for feeding. When the proposal comes to develop that land, in this case for a sand mine, the issue of offsets comes into play. We are assured by the authorities that offsets are indeed taking place with this sand mine but we do not know whether it is like for like. We do not know whether the offset for this sand mine is another feeding habitat for black cockatoos and has been set aside in perpetuity to preserve important feeding grounds. We do not know whether it is bushland of equally high ecological value or whether, in the public interest, it will add to our overall repository of conservation areas.

The member for Gosnells' contribution around having a register of offsets is a very good idea because we need much more transparency about these types of processes. Members of the public will otherwise struggle to decide whether an offset or, in general terms, the nature of an offset is continuing to maintain the high conservation values of our state. I am sure some members of the public are reassured by the assurances made by government departments or ministers of the Crown. However, the public will increasingly want greater transparency around this process. They will want to see for themselves that we are preserving our conservation estate and doing like-for-like swaps and that the offsets are in the public interest. It is important that we take heed of the comments made by the member for Gosnells and look at ways to reform this process. As the member for Gosnells said, we support this motion, albeit reluctantly, because none of us wants to see our conservation estate slowly eaten away. However, in future we must maintain greater transparency of this process and ensure that the information that people access about it is easily understood so we can all make a decision about the value of these processes.

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [12.58 pm] — in reply: I will quickly address a couple of questions from the member for Gosnells, because we are now moving on to other bills. The offset register currently applies under parts 4 and 5 of the act, so it picks up on those matters that would go through the Department of Environment Regulation. Admittedly, it will apply to all those matters that are decided upon from now on. I have asked the department to progressively add historical offsets into that register as well, but it starts at a point in time. The focus is on the offsets that apply from now and the department will progressively work back through the historical offsets and put them on the register.

**Mr C.J. Tallentire:** In the future, will the Moore River offset, about 300 hectares, be on this register?

**Mr A.P. JACOB:** I expect that it will be because it will still need to go through to DER for a clearing permit as well.

**Mr C.J. Tallentire:** It is not a part 4 or part 5 assessment is it?

**Mr A.P. JACOB:** No, not at this stage, but it will have to go for a part 4 or part 5 requirement after the revocation—that is just an excision around the revocation. I take the point about Department of Parks and Wildlife excision offsets because they do happen from time to time. The offset register will be a good central collection point and I will take that comment away and look into that for the future.

Irrespective of that, I expect that this one will require a clearing permit anyway. This offset will probably end up popping up on the register through that means. Since coming into office, this government has developed offset guidelines. We now have a formal offset policy to give some parameters, which the member for Gosnells is aware of. Just to flag for the member, the government is also working on offset metrics, which I know other states in the commonwealth use, again to give a much clearer framework and rules set around which offsets would be applied.

Question put and passed.

*Request for Council's Concurrence*

On motion by **Mr A.P. Jacob (Minister for Environment)**, resolved —

That the Legislative Council be acquainted accordingly and requested to agree to a similar resolution.

**CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2015***Consideration in Detail*

**Clause 1 put and passed.**

**Clause 2: Commencement —**

**Mr C.J. TALLENTIRE:** The Conservation and Land Management Amendment Bill captures a range of amendments. Some amendments clearly relate to the Wildlife Conservation Act. I know that the government has in preparation a bill to replace the Wildlife Conservation Act—a biodiversity conservation act. My question is about the interplay between this amendment bill, the existing Conservation and Land Management Act, the Wildlife Conservation Act and, it is hoped, the soon-to-be-exposed biodiversity conservation act. This is a really important point because we know that in many aspects of the Wildlife Conservation Act, the definitions of, for example, CEO are those referred to in the Conservation and Land Management Act—the act we are about to amend. We need from the Minister for Environment some explanation of how these acts relate to one another, especially in the timing of these bills. Many people asked me when they heard that this bill was coming before the Parliament whether it was the big one that they had been waiting for; whether it was going to be the new biodiversity conservation act. I had to say no, that this was just a series of relatively small—I will not say minor—amendments to the Conservation and Land Management Act. People were already asking what the connection between these pieces of legislation was going to be. Then they put the question: why would we not wait until we have the new biodiversity conservation act in place? Why would we not focus the Parliament's energy on getting that bill through before passing these amendments? I imagine a series of consequential amendments to the Conservation and Land Management Act will be needed once the biodiversity legislation is presented to this Parliament.

I note also that bills relating to the environment have a substantial waiting period before they are debated in this place. There seems to be limited time available for legislation that is of an environmental nature. I am keen to have the reassurance of the minister that the biodiversity conservation bill is soon to be presented, but, first of all, I put to the minister that question about how these various pieces of legislation relate to one another. What is his rationale for sequencing the bills in this way?

**Mr A.P. JACOB:** I thank the member for Gosnells for the question. The acts obviously deal with separate matters. The biodiversity conservation legislation will deal particularly with threatened ecological communities, which is all the flora and fauna of this state, whereas the Conservation and Land Management Amendment Bill is more of a land management bill. Both are important. I reiterate that the government is working very hard on the development of a biodiversity conservation act. We are in the drafting phase of that bill. I am keen to bring it to this place as soon as we can. However, that legislation involves an entire rewrite. Starting from scratch, it will be an entirely new piece of legislation replacing existing legislation that goes back 65 years. It is a very large undertaking. Although a lot of this package is significant, this is really just an amendment package that we are taking through the CALM act. It is a wideranging amendment package. It picks up a range of matters, some of which are probably quite overdue, and it is good to pick them up as well. Inevitably, those two bills will have a degree of interaction. I cannot go into what will be in the proposed biodiversity conservation bill at this time because, obviously, I do not yet have a draft to present to Parliament. Although there may be some minor consequential amendments to the CALM act, any consequential amendments from a new biodiversity conservation act will by no means be anywhere near as wideranging as these current proposed Conservation and Land Management Act amendments.

**Mr C.J. TALLENTIRE:** One thing that is probably the headline issue in the bill before this place is the creation of the Conservation and Parks Commission—that is, the merging of the Conservation Commission of Western Australia and the Marine Parks and Reserves Authority into a single entity that had been notionally discussed as the biodiversity conservation commission. The minister has chosen to name it the Conservation and Parks Commission. I do not think the nomenclature matters too much. The essential thing to recognise is that, as I understand it—we will get into this in more detail as we go through—the Conservation and Parks Commission will have responsibility for the vesting of the land. The minister made the point in his response a few moments ago that the conservation lands of the state will be vested in this new body, whereas currently they are vested in those two individual bodies. That has been consolidated, but my understanding is that the intent of a biodiversity conservation act would also be to put the responsibility for biodiversity conservation with this new body, the new Conservation and Parks Commission. It is not going to be a body that is responsible for just the land; it is going to be a body with which responsibility for the state's biodiversity conservation will be vested. The land administration will be vested with the Conservation and Parks Commission, as will the responsibility for biodiversity across the state.

**The ACTING SPEAKER (Mr P. Abetz):** Member, this is about the commencement of the bill, and some of these issues could be raised when we deal with the relevant clauses.

**Mr C.J. TALLENTIRE:** Thank you, Mr Acting Speaker. I am sure that is the case. I raise this point now, though, because it is about the timing of things and the fact that the act will come into operation as follows: part 1 on the day on which the act receives the royal assent, and the rest of the act on a day fixed by proclamation, and different days may be fixed for different provisions. I wonder whether we might find that the timing of some parts of this legislation would come into effect dependent on the passage of the new biodiversity conservation act when eventually that does come to this place.

**Mr A.P. JACOB:** The short answer is no. This package will stand on its own merits. Although it includes the merging of the Conservation Commission of Western Australia and the Marine Parks and Reserves Authority, which I think both sides have supported for some time, so it is good to see the merging of those two vesting bodies, it contains a number of other very important proposals that have been around for a long time, such as an infringement enforcement ability, which will make a big difference to land management more generally. It also provides for formal recognition of regional parks. However, in my personal view, the most significant inclusion in this package is the legislative head of power for joint vesting with traditional owner bodies, which obviously has a big interface with the proposed new vesting body of the state.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Long title amended —**

**Mr C.J. TALLENTIRE:** This clause seeks to amend the Conservation and Land Management Act by deleting “to establish authorities to be responsible therefor” and inserting “to establish the Conservation and Parks Commission”. Although we support the notion of the consolidation of the two bodies into a single body, what advice did the minister get on the need to specifically name the body on this occasion? We have not done that in the past; we have been happy to generally indicate that there will be authorities. Why would we not have just inserted “to establish an authority to be responsible therefor”? Why have we decided to name it the Conservation and Parks Commission?

**Mr A.P. JACOB:** The merging of those two bodies was an election commitment that the Liberal Party took to the 2013 election and that naming came from an election policy.

**Mr C.J. TALLENTIRE:** I am not questioning the rationale behind merging the two bodies; I am asking why the minister has decided to specifically name the body at this point. Over the years—I am sure that the minister’s adviser will be able to assist—the Conservation Commission has had a number of names. I think at one stage it was called the WA parks and reserves authority and there also might have been a name before that. The beauty of the existing wording was that it enabled us to change the title and, no doubt, change some of the emphasis of the scope of works of the body, the nature of the vestings and what have you. We had that flexibility, but the minister wants to amend the Conservation and Land Management Act so that it is tied down and we are locked in to calling it the Conservation and Parks Commission. I indicate that there may be some risks associated with locking us in in that way. We may see over time that it may need to be called, as Labor proposed, the biodiversity commission; that may be found to be a more appropriate title for the commission. So why choose this lock-in? Yes, the Liberal Party went with the commitment to create a body, but I do not think it was explicit about the title of that body when it went to the election, so I do not think it can claim that there is a mandate to call this thing the Conservation and Parks Commission. In any event, why not use the wisdom of history and recognise that sometimes these bodies need to change their title over time and therefore say that the clause is about establishing “an authority” to be responsible. That is the wording we have had in the past and it has served us well. Yes, we agree to consolidate, but all the minister had to do was change the word “authorities” to “an authority” and we would have had a perfectly acceptable line in the bill.

**Mr A.P. JACOB:** The advice I have is that in order for the body to be a formal body, it needs to have a formal name in the legislation.

**Mr R.H. COOK:** On that point, will this stop the authority from marketing or trading under a different title? For instance, as an almost hypothetical situation, there is the Western Australian Health Promotion Foundation, but of course we know it as Healthway. This entity might want to present itself as “Parks WA” or some equally inventive name. Would this stop it from trading under a different title?

**Mr A.P. Jacob:** The short answer to that is no.

**Clause put and passed.**

**Clause 5: Section 3 amended —**

**Mr C.J. TALLENTIRE:** I move —

Page 4, after line 22 — To insert —

*Scientific Advisory Committee* means the Conservation and Parks Scientific Advisory Committee established by section 26F;

I want to talk about the importance of science in delivering our conservation estate and making sure that we have a comprehensive, adequate and representative reserve system for Western Australia that captures all the environmental values that we treasure and is designed to enable all the ecological processes to continue. It is a very complex scientific undertaking to do that; the very best science is required. We have already talked about how this bill seeks to merge the Conservation Commission and the Marine Parks and Reserves Authority. I think the Marine Parks and Reserves Authority currently has seven members and the Conservation Commission—the minister might be able to help me—has about 12 members.

**Mr A.P. Jacob:** I will have to check. The MPRA has seven and the Conservation Commission is definitely larger.

**Mr C.J. TALLENTIRE:** That is all I need to know. We are collapsing those bodies so that there will be only seven members on the new body. When that is done, inevitably the amount of expertise on the new body will be restricted; it will be reduced. We accept that we need a commission that is a viable size, and there is an argument to say that when there are 12 or 14 people on a commission, it becomes difficult and unworkable. However, with the number of people on the Western Australian Planning Commission, one of the most important development bodies in this state, it seems to function reasonably well.

Leaving that aside, we accept that the government wants to create a body with just seven people on it, but the fact is that the work that this body will have to do will often be of a highly complex and scientific nature. That is why the current arrangement, which allows for a scientific advisory committee to the MPRA, makes sense today when there is a stand-alone marine body, and I think it makes even more sense tomorrow when we will have condensed the two bodies, the terrestrial and the marine, into the Conservation and Parks Commission. It will be very important that we get the very best scientific advice. I note that the government has drawn on the scientific expertise that has been available to it through an advisory committee. I looked at the Marine Parks and Reserves Authority's 2010–11 annual report and it was made very clear in that report—and, I am sure, in other reports—that it was absolutely essential to have the ability to create a scientific advisory body. That is why I am seeking to insert this amendment into the definitions.

**Ms S.F. McGURK:** I am interested in what the member is saying.

**Mr C.J. TALLENTIRE:** I would like to quote from the MPRA's 2010–11 annual report in which it reports on the work it had been doing on the Camden Sound Marine Park. It states, on page 2 —

In relation to Camden Sound, the Premier and Minister for Environment announced on 3 October, 2009, that a marine park would be created in the Camden Sound area. On 22 October 2010, the IMP —

That is the indicative management plan —

for Camden Sound was released for the statutory three month public submission period, which closed on 1 February 2011. The MPRA subsequently prepared its advice on the public submissions which was also informed by advice the MPRA received from an independent scientific advisory committee it had established. This report recommended a number of significant changes to the IMP. The MPRA is informed that a revised indicative management plan has been provided to the Government and is currently being considered.

We all know that there was a happy outcome from that—the Camden Sound Marine Park was established. The point is that that outcome was thanks to the advice of the scientific advisory panel. There is some more information about the nature of that scientific advisory panel: it was actually called a temporary scientific advisory committee and was referred to as the TACMAC. If I can quote again, this time from page 7 of the annual report, it states —

A Temporary Scientific Advisory Committee to the MPRA (the “TACMAC”) was established to provide independent scientific advice to the MPRA on matters raised in the public submissions for the proposed Camden Sound Marine Park (CSMP) and the overall design of the marine park in relation to scientific best practice. The TACMAC membership comprised independent scientists with a background and expertise in the matters raised by the public submissions. Dr Trevor Ward was appointed the subcommittee Chair. The TACMAC met on two occasions in 2010/2011 and provided formal written advice to the MPRA. It was then disbanded.

We can see that this arrangement has served us well; it has helped the government to establish Camden Sound Marine Park and has ensured that it has the necessary sanctuary zones and what have you, and helped make the complex scientific decisions that have to be made. They are best made with the wisdom and scientific input that can come from this sort of advisory panel.

I have moved this amendment to include this definition to ensure that we retain a scientific advisory committee. It is essential that science underpins our decision-making, and the minister knows that we have a real issue coming up in respect of the Roebuck Bay Marine Park. I know that the minister has been lobbied by and has

received submissions from those who do not like the idea of sanctuary zones. The minister has received a letter signed by 32 eminent marine scientists saying that the Roebuck Bay Marine Park must have a sanctuary zone in it. This is exactly the sort of difficult situation that the Minister for Environment can find himself in which he needs to have the best possible information coming forward. This is exactly why the minister needs that capacity to create a scientific advisory committee.

The minister knows me; he knows that I am not trying to score political points off him on this issue at all. I am simply putting it to him that the best way to protect environmental values in this state and to ensure that we deliver what the public expects when we create marine parks is to get the best scientific input. That is why we have to include in this legislation the capacity to have a scientific advisory committee, and that is why I moved this amendment.

**Mr A.P. JACOB:** Noting the member for Gosnells' comments around retaining a legislative head of power for a statutory scientific advisory committee, the existing scientific advisory committee has not actually operated since the 1990s. The current Conservation and Land Management Act allows for that body to exist, but it has not existed in any form since the 90s. As the member for Gosnells just mentioned, there is the ability to seek scientific advice on Camden Sound Marine Park, or Lalang-garram, without that statutory body. Given that this government has a clear policy objective of reducing the number of statutory committees, I do not support the amendment that the member for Gosnells has moved to put within this legislation a provision to establish a new statutory committee. However, acknowledging the need for scientific advice from time to time and that often that scientific advice will need to be tailored to the specific circumstances for which it is required, it is important to note that nothing in this legislation will preclude that. This legislation will still allow the establishment of informal scientific advisory committees on an as-needs basis going forward.

**Ms S.F. McGURK:** I am interested in the minister's response to the amendment. Why would the government not enshrine its respect for scientific rigour in the decision-making processes contained within this legislation by ensuring that there is a scientific advisory committee on which it can draw for advice? I know that the party the minister represents does not have a great track record of respecting the science on climate change, for example, but on matters relating to this bill, surely the government would want to ensure that empirical evidence and the best scientific advice available could be called upon during the decision-making processes relating to conservation and land management issues in this state.

**Mr A.P. JACOB:** In short, member for Fremantle, the scientific advice that I might have needed around Montgomery Reef is going to be very different from the scientific advice that I might need for the establishment of a new nature reserve, for example, around Victoria Springs, roughly in the centre of Western Australia. In respect of scientific advice, having a formal scientific advisory committee is, in my view, quite a clunky way to approach this matter. Scientific advice to the new commission and to the minister is very important, but Western Australia covers one-third of the continent, and that scientific advice will need to be tailored to the circumstances required. Noting that the formal committee that this legislation allows for has not functioned since the 1990s and that the government has a clear policy position of reducing the number of statutory committees within government—particularly those that have been essentially defunct since the 1990s—I support the removal of the formal statutory scientific advisory committee and note that we will continue, as we have since the 1990s, to build informal committees when we require advice. Those informal committees will therefore have the flexibility to feed to us information specific to the circumstances for which it is required.

**Mr C.J. TALLENTIRE:** I do not know how the minister can say that there has not been a need for the use of scientific advisory committees since the 1990s; I have given the very clear example of the TACMAC, which was formed in 2010–11. That is clearly an example of a scientific advisory committee; that is exactly what it was, and it is something that the minister has to be able to draw upon. To say that he does not want to have that capacity any longer means that he wants to shut himself out from getting the best scientific advice available. If we were to accept his argument that this committee has not actually been used since the 1990s—I think it is clear from the Camden Sound case that it was used—what about the issue of a much more condensed conservation and parks commission, a body that is not going to have anywhere near the level of marine scientific expertise that we previously found in the MPRA?

**Mr A.P. JACOB:** The member for Gosnells is using the example of Camden Sound. The committee that the MPRA used for Camden Sound was not the statutory authority committee that the current Conservation and Land Management Act allows for. It was an informal committee that the new vesting body will still be able to make use of, through the minister, at that time. That is probably a very good example of why I am not supporting the member's amendment; that is not even what is happening under the existing act. There is a formal statutory body that could potentially be tapped into, but nobody is even choosing to use it because it does not have the flexibility to respond to the vast variances across the state.

**Mr C.J. TALLENTIRE:** Is the minister saying that the MPRA did not invoke the CALM act to establish the scientific advisory panel for Camden Sound?

**Mr A.P. Jacob:** It did, but not this provision.

**Mr C.J. TALLENTIRE:** So the MPRA did use that power to create a scientific advisory panel to create a scientific advisory panel for Camden Sound.

**Mr A.P. Jacob:** Not this one.

**Mr C.J. TALLENTIRE:** Can we require the minister to stand when he is responding? It is very important that we get this on the record. I will put the question again. Did the MPRA use the powers in the CALM act to establish a scientific committee to get that Camden Sound scientific advice?

**Mr A.P. JACOB:** The MPRA did not use the powers in the CALM act under the current part III, under the definition of “Marine Committee”, which means the Marine Parks and Reserves Scientific Advisory Committee established by section 26F. It did not use those powers to establish the subcommittee that provided advice. My understanding is that the powers of the CALM act that the MPRA used will be retained after these amendments. That ability will remain.

**Ms S.F. McGURK:** Can the minister point to the specific provisions that were invoked to create the committee he was just discussing?

**Mr A.P. Jacob:** We can track those down for you, but they come in at a later point in the bill.

**Ms S.F. McGURK:** Sorry, I just did not hear that answer.

**The ACTING SPEAKER:** Minister, is that a formal response?

**Mr A.P. JACOB:** I will find out the exact clause for the member, but it is somewhat further down the bill. My adviser will find the specific clause while we are considering this amendment.

**Mr C.J. TALLENTIRE:** I refer to comments from Mr Eric Streitberg who was chair of the MPRA at the time of the creation of Camden Sound Marine Park. He was not happy with the advice that was coming to him from those in the department who were preparing the advice on Camden Sound Marine Park. That was one of the reasons the interim management plan was inadequate. Why would the minister want to deprive us of this ability to check things by making sure that we have the capacity to call in a scientific advisory panel when there is some disconnect between the advice of the department, the advice in public submissions, and, perhaps, the minister’s personal views? Why would the minister not want to protect himself by ensuring that there is a scientific advisory committee that is capable of doing this job? At the moment, the minister will be suffering because he will have a seven-member Conservation and Parks Commission with, at best, four members of a terrestrial bent—we will come to the backgrounds of these people later when we discuss that part of the bill—and only three people with any marine background. The minister is more than ever in need of a scientific advisory committee. Why would the minister not retain that committee? He has suggested that he has some agenda to get rid of various committees. Is it because there is a cost factor? Can the minister outline how much this committee has cost the government over the past 20 years?

**Mr A.P. Jacob:** Yes, I can.

**Mr C.J. TALLENTIRE:** I do not think the minister can, because he said himself that this capacity has not been used since 1990. It has not cost anything, so why would the minister want to remove the capacity to create this committee, when we move into a new world when there will be less marine advice on the Conservation and Parks Commission?

**Mr A.P. JACOB:** I might tackle the questions of the member for Gosnells from a bit of a different angle. This goes back to his questions on the earlier clause as well. Perhaps a better way to look at this is to realise that this legislation merges not only the Conservation Commission and the Marine Parks and Reserves Authority, but also three bodies that exist under the current act—the Conservation Commission, the MPRA and the Marine Committee. The current CALM act as it stands establishes those as three separate bodies—if you like, as three statutory authorities—and our election commitment was that we would have one clear statutory authority, and that is what this bill seeks to achieve. Accepting that the Marine Committee has been defunct, or has not operated, since the 1990s, irrespective of that, our goal here is to have one vesting body—one statutory authority. The ability will remain to establish, on an informal basis, subcommittees that can feed in advice.

**Mr C.J. TALLENTIRE:** The scientific advisory committee is something that the minister needs now. Let us face it: the whole Roebuck Bay marine park fiasco is unfolding, in which the minister is saying that he does not think there should be a sanctuary zone, even though eminent marine tourism operators in the area are telling us that they want a sanctuary zone. They want a satisfactory airing of the scientific basis for that sanctuary zone, so the minister now needs that scientific advisory committee more than ever. The minister is saying that such a committee can be established on an informal basis, but why would he not have done that already? The actions of the government and its inability to manage the development of the Roebuck Bay marine park show that it desperately needs this body in place. The minister mentioned the government’s election commitments, and the loose interpretation of those commitments to form one body, but that was for the vesting. Anyone reading those Liberal Party policy documents would see that that was about having the conservation estate—marine and

terrestrial—vested in a single body. There was no mention of eliminating scientific advice. If the Liberal Party wants to continue this line of eliminating scientific advice and removing formal committees that provide scientific advice from the statutes or from the list of various government committees, it is on really shaky ground. Roebuck Bay is a live example of why the government needs a scientific advisory committee. There is also the desire of all Western Australians, I believe, to ensure that we make decisions on the basis of sound science. If the minister wants to continue down this path of having bodies make decisions based on political whims and vagaries, and some sort of notion about a marine park that does not have a sanctuary zone even though all the best scientific advice is that we should have a sanctuary zone, he is robbing us of the opportunity to have decent marine parks and a conservation estate that is underpinned by good science. Why can the minister not bring himself to ensure that the very best of science is permanently available to the new CPC?

**Mr A.P. JACOB:** The very best available science will be available.

**Ms S.F. McGURK:** Can the minister outline what is in the substantive act that compels the government to avail itself of the best scientific advice—advice that is independent and rigorous?

**Mr A.P. JACOB:** We will just have a quick look at the functions of the CEO. Irrespective of that, that scientific advice exists and it is also within the powers of the minister to pursue it. It is obviously worth noting that this place that we are sitting in right now also acts as an accountability measure on the government of the day.

**Mr C.J. TALLENTIRE:** I want to come back to this issue. The minister is suggesting that the composition of the temporary scientific advisory committee for Camden Sound was somehow separate from the capacities that exist under the act to use a scientific advisory committee. Can the minister go into some detail on how the TACMAC was not a scientific advisory committee? Were the members not paid in the same manner as members of the scientific advisory committee would have been paid?

**Mr A.P. JACOB:** I was not the minister at the time of the TACMAC that the member for Gosnells is referring to but, as I said, that advice group was not established under the clause of the Marine Parks and Reserves Authority's formal scientific advisory committee. No group has been established under that banner, which has been contained in the existing act since the 1990s.

**Mr C.J. TALLENTIRE:** What were the parameters and what was the rule book by which the TACMAC was playing? How can the government constitute a body such as the TACMAC without telling its members what their task is and what the nature of their responsibilities would be? Is the minister trying to tell me that there was no reference at all? Did those members of the MPRA who decided it was necessary to have the TACMAC never make any allusion or reference to the framework about which the scientific advisory committee would be set up?

**Mr A.P. JACOB:** As I said, I was not the Minister for Environment at the time of the establishment of that group. The advice to me is that it was a request of the Marine Parks and Reserves Authority at that time through the minister's office and the minister of the day approved the terms of reference and the establishment of that committee.

**Mr C.J. TALLENTIRE:** This really does go back to the issue of how the Barnett government treats science. I understand that the Premier is the Minister for Science so surely the minister would have consulted with him about getting rid of such a scientific advisory committee. I note that the government has made much play of its enthusiasm for the rollout of marine parks. I have various maps of the government's rollout of marine parks. Surely the government is making the connection between those marine parks and the need for them to be underpinned by good science. How is the government going about doing that if it will not constitute a scientific advisory committee?

