

# Legislative Assembly

Tuesday, 19 June 2012

THE SPEAKER (Mr G.A. Woodhams) took the chair at 2.00 pm, and read prayers.

## DISTINGUISHED VISITORS — COOK ISLANDS PARLIAMENTARY DELEGATION

*Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams):** Today we have present in the Speaker's gallery a delegation from the Cook Islands Parliament. As many members know, the Parliaments of Western Australia and the Cook Islands are twinned under the auspices of the Commonwealth Parliamentary Association. That twinning follows a long association that goes back more than two decades. The principal purpose of the current visit is to have discussions on the operations of the Public Accounts Committee and associated parliamentary accountability mechanisms.

Allow me to introduce the seven members of the delegation: Hon John Henry, MP, Deputy Speaker and chairman of the Cook Islands parliamentary public accounts committee; Hon Jim Marurai, MP, former Prime Minister of the Cook Islands; Hon Mona Ioane, MP, Leader of the House; Hon Kiriau Turepu, MP; Hon Taunga Toka, MP; Mr Tupuna Rakanui, Deputy Clerk; and Mr Paul Allsworth, parliamentary staff and former director of audit. On behalf of all members of the Western Australian Parliament, I welcome the delegation from the Cook Islands to Western Australia and to the Western Australian Parliament.

[Applause.]

## METROPOLITAN REDEVELOPMENT AUTHORITY — KIERAN KINSELLA — APPOINTMENT

*Statement by Minister for Planning*

**MR J.H.D. DAY (Kalamunda — Minister for Planning)** [2.04 pm]: I am pleased to inform the house that an appointment has recently been made to the position of chief executive officer at the recently established Metropolitan Redevelopment Authority. Mr Kieran Kinsella, the former CEO of the Midland Redevelopment Authority, was endorsed by cabinet as the preferred candidate and has accepted the position. The appointment of this very significant position was the result of an independent and rigorous selection process conducted by the Public Sector Commission. Mr Kinsella has considerable experience in the land development industry and other relevant government roles. Prior to heading up the Midland Redevelopment Authority, he worked for Tourism WA, the Indigenous Land Corporation and the Gascoyne Development Commission. The Midland redevelopment project experienced numerous achievements under Mr Kinsella's leadership, including a number of high quality residential estates, ongoing redevelopment of the Midland railway workshops, a new arts hub and several industry awards.

The Metropolitan Redevelopment Authority is now responsible for delivering some of the most important projects ever seen in Perth. Mr Kinsella will play a central role in the transformation and renewal of the metropolitan area. From Elizabeth Quay, Perth City Link and Riverside to the continued redevelopment of Midland, Armadale and Subiaco, the MRA is one of the key bodies responsible for ensuring that we can meet the needs of a growing and changing city.

I also acknowledge the contribution of the acting CEO of the MRA, Mr Tony Morgan, who played a crucial role in guiding the establishment of the new redevelopment authority. Mr Morgan made a substantial contribution to the development of Perth over the past decade as the CEO of the East Perth and Subiaco Redevelopment Authorities. Mr Morgan's successes have included the revitalisation of the new Northbridge project area and the Perth Cultural Centre as well as the launch of the Perth City Link development, to name just a few achievements.

## CAMDEN SOUND MARINE PARK — GAZETTAL

*Statement by Minister for Environment*

**MR W.R. MARMION (Nedlands — Minister for Environment)** [2.06 pm]: I am delighted to inform the house that the government has completed the final statutory step for creating Camden Sound Marine Park in the Kimberley. Western Australia's twelfth marine park was officially created today after publication of an order in the *Government Gazette*. Situated 300 kilometres north east of Broome, the marine park covers about 7 000 square kilometres and encompasses Montgomery Reef and its tidal waterfalls, the area around Champagne Island and St George Basin. To put the size of this new park into context, the Perth metropolitan area covers around 5 380 square kilometres, or about 80 per cent of the area of Camden Sound Marine Park.

The creation of the new marine park delivers on a major election commitment by the Liberal-National government to protect one of the state's most environmentally sensitive areas. Camden Sound is internationally

recognised as the biggest calving area for humpback whales in the Southern Hemisphere, with more than 1 000 humpbacks found there during the calving season. The area is also an iconic tourist destination for the Kimberley's cruise charter operators, and protection of this area for current and future generations is a direct investment in the ongoing sustainability of the region's tourism industry. It is also the first marine park to be created under the government's unprecedented \$63 million Kimberley science and conservation strategy, which will see other marine parks created at Eighty Mile Beach, Roebuck Bay and the north Kimberley. Camden Sound Marine Park will enhance conservation efforts for species including humpback whales, dugongs, flatback and green turtles, sawfish, and Australian snubfin and Indo-Pacific humpback dolphins.

There will be a special purpose whale conservation zone that will cover about 25 per cent of the marine park and this will be an area in which vessels must remain at least 500 metres from humpback mothers and calves. The marine park's zoning scheme will also allow recreational and commercial fishing, as well as aquaculture and pearling, to occur while still protecting a unique marine environment. For example, Montgomery Reef sanctuary zone, at 761 square kilometres, will be the largest sanctuary zone in the state's marine park system. The marine park will be jointly managed by the Department of Environment and Conservation and traditional owners. I am very pleased that both the Ngari Capes and Camden Sound Marine Parks have now been formally created.

**OFFICE OF MULTICULTURAL INTERESTS —  
CULTURALLY AND LINGUISTICALLY DIVERSE PROGRAMS**

*Statement by Minister for Citizenship and Multicultural Interests*

**MR G.M. CASTRILLI (Bunbury — Minister for Citizenship and Multicultural Interests)** [2.09 pm]: I take this opportunity to inform members about the activities and outcomes arising from the Liberal-National government's efforts to improve community engagement of those members of our community who are culturally and linguistically diverse. Through the community engagement strategy, the Office of Multicultural Interests has held three metropolitan consultations and five regional consultations in Karratha, Port Hedland, Broome, Katanning and Albany, with over 2 000 people; established strong coordination and collaboration with other government agencies; provided an opportunity for communities to discuss their issues and concerns about policies, program and service delivery gaps, and explore solutions; and worked with partners and stakeholders to implement actions arising, and monitored, tracked and reported outcomes.

The key outcomes arising from this engagement include increased CALD community knowledge and information on government services and increased cultural awareness and knowledge of CALD community issues within government. In addition, the Public Sector Commission has opened up opportunities for public sector employment and implementation of data collection on employment into the public sector; the Department of Training and Workforce Development has established a new migrant trainee of the year award; and new research is underway not only on the cultural awareness of Transperth bus drivers but also the Department of Transport is looking at driver's licence issues faced by people from culturally and linguistically diverse backgrounds. The City of Stirling, in partnership with government agencies, has established the Supporting Multicultural Families in the Mirrabooka Region Group, with representation from government agencies and non-government organisations. The Department for Communities has provided new translated material on a range of services and issues; there is an increased community understanding of the role of the Department for Child Protection; the Shire of Roebourne is preparing a new multicultural policy; the Town of Port Hedland has established a welcome project for new residents; and, Western Power, Synergy and Alinta have produced a utilities support manual for CALD communities.

The community engagement strategy has successfully empowered CALD communities, and the state government is fully committed to advancing the inclusion of all migrants in the economic, social, political and cultural life of our great state.

**QUESTIONS WITHOUT NOTICE**

**BUILDING ACT 2011**

**319. Mr M. McGOWAN to the Premier:**

I refer to the Premier's Building Act chaos, which has halved approvals and which the Premier described as "a logjam, some sort of paper jam", and will be resolved soon; and documents circulated by the Housing Industry Association that state that the Premier's latest changes —

DO NOT fix the problems ...

DO NOT unblock the system

DO NOT, unlike what has been portrayed by the Government, resolve the industry grinding to a halt.

And —

THE GOVERNMENT DID NOT LISTEN — HIA WAS RIGHT!

- (1) Is HIA correct?
- (2) Are the Premier's changes ineffectual?
- (3) What further changes will the Premier now undertake to fix this massive problem?
- (4) Is the Premier aware that thousands of jobs, businesses and apprenticeships in the building industry are now in grave danger?

**Mr C.J. BARNETT replied:**

(1)–(4) Once again, the Leader of the Opposition exaggerates. There is a problem, and I conceded —

**Mr R.H. Cook:** He quotes.

**Mr M. McGowan:** I quote the HIA, my friend.

**Mr C.J. BARNETT:** Well, maybe they exaggerate.

**Mr M. McGowan:** They're exaggerating?

**Mrs M.H. Roberts:** They're exaggerating?

**The SPEAKER:** Thank you, members!

**Mr C.J. BARNETT:** As I think I said last week, either publicly or in response to a question, clearly there is a problem here. I have recognised that from day one. The industry itself wants building surveyors certifying home buildings.

**Mr M. McGowan:** That's not the issue.

**Mr C.J. BARNETT:** That is what they want. It is working well in the commercial sector; it is not working well in the cottage or home building sector. Not only has the number of approvals dropped, but also the number of applications. There are problems about common walls and the like. The responsible minister, Hon Simon O'Brien, has made some regulatory change that does improve the situation.

**Mr M. McGowan:** No, it doesn't.

**Mr C.J. BARNETT:** That is only the Leader of the Opposition's assertion.

**Mr M. McGowan:** No, that's the HIA saying that!

**Mrs M.H. Roberts:** The housing industry is saying it!

**Mr C.J. BARNETT:** He has also personally been in contact with the major local authorities on the urban fringe, and he has been talking to industry.

Considerable effort has gone into clearing up those applications that have either not come in or applications that are in the system so that we do not have a significant disruption. Bear in mind that the industry is working on projects approved some time ago, so we want to make sure that a scenario does not evolve of an actual physical slowdown.

**Mr M. McGowan:** You know we're all getting calls to our offices, don't you?

**Mr C.J. BARNETT:** I do not know what the Leader of the Opposition knows.

**Mr M. McGowan:** All your members are getting calls to their offices!

**Mr C.J. BARNETT:** The effort of the government and the effort I have asked of the minister and other ministers involved —

**Mrs M.H. Roberts:** Hasn't worked—it has not unblocked the system.

**The SPEAKER:** Take a seat, Premier.

**Mr C.J. BARNETT:** It is a waste of time with the member for Midland.

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

**Mr C.J. BARNETT:** The effort is with local government, involving both planning and housing because there is an interlay here—interplay, if members like—between planning issues and building approval issues; they are not entirely separate. The move towards private certification, which this government endorses and supports and which the industry wanted, has run into problems. I readily acknowledge that. The effort of government across different portfolios, but principally Hon Simon O'Brien, is to clear it up and make sure that these approvals are put in place; the applications come in and the approvals flow. Hon Simon O'Brien has already made some changes to regulations which assist. They do not solve it—I realise that—but they assist; and during the winter recess we will look at any amendments that are required to the legislation itself. We are dealing with the problem that is there. It is a serious problem, but it is about getting independent certification in place; and that is where we will end up.

## BUILDING ACT 2011

**320. Mr M. McGOWAN to the Premier:**

I have a supplementary question. Considering that thousands of jobs are now at risk, will the Premier commence drafting changes to his failed legislation immediately and recall Parliament, if necessary, to pass them?

**Mr C.J. BARNETT replied:**

Once again, when there is an issue, and this is a real issue, we see that the great failing of the Leader of the Opposition is that he always exaggerates; he always overplays the game. He always exaggerates—“thousands of jobs at risk”! Not only does the Leader of the Opposition exaggerate but he does not listen. Had he listened, he would have heard that we are working on some legislative change during the winter break.

**Mr M. McGowan:** It is a disaster! Go and ask businesses around the place.

**Mr C.J. BARNETT:** The Leader of the Opposition may say it is a disaster.

**Mr M. McGowan:** Check with your electorate office! Ask government members' electorate offices!

**Mr C.J. BARNETT:** I have answered the question. Some regulation changes have been made and an intense amount of work has been done with local authorities—I am not blaming them—and the building industry to get those approvals through. Some of the larger builders are affected, but some of the smaller builders have just carried on. As I said, the Leader of the Opposition did not listen to the answer I gave to his first question: we will draft and make some legislative change to the bill itself.

## KIMBERLEY SKIN CANCER SCREENING PROJECT

**321. Mr V.A. CATANIA to the Minister for Regional Development:**

The government continues to support not-for-profit organisations across the state. Can the minister detail how royalties for regions funding is assisting the Lions Cancer Institute and Royal Flying Doctor Service of Australia carry out valuable work in the Kimberley?

**Mr B.J. GRYLLS replied:**

I thank the member for North West for the question. Before I begin, on behalf of the Minister for Health I acknowledge the students from Ocean Road Primary School who are in the gallery today. I hope they enjoy question time.

The Royal Flying Doctor Service of Australia Kimberly skin cancer screening project is providing free cancer screenings across the Kimberley region during May and June of this year. This program has previously been rolled out across the Pilbara and goldfields. I was speaking to someone from the Lions Cancer Institute and I thought that some of their outcomes would be best shared with the Parliament, so that a small program like this can be understood for the difference that it makes. The program is a collaboration between the RFDS and the Lions Cancer Institute, with funding from the Kimberley regional grants scheme administered by the Kimberley Development Commission. Woodside Energy and the four Kimberley shires are providing the venues and organisational support. The total project cost is \$240 000, so it is not a project of any financial magnitude, but the outcomes have significant magnitude. I will share them with members now.

The skin cancer screening project has visited Derby, Fitzroy Crossing, Halls Creek, Wyndham and Kununurra, and is just leaving Broome. The RFDS has been inundated with bookings across the Kimberley and 1 227 people have been screened to date. The data collected during the project will be used for scientific research by skin cancer PhD, honours and tertiary students. That is as a result of a strong partnership between the Lions Cancer Institute and the University of WA. The statistics are quite remarkable: 1 127 people screened; 288 suspicious lesions identified; 195 people referred to their GP for their lesions; and 156 potentially life threatening lesions discovered, which, if they are not properly treated, will be life threatening. This little project with funding of \$240 000, that is operating across the Kimberley screening residents of the Kimberley, has identified 156 potentially life threatening skin cancers. At least 691 of the 1 100 people screened had never previously been screened for skin cancer. These statistics reinforce the need for preventive health care as well as the excellent work that the Minister for Health is doing in rebuilding the health system across regional Western Australia. Programs like this that are aimed at preventive health care can make a real difference and I want to congratulate the RFDS and the Lions Cancer Institute for the work they are doing in preventive health in the Kimberley region.

## PERTH WATERFRONT PROJECT — ADVERTISING CAMPAIGN

**322. Mr B.S. WYATT to the Premier:**

I refer to the Premier's comments in Parliament last week in relation to the \$250 000-plus advertising budget associated with the Perth Waterfront project, when he said —

As Premier I insist that any use of public expenditure on advertising campaigns—it is a legitimate role of government to advertise—must contain information that is relevant and important to the public of Western Australia.

- (1) How can this advertising that I am holding up, which features three pelicans crossing the road and contains no information on traffic flow, road closure information, time frames or costings, be justified?
- (2) Will the Premier now immediately cease spending taxpayers' money on a blatantly irrelevant and wasteful government advertising campaign?

**Mr C.J. BARNETT replied:**

- (1)–(2) I take very seriously the use of taxpayers' money on advertising. To draw the public's attention to the project is the first step.

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

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

**Mr C.J. BARNETT:** The second step is to provide the information. The Minister for Planning has just given me an example of the information that has been distributed by the Metropolitan Redevelopment Authority on the impact of planning and traffic. First, the attention of members of the public is drawn to the issue and then they are told about it; that is what is done. The public of Western Australia supports the waterfront.

Several members interjected.

**The SPEAKER:** The member for Victoria Park has asked the question; nobody else has.

**Mr C.J. BARNETT:** The public of Western Australia supports the waterfront.

**Ms R. Saffioti** interjected.

**The SPEAKER:** Member for West Swan, if you want to ask a question in this place, you know how it works now. I formally call you to order for the first time today.

**Mr C.J. BARNETT:** The government's gross commitment to this project is \$440 million and the net commitment is estimated at \$270 million. Billions of dollars of development will ultimately take place around the waterfront. But, quite understandably, not everyone understands what is happening. They do not understand the detail. Some people are under the impression that all of Langley Park is going to be dug up. Some of the complaints from people in my electorate have been that we cannot do that. When it is explained to them that it is not Langley Park but actually the area of The Esplanade in front of the city and that the travel pattern from west to east will be virtually unchanged and there will be a diversion from east to west, people say that that is okay. That has been the experience in my office when people have come in and I have shown them the maps.

This is a major transformation of Perth, and early, preliminary construction is underway. The people of Western Australia are entitled to know what is happening in their city. We draw their attention to it and then we provide the detailed material, and that is what will happen; just as we will also draw to the attention of the people of Perth why the new stadium is being built at Burswood and why it should not be built at Subiaco. People need to understand why the government makes those decisions. What people will not see from the Liberal–National government is what we saw under Labor, with Labor Premiers in full-page advertisements of themselves. People will not see that under this government.

#### PERTH WATERFRONT PROJECT — ADVERTISING CAMPAIGN

**323. Mr B.S. WYATT to the Premier:**

As a supplementary question, why is it more important to spend \$250 000 on an irrelevant advertising campaign, when the Premier has cut a \$60 000 program to provide mobile parenting services and playgroups to families in the south eastern suburbs of Perth?

**Mr C.J. BARNETT replied:**

I would not have thought that had any relation to the initial question.

Several members interjected.

**The SPEAKER:** Member for Victoria Park, I formally call you to order for the first time today. Your question included the seeking of some opinion, but I thought that some of your question was relevant to what had come before. That is why I enabled the question to be answered, and that is what I believe the Premier is endeavouring to do.

**Mr M.W. SUTHERLAND:** Mr Speaker —

**The SPEAKER:** I have not given you the call, member for Mount Lawley.

Several members interjected.

**Mr C.J. BARNETT:** Mr Speaker, there are —

**Mr M.P. Murray** interjected.

**Mr C.J. BARNETT:** No point.

**The SPEAKER:** Member for Collie–Preston, I know you can count. I formally call you to order for the first time today. Member for Forrestfield, I formally call you to order for the first time today as well. I am going to give the call back to the Premier.

**Mr C.J. BARNETT:** As every member of this Parliament should know, there are literally thousands of programs across government, and it is a continuing function of government to review programs and decide whether they have run their course, because often they do—they are designed for a period of time and they run their course—or whether there are better ways of spending money. I do not know the details of that particular program to which the member referred, but that is a responsibility of the minister. It is a function of government and of all ministers to make sure that taxpayers' money is spent in the best way.

**Mrs M.H. Roberts:** It's your function to get the priorities right.

**The SPEAKER:** Member for Midland!

**Mr C.J. BARNETT:** Do not forget that this government had to face a \$662 million cut in its GST two months out from delivering the budget. So why do members opposite support Julia Gillard and why do they take orders from her, as they do?

**The SPEAKER:** I give the call to the member for Mount Lawley.

**Dr A.D. Buti** interjected.

**The SPEAKER:** Take a seat, member for Mount Lawley. Member for Armadale, I did not give you the call. I formally call you to order for the first time today.

#### STATE BUDGET 2012–13 — ROYAL PERTH HOSPITAL

#### 324. **Mr M.W. SUTHERLAND to the Minister for Health:**

What work is to be undertaken on Royal Perth Hospital with the money referred to in the 2012–13 state budget, and how does that compare with Labor's plans for Royal Perth Hospital when it was in government?

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

That is an excellent question. It is an issue that members will know very well. The reason that we are on this side of the house and the reason that the member for Mount Lawley is in this place is Labor's disastrous plan for Royal Perth Hospital and what it was going to do, when it was going to shut down Royal Perth as a tertiary hospital. It is no good the member for Perth shaking his head, because I am about to show him the proof that Labor was going to shut it down as a tertiary hospital. Just last week we were going to debate this during private members' business. The opposition castigated me for the fact that we were going to do the work at Royal Perth Hospital in our second term of government, and that was presented as though this was some brand-new thing, some brand-new happening. Of course, I prepared for that debate all the quotes from *Hansard* in which I have said on numerous occasions that it was going to be in our second term of government—in debates in 2009, 2010, 2011 and 2012 over and over again. In a quote from 2011, I said —

My view is that we cannot start any work there until everyone has moved out to Fiona Stanley Hospital; it would be silly to do that. We have to wait until all those people have moved, which is in 2014.

But let us see what the Labor Party promised when it was talking about Royal Perth Hospital. I have a press release, I presume, put out by the Labor Party in the lead-up to the 2005 election. This was after the Reid review said something along the lines that we need to have one tertiary hospital—Sir Charles Gairdner Hospital or Royal Perth Hospital. All the indications coming from Labor Party members were that Royal Perth was going to be closed as a tertiary hospital and we would end up with Sir Charles Gairdner Hospital. No less a person than Bill Johnston authorised this press release.

**Mr C.J. Barnett:** That'll be good—the most honest member of Parliament!

**Dr K.D. HAMES:** That is exactly right. This is what the Labor Party put out when it went to the election in 2005. Labor Party members were worried about shutting Royal Perth; they thought they would be in big trouble shutting Royal Perth, and they were right. They guessed that that might be the trouble, so when they went to the election in 2005, they said —

The Report also recommended that Royal Perth Hospital (RPH) and Sir Charles Gairdner Hospital (SCGH) have a single management and clinical structure across both hospitals.

Which is exactly right —

A single management and clinical structure is now being implemented.

It goes on to say —

RPH will not close.

Then we get a bit further along the track —

**Dr A.D. Buti:** But it hasn't closed, has it?

**Dr K.D. HAMES:** Of course not, because we got into government. Oops! Own goal!

This is a comment by the Labor Party in 2008 that talks about bed capacity. All members have to do is get to the line for Royal Perth Hospital, and what does it say about beds? It says that the bed capacity for Royal Perth Hospital at 31 January 2008 is 681. Under "Clinical Services Framework Planned Capacity" it is zero. It is zero, zero, zero, going out into all the out years—zero. I can give the member for Perth a copy of this document if he likes, because I saw him shaking his head when he talked about Royal Perth Hospital closing.

What the Labor Party was going to do with Royal Perth was shut the whole thing down and have something like a GP clinic. We kept trying to get out of Jim McGinty at the time what he was going to do there. His argument was always about how terrible we were for keeping Royal Perth, how bad the planning was, what a dreadful thing we were doing by promising to keep it open and that he was going to close it down as a tertiary hospital. He had not decided what he would have there; maybe a GP clinic but certainly not an emergency department. He said over and over again that the ED would shut down and maybe there would be a GP clinic. As the debate moved on and we got closer and closer to the election, he finally said we would have a GP clinic and maybe a surgicentre. The remnants of the hospital on the north block was to be used to do some waitlist surgery, and all the rest of the stuff was to be bowled over; that is all they would keep. Certainly there would be no tertiary hospital, and not even a secondary hospital, at that location.

**Mr J.N. Hyde:** Rubbish! Four hundred beds!

**Dr K.D. HAMES:** Does the member want me to find that document, too? I will give him that document as well that says that in the lead-up to the election. In fact, if he wants to get the transcripts from Geoff Hutchison just before the election when he and I were doing a debate, he can read it for himself. That is the final version: surgicentre for waitlist surgery and a GP clinic—that was it.

We promised to keep Royal Perth as a tertiary hospital and that is exactly what we have done. It is in our clinical services framework and that is what the people of Western Australia want. The members for Mount Lawley and Morley in particular were absolutely incensed by the proposed closure of Royal Perth Hospital.

As we move to the next election, it is quite clear that what the shadow Minister for Health says cannot be trusted, but at some stage in the lead-up to the next election he is going to have to say what he will do to Royal Perth Hospital. He is going to have to say whether he will keep it as a tertiary hospital or do what he was planning to do before, which is shut it down, because that is what everyone thinks he is going to do, and that is what I believe he will do.

#### RIGHT OF BURIAL — GRANTS EXPIRY

##### **325. Mr J.N. HYDE to the Minister for Local Government:**

I refer to the minister's bungled handling of the change to 25-year terms for gravesite tenure looming on 2 July.

- (1) When the minister told Parliament last week that his communication strategy involved an email address and online initiatives, was he aware that prior to 1986 email addresses were not invented, so no applicants whose plots expire from 2 July had email addresses on their forms?
- (2) Does the minister understand that he has upset families that have been putting relatives to rest alongside each other for over 70 years and have now discovered that they may lose their family plots?
- (3) Was it not enough for the Barnett government to increase the cost of living for the living; why is it now putting up taxes for the dead?

##### **Mr G.M. CASTRILLI replied:**

- (1)–(3) This is just another example of the member for Perth misleading the people of Western Australia. Once again, he is trying to make political mileage out of a very, very sensitive issue, and people are, naturally, very concerned about the impacts it has on their loved ones. He does not even bother to get his facts right. It does not matter what he says; he has never really worried about getting his facts right. Firstly, it was a Labor government in 1986 that introduced a change to the grant of right of burial from 99 years and 50 years to 25 years. It was the Labor government that made the changes so that the terms of the existing grants were reduced to 25 years. Labor was in power until 1993, so what did that government do to notify people when it changed the act back in 1986? What did they do? Absolutely nothing.

Several members interjected.

**The SPEAKER:** Member for Willagee, I formally call you to order for the first time today. Member for Belmont, I formally call you to order for the first time today. Member for Joondalup, you are called to order for the first time today as well. I do not recall anyone else but the member for Perth asking this question. I do not think he asked anyone else but the Minister for Local Government to answer it.

**Mr G.M. CASTRILLI:** Thank you, Mr Speaker. A grant of right of burial is basically when someone reserves a particular plot of land in a cemetery for future use. It is not about digging up someone's remains or disturbing a loved one's grave. Yes, the legislation changed the term to 25 years, which expires on 2 July 2012. That was done by a previous Labor government. What does it mean for grant holders? If they want to renew it, they can reserve their plot for the next 25 years. They may decide they do not want it because now about 80 per cent of people prefer cremation to burial. Some might decide that it is important to renew it, and they can do that at a cost of about \$1 800. There is no immediate need to take any action, so nothing will change on the ground after 2 July. Plots will not be reused or changed. I encourage people affected by this to please get in touch with the Metropolitan Cemeteries Board or their regional cemeteries board, but they do not have to do that immediately.

**Mr J.N. Hyde** interjected.

**The SPEAKER:** Member for Perth!

**Mr G.M. CASTRILLI:** Due to the member for Perth's scaremongering of the poor people, for whom this is a very emotive and sensitive issue, the Metropolitan Cemeteries Board received more than 1 900 calls yesterday and about 440 this morning. They have been taking phone calls and trying to sort that out.

**Mr J.N. Hyde:** You are getting only six emails a week about your stupid policy.

**The SPEAKER:** Member for Perth, I formally call you to order for the first time. I am presuming you want to ask a supplementary question.

**Mr G.M. CASTRILLI:** Thank you, Mr Speaker. It was a Labor government that changed all this, not the Liberal–National government. I say it again: it was the Labor government, not the Liberal–National government, and I am dealing with it.

Several members interjected.

**Mr G.M. CASTRILLI:** The Metropolitan Cemeteries Board is used to dealing with people and families in distress. It is a very sensitive issue and the member for Perth's scaremongering of people in Western Australia does not help the cause. He should understand the effect of his actions on people and think about it before he opens his big mouth and does all that scaremongering.

Several members interjected.

**The SPEAKER:** Yelling across the chamber does not assist matters, member for West Swan. I formally call you to order for the second time today. Member for Perth, normally I give people the opportunity to ask supplementary questions; I formally call you to order for the second time today. When I sit down, if you want to ask a supplementary question, you had better be quick to your feet.

#### RIGHT OF BURIAL — GRANTS EXPIRY

**326. Mr J.N. HYDE to the Minister for Local Government:**

I have a supplementary question. Why will the minister not give these pensioners back their family plots?

**Mr G.M. CASTRILLI replied:**

The previous Labor government changed the law!

#### PRISONER WORK CAMPS

**327. Mr I.C. BLAYNEY to the Minister for Corrective Services:**

In recent weeks there has been some public discussion about the state's work camps and whether they provide value for money. Can the minister please explain to the house why the government believes that work camps, particularly the new work camps in Wyndham and Warburton, are a sound investment?

**Mr D.T. REDMAN replied:**

I thank the member for Geraldton for the question; it is something he clearly follows very closely.

Several members interjected.

**Mr D.T. REDMAN:** He does! I have regular discussions with the member for Geraldton.

Several members interjected.

**The SPEAKER:** Member for Albany, I formally call you to order for the first time today. Member for Collie–Preston, I formally call you to order for the second time today. Member for Cockburn, I formally call you to order for the first time today. A member asking a question in this place is not an opportunity for others to have a free-for-all.

**Mr D.T. REDMAN:** I think the house will recall a number of occasions on which I have talked about the value of work camps and the investment that this Liberal–National government has made in work camps in Western Australia, particularly the ones mentioned by the member in his question. We have put some \$9 million towards a new work camp in Wyndham and \$15 million towards a new work camp in Warburton. The cost of those could quite rightly be raised in the estimates hearings, and I think they were. The cost of trying to build these facilities in remote locations is a challenge for the government of the day. I highlight that there have been some substantial and very sound investments in the north to support the replacement of a facility which was opened by the previous government in 2002 and about which there have since been some serious occupational health and safety concerns raised, particularly by the Inspector of Custodial Services. The \$15 million for the work camp in Warburton is to reduce the levels of transport by providing facilities of a higher security level for the support of very short term remand circumstances. As we know, transporting prisoners has led to some very tragic outcomes in the past.

The member for Cockburn spoke on ABC radio about the Wyndham work camp and the value of that investment.

**Mr F.M. Logan:** The number of people who were in it.

**Mr D.T. REDMAN:** The number of people who were in it. Certainly when it was opened we had reduced numbers. I directed the Department of Corrective Services to address that, and it is now operating at almost full capacity. The Wyndham work camp currently has 20 prisoners and I am pleased with how that is going. The member for Cockburn had forgotten that the Labor government actually opened the facility in 2002, but he also made the point that it is an overinvestment and that we should be simply putting prisoners in dongas.

**Mr F.M. Logan:** Why couldn't we?

**Mr D.T. REDMAN:** Why could we not? For two reasons: firstly, the health and safety issues that were raised. The facilities that used to be up there were old dongas and the kitchen and ablution facilities were old mobile caravans from Main Roads. This is how the Labor Party does things; it does things on the cheap and then creates all the consequences that come from that.

**Mr T.G. Stephens:** It was the Liberal Party that shut down Wyndham prison!

**Mr D.T. REDMAN:** It is an interesting point, which I will pick up on in a second.

Secondly, the Inspector of Custodial Services also highlighted the substandard nature of those facilities. I might add that when we came to government, we had substandard facilities at the work camps at Wyndham and at Bungarun, just out of Derby. We have responded to those two examples by making some substantial investments. It is an interesting point the member for Pilbara raises about prisons. When the member for Cockburn was responding on ABC radio recently with Geoff Hutchison, he talked about the fact that our prisons are bursting at the seams. The obvious question to go back with was: So what would you do? Would you support what the Liberal–National government is doing by investing in prisons and investing in facilities? This was his response —

Well hopefully, hopefully by this time next year there will be less prisoners in prison.

The policy from the Labor Party on corrective services runs on a wing and a prayer. They are hoping like hell that the prison population comes down and they will not have to make the investments.

I will also highlight that it was fantastic to see the shadow Minister for Corrective Services out the front of Parliament, prior to the sitting here, supporting the Liberal–National government's position on mandatory sentencing —

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

**Mr D.T. REDMAN:** — because that was the call from the Community and Public Sector Union out there, and the member for Cockburn got up there, in full flight —

**The SPEAKER:** Minister for Corrective Services, if you are going to refer continually to the member for Cockburn, you should expect the behaviour that you are getting. I am going to sit down and seek another call.

#### MIDLAND HEALTH CAMPUS — ST JOHN OF GOD HEALTH CARE

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

I refer to the privatisation of the new Midland hospital and the government's decision to award the contract to the preferred private operator.

- (1) Can the minister confirm the advice from his department that there are some 250 different health services, primarily relating to sexual and reproductive health, that can never be provided by the private operator at Midland hospital and will instead be delivered by a separately operated public health clinic co-located on the hospital site?
- (2) Can the minister advise the Parliament how much the proposed public health clinic will cost in addition to the hospital?
- (3) Can the minister explain why we have to go through this elaborate and clumsy arrangement to implement the government's privatisation policies, when the people of Midland and surrounding districts want, and deserve, a quality public health facility?

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

- (1)–(3) The people of Midland and the surrounding districts are getting a quality public health system—in fact, a first-class public health system.

**Mr R.H. Cook:** Which will not provide 250 services.

**The SPEAKER:** Member for Kwinana!

**Dr K.D. HAMES:** This is the answer. I cannot confirm the member's statement of 250 services, because what the member means when he says 250—this is how I am interpreting his question—is 250 types of services. When I answer the member's question about how many services, what I mean is 250 people being served—that is, people services. There are things like vasectomies and terminations of pregnancy—those sorts of procedures—that cannot be done at that hospital. Out of the thousands of services that are provided when we go to a hospital, that is the number of people we expect will not be able to have that service performed at the St John of God-controlled part of the hospital. But at that hospital site, people will still be able to have those services. Let us look at the types of services that we have. I do not know how many members in this room have had a vasectomy, and I do not expect any members to put up their hands, but I suspect that there are a few of us here. That is not the sort of procedure that we would expect to have provided at a hospital as a matter of course. Most of these procedures are done in clinics under a local anaesthetic. Most of these services are provided in clinics. When we come to things like pregnancy advice, if someone goes to Royal Perth Hospital and seeks advice on contraception, for example, or even on the morning-after pill, that advice would not be provided by the staff managing a tertiary hospital or even a secondary hospital. That is not what they are there for. The reason we put general practitioner clinics in or adjacent to hospitals is that people go along to a GP for that sort of standard advice on contraception. Directly opposite this hospital will be a health clinic where people can seek the sort of urgent advice on contraception that they might want. It is not the job of a tertiary hospital —

**Mr R.H. Cook:** It's not a tertiary hospital.

**Dr K.D. HAMES:** — or a secondary hospital.

We recognise that there are procedures currently done at Swan District Hospital that will be provided on-site at Midland. With the contract having gone to St John of God Health Care, we will be giving a first-class service to the people of the region as public patients. They will be able to go there free of charge and have their condition managed in the same way as others who pay for private insurance, and get exactly the same high quality level of care. Nobody that I know of complains saying, "I went to the private hospital St John's in Subi and the treatment was terrible"; nor do we hear people complaining about the one in Murdoch, "I went there and they were terrible. The orderlies were all complaining because they weren't being paid enough. The nurses were all complaining because they weren't being paid enough and my care was awful." Does any member hear those sorts of complaints?

Government members: No.

**Dr K.D. HAMES:** I certainly do not. I hear people talking about the high-quality care they get when they go to those hospitals. That is what we will be providing to the people of Midland—first-class care at zero cost. They will go there and get that same standard of care at zero cost.

We have hived off a small amount of land that will be used for providing not just those services that we have described that St John's cannot provide, but also a much bigger range of services. This is not a case of glass half empty; this is a glass half full. The people of that region will get additional services that they can access in a day-surgery setting, which will be part of the whole structure of the health campus but provided by a separate provider. We will go to the private sector, which I am sure will show a lot of interest in providing those additional services, such as access for GPs to do minor procedures on some of the skin cancers we heard about from the Minister for Regional Development. GPs will be able to access the day-surgery centre and undertake minor surgical work in a proper environment with far better facilities than they would have in a GP surgery. A wedge resection of toenails, for example, is a simple procedure for a GP but they need a proper environment in which to do it. Those sorts of things can be done there. There will be not only a saving to taxpayers of

\$1.3 billion over the 20-year life of the contract, but also there will be \$1.3 billion that we can spend on schools, on other hospital services, on the police force and on all those things that we can spend that money on. The saving is \$1.3 billion, but we will get a first-class standard of care for all public patients who attend that public hospital run by the private sector. It is a fantastic outcome for the people of Midland.

When we went to the last federal election, Hon Sharryn Jackson campaigned strongly against what we were going to do at Midland hospital. She campaigned to such an extent that she ran advertisements on TV. God knows how much she spent on those ads on TV! I got onto the internet afterwards just to see if it had cost our member any votes. Members opposite are campaigning thinking they are on a winner. If they get on the net and look at the polling booths around where that hospital is going, they will see that it is where our member had the biggest swing towards him—not away from him! People in that area love the concept of a new hospital; they love the concept that we are getting on and building it, unlike members opposite who promised it forever; and they like the concept that it will be a first-class, privately run hospital that will provide a first-class level of care.

#### MIDLAND HEALTH CAMPUS — ST JOHN OF GOD HEALTH CARE

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

I have a supplementary question. Why is the minister taking Midland patients back to the bad old days —  
Several members interjected.

**The SPEAKER:** Thank you, members!

**Mr R.H. COOK:** — when patients had to go around the back because their conditions —

**The SPEAKER:** I want to hear the question in silence. Is there a supplementary question?

**Mr R.H. COOK:** Why is the minister taking people at Midland back to the old days because their conditions are so unpalatable to the hospital management, they have to attend rooms around the back?

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

What a nonsense question. Let us go back to the bad old days. The bad old days saw the Labor Party promising to redevelop Kalgoorlie Hospital. We saw the Labor Party promising to build Albany Hospital. We saw the Labor Party putting off the development of Fiona Stanley Hospital. It was the Labor Party, in its redevelopment of Midland hospital, that was going to tart up the old Swan District Hospital. It was not going to build a new hospital until it was dragged kicking and screaming. When we put out our policy saying that we would build a new hospital, suddenly, a month later, the Labor Party policy was to do the same—it was going to redevelop the old hospital.

There will be doors that people go through into the hospital in the same way as they do with any hospital—people go in one door when they want things done and they go through another door when they want another thing done. There will be no difference. People will go to that hospital complex to have whatever procedure they want done.

#### PERTH ZOO — CAPITAL WORKS

##### **330. Mr J.E. McGRATH to the Minister for Environment:**

I was walking down Labouchere Road the other day and I spied the minister outside Perth Zoo. He was there with a phalanx of television cameras. I thought, “Hello, hello, hello; something is going on here.” I sidled up to the minister. This is a minister who grew up opposite Perth Zoo. He was making an announcement. I thought it was such a good announcement that he should share it with Parliament today.

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

I thank the member for South Perth for the question, which I think was to outline the state government’s capital works program for Perth Zoo. The member referred to Labouchere Road. I actually lived at 35 Labouchere Road when I was in my young teens, which is right opposite the Zoo. It was opposite the Perth tennis club at that time. We cannot have a zoo with a world-class reputation without funding it adequately. This government recognises this. I would like to outline some of the projects at Perth Zoo that we have funded since 2009. Since 2009 we have allocated \$12.2 million towards capital projects. Last year, the biggest project was an \$11.9 million project to upgrade Perth’s integrated water management system. As members will know, a lot of the exhibits at the Zoo are water based. One of the important things is to get proper efficiency out of the water, including water recycling and proper filtration systems. The \$11.9 million will go a long way towards improving the water recycling system at Perth Zoo, and also to improve energy savings by way of more efficient pumping.

Last year, we provided \$1.5 million towards installing the largest solar panel array in Perth. Stage 1 of that project was finished in March last year, with 303 panels. Shortly, stage 2, which has another 448 panels—bringing the total to 751 panels—will be completed; I look forward to opening that in a few months. The solar

panels will generate about 30 per cent of the Zoo's energy requirements. That is a great message to the community and a great showcase of sustainable energy use in Western Australia.

Turning to this year, we have allocated \$2.7 million to upgrade the Perth Zoo entry, to build new playground facilities, to upgrade the visitor ablution blocks and to provide the elevated visitor boardwalk and the interpretation at the Sumatran orangutan exhibit. We will also be commencing a four-year program to upgrade the western swamp tortoise breeding facilities. As members opposite know, there are only about 200 western swamp tortoises in the wild, and the Perth Zoo program ensures that we maintain these precious endangered animals. I was at Perth Zoo this morning. To demonstrate the importance of the Zoo, it has seven male African painted dogs and six female African painted dogs. There are only 3 000 left in the world. Seven weeks ago Mara had her second litter and produced seven pups and I was there this morning —

Several members interjected.

**Mr W.R. MARMION:** I can still smell dog on my coat.

**Mr T.R. Buswell:** So can I!

**Mr W.R. MARMION:** So can the member for Vasse, despite the breathing of it.

The Zoo attracts 610 000 visitors and this government fully supports Perth Zoo, as demonstrated by its \$12.2 million capital works program.

#### SCHOOLS OF ISOLATED AND DISTANCE EDUCATION — ENROLMENT POLICY

##### **331. Mr P. PAPALIA to the Minister for Education:**

I refer to the Department of Education's announcement that from next year students older than 17 years who do Schools of Isolated and Distance Education courses will no longer be enrolled at SIDE and will be forced to attend one of only four inner metropolitan campuses.

- (1) How many students will the minister force to pay for extra transport and other costs, such as child care, to attend these four schools rather than undertaking SIDE courses?
- (2) Has the minister considered the cost-of-living impact on young mothers who are currently enrolled in SIDE to complete their secondary education?
- (3) Will this decision impact the many prisoners across a range of prisons who are currently trying to reform themselves through SIDE courses; and, if so, how will the minister cater for these prisoners?

##### **Dr E. CONSTABLE replied:**

- (1)–(3) I thank the member for the question. There has been some misunderstanding about the enrolment policy of the department. Any person who is enrolled in a school now, be it SIDE or any other school, and becomes of adult age beyond school age, can remain in that school; they do not have to move just because their age changes. Schools have been told that they cannot take new enrolments in schools if someone is beyond the age of 18 years or the school-leaving age. I am not aware of very many prisoners being educated through SIDE and I would be surprised if there were many, so I will have to check the member's statement, because I am not sure whether it is correct.