**Mr A.P. JACOB:** This government has an incredibly strong track record in the field of science, particularly in the area of biodiversity conservation science and environment in Western Australia. I will not use the opportunity for a dorothy dixer to go into what we have been doing in that space. I put it to the member that our record is unparalleled in the space of science, particularly as it relates to biodiversity conservation and the environment in Western Australia.

I make the point again that the committee that the member for Gosnells continues to refer to has not operationally existed. It has existed as two lines in a piece of legislation. There have been no members of that committee. It has not held any meetings since the 1990s. Clearly, members opposite did not think it was that important because they had two terms of government within that period and they never established it either.

**Mr C.J. TALLENTIRE:** The minister is saying that the Barnett government is committed to science. Why then is he refusing to accept the advice of 32 eminent marine scientists who are giving him advice that the proposed Roebuck Bay marine park must have a network of sanctuary zones within it? I note that those 32 scientists have worked in Roebuck Bay. They are not scientists who have some sort of theoretical connection with Roebuck Bay or marine science and sanctuary zones. Those people have been involved in projects on the ground, in the water around Roebuck Bay. Why is the minister rejecting the need for a scientific advisory committee when it is the only protection he could possibly have against the charge of 32 marine scientists that Roebuck Bay marine park must have a sanctuary zone?

**Mr A.P. JACOB:** This is a good opportunity to maybe respond to that. I will not go into it too much further other than to say that in the marine park space, in particular, no government before or, I suspect, since will be able to match the record of this government, which is seeing a 250 per cent increase in our marine park estate, particularly through the Kimberley but also right across the state of Western Australia more generally.

With regard to the comments made by the member about Roebuck Bay, we will no doubt have an opportunity to debate that further. However, it does not relate to the clause in front of us and also I have not been commenting on that matter more broadly anyway because this is the time for the general public to comment. It is a draft plan at this stage. I am inviting feedback from the general public and we will see what comes out through that process.

**Mr C.J. TALLENTIRE:** I think the minister's claim that he is committed to marine parks is about to be exposed as a commitment to the creation of paper parks. All the scientific advice is that if we do not have sanctuary zones within marine parks, they are of very little value. The Gallop government made a commitment going into the 2005 election that 34 per cent of the Ningaloo Marine Park be set aside as a sanctuary zone. In contrast, the government is creating marine parks with no sanctuary zones—zero. The government needs scientific advice on this. It is refusing to accept the publicly available advice from scientists who have expertise in that academic area but also in the water and on the ground in Roebuck Bay. The government needs scientific advice. Where will it get it from if it does not vote for this scientific advisory committee?

**Mr A.P. JACOB:** Again, I remind the house that we are talking about a committee that has not existed since the 1990s, one which two previous terms of Labor government never bothered engaging in when they were in government either. Clearly, its time has passed. There are better ways to address these matters.

In addressing Roebuck Bay, and as I said in my reply to the second reading debate on this matter, a range of stakeholders come to the table on every expansion of our conservation estate, in particular, around what this government is doing for the Kimberley science and conservation strategy both on land and in the water. Camden Sound, which the member has referred to, was largely done in partnership with the traditional owners there—the Dambimangari people. That saw the establishment of sanctuary zones around Montgomery Reef and also up at the Champagne Islands. Roebuck Bay, as has been done for Eighty Mile Beach and Camden Sound and as will be done for all our Kimberley science and conservation strategy marine park expansions, is being done in the first instance with traditional owners. Roebuck Bay is particularly interesting because some of the intertidal areas and some of the mainland areas that Parks and Wildlife will be managing under that draft indicative management plan are not only native title land, but also freehold land of the Yaru, which have provided the opportunity for the state to jointly manage it on their behalf. As I said in my reply to the second reading debate, the single most important view for me is that of the traditional owners and then we work down from there, particularly when we are talking about joint vesting and joint management. Again, they are the people we talk to first in this space—the Yaru in the case of Roebuck Bay, the Dambimangari in the case of Camden Sound and a range of other traditional owners across the Kimberley.

**Mr R.H. COOK:** I pick up on a point made by the member for Fremantle. The minister observed that this committee has not been utilised at any stage since the 1990s, which is a valid observation; however, the minister would agree with the opposition that we are now in new territory. Never before in Australia's history has the issue of science in relation to the environment been challenged as it is today. In fact, the minister's federal leader believes that climate change, which is potentially the biggest issue confronting the global community today, is crap. That is a direct challenge to the Minister for Environment and the scientists that advise him. The concern on our side for the minister is that in fending off the ignorance of people who say climate change is crap —

**Mr C.J. Barnett:** Raise your standard!

**Mr R.H. COOK:** I am quoting the Prime Minister. I should perhaps have said, to keep the debate parliamentary, and I quote the Prime Minister who said, "Climate change is crap." From that point of view, never has science been so under siege and under attack than it is in our current political climate. The minister will understand why we are anxious, on his behalf, to make sure he has the most robust legislative framework to rebuff these changes, which I am sure the minister would agree are fuelled by ignorance and, potentially, greed. From that point of view, the opposition wants to make sure the minister has the most robust framework possible. Would the minister not agree with the opposition that having a statutory framework that enshrines the role of science in the work of the Conservation and Parks Commission would play an important role in making sure that science stays at the forefront of our conservation policies?

**Mr A.P. JACOB:** The line that the member for Kwinana used there was "to make sure he has the most robust legislative framework" available to the government. I agree with that. Since the 1990s we have probably seen the most significant expansion, certainly of our marine park estate but also on our terrestrial estate as well, and nobody since the 1990s has bothered invoking this committee. It is a reflection of where this committee sits in providing scientific advice. I go back to the earlier example I used. Western Australia is one-third of the continent. What we are dealing with in Camden Sound or up through the Kimberley is entirely different from that on the south coast, Cape Le Grand or at places such as Lorna Glen, which is in the dead centre of this state.

To have a statutory body that would somehow be the repository of scientific knowledge to cover the entire state of Western Australia is not a functional way to approach the need for scientific knowledge, because inputs are needed for specific tailored circumstance. That will be the practice going forward and has been the practice to this point since the 1990s. No government since the 1990s has used this formal statutory scientific advisory committee. Instead, as needs arose governments sought a specific tailor-made scientific advisory group to suit the circumstances of the time.

**Mr C.J. TALLENTIRE:** The minister keeps saying that the committee is not necessary, but he has broad legislation in this place that reduces the size of that overarching body. If my recollection serves me, the Conservation Commission of Western Australia had nine members and the Marine Parks and Reserves Authority seven, so the minister is reducing the number from 16 to seven people. Surely we need the very best and this government—we will do it when we are in government—should be pushing ahead with the rollout of marine parks based on the best marine science. We cannot pretend that the best marine scientists exist in the Department of Parks and Wildlife. Yes, it has some good and able scientists, but we need to acknowledge there are some very good and competent people at the Western Australian Museum, in the universities, and other institutions such as marine science institutions, and industry, which are brought together through groups such as the Western Australian Marine Science Institution and various others. Surely that is why we need a body that can bring all those people together. To rely only on the scientific interests of seven people—we are not even sure they are going to be people with a scientific background—is depriving the state of the scientific rigour that we must use. That is why we receive letters such as this from 32 eminent scientists telling us how deficient the minister's proposal is for Roebuck Bay. The minister will constantly get letters such as this if he does not defend himself and arm himself with a scientific advisory committee. The minister must accept that this amendment is essential to making this bill work.

*Division*

Amendment put and a division taken, the Acting Speaker (Mr P. Abetz) casting his vote with the noes, with the following result —

Ayes (17)

Ms L.L. Baker	Mr D.J. Kelly	Ms M.M. Quirk	Mr B.S. Wyatt
Dr A.D. Buti	Ms S.F. McGurk	Mrs M.H. Roberts	Mr D.A. Templeman ( <i>Teller</i> )
Mr R.H. Cook	Mr M.P. Murray	Ms R. Saffioti	
Ms J.M. Freeman	Mr P. Papalia	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr J.R. Quigley	Mr P.C. Tinley	

Noes (28)

Mr P. Abetz	Ms W.M. Duncan	Mr A.P. Jacob	Ms A.R. Mitchell
Mr F.A. Alban	Ms E. Evangel	Mr R.F. Johnson	Mr N.W. Morton
Mr I.C. Blayney	Mr J.M. Francis	Mr S.K. L'Estrange	Dr M.D. Nahan
Mr I.M. Britza	Mrs G.J. Godfrey	Mr W.R. Marmion	Mr D.C. Nalder
Mr G.M. Castrilli	Dr K.D. Hames	Mr J.E. McGrath	Mr J. Norberger
Mr V.A. Catania	Mrs L.M. Harvey	Ms L. Mettam	Mr A.J. Simpson
Mr J.H.D. Day	Mr C.D. Hatton	Mr P.T. Miles	Mr A. Krsticevic ( <i>Teller</i> )

Pair

Ms J. Farrer

Mr R.S. Love

**Amendment thus negated.**

Debate interrupted, pursuant to standing orders.

[Continued on page 6020.]

**QUESTIONS WITHOUT NOTICE**

**WA ADULT CANCER CARE TASKFORCE REPORT**

**680. Mr R.H. COOK to the Minister for Health:**

I refer to the 2015 WA Adult Cancer Care Taskforce report and its recommendations to improve cancer services in light of scathing performance statistics and concerns about cancer treatment delays and outcomes.

- (1) Has the minister now had an opportunity to read the report that was submitted to his department three months ago?
- (2) Will the minister heed the calls of the Australian Medical Association, which has claimed this morning that the rigidly applied full-time equivalent cap is causing negative distortions in the system of cancer care, and implement the recommendations of the report?

**Dr K.D. HAMES replied:**

(1)–(2) I could easily say “Yes” and “Yes” and sit down, but that does not give sufficient credence to the issue at hand. Yes, I have now requested and read that report. I have to say, I found it was a very good report. It justifies my—what was the term the Leader of the Opposition used yesterday?—interrogating the decision; that was the term he used. I am very pleased that I interrogated that decision and requested this report because it is very revealing about some of the issues that have occurred with the transfer of oncology services from Royal Perth Hospital to Fiona Stanley Hospital. In fact, it reflected some of the issues that had been raised with me both by doctors and in letters of complaints about the quality of service. Clearly, requesting this report was the right thing to do. I find it a very good report. As I said yesterday, I think the director general is meeting with Professor Saunders on Friday; she is away in Melbourne, as members know, and will be back on Friday. He is sitting down with her. Already, they are working through those issues of costings, staffing and implementation of the recommendations that have been made. I feel confident that we will be able to address most, if not all, of those concerns over the next few weeks.

With regard to the full-time equivalent cap, I read the component about the FTE cap. Quite clearly, I understand that not all the clinicians were at the meeting where all of the report was decided because I find it hard to understand how 20 clinicians could have it wrong about rigid FTE caps. The AMA is quoting only what is in the report where the report stated that rigid FTE caps have caused significant distortions. There are no rigid FTE caps; in fact, our total FTE numbers are fewer than the cap that has been provided by Treasury. What we have is an activity-based funding amount. Remember that our amount that we pay to our staff for activity-based funding is at present above not only the national efficient price—significantly above the national efficient price; second highest above it than any other state—but also the state price. A department, wherever it is, gets an amount of money based on the demand that comes through the door, so based on the number of patients needing treatment and their severity. It gets a budget allocation of that amount, which is greater than any other state. Within that, it fills the FTEs as required; it can have more FTEs or fewer in another area, so it is not restricted with an FTE cap. What we do have, though, is the director general needs to approve any new FTEs going into a department because some areas have put in more FTEs than their activity-based funding allows. Hence, in some areas we have staff that are over the numbers that are required. It is not the case in cancer services, but nevertheless, there is no rigid FTE cap. The AMA is wrong, but it has copied what is in the report. The clinicians clearly do not have an understanding—that is not to say that all 20 do not have an understanding, because I gather that not all of them were at the meeting when that particular issue was finalised. I would hope that some of them do have an understanding. But within their budgets, they control FTE numbers, albeit that they need to tick off from the department, from the DG, on the amount of money that they spend.

**Mr W.J. Johnston** interjected.

**The SPEAKER:** Member for Cannington, I call you to order for the first time.

#### WA ADULT CANCER CARE TASKFORCE REPORT

**681. Mr R.H. COOK to the Minister for Health:**

I have a supplementary question. Given the minister’s glowing endorsement of the report just now, does he believe that the report’s authors—20 respected senior doctors, nurses and heads of department—were exaggerating the problems in cancer services and were being hysterical?

**Dr K.D. HAMES replied:**

No. I have never said that they were being hysterical. I do not know who said that.

**Mr W.J. Johnston** interjected.

**The SPEAKER:** Member for Cannington!

**Dr K.D. HAMES:** What I did say was that some of the comments that were made by individual doctors were anecdotal; they do not match the statistics that we have about levels of cancer care. I think what has been hysterical is the interpretation of some of the words that are in that report.

**Mr R.H. Cook:** Do you think they exaggerated the issues?

**Ms S.F. McGurk:** You are more interested in protecting your back.

**Dr K.D. HAMES:** No. I do not know whom I am protecting; I do not know who said what.

The severity of the conditions that were in there by individual doctors and what they said does not reflect the facts that we have about standards of care in our hospitals. That is all I can say about the matter. As I said, the report is a good report; it is very clear about the things that need to be done. We are not fully convinced that all of the issues, as they presented them, are things that need to be addressed, but we are working through that with Professor Saunders and making sure that we get an improved standard of care.

## V8 SUPERCARS — WANNEROO

**682. Mr P.T. MILES to the Minister for Tourism:**

I recently read about the new agreement for the V8 Supercars Australian Championship coming back to Barbagallo Raceway in Wanneroo.

Several members interjected.

**Mr P.T. MILES:** Are members not interested in what is going on?

Can the minister please provide the house with details of what this deal means for the WA economy?

**Dr K.D. HAMES replied:**

How many times have I heard the opposition criticise the government for saying things outside this house and not bothering to say them to the house? We have said things outside this house.

Several members interjected.

**Dr K.D. HAMES:** Yes, members opposite have. We have said things outside the house and we have done a media release, but today I am here to inform the house about the signing of the —

**Mr W.J. Johnston** interjected.

**The SPEAKER:** Member for Cannington, I call you to order for the second time. Member for West Swan!

**Mr M.P. Murray:** You should be booked for inciting a riot!

**Dr K.D. HAMES:** I thought a person from Collie would be really interested in the SuperSprint V8 Supercars racing event.

Several members interjected.

**The SPEAKER:** Members, that is enough!

**Dr K.D. HAMES:** I thought you guys down there would be super-interested!

Mr Speaker, this is great news for WA. This is the signing up for another three years of the deal to bring some great motorsport racers such as Craig Lowndes, Mark Winterbottom and Western Australia's own Garth Tander to Perth for another three years of events. The event is held over three days and 40 000 people attend.

I wish to make something clear about Tourism WA funding. Tourism WA funding is not just about giving the local community a good time. As the former head of tourism—the now Leader of the Opposition—who closed down the racing on the foreshore of Langley Park said, this is about return on investment of dollars and international marketing. I remember the comments made by the now Leader of the Opposition very well; they were all about the international market. The great thing about this event is that it has a huge amount of international coverage. The 2015 event had 200 hours of global media coverage. This is about selling Western Australia to the world, selling Western Australia to the rest of Australia, and making sure that people come to see what fantastic things we have. We can do that by having fantastic local events, and those broadcasts will feature all parts of Western Australia to show what a great place it is to visit. It is a great new event and a great outcome.

## PERTH STADIUM — WESTADIUM CONTRACT — AUDITOR GENERAL'S REPORT

**683. Ms R. SAFFIOTI to the Minister for Sport and Recreation:**

I refer to the Auditor General's report of 27 August in which he stated —

There is a clear public interest in Parliament and the public having access to information about government's payment obligations to Westadium over the 25 years of the contract.

Can the minister now tell Parliament the expected annual payment that the state government will be making to Westadium?

**Ms M.J. DAVIES replied:**

We have been over this so many times. The information the member is asking for is commercial-in-confidence, and this state government will not be providing it. Can I talk about the Auditor General's report, because it has been raised by —

Several members interjected.

**The SPEAKER:** Members!

**Ms M.J. DAVIES:** I am not even looking at my notes, thank you very much.

**The SPEAKER:** Thank you. Through the Chair, please.

**Ms M.M. Quirk:** “Commercial-in-confidence” is three words; she has two pages of briefing notes.

**Ms M.J. DAVIES:** I do not know what the member for Girrawheen is looking at.

**Ms R. Saffioti:** What is the expected payment?

**Ms M.J. DAVIES:** I have answered the member’s question, and I am going to give her a reason.

**The SPEAKER:** Member for West Swan, I call you to order for the first time. Through the Chair, no more interruptions, and a quick answer; thank you.

**Ms M.J. DAVIES:** When the Auditor General’s report came out, there was much hysteria from the opposition around the fact that we had been secretive and we were not providing information. If the opposition had actually read the report, it would know that the Auditor General made an assessment on four occasions when my predecessor and I had made the decision not to release information on the grounds of commercial-in-confidence. The Auditor General uses four criteria, and 15 out of 16 times we were found to have made a reasonable decision; it was reasonable for us. The Auditor General’s opinion was that in 15 out of the 16 criteria we were tested on, we made a reasonable decision. On the balance of probabilities, it could be suggested that he did not form an opinion on the sixteenth because he could not get access to the privileged legal information provided by the State Solicitor’s Office to the government that has been protected under this government and previous governments.

Several members interjected.

**Ms M.J. DAVIES:** That has been a longstanding situation. He could not form an opinion. On 15 out of 16 criteria, we were found to have made a reasonable decision not to release information because it would significantly impact on the decisions we would make to secure this contract with Westadium.

#### PERTH STADIUM — WESTADIUM CONTRACT — AUDITOR GENERAL’S REPORT

#### **684. Ms R. SAFFIOTI to the Minister for Sport and Recreation:**

I have a supplementary question. I again ask: what is the expected payment from the state to Westadium, given that the Auditor General said he could not determine whether it was reasonable to withhold that information? What is the expected annual payment, minister? It is a simple question.

**Ms M.J. DAVIES replied:**

Yes, and I can go through it again. The definition —

Several members interjected.

**The SPEAKER:** Member for West Swan! I want an answer, minister.

**Ms M.J. DAVIES:** The definition of stupidity is expecting a different outcome after asking the same question, and that is what the opposition continues to do.

**Ms R. Saffioti:** Tell the truth! Why are you lying?

**The SPEAKER:** Member for West Swan, I call you to order for the second time. Member for Cannington, I have called you to order twice. If you carry on like this, you will be having an early tea-break.

#### *Withdrawal of Remark*

**Mr P.T. MILES:** The member for West Swan used unparliamentary language to the minister, and I ask that you ask her to withdraw.

**The SPEAKER:** I did not hear any unparliamentary language, so the minister can carry on.

#### *Questions without Notice Resumed*

**Ms M.J. DAVIES:** It is all right. I am from the wheatbelt; we have pretty thick skin out there!

The Auditor General said that on 15 out of 16 —

Several members interjected.

**The SPEAKER:** Sit down.

**Ms M.J. DAVIES:** Jesus Christ!

**The SPEAKER:** Member for Warnbro, I call you to order for the first time. Minister.

**Ms M.J. DAVIES:** Thank you.

Several members interjected.

**The SPEAKER:** Member for West Swan, I call you to order for the third time.

**Ms M.J. DAVIES:** We are not providing the payments we are making over the 25 years. We have stated that on a number of occasions. The Auditor General found that on 15 out of 16 occasions we had made a reasonable decision. The Auditor General, if members opposite care to read the report, said that we had made a reasonable decision.

Several members interjected.

**The SPEAKER:** Member for West Swan!

**Ms M.J. DAVIES:** On the sixteenth case, he could not form an opinion. That is not the same as saying we made an unreasonable decision.

#### CHINA–AUSTRALIA FREE TRADE AGREEMENT

**685. Mr C.D. HATTON to the Treasurer:**

Following the signing of the China–Australia Free Trade Agreement earlier this year, can the Treasurer please provide an overview of what this historic step could mean for the next phase of Western Australia’s economic relationship with China?

**Dr M.D. NAHAN replied:**

I thank the member for the question; it is an extremely important one.

Over the last 10 years or more we have become inexorably close to China; indeed, our growth over the last 10 years, which has been phenomenal, has been based on our increasingly close relationships with China—particularly our trade relationship. Indeed, our prosperity into the future will be dependent upon our growth in relations with China, particularly in maintaining our trade and exports of not only our resources and oil and gas, but also, more importantly, services. Services make up between 70 and 80 per cent of our economy; the export of services is responsible for only 20 per cent. China is now going into services-led growth, and that provides a phenomenal opportunity for us. Wise leaders 10 years ago saw that in order to facilitate that we needed to, with China, eliminate some of the barriers to trade in services, as well as agriculture and some resources. Therefore, a long 10-year process began to negotiate a free trade arrangement between Australia and China. It started under Howard, accelerated under Rudd, was maintained under Gillard, was pushed again by Rudd and has now culminated in the Abbott government. We will be the only G20 country to have a free trade arrangement with China.

I will give some indications. For agriculture it will eliminate tariffs on horticulture, meat, milk, seafood, cheese, pork and wine, as well as other things such as pharmaceutical and medical appliances. It will cut tariffs on livestock—beef, mutton and others—by 95 per cent. Over the life of the project going forward, it is expected to add \$50 billion to the Australian economy. It is phenomenally important. We sit here in Western Australia on the cusp of another China-led growth period, and the free trade arrangement is pivotal to that growth.

The biggest challenge to it is the people on the opposite side. Despite having, under previous real leadership at a federal level, committed to free trade and to negotiation of this agreement, they are now trying to stop it. They are also opposing it in a way that is tinged with racism.

Several members interjected.

**Dr M.D. NAHAN:** They are now arguing that there are weaknesses in the labour arrangements. However, those labour arrangements were put in by Brendan O’Connor, who was the then industrial relations and employment minister. The Abbott government has not changed a letter or a full stop. They remain there. There have been no changes. They were okay under Labor, but now they are coming out! But the worst thing is who is pushing this. It is the paymasters of the Labor Party—the Construction, Forestry, Mining and Energy Union. Brendan O’Connor’s brother, Michael O’Connor, describes the relationship with China, our major trading partners—the people on whom our future prosperity is based—as “Greedy bastards trying to steal Australian jobs.” I suggest that when the Leader of the Opposition attends the seventieth anniversary celebrations at the consul general’s office next month, he apologise.

**Mr M. McGowan:** How do you know I’m going?

**Dr M.D. NAHAN:** The Leader of the Opposition goes to them all. He and I share many of those. He speaks widely of our multicultural heritage and commitment positively, but when he toes the policies of somebody such as Michael O’Connor, who calls the Chinese greedy bastards who are trying to steal our Australian jobs, he should apologise and change his policy. He should be embarrassed. The lot of them should be embarrassed.

Several members interjected.

**The SPEAKER:** Treasurer, I call you to order for the first time. That question is over.

**Dr M.D. Nahan** interjected.

**The SPEAKER:** Treasurer, I call you to order for the second time.

## WATER CORPORATION — RCR TOMLINSON

**686. Mr D.J. KELLY to the Minister for Water:**

I refer the minister to, firstly, RCR Tomlinson's statement to the ASX on 14 August in which it said that as part of the deal for it to buy the engineering and construction division of the Water Corporation, it is guaranteed \$130 million worth of construction work over the next three years; secondly, her own statement on ABC radio on 27 August when she said that taxpayers' exposure via that ongoing work for RCR Tomlinson was protected because the commercial terms are agreed; and, thirdly, the answer she gave yesterday in the Legislative Council when she said that the contracts for the \$130 million worth of work have not yet been signed.

- (1) How can the commercial terms of this \$130 million worth of work be agreed, as the minister said on radio, if the contracts have not been signed?
- (2) How can the taxpayers be protected if RCR Tomlinson is guaranteed \$130 million worth of work, as it told the ASX, but the terms of that work have not been finalised?

**Ms M.J. DAVIES replied:**

- (1)–(2) As the member for Bassendean has stated, as part of the sale process, a pipeline of work was agreed to so that we could provide ongoing work for a significant number of employees who have transitioned from the Water Corporation to RCR Tomlinson. Part of that package was that that first year of work was known. Obviously, the Water Corporation's forward capital works change from time to time, so it will be reliant on the exact projects being negotiated in years 2 and 3. That is my understanding. RCR will need to meet the terms of the original contract that has been signed, which is for \$130 million worth of work. The projects are yet to be defined for years 2 and 3 because those projects change from time to time. There is a known project list in the first year, but there will be no further exposure for the taxpayer. This has meant that a significant number of Water Corporation employees would otherwise have been made redundant. The Water Corporation board made the decision to seek to sell that branch, along with a pipeline of work, and test the market, and it found it to be positive in terms of somebody taking them on. That means that those employees now have employment beyond what they would have had with the Water Corporation given the changing nature of the capital works at the corporation.

## WATER CORPORATION — RCR TOMLINSON

**687. Mr D.J. KELLY to the Minister for Water:**

I have a supplementary question. The answer that the minister gave to the Legislative Council yesterday was that the contracts for the \$130 million worth of work have not yet been signed. How can taxpayers be protected if that work is guaranteed to RCR Tomlinson at the price of \$130 million but the minister has not yet negotiated the terms?

**Ms M.J. DAVIES replied:**

The deal has been done; \$130 million worth of work has been given as part of the sale process to RCR Tomlinson. It went out to commercial tender. RCR came back and gave us the best terms and also took on the most employees, so that we had a significant number transitioning from the Water Corporation to RCR. There will be some projects in years 2 and 3 that we cannot define yet because the nature of the Water Corporation's capital works program changes from time to time. It is \$130 million; the taxpayer will not have any further exposure in that space.