**Mr P. Papalia:** They have also been told, minister, that they cannot enrol them if they are going to turn 18 from next year.

**Dr E. CONSTABLE:** No, they have not. That is not what they have been told. I have checked that policy. If already enrolled in a school —

**Mr P. Papalia:** Are you sure about that?

**Dr E. CONSTABLE:** I am absolutely certain. If a person is already enrolled in a school, they can continue their enrolment, but a school cannot enrol someone new in the school if they are 18 years of age. They would then have to go to one of the other colleges. But someone does not have to change their enrolment just because their age changes; they can stay within the school they are enrolled in.

#### SCHOOLS OF ISOLATED AND DISTANCE EDUCATION — ENROLMENT POLICY

##### **332. Mr P. PAPALIA to the Minister for Education:**

I have a supplementary question. Is it not true that from next year students who will turn 18 in the future cannot enrol at that school? If they are going to turn 18 —

Several members interjected.

**The SPEAKER:** I will give you an opportunity to ask the supplementary question again without interruption.

**Mr P. PAPALIA:** The minister understands what I am saying.

**Dr E. Constable:** No, I don't. Explain yourself.

**Mr P. PAPALIA:** The minister did not let me interject and ask by way of interjection. This year it is true; schools can retain students on the books if they turn 18 this year. In the future, from next year, if someone is going to turn 18 in the year of their training, schools are not allowed to enrol them.

**Dr E. CONSTABLE replied:**

If a student is enrolled in a government high school and they turn 18 years old, they stay at that school. They do not have to change their enrolment.

**Mr P. Papalia:** What about SIDE?

**Dr E. CONSTABLE:** SIDE is one of the government schools and the same enrolment policy applies to SIDE.

### MOORE RIVER — HOUSING LOTS SOUTH OF ESTUARY

#### *Petition*

**MS L.L. BAKER (Maylands)** [3.04 pm]: I have a petition with 60 signatures and it complies with the rules of the house. The petition is headed "No urban development south of the Moore River" and reads —

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

We, the undersigned, say that the announcement by the Minister for Planning on 9 June, 2009, to approve of the development of 2,000 housing lots on the south side of the Moore River Estuary, is contrary to the findings of the Gingin Coast Structure Plan and to the view that has been consistently and strongly put forward by the community since 1995.

Now we ask that the Legislative Assembly recommend that the land adjoining the proposed —

**The SPEAKER:** Members, I called for petitions; I have not called for general conversation. If you want to have a general conversation, take it outside this chamber. At the moment we have petitions in front of us.

**Ms L.L. BAKER:** I will continue —

Wilbinga Conservation Park which is subject to the Moore River Company's plans, be:

1. purchased by the Government at a fair price to the landowner;
2. be managed in perpetuity for the benefit of the whole community, for the protection of the estuary of the Moore River;
3. purchased to stop suburban Perth sprawling to the Moore River and beyond; and
4. saved from any form of urban development so that Western Australian tax payers are not forced to contribute to or subsidise the massive infrastructure costs (roads, bridges, sewerage, water supply, electricity supply) that would be caused by a development at the extreme outer limits of the city).

We make this request because of the unique aesthetic and environmental features which this area contributes towards the natural capital of Western Australia.

[See petition 608.]

### RESOURCES PROJECTS — LOCAL JOB OPPORTUNITIES

#### *Petition*

**MR C.J. TALLENTIRE (Gosnells)** [3.06 pm]: I have five petitions to table today. The first concerns local jobs, 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 the WA Parliament should pass laws that ensure a greater share of skilled engineering and fabrication work for our major resources projects is performed in Western Australia.

Our major resources projects are increasingly sending their skilled work offshore. Many of Western Australia's fabrication workshops are almost empty and our engineers have to go overseas if they want to help design our LNG projects.

Our natural resources can only be used once and we should use the current resources construction boom to provide training and apprenticeships for our young people, so that they can have a future after the boom.

Now we ask the Legislative Assembly to work to ensure a greater share of skilled work for our major resources projects is performed in Western Australia.

The petition has been signed by 51 petitioners and is certified as conforming to the standing orders of the house. I table the petition.

[See petition 609.]

### **COST-OF-LIVING INCREASES**

#### *Petition*

**MR C.J. TALLENTIRE (Gosnells)** [3.07 pm]: My next petition regards utility charges. It has been signed by 31 petitioners and certified as conforming to the standing orders of the house, 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*

- 1 The State Government's recent increases in fees and charges to householders are disproportionate and unfair.
- 2 Many people are struggling to get by and these increased charges are causing unnecessary hardship.

*Now we ask the Legislative Assembly*

- 3 To voice the case of householders aggrieved by these increases in fees and charges.
- 4 To give relief for WA householders trying to balance the household budget.

[See petition 610.]

### **GOSNELLS POLICE AND COMMUNITY YOUTH CENTRE**

#### *Petition*

**MR C.J. TALLENTIRE (Gosnells)** [3.08 pm]: I have a petition regarding police and community youth centres. My petition has been signed by 14 petitioners and is certified as conforming to the standing orders of the house. 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 that the Gosnells PCYC is an important community asset and we are strongly opposed to the Barnett Government's plan to remove Police Officers and Police Department staff from the centre.

The PCYC plays an important role in diverting children at risk away from criminal activity and anti-social behaviour. The opportunity for young people to interact with positive role models and develop trusting relationships with police and community members is an investment in the future of our community.

Now we ask the Legislative Assembly to ensure the continued future of the Gosnells PCYC and ensure that sufficient resources and funding are allocated to enable that to occur.

[See petition 611.]

### **CONTAINER DEPOSIT SCHEME**

#### *Petition*

**MR C.J. TALLENTIRE (Gosnells)** [3.10 pm]: I have a petition regarding container deposit legislation in Western Australia. It has been signed by 13 petitioners and certified as conforming to the standing orders of the house. The petition reads —

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

We the undersigned residents of Western Australia support actions that increase the number of beverage containers recycled in Western Australia and assist in improving the ongoing litter problem we have in our state. Discussion about the introduction of such a scheme for Western Australia has been ongoing for too long and it is now time the Government took action.

Now we ask that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia.

[See petition 612.]

**NATIONAL DISABILITY INSURANCE SCHEME***Petition*

**MR C.J. TALLENTIRE (Gosnells)** [3.10 pm]: I have a petition, and it regards the national disability insurance scheme. It has been signed by seven petitioners and has been certified as conforming to the standing orders of the house.

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

We, the undersigned, welcome the final report of the Productivity Commission into disability care and support and the Prime Minister's commitment for a national disability insurance scheme and urge the Premier to seize this once-in-a-lifetime opportunity for a national disability insurance scheme.

Now we ask the Legislative Assembly to call on the Premier to listen to the requests from Western Australian people with disabilities and immediately establish a community reference group to advise him on how a national disability insurance scheme may work best for WA.

[See petition 613.]

**PAPERS TABLED**

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

**BUSINESS OF THE HOUSE — PRECEDENCE OF PRIVATE MEMBERS' BUSINESS***Notice of Motion*

**Mr R.F. Johnson (Leader of the House)** gave notice that at the next sitting of the house he would move —

That so much of standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 pm to 8.00 pm on Wednesday, 20 June 2012.

**BILLS***Notice of Motion to Introduce*

1. National Health Funding Pool Bill 2012.

Notice of motion given by **Dr K.D. Hames (Minister for Health)**.

2. Industrial Relations Amendment Bill 2012.

Notice of motion given by **Mr M. McGowan (Leader of the Opposition)**.

3. Mental Health Amendment Bill 2012.

Notice of motion given by **Mr M.P. Whitely**.

4. Aboriginal Intestate Estates Legislation Amendment Bill 2012.

Notice of motion given by **Mr B.S. Wyatt**.

**WORLD WAR II INTERNMENT CAMPS***Notice of Motion*

**Mr P. Papalia** gave notice that at the next sitting of the house he would move —

That this house —

- (1) notes the presence of internment camps in the state of Western Australia during World War II for the purpose of detaining "enemy aliens" and prisoners of war, and that some "enemy aliens" were transported from Western Australia to internment camps in other states of the commonwealth of Australia;
- (2) acknowledges that amongst the "enemy aliens" interned were people who were either permanent Australian residents, born in Australia, or had become British subjects in accordance with commonwealth of Australia immigration and citizenship laws of the day;
- (3) accepts that the overwhelming majority of the people interned at the camps were law-abiding, had made a valuable contribution to Australian society, and posed no threat to the security of the nation or its people;
- (4) believes that most people were primarily interned in the camps on the basis of their cultural heritage or the mistaken belief that it posed an unreasonable risk, and not for any demonstrated or validated criminal or security concerns;

- (5) is aware of research and personal histories that demonstrate that the internment experience had a long-term detrimental impact on the health and welfare of many of the people interned;
- (6) recognises the pain, suffering, grief and hardship experienced by the people who were interned and their families, and in particular the impact on mothers and wives who were left to care for children, homes, farms or businesses without government assistance;
- (7) congratulates those internees and their families who made the decision to remain in Australia and rebuild their lives following their internment;
- (8) celebrates the lives of those former internees and their families who, despite their internment experiences, went on to make a significant contribution to the economic, social and cultural development of Australia;
- (9) asserts that while the internment policy was implemented in the circumstances of a national emergency, it nevertheless acknowledges that the injustice experienced by some Australians was unnecessary and avoidable; and
- (10) hopes that as a maturing nation we have learnt from the World War II internment experience to ensure that future generations of migrants to this country are treated with justice and equality before the law, and are not discriminated against on the sole basis of their cultural heritage.

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE — MARLON NOBLE —  
DETENTION UNDER THE CRIMINAL LAW (MENTALLY IMPAIRED ACCUSED) ACT 1996**

*Removal of Notice — Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams):** I advise that private members' business notice of motion 2 regarding the detention of Mr Marlon Noble, notice of which was given on 29 November 2011, will be removed from the next notice paper unless written notification is provided to the Clerk requiring that it be continued.

**POLICE RESPONSE — METHAMPHETAMINE MANUFACTURE**

*Removal of Notice — Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams):** Further, private members' business notice of motion 3, "Police Resourcing", notice of which was given on 9 August 2011 and renewed for a further 30 sitting days on 29 November 2011, will be removed from the next notice paper.

**ACTS AMENDMENT (WESTERN AUSTRALIA DAY) BILL 2011**

*Removal of Order — Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams):** In accordance with standing order 144A, the order of the day that appeared in the last notice paper as private members' business 1, Acts Amendment (Western Australia Day) Bill 2011, has not been debated for more than 12 calendar months and has been removed from the notice paper. As per usual, for your information, I advise that a bill that has been removed under this standing order may be restored by motion to the point it had reached prior to its removal.

**HOUSING — GOVERNMENT MANAGEMENT**

*Matter of Public Interest*

**THE SPEAKER (Mr G.A. Woodhams)** outlined that he was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

**MR M. McGOWAN (Rockingham — Leader of the Opposition)** [3.19 pm]: I move —

That this house condemns the Barnett government for its failures in the area of housing, including the halving of building approvals, out-of-control rents, and mismanagement of public housing.

This is an incredibly important issue. I am very disappointed that the Premier is not in the chamber to participate in this debate. I suppose he has more important things to consider, such as candidates in western suburbs' electorates, rather than the jobs of ordinary Western Australians who work in the building industry! It is far more important to the Premier that he be out there worrying about who is going to represent the electorate of Churchlands rather than the important issues of jobs for ordinary people in the building industry in Western Australia! This issue has arisen directly because of the government's changes to the Building Act in Western Australia. The fingerprints of the government are all over this issue.

**Mr T.R. Buswell** interjected.

**The SPEAKER:** Minister for Housing!

**Mr M. McGOWAN:** The minister will get his chance to speak. He has completely wrecked the industry, so he can speak later about what he has done.

The fingerprints of the government are all over this issue with the Building Act changes. We saw in the April figures a decline of 47 per cent in building approvals in Western Australia. What happened then? After those figures came out, we learnt that the minister responsible, the Minister for Commerce, Hon Simon O'Brien, had been refusing to meet with the building industry, which had been expressing concern about it.

**Mr T.R. Buswell:** That's not true.

**Mr M. McGOWAN:** Ask the industry. Government members can say it, but none of them has even spoken to the industry.

**Mr T.R. Buswell:** You're lying.

*Withdrawal of Remark*

**Mr T.G. STEPHENS:** Mr Speaker, I have a point of order.

**The SPEAKER:** Before I take your point of order, member for Pilbara, I am going to ask the Minister for Housing to withdraw the last comment.

**Mr T.R. BUSWELL:** I withdraw that comment.

*Point of Order*

**Mr T.G. STEPHENS:** My point of order is that the Minister for Housing is showing a contempt for you in the chair and for the Chair. You have previously asked him on a number of occasions to stop interjecting. Unlike members on this side of the house who immediately do what we are told, the Minister for Housing is persisting in ignoring your demand.

**The SPEAKER:** I am not necessarily going to make a ruling on that point of order. I accept your advice; it is good advice, member for Pilbara. I will be keeping a very close eye on the Minister for Housing. He well and truly knows that.

*Debate Resumed*

**Mr M. McGOWAN:** We saw the disastrous situation that arose when the new Building Act was put in place by the government, resulting in a halving of building approvals in the month of April.

**Mr R.F. Johnson:** Did you support that bill?

**Mr P.C. Tinley:** We moved amendments to it.

**The SPEAKER:** Members! I do not know that anybody's cause is aided in this instance with members on both sides of the house interjecting on each other while the Leader of the Opposition has the call. I do not want to hear anybody from either side of the house making any reflections at this point. The only person I want to hear from is the Leader of the Opposition.

**Mr M. McGOWAN:** We saw the Building Act changes come in. The figures on building approvals halved in the month of April. Those figures came out at the end of May. It made the front page of *The West Australian* no less. Some considerable concern was expressed by industry figures. The Premier then called an urgent meeting of representatives of the housing industry in his office and said that the government was going to make some changes. He described the problem as being like a paper jam. So, housing industry approvals were being held back because there was a paper jam within the system. The Minister for Commerce, Hon Simon O'Brien, described the issue as teething problems in the industry that were causing difficulties with the new act.

Of course, I asked the Premier last week what would happen and whether the situation would be fixed. In this house he said that it was only a short-term issue and just a logjam and it would all be resolved. I asked him about it again today. He said that it will all be fixed because of the changes that the government has made. I have an email sent to builders far and wide around Western Australia by the Housing Industry Association, the peak body of builders in the housing sector in this state. That organisation has hundreds, if not thousands, of members. It is a formidable and very knowledgeable group that deals with these issues. I will read the email to the house so that members know exactly what the housing industry is saying to its members around Western Australia, who employ tens of thousands of citizens in this state. It states —

DYSFUNCTIONAL BUILDING ACT

Dear Member

Please find attached a copy of an HIA advice on the details of the recently announced Ministerial Exemption Order and changes to Regulations for the Building Act.

These changes

- DO NOT fix the problems being experienced by the industry in both submitting Building Permit applications and having Building Permits issued..
- DO NOT unblock the system
- DO NOT, unlike what has been portrayed by the Government, resolve the industry grinding to a halt.

You need to ring TODAY your Local Member of Parliament and instruct them to force the State Government to act more decisively to resolve the situation..

This Building Act is the most dysfunctional piece of legislation ever introduced into the Western Australian home building industry.

HIA warned the Government that:

- It would not work and would have problems
- Neither industry nor Local Government were ready for its introduction
- It would create too many uncertainties which would require interpretation

THE GOVERNMENT DID NOT LISTEN — HIA WAS RIGHT!

Go to the following link to find the details of your Local Member of Parliament. Ring the member TODAY. Instruct the Member to force the State Government to Act.

...

This situation cannot be allowed to continue.

Regards

John Dastlik  
Executive Director  
HIA WA

**Mr J.H.D. Day:** When was it sent?

**Mr M. McGOWAN:** This email was sent on Friday to home builders all over Western Australia. It was sent after the government's changes that were designed to fix the system. In other words, the Housing Industry Association is saying to the people of Western Australia that the government's changes are rubbish and will not work. It is saying that something more dramatic needs to take place in Western Australia if we are to deal with this incredible situation of a decline in building approvals as a direct consequence of the government's "dysfunctional Building Act".

We are raising this issue in Parliament not just because I have a copy of the email sent to builders all over Western Australia, but also because people have taken the advice of the Housing Industry Association and are calling electorate offices. A very significant supplier of building products in my electorate has called my office to say that 70 jobs are under threat in his business. This is a major supplier of building products in an outer suburban area that not only provides jobs for many people but also provides houses for thousands of people in a growth area of the Perth metropolitan area. Builders and suppliers around the state have been calling the electorate offices of members of Parliament and begging for something to happen because their businesses are under threat and they could very well go out of business because of the changes that the government has made. This is a scandal. This is a catastrophe for the building industry. The building industry is Western Australia's second biggest employer, yet the government is more focused on preselections in Churchlands! It should be ashamed that it is not focused on this issue. This is the number one issue affecting employment in Western Australia today and it is all a consequence of what the government has done.

On top of that, it is not just building suppliers that are calling our offices. I also have emails from families whose children are apprentices in the building industry. I have one email from a family whose son is a carpentry apprentice. He no longer has work as a consequence of what has taken place. This family has emailed us to say that this is a desperate situation; that he is in the process of losing his apprenticeship because the business at which he is an apprentice can no longer survive. It is affecting not only building suppliers and builders, but also apprentices and trainees and, in no small measure, ordinary employees in the building industry in Western Australia. When there is a 50 per cent decline in approvals, these human tragedies will appear around Western Australia whereby people's livelihoods and solvency are affected and family members lose their important apprenticeships and traineeships all because of the changes to the law put in place by the government have failed. The government should come into this Parliament and fix the problem. Before government members stand and say that their fix will do the job, the evidence is there. The Housing Industry Association itself has emailed —

**Mr T.R. Buswell:** Is that right—it won't do the job?

**Mr M. McGOWAN:** The Housing Industry Association itself emailed businesses all over Western Australia begging them to contact members of Parliament to get the situation resolved.

**Mr T.R. Buswell:** They're right.

**Mr M. McGOWAN:** They are right. Both the Minister for Housing's legislation and fix have failed. We are a couple of days away from the end of this parliamentary session. Parliament will not sit for another seven or eight weeks. It will be another seven or eight weeks before there is capacity, according to the minister's timetable, to deal with this issue. My advice to the minister is this: he needs to get parliamentary counsel on the case. He needs to get —

**Mr T.R. Buswell:** They are.

**Mr M. McGOWAN:** He needs to get parliamentary counsel working around the clock to provide amendments to the laws that have been put in place, and the government needs to bring Parliament back to deal with this issue. It is not acceptable for ministers to jet off to Europe and places further afield over the winter break whilst —

**Mr T.R. Buswell:** What's more further afield than Europe?

**Mr M. McGOWAN:** Iceland!

It is not acceptable for ministers to jet off around the world over the winter break whilst the jobs of thousands of people in the building industry are under threat. The government must rush in legislation to fix the issue that was created by the minister. I will explain to members what the problem is, because I have spoken to people in the building industry. Basically the exemption order that the minister put in place as his fix to the Building Act will not work, because builders are finding it very difficult to obtain finance and are not obtaining finance under that arrangement.

**Mr T.R. Buswell:** It's not the builder, it's the owner—the customer.

**Mr M. McGOWAN:** And builders. Advice from the building industry is that both parties are finding it difficult to obtain finance. The exemption order is not working. There is a great deal of fear among builders that if they undertake building work under the exemption order, changes could be made to the building permit once it is granted, and if they have already commenced work in a certain way, that would result in a breach of contract or it would mean that they would have to rip down the work they had already done. Under the rules, the requirement for neighbours' approval means that there is a huge bureaucratic obligation on people undertaking housing work or extensions that requires them to consult neighbours, which they have not had to do before now. That new requirement in the legislation has caused a massive stoppage in approvals around Western Australia. There are three major things that the minister's changes to the legislation have not fixed and will not fix. I heard the Leader of the House earlier. He will no doubt stand up and say that Labor did not oppose this legislation. I will tell members what we did do. We tried to amend the legislation—we do not have the numbers in this house—to make it better, but the government voted down our amendments. This is a government issue. The government created this problem. The Barnett government created this problem, not the opposition. The problem is the Barnett government's legislation and the Minister for Housing's changes which, he announced last week, are not working. It is time the government took this issue seriously. It should make Parliament come back from the winter break so that we can put in place changes to save the building industry in Western Australia.