## FORRESTFIELD–AIRPORT LINK — “PRELIMINARY DRAFT MAJOR DEVELOPMENT PLAN”

**688. MR N.W. MORTON to the Minister for Transport:**

Can the minister please explain the significance of the preliminary draft major development plan released by Perth Airport for the component of works related to the Forrestfield–Airport Link project that occur within the airport estate?

**Mr D.C. NALDER replied:**

I thank the member for his question on the \$2 billion state government–funded rail link connecting Belmont, Redcliffe, the airport, High Wycombe, Forrestfield and surrounding suburbs. This will connect them to the CBD via a route that will take 20 minutes, as opposed to what, as the Leader of the Opposition put up prior to the last election, would take 40 minutes to travel.

**Mr M. McGowan:** You've really got credibility!

**Mr D.C. NALDER:** Credibility! Let us get into credibility. I thank the Leader of the Opposition for the interjection on credibility. Last week the Leader of the Opposition was out in Forrestfield spruiking the activity centres that the Minister for Planning has been talking about and put out in the “Towards Perth and Peel@3.5 million”. Talk about credibility! I heard the Premier say that the Ellenbrook rail line would not be

required for at least 10 years. I said that it would not be required for a period of 10 to 20 years. What did we hear from the Leader of the Opposition last week? We heard that it needs to be done sooner. The member for West Swan said that it needs to be done sooner. When are they going to do it? They are not going to say that just now. He talks about credibility. Let us look at the logic of his statement.

Several members interjected.

**The SPEAKER:** Thank you. Get back to the answer.

**Mr D.C. NALDER:** I will, Mr Speaker, but I must finish this sentence because it talks about integrity and credibility. They said that they cannot put a time to it, but the Leader of the Opposition said that they are going to start all these projects but he will not be the person who cuts the ribbon, and the first thing they will do is finish the Forrestfield–Airport Link that the Liberal government started.

Several members interjected.

**The SPEAKER:** The question was about roadworks inside the airport precinct, so please answer that.

**Mr D.C. NALDER:** I am just talking about the lack of credibility. Sorry; I was interjected on by the Leader of the Opposition.

**Mr D.A. Templeman** interjected.

**The SPEAKER:** Member for Mandurah, I call you to order for the first time.

**Mr P. Papalia** interjected.

**The SPEAKER:** Member for Warnbro!

**Mr D.C. NALDER:** Much of the work for the Forrestfield–Airport Link occurs outside the airport precinct, but under the Airports Act 1996, Perth Airport is required to seek approval from the federal minister regarding any major developments on the estate. That work includes the twin-bore tunnels and rail infrastructure required to operate the train service. It includes the construction of the new consolidated airport station below ground, with pedestrian linkages to existing and future terminals. It also includes several cross-passages, both inside and land side, and also potential stockpile locations for the removal of dirt and so forth. This is a great project. Perth Airport is really engaged in it. This government is getting on with delivering it. That is the fundamental difference between this side and the other. We are actually delivering on a major rail infrastructure project, not just saying that we are going to deliver it. We are actually doing it.

#### FOREST PRODUCTS COMMISSION — PRIVATISATION

##### **689. Mr M.P. MURRAY to the Minister for Forestry:**

I refer to the state government's plans to privatise the Forest Products Commission.

- (1) When does the state government anticipate the entity will be put to tender and what price does it expect to receive for the sale?
- (2) Will the sale contract include a clause to ensure that any potential buyer maintains commercial relationships with local, regional and rural contractors who, in 2013–14, held 96 per cent of FPC contracts?

##### **Ms M.J. DAVIES replied:**

- (1)–(2) That is my first forestry question, so thank you, member. I thank the member for his interest. He is keenly interested. I know it is conflicting on that side. There are some challenges on that side in this space, so they do not like to talk about it.

Several members interjected.

**The SPEAKER:** Members!

**Ms M.J. DAVIES:** Let me bring the shadow minister up to speed.

**Mr B.S. Wyatt** interjected.

**The SPEAKER:** Member for Victoria Park!

**Ms M.J. DAVIES:** We are not selling the FPC—surprise, surprise! No, we are not—shock, horror!

Several members interjected.

**The SPEAKER:** Hansard cannot follow what is going on in the chamber, so we want a nice, loud answer through the Chair, and no interjections. Thank you.

**Ms M.J. DAVIES:** Sorry, Mr Speaker.

We are not selling the FPC. One section of the FPC's assets, which is softwood plantations, has been listed for a potential sale. That process is currently being carried out through the asset sales process that the Premier talks about regularly, and due diligence is being done. There are some things that need to be taken into consideration as part of that process. It will occur over the next six to 12 months. Some exciting things are happening in the other parts of the forestry portfolio. We have been doing a significant amount of work with our sandalwood contracts. Some contracts are coming to an end in the middle of next year, and we have been working with stakeholders to try to maximise the benefit for not only regional Western Australians but also the taxpayers of Western Australia, and I think there are also some fantastic overlaps in benefits for the wheatbelt in terms of plantation sandalwood. In the member for Kalgoorlie's patch we also have a significant footprint for sandalwood. If we talk about the native forests and the contracts that we have and that FPC manages in that space, we have a forest management plan, and we have processes that are working hard to make sure they are creating jobs and modernising their facilities and technologies. I am sure that the member is well up to speed with that.

#### GOVHACK 2015

#### **690. Mr M.H. TAYLOR to the Minister for Finance:**

Can the minister please update the house on the GovHack 2015 event, which was supported by this Liberal–National government?

#### **Mr W.R. MARMION replied:**

That is a very good question. The member for Bateman is a strong supporter of accelerators, which are innovative hubs for young people to develop apps and a whole lot of information. It is the future for some of our industries. GovHack sounds like an event for hacking into government data, but it is quite the opposite. It is an event that the state government supports in Perth. This is the third time the Western Australian government has been involved in this event. It was held on the weekend of 3–5 July and I opened the event. It is held in 22 locations at the same time right across Australia. Western Australia has been involved in the event in the three last years. There is \$35 000 worth of prizes for participants in Western Australia, and in the national pool there is \$120 000 worth of prizes. In Western Australia, the event was located at Spacecubed, which I would encourage all members of Parliament to visit, in St Georges Terrace. There were 140 participants in this wonderful event. I remember the day well because it was the day I went onto Twitter, against my judgement. I am joining the young technology people! I think I have 140 followers because of the people who were in that competition.

Several members interjected.

**Mr W.R. MARMION:** That 140 might be my only followers, Mr Speaker!

Getting back to the competition, there were 16 winning teams and six individual champions who shared the \$35 000 available. The winner was “Synergising Synergies for Sitizens”, which won prizes totalling about \$8 000 and access to Spacecubed's facilities for six months, plus a Landgate mentor for six months. They developed an app that identifies the best suburbs in Western Australia—it can be translated to other states and around the world—in which to install solar panels to generate electricity. That was judged to be the best app in Western Australia over that weekend break. Teams were able to take their projects into the national competition, and I am proud to say that we received nine national awards and two international honourable mentions. Western Australia represented only six per cent of the people who participated but we were involved in one-third of the winning announcements.

Several members interjected.

**The SPEAKER:** Members!

**Mr W.R. MARMION:** The big prize—this is the final prize to report on—was for best government participation. Each state around Australia was rated as to how they supported the event, and the best state was Western Australia. The government of Western Australia won the national prize as the best supporting government for these really innovative events, and it is an award that I hope we will take out again next year. I take my hat off to Landgate for its support and also the Office of the Government Chief Information Officer. I congratulate all Western Australian winners in the national competition.

#### PERTH STADIUM — WEST AUSTRALIAN FOOTBALL COMMISSION

#### **691. Mr P.B. WATSON to the Minister for Sport and Recreation:**

Minister, I refer to the commitment given by the previous Minister for Sport and Recreation that football would be no worse off under the new stadium arrangements.

Several members interjected.

**The SPEAKER:** Members!

**Mr P.B. WATSON:** Are you going to call him to order, Mr Speaker?

Several members interjected.

**Mr P.B. WATSON:** I will start again.

**The SPEAKER:** Start again, member for Albany.

Minster—the current minister—I refer to the commitment given by the previous Minister for Sport and Recreation that football would be no worse off under the new stadium arrangements.

- (1) Can the minister confirm that this is still the position of the state government?
- (2) Can the minister outline what financial commitment the state has given to football to fund this commitment?

**Ms M.J. DAVIES replied:**

- (1)–(2) I will start with the second part of the question: what financial commitment have we given to football to make sure that it has a strong future ahead? We are building a new stadium—1.2 billion of taxpayers' dollars is going into building a new home for football here in Western Australia!

Several members interjected.

**The SPEAKER:** Members! Do not get too excited, member for Belmont; sit down, please. The Hansard reporter cannot hear.

**Ms M.J. DAVIES:** I will speak louder, Mr Speaker.

**The SPEAKER:** Thank you.

**Ms M.J. DAVIES:** We are building—I am not sure whether members have noticed; the Premier and I were out there this morning—a fantastic stadium on the Burswood Peninsula: \$1.2 billion, 60 000 seats, a fan-first experience. The West Australian Football Commission and its two Australian Football League clubs will have the fantastic opportunity to sell better product, including better corporate product, and attract more members. It will be an absolutely fantastic outcome for football, and would we not like to have it for this weekend and next weekend running into the finals! Would we not like that!

We have been working very closely with the West Australian Football Commission and its partners to make sure that we get a good outcome for them going forward. It is not in the state's interests not to get a good outcome for football. The negotiations have been robust, and we continue to progress those conversations. Members would have seen last week that there were discussions around cricket and the decision to move some of their product across to the new stadium, and we welcome that. There is a strong future for cricket at the new stadium as well. The message that I would like to leave is that we have been having ongoing discussions with the football commission and its partners. Those negotiations have been robust, as we would expect. It is not in the best interests of the state to have football not flying. We absolutely want them to excel, and that is what we have been working towards.

#### PERTH STADIUM — WEST AUSTRALIAN FOOTBALL COMMISSION

**692. Mr P.B. WATSON to the Minister for Sport and Recreation:**

I ask a supplementary question. If there is no commitment to ensure that football is no worse off, is it the case that the minister has broken this pledge, or was the previous minister not telling the truth?

**Ms M.J. DAVIES replied:**

We are building a brand-new stadium —

Several members interjected.

**The SPEAKER:** Just settle down, thank you. I do not know what was said and I do not want to know.

**Mr P.B. Watson** interjected.

**The SPEAKER:** Please, members.

**Ms M.J. DAVIES:** It is very simple: we are building a new stadium. The previous minister, the Premier and this state government kickstarted a process that had been sitting on the backburner, not being progressed by previous governments —

Several members interjected.

**The SPEAKER:** Member for Albany, I call you to order for the first time. A quick answer, minister.

**Ms M.J. DAVIES:** I am trying, Mr Speaker; I keep getting interrupted!

We are building a new stadium. We are working very productively with the West Australian Football Commission and its partners, and I expect that those negotiations will conclude and they will —

Several members interjected.

**Ms M.J. DAVIES:** I am not part of those conversations. All I can tell members is that the conversations that my team and this state government are having with football are robust, but they are going well, and we will have a new stadium by the 2018 AFL season.

**Mr P.B. Watson** interjected.

**The SPEAKER:** Member for Albany, I call you to order for the second time. Are you finished?

Several members interjected.

**The SPEAKER:** Minister for Transport, I call you to order for the first time. Member for Albany, I am feeling sorry for you; I am not calling you for a third time!

Several members interjected.

**The SPEAKER:** Member for Warnbro, I call you to order for the second time.

#### PERTH STADIUM — PRECINCT

#### 693. **Mrs G.J. GODFREY to the Minister for Sport and Recreation:**

The Perth Stadium continues to progress and I understand an announcement was made this morning about the surrounding precinct. Could the minister please provide an update to the house?

**Ms M.J. DAVIES replied:**

I thank the member for her interest. The work on Perth Stadium, as I have already had the opportunity to update the house, is progressing very well. It is 25 per cent complete. We have about 200 people out on site at the moment, and will have about 5 800 over the course of the project. It is creating lots of jobs and it is a hive of activity. The Premier, the member for South Perth and I were out there this morning for the announcement that BHP Billiton will commit \$5 million towards the boardwalk and amphitheatre.

Several members interjected.

**The SPEAKER:** Members! Member for Girrawheen!

**Ms M.J. DAVIES:** I think we are suffering a little the same as the Minister for Health; we are accused of not bringing information to the house, and when we do, members do not listen.

Several members interjected.

**The SPEAKER:** Through the Chair, please.

**Ms M.J. DAVIES:** The boardwalk is going to be fantastic. In essence, this will allow us to really energise that precinct. It will be an important part of the —

**Ms M.M. Quirk** interjected.

**The SPEAKER:** Member for Girrawheen, I call you to order for the first time. I was hoping to get another question in, but there has been such a waste of time, we will not be able to. Minister, a quick answer, please.

**Ms M.J. DAVIES:** There is \$5 million towards a boardwalk and amphitheatre in the precinct, which will essentially allow us to start developing the precinct at the same time as the stadium is being constructed so it can be activated —

Several members interjected.

#### *Withdrawal of Remark*

**Mr W.J. JOHNSTON:** Point of order, Mr Speaker.

**The SPEAKER:** I never heard anything. What is your point of order?

**Mr W.J. JOHNSTON:** The Premier said, “You’re all a bunch of idiots”. Would you ask him to withdraw?

**The SPEAKER:** I never heard any statement. Are we going to now bog this thing down?

**Mr W.J. JOHNSTON:** The usual practice that occurs with me is that when a member raises this sort of point of order, the member who is accused of having said something is asked to say whether they said the words or not. I have explained to the house the unparliamentary words that were used by our arrogant Premier, and I would like to know whether he is going to be asked to withdraw.

**The SPEAKER:** Premier? I never heard anything said.

**Mr C.J. BARNETT:** Mr Speaker, I certainly said “What a bunch of idiots”, and if that is unparliamentary, I withdraw.

*Questions without Notice Resumed*

Several members interjected.

**The SPEAKER:** The statement has been withdrawn; we are wasting time.

**Ms M.J. DAVIES:** I just have one more thing to say and I really would like to say it!

There will be a series of interpretive storyboards along the way recognising the role and importance of Indigenous Australians within the stadium site and within Western Australia. So this will be a really important part of the precinct. It will be activated alongside the construction of the —

**Mr W.J. Johnston** interjected.

**The SPEAKER:** Member for Cannington! Member for Cannington, do you want to have a rest? I do not want to hear from you again.

**Mr P. Papalia** interjected.

**The SPEAKER:** Member for Warnbro, I call you to order for the third time.

**Ms M.J. DAVIES:** It will include children’s playgrounds, there will be picnic and barbecue areas, an oval, integrated artwork, and a whole range of food and beverage. It will be open all year round so that people who live in and around the Burswood peninsula, which is becoming a really vibrant area, will be able to utilise those facilities. It is a fantastic partnership, facilitated as part of Westadium’s bid, and it is a \$5 million investment to create a really wonderful precinct around our world-class stadium.

TRAINING ENROLMENT FIGURES

**694. Mr F.M. LOGAN to the Minister for Training and Workforce Development:**

I draw the minister’s attention to the recently released training enrolment figures for 2013–14.

- (1) Does the minister acknowledge that the average drop-off of 13.43 per cent in course enrolments for certificate IV to advanced diploma is a direct consequence of his government’s massive 500 per cent plus hike in fees for these studies?
- (2) Why has the minister allowed this drop-off in higher educational course enrolments when the figures show a massive decline in the numbers of enrolled students aged between 30 and 49 years—the people who are out there looking for work right now?

**Mrs L.M. HARVEY replied:**

I thank the member for the question.

- (1)–(2) The member is referring to the government’s Future Skills WA policy initiative. With Future Skills, we made a deliberate decision as a government to put the maximum amount of subsidisation of our training programs towards priority skills areas for which we know there are employment outcomes. As a result of that policy, we have seen a nine per cent increase in enrolments in priority skills areas, which are the areas that industry tells us it needs people to be trained in, and in which there are jobs for those people.

**Mr F.M. Logan** interjected.

**The SPEAKER:** Member for Cockburn!

**Mrs L.M. HARVEY:** Notwithstanding that, there has been a nine per cent increase in the priority skills areas in the context of an overall four per cent decline in enrolments. That four per cent decline is across a broad range of areas of training.

**Mr F.M. Logan** interjected.

**The SPEAKER:** Member for Cockburn, I call you to order for the first time.

**Mrs L.M. HARVEY:** Members might be interested to understand that in the training market, training enrolments flex and contract with the economy. When we have large industries contracting with respect to their training contracts with our state training providers, we obviously see a consequential decline in enrolments. As industry contracts, we see positions and enrolments in training in certain areas also contract. But I am actually really pleased to see that we have a nine per cent increase in enrolments in our priority skills areas. Of those people, 85 to 90 per cent who go through a training program in our priority skills areas go on to either employment or further education. That is the outcome we want; the policy is working.

## TRAINING ENROLMENT FIGURES

**695. Mr F.M. LOGAN to the Minister for Training and Workforce Development:**

I have a supplementary question. Given that these figures are from 2013–14 and do not even reflect the further two significant increases that have been applied, will the minister now acknowledge that those fee increases have had a disastrous impact on the government's WA TAFE policies? It is completely right in front of the minister.

Several members interjected.

**The SPEAKER:** Member for Cockburn, you have asked your question.

**Mrs L.M. HARVEY replied:**

I think the member needs to read the responses to the questions on notice that have been asked about this area. There is no disaster in our TAFE colleges—absolutely the contrary. Right across the state, our TAFEs are adjusting. Some of them have had to adjust rapidly to changing economic conditions. Some are flourishing and have had massive increases in enrolments. It varies across the state.

Several members interjected.

**The SPEAKER:** I call the member for Albany to order for the third time and the member for Cockburn for the second time.

**Mrs L.M. HARVEY:** We are seeing an increase in enrolment in foundation skills courses. Those courses teach people basic numeracy and literacy so that they can go on to other skill sets and training, and go into a priority skills area and get trained into a job. There is no disaster. I know the member would love to be talking about a disaster in the training sector, but there is no disaster. A nine per cent increase in the number of people enrolling in training that leads to employment is not a disaster; it is a success.

**CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2015***Consideration in Detail*

Resumed from an earlier stage of the sitting.

**Clause 5: Section 3 amended —**

Debate was interrupted after the clause had been partly considered.

**Clause put and passed.****Clauses 6 to 22 put and passed.****Clause 23: Section 19 amended —**

**Mr C.J. TALLENTIRE:** I move —

Page 26, lines 1 to 15 — To delete the lines.

The reason for this amendment is that we see a downgrading in the role of the soon-to-be-formed Conservation and Parks Commission. This follows a trend that we have seen with the Barnett Liberal government to make statutory bodies into advisory bodies, constraining and limiting their powers, reducing their effectiveness and removing their independence. That is a great shame because we need independent, fearless bodies that are not just advisory bodies, but are in a position to develop policy. That is how things read in the current legislation. The act, as it stands at the moment, is very clear that the Conservation Commission has the power to develop policies for the preservation of the natural environment of the state, and the provision of facilities for the enjoyment of that environment by the community. That paragraph is to be deleted and replaced with a new section 19(1)(c) that limits the new body to advising the minister on the development of policies. That is a serious erosion of the authority of a body that should be tasked with the development of policy. This is an important amendment. I hope the minister has had time to reflect on it; it has been on the notice paper for some time, so he has no doubt had an opportunity to consult with his advisers on the significance of these amendments. I hope he sees the wisdom in ensuring that the soon-to-be-formed Conservation and Parks Commission has the capacity to develop policy and not just advise.

**Mr A.P. JACOB:** I thank the member for Gosnells for notice of his amendment. I have had time to consider it over the past few weeks. In short, I do not support the amendment. In my view, the development of policy is the responsibility of the minister and the government of the day. They are accountable to the electorate for the development of that policy. In my view, the role of the vesting body here in the development of policy is to give advice to the minister of the day on the development of that policy.

**Mr C.J. TALLENTIRE:** Can the minister indicate where this philosophy comes from? Are there other examples of the erosion of the powers of bodies such as the Conservation and Parks Commission? I know that the minister has done this with the Swan River Trust as well, but is there any evidence to support the minister's

claim that this is a better way of doing things? Is it not actually the case that we will have weaker bodies that are not only dependent on the advice of the department, but also beholden to the department to generate any position? Their advisory role is so limited that the next step the minister is likely to take is to eliminate them altogether. Why would we have a body such as the Conservation and Parks Commission if it cannot be trusted to do the job of developing policy?

**Mr A.P. JACOB:** I guess that is a different philosophical position and approach to these matters. My view is that the government is accountable to the electorate in this area, and that is why I have taken this approach. Our view is that the government has the responsibility to create policy. The Conservation Commission is not broadly elected. This is a more democratic and accountable approach to the broader electorate. I accept that the member for Gosnells has a differing view and, by proposing this amendment, would like to see this statutory authority with the power to actually draft policy. The CPC still has the responsibility to give advice to the government of the day on the development of that policy, but the responsibility for the policy of the government of the day rests with the government of the day.

*Division*

Amendment put and a division taken with the following result —

Ayes (20)

Ms L.L. Baker	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Dr A.D. Buti	Mr F.M. Logan	Mr J.R. Quigley	Mr P.C. Tinley
Mr R.H. Cook	Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson
Ms J.M. Freeman	Ms S.F. McGurk	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr W.J. Johnston	Mr M.P. Murray	Ms R. Saffioti	Mr D.A. Templeman ( <i>Teller</i> )

Noes (35)

Mr P. Abetz	Mr J.H.D. Day	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Ms W.M. Duncan	Mr R.F. Johnson	Mr D.C. Nalder
Mr C.J. Barnett	Ms E. Evangel	Mr S.K. L'Estrange	Mr J. Norberger
Mr I.C. Blayney	Mr J.M. Francis	Mr W.R. Marmion	Mr D.T. Redman
Mr I.M. Britza	Mrs G.J. Godfrey	Mr J.E. McGrath	Mr A.J. Simpson
Mr G.M. Castrilli	Mr B.J. Grylls	Ms L. Mettam	Mr M.H. Taylor
Mr V.A. Catania	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr M.J. Cowper	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr A. Krsticevic ( <i>Teller</i> )
Ms M.J. Davies	Mr C.D. Hatton	Mr N.W. Morton	

Pair

Ms J. Farrer

Mr R.S. Love

**Amendment thus negated.**

**Clause put and passed.**

**Clause 24: Section 20 amended —**

**Mr C.J. TALLENTIRE:** Clause 24 seeks to delete some important sections of the act. These relate to support for the Conservation Commission. It removes the power of the Conservation Commission to hire staff. I think that is a great shame because it means that the Conservation Commission, as we saw in the previous clause, is totally beholden to support from the department. This clause removes its independence. I am keen to hear the minister's views on this. Does he not realise the need for independent bodies? Does he just think that everything can be managed on a departmental basis? Does he not think that people who are good enough to come forward and serve on bodies such as the Conservation Commission should not be given extra support, or does he think that should be constrained to the advisory and research capacity of the department?

**Mr A.P. JACOB:** I do not support the member. In fact, the bill seeks to remove the existing ability of the commission to perhaps be an employing authority in its own right. That is not the current practice. That is not how it operates. The existing staff who are provided for the commission are provided through the Department of Parks and Wildlife. I think that is the case with all my statutory authorities. That is standard practice. I do not agree with the argument that that somehow impinges on the performance of their role. A range of reporting requirements hinge around being an employing authority. This essentially unencumbers them so they can focus on what the act has created for them and the advice they receive and the other responsibilities that they have.

**Clause put and passed.**

**Clauses 25 and 26 put and passed.**

**Clause 27: Section 21 amended —**

**Mr C.J. TALLENTIRE:** I think this clause relates to the composition of the new body—the Conservation and Parks Commission. This is a very important issue. We should bear in mind that we are condensing things down to just seven people. What might their backgrounds be? I note that one person, in the opinion of the minister, must have knowledge of and experience in Aboriginal culture and Aboriginal heritage matters relevant to the functions of the commission. I support that. I also note that the members are to be persons who, in the opinion of the minister, have knowledge and experience or a particular function or a vocational interest that is relevant to the functions of the commission. This is such a broad, vague set of criteria; these are not selection criteria at all. This is the vaguest of ideas about who should be on the Conservation and Parks Commission. I hope the minister will inform us if there will be some subsidiary legislation that might define exactly who should be on the commission.

As we discussed previously, we should note the issue of marine science expertise. Why is there not at least some designation for people of a marine science background to be on the commission? This is so vague at the moment that I think it is leaving us open to the commission just being stacked with, in reality, the minister's friends.

**Mr A.P. JACOB:** I guess at the end of the day the minister will be accountable to this place and also to cabinet and the Governor for the appointments that are made to the commission of the day. A range of discretion sits around those recommendations for appointments to the new commission. Although the proposed legislation does have some requirements—in particular, the requirement that one member must be a person who, in the opinion of the minister, has knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters, bringing it back to that broad range of environment and conservation knowledge—in my view, leaving that latitude of discretion allows for a broad scope of options in ensuring that we have the strongest possible mix for the current and future commissions in the roles that they will be called upon to perform and the advice that they will be required to give.

**Mr R.H. COOK:** Could the minister please explain what he means by “knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters”?

**Mr A.P. JACOB:** That gets to the issue more broadly. I have seen definitions drafted in a number of pieces of legislation, and there is always a degree of latitude within them. The clause that I quoted exists within the current Conservation and Land Management Act, so it has been copied into these proposed amendments in the bill. As it is read, the intention is fairly clear, and it also picks up another key component of the reforms that are proposed in this bill, which is the joint vesting of the conservation estate going forward. That is a particularly important knowledge set that we pick up on the Conservation Commission, but, again, WA is a vast state, so there will be complexities around that and there will be the flexibility to bring in outside expertise when and as required.

**Mr R.H. COOK:** I am familiar with the changes to the act that the minister has proposed for the joint vesting of national parks, and I support them very strongly. Had we not sped so efficiently through clauses 8 to 22, the opposition might have had more to say on that. Is the minister of the view that someone who has knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters would be an Aboriginal person? I ask this in the context of the changes the government has made to the legislation, because under the previous legislation there was no capacity for joint management or joint ownership—or vesting, as the minister would probably want to refer to it—with Aboriginal groups. From that point of view, I understand why, in the context of the membership of the Conservation Commission, there would be what are considered to be fairly broad parameters. This is a very important policy exercise as we are now bringing Aboriginal people into the ownership or the custodianship of the title of the park. From that point of view, it is a very much more enhanced role. Does that person, in the minister's view, need to be Aboriginal; and, secondly, was consideration given to this clause in the context of the more enhanced role that Aboriginal people have in the conservation estate?

**Mr A.P. JACOB:** The requirement is not that the person has Aboriginal heritage. I am happy to state that if we can accommodate that, that would obviously be my preference. However, that is also a complex area. For example, in setting up the marine park at Eighty Mile Beach, we dealt with five separate traditional owner groups, so there are complexities and overlays there. One person might not necessarily be able to speak for all groups. Broadly, my preference would be that that individual has their own personal experience coming from that background, but leaving a degree of latitude means that we might pick up someone else who has a vast degree of knowledge in that space over the state and is a good example in which having an element of discretion continuing in the act is a better way forward.

**Mr R.H. COOK:** Can the minister clarify whether any consultation was undertaken with Aboriginal groups on the membership of the commission specifically for this clause?

**Mr A.P. JACOB:** Not on this specific clause, but on the joint vesting, yes.

**Mr R.H. COOK:** Does the minister accept that that might leave him open to accusations of not paying appropriate respect and attention to having Aboriginal people, as Aboriginal people, represented on the commission.

**Mr A.P. JACOB:** I make the distinction here that this is not a new clause that we are seeking to insert.

**Mr R.H. Cook:** It will be a new act.

**Mr A.P. JACOB:** It is not a new act; it is an amendment to the existing act, and that clause is being retained from the previous act into this one. It is not a newly drafted clause; that clause currently sits there for the existing Conservation Commission.

**Mr R.H. COOK:** I refer to the context of the wording of the clause, “One member is to be a person who, in the opinion of Minister” et cetera. Does that mean that there cannot be more than one person “who, in the opinion of the Minister, has knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters”?

**Mr A.P. JACOB:** A key point to raise is that in the instances of joint vesting, the Aboriginal corporate body will hold equal powers to the commission for that joint vested area, so automatically, for that specific site, there will be that equality of responsibility and equality of oversight, and inevitably the membership of that corporate body will be largely linked to traditional owners from that particular area.

**Mr R.H. COOK:** If the minister could draw upon his experience of the current membership, is it that he has a group of people, one or two of whom he can identify as having the skills detailed in proposed section 21(4), or is it that one member is considered to be that person, so in that case it would be six plus one, or is it simply the case that the minister appoints seven people and he believes that within that group there is coalescence around those particular skills and values?

**Mr A.P. JACOB:** It is specifically one member, and it is set as a minimum. The legislation stipulates that there must be at least one member who has that knowledge and understanding.

**Mr R.H. COOK:** In that sense is the minister saying that if he identifies someone with those particular skills and he appoints them to that board, it may be that other people have those skills but not to the same extent? Is it possible for the minister, following the resignation of the person we mentioned in proposed section 21(4), to say that he has satisfied himself that there is, generally speaking, a person who also has those skills and therefore he does not need to worry about that level of representation? How would it work, in essence?

**Mr A.P. JACOB:** The bill requires at least one specific person who has to meet that threshold. That will be a requirement under proposed subsection (4). The member should also remember that there are other tests on ministers of the day and governments of the day. I assume that if it that were to eventuate, an opposition at the time would hold that minister to account in that circumstance.

**Mr R.H. COOK:** Indeed, I had experience of this when I held the position of shadow minister for Indigenous affairs and the minister appointed one of his colleagues on the Aboriginal Cultural Material Committee. I apologise for sounding nitpicking, but this is an issue I have had a bitter experience of, so I want to get a handle on how this would work. Would the minister write to someone, saying, “Dear such and such, I am very happy to appoint you to the board of the Conservation and Parks Commission, pursuant to section 21(4)”, and that is the “Aboriginal person”, in inverted commas, or is it simply that the minister would have a group of people on the board of the commission and he would generally rely on the vibe or have a sense that one person is that person and, therefore, he is not open to challenge on that?

**Mr A.P. JACOB:** At least one individual on the board would have to be formally designated as meeting that criterion.

**Mr R.H. COOK:** So that person would know when they go on the board that they are the person who has been appointed for that purpose.

**Mr A.P. JACOB:** Yes.

**Mr C.J. TALLENTIRE:** I move —

Page 28, lines 1 to 11 — To delete the lines.

This amendment is proposed so we can retain the existing wording in the act, which is much clearer about the nature of the backgrounds of the people we would like to see on the commission. Section 21 currently reads, and I believe it should continue to read, that the minister should appoint people who —

- (a) have knowledge of and experience in —
  - (i) the conservation or management of biodiversity; or
  - (ii) environmental management, including the management of the natural environment for use for recreational purposes; or
  - (iii) the sustainable use of natural resources;
- or
- (b) have a particular function or vocational interest relevant to the functions of the Conservation Commission, ...

With this clause, the minister will be eliminating those specific skill references—those backgrounds—and leaving it open that anything goes insofar as his appointments to the board. As long as someone has, in his view, some sort of function or vocational interest relevant to the commission, he can appoint anyone he likes. I put that the amendment in my name be supported.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 28 to 34 put and passed.**

**Clause 35: Section 26 replaced —**

**Mr C.J. TALLENTIRE:** Proposed new section 26(1) reads —

- (1) The Commission may, with the approval of the Minister, engage persons under contracts for services ...

Everything seems to depend on the minister's say-so. There is just no independence at all with this commission. The minister seems to have a view that he can take some sort of dictatorial control of everything that the Conservation and Parks Commission has. Why has the minister formed that view?

**Mr A.P. JACOB:** This relates to the commission's ability to engage people under contracts for services. I am the person who is ultimately accountable for the spending of moneys that sit under my portfolios, which is why there is, I think, an eminently sensible check and balance that that has to be run through me as minister first.

**Clause put and passed.**

**Clauses 36 and 37 put and passed.**

**Clause 38: Part III Divisions 3A and 3B deleted —**

**Mr C.J. TALLENTIRE:** Clause 38 reads —

Delete Part III Divisions 3A and 3B.

Here again this government's decision to eliminate any reference to a Marine Parks and Reserves Scientific Advisory Committee is to the fore. It is clear that this government is opposed to that reference, and it is something that the government and we will need more and more, given the complexity of marine science. To deprive the state of a marine science advisory committee is just a real shame. I think the minister should explain to us the technical workings of why this clause is in the bill. At same time, I move the amendments in my name. I move —

Page 32, line 8 – To delete “**and 3B deleted**”.

Page 32, line 9 – To delete “and 3B”.

If the minister were to support my amendments, he would be showing that he has seen the wisdom of our arguments and realised that the Marine Parks and Reserves Scientific Advisory Committee, with all the detail that follows under division 3B, should be retained.

**Mr R.H. Cook:** I thought you were going to say “see the light”, and then we were going to get into some very dangerous territory!

**Mr A.P. JACOB:** I thank the member for Gosnells for raising the matter; we discussed it back at “Definitions”. These two provisions, when taken together, are obviously the abolition, if you like, of the Marine Parks and Reserves Authority and the Marine Parks and Reserves Scientific Advisory Committee, all of those being moved into the one vesting body as committed to.

**Amendments put and negatived.**

**Clause put and passed.**

**Clauses 39 to 41 put and passed.**

**Clause 42: Section 33 amended —**

**Mr R.H. COOK:** I see words like “including planned burning” and “preventing, managing or controlling fire on that land” and so on, and obviously they pique one's curiosity. Could the minister provide us with an explanation of the intent of this clause that is in relation to the role of the chief executive officer?

**Mr A.P. JACOB:** On the one hand, this clause, again, picks up part of the incorporation of regional parks under the CALM act, but principally this is around giving a head of power to the director general for prescribed burning. The matter has been raised in a number of prescribed burning or bushfire inquiries that there was not, up until this point, an explicit head of power for prescribed burning that sat under the Conservation and Land Management Act. That is what this clause seeks to do.

**Mr R.H. Cook:** Before you sit down, by way of interjection: so it was not there before, but this person undertook the role?

**Mr A.P. JACOB:** My understanding is that it just referenced land management broadly, so this clause specifies that a subset of land management is prescribed burning.

**Clause put and passed.**

**Clauses 43 to 45 put and passed.**

**Clause 46: Section 56B inserted —**

**Mr C.J. TALLENTIRE:** Clause 46 refers to the production of management plans. I think it is important that at this point the minister reveal how successful the current government has been in producing management plans. We have before us a clause that states —

on the expiry of a management plan for land, a new management plan is made in respect of the same land; ...

Minister, what has been the rate of production of management plans for conservation lands in Western Australia during the time of the Barnett government?

**Mr A.P. JACOB:** If the member for Gosnells wants a comprehensive answer to that, I think I will have to take that question on notice. It does not relate specifically to the clause.

**Mr C.J. TALLENTIRE:** With respect, minister, the clause specifically reads —

on the expiry of a management plan for land, a new management plan is made in respect of the same land; ...

Surely the minister is aware. Okay, the minister cannot give me the full list of management plans that have been produced under the Barnett government, but perhaps he can at least give me some indication of the management plans he has done relative to the number of management plans that are currently outstanding and relative to the number of areas that management plans should be produced for. At least the minister has some idea, I am sure, of the relativities here?

**Mr A.P. JACOB:** I think this clause mainly deals with joint management lands going forward. But picking up on the general thrust of the member for Gosnells' question, which is around where our efforts have been focused in the development of management plans, clearly the number one focus is towards this government's election commitments. An expansion of conservation in this state is underway as we speak on a scale that has never before been seen in this state. That necessitates the development of brand-new, from-scratch management plans for all the marine and terrestrial parks that this government is developing. Added to that are the complexities of dealing with the traditional owners for most of the new conservation estates that we are establishing. The broad thrust of the member's question is: where have our energies been in the development of management plans? Clearly, they have been aligned with our election commitments, particularly in and around the Kimberley science and conservation strategy.

**Mr C.J. TALLENTIRE:** How many management plans have been produced while the member has been minister?

**Mr A.P. JACOB:** I do not have a round figure off the top of my head. Some are new management plans; some are redeveloped management plans, such as for Leeuwin–Naturaliste National Park that I released recently. Some are draft management plans, such as the development of Roebuck Bay; the Lalang-garram–Camden Sound management plan has been finalised in my time. I will not try to give the member a specific answer off the top of my head; however, I am happy to provide that specific number.

**Mr C.J. TALLENTIRE:** Thank you, minister. The minister's debate here has been about how the minister should be making the final call on things. He has said on numerous occasions that we should ultimately accept that the Conservation and Parks Commission should be an advisory body, and not be the one that develops policies. He wants to say that the minister should have ultimate control and ultimate responsibility. If we were to accept that argument, the minister must then say that he will take charge of all these things. He has struggled to list some of the management plans that he has produced. He indicated a few, but he was really struggling to get into the detail. Does this not demonstrate just why we need a body such as the Conservation and Parks Commission to have that degree of independence and capacity to develop policies of its own? A minister cannot do it on his own.

**Mr A.P. JACOB:** The proposed commission will be independent—let me state that right from the outset. The issue of whether it has a legislative head of power to develop policy does not feed into its responsibility for the development of management plans. I am happy to state that my expectation is that the focus of the expansion of the conservation estate and the development of management plans, in the first instance, needs to be a priority that

the government of the day takes to the election. That is what it is currently doing and that is my expectation. I think that would be the expectation of any government.

**Clause put and passed.**

**Clauses 47 to 55 put and passed.**

**Clause 56: Section 114AA inserted —**

**Mr C.J. TALLENTIRE:** This provision relates to the issues with infringement notices and some of the offences that might occur. I think—the minister can clarify this—that it particularly relates to offences in the marine environment. This relates to a live issue—that is, there are marine tourism operators in the marine park in Roebuck Bay. I am sure that the minister is aware that an enormous number of whales are coming into that general area. At the moment, I think without the marine park being in place, there is no capacity to control the activities of people who set themselves up as marine tourism operators. Can the minister clarify whether these provisions—they refer to alleged offenders and vessel offences—would be used to issue an infringement notice to someone who has not received the necessary credentials to be a marine tourism operator?

**Mr A.P. JACOB:** My advice is that the answer to that question is yes. This clause picks up a range of infringement matters—not just marine; it also focuses on the terrestrial side. In my own mind, I have nicknamed it the “member for Nedlands’ clause”. A really good local example is just down the road from where we are currently engaged at the Matilda Bay foreshore reserve where there have been some ongoing parking issues for many years. This gives a power to issue infringements to some very clever students who have found ways around existing legislation.

**Mr C.J. TALLENTIRE:** I would be curious to know a bit more, minister, about the nature of those offences, please.

**Mr A.P. JACOB:** In a marine park setting, it means things such as leaving a boat in places to obstruct. This allows rangers and officers empowered under this act to issue infringements in the absence of the individual, which currently they cannot do. Currently, the infringement actually has to be handed in person to the individual in question. A good example is parking: if a vehicle is parked where it should not be, currently, unless we actually catch the driver in the act of parking that vehicle and are able to hand them the infringement, we are not able to enforce the act.

**Clause put and passed.**

**Clauses 57 to 63 put and passed.**

**Clause 64: Section 132 replaced —**

**Mr C.J. TALLENTIRE:** This clause relates to the protection from personal liability of people who are operating under the Wildlife Conservation Act. I seek the minister’s clarification, though, on just how it will work, given his previous comments about how the bill before us is very separate from the Wildlife Conservation Act, and the fact that a biodiversity conservation bill replacing the Wildlife Conservation Act is, he feels, not a germane point to our debate today.

**Mr A.P. JACOB:** This is an example of what we would expect to be a consequential amendment in the new biodiversity conservation bill.

**Mr C.J. TALLENTIRE:** Can the minister go into a bit of detail about what sort of personal liability issues we are talking about here? I will read the clause out if he likes —

- (1) A person does not incur civil liability for anything done by the person in good faith in, or in connection with, the performance or purported performance of functions under this Act ...

Does this relate to the public servants who might be working under the Wildlife Conservation Act or does it relate to people who might be working as volunteers under the Wildlife Conservation Act? Just how broad is the clause? If someone claims that they are engaged in a feral species eradication program under the Wildlife Conservation Act, does it apply to them?

**Mr A.P. JACOB:** If they are operating under the direction of the department of the day, it would apply to them.

**Mr C.J. TALLENTIRE:** If someone is in a group of recreational shooters and they are able to say that they have been asked to be involved in a pig shooting expedition in some part of the conservation estate, and some disaster—some tragedy—occurs, would this clause remove that personal liability from those people who have gone pig shooting?

**Mr A.P. JACOB:** The advice I have is that, no, it would not.

**Mr C.J. TALLENTIRE:** I am concerned by the brevity of the minister’s answers, because I think we need to flesh this out. The minister is saying that if volunteers are doing what has been termed conservation hunting and

some mishap occurs, the liability for that mishap would transfer to the person who, perhaps unintentionally but through some degree of negligence, shot another person who was on that hunt.

**Mr A.P. JACOB:** I think that would be picked up under a range of other pieces of legislation.

**Mr C.J. TALLENTIRE:** That is fine, minister, but proposed section 132 states that a person does not incur civil liability for anything done by the person in good faith. I am sure that these people describe themselves as conservation hunters. I know we have had that discussion and I understand that the minister has made the call that he will not allow recreational shooting in our conservation estate, in our national parks or on public lands. Nevertheless, I know that there is that push—I think it is being done at a regional level—for regional managers employed by the Department of Parks and Wildlife to engage people for the control or sometimes eradication of pest species. To stick with the example of pig shooters, as I read this provision it looks as though those people will not have any civil liability. Is the minister confident that this proposed section will not remove the liability that should be brought to bear on people who are negligent with their shooting practices? If the minister is suggesting that this will be covered by other legislation, please tell me what that other legislation is. I am very concerned by what is in this proposed section.

**Mr A.P. JACOB:** The advice I have, and quite clearly the intent of the clause, is that this is targeted at those people who are in the employ of the department or who have been directly engaged by the department to perform an outcome. If it is a contractor, there is a range of other obligations and they would need to carry the responsibility for their own civil litigation liability for their actions while on Conservation and Land Management Act land.

**Mr C.J. TALLENTIRE:** The minister said “contractor”, but we are talking about volunteers. What will the situation be for them?

**Mr A.P. JACOB:** We may have to get specific legal advice on that element, but it is not intended to cover volunteers in that space either. I think the clearly stated expectation is that they would carry their own civil litigation liability insurance. In fact, if we were to engage with a volunteer group, my recollection is that they are currently required to have a level of liability cover, and that will certainly continue if that is engaged at any position in the future.

**Clause put and passed.**

**Clause 65 put and passed.**

**Clause 66: Part XIII inserted —**

**Mr C.J. TALLENTIRE:** Proposed section 165, “Members of Conservation Commission, Authority and Marine Committee”, reads —

A person who holds office as a member of the Conservation Commission, the Marine Authority or the Marine Committee immediately before the commencement day, ceases to hold that office on the commencement day but, subject to this Act, is eligible to be appointed as a member of the Commission.

I am just wondering how that relates to the new situation with the Conservation and Parks Commission. It seems rather confusing that we would insert a proposed section such as that. I guess it might be to do with the transitional arrangements. It refers to the ability for people who are currently serving on either of the two authorities to be appointed to the commission. If that is the case, I am reasonably happy with the proposed section, but I would like the minister’s explanation.

**Mr A.P. JACOB:** The proposed section really just outlines that existing members of either of those bodies will be eligible for appointment to the new body.

**Clause put and passed.**

**Clauses 67 to 72 put and passed.**

**Clause 73: *Fish Resources Management Act 1994* amended —**

**Mr C.J. TALLENTIRE:** This clause makes a consequential amendment to the Fish Resources Management Act, which is about to be totally replaced by the Aquatic Resources Management Bill. I am keen to know how this amendment relates to the bill, especially in terms of the impact on commercial fishing in a marine nature reserve. I would have thought that there would not normally be commercial fishing in a marine nature reserve, but perhaps the minister can clarify that. Perhaps he needs to say that that is exactly why we have sanctuary zones, because those are areas where commercial fishing would not be allowed.

**Mr A.P. JACOB:** I will not miss the opportunity to point out, member for Gosnells, that commercial fishing will not operate within Roebuck Bay, for example, with or without a sanctuary zone. In fact, this government bought out the two gillnet licences within Roebuck Bay and that is part of the reason that fish stocks are

bouncing back so quickly. However, I cannot say that all commercial fishing will not be allowed because I think a little pearl farming is allowed.

**Mr C.J. Tallentire:** I am sorry; I missed that last bit.

**Mr A.P. JACOB:** Gillnet fishing licences will not be allowed within Roebuck Bay marine park.

Picking up on the Fish Resources Management Act 1994 and the Aquatic Resources Management Bill, at any given time other pieces of legislation can interact with an act that might be at any stage of being amended. The member is correct that a new bill has been drafted within the fisheries portfolio. However, we can deal only with the legislation as it currently stands before us. We will look at the alignments with the Aquatic Resources Management Bill as it makes its way through this place.

**Clause put and passed.**

**Clauses 74 to 78 put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [3.48 pm]: I move —

That the bill be now read a third time.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [3.48 pm]: I want to speak very quickly on the Conservation and Land Management Amendment Bill 2015 because there are other equally important things to get on with. I am very pleased to see the changes that will be made to the act in relation to the joint vesting of national parks with Aboriginal groups. I do not know why that group necessarily has to come under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, but I guess that the government has given some firm consideration to these matters. However, the capacity for Aboriginal people to take joint ownership and management of national parks is a very important policy direction that the government has taken. As I said before, the greatest act of this government has nothing to do with stadiums or quays on the foreshore; it is the agreement of the treaty it has made with the Noongar people of Western Australia. From that point of view, the joint vesting of national parks between the proposed Conservation and Parks Commission and the Aboriginal groups is an extraordinarily important aspect of it. Had we had more time I would provide some reflections upon what the passage of this bill will do in terms of being able to create further opportunities for Aboriginal people to realise their cultural ambitions around caring for country and participating in the economy in a manner that makes sense to them, but because of the need to finish up quickly, I will sit down to allow the shadow Minister for Environment and the Minister for Environment to make more extensive comments.

**MR C.J. TALLENTIRE (Gosnells)** [3.50 pm]: From the outset the opposition has supported the Conservation and Land Management Amendment Bill 2015. There are many amendments contained within it and most of them are wise improvements to our existing environmental legislation. That said, it became apparent through our careful consideration of the bill that there has been a change in philosophy in respect of the administration of the conservation estate. We saw very clearly that it is the view of the Minister for Environment that science should not be put to the fore and that we can instead have a condensing to just seven members of the all-important body that is going to be called the Conservation and Parks Commission. We do not even know the nature of expertise those seven people will have or the vocational backgrounds they will come from. All they have to do is demonstrate to the minister's mind that they have some interest in conservation, and I think that is a very concerning trend.

Another item of big concern is the issue of the production of management plans. As the minister has said, we have a conservation estate that is fortunately growing, and it needs to. It currently does not meet any of the international targets on which an international judgement of the effectiveness of our conservation estate can be made. It is way behind on most parameters. If we look at the terrestrial environment, we should have at least 16 per cent of all ecosystem types contained in some form of reserve, but we are not meeting that target; we are at only about eight per cent, which is way behind. The question then arises of what the description should be for how the land that falls within the conservation estate should be managed, and that is where these management plans come in.

The minister talked about the Department of Parks and Wildlife's "Leeuwin-Naturaliste capes area parks and reserves management plan" and I understand that that plan took about 12 years to produce. That is a terribly long time for the production of a management plan. What is it that is so difficult about the production of these management plans? I think in some ways the government has actually refocused on recreational activities in national parks rather than managing national parks for their environmental values and conservation significance, and that is probably one of the reasons why we have seen such massive delays. That is also something that is of great concern.

There were many other issues raised during the passage of this bill. Something that was not discussed in any great detail was changes that are of great interest to the tourism sector. The tourism sector is asking for the capacity to have extended leases of up to 99 years, and I think that is something that we probably should have deliberated over quite thoroughly. I am aware that people who want to invest in tourism facilities need to be able to go to their bank and say, “Look, we’ve got a lease for a reasonable period of time”, and that justifies getting the sometimes millions of dollars in loans to build some sort of tourism facility. However, do we really need to give people 99-year leases to enable the bankability of their projects? The whole issue could potentially be a vexed one. If it turns out that this government is going to start giving away areas of the conservation estate to private tourism operators on very long leases that actually remove any control that the public might have over those leased areas, we will be in for some very stormy times in terms of the public’s view of that outcome. People will be absolutely dismayed to find that areas of the conservation estate have been just given over to private developers without any controls, and I am worried about those 99-year leases.

I have seen areas in other parts of the country that require enormous capital investment such as the High Country in Victoria—the alpine resorts that try to keep with the type of developments that we see in European ski resorts. The lease arrangements there are more in the order of 50 years, and yet those operators are quite satisfactorily able to get the financing in place to develop their resorts, but here we are talking about 99-year leases. I am not sure that we are putting in the necessary controls. To again use the example of the Victorian operators, there are all kinds of controls on those resorts with regard to, for example, whether someone can have a share unit in a resort and be allowed to bring a pet cat because they are in the middle of Alpine National Park. That sort of thing has to be looked at and I am very concerned that this government is just going to give it away to people who come up with all sorts of plans that might be attractive to some, but which to the majority of Western Australians would be absolutely abhorrent.

The Deputy Leader of the Opposition has spoken about the importance of joint vesting and joint ownership of the conservation estate, and the importance of that to traditional owners, and I totally agree with and support his points on that. This is clearly something that we are keen to do and that we need to do, and it is a nice development from previous discussions we have had about joint management of the conservation estate.

There are many useful things in this legislation, but another area of deficiency is around the attitude towards the establishment of regional parks. These are so important to the people who live alongside regional parks and can see that things such as the control of invasive species, pests, plants and animals is not being done properly across the whole of the regional park, bearing in mind that a regional park has a whole range of land tenures from private land ownership to public lands to lands owned by government authorities. We need to have a proper, cohesive management approach to things such as fox control or weed control in regional parks. We have to have cohesive plans, and I am not sure that the powers we have put into this legislation will really give us the capacity to force a recalcitrant landholder to, for example, carry out control of weeds such as Paterson’s curse, doublegee or Cape tulip—any of those weeds that are becoming all too apparent at this time of year. With the warmer days there will be a whole flush of weeds coming out and those are the types of weeds that become flammable, and I do not think that is something that this place has properly considered. So much of our fire-prone environment has been added to and exacerbated by the fact that we have these weeds that are not being properly controlled. It is not often native vegetation; it is more often the weed species that we do not bother to control, and that is why we should be putting far more effort into weed control, especially in the outer urban areas and the areas where there are regional parks.