**MR P.C. TINLEY (Willagee)** [3.35 pm]: I rise to support this motion and to add my condemnation of this government, particularly for its failure to understand what is going on in the Western Australian economy. This issue has been going on since 2008, which is when this government came to power. The government saw it coming, but it did not move one inch. The only people who understood what was going on in Western Australia and who lifted a single finger to help the people of Western Australia in the housing continuum that the minister bangs on about was federal Labor. Federal Labor provided a stimulus package that stimulated the housing market of this state. It was federal Labor that directly assisted the construction industry of this state. Families are now better off for it and the public housing sector is now better off for it. What do we get from this government? We get nothing. What do we get from a moribund government that has no idea how to protect the state's economy and keep it available for all in the future? We now have a failure in market supply. What else have we seen? We have seen the government's inability to understand what is happening in the economy. No-one in the public housing sector is more at fault than the Minister for Housing. There are now 8 000 more people on the public housing waitlist than there were when the Liberals came to office. Of those, 3 000 are on a priority waitlist. There are more than 23 000 applicants and 51 393 people affected by the public housing waitlist that has been overseen by this minister—twice. Those are just numbers. This heartless, cold and uninspiring government does not have the capacity to understand what compassion means. There are victims behind those numbers. The victims behind those numbers are people like Cherie Pearce, who is homeless and of no fixed address. She is a mother of two. One of her children had critical birth defects, including a hole in the heart. A diaphragm rupture meant that the child required two operations, with the child given a 30 per cent chance of living. Where is she

living? She is living in her car with her two children. She is hopping between girlfriends' houses. Sachin is six and a half months old. I have written to the minister. I have raised this issue in the media. What compassion have we seen from the minister and the government? We have seen no compassion—nothing. The people of Western Australia deserve a better government than that. What else do we get? We get less. The total appropriation of the public housing budget is \$105 million less this year than it was last year. The government is spending less and managing worse. It is spending more in a range of other portfolios that are not worth it. The government thinks more about the Perth stadium because it increased the spend on that project by \$211 million. How many houses could have been built with that money?

Another issue with this moribund government, which has an inability to manage, is the fact that vacant homes are, on average, vacant for a year. On average, a vacant house in the public sector sits vacant for about a year. I do not know about the minister, but I own a house—which he has been keen to point out to members. As a landlord, one day vacant is not what I would expect. Why would the minister expect that from his department? Why would he not expect his department to get that housing stock into the market, which it so richly deserves? The government has run out of money—it has simply run out of money. It is spending less, wasting more and managing mediocrity. What did we get from this minister in his first attempt? Lord knows what he will do when he gets hold of Treasury—again! The privatisation of housing maintenance, the head contractor model, was implemented in his first attempt at this portfolio. The minister's best hope is to pass this portfolio on like a ticking time bomb to the next poor mug who has to tidy up his waste, and his inability to lead and to take personal responsibility for the leadership of his portfolios. The head contractor model is in such tatters that we have to ask the minister questions about how much is fraud and how much is noncompliance. Transfield, one of the three key contractors, issued noncompliant job orders and has been paid for noncompliant job orders to the tune of \$627 185. That was the recovered amount. How much of that was fraud? The government does not know. The minister cannot tell us what was noncompliant job orders and what was fraud.

The minister had to instigate, with his own terms of reference, an independent report to the value of \$140 000-odd from KPMG to tell the minister something he already knows—he is a failure to the people of Western Australia, and a failure to the public servants working as hard as they can in the Department of Housing to deliver what should be the absolute right of every Western Australian; that is, shelter, a place to call home. The most basic of needs for survival is shelter. There are women and children and other disadvantaged people in our community living in their cars, on the minister's watch. There are 8 000 more people on the public housing waiting list than there were when the Labor government left office. There is waste in Transfield with \$600 000-odd recovered and a further \$2.8 million believed to be there. That is based on only a 10 per cent desk audit, I might add. How much is the waste? We do not know? How much is the budget? We do not know. How much is the maintenance budget? The minister told us it was \$107 million. We asked in the other place: what was the actual housing budget and was there a blow-out? Yes, there was. Hon Simon O'Brien mentioned in his response that in fact the original budget for housing maintenance was \$84 122 000, so who is right—the Minister for Housing or Hon Simon O'Brien? We have seen what he has done with housing approvals. We have seen his capacity to assist the industry!

The Liberal Party is the party of business. This is the party that is meant to look after business. The minister outsourced or privatised, as he wants to call it, housing maintenance to business so that family businesses and small businesses can get a good go. It is a completely laudable idea, except he has sent many of them broke. I refer to Genex and other companies that today have cash flow problems at the minister's own hands because Transfield has not paid them. I can tell the minister that subcontractors to Transfield have come to us and actually said that Transfield has told them they are not going to get paid again until 2 July. Does the minister know that?

**Mr T.R. Buswell:** So you are asserting. I have learnt in this place not always to understand when you open your lips.

**Mr P.C. TINLEY:** The minister has learnt nothing but how to be a vacuous vacillator who hops from portfolio to portfolio in some vain attempt to engender some sort of credibility among his back bench. He milks his back bench for all its worth because he knows that a vote for Barnett is a vote for Buswell. He knows that if he positions himself right, he is the big winner. Christian Porter has run like we would not believe and the minister knows that he will be the big winner if he just plays his cards right.

**The SPEAKER:** If you are going to refer to a person in this place, I ask that you refer to that person by the seat that they occupy.

**MR T.G. STEPHENS (Pilbara)** [3.43 pm]: It is important in a debate like this before the house today that we be reminded of not only the housing circumstances we are faced with in the metropolitan area but also the housing circumstances that have been delivered in regional areas, particularly in the Pilbara. Simultaneously with the problems that have been identified by the leader and the shadow Minister for Housing in this debate in the metropolitan area and more widely, an acute set of problems has developed in the Pilbara. Those problems are as a result of the failure of this government to focus methodically on the needs of that region rapidly enough

to address the housing crisis, not only for government employees, not only for those in the small business sector, not only for those in the public housing sector but also those who are desperately looking for housing within that region to take up the job opportunities from the resource sector that is driving so much money into the coffers of this government. Simultaneously, answers have been recorded in the chamber by this government during the estimates hearings that show average weekly rentals in the March 2012 quarter in places like Karratha at \$1 651; Port Hedland, \$2 108; South Hedland, \$1 746; Newman, \$1 668; Tom Price, \$1 875; and Onslow, \$2 050. These are just the average figures for the March quarter. That is the reality. For many people it is impossible to get housing, no matter how much they wish to offer on the table. It is certainly difficult for people in the small business sector and the service sector to respond to the challenges with which they are faced. This is a government that is fiddling while there is a crisis—a real burn going on; a burning off of the ordinary citizens of Western Australia—particularly in a region like the Pilbara. Simultaneously, the Minister for Housing is presiding over the rapid sale of government-owned assets—public housing stock in the Pilbara region—as part of the new living program, which is not simultaneously delivering the focus and investment on new housing that is needed within the town of South Hedland for instance. There is not the simultaneous injection of funds into government employee housing that is needed in that region; there is not an adequate construction program.

This government is the successor to governments of conservative persuasion that destroyed the small business rental housing program, the Industry and Commerce Employee Housing Authority—ICEHA—when it sold the housing stock that was once on offer to the residents of that region. This is the government that has failed to pick up some of the initiatives that could respond better to the housing needs of that region; for instance, the opportunity, with grants and support, to encourage government employees to build and buy housing for themselves that would take some of the pressure off the housing stock within that region. This is a government that has delivered red tape and bureaucracy for the housing and construction industry. It can more rapidly build a palace for the “Emperor” or tug pins for industry at the blink of an eyelid while someone who is trying to build a house in an area as vital as the Pilbara has to go through red tape and uphill and down dale before they can get approvals in place due to the red tape that has been positioned by this government. That is if they are lucky, because simultaneously with the pressure on the bureaucracy and the red tape this government has delivered to that region, the government has stripped the capacity that is needed for the delivery of power, water and infrastructure that make it possible for developers to get on with the mass development of land within that area.

I demand on behalf of the people of the Pilbara that the minister get up there this week and announce new initiatives that can respond to the people of the service sector.

**Mr T.R. Buswell:** When?

**Mr T.G. STEPHENS:** By Friday at the latest I would say, if the minister can possibly do it. In response to the demand of the people in the Pilbara articulated in this chamber today, we say to the government: get up there and announce some stuff by Friday or no later and respond to the housing needs of the people of that region. Friday will be later than it should be. They have been in government for four years and they should have done it by now.

**MR T.R. BUSWELL (Vasse — Minister for Housing)** [3.47 pm]: I should not laugh; it is a very serious matter. I will work through all the issues that have been raised. I will start with the member for Pilbara and work backwards. He will know that the Minister for Regional Development will be in Port Hedland, I think, this Friday. No doubt he will have a discussion with the community there, as part of ongoing dialogue with the community, to deal with some of the issues the member for Pilbara has raised.

**Mr T.G. Stephens:** Action is what is needed; not discussion and dialogue.

**Mr T.R. BUSWELL:** It is funny that the member for Pilbara should follow the member for Willagee and talk about affordable housing in Port Hedland. One of the most affordable places to live in Port Hedland was the caravan park the member for Willagee kicked all those people out of.

**Mr T.G. Stephens:** Where that massive housing estate will be built!

**Mr T.R. BUSWELL:** That caravan park that he kicked all those people out of.

**Mr T.G. Stephens:** Where there will be a massive development with accommodation galore!

**Mr T.R. BUSWELL:** That is fine. I am happy for the member for Pilbara to get someone else up for the last four minutes, but it is somewhat ironic that he has raised that issue when the person who spoke before him kicked all those people out—kicked them out! Anyway, that is a well-established fact.

The only other point the member for Pilbara raised was the situation in South Hedland. He was critical of the government’s efforts in South Hedland. I have visited there a number of times. No-one would argue that South Hedland has not been, and is not being, transformed. Does the member for Pilbara not support the outcomes for group housing that have been delivered in South Hedland?

**Mr T.G. Stephens:** People are begging for housing.

**Mr T.R. BUSWELL:** The first time I went to South Hedland there were areas that were very undesirable; there are now significant areas of South Hedland that are very desirable places to live—a good mix of private and social ownership, a great provision of social infrastructure, including things like the new hospital and, as I recall, the new pool and other recreational facilities in and around South Hedland. If there is one example of the government's commitment to renewal and reform in the Pilbara, it is in South Hedland. There are some issues that we are going to have to tackle around rentals in Port Hedland, in particular, and the Leader of the Opposition will see action from the government on that issue in the not-too-distant future, as he has requested in the house today.

I cast back now to some comments and observations made by the member for Willagee—I think; it is a bit hard to tell. If he was watching *Sesame Street* this morning, the letter V must have been the letter of the day. The member came up with as many words as one could find that start with V, and he somehow managed to join them together, although without providing many facts to the house. I think I heard him allude to construction and say that this government has not overseen a construction program. It is true, and I acknowledge the fact, that the commonwealth government made a contribution towards our construction program; but the state government also made a direct and discrete contribution to the housing program. More importantly, the Department of Housing delivered those houses. It not only delivered houses in the metropolitan area and areas of regional Western Australia, but also it overachieved on its targets in remote Indigenous communities. Perhaps one of the best outcomes in terms of the transformation of the Department of Housing is its transformation in and around its ability to deliver better housing outcomes in remote Indigenous communities. Yes, there are still a lot of challenges, and that has been acknowledged by the commonwealth government. I remember when we first entered into that program that the then shadow Minister for Housing and now Leader of the Opposition said, "You'll never make it; you're doomed!" It was a bit like Fraser from *Dad's Army*: "We're all doomed! We're all doomed!" We got there. We overachieved, we got additional funding, and I would like to acknowledge the partnership we built up with Minister Macklin in the implementation and delivery of that program. It has not been easy, but it is happening and, I think, happening well. It is funny that the member would overlook that.

In terms of construction, there is just one very simple statistic that is probably worth the member for Willagee reflecting on before he criticises this government: this government has constructed almost 3 200 new properties in three and a half years. When I look back at social housing stock from 2001 to 2008—the great glory years of the previous Labor government—I take the total increase and divide it by the number of years, which is an average increase per annum, to help the member for Willagee through the analysis. Do members know what the average increase per annum was over that time? It was 203 additional dwellings per annum during the years of the Labor government. We have commenced the construction of nearly 3 200 dwellings in three and a half years.

**Mr A.P. O'Gorman** interjected.

**Mr T.R. BUSWELL:** If the member for Joondalup had turned his ears on, he would know that I have already dealt with that point. I have already acknowledged the role that the commonwealth government played. I have said that both the commonwealth and the state played a role. We had to reform the way that we build and deliver product to get those fantastic numbers, and that housing has been delivered. When we add all that up it is only, by my reckoning, we have achieved about 15 years of Labor effort in three and a half years. In three and a half years, we have managed to construct 15 times what the Labor Party did during its entire time in government. That is not a bad outcome.

**Mr R.H. Cook** interjected.

**Mr T.R. BUSWELL:** It is not irrelevant for the person moving into that house. I could take the member for Kwinana down to see the Stella Orion apartment development, which was opposed by the member for Cockburn. There are a whole lot of people there enjoying affordable housing outcomes that they could only have dreamed of otherwise; I do not think it is irrelevant to them. Maybe I will find all the new properties in the member for Kwinana's electorate and write to those people to tell them they are irrelevant. Notwithstanding the member for Willagee's bombardment of Vs, construction has gone very, very well indeed—two Vs! I am really pleased with the building program that this government has delivered.

Another issue raised by the member for Willagee was the issue of vacancies. He said, as is his wont from time to time, that there are far too many vacancies in Western Australia under this government and that the number of vacant housing stock is too high. He said that it was a disgrace and an absolute outrage, and that I, as minister, should hang my head in shame and be very, very upset with the outcomes. As of 31 May 2012, about 370 properties were awaiting reallocation. Let us put that into some historical perspective. It is always important to understand how things change when one moves out of government and into opposition. An article in *The West Australian* of 6 March 2007 revealed that Homeswest had 1 268 vacant properties. That seems to me to be a relatively large number; it is certainly a lot larger than 370. The then minister—the member for Midland—was reported as not responding to questions about why the remaining houses were empty and as having shrugged off concerns raised by the opposition over empty properties by saying that it was a non-issue. I ask the member for

Willagee: how can it be that 1 268 vacant properties is a non-issue, but 370 vacant properties is a disaster that should shake the government to its foundations? It is a volatile, vacuous disaster, or however he wants to term it! How can it be that a transition of that nature goes from being a non-issue to being a complete disaster?

The last issue the member talked about was privatisation. I should add that the outsourcing of Department of Housing maintenance happened many, many moons ago; long before this government was involved. In fact, I cannot remember when it happened. I do not even think that the member for Pilbara, when he was Minister for Housing for that brief but glowing time back in 2001, had Department of Housing employees conducting maintenance. This is a long-term program within the Department of Housing. There were changes to the way it was managed; there is no doubt about that. But to suggest that the people out in the field effecting the maintenance have suddenly been privatised is completely and absolutely misleading. It shows a complete lack of understanding of the concept of privatisation. This is a complete and utter attempt to beat up an issue that does not exist. These are private contractors. I spoke to one of them last week —

**Mr M. McGowan:** Are you saying that the Transfield leasing doesn't matter?

**Mr T.R. BUSWELL:** I did not say that at all.

**Mr M. McGowan:** It's a huge issue.

**Mr T.R. BUSWELL:** I understand that there are some issues around the implementation of the head contractor model. I said that the fact that the contractors who are doing the repairs are private contractors is a non-issue, because that work has been done by private contractors for decades. I was talking to one of those contractors last week in Busselton, and he gave me an idea that I am looking to implement; it gets back to maintenance. He told me about his frustration at having to go back and repair the same houses over and over again, and the disgraceful state in which some of those houses are kept. His view was that it would perhaps be good if other people in the community could view those houses. Something I think might be a good idea is that we might suddenly have home opens; I think that is a good initiative. When we have to go in and fix a house that has been devastated by tenants, I think we should have a home open so the rest of the community can see how people treat taxpayer-funded houses. We might put a big sign up outside and have a home open on a Saturday morning.

**Mr T.G. Stephens:** That's a display of the failure of government policy to adequately insist on tenants lifting their standards. It's a failure of government policy!

**Mr T.R. BUSWELL:** Very interesting segue, member for Pilbara!

**Mr T.G. Stephens:** You should have in place the home strategies to fix that.

**Mr T.R. BUSWELL:** That is a very interesting segue into another area of policy development under this government that the previous government ignored. What do we do with people who bust up their houses and neighbourhoods, and who think it is acceptable —

**Mr T.G. Stephens:** You shouldn't allow it!

**Mr T.R. BUSWELL:** We are not.

**Mr T.G. Stephens:** If you weren't, you wouldn't need home open programs, would you?

**Mr T.R. BUSWELL:** The unfortunate reality is that, notwithstanding our best efforts, there are some people who have complete disregard for the properties that the Department of Housing and, by extension, the taxpayer, provide. I think it might not be a bad idea to let other people in the community understand —

**Mrs M.H. Roberts:** There are a lot of good, honest tenants who aren't —

**Mr T.R. BUSWELL:** There are many good, honest tenants, member for Midland; many, many good, honest tenants, but one of the things —

**Mrs M.H. Roberts:** There are pensioners and others in my electorate who really look after their houses.

**Mr T.R. BUSWELL:** There are, and they are probably the ones who contact us more than anybody to say that the tenant in unit A, B, C or D is the one who is terrorising the neighbourhood. I reckon there would be as many Homeswest tenants as non-Homeswest tenants who make complaints to us about the behaviour of a small group of bad apples. We are trying to get rid of that small group of bad apples, and that is why we have antisocial behaviour strategies and why we unfortunately have to evict people. If this strategy works, we should not have to evict anybody, because the penny will finally drop that there is a need to improve behaviour. The anecdotal feedback I am getting from departmental staff is that the strategies are starting to work and that people are starting to get the message. We put \$12 million into the budget this year to provide recurrent funding for the Department of Housing—\$3 million per annum over four years—to boost the antisocial behaviour strategies and to put more resources closer to the people to help implement those strategies. The unfortunate reality is that since we introduced the beefed-up version in May 2011, there are more people than ever leaving departmental properties because of behaviour and other related issues.

Just very quickly to put this matter into perspective, under version 1 of the behaviour strategy we are issuing on average 60 strikes a month, and on average 19.4 people are vacating their property. They may vacate because they are evicted, but there are some other steps in the process when they vacate. Since the beefed-up strategy came online in May 2011, the average number of strikes issued per month has gone up to 125.9—effectively doubled—and the average number of people leaving their properties has gone up by nine to 28.4. I suspect that difference is because of the clampdown on antisocial behaviour. My hope is that it has reduced because people are heeding the message. Member for Pilbara, of course we have in place a whole lot of programs to help tenants be more resilient. But at the end of the day, and the member for Pilbara knows this as well as I do —

**Mr T.G. Stephens:** They are pilot programs. Embed them in the system.

**Mr T.R. BUSWELL:** The member for Pilbara was never there long enough to embed anything into the system; that is one of the problems. I still see briefing notes that he had not signed.

They are the facts. The facts are that a lot of these policy initiatives will work and will address some significant issues. Other than that, as I reflect on the member for Willagee's comments, not a lot else was said. He talked at some length saying that under the new head contractor model accounts may be paid for work that is either not up to standard or not done. That may well be the case.

**Mrs M.H. Roberts:** What have you got to say about the HIA complaints?

**Mr T.R. BUSWELL:** I will get on to that; I still have a fair bit of time.

We have put in place better audit processes. I have asked PricewaterhouseCoopers, which did the original report into the head contractor model, to go back and extend its terms of reference to look at issues around quality of work and the auditing of payments, because I take those matters very seriously. However, I remind the member for Willagee, as I reminded the house, that implicit in his argument is that the old system was better than this system. The problem with the old system —

**Mr P.C. Tinley:** Don't verbal me! I never said the old system was better than the new system.

**Mr T.R. BUSWELL:** I did not say that. I said that implicit in the member for Willagee's argument is that the old system was better than the new system. I did not say the member said that, otherwise I would have said "you said".

**Mr P.C. Tinley:** It's my argument so it must be me! Who's confusing the house now?

**Mr T.R. BUSWELL:** Avoiding the semantics before I have to use a V-word, the fact of the matter is that there were significant issues in the previous system. In fact one of the unfortunate things is that it was impossible to work out what those issues were unless an exception occurred or an event occurred whereby it was drawn to our attention. I have mentioned in the house before the very unfortunate case of the young boy Cassius Norman who was tragically electrocuted in his own home; I think it was in Harding Street, Roebourne. It was a horrible thing. Young Cassius was crawling around and, unfortunately, he was electrocuted. Under the old system, an electrician had been paid to install a residual current device—RCD—in that home. He had been paid, and contractors had been paid and had signed a document saying that they had inspected that residual current device and that it was in the home. That residual current device was never installed and it could never have been there when anyone inspected the property. There were clearly issues in the old system of maintenance. Would the existence of the residual current device have saved Cassius Norman's life? Quite possibly, but there are no guarantees. The member for Willagee is right when he says there are problems in the current system. I think we now have audit processes in place to deal with those problems. My view also is that the independent audit team will provide me with more advice around those problems and if we have to make any changes, we will make those changes.

I wish to move on to the substantive matter raised by the Leader of the Opposition; that is, the changes to the building approval system in Western Australia and that those changes have led to a reduction in the number of building licences that were issued in the month of April. He is right.

**Mr M. McGowan:** How do you expect May will be?

**Mr T.R. BUSWELL:** When the Australian Bureau of Statistics has concluded its analysis and produced its results, we will be able to discuss May, but the ABS has not produced those results yet.