The overall intent of the bill, with its diverse range of amendments, is something that we need to put in place. I note that in respect of the introduction of certain marine parks, it is very important and we support that. I will finish by saying that it was disappointing to hear that the government did not consult with the community about this bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

### **EMERGENCY SERVICES LEVY**

#### *Motion*

**MS M.M. QUIRK (Girrawheen)** [4.00 pm]: I move —

That this house condemns the Barnett government for misappropriating funds collected by the emergency services levy for purely administrative purposes instead of for frontline emergency needs, and calls for a system of independent allocation of ESL funds to be implemented as recommended in the first Keelty inquiry.

There are a number of reasons for moving this motion today. I will outline what they are and then flesh out some of those issues. Firstly, under the current budget, the emergency services levy impost on households has risen by 81 per cent since the government came to office. That is pretty unfortunate when combined with the other

imposts of taxes and charges, and it creates a real problem for some households. Because the levy is included in people's local government rates, however, there is a tendency to blame local government for this price hike, which I also think is unfortunate because it is the state government that is pocketing those funds.

Secondly, this year in estimates was the first time the government flew the white flag and finally conceded what we already knew—that ESL funds are not being used solely for frontline services but are being used extensively for administrative and other costs that should be funded out of consolidated revenue. Thirdly, the contribution to the Department of Fire and Emergency Services itself is decreasing substantially. Some members will remember that when the Labor government introduced the legislation in 2002, it was warned vociferously by the then Liberal opposition that the government could not be trusted and would dip into ESL proceeds. In fact, ironically it is under the Liberal government that this misappropriation has occurred.

Fourthly, there is a lack of transparency in how this money is expended. When I asked a question about how many households were now on the maximum amount of ESL, the question was asked in the other place and the response was that the minister asked for the question to be put on notice. It is just not plausible that those figures were not readily to hand. It is also showing a lack of transparency that we can no longer get questions answered as to the amount collected and disbursed in each local government area. We are now being told that those figures are not collected, despite the fact that they were available to a parliamentary committee in 2011.

Fifthly, recommendation 48 in the first Keelty inquiry—the inquiry into the Perth hills bushfires—states that although it was outside his terms of reference, there was some appetite for ESL being administered independently, so he did make some comments and recommendations on it. This has subsequently been rejected by government. I think in light of the disclosures and the amount of money now involved, revisiting the issue is warranted. Next, we really must look at the fact that local government grants have not risen. Despite the ESL collections rising from \$154 million in 2008–09 to \$321 million this year, the amount given under local government grants has remained pretty static and, in fact, 70 per cent of the firefighting is done by bush fire brigades that get that small contribution through local government grants.

Local governments are now starting to complain about the costs of processing through the rating notices—the ESL component—that they have to do every year. Some initial costs were given to them when the system was set up but the compensation they are given to process those collections has not kept pace and they say it is costing them money to collect the money on behalf of the government, including debt collection for non-payment.

There is also concern that the ESL does not cover mitigation activities. I heard recently that in Northcliffe, where there was a major incident last year, volunteers from different units, some local government and some through the Department of Fire and Emergency Services, were keen to undertake prescribed burning. Last year's fire came from the south but there was a lot of old growth and a large fuel load in the other three sectors. I was contacted by two individuals from separate units saying that they wanted to conduct a prescribed burn to protect the town and they would be doing so on a volunteer basis, but I am advised the regional DFES district officer said there was no money for prescribed burning. That is a matter of concern. We are talking about a mere few thousand dollars. Also in that regard it was interesting to see in this year's budget that royalties for regions is now being used to supplement some of the activities that are relevant; for example, crew protection in the regions. Again, it is a concern if the government is spending money from the ESL on administrative costs, then having to dip into royalties for regions for some of its core activities in the regions.

The final point, which is an emerging issue, is the fuel loads on unallocated crown land. There does not seem to be any responsibility being taken for that land and there is a real issue with how that will be addressed in the future. People had the expectation that the ESL would cover some of the mitigation activities on those lands, but it is quite clear that inadequate responsibility is taken for the fuel load on some unallocated crown land.

I will now flesh out some of those issues. As members know, the ESL is a charge that is levied on rate notices issued by local governments, with the exception of vacant land owned by a council. The ESL applies to a property. It was introduced in 2003 and at that time the intention was to fund career and volunteer fire and rescue services, local governments, volunteer bush fire brigades, the State Emergency Service, Fire and Emergency Service's new multiservice units, emergency management services and community safety programs. I have outlined what the current issues are but perhaps what is new is that we have recently had an unambiguous concession and admission by Commissioner Wayne Gregson in the Legislative Council estimates that everything that can be spent out of the ESL is being attributed and hypothecated against the ESL. I will read a brief portion from the estimates hearing held on 25 June 2015 in the other place. The Chair, Hon Ken Travers, asked —

... what is the current policy of government with respect to the funding of your organisation in respect to how much is from the ESL and how much is from the consolidated account? Is there a current policy? Each year we seem to see the ESL going up by well above inflation and the share of the consolidated account reducing, so what is the current policy of the government?

**Mr Gregson:** I understand that the current policy of the government is to fund what can be funded out of the ESL.

Hon Michael Mischin, who represents the minister in the other place, interjected —

With certain exceptions.

**Mr Gregson:** There are some things that cannot be funded out of the ESL, and they are not funded from the ESL.

**The CHAIR:** What are those things that cannot be funded?

**Mr Gregson:** They would be things like the south west rescue helicopter, unexploded ordnance and surf lifesaving.

**The CHAIR:** Are we now at the point where all the things that can be funded out of the ESL are now funded out of the ESL, and those things for which you receive an appropriation from the consolidated account are now those things that cannot be funded under the ESL?

**Mr Gregson:** Yes.

**The CHAIR:** When did we reach that point, where we are funding everything that can be funded out of the ESL?

**Mr Gregson:** This budget.

Hon Amber-Jade Sanderson asked a question in the other place on 14 May 2014. It reads —

I refer to page six of the “Concept Paper: Review of the Emergency Services Acts”, which notes that proceeds from the emergency services levy funds some volunteer training, fire investigations, building inspections, community safety programs, emergency management planning and the Department of Fire and Emergency Services’ corporate support costs.

I will return to the concept paper later. Hon Amber-Jade Sanderson went on to ask about the activities funded by the emergency services levy. Hon Michael Mischin replied, on behalf of the minister —

- (1) Corporate service activities include asset planning and delivery services; business services; human resources; media and corporate communications; and information communication and technology services.
- (2) Operating costs allocated to the Department of Fire and Emergency Services’ corporate services for the 2012–13 financial year and the period from 1 July 2013 to 30 April 2014 are \$128 823 017 and \$108 618 605 respectively.

That is the kind of thing that is now apparently considered permissible to be funded from the emergency services levy. Similarly, I thought some recent tenders were quite interesting. One relates to a branding exercise for the department. A news release about the branding survey headed “Help shape the DFES of tomorrow” states —

The Department of Fire and Emergency Services (DFES) is kick starting an exciting new research project that will help to shape DFES’ brand and image, and provide it with a clear direction of where it needs to be in the future.

The research involves a confidential survey which explores views about DFES, including its position in the community, the way it communicates and how it can make improvements.

...

“It is a chance for people to have their say about the way DFES connects and communicates with the community, stakeholders and fire and emergency services personnel,” ...

That branding exercise is costing us \$80 000, and the contract was awarded to Painted Dog Research. Apparently, we are spending \$80 000, presumably out of the ESL, to find out what the community thinks of the Department of Fire and Emergency Services. Even more concerning is another tender for graphic design services estimated to be \$800 000. Interestingly, this contract is split into two two-year periods, and will run past the time of the next state election. The government is purporting to award an \$800 000 contract that will run to June 2020. That is a lot of money. I find it extraordinary that that sort of money is being spent at a time —

**Mr R.F. Johnson:** That’s nearly \$1 million. Would that come out of the ESL?

**Ms M.M. QUIRK:** One wonders, because media, communications and human resources are all now said to be paid for out of the ESL and, as Commissioner Gregson said, anything that can be funded from the ESL is now being funded.

**Mr R.F. Johnson:** It was never intended for that sort of thing to come out of the ESL.

**Ms M.M. QUIRK:** I am glad the member mentioned that, because I was about to quote something that he said when this legislation was being debated.

**Mr R.F. Johnson:** I remember debating it, absolutely, when you were in government.

**Ms M.M. QUIRK:** This is not a set-up; I did not know that the member was going to interject. On 22 October 2002, the member for Hillarys said, in this place —

The Government will continue to make the same \$40 million contribution that it has always made. To suggest that the Government will pay less is wrong.

I am sorry; I am reading the response from the minister.

**Mr R.F. Johnson:** That wasn't me; I was questioning at the time.

**Ms M.M. QUIRK:** Yes, you were.

**Mr R.F. Johnson:** Michelle Roberts was the minister.

**Ms M.M. QUIRK:** Here we go; this is the correct quote. The member for Hillarys said —

I believe that every Government should be paying, on behalf of the residents of that country, state, borough or shire, a reasonable proportion toward those emergency services. That is what has been happening for many years in Western Australia. The figures that I have been given show that up until this year—one can assume that it will go further than this year, but there will be some clawback—just over \$40 million has been paid by the Government for the fire and emergency services. The rest has been collected through insurance levies and by local authorities. The total cost of running the fire and emergency services was \$115 million.

...

It is something that should be considered, because at the moment the Government pays a subsidy of just over \$40 million to the Fire and Emergency Services Authority. When this legislation goes through, the Government will then claw back, in round figures, \$20 million.

...

The net effect of this Bill will be to make the State Government financially better off by at least \$20 million, in round figures—the minister should not pick me up if I round up the figures and am a fraction out. The State Government will no longer subsidise fire services to the extent it did in the past. This legislation will transfer that cost of subsidy to the ratepayers of Western Australia. They will undoubtedly have to pay more than they are paying now for their fire levy. Somehow the Government must recoup the \$20 million.

...

Further to that, there has been some beat-up that somehow this is a government revenue-raising exercise. Clause 11(4) of the legislation requires that all the money collected from the levy be spent on FESA services. There is no possibility of levy money somehow being gobbled up into consolidated revenue and used for other purposes.

It goes on. Paul Omodei and the member for Vasse, I think, Mr Barron-Sullivan, expressed similar and very vociferous concerns.

**Mr R.F. Johnson:** I think Dan Barron-Sullivan was the member for Mitchell at the time.

**Ms M.M. QUIRK:** Yes, Mitchell—thank you.

They all expressed similar concerns that the government should continue to pay its fair contribution to the fire and emergency services, as it does with other government agencies, and that the ESL should contribute to ensuring that those on the front line have adequate equipment, training and protection. That is clearly not the case.

I want to table a graph. I am actually indebted to *The West Australian* for this, so its accuracy cannot be questioned one iota. Members will see from this graph, which I will table, that the yellow line is the government appropriation for service delivery, which is dipping substantially, and the white line is the increased cost to households of the emergency services levy. If I can say that it is a graphic illustration, that is an obvious pun, but it does illustrate graphically how the government's contribution has plummeted and households are bearing much more of the brunt. I will table this document for the duration.

[The paper was tabled for the information of members.]

**Mr R.F. Johnson:** Will you give permission for that document to be copied for any member who wants a copy? You have to give your permission.

**Ms M.M. QUIRK:** Certainly. That is the problem. Given the appropriation of money for items that were never contemplated under the levy, the Keelty inquiry recommended that maybe there should be some independent assessment and allocation of moneys. In his report on the 2012 Perth hills inquiry, Mr Keelty stated —

While the Special Inquiry was not mandated to investigate or verify these claims, it was sufficiently convinced that a detailed review of the way ESL funds are allocated by FESA is warranted.

Regardless of the outcome of such a review, the Special Inquiry questions whether it is appropriate for an agency which is funded through the ESL to also be responsible for its distribution. The Special Inquiry sought legal advice which indicated while some legislative amendments may be necessary, there was no reason why the levy could not be collected and spent solely on fire and emergency services outside of FESA.

Given that that was some five years ago, and the issues with the administration of the levy raised with the special inquiry, the special inquiry considers a review of the distribution of the ESL is urgently needed. Recommendation 48 states —

The State Government move the responsibility for the management and distribution of the Emergency Services Levy to the Department of Finance.

The government has rejected that recommendation.

Daniel Emerson from *The West Australian* summed up those concerns in an excellent article titled “Disaster levy taxes the truth”, which was published during the winter recess. It states —

Everyone wants to know that help is at hand during a natural disaster or other emergency, and West Australians have a great deal of respect for our dedicated Fire and Rescue Service, volunteer bush fire brigades and SES.

Perhaps that’s why there’s barely a peep from the public when, year after year, the emergency services levy gets ratcheted up well beyond the rate of inflation, like this year when it went up 10.6 per cent, and two years ago when it went up 7.3 per cent.

But what if the ESL, levied on property owners through rates, wasn’t just paying for frontline emergency services and was being used to subsidise routine government expenses such as human resources, IT and media and communications?

What if the ESL had gone up 81 per cent in seven years but that hadn’t resulted in the same increase in funding for the frontline because the Government quietly halved its own Budget allocations to the Department of Fire and Emergency Services during the same period?

What would you call that? A tax increase disguised as a disaster relief collection? At best tricky? At worst a rort?

I commend the whole article to members. He refers to the initial debate on the legislation and the fact that it was intended that it be used on frontline services. It goes on to state —

It required the ESL to be used “for the purposes of emergency services acts or received by the authority in performance of its functions under the acts”. Despite the intent of the legislators, the very thing the Liberals warned about in opposition is now firm Barnett Government policy.

May Budget papers recorded a 52.4 per cent drop in the appropriation from consolidated revenue to DFES, with the following explanation:

“In 2015–16, some fire and emergency services activities previously funded by the consolidated account appropriations will be funded from the ESL.”

The type of activities the ESL now funds include DFES “corporate services” such as human resources, IT, and even media and communications—precisely the sort of things, as Omodei described in 2002, the Government normally paid for itself.

At a recent Budget estimates committee hearing, Fire and Emergency Services Commissioner Wayne Gregson confirmed the only part of his budget not funded by the ESL were the things expressly forbidden to come from it, including salaries, the rescue helicopter and surf lifesaving.

In other words, every penny not legislatively bolted down has been prised from the fund by a Government that has stealthily ramped up the burden on property owners while lightening its own load. Last financial year, 78.6 per cent of DFES’s total cost of services was met by property owners through the ESL. The Government is budgeting for that proportion to reach 91.2 per cent by 2018–19.

To back up what he was saying, *The West Australian* compiled a graph, which I have just laid on the table.

We have a position in which, as I said, in 2008–09, \$154 million was collected under the ESL. This year some \$321 million will be collected but the government contribution to DFES has gone down from \$27.6 million in 2008–09 to \$15.2 million this year. As the article states and as I have said, the government contribution has been reduced significantly.

The emergency services legislation is being reviewed. Last year a concept paper was put out, which discusses a number of aspects of emergency services and management, including the ESL. Chapter 1 of the concept paper makes a number of assertions that, to my way of thinking, were somewhat novel. It states specifically —

The ESL funds some volunteer training, fire investigations, building inspections, community safety programs, emergency management planning and the Department of Fire and Emergency Services (DFES) corporate support costs. Buildings and appliances for career fire brigades are funded through capital funding processes.

It then refers to the Keely recommendations. The concept paper looks at three options as to who should allocate the ESL moneys and who should be responsible for the administration of the ESL. It asks whether there should be any change to the current ESL funding, whether additional levies should be introduced and under what time frame ESL billing adjustments should be allowed. This concept paper was written in order to generate and assist with submissions relating to drafting this new legislation. The minister has specifically said that these submissions are confidential. I think a lot of submissions were made—in the hundreds, if not thousands. We cannot gauge or see what the community response to these suggestions or preferred positions in this concept paper will be.

Surprise, surprise, the concept paper suggests that the administration of the allocation of ESL moneys should remain with the Department of Fire and Emergency Services. It rejects the suggestion that the Department of Finance, as an independent broker, should allocate the money. It addresses that specifically by stating —

In order to address any real, or perceived, conflict of interest the Review considered whether the legislation should be amended to shift administration of the ESL to another government agency, such as the Department of Finance, who are not a recipient of ESL funds. Extensive liaison with various functional areas of DFES would still be required if the administration of the ESL was handed to another agency. It is envisaged that this option would result in additional administrative burden only to achieve a similar outcome as the status quo of DFES being responsible for the administration of the ESL.

It then canvasses a further option to hand over the allocation to an independent third party. It notes —

This would address stakeholder concerns about any perceived conflict of interest in the current arrangements and may partially address concerns about the ESL being administered by an agency without expertise in emergency management. There would likely be significant costs associated with identifying and resourcing an appropriate body, potentially reducing the amount of ESL funding available. In addition, it may prove challenging to identify and retain individuals with the required emergency management and financial experience to maintain effective administration.

That is the objective. Interestingly, also in this paper are some other suggestions. Paragraph 1.2.4 of the concept paper reads —

It was suggested that a new ESL category be created specifically for Unallocated Crown Land to increase the funds available. The State Government currently contributes \$16 million in ESL charges for properties that it manages<sup>19</sup>, including Unallocated Crown Land. If the purpose of this option is to raise additional revenue it is counterproductive as this new ESL category would be paid exclusively out of the budgets of other State Government agencies, which is likely to reduce the amount of consolidated revenue made available to DFES.

Even though the Keely report of 2012 talks about a shared responsibility, this is the response we get from government agencies managing their own unallocated crown land.

The paper also canvassed the idea that because emergency services are used in relation to motor vehicle crashes and also marine rescues, there should be separate levies for vehicle and vessel owners. This was rejected, but we now find that even though many property owners who contribute to ESL do not have boats, they are contributing to marine rescue. That is now coming out of ESL funding. It is certainly appropriate that they be adequately funded, but I am not sure it should be coming out of ESL and I believe that is contrary to the legislative intent.

That section also canvassed whether ESL should be expanded to include additional emergency response equipment. Local government argues that it is a one-size-fits-all approach, but it wants to apply for additional or different equipment from that which is covered under the local government guidelines. That is something that the opposition believes and that local government is lobbying for further dialogue with the Department of Fire and Emergency Services.

The other issue that people are not adequately aware of is that mitigation activities are not funded by the ESL. Paragraph 1.6 of the “Concept Paper: Review of the Emergency Services Acts” is particularly enlightening. It reads —

It was submitted that many of the same resources are used for mitigation and emergency response and, as such, the policy should be amended to allow ESL funds to be spent on any mitigation activities. The

primary reasoning put forward by stakeholders was that additional expenditure on mitigation activities would have a savings correlation on the response side. Research indicates that there is a strong correlation between the dollars spent on mitigation, prevention and preparation and the subsequent reduction in the risk, frequency, intensity and impact of natural disasters.

I certainly concur with that. It was news to me that ESL effectively did not apply to mitigation activities.

As I said, the amount allocated under the local government grant scheme has remained pretty static at around \$30 million, despite the huge increase in collections that I talked about of over \$300 million. Local government tells me that although it received some initial set-up costs for its systems, the additional costs of processing these ESL fall short of what it costs. Local government says that it is not just a bit of ink on a rates notice but that every time the percentage of ESL levy changes, it needs to change its systems and calculations, which of course has attendant costs. That is one thing that the government needs to reconsider and is another justification, in my view, for an independent inquiry into how the ESL is administered, collected and the funds allocated. Local government is quite concerned about the lack of positive reception it is getting from government on these issues, and the Western Australian Local Government Association is keen for there to be amendments to the legislation to better reflect its role. Members must remember that the vast bulk of firefighters, for example, are in bush fire brigades and they, of course, are operated by local government.

The next issue that I briefly mentioned is Northcliffe. As I said, I was contacted a couple of weeks ago by two firefighters in two separate units wanting to get some prescribed burning done in the area around Northcliffe, where some of the fuel load is as much as 25 years old; however, the district officer from DFES said there was no money for prescribed burning. We are literally talking about several thousand dollars, which is the cost of feeding the volunteers and providing whatever they need to undertake those prescribed burning duties. That is an absolute scandal. Last year that town was very close to being burnt to the ground, yet it is still three-quarters surrounded by fuel load decades old and a few thousand dollars cannot be spared out of the \$300 million or so ESL. That is a matter of major concern. I have mentioned the unallocated crown land, which is a sleeping issue. There is no point in householders bearing the brunt of the ESL if the government is not taking responsibility for large tracts of land that threaten townships and neighbouring properties. Any review of ESL needs to take into account the contribution of government for unallocated crown land, the contribution of individual agencies and the responsibility of agencies to maintain and ensure that their properties do not create an undue risk. It is quite clear that the amount of \$16 million is risible and needs to be much increased.

A number of other members want to speak, so I would like to say in conclusion that the Western Australian public deserves better. This has been a deceit and a sleight of hand over a number of years. I commend the Fire and Emergency Services Commissioner for coming clean in estimates. It is a subject that the government has sought to evade and mislead on. For example, in 2011, I was part of a parliamentary committee that received information about the allocation of moneys to individual local government areas. The information included how much was collected under ESL in each local government area and how much money was disbursed in those areas, mindful that things such as career stations come out of the ESL so do not necessarily reflect the disbursement back to local government authorities. That table was readily provided to the committee. I asked last year for similar information and the minister, after a series of questions—in fact, I wrote to the Auditor General—said that that information was not available, even though in 2011 that information was provided. The minister was able to tell me in estimates that the DFES computer system had not changed, so it is my view this is another attempt to obscure the true position that the government is dipping into householders' pockets yet again with this enormous 81 per cent rise in the ESL. The government needs to come clean and we need an independent inquiry into the whole area.

**DR A.D. BUTI (Armadale)** [4.39 pm]: I also rise to speak to the motion by the member for Girrawheen —

That this house condemns the Barnett government for misappropriating funds collected by the emergency services levy for purely administrative purposes instead of for frontline emergency needs, and calls for a system of independent allocation of ESL funds to be implemented as recommended in the first Keelty inquiry.

In my electorate, and where I reside, the whole issue of emergency services, particularly fire prevention and fire services, is very delicate, sensitive and important. Not long after I arrived in this place, the Kelmscott bushfires of 6 February 2011 occurred. More than 70 homes were burnt down or destroyed, which I think remains the largest amount in a metropolitan bushfire in Western Australia's history. It was a very, very dark day in the history of the Armadale–Kelmscott–Roleystone region. They are often referred to as the Roleystone bushfires, but all the properties destroyed were on the border of Kelmscott, moving into the hills. As I have previously stated, in some regards we were very fortunate because in summer there is usually a very strong easterly in the morning, which brings the hot weather, and then in the afternoon there is the westerly. Usually by the time it gets to our end of the world, it is pretty weak, but if it is strong, it means it is blowing a gale on the coast. But on that day the easterly remained the dominant mode of wind for most of the day, and that—I am sure the minister is

aware of this—saved a number of properties and saved people’s lives. If the wind had been blowing the other way and gone up the hill—there is only one or two ways out of Roleystone—I am sure that we would have been, unfortunately, talking about the loss of lives. It is not fortunate for the people who lost their homes, obviously, and those who did live in areas that we would not think would lose their homes, being the Clifton Hills region of Kelmescott. Some of those homes were some distance away from the bushfire, but they were destroyed by, presumably, the embers being attracted to the air-conditioning systems of those homes.

Of course, the whole issue of firefighting and the services provided is very, very important. In my area we have career firefighters and a number of volunteer firefighting brigades—namely, Roleystone, Armadale, Bedfordale and, further south, Serpentine–Jarrahdale. On that day we had careerist firefighters, and the very professional—I do not like to call them volunteers, but they are—volunteers; they were very, very helpful on that particular day.

As the member for Girrawheen mentioned, the emergency services levy was established by a previous Labor government for a particular purpose. The questions now are: Has the purpose for which that levy was initiated been eroded? Is the government engaging in removing some of that very important funding to provide for frontline services? Those very, very important issues need to be addressed, and, hopefully, this motion will bring them to the fore and changes can be made. Interestingly, when I was doing a bit of research on this, I found out that there is a town in South Australia called Yeelanna, which is on the Eyre Peninsula, where the locals decided they were not going to pay the levy and they protested about it. They decided that because they were all part of the volunteer fire service in the town, they did enough work to prevent bushfires and so forth and so they thought they should not be paying the levy.

**Mr J.M. Francis:** You’re giving me ideas now!

**Dr A.D. BUTI:** They basically said they thought it was very unfair, that they provided a lot of the services and so why should they be paying extra for the provision of services to that community.

The whole issue of the emergency services levy is interesting, and quite a lot of work has been done on the just or equitable nature of it. A very interesting article appeared in *The Conversation*—an online university journal. The article is from 2013 and the heading is “Cutting out the insurance “free rider” when it comes to funding fire services”. The author, Rachel Anne Carter, lamented the fact—I am not sure of the situation today—that New South Wales was the only state that did not have an emergency services levy. Her article stated that Victoria had just implemented one, and New South Wales was the only state that, at that time, did not have one. The article refers to the free rider problem. Before that, the levy was added to insurance policies, but of course not everyone paid for home or property insurance et cetera. But, of course, when there is a fire, the fire brigade, whether it is the careerists or volunteers, does not discriminate between an insured and uninsured house; they just fight the fire. There was an argument that if the levy was embedded in the insurance system, not everyone would pay it and therefore it was an inequitable way of trying to fund emergency services, and that levying an ESL on all property owners was a more equitable way of trying to raise funds.

**Mr J.M. Francis:** What state was that?

**Dr A.D. BUTI:** New South Wales was the only state that did not have it. The author was saying that the way it was being funded in New South Wales, as it was in every other state until they had the levy, was through an insurance policy. The problem was that not everyone pays for insurance, but everyone is protected; in other words, there were freeloaders. It was called the “freeloader” argument.

**Mr R.F. Johnson:** Plus a lot of big business was insuring offshore and so nothing was paid. That is why we, in opposition, agreed with you in government that the ESL should be brought in, but under those strict conditions. Unfortunately, we have moved from there since then and that is a disgrace.

**Dr A.D. BUTI:** I will move to that shortly, and the member for Hillarys’ interchange with the member for Girrawheen highlighted some of the debate around the implementation of the ESL; the member for Midland was the minister responsible for that at the time.

The Department of Fire and Emergency Services’ website states —

The Emergency Services Levy (ESL) funds Western Australia’s (WA) fire and emergency services, including career fire stations, volunteer fire brigades, State Emergency Service (SES) units, the Volunteer Marine Rescue Service and the multi-purpose Volunteer Emergency Service units.

ESL funding supports approximately 770 dedicated emergency service groups comprising 1,400 career firefighters and support staff, and over 29,000 volunteers.

Since the ESL was introduced in 2003, WA’s fire and emergency services have dramatically improved, particularly in regional and remote areas thanks to the provision of new equipment provided for volunteer groups.

The ESL benefits all West Australian’s as emergency response involves a cohesive approach from across the state.

That, of course, is the advantage of having the ESL, and that was the purpose behind it. But as the member for Girrawheen outlined, questions are being asked about what it is being used for. Is it being used to fund the frontline services needed, whether fire prevention or other emergency services? There is no doubt that it seems that the levy has increased constantly under this government and how much it should increase by is one thing, but if it is going to be increased surely 100 per cent of it should be utilised for the purpose it was established. There is a question as to whether that is the case. I will talk about the issue in regards to the City of Armadale and the Serpentine–Jarrahdale council shortly. If the ESL has been substantially increased over the years but the money has not been utilised for the purpose it was established, that is a major problem and, really, it is very, very dishonest to collect the money and not use it for the purposes the levy was established for.

The member for Girrawheen mentioned the quite outstanding article by Daniel Emerson. It is titled “Disaster levy taxes the truth” and is dated 3 August 2015. The member for Girrawheen referred to certain parts of the article but not other parts, but I think it is interesting to give the article a bit more consideration in this debate because it raises some interesting questions that I think the minister will need to respond to. The article states that everyone wants assistance during natural disasters and emergencies and everyone has a great respect for the fire and rescue services, volunteer bush fire brigades and the State Emergency Service. Is the minister still a volunteer firefighter with the same brigade? It is still the Jandakot one. From my interaction with volunteer fire brigades in my neck of the woods, I know that they are very dedicated people who, particularly during the summer months, put an immense amount of time and energy into responding to emergency situations and also trying to prevent fires by doing the necessary bushfire maintenance at the beginning of the summer season. One of the highlights of being the member for Armadale is attending the annual Armadale Volunteer Fire and Rescue Service’s dinner, which is always held on the last Saturday of the financial year. It is great to spend some time with these incredibly dedicated and decent folk in Armadale, and Roleystone and Bedforddale are no different in that respect. These people take their jobs very seriously. Some of them end up becoming career firefighters and some who were career firefighters have gone into other professions but maintain their links to the service.

[Member’s time extended.]

**Dr A.D. BUTI:** Daniel Emerson states in his article that the emergency services levy is levied on property owners through council rates. Then he asks —

What if the ESL had gone up 81 per cent in seven years but that hadn’t resulted in the same increase in funding for the frontline because the Government quietly halved its own Budget allocations to the Department of Fire and Emergency Services during the same period?

What would you call that? A tax increase disguised as a disaster relief collection? At best tricky? At worst a rort? That’s the reality of the ESL 13 years after it was introduced to replace an existing levy on insurance premiums to help fund emergency services. There was relatively high support for the move at a time when one in five WA companies was deliberately insuring offshore to avoid paying, and volunteer groups were spending an excessive amount of time fundraising.

Emerson then refers to the history of the establishment of the ESL and states —

The ESL was created in 2002 to fund the career Fire and Rescue Service, local governments’ volunteer bushfire brigades, the SES, emergency management planning and the former Fire and Emergency Services Authority’s multi-service emergency units.

But the possibility of the fund being raided by government to improve its own bottom line did not escape MPs at the time, only back then it was the Liberals warning from the opposition benches of a cynical cash grab.

The member for Hillarys would have been a part of the group that was concerned that that might take place.

**Mr R.F. Johnson:** Absolutely, and I am ashamed that it has happened under my government.

**Dr A.D. BUTI:** And rightly the member for Hillarys should be ashamed, because what has happened is terrible. In the article, Paul Omodei, who was the opposition leader at the time, is reported as saying —

“We need to make sure that the government does not use the system to save itself expenditure by using the ESL to cover costs that it would normally cover itself,” ...

In other words, all funds raised by the ESL must go into emergency services.”

The Leader of the Opposition at the time and, of course, the member for Hillarys understood the potential problems that could result if there were a dishonest government. And that is what we have at the moment. The Minister for Police and Emergency Services at the time was the member for Midland, Hon Michelle Roberts. She dismissed the notion out of hand, because the member for Midland is an incredibly honest person. She would not have thought that we would have the tricky government that we have today. In the article, she is reported as saying —

“It is not true that the State government will be paying less money to emergency services. The government will continue to make the same contribution that has always been made,” she said.

“There is no possibility of levy money somehow being gobbled up into consolidated revenue and used for other purposes. I would have thought it would be an amazing thing for any government to contemplate, even for a moment, collecting money from the community for emergency services and then spending it in some other way.”

We would, would we not? That would be amazing. Surely any honest government would not do that. Minister Roberts included in the legislation a clause that she said would ensure that all ESL money would be spent only on emergency services activities. Unfortunately, that is when the government of the day probably made a mistake. The clause in the legislation was not tight enough or maybe the bigger mistake, which was an understandable mistake, was that the minister thought that no government would ever contemplate raiding the ESL funds. If members lived in the Kelmscott hills, they would damn well want to know that the government ensured that all the money that is collected through people’s rates was used for the purposes that it should be used for. The ESL is to be used for the purposes of emergency services acts or received by the authority in performance of its functions under the act. Despite the intention of Minister Roberts, and the warnings of the Liberal opposition at the time, the Barnett government has done exactly what the member for Hillarys and the then Leader of the Opposition warned and were concerned about. What the Liberal opposition was fearful might happen has happened under a Liberal government. The Premier was a member of the opposition at the time. It is disgraceful behaviour.

It is interesting that, in this article, Dan Emerson refers to the Wayne Gregson issue at the estimates committee hearing, which the member for Girrawheen mentioned. The graph illustrates that the average household’s ESL impost has risen from \$144 to \$206 since the Barnett government came to office, but during the same period, consolidated account appropriations to the Department of Fire and Emergency Services has gone from \$27.6 million to \$15.2 million. That slide was punctuated only by a three-year spike to implement the findings of successive reports into destructive fires by Mick Keelty. Keelty saw how the ESL operated and, even though it was not part of his terms of reference, he smelt a rat. He knew that a government could do what this government is doing and, sure enough, even though it was not part of his terms of reference, he looked at this issue and he talked about the need for a complete review of the spending of the then Fire and Emergency Services Authority. In the article, he is reported as saying —

“The special inquiry questions whether it is appropriate for an agency which is funded through the ESL to also be responsible for its distribution,” ...

The article continues —

He found controls would be strengthened if State transferred responsibility for the management and distribution of the ESL to the Department of Finance, one of the few recommendations the Government rejected.

The government rejected this recommendation. The last two words of Emerson’s article are —

Funny, that.

Well, actually, it is not funny, is it? It is not funny, because this is an incredibly important area. People who have lost family members or who have lost property want to ensure that we have a first-rate emergency services system in Western Australia. If it is not being funded appropriately, we will not have an appropriate quality emergency services system. Over the life of the Barnett government the emergency services levy has increased from \$144 to \$266, but the amount being spent has dropped from \$27.6 million to \$15.2 million, and were it not for those disastrous bushfires, the decrease would have been even greater.

In the City of Armadale the levy has gone up by roughly 10 per cent. I am not sure of the actual amount, but it is around 10 per cent. However, as the City of Armadale has stated, it has received very little for that; sometimes it gets a vehicle, sometimes some firefighting equipment, but the increase in levy does not match the services or equipment it receives from the Department of Fire and Emergency Services. The increase that has been imposed on the ratepayers of the City of Armadale is not reflected in the quality of the equipment and services being funded by DFES. In the Shire of Serpentine–Jarrahdale, the increase is somewhere around 17 per cent, I think. The local lad, the Minister for Local Government himself, would probably know whether that is true, but it is around 17 per cent, and it has received only one or two new vehicles every now and then. A 17 per cent increase is not being matched by a 17 per cent increase in the quality of services it is receiving.

Dan Emerson is right: this is very tricky and very dishonest. Ironically, we were forewarned by the then Liberal Leader of the Opposition at the time, Paul Omodei, and by the member for Hillarys. Was the member for Hillarys the member for Hillarys then, or was it a different seat?

**Mr R.F. Johnson:** No, it was Hillarys at that time. I was there and I expressed a concern to your minister of the day. I was assured by your minister, Minister Roberts—and I believed her—that we would not use ESL funds for anything other than frontline services because I believe you need to believe what ministers say.

**Dr A.D. BUTI:** That is right. Actually, Paul Omodei was NOT the Leader of the Opposition in 2002, it was the current Premier.

However, we were forewarned at the time by the then Liberal opposition that it had concerns. The Labor government of the day under the ministerial guidance of the member for Midland, Hon Michelle Roberts, thought that we should not even contemplate the idea of a government raiding this incredibly important levy for the utilisation of anything other than frontline services.

There has now been a substantial increase in that levy. There are probably some justifiable grounds for increasing the levy, and that is an argument that could be had, but to not use the additional money raised through increases in the levy for the purposes for which it was established is very tricky; it is incredibly tricky. I think I mentioned yesterday that the Premier would know a lot about Richard Nixon—“Tricky Dicky”. This sort of behaviour is very tricky, incredibly dishonest and rotten. I do not think the Minister for Emergency Services is necessarily tricky. I may be wrong, but he will have a chance to prove that he is not tricky when he stands up to respond, and to tell it like it is—that the impost has been increased, and the money for which it should be utilised is not being utilised. The Liberal opposition of the day, when the Premier was the Leader of the Opposition and the member for Hillarys was a senior shadow minister, forewarned this and questioned the Labor government of the day. The then minister, being an incredibly honest person, could not even contemplate this sort of behaviour. Maybe that was a mistake and the legislation should have been more rigorous, but unfortunately we did not contemplate the tricky deals and tricky behaviour of this Premier and his government. The minister will stand condemned if he does not stand up and admit that this is the situation.

**MR D.A. TEMPLEMAN (Mandurah)** [5.05 pm]: I want to congratulate the member for Girrawheen for bringing this motion to the Parliament, and particularly for her forensic analysis of the history of the emergency services levy and its original intention. I can remember very well the debate in Parliament in the early 2000s when this levy was introduced. Although at the time of its introduction there were concerns from local governments that they would be the collectors of a new tax, generally the principles of the basis for the emergency services levy was understood by the community. They understood the reasoning behind the necessity for a funding stream for the ongoing critical and crucial work of emergency services throughout Western Australia. I actually think the community embraced and understood the intention of the ESL.

However, as has been outlined by the members for Girrawheen and Armadale, the ESL has lost its way because of poor stewardship by the current government. The member for Armadale highlighted the words of the member for Hillarys and others at the time in counselling caution. Although there was support from the Liberal Party in opposition, there was a warning that we did not want to see the levy being mismanaged, and that is the accusation against the current government through this motion: that the emergency services levy has effectively been mismanaged and is not being managed in the spirit in which it was originally intended.

The statistics referred to this afternoon by the members for Girrawheen and Armadale are important and telling. The member for Armadale highlighted that there was a base increase in the levy from \$144 in 2008–09 to \$266, at the same time as there was a very significant decline in the overall spend from \$21.6 million down to \$15.2 million in this financial year. One has to ask: how and why, if the emergency services levy has increased, has the actual delivery of the money collected declined? We know that the recipients of these funds need that money more than ever.

As members will be well aware, over the last decade my own electorate in the Peel region has had a series of very, very significant and traumatic bushfires. Friends of mine who no longer live in the hills near Dwellingup lost their houses in the January 2008 fires, as did a number of home owners in the Shire of Murray. In recent times, a number of houses and properties were damaged or lost in the Lake Clifton fires. Earlier this year, we had the Waroona fires and the fires in the Shire of Murray. In the case of the Waroona fires, when I met with shire president and the chief executive officer of the Shire of Waroona a number of months ago, the shire president highlighted very starkly that it was a miracle that there were not devastating losses in the township. The fire came over the hill from the east and almost decimated houses and properties within the Waroona town site. Those of us who live in the Peel region—I am sure my good friend the member for Murray–Wellington would agree—recognise very much the ongoing threat of bushfires that we face into the future. We know from the experiences of other parts of Australia, and even the world, that houses can be lost even in residential areas. The Canberra fires a few years back clearly showed that a fire can be indiscriminate. In areas that we would not expect, a fire could penetrate and destroy homes and, unfortunately, take lives. In Victoria, there was the 1983 Ash Wednesday experience, and a few years ago the devastating human loss of more than 200 people in the fires around Victoria. In a drying climate and in a region such as the Peel, the threat of fire is very real.

The member for Girrawheen's call for an inquiry is relevant. The minister responsible—I am sure we will have an opportunity to hear from him at some stage when we continue the debate on this motion—will need to indicate to the house and to the people of Western Australia why the levy is not being delivered as it was intended: to appropriately resource those men and women, many of whom are volunteers throughout Western Australia. The claim that people have been hoodwinked is relevant and valid. It is incumbent on the Minister for Emergency Services to come clean about how we are in this situation. How can we have an emergency levy that has been increasing, yet the actual spend has been declining? The figures are stark and real. They are not misleading and I hope the minister does not simply bat them away.

It is important to highlight the resourcing of our volunteers—whether it is our bushfire volunteers, our SES volunteers or our emergency water rescue group volunteers—that are involved in fire and emergency rescue. We all know how important they are; I do not think anybody in this place does not understand and support their efforts. However, we need to reinvigorate our respect for our emergency service volunteers and also listen far more closely to the concerns that they raise. No matter where we go in Western Australia, particularly in rural, remote and big regional towns and cities, and in the metropolitan area, we will find volunteers. Many of them have been involved in emergency service work and fire brigade work et cetera for many years and many of them feel the stress and fatigue that being a volunteer places upon them and their families. We should never forget that these men and women who respond to emergencies and call-outs have families at home who allow, if you like, their loved ones to go out in the service of their community. Unfortunately, in the past volunteers have gone out during these emergencies and have been injured or have not returned. That is very sobering for anybody who does not put their life on the line in such emergencies. I read an interesting article in the *Mandurah Mail* only a few weeks ago about an issue that was highlighted by volunteers in the Peel region and the minister's response to that. I will read from that article in the *Mandurah Mail* titled "Volunteers feel the heat". It states —

AS FAR as fighting fires goes, there's not much that Jeff Stuart hasn't seen.

Now Mandurah chief bushfire control officer, he has been a volunteer fire-fighter and emergency worker for more than 16 years.

He said he has seen many changes in that time, many for the better, but he worries it's getting harder to hold on to volunteers.

"You'll have 20 come through and a couple will hang around," he said.

"You get one lifer, as we call them, every five years, but the others come and go.

Fatigue and fatigue management was a problem retaining volunteers, he said and a new report by the state's Auditor General agrees.

"They always request volunteers overnight and they never ask if they've been working that day or whether they'll be working tomorrow," Mr Stuart said.

"This year has been the biggest ever for most brigades, and that's right around the state."

Auditor general Colin Murphy said there were problems for emergency service volunteer retention in a new report released last week.

He found the Department of Fire and Emergency Service (DFES) had not implemented a fatigue policy, even though they indicated in 2012 that one was in development.

"However, almost three years on, a fatigue management policy is still not in place," wrote the Auditor General in his report.

Emergency services shadow minister Margaret Quirk said fatigue was creating serious health and safety risks for volunteers.

The shadow minister quite rightly stated that this report by the Auditor General exposes the Barnett government's failure to address significant issues that face emergency volunteers. In my view, she also highlighted correctly that even with a policy, fatigue would still be an issue for volunteers who are largely without backup. Mr Stuart said volunteer fatigue was also a two-way street. He said volunteers should, of course, speak up if they are tired, but he said incident controllers do not know it is going on, so he encouraged stronger communication. I was a little interested in the minister's response quoted in this article, which states —

Emergency services minister Joe Francis said fatigue was the responsibility of the volunteers themselves.

That is very interesting.

**Mr J.M. Francis:** Fatigue management.

**Mr D.A. TEMPLEMAN:** I am quoting here. The article continues —

“If you go out on a bender and turn up for work, it’s not your employer’s responsibility, it’s an individual responsibility for everyone to manage their own fatigue,” he said.

“DFES could not possibly have any idea on how tired volunteers are when they turn up; it’s up to the individual volunteer, as it is in any other workforce to say I’m fatigued, I need to take a break.”

**Mr J.M. Francis:** What’s wrong with that?

**Mr D.A. TEMPLEMAN:** The minister is a bit glib there. I think those comments are a bit glib because there are a lot of assumptions in his words. I would have chosen my comments far more carefully. I think it is the view of many that the responsibility for the management of fatigue is both that of the volunteer and management. I think the minister was very glib in those comments. I think they were way off the beam, quite frankly, because the management, the control officers and those coordinating the response have a responsibility to ensure they understand the volunteers who are turning up to do that work, and to coordinate and manage them appropriately. I do not think it is right for the minister to simply say off the cuff that fatigue is the responsibility of the volunteers themselves.

[Member’s time extended.]

**Mr D.A. TEMPLEMAN:** One of the interesting things about volunteers, particularly those in emergency services, is that the vast majority of them will drop everything. That is their nature: they are magnificent, remarkable people. We know that when the call goes out, the vast majority will drop everything, whether they are at work, have just come home from work or been out shopping for the day—whatever they are doing—they will respond to the call because it is in their nature. That is the nature of their commitment to the community. For the minister to just give a glib response that their wellbeing and the issue of fatigue is their responsibility misses the point totally. For the minister to make those points is very short-sighted. If volunteer brigades are resourced—I think the additional part of this article highlights the issue of resourcing—and volunteers feel they are being listened to and their concerns are being responded to, it will not make recruiting easier, but it will give them more opportunity to expand the chances of recruiting more volunteers. As the chief bushfire control officer in Mandurah said, it is getting harder to get volunteers, particularly those who sign on, as he said, as lifers—the ones who will go on to serve for decades.

I went to the Mandurah brigades awards night in Mandurah and heard a number of award recipients describe their experience as a volunteer with a brigade like being part of a family. They look out for each other, they watch each other’s backs—that is the nature of what they have to do out in the field—and they are absolutely committed to not only looking out for each other, but also serving the community. We should make sure that the funds raised or created through the emergency services levy are spent for the support and resourcing of those volunteers. That goes to the point of the argument of the member for Girrawheen in this motion that that is simply not happening now. That resource derived from the community through an emergency services levy is now very clearly not being spent totally to service and resource those volunteers and volunteer organisations throughout WA communities. When an issue of fatigue is mentioned, and the minister says that it is just their responsibility to manage their own fatigue, as I quoted, it is a very short-sighted and glib response. I do not think it was intentional, but I think the comments demean the whole concept of how we see those volunteers in our community.

I mentioned I was at the Mandurah brigades awards night a month or so ago and one of things that is wonderful about young people who decide to join a brigade or get involved in an emergency service organisation is that they work alongside some very experienced volunteers. A number of volunteers at the Mandurah brigade were recognised for 20, 30 and, I think, one for 40 years in a volunteer brigade. I taught one such person’s son, Mr Hendon—I cannot think of his first name now—and his son is now involved. I think he has been involved in brigade work for 30-plus years. He started when he was first posted in the north west, I think in Wickham, while working in the mines there. He joined the brigade as a young man, before he had a family, and has kept that connection and commitment to the fire brigade for all those years. Now his son, a great young bloke, is involved, and essentially the whole family is involved. I think that is a wonderful story that is probably told countless times throughout the state’s emergency services. In Mandurah there are tremendous people. The Mandurah Water Rescue Group, of which I am a patron, has been going since the 1960s and it is just wonderful to see the work it does on our waterways. That group has been going for decades and was one of the first water rescue groups in Western Australia. It has a very proud history and I think it would be rightfully outraged and really concerned if it knew how this emergency services levy has been squirrelled away for uses other than what it was originally set up for. This debate will be adjourned shortly, but I know that when the debate on this motion resumes next week, the minister will have an opportunity to respond to what I think are very serious accusations about his stewardship over the emergency services levy. We look forward to the minister’s response when the time comes.

Debate adjourned, on motion by **Mr A. Krsticevic**.

**PEEL–HARVEY CATCHMENT MANAGEMENT BILL 2014***Second Reading*

Resumed from 25 June 2014.

**MR D.A. TEMPLEMAN (Mandurah)** [5.31 pm]: I am very pleased to speak on this bill, which was introduced by the member for Gosnells, as the shadow Minister for Environment, late last year, from memory. I am particularly passionate about this bill put forward by the member for Gosnells, and I want to outline, in my second reading contribution, from my perspective as a person who has lived in the Peel region for 27 years and is bringing up a family there, like many other people who live, work and recreate in the Peel–Harvey catchment area, the importance of what we hope to achieve in bringing this bill before the house.

This bill simply proposes to establish a new legal framework to oversee the environmental quality of the estuarine system, which is known as the Peel–Harvey system. Those who are aware of the region will know that the Peel region essentially surrounds a body of water known as the Peel Inlet. It is fed by three rivers—Harvey River in the south, and the Murray and Serpentine Rivers further north. The connection with and reliance upon the waterway by Indigenous people is very well documented through stories and in print. Aboriginal people occupied the area for thousands of years before European settlement in the late 1820s. People who have spoken with present and past elders will know that the waterway, the flora and fauna associated with the waterway and the terrestrial areas surrounding it have played and continue to play a significant role in the spiritual aspect of Indigenous history and are a significant element in the Indigenous story of the Peel region. The names of some of the places in and around the waterway system highlight the significance to Aboriginal people of the Peel–Harvey system.

Since colonisation in 1829, the Peel region has had a long history of white settlement, beginning with the failure of Thomas Peel's settlement project. Then came the establishment of towns like Pinjarra and Mandurah. As we fast-forward to 2015, we see a tremendous growth in population in recent years. All through this time, the Peel–Harvey system has been harvested for its fish; it has been abused in some respects, misused and taken for granted. However, the system and its rivers are the fundamental underlying indicator of the health of the region. As I have said many times in this place, the health and wellbeing, be it social, economic or environmental, of the Peel region can be ultimately traced back to the health and wellbeing of that waterway and its catchment. Its protection as a viable lifeline is critical. It is absolutely essential for all of us, including those who live in or who seek to live in the region in the future and those who visit the region, to ensure its ongoing protection. Practices and uses that bring great enjoyment to residents and visitors should continue, but underpinning all those uses should be a commitment to its ultimate protection.

The history of the Peel–Harvey system is in some respects a history of neglect or indifference. I can remember this very well, because I was a boy when my family started coming to Mandurah in the early 1970s. My mum and dad used to stay in Falcon or at what was then the SEC caravan park in Mandurah central. The population of Mandurah back in the 1970s was only a few thousand. I can remember very well, in the late 1970s and early 1980s, the eutrophied state of the waterway. It was not uncommon, particularly during summer, to smell rotting algae, dead shellfish and the regular fish kills. In fact, there is a history of harvesting the algae. Weed harvesters would be operated by either the Peel Inlet management committee, the Shire of Murray or the City of Mandurah to get the algae out of the water and away from the foreshore. Towards the middle of the 1980s there was talk of an engineering response to the eutrophication of the estuarine system, so the Dawesville Cut was proposed. Construction was commenced by the Lawrence government and the project was completed under the Richard Court government in the early 1990s. The Dawesville Cut was always seen as the great silver bullet for the protection of the waterway, but we now know that that is not actually what has happened. Yes, it helped with the flushing of the estuarine system, the algal blooms and the weed infestations, but it also had an impact on the waterway environment. Since the Dawesville Cut was made, we have lost most, if not all, of the prawns that were spawned in the estuary because the system became a much more marine-style system than an estuarine system as such. We saw tidal increases that inundated a lot of the low-lying wetland areas and also an increase in mosquitoes and the issues associated with mosquito-borne diseases et cetera.

All through this time the government's response was to more or less respond to an emergency. It was politically prudent to respond when there was a stink. Indeed, governments of both persuasions have done certain things or attempted to do certain things. The issue is not centred on just the waterway; it is all about the catchment. The catchment for the Peel–Harvey reaches way back to Pingelly, Williams, north through to Karnup and to all those areas that feed the Serpentine. We cannot look at just the health and wellbeing of the waterway in one box; it is about the catchment. This is where the Peel–Harvey Catchment Council comes in. I wish to give credit—I have done this publicly—to the late Don Randall. One of the things the late Don Randall did as a federal member was to recognise the importance of the Peel–Harvey catchment system in its own right. Originally, the Peel–Harvey Catchment Council was part of the South West Catchments Council. It was really the poor cousin in funding and attention. I think the people of Peel should be eternally grateful to the late Don Randall for his advocacy for the

Peel–Harvey Catchment Council to become a natural resource management entity in its own right. I was very appreciative of him. Earlier last year and late last year he specifically invited me as the local member to some important federal government announcements on this issue. He did not have to. He wanted to ensure that this was seen as a bipartisan approach. I will be eternally grateful to him for that. I think the people of Peel, in particular, should be eternally grateful for his advocacy because now the Peel–Harvey Catchment Council is an NRM entity in its own right, which gives us a pivotal opportunity.