**Mr M. McGowan:** I'm pretty sure they'll be bad.

**Mr T.R. BUSWELL:** That ABS data system is quite interesting. People can go into the website, unzip the data and have a look at the history. I think the system started back in 1983. In April 2012, as the Leader of the Opposition pointed out, the number of licences issued dropped to 950. That is lower than the previous April, it is lower than the previous month of March and it is lower than preceding months. It is of concern to the government. Also of concern to the government is that the lower level of building licences issued was also accompanied by a reduction in applications into the system. Clearly some unintended and unanticipated issues have arisen through the implementation of the changes to —

**Mr M. McGowan:** They were anticipated by the Housing Industry Association.

**Mr T.R. BUSWELL:** Perhaps, to a degree. I have had a number of conversations with the HIA about this. I was at a meeting yesterday with the HIA, the Minister for Commerce and the Minister for Planning. I think some of the unintended outcomes of this legislative change were beyond the expectation of anybody. Yes, the industry had some concerns, but I think some of the unintended outcomes were beyond anyone's expectation. I will talk in a minute about what we are doing to fix those concerns. But there is the important point that this legislation —

**Mr M. McGowan:** But your fix hasn't worked; you acknowledge that.

**Mr T.R. BUSWELL:** I am going to talk about that in a second.

This legislation was introduced in an effort to improve the system, and its intent was supported by both sides of Parliament and by the building industry. This legislation was introduced to implement a private certification system in Western Australia. My personal view is that we probably have not gone far enough with the private certification system, and I think I can say quite safely that is a matter the government will be looking at. There is a difficult balance between how we work with local government and the building industry. My view is that we perhaps need to push ourselves further towards private certification, which will lead to a reduction in the formal role for local government. That is a matter that we need to work through.

There was therefore good intent with the legislation. There were unanticipated issues, some of which are relatively minor and some more complicated. I just want to touch on what has happened in and around those issues. As the Leader of the Opposition indicated last week, I think on Friday, the minister signed an exemption order that applies to class 1 and class 10 buildings. It basically says that a builder can start work before formally getting building approval. Industry indicated to us last night that there are some issues around that. As the Leader of the Opposition or one of his colleagues pointed out, builders are reluctant to build without formal approval because there are risks associated with that, in that there is a risk that the permit process comes up with an outcome that means they have to change the structure of the building.

**Mr M. McGowan:** That is right.

**Mr T.R. BUSWELL:** There are also some risks because banks are reluctant to lend, primarily to the person getting the house built, without a building permit simply because it is a secure indicator about what is going to happen. From a government point of view the industry certainly raised those issues with us yesterday. We will be investigating with the banking sector and also with the building industry to see what we can do in the short to medium term to address that particular issue on the back of the exemption order.

**Mr M. McGowan:** But this is your short to medium term.

**Mr T.R. BUSWELL:** A number of other changes were also implemented last week by regulation. The Leader of the Opposition said that we should be keeping parliamentary counsel busy. They were very busy last week. Reading from the Master Builders Association member alert on regulatory changes that went through, I can see that some dealt with relatively minor but still important issues; for example, the definition of an owner, and approvals and notifications removed such that a building permit can now be approved without the need for an approved crossover or approval from the Water Corporation. Again, they are small but not insignificant changes. There are also some regulatory changes around time to determine an application, when a building permit is not required, and certifications of design and compliance. Therefore, five or six issues were dealt with by regulation on top of the ministerial order. As the Leader of the Opposition pointed out, industry had a look at those changes. I can tell the Leader of the Opposition that having met industry members last night, their strong view is that there is still more that we in government need to do to fix those changes.

**Mr M. McGowan:** They're saying it needs to be a legislative change.

**Mr T.R. BUSWELL:** Correct, and I will get on to that in a second as well.

**Mr M. McGowan:** That's months and months away.

**Mr T.R. BUSWELL:** Not necessarily.

**Mr M. McGowan:** Recall Parliament.

**Mr T.R. BUSWELL:** I can also say to the Leader of the Opposition that industry has also put a very strong view to us that we need to revisit the argument about the extent to which we embrace private certification. I have canvassed that and I think it would be fair to say that there is general support in government to embrace a lot more fully this concept of private certification than perhaps this bill has delivered. But, again, that will require some pretty robust discussion with local government because it will inevitably reduce the role of local government in that process. The Leader of the Opposition is right that there are some other matters we need to deal with—and Mr Dastlik pointed that out. Some of that will be by way of legislative amendment. We need to develop amendments to deal with the issue of adverse effect on neighbours and to reduce the requirement for builders to basically get a signature from a neighbour. In some cases, especially on greenfields developments,

there are effectively no neighbours. We have to deal with that issue. That legislation passed through this Parliament. I sat through consideration in detail and never heard that issue raised once on either side of the house.

**Mr M. McGowan:** So it's our fault.

**Mr T.R. BUSWELL:** I am not saying it is the opposition's fault. I am saying that it was an unintended consequence. I can tell the member that this was not an issue that was particularly raised by industry at the time either.

**Mr M. McGowan:** The HIA told you to delay the bill; read their email.

**Mr T.R. BUSWELL:** That was subsequent to that. There has to be some legislative change. There is urgency around that, but we simply cannot respond to the opposition's request to rush back to Parliament next week and do that, because we have to make sure that we get it right. There are significant issues that we need to resolve. We want to make sure that we get it right. Rushing into Parliament next week with cobbled-together legislation will not allow us to do that. We will make sure that we make those changes, we get it right and we get it back into Parliament. Perhaps when we come back, a motion will be on the books to enable both houses of Parliament to deal with that as a matter of urgency. From what the opposition has said today, I understand that we will have its absolute support to enable us to do that.

We need to clearly understand the practical issues being faced by certain builders—not all builders, but in particular larger building companies. We will approach the Housing Industry Association and perhaps the Master Builders Association to second a person into the Building Commission for a time to make sure that we can provide a better channel of communication between government and those industry groups through the Building Commission. We will probably also need to iron out some other issues.

I am sure my colleague the Minister for Planning wants to make comments about some of the planning matters around housing approvals that have been raised with us.

**Mr M. McGowan:** Is the Premier going to speak?

**Mr T.R. BUSWELL:** The Premier has been asked the question twice. He has given an excellent answer that illustrates a thorough understanding of the issue and indicates a clear understanding of the significance of the issue. We, as a government, have committed to resolving it. As I said, the Minister for Planning, the Minister for Commerce and I met with the housing industry yesterday. Some robust points of view were put, as we would expect in the circumstances. We have given a commitment to progress the changes we need to the framework to do with the issues that industry has identified and that is what we intend to do. Some issues about planning were also raised. The Minister for Planning will deal with those.

To close, when we have dealt with the issues in this legislation, there will still be a broader need for reform in the building approvals process in Western Australia. That broader reform, in my view, should see us land about where Victoria is; that is, a private certifier can issue a building licence. Under the current framework in Western Australia, that is not the case; the issuing authority remains the local government. That is a broader issue. I am not sure whether we will be in a position to tackle that when we bring back the changes to the legislation needed to deal with the problems in the short to medium term. However, from a policy development point of view, that is clearly something that we need to look at.

Before I close, it is worth reflecting on some of the challenges in the Perth housing market, because they are significant. It is also worthwhile to understand that challenges in housing markets do not just creep up on us. Challenges in housing markets emerge over a longer time. Two great failings of the former government have led us to the circumstance more broadly in Western Australia and the pressure in the rental market. One was the fact that despite announcements by both the member for Pilbara and member for Midland during the former Labor government's term that the government would produce a housing strategy for the state —

**Ms R. Saffioti:** Yours is working well, isn't it? Families in cars—is that working well?

**Mr T.R. BUSWELL:** Is the member for West Swan saying to me that there have never been families in cars in Western Australia? How two-faced, member for West Swan! I will tell the member something: I found out something about the member for West Swan's gravy train last week. What I found out is a bit wider than the member had given us reason to believe. She helped a few other people get on that gravy train, did she not, member for West Swan? I will not talk about that now; I have other things to talk about. We will talk about that another day.

There was a problem; no housing strategy was produced. Another person, member for West Swan. Secondly —

**Mrs M.H. Roberts:** Yours is a Clayton's strategy. It is a disaster.

**Mr T.R. BUSWELL:** It is not a Clayton's person, I can tell the member right now. I know who signed off on it too, member for West Swan, do I not? I know who the chief of staff was who signed off on it.

*Point of Order*

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

**The ACTING SPEAKER (Ms L.L. Baker):** Member for Victoria Park, someone is on their feet.

**Mr M. McGOWAN:** The debate is around the housing industry and thousands of people potentially losing their jobs, and once again this minister devolves into personal attacks. I ask that he comes back to the motion at hand.

**The ACTING SPEAKER:** I think the minister was intending to come back, because I was about to call him and ask him to do that. Please, minister, will you come back to the point?

*Debate Resumed*

**Mr T.R. BUSWELL:** I apologise.

The last point I want to make is that we have to remember that the reason we have a big problem now is that between 2004 and 2006, the median house price in Perth went from \$260 000 to \$460 000. That was an 80 per cent increase under the watch of the former Labor government. Why? Because the former Minister for Planning and Infrastructure and the former Minister for Housing were so good that in WA, the biggest state in Australia, we ran out of land!

Several members interjected.

**The ACTING SPEAKER:** Members!

**MR J.H.D. DAY (Kalamunda — Minister for Planning)** [4.17 pm]: This issue is not primarily one that is directly affected by the planning legislation. In fact, there have not been any changes to planning legislation in recent times that have had any impact on the building approvals issue, but there is a relationship to the planning system.

We certainly accept that there have been unintended consequences from the new Building Act. To what extent those changes were foreseen to have the outcomes that they have had is at best debatable. The outcomes caught most people by surprise. The new Building Act has, it seems, clarified some of the issues that needed to be dealt with. Neighbour consent, when there is some impact on the adjacent property or on the boundary, has certainly been made more difficult to obtain. That will be looked at through legislative change. As a result of that, it is harder for building licences to be sought, because it is harder for the applications to be accepted by the local governments.

I also understand that it is less likely now for R code variations to be dealt with by building surveyors under delegation, as was the case before. Previously, planning approval could be acquired in parallel with the building licence approval being considered. Now, the building licence can be obtained only once the planning approval has been given, when planning approval is required. That also needs to be looked at.

The fact is that there is a new system causing a variable effect in various local governments across the state. Some are dealing with the issues more readily than others. The Department of Planning is making officers available—this comes out of the discussion we had yesterday—to go to local governments to assist with the implementation of the new scheme and to identify any backlogs and how those backlogs may be overcome. One of the aspects that need to be dealt with is more education and training and information provided to local government officers so that the new system can be made more efficient. A review of the R codes is underway; that has been the case for the past 12 months or so. Over the next few months or so we expect some changes with the R codes to simplify the approvals system. We are also looking at the Victorian and Queensland systems.

**MS R. SAFFIOTI (West Swan)** [4.19 pm]: Today we have heard why the housing industry is in a mess. We have a Premier who cannot admit his mistakes and a Minister for Housing who does not accept responsibility, or care about the situation that the housing industry is in. From early April we heard from the housing industry that an act brought in by this government was having severe consequences. The figures came out on 1 June. They showed a 46.7 per cent decrease in the number of approvals. That is the biggest drop in history. What have we heard from the government today? It says it has no time frame or plan of action to fix the situation—absolutely none. So, when the figures came out, we heard nothing from the government; it was all going to be okay.

Last week we heard from the Premier that this was just a paper jam, and that the government was just going to unclog the paper from the photocopiers out there and it was all going to be okay; now we have heard there will need to be legislation that will not be brought in for a number of months. We have a housing industry in complete despair and disarray, and a government that is not fixing it. The Housing Industry Association is saying that the government's proposed action is not enough; it will not work and it will create problems. When the housing bill was brought in, the HIA warned the government that it would not work and there would be problems, that neither industry nor local government were ready for its introduction, and that it would create too many uncertainties that would require interpretation. This government ignored the industry and brought in this bill. In April, the industry was telling the government there were significant problems. On 1 June, figures came

out that showed there had been a massive collapse in the number of approvals throughout Western Australia. When the government heard that, it said it was not a problem. Last week we heard it was a paper jam, and today we have had no commitments, no time frame and no plan of action.

As I said, the minister is prepared to say and do whatever, but not to actually handle his portfolio to ensure that apprentices are retained, and that builders actually have a pipeline of work so that they can continue to offer jobs and employ people. This government just does not care and is not willing to roll up its sleeves and get down and fix these problems. It is willing to stand and say whatever and do whatever, but not actually address the problems in the portfolio.

We have a significant issue. In April there was the biggest drop in the history of building approvals.

Several members interjected.

**Ms R. SAFFIOTI:** The Treasury note released in April stated that building approvals —

*Point of Order*

**Mrs M.H. ROBERTS:** The member on her feet has only a minute left; she has only had a short period to speak —

**The ACTING SPEAKER (Ms L.L. Baker):** Yes; I quite agree.

**Mrs M.H. ROBERTS:** — and the Premier and others have interjected on her incessantly. She needs to have the opportunity to be heard in this place and not bullied by people opposite.

Several members interjected.

*Debate Resumed*

**Ms R. SAFFIOTI:** I quote from the Treasury document released in April that states —

Building approvals decreased by 46.7% in Western Australia during April 2012, the largest monthly fall in the history of the series.

There is some homework I did!

**Mr T.R. Buswell:** That's right!

**Ms R. SAFFIOTI:** The minister just said it was not right, and now he is saying it is right. Building approvals— that is what it states in the Treasury document. There has been a massive collapse! That is what is happening out there in the industry, and this is a government that is not ready or prepared to fix it.

Question put and a division taken with the following result —

Ayes (26)

Ms L.L. Baker	Mr J.C. Kobelke	Ms M.M. Quirk	Mr A.J. Waddell
Dr A.D. Buti	Mr F.M. Logan	Mr E.S. Ripper	Mr P.B. Watson
Ms A.S. Carles	Mr M. McGowan	Mrs M.H. Roberts	Mr M.P. Whitely
Mr R.H. Cook	Mr M.P. Murray	Ms R. Saffioti	Mr B.S. Wyatt
Ms J.M. Freeman	Mr A.P. O'Gorman	Mr T.G. Stephens	Mr D.A. Templeman ( <i>Teller</i> )
Mr J.N. Hyde	Mr P. Papalia	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr J.R. Quigley	Mr P.C. Tinley	

Noes (30)

Mr P. Abetz	Mr V.A. Catania	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Dr E. Constable	Dr G.G. Jacobs	Mr D.T. Redman
Mr C.J. Barnett	Mr M.J. Cowper	Mr R.F. Johnson	Mr M.W. Sutherland
Mr I.C. Blayney	Mr J.H.D. Day	Mr A. Krsticevic	Mr T.K. Waldron
Mr J.J.M. Bowler	Mr J.M. Francis	Mr W.R. Marmion	Dr J.M. Woollard
Mr I.M. Britza	Mr B.J. Grylls	Mr J.E. McGrath	Mr A.J. Simpson ( <i>Teller</i> )
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	

Pair

Mrs C.A. Martin

Mr C.C. Porter

Question thus negatived.

**PERTH THEATRE TRUST AMENDMENT BILL 2011**

*Restoration to Notice Paper — Motion*

On motion by **Mr J.N. Hyde**, resolved —

That the Perth Theatre Trust Amendment Bill 2011 be restored to the point it reached prior to its removal from the notice paper on Tuesday, 12 June 2012.

**FIRE AND EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2012***Second Reading*

Resumed from 17 May.

**MS M.M. QUIRK (Girrawheen)** [4.29 pm]: Before I discuss the Fire and Emergency Services Legislation Amendment Bill 2012, I take the opportunity to acknowledge and thank, on behalf of all the people of Western Australia, the members of the State Emergency Service, Western Australia Police and Western Power—in fact all emergency personnel—for their recent extraordinary efforts in assisting in the clean-up after the highly unusual occurrence of a tornado that cut a swath through Dianella and Morley, and then attending to the 1 000 calls over the following days in the aftermath of a series of devastating storms. I am acutely aware that our SES volunteers do not do their job to attract praise, limelight or commendation; in fact, they are frequently embarrassed when it occurs. But at times such as these, we can all be thankful that in Western Australia there is such a professional, dedicated and highly motivated group of individuals who are prepared to assist their fellow Western Australians day or night, weekdays or weekends, in trying conditions and for no remuneration. To put it simply, thank you.

This bill is characterised as part of the government's response to the report of the special inquiry entitled "A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review". That inquiry was of course conducted by former Australian Federal Police Commissioner Mr Mick Keelty. This inquiry was established to examine all aspects of bushfire risk management in the Perth hills area after that bushfire destroyed 71 homes and damaged a further 39 in the Roleystone–Kelmscott area on 6 February 2011. I note that the minister in his second reading speech quotes selectively from the relevant Keelty recommendation. For the purpose of accuracy, I will quote this recommendation in full. Recommendation 46 states —

The State Government restructure the Fire and Emergency Services Authority as a Department.

As part of this restructure, Emergency Management Western Australia should either be:

1. clearly separated from the fire and emergency services response function ... or
2. moved to the Department of the Premier and Cabinet ... or
3. moved to the Attorney-General's department ...

In other words, the fundamental thrust of that recommendation has largely been ignored. At page 162 of his report, Mr Keelty makes the point —

... the Special Inquiry found that FESA had not complied with the State's emergency management plans. It is for this reason that the Special Inquiry considers that the policy and emergency management planning function undertaken by Emergency Management Western Australia should be clearly separated from FESA's operational role.

At page 171, Mr Keelty states —

As noted earlier, the Special Inquiry believes the emergency management policy and planning function undertaken by Emergency Management Western Australia ... should be separated from FESA's operational functions. The purpose of this separation is to reposition EMWA to take a whole-of-government focus and to address the Special Inquiry's concerns that FESA is itself not complying with current State emergency management policies and plans.

I repeat: this bill does not implement in full Keelty recommendation 46. This recommendation of Mr Keelty was based on previous work undertaken by the Community Development and Justice Standing Committee in its 2006 inquiry into the fire and emergency services legislation. In that inquiry, it was recommended that the Minister for Police and Emergency Services or the Minister for Public Sector Management consider whether a review was warranted regarding FESA remaining as a statutory authority or being restructured as a department. That was the committee's recommendation 60. At pages 158 and 159, the 2006 report of the Community Development and Justice Standing Committee canvassed the model that was preferred, citing the submission of FESA. It states —

FESA recommends the dissolution of the FESA Board of Management and the establishment of the Emergency Services Advisory Board. The composition of the Advisory Board would generally reflect that of the existing Board of Management.

FESA believes that the model provides the emergency services volunteers with direct access to both the Director General and the Minister for Emergency Services ... Further, the Advisory Board members are legally entitled to represent the views of the volunteers at these meetings, with no compulsion to promote the corporate position.

If I can extrapolate there, one of the issues with the current board is that members who were appointed by virtue of their status in a particular way—for example, a representative of the union or a representative of certain

volunteer groups—felt that they were bound by the confidentiality of the board and could not disclose the issues raised by the board to the very group that they represented. The report goes on to state —

FESA acknowledge that repealing its status as an authority and re-establishing the organisation as a department will involve some change management but consider the inconvenience and cost to be justified for the following reasons:

- *the Director General will become the person responsible for corporate adherence to Government policy and legislation, accountability in business practices and principles and the strategic direction of the organisation;*
- *the establishment of the Emergency Services Advisory Board will enable Board members to fully utilise their experience, expertise and qualifications in emergency services, and to provide a true representation of the emergency services volunteer groups;*
- *the establishment of an Advisory Board, as opposed to a Board of Management, will eliminate the conflict of interest issues that currently plague FESA's representative Board of Management. The members of the Advisory Board will be empowered to represent their member associations and committees without restriction; and*
- *the Minister for Police and Emergency Services will attend the meetings of the Emergency Services Advisory Board, and members will have direct access to the Minister outside of Committee time. This will increase the Minister's exposure to current emergency services initiatives and provide a high level forum in which emergency services volunteer issues might be discussed.*

The Keelty report concluded that the historical reasons for FESA having a broad structure were no longer operative. Mr Keelty concluded —

The Special Inquiry could not identify any reason why the functions of the Board could not be provided through a normal department structure, with responsibility for strategic direction shifting to the Minister. The Special Inquiry understands that the inclusion of representatives of various groups was designed to give a voice to the range of stakeholders when FESA was formed. However the Special Inquiry considers that time has moved on and it does not believe that the Board model is the best or only way to capture the diversity of FESA's business or consult with stakeholders.

From debate and inquiry following the Perth hills fires, it was apparent that, although the FESA board had de jure control of the operations of FESA, for some time the de facto control of the fire and emergency operations had been in the hands of the CEO, who acted relatively independently of the minister. The then minister did not make it his business to inquire into this situation. In recent times, the board was dysfunctional principally because it was kept in the dark on so many issues and had little or no contact with Minister Rob Johnson. I refer to a question that was asked in this place on 30 August last year by the member for Armadale. He said —

I note the minister's recent statement in Parliament when asked about meetings with the Fire and Emergency Services Authority Board. He answered —

Not as often; probably once or twice a year ...