This bill seeks to establish a proper, overarching entity that oversees the management of the catchment. The member for Gosnells and I had some discussions and meetings with the Peel–Harvey Catchment Council and put this bill towards it. It likes aspects of it. It probably sees itself as the key stakeholder in a management entity. It is true that this bill is essentially modelled around a statutory body along the lines of the Swan River Trust. The reason we are proposing it is that lots of things have been tried. We had the Peel Inlet Management Council and different departments being the so-called lead agency, but when it comes to the crunch, they walk—they take one step back because no-one is given the ultimate overall management teeth. Yes, we can have committees with all the stakeholders around the table but, in my view, that is not how we can ultimately get a proper framework to oversee this. I say to the Minister for Water that whoever handles the response to this bill will be up for demarcation.

**Ms M.J. Davies:** Me.

**Mr D.A. TEMPLEMAN:** Yes, it could be, but it could also be argued that it is the Minister for Environment. One of the things about the whole management of the catchment and the management of the system is that there are various jurisdictions. The Department of Transport has a role. I have not written to the current minister but I did write to the previous minister, asking why we could not, for example, ban the use of propeller-driven boats similar to the ones that we see on the Everglades in the United States. I cannot remember what they are called. They disturb the Ramsar wetlands and the bird life—the migratory birds et cetera. Ultimately, no-one could tell me who had the power to do that. I thought it would have been the Minister for Transport or the Minister for Environment, but it was not. This is just one of many examples.

We should remember that this area of Western Australia is not only a biological hotspot, but also home to an internationally recognised and listed Ramsar site. It is incumbent upon all of us who live there and the government to ensure the protection of our obligations under the Ramsar Convention on Wetlands. Interestingly enough, the Ramsar Convention, an international agreement, is a great selling point. I think it is totally undersold by us locally. Thousands of birds from as far away as Siberia and other parts of the world use the Asian flyways to come to the Peel to feed and nest et cetera. They do that in their thousands. Not only do we not celebrate that, but also a lot of people who live in the Peel do not even know that that is the case. There is an issue there.

I am going to run out of time. This bill that we have introduced attempts to tie together how this system needs to be managed into the future. I do not think that some of the things that have been tried have delivered. That is from both sides of politics. Both sides of politics have been in charge. This bill is an appeal to the current government to understand the importance of the Peel–Harvey catchment to the ecology of Western Australia, to the biology of this particular part of Western Australia and to the fact that it ultimately underpins the health and wellbeing of the community that lives there now and the thousands who will live there in the future. The document titled “Perth and Peel @3.5million” says that we will see, if we believe the figures, over 100 000 people living between Mandurah and Pinjarra, right in the middle of the catchment. What are the implications for the health and wellbeing of the system? If we are required as a region to shoulder the burden of the increasing population that the state has to absorb over the next 20 or 30 years, one of the key elements must be to protect the environment, the terrestrial areas of the catchment and of course the waterways in the system. The Peel–Harvey Catchment Management Bill 2014 is a good bill that proposes a way forward for that protection. It sets out very clearly a legal framework. There has to be a legal framework. I know there have been some good partnerships and discussions that the Department of the Premier and Cabinet has been overseeing. That is good stuff and I am not attacking that, but we need the keystone in the arch of this, which is the legal framework. The opposition’s bill addresses a whole range of issues associated with compliance, and determining and clarifying roles and responsibilities, because if we get this right—the window of opportunity is closing, unfortunately—we can not only protect the natural environment but also underpin the health and wellbeing of the entire Peel community into the future. I appeal to the government not to dismiss this bill, but to respond in the spirit that it is given.

**DR K.D. HAMES (Dawesville — Minister for Health)** [5.52 pm]: So there is no confusion, I point out that I am not the leader speaker from our side on the Peel–Harvey Catchment Management Bill 2014. The government will not support this bill, although I appreciate the huge amount of work put in by the opposition to develop such a comprehensive bill around the important issue of the management of the Peel–Harvey catchment. As the member for Mandurah said, it is the biggest estuarine system in the south west. I think it is the biggest in the whole of Western Australia. It is a massive estuarine and drainage system that is critical in importance to the people of Mandurah and surrounding territories. Like the member for Mandurah, I have been involved for a long period of time—probably longer, but perhaps less intensely—through the whole of that period. I was in Cox Bay

in Falcon as a 10-year-old with bare feet—I do not think sandshoes had been invented then, unless it was for tennis—and I certainly would not wear shoes when in the water catching crabs. We were barefoot, wiggling our toes through blue holes dragging a galvanised steel washing tub behind us catching large numbers of crabs in Cox Bay. The sand was clean and there were no weed issues. The water was beautiful and there were huge numbers of crabs to catch. At other times, we would go with dragnets and catch prawns along the shore. I went to Mandurah Primary School for a time. When I was 10 years old, and then later with my children, when we bought a house, we would spend long periods of time doing similar things throughout the year. I saw the other end of the catchment.

In 1967, when I was 14 years old, my family had a farming property on the Hotham River, which feeds into the Williams River and then the estuary. Our family farm is still part of that catchment. In those days, we would spread superphosphate fertiliser; it was very soluble and with good rain it would leach into the river. The cattle and sheep were not fenced off from the river, so a lot of the degradation of the river was caused by animals walking into the river to drink and feeding off the grass on the riverside, and of course defecating along the catchments and often bringing weeds and other things into that catchment area. Gradually, as a result of that, those rivers and that estuarine system continued over the years to deteriorate and so too did the estuary. The weeds grew and built up and there was black mud along the edge. We would walk halfway up to our shins in deep black ooze. The number of crabs reduced and the weeds were a stinking, rotting mess. As the member for Mandurah said, the harvesting system was started to try to clear away the weeds. The next thing that was put in place was the cut, built under the previous Labor government. The Dawesville Channel was opened by the Liberal government, with Richard Court fortunately opening it about two weeks after we won the election in 1993. It has made a massive difference and turned the estuary into a seawater system, much more than a freshwater system. The water is much saltier. The cut has changed the environment. A lot of that weed has gone, because it has not been able to survive in the salty water, so cleaning is no longer necessary. The water is much cleaner and fresher as a result of those changes. Subsequent to that time, I was Minister for Water, and I will recall a media event in the estuary when I was wearing waders and collecting water samples with the Water and Rivers Commission.

**Mr D.A. Templeman:** When was that?

**Dr K.D. HAMES:** That was in the late 1990s—about 1998 or 1999. We were concerned about the quality of the water. The water quality has definitely improved. The opening of the channel led to more mosquito issues. The much stronger tidal movements affected areas of the Serpentine River where there was low-lying land, and with cattle on the properties, at the high-water mark, there were puddles in the footprints of cattle in which the mosquitoes would breed, so massive numbers of mosquitoes started coming down the estuary. At the last election, the Liberal–National government promised to eradicate those mosquitoes and we copped a huge amount of flak from the opposition, particularly from the member for Mandurah, about that, but I have to tell the member that I have not seen too many mozzies since. There is an occasional one.

Several members interjected.

**Dr K.D. HAMES:** I am not talking about Maylands. I moved away from the wording on the press release that said we were going to eradicate mosquitoes, because it was a bit extreme. It was written by people in the Liberal Party, as members opposite can imagine, but much to my surprise after that press release—the mosquitoes must have been listening—we hardly saw a mozzie. Before that, when we went out into the garden, we would be massed with mosquitoes. We do not get that anymore. Our eradication program has helped. We do a lot more spraying and we are working a lot more on that. The government put up money for environmental studies to do that, but I think it is a change of season with the El Niño, La Niña or whatever it is causing a change in tidal flow that has made the biggest difference; nevertheless, the water system has changed.

People talk about the unhealthiness of the estuary. I live in a house on the canals in Mandurah. I go to my backdoor and I can catch crabs when it is crabbing season; I can drop pots and continue to catch crabs. We also catch bream at the back. Our little system, which is the old estuarine system, is not as healthy as the new canals. Those canals get everything—octopus, dolphins, tailor, herring and certainly lots of bream. That is an extremely healthy system. I remember going out a couple of years ago on a really hot summer night. The prawns have not disappeared. People are not allowed to go along with their prawn nets anymore because they have been banned, but people can still go out at midnight when the tide has gone out and sit in the cut in the estuary with a scoop net and catch a lot of prawns. When it gets to a certain time of night, half an hour before the prawns come out, the birds arrive—masses of pelicans and seagulls. Suddenly—whack!—the prawns come racing out through the canal. It is different today from what it was like before. We were out around Boundary Island, where the sand is very flat, and we used a spotlight while we were scooping some crabs. We ran that spotlight over the water and I was amazed by the water life. There were prawns jumping everywhere and yellowfin whiting racing along the sand, and crabs everywhere. The whole place was teeming with life. That shows that the estuary is not in a critical condition, but it does not necessarily show it is in a fantastic condition either, because those fish need

nutrients to live off and it is the nutrients coming down through that estuarine system that feeds them and provides the foodstuff they need to live on. It is not a dead river by any means.

I have just come back from Turkey where, as I said, I went on a holiday with my wife. We swam off the back of a boat, and the water there is just about dead. We could see hardly any fish. We did not see mussels or oysters. We could see a few little fish swimming around, but that was about it. In Mandurah, it is anything but; there are massive amounts of wildlife within that estuarine system. If people put a net out on a Wednesday night, they will catch herring, tailor and mullet, and they have to go up and down the boat to get all the crabs out. There is life teeming within that system. That does not mean that system is not under stress, and it does not mean it needs critical management.

The opposition brought the Peel–Harvey Catchment Management Bill 2014 before the house because at the last election we had a different view on what should happen. The Labor Party had one view that it put to the people of Mandurah—that it was going to bring in a Peel–Harvey catchment management bill similar to the Swan and Canning Rivers Management Bill, and create a similar body to the Swan River Trust in Mandurah. We had a different view. I have been Minister for Water and been in charge of the Swan River Trust, and I found that system overly bureaucratic, restrictive and constraining on the development of that estuarine system, and not always in the best interests—depending on which party was in government—of the various groups that wanted to do anything. It was not a cohesive group that brought people together; it was either one point of view when the Labor Party was in government or a different point of view when we were in government, I think largely based around the people appointed to it. So we came up with a different solution. We came up with a solution that got all interest groups together as a single body, and we created the Peel–Harvey management group or Peel–Harvey inlet —

**Ms M.J. Davies:** It is the Peel–Harvey catchment management committee.

**Dr K.D. HAMES:** The Peel–Harvey catchment management committee is the correct —

**Ms M.J. Davies:** Estuary management.

**Dr K.D. HAMES:** Estuary management committee. It was a thing I created. I should know the name, because I put together the proposal to do that.

We had lots of conversations with the Peel–Harvey Catchment Council—Jan Star and her team. I had lots of conversations with Don Randall about how we could get an integrated system that took much better control of that catchment. So we decided on two components: Don would work with the federal minister to try to split the Peel management team away from the south west integrated catchment management group and be a region on its own. That gave it funding on its own that I think was up to about \$3 million a year or something of that order—it was significant funding that enabled it to provide high-quality management of that catchment. Then we would get all the departments that had individual responsibility for various aspects of the management, such as Planning, Local Government and so on, together. The minister will go through those things later and talk about the committee and how it operates. That committee was set up, with the Peel–Harvey catchment management group as the core component of that committee. Clearly, some people are paid under the funding they get from the commonwealth, but it is a largely voluntary group that has enormous experience in catchment management. The Peel–Harvey catchment management group is on that committee with government departments, so it can say, front and centre, “You should be doing that and you should be doing something else. Why aren’t you dealing with this? What are you doing about that new development? There’s a development proposal out near Pinjarra: what are you doing about nutrient run-off? What are you doing about all these other things that you need to have managed in a development to prevent further pollution of the estuary? What is council doing about drains? What is the Department of Water doing about drainage systems going into those estuaries?” We got them all into one room.

But what governance was there? When that group gets in there, the Department of Water could be confronted on something and say, “Nick off; we don’t care what you say, and we’re not doing it.” So we put the committee under a governance structure that led right up to senior parts of government, so that if a group like the Peel catchment management group said, “Look, we’re not happy; this isn’t happening”, it had a direct line right up to the Premier’s department to make sure that there was good oversight of those things. The feedback I have been getting is that it is working very well.

I know no-one in Mandurah who is greener than Jan Star, the chair of the Peel–Harvey Catchment Council. I do not know how she votes, but I will bet my bottom dollar that she votes for the Greens, and I bet that is the group she is integrated with. When the Labor Party put a proposal to her and our proposal was put to her—I do not want to speak on her behalf—I know she was very supportive of our proposal. That is the feedback —

**Mr C.J. Tallentire:** Minister, our proposal did not come out until this time last year; you have it wrong.

**Dr K.D. HAMES:** No, no —

**Mr C.J. Tallentire:** This was before the election.

**Dr K.D. HAMES:** No—leading up to the election; they were together, at the same time.

**Mr C.J. Tallentire:** No, the bill we are discussing came out in June 2014, just to be clear about that.

**Dr K.D. HAMES:** Nevertheless, in the lead-up to the last election the member for Mandurah was talking about an equivalent of the Swan River Trust, was he not?

**Mr D.A. Templeman:** We announced we would bring legislation to Parliament, if elected; we are doing this as an opposition.

**Dr K.D. HAMES:** Yes, to create the equivalent of a Swan River Trust.

**Mr D.A. Templeman:** Yes, that is right.

**Dr K.D. HAMES:** There we go; the member for Gosnells heard that.

**Mr D.A. Templeman:** But the bill was drafted by the member for Gosnells.

**Dr K.D. HAMES:** Sure; the bill has come a lot after that, but this is what was created in response to the Labor Party's commitment for a Swan River Trust equivalent. It is a body with similar powers that has oversight of the catchment. That is the pathway that it has taken. Along that pathway, a Swan River Trust-equivalent bill—it was not the favoured option, as I understand it—was put up. Maybe things are different when we are in government and the Labor Party is not, and a group that is getting some funding might have formed a different view. Nevertheless, the group was happy with the proposal put forward by us. It has been very supportive of it and has strongly participated in it, and the feedback I am getting from it is that it thinks it is doing a good job.

We think we have solved the issue of the management of the Peel–Harvey catchment through those two changes we made. As I said, Don Randall and I agreed we would do this together. He would look after the issue of the federal government change, and I would look after the issue of creating a state government change. We made that commitment before the election, including some funding for research that the Minister for Water will talk about. The plan for that research funding was that it would link in with the research funding being provided by the commonwealth, so that together we could have a very strong research program. In fact, that also linked partially to the mosquito management program, which also had some research funds attached. It was an opportunity for all those things to feed in together to better take care of the catchment.

There is a long way to go. There are critical issues and it does need intensive monitoring. I have confidence in the Peel management catchment group and its ability, as an outside-government body, to do the things it does in making sure everyone stays on the straight and narrow. It funds certain things along the catchment to improve the quality and keep stock away and so on. Also the Department of Water, as it has done before, has significant oversight of what happens and does the testing, monitoring and management. The Department of Fisheries is involved as well, of course, in the river fish stock. As the member knows, we have been restocking mulloway there—I think there are programs for further restocking into the future—and we have been critically monitoring crab numbers.

Of course, local government is a key participant in all this and is on that committee. Therefore, it has a say and a direct involvement in the things that need to be done to manage the estuary. There is state government involvement, local government involvement and federal government involvement, and there is a team of environmental experts all working together to make sure that everything that should be done to protect our estuarine system, and in fact improve it, is being done. It is my view that it ain't broke, and people need to give the system we put in place time. It has been there now for probably two and a half years and the people involved are saying it is working well. We as the government think that needs to be given a reasonable period of time. If we are starting to get evidence from the Department of Water that the river is further deteriorating or that developments —

**Mr D.A. Templeman:** But there is already evidence of that in those reports. Have you read the latest report?

**Dr K.D. HAMES:** Not in the last two and a half years—but remember —

**Mr C.J. Tallentire:** The EPA's report totally disputes what the minister is saying. You have not read this report. There is a whole section on the Peel–Harvey, and you've not read it!

**Dr K.D. HAMES:** I am speaking. Did I interrupt or interfere with the member for Gosnells?

**The ACTING SPEAKER (Ms J.M. Freeman):** Yes, that is right; there was no interjection asked for.

**Dr K.D. HAMES:** I am not accepting interjections.

**The ACTING SPEAKER:** That is fine, minister. If you are not accepting interjections —

**Dr K.D. HAMES:** That is very kind; you will look after me.

**The ACTING SPEAKER:** — I will absolutely offer you protection.

**Dr K.D. HAMES:** If we consider the issues of pollution in the Swan River and the carbon, phosphate and nitrate in the mud of the Swan River, most of it is a hundred years old. It has been coming down for all that time and settling in the sediment of the river. We still have those issues in the Peel–Harvey catchment. We still have the legacy of years of fertiliser use and years of not being able to keep stock away, so we would expect significant issues from those things. The Peel–Harvey catchment management group is working on that. People have very strong oversight over future developments that have to be carefully monitored to make sure that they do not increase the contribution of nutrients into that estuarine system. Just saying that a report shows that it is deteriorating does not mean that everything is not being done to address the issues with the health of the river. As I say, a great deal of that will be historical and we cannot turn back the clock on issues of pollution that happened 20, 30 or 50 years ago.

**MR M. MCGOWAN (Rockingham — Leader of the Opposition)** [6.11 pm]: I support the Peel–Harvey Catchment Management Bill 2014 put forward by the member for Gosnells. It is a very good idea that there be some integrated management of a very important part of Western Australia. I heard only the Deputy Premier speak on this issue, but it is quite clear that the government will not support this bill as a way of dealing with the issue.

I want to place on the record up-front that I am very familiar with the Peel Inlet. I have gone down there and enjoyed crabbing and all the other activities that go on there. The only person I have ever heard say that it is teeming with life and doing really well is the Deputy Premier five minutes ago. I have not heard anyone else say that before. He is the first person I have heard say it. Ordinarily, the commentary that I hear when I visit the inlet is that it is nowhere near as healthy as it once was and that the life that was once there is no longer there. The old-timers in the electorate of the member for Mandurah will tell people that it is not what it used to be. It is hardly surprising that it is not what it used to be. Maybe it is impossible to take it back to what it was 50 or 100 years ago, but I think it is entirely possible to make it better than it is currently.

When I came to Western Australia 25 years ago, one of the first policy committees I served on within the Australian Labor Party was the environment policy committee. As I recall, there was some considerable disquiet at that time amongst some of the policy committee members that the Dawesville Cut was being put in place. People objected because it was somehow inappropriate, it would not work or what have you. I had a look at it. I was aware of the broader issues of the eutrophication of the Peel Inlet. I suppose the jury is out in my mind on whether it has worked. I think the evidence is in that it did work and it did assist in improving the health of the estuary. However, I think the evidence is also now clear that, 24 years or so after it opened, more needs to be done.

This waterway is one of the most significant in Western Australia. Large numbers of people live in proximity to it and our major capital city is in proximity to it. It is clear that it is one of the most highly stressed waterways in the state. Other waterways have the benefit of being further away from, and do not have on their fringes, major population areas, agriculture and housing developments. This waterway does not. This waterway is in proximity to the City of Perth and communities of the Peel and it is highly stressed. It needs extra attention because it is so close to where large numbers of people live and also because, frankly, it is really quite beautiful. It deserves our attention and protection.

I always worry about these things for my children, my grandchildren and my great-grandchildren. What will it be like when they are my age? We have a duty to them. I am afraid that the evidence—I realise from what the Deputy Premier had to say that he has not even done a cursory examination of some of the documents that have assessed the health of the waterway—is clear that it is in trouble. I am sure that the member for Mandurah and the member for Gosnells have outlined this, but there is the recent Environmental Protection Authority report into the health of the inlet and there is the recent Murdoch University and CSIRO report into the Peel–Harvey estuary. All those documents state that there is trouble with the estuary.

As I said earlier, I take my children crabbing there every Christmas. They demand to go crabbing there. We cannot go crabbing in Cockburn Sound because there is a ban on crabbing in Cockburn Sound and because of the overfishing of crabs. The kids love to go crabbing. That is the extent of the fishing that I do; I take the kids crabbing once or twice a year. I can guarantee that last Christmas there were nowhere near as many crabs as there were a few years ago when we went down there, if that is any sort of test. I do not know where the Deputy Premier is getting his evidence that it is teeming with life, because I have not seen it operate in that way in any way, shape or form. The only life I see teeming in the Peel–Harvey estuary are blowies, of which there are many.

The key question is: do we proceed with what is currently going on or do we try to do something differently? This bill sets out some initiatives to try to fix the problem that exists. All the evidence is there to show that the current arrangements are not working. What is called the fragmented approach to the management of the Peel–Harvey estuary is causing the trouble. Therefore, this bill sets out a way of managing the Peel–Harvey estuary in a far more cohesive and effective way, with a single authority and a single board with certain powers to enforce improvements. To me, that looks like a good solution. As I said, it will not take it back to what it was 50 or 100 years ago, but we have to arrest the decline because that waterway is way too important for us to ignore it.

The bill provides for estuary protection notices and a new ability for development approval protection. That is necessary for two reasons. Firstly, the run-off into the Peel Inlet from both agriculture and urban development needs some better control over it, because that is how the nutrients are going in. One could argue, as the Minister for Health did, that nutrients are key to marine life and that they need more nutrients; but if there are too many nutrients, we start to kill everything, and I think that is where this issue is coming from: too many nutrients such as phosphates, nitrogen and the like are flowing into the Peel–Harvey system and that is causing the issue that we are confronting. It needs to be dealt with, and we need a body that is capable and has the legislative authority to deal with that. Dealing with that form of run-off into the rivers—I think it is predominantly the Serpentine River —

**Mr C.J. Tallentire:** Yes, and the Harvey and the Murray.

**Mr M. McGOWAN:** They feed into the Peel–Harvey system, and that is very important. I remember receiving a briefing here maybe 10 years or so ago on some of the run-off from some of the piggeries and some of the cattle run-off. Clearly, some effort needs to be made to try to deal with that. Urbanisation has continued around that area, and I can understand why people want to live there; it is a beautiful area. We also need to put measures in place to deal with that urbanisation. I accept that people already live there and that there is already farming there; we have to manage that in a way that prevents, manages or reduces the run-off to ensure that we reduce the inflows of nutrients into the Peel–Harvey system, or else, over time, it will die. Bringing it back from the dead will be a lot harder than trying to prevent that catastrophic outcome.

Twenty-five years ago the government of either Carmen Lawrence or Peter Dowding began the process of putting in place the Dawesville Cut. I think the evidence is in that that improved the situation for a time, but something more clearly needs to be done to prevent the health of the Peel–Harvey system from sliding backwards. I do not accept what the Minister for Health had to say about all these different organisations that have various responsibilities. I do not accept that that approach—a catchment council here, a local government there, a federal body there—is somehow fixing the problem, because the evidence is in that it is not. That is why we are putting forward sensible and reasonable legislation to try to come up with a way of fixing this situation.

That is what this bill is about. The health of our waterways, marine life, endangered species and those sorts of things are important environmental issues. These are some of the things that I care most deeply about, and that is why this is, to my mind, a very important issue that we need to deal with. I congratulate the members responsible for having brought this bill forward.

**MS M.J. DAVIES (Central Wheatbelt — Minister for Water)** [6.22 pm]: I thank all the members who have made a contribution to this debate on the Peel–Harvey Catchment Management Bill 2014; everyone was very engaged with and passionate about this very important area. Since becoming minister I have probably gained a very much heightened awareness of just how passionate people are in this space. I grew up in the wheatbelt, which is a permanently altered landscape, in a catchment area that drains into the Swan–Avon catchment, and we can see the very real impacts of some of the decisions that have been made over the past century coming into the Swan River, and also into the Avon River, which runs through some of the communities in my electorate. That is no different from the Peel–Harvey system or the Vasse–Wonnerup estuary. A large number of estuarine systems throughout this state are very sensitive and are impacted upon by some of the decisions that have been made over a significant period.

I reiterate the Minister for Health’s comment that the government does not support this approach, and I will go through the reasons why. From my experience, having been the minister for only the last year and a half, I have been involved in some decisions in exactly this space in the Vasse–Wonnerup region, so although there has been activity in the Peel–Harvey area, a report has been commissioned into the management of the Vasse–Wonnerup wetlands. Des Lord, one of the National Water Commission’s commissioners, was engaged by the state government to look at how those wetlands could be better managed, and he came back with several recommendations. When government considered them, the outcome was that we did not feel that a statutory authority was required in that space.

**Mr C.J. Tallentire:** Recommendations were made to you that that’s what the Vasse–Wonnerup needed.

**Ms M.J. DAVIES:** I have been interjected on a lot today, so I am probably not going to accept interjections, because I would like to get through this. A significant amount of work has been put into this and I would like to put the government’s position.

We went down a similar approach to that which the Minister for Health talked about regarding the estuary we are discussing today. We felt that better coordination of the groups that were involved with and had roles in the management of that wetland could be effected as long as there was a senior reporting mechanism. A ministerial advisory council has been formed in that part of the world to look at how we can better coordinate all those stakeholders. The reports that I am getting back is that that coordination is starting to get some traction; the groups are working very well together, and it has been very positive from everyone. That includes local government and GeoCatch, which has been heavily involved over a long time as a group of community members who are passionate about that wetland and that estuarine system. Another point that the Minister for Health made

was that a statutory authority may well exclude some of those organisations from retaining that very real and personal interest and the commitment they have made, because of the ownership they feel over a very long period of time.

The member for Mandurah went through a number of historical issues; obviously the Dawesville Cut has been mentioned this evening. I can remember when that was put in place, and I seem to recall coverage saying that it was going to be a silver bullet for that particular part of the world. I think he also made comments around whether it has been politically prudent to respond when there is a stink. As the minister responsible, when we have fish kills and when there are unfortunate algal blooms and things that impact on people's enjoyment of these systems, it becomes the responsibility of the Department of Water for our inland water bodies. The member for Mandurah's comment about treating the catchment as a whole problem is something that I absolutely agree with. To go back to the Vasse–Wonnerup system, we have been working very closely with the entire catchment, particularly the farming community and the Water Corporation, which plays a really key role in some of the drainage systems that have been set up in that space.