I ask —

- (1) Has the minister met with the FESA board this year; and, if so, when?
- (2) When did the minister last attend a FESA board meeting?

Minister Johnson replied —

I have not met the whole board this year—not as an official board. I did last year. I regularly meet with the chairman of the board, and indeed many other members of the board. So, that is what I do.

The member for Armadale then asked a supplementary question. He asked —

How many times did the minister meet with the FESA board in 2010? In his answer in Parliament last week when asked about the whole board, he said —

... probably once or twice a year ...

Mr Johnson said —

Yes, I met the board, I think, at least once last year. I think that is —

There was then an interjection from the member for Midland. The minister went on to say —

I think it was in December, but I would have to confirm that.

There was another interjection from the member for Midland, who said, “You have not met with them all year.” And that was the conclusion of that question. The minister was dissembling by saying that he had met with the board. As a consequence of that, I asked a question on notice because the minister was contending that, although he did not formally meet with the board, he saw its members at functions. I asked —

The 2010–11 Fire and Emergency Services Authority annual report lists that the Minister attended 25 functions in 2010–2011 and 22 in 2009–2010 and I ask:

- (a) can the Minister please provide a list of those functions; and
- (b) can the Minister advise at which of those functions, if any, did he have formal discussions with members of the FESA Board?

I will not go through the list due to the time. I commend the previous minister for his enthusiasm in at least turning up to functions, geeing up the volunteers and certainly being very personable and available for photo opportunities. For example, in that one year he attended the volunteer employer recognition program, the Metropolitan Volunteer Sea Rescue Group awards dinner, firefighter graduation ceremonies, the FESA senior management forum, the Volunteer Marine Rescue Western Australia annual conference, the StateAlert live trial, the bushfire forum, the bushfire summit, the opening of the FESA education and heritage centre, the opening of the Merredin volunteer fire and rescue station. And on it goes. There were 25 functions. As I said, I commend the minister for that.

The second question I asked was whether the minister could advise at which of those functions, if any, he had formal discussions with members of the Fire and Emergency Services Authority board. His answer was that it was not possible to answer that question with any accuracy because discussions occurred at many events. All of us in this place go to functions from time to time. We know that it is not possible to have any serious, sustained discussion about serious policy issues within an agency whilst juggling a canapé in one hand and a glass of mineral water in the other.

**Mr T.R. Buswell:** Sparkling or still?

**Ms M.M. QUIRK:** Sparkling, minister.

Last year Minister Johnson misled Parliament about his involvement. We can conclude that it was non-existent and that the minister was wilfully blind to the problems in FESA that were generally notorious at the time. I labour that point, because I believe it was wilful blindness on behalf of Minister Johnson that certainly compounded the element of dysfunction in FESA. I am concerned that he misled the house about his involvement. Most charitably, he can be regarded as disingenuous. So it is absolutely clear, Minister Johnson did not attend any Fire and Emergency Services Authority board meetings.

One obvious example of where the chief executive officer did not consult with the board was mentioned by Mr Keelty himself, who observed that the lengthy FESA submission to his special inquiry had not even been sighted by the board. I emphasise that my description of the board as dysfunctional is by no means a criticism of the board itself. My personal observations are that those on the board are a committed group of people who have a keen interest in emergency services and that they did their utmost under difficult circumstances. With the dissolution of the board, I take this opportunity on behalf of the community to commend board members for their efforts in what must have been trying circumstances in some cases. I commend board chair, Allan Skinner; deputy board chair and Bush Fire Services Consultative Committee chair, Bruce Brennan; State Emergency Service volunteer representative, John Capes; Bush Fire Brigade volunteer representative, Eddie Van Rijnswooud; FESA employee representative, Mr Iain Agnew; Fire and Rescue Services consultative committee chair, Penny Valentine; Volunteer Fire and Rescue Service representative, Trevor Jones; independent member, Jenny Sales; State Emergency Service consultative committee chair, Sandra Gregorini, who was also deputy chair of the board in 2007–08; volunteer Marine Rescue Services consultative committee chair, Ross Monger; Marine Rescue volunteer representative, Elliot Fisher; and, finally Western Australian Local Government Association representative, Councillor Christine Thompson. I also mention Glenda Teede, who was on the board for some time.

In recent years the operations of the board were significantly hampered by a lack of oversight and communication with the minister and by overreaching of the chief executive officer, Jo Harrison-Ward. I mention that not as political point scoring, but to reiterate that irrespective of the structure, if a minister does not exercise some level of interest and supervision in the operations of our key emergency agency, the kinds of problems that Keelty identified will inevitably reoccur. I made these points in a matter of public interest debate in August last year. By restructuring FESA as a government department, it is argued that the state’s emergency services response will be directly accountable to government. However, in a press release Minister Buswell said that as a result of this change, a new position of Fire and Emergency Services Authority commissioner will be created, which will have similar command and control capabilities to those of the Commissioner of Police. The commissioner will report to the Minister for Emergency Services. It is an interesting characterisation to describe

the relationship between the commissioner of the fire and emergency services and the minister as the same as the relationship between the Commissioner of Police and the Minister for Police. That is uninformed, unsophisticated and potentially dangerous.

There are sound political reasons for there being distance between the government of the day and the Commissioner of Police. Those are well grounded in history and relate to the need for the separation of powers and the necessity that the executive arm of government is at arm's length from the criminal justice process. Police have the power to charge, the power to search and the power to deprive people of their liberty. It is fundamental that executive government not be able to direct police as to how these processes are conducted. But such is not—and should not—be the case with emergency services. I stress the word “services”. It is legitimate that the minister does have a greater capacity for oversight and direction than the police minister. We all agree that day-to-day interference with operational matters is not warranted. After all, a minister does not have the expertise, time nor training to be involved at that level. But in matters where there are competing priorities for the allocation of scarce resources, where there are questions about expenditure of emergency services levy moneys, where there is evidence of improper personnel practices, where there is conflict between FESA and a government agency that has the likelihood of impacting on the ability to deliver competent service to vulnerable communities, where volunteers are feeling ignored and exploited—in all those cases there is an imperative that the minister assume a greater level of responsibility. It is his responsibility to ensure that services are delivered. If he does not do so, the issue of his accountability to this house, as evidenced by the issues I have outlined in relation to his predecessor, will again inevitably arise.

I have heard the minister talk on several occasions about the need for us to move the dialogue forward and that blame allocation is unproductive. He said he wants to avoid that in the future. That is a very political response and it manifests a lack of understanding of the recent history of emergency management in this state. The reference in the title of the Keelty Perth hills inquiry to “a shared responsibility” intends to convey that, in Western Australia, the community must play its role and do what it can to mitigate disaster. If there is dialogue and analysis behind closed doors, how is the community to assess what are salient issues? Will the community have the information it needs to make decisions and act in a most effective and timely manner? The minister would well know from his study of economic theory many years ago at the University of Western Australia that not only do consumers tend to act in their best self-interest, but also their capacity to make informed judgements is affected by the information available to them. I appreciate from a government perspective there seems to be interminable debate about the Boorabbin fires, the Toodyay fires, the Perth hills fires, the Margaret River and Nannup fires, and the Carnarvon fires and floods, but there is a real appetite in the community to learn from our efforts and responses to those and other emergencies. There is an appetite to know whether, had things been done differently, we could have mitigated some of the damage incurred. It is in the public interest that we have informed understanding of these matters. From my observations even those directly and seriously impacted by such disasters do not have a blood lust wanting to single out and blame individuals who after all acted in good faith under difficult circumstances.

**Mr T.R. Buswell:** I understand what you are saying, but I think you may have misinterpreted my comments. Would you also agree that the mood that emerged, unfortunately for a little while, at the meeting in Margaret River was one of people saying, effectively, that they wanted a head? I make my comments in and around that type of approach that says that if there is an emergency or a fire or something that we have to deal with, there is a rush now to find somebody to blame. I do not have a problem in an open way of trying to work out if we can do things better, which is what you are talking about, but where there is a rush to find an individual to blame so that we can vent is where government and the leadership of FESA have a role to play.

**Ms M.M. QUIRK:** I disagree with the minister. I was at that meeting and I thought it was quite civilised.

**Mr T.R. Buswell:** I said for a period towards the end, but it clearly did emerge.

**Ms M.M. QUIRK:** I do not know that individuals were being blamed. I think there was certainly some disquiet about a particular agency. History will tell whether that was warranted. The bottom line is that people do not like being treated like mushrooms and, I have to say, the tendency for that to occur is compounding their injuries.

**Mr T.R. Buswell:** There is also a tendency to run around and find someone, be it a FESA employee or volunteer, whose head they can lop off if a procedure has gone wrong. The point I made at Margaret River was that if you chop off all the firefighters' heads, there is no-one else to put your fire out.

**Ms M.M. QUIRK:** I think to a person, everyone in that room was very grateful for the firefighters' efforts and their going above and beyond the call of duty to save as many homes as possible. They were not happy, however, with policy and decisions that had been taken other than on those days. They want to know how and why the disaster occurred or whether it could have been averted or the damage mitigated or what, if anything, they should have done in advance and how they could prepare in the future. They want to know whether the response to the emergency was well managed and whether others will in the future be susceptible to similar events occurring to them. All these, I think, are legitimate questions.

I sense, however, some reluctance on the part of government to engage in this discourse. If it wants to control information flow and shut down the debate, that would be very unfortunate. I will give an example of this. Despite annexing the submissions to the Keelty inquiry into the Perth hills fire report, those made to the Keelty inquiry into the Margaret River fires have not been made public. Attempts by me and a number of others to secure this information under freedom of information requests have been vigorously resisted on what I can only describe as specious grounds.

**Mr T.R. Buswell:** Did you get a response when you put an ad in the paper and asked them to send their —

**Ms M.M. QUIRK:** Yes, I did, and I am just about to quote from some of those submissions. Because I could not get the responses under FOI, at my own expense I put an ad in the *Augusta Margaret River Mail* seeking submissions from people who had sent them to Mr Keelty. I will quote from a couple of them to just demonstrate that they are, as I say, legitimate queries that, to date, have not been properly answered. I will not name individuals involved but I thank them for sending them to me. The first one states —

1. I received a FESA “Permit to Set Fire to the Bush” ... on 15/11/11. It was effective for 16 to 18/11/11. Early on Monday, 21/11/11, I rang Dave Kelly —

He is a volunteer fire brigade officer —

to get an extension & he said something along the lines of “No way, there are going to be strong winds Wednesday/Thursday with hot days; so give me a ring after Thursday”. In other words, our Wallcliffe volunteer fire brigade knew that conditions were NOT conducive to burn offs; yet it seems that on that day the Prevelly coastal heath was still being torched by DEC...?? Where is the liaison with the local fires?

2. On 24/11/11, I had an appointment in Margaret River at noon & I was stopped at a police roadblock on Terry Road (2 cops from Bunbury); as I had not been aware that the roads had been “closed”. They stated that our area was going to be evacuated. I responded that I had appropriate fire fighting equipment & was intent on saving my property, but they would NOT let me back; notwithstanding that my wife was still at my home & I was NOT coming from MR. I subsequently found out that I was entitled to return ! Again, proper briefings need to be given as to our rights.

Another submission noted, according to my notes —

...biodiversity management burns such as this all follow a certain pattern and are based on a general lack of scientific data so that this burn is just one example of burns that potentially destroy what they are supposed to protect.

Pressure to achieve annual targets leads to taking unacceptable risks not only in this particular case. More and more areas are to be burned which leads to burning far too large areas at any one time; to burning several areas at the same time (as was the case here with 3 prescribed burns that consequently all escaped); and to burning too late in the season without any adaptation to changing climatic conditions.

Another submission reads in part, according to my notes —

The information provided by both DEC and FESA on their web sites was deplorable. We were made aware of a fire (BS520) at Ellenbrook at around 10am on Wednesday 23 November and we were told to watch for embers as the wind was very strong and blowing in a south-westerly direction. We closely monitored the web sites of both agencies and felt reassured when we saw that over a period of about two and a half hours there was no significant change: the fire continued to move but at a speed of only 200 metres per hour. We are located above Prevelly on a special rural block in Wilderness, which is approximately 12KM from Ellenbrook, which meant that if the fire continued to move at this rate it would take over 2 days to reach us. Nevertheless, we were not complacent and put our fire plan into action. As we were doing so, a member of the local bush fire brigade came hurtling down our drive and told us to evacuate immediately. This was at 1.15pm a mere two and three quarter hours from the time we had heard about the fire at Ellenbrook!! We later heard that minutes before our evacuation an 80 year old friend living about one kilometre from us smelt smoke, went onto his balcony to assess the situation only to find that it was on fire (He had to be rescued by police)!! In the meantime both the DEC and FESA websites were continuing to report the fire as still being at Ellenbrook.

The fact that this burn BS-520, was only one of at least 5 serious fires deliberately lit around the South-West, by the same department, at the same time, in the most dangerous of conditions and poorly tended, if at all, can only exemplify the degree of reckless abandon involved.

The manner in which they were lit, by helicopter in bush very difficult to access, then left to burn so that they would eventually flare up, adds more weight to the case of arson. It meant that DEC alone was responsible and entrusted to show the due diligence in managing the fires. We all knew they were DEC

fires, and therefore expected that they be dealt with in a timely and efficient manner. Witnesses ... who saw the fires untended up until Tuesday night at Ellensbrook, with no-one visibly in attendance or at any close proximity)...all say the same thing. That they were surprised and alarmed to see such fires, in such circumstances, burning untended.

I think members will agree that all these submissions raise legitimate issues. They do not single out individuals; they ask questions and they pose matters to be considered that I think are quite reasonable. They are clearly perplexed that after many months the questions remain unanswered.

I am also aware that, in addition to the consultants who are looking into the Margaret River and Nannup fires, a major incident review, or post-incident analysis, was also completed by FESA early in the year. That has not been made public and I suggest to the minister that it should be made public. I am aware that the minister has privately expressed a view that these reviews should not be made public. For the reasons I have already given, I think that is pretty unfortunate.

**Mr T.R. Buswell:** Have I? Who did I privately express that to?

**Ms M.M. QUIRK:** I will not repeat a conversation that was repeated to me in confidence, minister.

**Mr T.R. Buswell:** That is very interesting because, given I only ever meet with one person to discuss FESA-related issues, I think you may well have dropped them right in the schmuck, assuming I had that conversation.

**Ms M.M. QUIRK:** It is unfortunate that the minister talks to only one person about FESA-related issues. The rationale for not making these reviews or analyses public is that there will be reluctance on the part of operational personnel to be frank and forthright in their opinions, and that, of course, is seen as counterproductive to why these reviews are conducted. I do not necessarily agree with that proposition. I am sure that if one knows in advance that there is a likelihood it could be tabled, things can be phrased a certain way without necessarily compromising the operational utility of such reviews. I also think there is an aversion to independent reviews. An old adage applies both in law and politics: never ask a question you do not know the answer to. So it was in the first Keelty inquiry; that caused a major problem for the government. Arguably, it went further than its terms of reference and it made a nonsense of both the Premier and Minister Johnson's assertions that the response to the Perth hills fires was managed responsibly. I think there is a systemic reluctance to initiate an inquiry over which little control can be exercised and the findings of which are not suspected in advance, and in a situation in which there is little capacity to sanitise the findings.

As I said, the Margaret River and Nannup fires are the subject of a review; that review is now overdue. On 8 March 2012 my colleague and friend in the upper house Hon Ed Dermer put a question to the Premier, which was answered by Hon Norman Moore as the Premier's representative in the other place. He asked —

I refer to the Keelty report into the Margaret River fires in November 2011 and the recommendation that an independent person review the internal review of the Fire and Emergency Services Authority and the Department of Environment and Conservation.

- (1) Has a person been appointed to do that review as yet?
- (2) If yes to (1), who has been appointed and when will this review be completed?
- (3) If no to (1), why not and when does the Premier anticipate making the appointment?

Hon Norman Moore replied —

I thank the member for some notice of this question.

- (1)–(3) The request-for-quote process for an independent person or organisation to facilitate and report on the post-incident analysis for the Margaret River bushfire of November 2011 is still taking place, but an appointment is expected before 12 March 2012. The successful tenderer will be expected to complete the review and provide a report by 30 April 2012.

I am aware that that has not occurred.

The Keelty report into the Margaret River fires recommended independent oversight of the review of the management of the fires. However, again, the Barnett government's approach has been far from independent. The so-called independent oversight of this review of the management of the fires is to be submitted to the State Emergency Management Committee. That committee includes the Commissioner of Police or a police representative; the Chief Executive Officer of the Fire and Emergency Services Authority, Wayne Gregson; and the Director General of the Department of Environment and Conservation, Keiran McNamara. On the basis of its membership alone, the committee cannot be considered to be truly independent; all those individuals have a vested interest in ensuring that their respective agencies are not subject to criticism or censure. It also appears that the committee will receive draft copies of the reports and, by inference, will be able to edit and change them.

The people of Margaret River and Nannup have been extremely patient; the Keelty report into the Margaret River fires was limited in its terms of reference, and did not consider how the fires were actually managed. These

reports will be the first opportunity for them to get information on a range of concerns. I also have some reservations about the consultants who have been appointed to carry out this post-incident analysis. They have been used by DEC on a number of occasions, including for the Toodyay fires, and have no doubt formed relationships with DEC personnel and would be hopeful of obtaining further work in the future. That is a matter for concern. Similarly, calls for submissions to the review were sought on the Thursday before Easter. They were not widely publicised, and allowed only two weeks for submissions to be made. Also, the format in which submissions were to be given was by way of answers to set questions; that, in itself, is a process that is not open and limits the scope of matters being taken into consideration. This all demonstrates to me that the Barnett government feels that it needs to be in cover-up mode and damage control. Whilst it has apologised and accepted responsibility, in my view actions speak louder than words. The shabby and somewhat secretive way the government has treated south west bushfire victims renders that apology worthless.

I also make the observation that, in terms of accountability, the government is currently lacking coordination in how it responds to questions on these and other issues. As it was the Department of the Premier and Cabinet that let out the tender for the post-incident analysis, I asked the Premier during question time in this place when he anticipated we would see the review, only for him to fob me off by telling me I should have asked the question of the Minister for Environment. When I followed up with the Minister for Environment in the estimates hearings, I was told that I should have directed my questions to the Premier.

I then again asked my colleague in the upper house Hon Ed Dermer to put another question to the Premier on this matter. On 14 June 2012 he asked —

I refer to the Premier's answer to question without notice 53 of 8 March 2012 relating to the report on the post-incident analysis of the Margaret River fires that was to be completed by 30 April 2012.

- (1) Has the government received the report?
- (2) If not, when does the Premier expect to receive it?
- (3) Will that report be considered by the State Emergency Management Committee before it is tabled?
- (4) If yes to (3), on what date will the SEMC meet to consider the report?
- (5) On what date does the Premier anticipate that the report will be tabled?

Hon Simon O'Brien replied —

I thank the honourable member for notice of this question. I answer on behalf of the Leader of the House.

- (1) The government has not yet received the final reports.
- (2) The delivery date for the final reports has not yet been agreed to.
- (3)–(5) The final reports will be transmitted to the chair of the State Emergency Management Committee who will make the necessary arrangements for the consideration and preparation of advice to the government.

All the while, Margaret River victims are yet to receive any of the assistance moneys that the government promised; I will return to that later.

The minister recently announced, as part of the government's response to the Keelty report, the establishment of the Office of Bushfire Risk Management. It is early days and we are yet to see how it will operate; it is currently in the recruitment phase. It is intended that the OBRM will independently assess the risks of prescribed burns undertaken by the Department of Environment and Conservation. I have to stress that this is an administrative mechanism, and there is no legislative grounding for this oversight, nor any sanctions, that I can discern, if the process is not followed. I understand the new office will report directly to the CEO of the Fire and Emergency Services Authority and the commissioner once this bill is passed. It is intended the OBRM will assess the risks of all prescribed burns, as well as the level of resources available should such burns flare out of control. The rationale for this is to ensure that the prescribed burning process is independently scrutinised before ignition of the burn, and the OBRM has the authority to direct a burn to be delayed or even cancelled if it deems the risks to be too great.

The minister said in a press release that, once fully established, the OBRM will ensure that the future approach to bushfire risk mitigation programs and decision making is consistent with international risk management practice, and that it will also facilitate greater information sharing and coordination between agencies involved in prescribed burning and management of bushfire-related risks generally.

We will need to be vigilant that this does not create an additional level of bureaucracy without corresponding increases in front-line capability. Although the government allocated an additional \$81 million in response to the

Keelty reports, this does not represent a marked increase in firefighter capacity for DEC in the south west. DEC is recruiting an additional 28 firefighters over the next four years, which is way short of requirements, especially in view of the increasing demands and heightened risk that a drying climate imposes.

I next want to talk about the resignation of Commissioner of Police Karl O'Callaghan as chair of the State Emergency Management Committee to ensure, in the words of the media, that the SEMC has more independence from government. I find this extraordinary. I ask the question: why does the SEMC chair need to be independent of government? Surely the SEMC acts as a coordination body, harnessing all government resources. I find this a little intriguing. On top of that, it will not relieve the commissioner of his statutory duty as State Emergency Coordinator. As this bill indicates, if a hazard management agency is dilatory in declaring an emergency, the State Emergency Coordinator will declare it. I find the resignation of the commissioner quite extraordinary.

I note that many of the Keelty recommendations for the Perth hills inquiry have not been implemented. I concede that a considerable amount of work is being undertaken to implement many of these recommendations, but there seems to be a bureaucratic impasse on a number of significant recommendations. In its response to the Community Development and Justice Standing Committee examination of bushfire preparedness for the 2011–12 season, the government noted two key recommendations that I think are essential; that is, an integrated fuel load assessment and management. A number of Keelty recommendations deal with fuel load identification mapping and management. Bushfire risk identification and management is a critical issue and one that requires a strategic and measured approach to achieve an effective long-term solution. In this regard the Bushfire Review Implementation Group has established a project team to develop proposals for an integrated bushfire risk management system. The project team consists of state and local government representatives and a volunteer representative. The project covers a number of Keelty report recommendations but will go beyond these individual recommendations to develop a comprehensive, integrated bushfire risk management system for WA. Two of the bushfire review working groups are focused on bushfire risk mitigation and management, and the project team will report to these groups. In other words, the government has formed a committee or some committees.

Another recommendation that I think is also very significant relates to the declaration of bushfire-prone areas. The government's response to recommendation 3 of the Keelty report is that it is not within the power of the Department of Planning and the Western Australian Planning Commission to transfer responsibility for declaring bushfire areas to the WAPC, as this action requires amendment to legislation, including the Local Government (Miscellaneous Provisions) Act 1960. Furthermore, the project team established to develop proposals for an integrated bushfire risk management system will be examining the appropriate body to declare areas bushfire prone. Amended legislation may then follow the outcome of the decision. Both those responses are laughable and something that Sir Humphrey would be incredibly proud of. They are of concern and if this matter was not as serious as it is, we certainly would be laughing. Other recommendations appear not to have been completed or only partially done. Things like ember guards on schools in bushfire-prone areas are still very much a work in progress.

I am disappointed that the government did not take the opportunity of this bill to implement some mechanism for a greater level of transparency on how the emergency services levy moneys are collected, allocated and spent. One of the key recommendations of Keelty that the government is rejecting out of hand is to move the administration and allocation of proceeds of the ESL to the Department of Finance for greater transparency.

During estimates hearings this year we found that the total take from ESL in 2008–09 was \$157 million and will rise to \$231 million by 2012–13. Since 2008 the ESL has risen 44 per cent. It is said that this rise is based on the average household; however, many are paying substantially more because it is tied to gross rental value changes. I will give members a few examples. In one example in my electorate, residents in Loxwood Road, Balga are paying 67.3 per cent more for their ESL, which went from \$120.46 in 2008 to \$201.55 last year. Residents of Dunrossil Place, Wembley Downs paid \$215 in 2008 and by 2011 this had increased to \$280; a rise of 30.2 per cent. The ESL for residents of Beach Road, Watermans Bay was \$180.80 last year; a rise of 35.1 per cent from \$133.85 in 2008. Residents of Windell Street, Innaloo paid \$127.76 in 2008 and last year they were charged \$174.88, an increase of 36.9 per cent.

**Mr P.T. Miles** interjected.

**Ms M.M. QUIRK:** I do not invite these interjections from the ignorant member for Wanneroo.

**The ACTING SPEAKER (Mr J.M. Francis):** Member for Wanneroo!

**Ms M.M. QUIRK:** I do not consider that the modest capital works program —

**Mr P.T. Miles** interjected.

**The ACTING SPEAKER:** Member for Wanneroo!

*Point of Order*

**Mr D.A. Templeman:** Mr Acting Speaker, it is very clear that the member for Girrawheen is not inviting interjections from the member for Wanneroo. You have called him to order twice. I would hope that he will be called to order formally if he continues to interrupt.

**The ACTING SPEAKER:** Thank you, member for Mandurah; I do not need your assistance. But I will say to the member for Wanneroo that if you do interject consistently, I will call you to order.

*Debate Resumed*

**Ms M.M. Quirk:** I made the observation that many parts of the electorate of the member for Wanneroo are in a bushfire-prone area, and I look forward to hearing him speak on the issue.

**Mr P.T. Miles** interjected.

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

**The ACTING SPEAKER:** Member for Mandurah! Member for Wanneroo, I am going to call you to order for the first time today. Member for Mandurah, I did say that I did not need your assistance. Thank you anyway, but I will also call you to order for the first time today. Member for Girrawheen, it would probably assist your cause if you did not single out members opposite you.

**Ms M.M. Quirk:** Thank you, Mr Acting Speaker.

I am saying that I do not consider the modest capital works program that the Fire and Emergency Services Authority is embarking on has kept pace with the quantum of increases in the ESL that have been collected. It is difficult to discern from the way things are reported at the moment whether the increased ESL relieves the government of contributing its fair share from consolidated revenue. Certainly I think the issue about transparency is well made in that case. I also note that the government has flagged that it intends to re-gazette a number of areas on the urban interface, which is likely to result in more people paying the ESL and possibly at higher rates. We do agree that there needs to be upgraded vigilance and equipment in those areas, but I make the point that more households may well be subject to the ESL.

In general terms, the bill is technical in nature. It deals with the transfer of property from FESA through to this new government department and it empowers the minister to make various dispositions of property, holding intellectual property and so on—all those technical issues that need to be made when an agency turns into an agency such as this. I am advised that 22 sets of regulations will need to be drafted to support these changes, and I think much of the detail on the day-to-day administration will be contained in those regulations.

I also want to make the point at this stage that much of where we are today results from deliberations that occurred in committees that were set up as a result of the Keely inquiry into the Perth hills bushfire. The context of those discussions, therefore, was very much on bushfires. As we know, FESA performs a number of other activities outside of bushfire areas. It is arguable, though, that the volunteer representatives, who are predominantly brigade members and members of other branches of the emergency services, were unable to be heard adequately on their thoughts on the status and future complexion of FESA. I understand the minister has latterly consulted a number of volunteers, and I know that was very much appreciated.

**Mr W.R. Marmion:** What do you mean “latterly”? Do you mean that I have not been consulting them from when I got to this position?

**Ms M.M. Quirk:** No. I am saying that both FESA and the minister’s predecessor did not enter into discussions on the nature or structure of FESA; so I am giving the minister a compliment. It is true to say that certainly in the past volunteers felt ignored and exploited and their local knowledge was not called upon. Any measure that will improve the level of consultation is welcomed. One of the overriding problems for the likes of the minister is that there are some 32 250 volunteers in Western Australia, but almost 26 000 of those are under local government control. That is a problem. We still have a situation in which if a volunteer firefighter with a local government is injured, they are under a different regime than they would be if they worked for FESA. That is very regrettable. I raised that issue in Parliament last year when I spoke about Pamela Story. I hoped that that anomaly could be remedied.

It is also difficult to manage an emergency services agency when, although there are local coordinators and direct managers, a lot of volunteers are outside the purview of that agency.

**Mr T.R. Buswell:** If in due course, in the decades or so ahead, the political pendulum shifts and you contemplate reform in that area, tread with caution.

**Ms M.M. Quirk:** With all due respect, given what the minister’s beloved leader has said, I do not think that will happen, will it? I will be farmed off to some other portfolio if I am not too old or too female to get anything at all.

**Mr P.T. Miles** interjected.

**Ms M.M. QUIRK:** Or, as the member for Wanneroo says, I will not be here.

The new provisions of the bill better respond to the needs of volunteers and we very much look forward —

**Mr T.R. Buswell:** Member, can I just make another point?

**Ms M.M. QUIRK:** I have only nine minutes, minister.

**Mr T.R. Buswell:** It will take 10 seconds. We met with the volunteers early on and we gave them an undertaking that they could look at the draft legislation. We have changed a number of elements around those committee stages to pick up on some of the concerns that they raised.

**Ms M.M. QUIRK:** That is excellent, minister. However, we will need to know—this is part of the reason we will need to go into consideration in detail—the details of how those committees will operate and what the minister’s responsibility will be in how the committees work.

**Mr T.R. Buswell:** I might have the final sign-off; you never know.

**Ms M.M. QUIRK:** That is something I certainly want to look at.

I do not know what the authority will be called. Will it just be Fire and Emergency Services Western Australia? We are all so used to saying “FESA”.

**Mr T.R. Buswell:** I will have to get some advice on that.

**Ms M.M. QUIRK:** Whatever it will be called—“son of FESA” or whatever—the current CEO will become a commissioner, but essentially he will be accountable for all operational matters. I make the qualification I made earlier that that should not relieve the minister from having significant oversight of the agency.

After the Margaret River and Perth hills fires, some concerns were expressed about the lack of clarity with police powers in evacuation circumstances. We welcome the fact that this bill will remedy that uncertainty. Amendments to the Emergency Management Act will also be brought in so that in an emergency situation in which a hazard management organisation is dilatory, the State Emergency Coordinator, who is by definition the Commissioner of Police, will be able to call an emergency. As I said, that is a bit interesting now that he will not be the chair of the State Emergency Management Committee. I am not sure why there is a need for an independent person. It seems to me to create another level.

**Mr T.R. Buswell:** The hazards that are often managed by the State Emergency Coordination Group are not always hazards that police manage.

**Ms M.M. QUIRK:** I am aware of that. We will talk about that in consideration in detail. There seem to be some inconsistencies with ownership of fire hydrants. Amendments relating to fire hydrants are currently going through in the Water Services Bill that do not seem to match the provisions in this bill. I will ask the minister for some clarification on that. When I talked to the minister’s advisers about that, they said that they were not sure which bill would go through first. It seems odd that we have two bills in Parliament with inconsistent provisions and that they are going through this place at the same time. It would be excellent to get some clarification on that aspect. As I said, although the opposition will support this measure, we are not sure whether it means that the minister will assume a greater responsibility than that of his predecessor.

We hope that this new and greater responsibility will also signal greater openness and that the minister will table in this place the major incident review or post-incident analysis that FESA has already prepared on the Margaret River fires; we have not seen that yet. Also, as a member of cabinet, will the minister make representations that his constituents will get paid shortly for the Margaret River fires?

The final word needs to go to the victims who experienced property loss at Kelmscott–Roleystone, Toodyay, Margaret River and Nannup. It is arbitrary and unfair how assistance schemes have been set up and distributed. The government has made clear that these schemes are not by way of compensation, but are to assist residents who have suffered the trauma and displacement of losing their homes. Since it is unrelated to liability, it seems inequitable that the trauma suffered by Perth hills residents is seen as less worthy of the same level of assistance that is being given to victims of those other fires.

In the cases in which the government has admitted some level of responsibility, such as Margaret River and Nannup, it seems inequitable that small businesses directly impacted upon, leading to a loss of livelihood, will receive no compensation whatsoever. Assertions such as, “If residents have a problem, they can always go to the courts”, are insensitive and lacking in empathy. Many residents are either constitutionally or financially impaired from taking this course of action. The delay in rolling out compensation is unconscionable. The fact that the Premier was unaware when contacted on ABC talkback radio recently that no WA government money had yet been distributed to Margaret River victims speaks volumes about this government’s priorities. He can wax lyrical about what colour the seats will be in a stadium that will not be completed until 2018, but he is not

interested enough to expedite assistance payments or to give Margaret River and Nannup residents the answers that they have been patiently waiting for since November last year. The Premier's dismissal that these houses were largely holiday homes is glib and inaccurate.

One resident recently told me that his year 12 daughter had lost all her study notes for her forthcoming exams and that he had lost his father's war medals. Compared with loss of life, these items are of little consequence, but to individuals, they are irreplaceable and of great personal significance. Every victim would have similar stories to recount. Many will be suffering post-traumatic stress disorder and having to rebuild their lives while coping with this debilitating condition.

The government should be there to assist, not hinder. In his heart of hearts, can the Premier honestly say that this government has done everything it could to assist the victims of these fires?

**DR A.D. BUTI (Armada)** [5.18 pm]: I rise to talk about the Fire and Emergency Services Legislation Amendment Bill 2012. At the outset, I thank all the firefighters, including the careerist firefighters and the volunteer firefighters, and of course other emergency services personnel, for the outstanding job that they do year in and year out in trying to fight, contain and prevent fires. I say "careerist" firefighters rather than "professional" firefighters because the volunteer firefighters—the Acting Speaker (Mr J.M. Francis) is one—sometimes get a bit touchy when we do not refer to them as professional. They are also professional, but of course they do not do it as a full-time occupation. I prefer to say "careerist" for the fully fledged full-time firefighters; volunteer firefighters are, of course, professional. Over a number of years I have come to know a number of firefighters, both careerist and volunteer; they are outstanding people. While I am congratulating people, I should also congratulate the outstanding work the United Firefighters Union of Western Australia does for its members, headed by Kevin Jolly, Graeme Geer and Lea Anderson. I think the union represents something like 99 per cent of firefighters, which shows the outstanding job it does for its members.

The minister's second reading speech refers to this bill being part of the government's response to the Keelty report that resulted from the inquiry, instigated by the government, into the Kelmscott–Roleystone bushfires of 6 February 2011. Recommendation 46 of the report was that —

The State Government restructure the Fire and Emergency Services Authority as a Department.

Basically, that is the parameter of this bill, and it will create a Fire and Emergency Services Commissioner. The second reading speech states that the former body will be abolished, and with it the position of chief executive officer. The newly created Fire and Emergency Services commissioner —

... will be responsible for the control of all officers and members of fire brigades. This ensures that the FES commissioner is accountable for all operational matters that occur within the department.

We will look at this in more detail later, but *prima facie* I think it is a good idea to try to have someone in the department with responsibility for operational matters, otherwise the buck could be passed, which can be a perennial problem in the public service. Of course, as mentioned by the member for Girrawheen, the minister is ultimately responsible, and I dearly hope that this minister will not adopt the former minister's attitude to responsibility. The minister formerly in this position seemed to go by the Sergeant Schultz of *Hogan's Heroes* excuse of, "I know nothing, I see nothing, and I hear nothing!" I am much more confident that the current minister will not be using the *Hogan's Heroes* —

**Mr T.R. Buswell:** Sergeant Schultz only ever used to say, "I know nothing"; he never used to say the last two bits.

**Dr A.D. BUTI:** Did he not? What did he used to say then?

**Mr T.R. Buswell:** He used to say, "I know nothing"; I never heard him say the other bits.

**Dr A.D. BUTI:** He did.

**Mr T.R. Buswell:** You made that up!

**Dr A.D. BUTI:** I challenge the minister: we will get a videotape out —

Several members interjected.

**Mr T.R. Buswell:** No, the member for Southern River would know!

**Dr A.D. BUTI:** As a great fan of *Hogan's Heroes*, I can assure the minister that Sergeant Schultz used to say, "I know nothing, I see nothing, and I hear nothing!"

**Mr T.R. Buswell:** Are you sure?

**Dr A.D. BUTI:** I can assure the minister that he did say that.

**Mr T.R. Buswell:** Are you sure that wasn't the bloke on *Dad's Army*?

**Dr A.D. BUTI:** Seriously though, returning to the bill, it is of course very important to have a line of responsibility. The Fire and Emergency Services commissioner, as stated in the second reading speech, will be accountable for all operational matters within the department, but the minister, of course, will be ultimately responsible for ensuring that the proper systems are in place. That does not necessarily mean that the minister is responsible for every minor error that may occur in the department, but of course the minister is responsible for ensuring that there is proper oversight and the proper systems are in place.

The second reading speech then referred to the important role of volunteers during emergencies in this state, and that this bill includes provisions related to advisory committees. It was heart-warming that the minister recognised the importance of volunteers in responding to emergencies in this state because bush fire brigades play an important role, particularly on the fringes of the metropolitan region. The member for Girrawheen grieved to the former Minister for Emergency Services on 23 June 2011 about the sad issue of Pamela Story. I am sure the former minister remembers that story, which was that Pamela was injured while assisting in fighting the Kelmscott–Roleystone bushfires in Bullsbrook, in the member for Darling Range’s electorate. Then, for whatever reason, she went through major trauma trying to get some form of compensation. During the member for Girrawheen’s grievance on 23 June, she outlined the history of Pamela’s accident and her fight for some form of compensation. I do not know whether the matter has finally been resolved to Pamela’s satisfaction, but there has been quite a bit of movement. But I must say it was a blight on our insurance system that a volunteer firefighter injured in the call of duty had to fight for compensation, and I query whether the government could have stepped in and awarded Pamela Story an *ex gratia* payment. She waited months and months for compensation, and was unable to find work because of her injuries. Of course, she could not put in a workers’ compensation claim because she was not in paid employment; she was a volunteer. I think we need to seriously consider the plight of volunteers, and we need to develop a better system of compensation for volunteers injured in the call of duty. I hope the minister will consider that in due course.

The second reading speech stated —

This government will ensure that the integrity of the emergency services levy is maintained by requiring the levy to be credited to the department’s operating account, along with any other funds raised through the operation of the emergency services acts.

The issue of the emergency services levy is quite interesting. It is supposed to be collected to help fund emergency services personnel and equipment et cetera, but there are a lot of volunteer firefighters on the outskirts of the metropolitan and rural regions. As the member for Darling Range and Mr Acting Speaker (Mr J.M. Francis) are aware, quite a large contingent of volunteer bush fire brigades do a lot of the work. There is a careerist fire brigade in Armadale—are there none down the member for Darling Range’s way?

**Mr A.J. Simpson:** No.

**Dr A.D. BUTI:** There is one in Maddington, and I am not sure where the one out west is.

**Mr A.J. Simpson:** Cockburn.

**Dr A.D. BUTI:** So there is Cockburn, Armadale and Maddington, and the volunteer bush fire brigades plug the holes. I would be interested in knowing whether that emergency services levy is used to offset or assist the volunteer bush fire brigades, or is it just for the careerist fire brigade services? If it goes only to the career fire brigade services, are the residents of my and the member for Darling Range’s electorates being short-changed? If that money goes only to the professional fire brigade services—there are very few careerist fire brigade services in our area—how is that money being allocated to other areas? There is no doubt that all careerist fire brigade services, such as those in the city and Bayswater, do an important job, but I argue that there is a greater need for resources on the outskirts of the city, where there is a greater threat of major bushfire problems in the hot summer months than there may be in areas closer to the city. But, of course, I am not trying to devalue the services in the city. My nephew is in a career fire brigade attached to a service nearer the city, which does an unbelievable job. A lot of its work is with motor vehicle accidents rather than fighting fires. I think there needs to be greater thought put into how the levy is distributed.

**Mr T.R. Buswell:** I think I might arrange a briefing for you so you can understand what happens, because it is a lot more complicated than you have made out. I will give an overview, but if you have an interest in the detail, I will go through it. The answer to the question you have asked is basically no. In other words, the ESL funding flows through to volunteers, both bushfire and SES, via grants that come up through local government. Money also flows to the volunteer Fire and Rescue Service, as it does to the career Fire and Rescue Service. If you look in the budget papers, you will see that the volunteer Fire and Rescue Service and career Fire and Rescue Service are generally listed as line items, especially in the capital component of the budget papers. But I am happy to arrange a briefing for you because it is an important thing to understand.

**Dr A.D. BUTI:** I thank the minister. I suppose my question is: is it in the right proportion? But, of course, that is a value judgement that all governments have to make from time to time. The role of volunteers is noted in the minister’s second reading speech, and I have made some notes about that.

The issue of fires is synonymous with the history of Australia and the landscape of Australia. We all know that we live with the constant danger of home fires, but more so bushfires. It is just because we live on a very hot, dry continent. I read a very interesting book recently called *Kinglake-350* by Adrian Hyland. It is about the Black Saturday bushfire on 7 February 2009 in Victoria. I recommend this book. It is very well put together and is quite moving. I turn to page 160 of the book where it refers to the history of bushfires and fires in Australia. Under the heading “Legends of Destruction”, it states —

The pages of Australian history are so scorched with the legends of the fires that have roared through them that we are running out of days for which to name them: Black Thursday, Red Tuesday, Black Tuesday, Black Friday, Ash Wednesday.

Further down the page it states —

Fire was a constant threat to the growing prosperity of rural Australia but by 1939 the country had settled into a kind of she’ll-be-right apathy, its eyes more fixed on the storm clouds gathering over Europe than the pyrocumululus ones building in its own backyard. Australians were shaken out of that complacency by the sudden ferocity of Black Friday. That holocaust claimed seventy-one lives, burned close to two million hectares, destroyed timber mills, farms, entire towns.

Then of course we had Ash Wednesday on 16 February 1983. I do not think the member for Ocean Reef would recall Ash Wednesday in 1983. He would have been pretty young.

**Mr A.P. Jacob:** I was three.

**Mr T.R. Buswell:** I was in high school.

**Dr A.D. BUTI:** Sorry, minister. I was in university, but I am sure that we remember it, though, do we not?

Several members interjected.

**Dr A.D. BUTI:** Yes, we do remember it.

The book refers to the bushfires in Hobart and of course the Canberra bushfires of 2003, which were just unbelievable.