All of those learnings and similar stakeholder relationships have been brought to bear in how this government has decided to put in place coordination mechanisms for the Peel–Harvey estuary, and I think it is important to note that there is no single cause or simple solution. The Leader of the Opposition stated that we needed to try something different and that there were too many nutrients flowing into the catchment. He said that we needed a statutory body to deal with that, and also called into question the Minister for Health's understanding about and knowledge of how everything is working and the fact that perhaps the latest evidence it is not showing any improvement. I would say that, from the Minister for Health's point of view, he is absolutely spot-on. This has been a problem in the making over a long, long time and we are unlikely, from the management decisions we have made in the last year or two, to see a swift turnaround in what is a permanently altered system. I back up the Minister for Health's comments by saying that we need more time to see the impact of the intervention that has been made under the Peel–Harvey Estuary Management Committee. We are all struggling with the name of this group, but it is a very important one.

I want to go through some of the work that has been undertaken recently. Perhaps the Leader of the Opposition is unaware of that work. It has been done in partnership with funding provided by both the state and commonwealth governments for on-ground works in Peel–Harvey and a substantial amount of effort has been put in. Again, these things take time. We will not see a turnaround of these interventions immediately, and in some cases it may well be decades before we see significant improvements, but in my view it is too soon to change the management structure that has been put in place only very recently. This area has been improved by fencing and revegetating 23 hectares of priority drainage areas. We have been assisting local governments to replace and improve four ageing stormwater drain outlets. The Lake Mealup recovery program includes the construction of a weir on the Mealup dam to divert one tonne of phosphorus from the estuary every year, which will also help maintain the ecological values of the internationally significant wetlands. There are two phosphorus retention trials at Buchanan's drain and Coolup D drain, and there are eight additional stormwater drain retrofits and two nutrient stripping biofilters. We have also prepared three sub-catchment plans and we have a significant amount of monitoring in the system. All of these actions are directly what the Leader of the Opposition was referring to. They are aimed at reducing phosphorus loads entering the system and they provide an example of what this state government, in partnership with the commonwealth, has been doing in recent times.

The Minister for Health also mentioned that a senior scientist had been appointed to assist at the Peel–Harvey Catchment Council. This has been funded through the Department of Regional Development royalties for regions with a \$400 000 grant. I know that the member to my right often says we do not spend enough royalties for regions money in his part of the world. We have resources going to this very important issue that he raised and spent time talking about in this house this evening to assist the Peel–Harvey Catchment Council, and scientific advice and information is being provided to the council and assisting it in its interaction with local government. That is really important because local government is an important stakeholder in all of these matters. Feedback is also being provided to the state government and the Department of Water about the monitoring taking place there. A lot of good work is being done in this space, but having said that, I am not saying we have the answer and we have got it nailed down; there is always more to be done in this space. As Minister for Water, it is pleasing that wherever I go there are people who want to partner with government or be involved with their catchment councils to improve the health of these systems for a variety of reasons. From a state government point of view, the environmental aspect is incredibly important and unique in some cases, and there are some unique aspects to the Peel–Harvey system. There are also the matters of tourism, the economy and the general amenity for the community living around the area.

That is exactly why the government established the Peel–Harvey Estuary Management Committee. We think that is the way to proceed in this case. We have a coordinated approach to address some of the issues facing this iconic area. The committee is chaired by the Department of the Premier and Cabinet and includes the Peel–Harvey Catchment Council; local governments; the Office of the Environmental Protection Authority; and

the Departments of Water, Parks and Wildlife, Agriculture and Food, and Mines and Petroleum. Very similar to the number of people sitting around the table with the Vasse–Wonnerup task force, it requires a degree of collaboration, but I think it is a positive outcome to get people in the room making sure we are not working in state government silos, but communicating with those people who have good relationships with the community—GeoCatch in Vasse–Wonnerup’s case and the Peel–Harvey Catchment Council in this case. The committee has the responsibility of overseeing activities right across government, so we are taking a whole-of-government approach on this matter. The committee is responsible for guiding major policy development related to the health of the estuary and coordinating those initiatives for improved efficiency and alignment of expenditure by agencies so we do not have overlap and the dollars are spent most efficiently. The committee is also very closely involved with the strategic assessment for the Perth–Peel region project, otherwise known as SAPPR. That project is very important, because a lot of the issues that have been raised by members opposite relate to how we manage some of the broader issues impacting on the estuary. That strategic assessment is driving a coordinated planning and policy response to the challenges of future development in the Perth and Peel regions, infrastructure provision and environmental conservation, and it supports the Perth and Peel region’s growth to a population of 3.5 million people. The strategic assessment has been undertaken in conjunction with the preparation of the Western Australian Planning Commission’s “Perth and Peel@3.5million” strategic planning documents and it will respond to the Environmental Protection Authority’s recently released interim strategic advice on that.

We are developing a coordinated and long-term approach to protect areas of national environmental significance in Perth and the Peel, and that includes the Peel–Harvey waterways. At the centre of this is a whole-of-catchment strategy that will target the most critical water-quality issues, including the impact of land-use changes—something that members opposite have spoken of—nutrient run-off and residual water-quality issues. This assessment has the input of senior members and cabinet ministers sitting around the table, and their departments. It will deal with facilitating sustainable the development and the growth of the region so we do not have ad hoc developments that could further impact. We do not want to see a flatline, I guess, in the improvement of the region. We want to see some of those indicators go back to —

**Mr D.A. Templeman:** Yet your government supported Point Grey.

**Ms M.J. DAVIES:** Undertaking SAPPR means we have a coordinated approach to all of these issues and I am sure we are working to the issue. That strategic assessment is still underway, member, so once it is completed, actions that will have been developed and agreed as part of that assessment will be implemented. There will be on-ground actions as a result of this process, but they are yet to be rolled out because we are still in the process of going through the assessment. I think the government —

**Mr D.A. Templeman** interjected.

**Ms M.J. DAVIES:** The member was not in the chamber, but I have been interjected on an awful lot today and I am trying to get through my response.

I think the government already has the right people sitting around the table and I disagree with the Leader of the Opposition that a statutory authority is needed to drive some of the initiatives we have already rolled out and some of the initiatives we have planned that will fall out of this strategic assessment. We already have a way of coordinating all the stakeholders and dealing with some of these complex issues. It is not always easy; it is nice and simple to put them to a statutory authority and let them roll off into the sunset.

**Mr A.P. Jacob:** It sounds good!

**Ms M.J. DAVIES:** Yes, it sounds good, but it may actually not achieve what we want, because we may well lose people from the community who are very involved in this process, as well as other stakeholders who will not continue to participate because it becomes someone else’s problem. I think that is a big challenge and a real risk. The solution we have proposed and are already implementing with money on the ground rolling out already is to work with all of our key stakeholders. We have taken that approach in the Vasse–Wonnerup as well. My commitment is that we will continue to work in this space. The Department of Water is incredibly passionate about taking a lead role in these matters. The Department of the Premier and Cabinet is taking a lead role in Peel–Harvey and there is a commitment from me as minister to work collaboratively with all those people and ministers who are responsible for getting an outcome. It is a very, very important issue. I understand and commend the member for the bill. Obviously a significant amount of work has been put into this and I understand the concerns of those who have contributed. The Department of Water is there to partner and work with everyone who has an interest in this space. The Peel–Harvey estuary system has the attention of both the state and commonwealth governments at the highest levels, and I think that bodes well for the future. Hopefully we will start to see some improvements as a result of the interventions we have seen thus far.

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [6.40 pm]: I thank the house for the opportunity to speak on the Peel–Harvey Catchment Management Bill 2014. As the member for Gosnells knows, although the government does not support the bill, it supports some of the intent of what the bill seeks to achieve—that is,

a better outcome for the Peel–Harvey estuary and the Peel–Harvey catchment more broadly. In fact, that is something the government supports very strongly. I will take this opportunity to outline some of what the government is doing, although it will build largely on what the Minister for Water and the member for Dawesville have just outlined. I assure the house that the Liberal–National government is absolutely committed to protecting not only this waterway but all of Western Australia’s waterways, and it already has a strong track record of achievement in this space.

As the member for Dawesville outlined, the government established the Peel–Harvey Estuary Management Committee because it is the most effective and coordinated approach to address the issues facing this iconic estuary. Its establishment has honoured a pre-election commitment to invest in the science and management structures needed to improve water quality and the health of the Peel–Harvey estuary. In contrast, what is proposed in the bill is a reinvention of the Swan River Trust model, as it existed previously, which in essence is a separate microdepartment of state government to manage one particular region in isolation. That management-in-isolation approach is the basis of why I disagree with this bill.

**Mr C.J. Tallentire:** It’s not management in isolation; it’s a coordinating role. You are giving powers to a head body. We have fragmentation at the moment and we have got to solve that.

**Mr A.P. JACOB:** We do not solve fragmentation by creating more fragmentation, member for Gosnells.

**Mr C.J. Tallentire:** No; this isn’t about creating more fragmentation.

**Mr A.P. JACOB:** I know that is not the intent. I am not saying that is what this bill intends to do, but the reality of how these things work in practice is that it ends up creating more fragmentation, not less.

**Mr C.J. Tallentire:** It didn’t happen with the Swan River Trust.

**Mr A.P. JACOB:** Yes, it did.

**Mr C.J. Tallentire:** Where was there more fragmentation with the Swan River Trust?

**Mr A.P. JACOB:** The Swan River Trust is now merged with the Department of Parks and Wildlife so we have a dedicated agency that can truly manage not only the immediate area that the Swan River Trust previously had in the riverpark, but also the entire catchment, because that entire catchment, as the member knows, extends to an area that is three times the size of Tasmania and is a significant chunk of this state. Building on what has been done with the Peel–Harvey Estuary Management Committee, the government has bolstered that with funding that has gone through as a result of the election commitments that the member for Dawesville and others made, and a range of other funding commitments as well. The overarching approach the government is taking will ensure that we consider this issue not in isolation but in a broader context, as the Minister for Water outlined, in a strategic assessment of the Perth and Peel region. That, until now, has been the largest strategic assessment undertaken anywhere within the commonwealth of Australia. Melbourne and Sydney have previously pursued strategic assessments over their metropolitan areas. For the sake of convenience, member for Mandurah, I will roll the Peel in, but not refer to it as metropolitan.

**Mr D.A. Templeman:** No, otherwise I will hurt you!

**Mr A.P. JACOB:** Can I use the term “greater metropolitan Perth”?

**Mr D.A. Templeman:** No. I don’t even accept that. Peel is a separate entity.

**Mr A.P. JACOB:** Okay, member for Mandurah. The two regions in this context are inextricably linked because the catchments and the overlap mean that if we are taking an approach to manage the regions as it sits within a biodiversity hotspot, as members have said, the best way to approach that is through a broader high-level strategic assessment. I do not have the opportunity to go into too much detail of what is within the strategic assessment, but I saw the member for Gosnells hold up what I believe was the section 16(e) advice from the Environmental Protection Authority, which at this stage has provided those into the subregional structure plans of the Department of Planning. I think members understand that that is really early section 16(e) advice into the strategic assessment.

I will read a few excerpts of what the EPA has said on this matter. I will touch on only the executive summary at this point. One point I might make is that only three pages into that document there is photo of what the Murray River looked like in 1882 and in 2008. Even before we get to any text in that document, it makes it very clear that is a key consideration of the strategic assessment in this approach. The first photo, if you like, member for Mandurah, is a historical photo of the catchment area as it was and the challenges we now face. As the member for Dawesville said, those challenges have been built up over more than 100 years. As we have discussed previously in the context of the Swan and Canning Rivers, some of those are now unchangeable. We probably could not easily undo what were previously freshwater systems from becoming increasingly estuarine, particularly in an era of declining rainfall, dams having been built further up the waterways, and changes generally to those ecosystems. We are in an adaptive space, but I have appreciated, in the section 16(e) advice

from the Environmental Protection Authority, the acknowledgement of what the Western Australian government is actually doing.

**Mr C.J. Tallentire:** Why does the minister not go to page 50 of that document and quote the comments of the EPA there? That is about the Peel–Harvey system. It states —

The EPA also supports the appointment of a body to coordinate the implementation of actions across agencies and the community to address nutrient issues.

**Mr A.P. JACOB:** Yes, we have that.

**Mr C.J. Tallentire:** It should be a statutory body. It is the only one that is going to pull all those agencies together.

**Mr A.P. JACOB:** My point is that, in the document that the member just referenced, the Environmental Protection Authority has recognised that the work we are currently doing as a government through the strategic assessment of the Perth and Peel regions is the best possible approach that we can take to fix up the challenges of this region in the long term, coordinating state and federal environmental requirements. The EPA uses language such as —

The EPA strongly supports the Western Australian Government's initiative to undertake the Strategic Assessment of the Perth and Peel regions to protect and maintain MNES.

MNES stands for matters of national environmental significance. Also, the Environmental Protection Authority has learnt over time that case-by-case assessments are not usually the best way to achieve broader strategic environmental outcomes, particularly in areas with a range of cumulative environmental impacts, complex biodiversity and many competing land uses, which absolutely applies to the Peel–Harvey catchment. I think the intent of both sides in this matter is much the same, but if I were to look at the lessons of history, I would see that the management agency needs to have as much muscle, if you like, and as much weight as possible behind the outcomes it is trying to achieve. The reality of the way that things operate within government means that works better within a larger agency. That is why we have made the decision to merge the Swan River Trust with the Department of Parks and Wildlife. There is still an important role for the statutory authority, but to achieve outcomes across the entire catchment area, a larger agency that can coordinate the entire catchment region —

**Mr C.J. Tallentire:** Peel–Harvey doesn't have that. It has fisheries, transport, local government, state and federal, water, environment, agriculture—all those agencies and no-one is pulling them together.

**Mr A.P. JACOB:** Adding another one in the middle does not necessarily get there.

**Mr C.J. Tallentire:** A body with authority over the others would work, and that is the recommendation that is made time and again—a catchment management authority.

**Ms M.J. Davies:** It is being headed up by the Department of Local Government and Communities.

**Mr A.P. JACOB:** That is exactly the point, from the Minister for Water. The strategic assessment is being headed up, through the Department of the Premier and Cabinet, the Minister for Planning and the Minister for Environment. The strategic assessment is addressing all the long-term environmental problems and is simply the very best approach.

**Mr C.J. Tallentire:** It is a planning and development assessment process.

**Mr A.P. JACOB:** No, it is not a planning process. It is very far removed from a planning and development process. In fact, it is, if you like, a complete rethink of planning principles that have underpinned the development of the Perth and Peel regions up until this point, which were based on the Stephenson–Hepburn principles, broadly. This is a flip around entirely. This is building the future planning —

**Mr C.J. Tallentire** interjected.

**The ACTING SPEAKER (Ms J.M. Freeman):** I have not stopped the interjections because the minister has invited them. I get that you are having a good debate across the chamber, but perhaps the minister can make his comments and the member for Gosnells can then respond, because it must be very hard for Hansard. It does not bother me, but Hansard might not be able to hear it.

**Mr A.P. JACOB:** The point I am getting at is that this has implications for planning principles. I suspect that, to a large degree, the strategic assessment process will inform the planning framework of the Perth and Peel region in the future, but it is not built on a foundation of planning principles, which has been the practice of our urban planning up to this point. It will be built on a foundation of environmental considerations under both the federal Environment Protection and Biodiversity Conservation Act and the state Environmental Protection Act.

**Mr D.A. Templeman:** With the strategic assessment and the overseeing of that, what will be the milestones in terms of reporting? As Minister for Environment and a stakeholder in this, what do you expect? What will be the milestone? Will it be a state of the environment report for the Peel? What will it be? What can we expect,

because I think one of the big problems you face is that the wider community in Peel do not know about the Department of the Premier and Cabinet's involvement. There is the rose-coloured glasses approach of the Deputy Premier, but very few people know about the process and how it will be reported to the community, which has a vested interest. What is your response to that?

**Mr A.P. JACOB:** My response is that the community will have a large degree of interest, and when we reach the point at which we can engage at that level, it will be on for young and old, I think, in passing out messages and getting word out of what is proposed. The report that sits before us that has been referenced is the only one from any environmental agency that has made it into the public domain at this stage. I think it does a good job of laying down some of the groundwork for what we are looking at in laying some of the context, but there will be more of that down the road. Today is maybe not the day to go into that in too much detail—not until we are ready to take that to the next step. As I said, I support the broader indent, which is to ensure the improvement of the health of the Peel–Harvey estuary into the future, as we are seeing the improvement of the Swan and Canning River systems going forward after the lows that it hit in the late 1990s and early 2000s. I think both sides agree with the intent, but I firmly believe that the best approach is the approach taken by this government both at the local level through the bodies that we have set up and at a broader level through an overarching strategic assessment approach that is largely centred around the office of the Premier and cabinet and other relevant ministers.

**MR M.J. COWPER (Murray–Wellington)** [6.51 pm]: It is very interesting to sit here and listen to members talk about one's electorate. Ninety per cent of the Peel–Harvey catchment area is in my electorate, including the estuary, which is 167-odd square kilometres, including the Serpentine, Murray and Harvey Rivers that feed into that waterway. As the local member, I can say that it is a very diverse electorate with a diverse ecological area. The number one problem in my electorate revolves around planning issues—it is number one by a street. It is about the rights of landowners to be able to conduct business on their own property without being interfered with by various government agencies, and it is about pieces of legislation that have impacted significantly on their capability to go about their lawful business. Apart from planning issues, the next impost on my position as the local member involves transport issues, particularly Main Roads. We have built major roads and freeways through the length and breadth of the electorate, including Forrest Highway and a number of other strategic roads.

The third biggest problem in the Murray–Wellington electorate involves water and the Department of Water. Of course, the contribution of the Murray–Wellington electorate to Western Australia is somewhat significant. It supplies 60 per cent of the food that is eaten domestically in Western Australia; it produces 60 per cent of the water that is transported to the metropolitan area, whether it be desalinated water or water from the dams; and, 40 per cent of the power generation for Western Australia comes from our Alcoa gas turbines in Wagerup and Pinjarra, which are fed by gas from the north west. We also have the third largest mining region, which contributes to the royalties for the greater wealth of this state.

We are throwing into the mix a very old farming community that makes the Shire of Murray the fourth oldest municipality in Western Australia—older than Perth. Pinjarra was established because it was on the end of the river and the boats could have access into that region. It was largely responsible for saving the Swan River colony from starvation. When the new settlers came to the Swan River colony, they found that the land in and around the Swan and Canning Rivers was not the land of milk and honey, as was described to them back in England. They found these very sandy Bassendean soils that were very low in productivity. It was not until later, by accident, that a report came through from some of the settlers about a significant river to the south. Governor Stirling dispatched a whaling boat to the south to discover what he thought was the mouth of the Murray River. It was so named before it was even discovered by a group of sailors in a whaling boat. There is a significant story in and around that. When they came across the Harvey estuary on the way back from Preston Beach and Singleton Beach, they found the mouth of the Harvey estuary through the breakers. They followed it and explored what is now known as the Peel–Harvey catchment and the hinterlands of the Harvey River, the Serpentine River and the Murray River.

Members may know that a lot of fine produce, particularly beef, is still produced today in and around the Murray River plains. That area produces some of the best beef in Western Australia through iconic brands such as Harvey Fresh and Harvey Beef, Goodchild Meats, V&V Walsh and the Dardanup Butchering Company. A lot of the beef produced in that area goes to local abattoirs for domestic consumption.

There has been significant impact on and degradation of the rivers. I found it interesting that the picture that appears in the report that was mentioned by the Minister for Environment shows the Murray River as it was and how it looks now. It has changed. In essence, that is a snapshot of the problems that I am facing as the local representative in trying to get access to various government departments that deal with issues to do with the Peel–Harvey estuary. This is not just a recent phenomenon; it has been going on since the moment I came into this place. I have discussed these issues with the former member, John Bradshaw. One of the very first issues that I had to contend with was the impact that the Dawesville Cut had on the estuary. The increased water flow

in and out changes the oscillation of the water in and around the Peel–Harvey estuary, causing silting of water access ways into the Murray, Serpentine and South Yunderup canal systems.

A few years ago the state government had control of the management of the Peel–Harvey estuary through the Peel Inlet Management Authority, which was established under the Burke government. It was a very well-intended authority. I thought it had a great deal of merit. To this day, I am still perplexed as to why the Labor government did away with the Peel Inlet Management Authority in 2004. If the member for Gosnells knows why that was done, I would be most interested to hear from him.

**Mr C.J. Tallentire:** You'd like to see something come back, similar to it?

**Mr M.J. COWPER:** Absolutely. I am just getting to that point. I heard from the Deputy Premier that there is an arrangement through the Premier's office, which in itself is commendable. However, one thing it lacks is input from the people on the ground. I find it extraordinary that from time to time we see opinion pieces in the local newspapers in which people comment that development in the Shire of Murray should be restricted and that this should happen and that should happen. Most of the time they make extraordinary claims whilst sitting in their double-storey mansions on the canals around Dawesville and Port Mandurah that have resulted in the Creery wetlands being filled in. I find it incredulous that they then turn around and say that we should do this or we should not do that with the land, particularly those landowners who have been impacted by a range of government instrumentalities.

Debate adjourned, pursuant to standing orders.

*House adjourned at 7.00 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MINISTERIAL OFFICES — MEETINGS — HON PETER REITH

**4362. Mr M. McGowan to the Minister representing the Attorney General; Minister for Commerce:**

- (1) Has the Minister and/or any staff member or placement within the Minister's Office, had any contact or meetings with registered lobbyist Hon Peter Reith, since 1 July 2014?
- (2) If yes to (1):
  - (a) what were the dates of the contact(s) or meeting(s);
  - (b) what was the name of the client being represented during the contact;
  - (c) what was the nature or subject of discussion during the contact(s) or meeting(s);
  - (d) were other people present during the contact(s) or meeting(s); and
  - (e) what were the names of all people present?

**Mrs L.M. Harvey replied:**

Between 1 July 2014 and 31 August 2015 the Attorney General; Minister for Commerce and his current Ministerial staff had no formal contact or meetings with the Hon Peter Reith related to government business. The Attorney General; Minister for Commerce and his current Ministerial staff may have had contact with the Hon Peter Reith for administrative purposes only or may have had incidental or irregular social contact in which case this is not listed below:

- (1) No
- (2) N/A

#### MINISTERIAL OFFICES — MEETINGS — BIRNEY CORPORATE COMMUNICATIONS

**4379. Mr M. McGowan to the Minister representing the Attorney General; Minister for Commerce:**

- (1) Has the Minister and/or any staff member or placement within the Minister's Office, had any contact or meetings with representatives of registered lobbyist Birney Corporate Communications, since 1 July 2014?
- (2) If yes to (1):
  - (a) what were the dates of the contact(s) or meeting(s);
  - (b) what was the name of the client being represented during the contact;
  - (c) what was the nature or subject of discussion during the contact(s) or meeting(s);
  - (d) were other people present during the contact(s) or meeting(s); and
  - (e) what were the names of all people present?

**Mrs L.M. Harvey replied:**

Between 1 July 2014 and 31 August 2015 the Attorney General; Minister for Commerce and his current Ministerial staff had no formal contact or meetings with Birney Corporate Communications related to government business. The Attorney General; Minister for Commerce and his current Ministerial staff may have had contact with Birney Corporate Communications for administrative purposes only or may have had incidental or irregular social contact in which case this is not listed below:

- (1) No
- (2) N/A

#### GOVERNMENT DEPARTMENTS AND AGENCIES — MEDIA PLACEMENT AND PURCHASE

**4394. Mr M. McGowan to the Minister for Police:**

For all departments, agencies and government-trading enterprises within the Minister's portfolio of responsibilities:

- (a) what was the total amount spent specifically on media placement/purchase of media for the financial year 2014–15?

**Mrs L.M. Harvey replied:**

- (a) \$1 744 326.87

## POLICE — HOON OFFENCES

**4420. Ms M.M. Quirk to the Minister for Police:**

- (1) Can the Minister please advise the number of reports received by police concerning so-called hoon offences for the financial year 2014–2015 for each of the following suburbs:
- (a) Marangaroo;
  - (b) Warwick;
  - (c) Girrawheen;
  - (d) Darch;
  - (e) Madeley; and
  - (f) Landsdale?
- (2) Can the Minister please advise the number of police attendances concerning so-called hoon offences for the financial year 2014–2015 for each of the following suburbs:
- (a) Marangaroo;
  - (b) Warwick;
  - (c) Girrawheen;
  - (d) Darch;
  - (e) Madeley; and
  - (f) Landsdale?
- (3) Can the Minister advise the number of persons charged with so-called hoon offences for the financial year 2014–2015 for each of the following suburbs:
- (a) Marangaroo;
  - (b) Warwick;
  - (c) Girrawheen;
  - (d) Darch;
  - (e) Madeley; and
  - (f) Landsdale?

**Mrs L.M. Harvey replied:**

- (1)–(2) There is no specific Computer Aided Dispatch (CAD) task relating to hoon offences. Tasks relating to possible hoon offences are most likely entered into CAD under disturbance, noise complaint or traffic breach. Therefore it is not possible to identify how many reports were received or attended by police.
- (3) Number of persons charged with hoon offences for the financial year 2014–2015 in the following suburbs:

Marangaroo (a)	Warwick (b)	Girrawheen (c)	Darch (d)	Madeley (e)	Landsdale (f)
15	6	11	1	3	14

Data is for offences against sections 60 and 62A of the Road Traffic Act 1974.