**Mr I.C. Blayney** interjected.

**Dr A.D. BUTI:** In Canberra? Ash Wednesday? Yes.

I would like to read this out because I think it is important. The chapter concludes —

Despite this constant threat of attack, our collective memory is short and the ... lure of the bush strong. More and more of us are taking the gamble and moving out into the flame zone. Tree-changers are relocating onto the peri-urban fringe, investing their all in flammable dwellings on north-facing ridges or in green glades in the midst of towering forests. Even sea-changers often ... find themselves in areas vulnerable to bushfire: —

Margaret River, for instance —

on Ash Wednesday the communities along the Great Ocean Road were among the hardest hit.

The demographics are startling. One study of three major Australian bushfires found that all houses within seven hundred metres of bushland were in danger and that the highest risk was for those within fifty metres. Four percent of the residents of our capital cities (excluding Darwin) live within that highest-risk area. Twenty percent are within seven hundred metres—that’s more than 1.5 million households in the capital cities alone. If rural towns are taken into consideration, that amounts to some two million households—around four million people—living within striking distance of what their great-grandparents called the Red Steer.

[Member’s time extended.]

**Dr A.D. BUTI:** I will conclude the quote —

The predictive map drawn up by Kevin Tolhurst and his team on Black Saturday indicated, as we have seen, that the inferno was poised to descend upon the heavily populated outer suburbs: Greensborough, Eltham, Warrandyte.

Next time there may not be a wind change to save them.

The chapter concluded with the issue of wind change. Returning to the Kelmscott bushfire of 6 February 2011, although the wind, which was very strong that day, of course flamed the bushfires and destroyed 70-odd homes, if the fire had been going the other way—I am sure that the member for Darling Range can appreciate this—we would have probably lost lives because the fire would have gone up the hill towards Roleystone. The ability to exit Roleystone is very limited; there are basically two roads out of Roleystone. Although I do not want to say

that, thankfully, the wind was blowing easterly rather than westerly, which often is the case on a summer afternoon, the fact is that lives were spared. In this case, because the wind was blowing in the direction that it was, lives were spared. But if there had been a wind change, there would have been, unfortunately, human fatalities.

**Mr P. Abetz:** It is just as well it is beyond our control which way the wind blows.

**Dr A.D. BUTI:** I wonder whose control that might be, member for Southern River.

**Mr T.R. Buswell:** It is [www.bom.gov.au](http://www.bom.gov.au).

**Dr A.D. BUTI:** There were no fatalities, and that showed the good work that was done by the firefighters. Of course, the work done by the firefighters on that day was fantastic, but we have to put it in context: all we needed was a wind change and maybe we would be talking about deaths on 6 February 2011 in the Kelmscott–Roleystone area. The bushfire on 6 February 2011 affected numerous families. It also affected the community. It affected my community and the community of the member for Darling Range. One hundred and ten families lost homes or possessions in that bushfire. I would like to take the time to read a story written by Sky O’Brien, who at the time of writing this was a year 10 student. He and his mother lost their home. This story went on to win a prize in the local writing competition in the City of Armadale. It is called “Escaping Reality”. He states —

The sticky, clinging heat is unbearable. And no matter what I do, I’m constantly overwhelmed with the feeling of throwing up. Normally, at four o’clock in the afternoon, the temperature should start to cool down, allowing a break from the demanding job of swatting flies. It isn’t to be. The furnace I find myself in is like a trap—I’m stuck and there’s no escape in sight. And to make matters worse, I’m in a non-air-conditioned van, full of people, who, like me, are slowly melting. A muffled murmur touches my ears, making its way from the front of the van where the driver and a FESA passenger are talking quietly.

Other than that—silence. Around me, weary and tired faces gaze fearfully out the dirty windows of the old van. The eyes of other passengers look lost and bedraggled, their foreheads creased with the anxiety of not knowing. They’re afraid, and can’t bear the thought of venturing out into the inevitable truth that awaits them. What awaits us. There’s also a smell. A nasty smell which creeps up through my nose and sends alarm bells ringing ferociously in my head. It’s the smell of destruction and ruin—the smell of memory. I can’t remove it from my head. It’s stuck like concrete, where it will remain for all eternity. Every now and then, the past drifts in and out of my confused mind, taking advantage of my helplessness. A montage of scattered images bursts from my brain—sending me into a world where everything is different. This place is so foreign, while at the same time calm and peaceful and full of happiness. Its name is normal. Normal is a refuge, but also a nightmare. A nightmare filled with uncertainty.

Once again, I’m trapped. Noise. I’m interrupted from the comfort of my thoughts—sent from normality to reality. The van has stopped. The noise is that of people, registering where they are and making connections with their barren surroundings. Wet and flowing tears are among the noise. I glance nervously around me ... It’s hard. There isn’t much to look at. I don’t live here, but I’ve driven down this road many times. The road. It’s the only thing remaining—twisting and winding through the hills and into the distance. The magnificent trees and fauna that accompany it are black, charred stumps of unrecognisable objects.

But there are houses too—not anymore though—just flimsy black outlines of broken bricks and burnt tin roofs. Ashes, small and menacing, lie on the ground, the only remnants of people’s memories and treasures. I try, but words fail to describe what surrounds me. My mind is blank. A few of the passengers behind me are making their way unsteadily out of the van holding each other’s shaking arms for support. I feel like talking to them and comforting them, but it will only deliver unwanted tears. They pass the vehicle, and slowly make their way towards a mess of black rubble. A feeling of nausea and queasiness is born inside me—greeting me like an old friend. Soon, I will be in their shoes, making my way towards the remains of the house I called home.

That was written by Sky O’Brien. At the time he was in year 10; he is now in year 11. He and his mother, Charlene, have rebuilt their home. But, of course, they are out of pocket because the insurance company has not paid for their rental accommodation. They were lucky to receive free rental accommodation, unlike others who had to pay significantly for rental accommodation. I have raised this issue before; the member for Girrawheen raised it in her speech. It seems so unjust when one reads a story such as the one written by Sky O’Brien. We have to remember the carnage and the barren landscape on that day. The Premier remembers it, because he visited the area, as did the former Minister for Emergency Services. The member for Darling Range would very well remember, as do I, that a place that was a vibrant community was, in a matter of hours, destroyed. The community remained vibrant because its people are very strong. But the physical landscape and the places they called home were destroyed. I congratulated the Premier for acting to ensure that those affected were entitled to

emergency relief payments. The Premier made the right decision. The City of Armadale, led by former mayor Linton Reynolds, was outstanding in what it was able to do. Indeed, many, many people volunteered their services. But nearly two years later, those victims are asking why the government has not treated them in the same way it has treated victims of the Margaret River and Toodyay fires, who have received ex gratia payments. As the Premier stated, the payments are not compensation payments nor are they payments that admit state fault; they are ex gratia payments that are designed to relieve the suffering endured by the people of Margaret River and Toodyay. I challenge any member to argue that the suffering endured by people who lost their homes in the Kelmscott and Roleystone fires, such as Sky O'Brien, is any less than the suffering endured by people in the Margaret River and Toodyay fires. Losing a home in Margaret River or Toodyay is no worse than losing a home in Kelmscott or Roleystone.

**Mr T.R. Buswell:** What about the people who lost their homes in Morley and Dianella?

**Dr A.D. BUTI:** Maybe there is room for that, minister. I am talking specifically about a major catastrophe, a disaster of the proportion of 70-odd homes being destroyed. I understand what the minister is saying—where do we start and where do we stop? But the government started by awarding ex gratia payments to the victims of the Margaret River and Toodyay fires. The government has said that those payments are not a form of liability compensation payments; they are ex gratia hardship payments. If that is the case, the victims of the Kelmscott and Roleystone fires deserve the same ex gratia payments awarded to the victims of the Toodyay and Margaret River fires. People who have lost their homes in Morley and Dianella are, I am sure, feeling terrible. The government may need to look at their situation. This government decided to pay Toodyay and Margaret River fire victims an ex gratia payment. As far as I am aware, apart from the initial relief payments that were awarded to the fire victims in Kelmscott and Roleystone—which have come mainly from commonwealth funds—they have received nothing else. For people such as Sky O'Brien, who so beautifully recorded what he experienced on that day, I urge the government to reconsider what it has not offered to the victims of Kelmscott and Roleystone.

We look forward to looking at the bill in more detail in the consideration in detail stage. It is very important that a bill is introduced in response to the Keelty report. There is a need to restructure the department so that we can pinpoint who has responsibility—the commissioner—but ultimately the minister will be responsible. I am confident that he will not be a “Sergeant Shultz from *Hogan's Heroes*” minister—I dearly hope so.

**MS L.L. BAKER (Maylands)** [5.58 pm]: I would like to make a start on my response —

**Mr T.R. Buswell:** You can finish as well.

**Ms L.L. BAKER:** Probably not, minister. We will break for dinner, but I am sure I will be back with more to say.

I will make some comments about the Fire and Emergency Services Legislation Amendment Bill 2012 on a couple of fronts. As members know, I have a home in the hills on the edge of the state forest. I have been there for about 20 years. I have seen a few fires in the Mundaring area. I have got to know workers in the Department of Environment and Conservation, the local volunteer brigade and the State Emergency Service pretty well. Given that we live in such a vulnerable part of the forest, we are often contacted early if there are fire threats near the Mundaring Weir and up and down the valley in the catchment. There is only one road in and out for the four properties where I live. There is an obvious need for us to be cautious about how we manage fire prevention. We also want to make sure that the fireys and the vollies in the local area are aware about the various fire prevention strategies that we have put in place around our homes to make their jobs a little easier and safer. Those strategies include registering our dam with the shire, which was done some years ago. No-one has followed up on that.

*Sitting suspended from 6.00 to 7.00 pm*

**MR D.A. TEMPLEMAN (Mandurah)** [7.01 pm]: I am happy to make a contribution to the debate tonight on the Fire and Emergency Services Legislation Amendment Bill 2012. This is a very important piece of legislation that sets up a new entity to oversee fire and emergency services in Western Australia. A couple of points I want to make very much lead up to where we are now with this legislation.

Members may be aware that in the early part of my time in this place I was chair of the Community Development and Justice Standing Committee, whose members were the member for Hillarys, the former member for Pilbara, the member for Joondalup and the former member for Nedlands.

**Mr R.F. Johnson:** That was the dark old days.

**Mr D.A. TEMPLEMAN:** It was the dark old days. One of the inquiries the committee undertook was an assessment of the preparedness of Western Australia's emergency management. I think the Leader of the House left the committee partly through an investigation, and it may have been this investigation. One thing we did was looked at the preparedness of emergency management throughout Western Australia and also at what was happening nationwide and internationally. This was in the context of the 9/11 experience. In fact, that committee travelled to the international conference on emergency management in Canada in 2002.

**Mr R.F. Johnson:** I didn't go.

**Mr D.A. TEMPLEMAN:** I did not go either. I was the chair of the committee and I did not go!

**Mr R.F. Johnson:** We had other things in our lives at that time.

**Mr D.A. TEMPLEMAN:** We did. We sent three members.

**Ms M.M. Quirk:** Was there any truth in the rumour that the member for Nedlands got a single ticket?

**Mr D.A. TEMPLEMAN:** I could not cast aspersions on the former member for Nedlands, even though I did not get on well with her at all.

**Mr R.F. Johnson:** She spoke very highly of you!

**Mr D.A. TEMPLEMAN:** One thing we did was to look at the state of emergency management in Australia and internationally. We met with my namesake, David Templeman, who at the time was the CEO of Emergency Management Australia. He looked a lot older than I did, of course, so it was very easy to determine which of us was the younger David Templeman of the world! One thing that was always of interest to me was the history of Australia's natural disasters and the response of governments to them. It was interesting to look at a number of the triggers that changed how emergency management is done. We looked at examples in other states. History shows that when there is a major disaster, and we have had a number of them, such as bushfires, it usually triggers a major investigation of some sort in terms of its management, the legislative framework et cetera. We need only look to the eastern seaboard and to some of the major natural disasters that have occurred there. Some have been absolutely tragic in terms of the loss of life. The Ash Wednesday bushfires in Victoria in 1983 killed some 83 people, from memory.

**Mr I.C. Blayney:** It was 76.

**Mr D.A. TEMPLEMAN:** It was 76 people. That was a major loss of life in Victoria in 1983. That triggered some major reform of Victorian legislation governing emergency management and response. Prior to the most recent Brisbane floods, which occurred in January last year, there was major flooding of Brisbane and the greater Brisbane area in the 1970s, which also triggered a major legislative response as well as associated emergency management processes and procedures. We then, of course, saw the absolute tragedy of the Black Saturday bushfires in Victoria in 2009. Some 200-plus people lost their lives. That, of course, triggered a major inquiry. It was a judicial inquiry, from memory.

**Mr M.J. Cowper:** A royal commission.

**Mr D.A. TEMPLEMAN:** It was a royal commission into the bushfires in Victoria during that period. That again resulted in some major legislative and procedural changes in Victoria. A number of years ago there were also bushfires in Canberra that claimed the lives of two people, from memory, and damaged a number of homes in what was a relatively urbanised area of Canberra. Again, that triggered an inquiry and then legislative change. In Western Australia, there were terrible fires in the hills of Perth in February last year. That also resulted in a major inquiry. In fact, we have had two major inquiries into bushfires. Coming out of those inquiries, and particularly the last one from Keelty, were recommendations that have led to the implementation of this bill and, ultimately, a new entity with regard to how we respond to, plan for and strategically manage events such as we have seen in Western Australia. No doubt it is absolutely crucial that in supporting our men and women involved in the emergency services in Western Australia we have the best possible legislative framework to allow them to do their job effectively and to be well resourced to ensure they are given every opportunity to do their job to protect lives, property and also our environment. One of the problems resulting from any inquiry is the finger-pointing. To be honest, I think that is an unfortunate aspect. There is no doubt in my mind that the men and women who serve the community in our emergency services areas do so to the utmost of their capacity and bring a commitment and dedication to that position.

Although the Keelty inquiry had a range of criticisms and highlighted a range of issues and problems that needed to be overseen, the key thing is that we must have faith in our men and women who are trained and skilled in responding to these situations. We also have to be mindful that with the urban interface of the metropolitan area and regional areas where people choose to live in places that are becoming increasingly vulnerable and at risk, we must have in place the best possible planning and the strategic framework to support them. Part of that framework has to be a legislative framework.

The bill that the minister has introduced does a range of things. Apart from abolishing what was the old FESA, it removes the board of management, it creates a chief executive officer with the title of Fire and Emergency Services Commissioner. A range of other elements sit within the powers of that commissioner. I hope and think the bill will seek to clarify roles and responsibilities, particularly with regard to hazard management and the interface between the various groups that are so-called responsible hazard management agencies.

**Mr M.J. Cowper:** It is the lead combat authority.

**Mr D.A. TEMPLEMAN:** That is right.

The other thing the bill does—this is really crucial—is recognise the important role of volunteers in this whole process. It is important that we recognise those men and women volunteers, who, in a variety of guises, will work side by side with commissioned men and women in various emergency services roles, and that they are given the respect and rightful acknowledgement that their role is absolutely crucial to the response.

I want to refer to the two recent storms, particularly the one on Sunday a week ago and the one that threatened to occur on the following Tuesday, because one of the things —

**Mr T.R. Buswell:** There was also a storm on the preceding Thursday that impacted on Dianella and Morley.

**Mr D.A. TEMPLEMAN:** That is true; yes—the three storms.

We know that we will see more of these types of events. The predictions are that throughout Australia severe storm events will be seen more commonly, and because of the build-up of urban development and sometimes even the types of urban structures, such events will possibly threaten life and property. They have—and we have seen that in only the last two weeks.

One of the things that has always interested and concerned me is how we make sure the general public is well informed about its role in the event of an emergency, a bushfire, an impending storm et cetera. I was very impressed with my city. On Sunday a week or so ago, the major storm through Mandurah was very quick. It caused a number of houses to be unroofed and there was some damage from debris. Trees went down, there was a lot of structural damage to fences and there were some injuries. Two young fellows at Meadow Springs golf course were badly injured and were very lucky, it seems, not to be permanently injured. One of the things I am always interested in is how we can ensure that our own population, our own community members who are not volunteers with the SES or are not paid or salaried officers with the emergency services groups but who need to be prepared anyway, can maintain a sense of vigilance. I was very impressed with Mandurah. I left Parliament early last Tuesday. I said, “I’m going home to my family on Tuesday night.” I was not going to hang around here. If this was going to be a dangerous storm, as was predicted, or at least to the extent of the one that went through on Sunday, quite frankly, I was not going to stay here; I would rather be with my family. I live in an area where there are lots of trees, and I wanted to be there; I left early. Going home, I was stuck on the freeway—I should have come by train that day but did not. I spoke to a few people when I got to Mandurah at about half past four or five o’clock, and they said Mandurah was quite dead of traffic from around 2.30 pm or three o’clock. People had already started to recognise that there was a problem, there was a potential danger and the best place to be was off the road. In fact, a number of businesses closed early in the city. I said to my staff, “I think you should go home.” They left at about four o’clock. Apparently a lot of businesses had already closed by about 2.30 pm or three o’clock. People had done some preparation.

Those who know Rockingham through to Mandurah and Busselton down through the south coast know that we have a history of tornados or bad storms coming across the coast and causing some damage. Mandurah is no different from many other places. We have had a number of major storms and some real major damage. I was really impressed that there was a sense of, “Hey; let’s just be a bit careful here.” In terms of preparation, we know the lessons learnt from the bushfires in the hills and the Keelty report. There is an awareness and acknowledgement that these things are dangerous. If we at least have some notice of them, we can be prepared.

I know local councils and indeed the old FESA, as it will now be known, used to do a lot of work in informing people about things they needed to do to prepare their homes, particularly those who lived in more vulnerable areas. The education of people needs to be a continuous process. It was very interesting that after 9/11, we were all so conscious of our own safety as we travelled around. The federal Howard government had the “Be alert but not alarmed” slogan and all that sort of stuff. Quite frankly, I think we live in a society now in which, in our day and age, it is crucial to continually inform the community using all the social and other media communication avenues available to get out the message. Even during the fires in the hills there were issues regarding communications. It is crucial to be prepared and to regularly get the message out because that is an ongoing process. I think we are in circumstances now in which, ultimately, our communities need to be aware that the potential for particularly storm and related events will become more likely given the nature of our climate and where people wish to live.

Finally, I acknowledge the emergency service men and women in my community, both those in salaried positions and volunteers, for the tremendous work they do in the Peel region. We have had our fair share of natural disasters, including major bushfires only four or five years ago in Dwellingup, Waroona and the Shire of Murray. People lost homes and property and, thankfully, no-one was killed in those fires, although good friends of mine lost their homes. I want to pay tribute to those firefighting volunteers as well. Chris Stickland and the team at the Mandurah SES and the SES teams in the other local government areas of the Peel region are remarkable men and women. Whenever something is happening, I text Chris. I do not want to disturb him, but I text him to say, “I am thinking about you and your team members because I know I am in my home with my family and you are out there responding.” Chris highlighted in the *Mandurah Mail* some concerns about Western Power. I would like the minister, if he gets a chance, to look at what Chris was saying only in the context of the

follow-up after the storm. He had some concerns about the message that was being given to people. This is not an attack on the workers out there putting back the powerlines and repairing connections; it was about the information and communication. I think that, as a valued volunteer and leader in his field, his comments need to be listened and responded to.

**MR J.C. KOBELKE (Balcatta)** [7.22 pm]: I am very pleased to rise in support of the Fire and Emergency Services Legislation Amendment Bill 2012. Any debate in this area cannot be contributed to without recognising the incredible contribution of the Fire and Emergency Services Authority, or the department as it will become. The uniformed officers are dedicated professionals who train and prepare themselves to deal with a range of very difficult and sometimes horrendous situations that happen on our roads. They are there, working hours that create problems for their families but they do an outstanding job and are willing to put themselves forward knowing that sometimes they will face dangerous situations. Then, of course, there is the range of volunteer services—the State Emergency Service, bush fire brigades and marine safety organisations. They are professional people in the sense that they put themselves through the required training and deliver a very high level, crucial service. A very special thanks is owed to those people who work as volunteers. The changes we make in this legislation and the administrative structures we put in place must be always cognisant of the thousands of people who serve our community, whether paid or as volunteers, and the great job they do. The structure must support them, not undermine what they do or create complications or unnecessary bureaucracy; it must support the important work they do. This legislation is about changing the structures in the hope that we will be able to give greater support to the people who perform these vital roles.

We also need to be very cognisant of the fact that FESA, or the FES as it will become, must work with other agencies. It must have a good working relationship with local government, given that preparation goes through the local government authorities for dealing with emergencies, whether they are fire, flood or a range of catastrophes that can beset a particular area. Responsibility is placed on the local governments and our fire and emergency services must work with them in partnership, as occurs with the Department of Environment and Conservation, which has a key responsibility for large areas of the state. Again, that relationship is very important. Part of this bill will deal with those relationships.

In the early part of the debate when the minister responded, he would have noticed my uncertainty or embarrassment about what the new title will be. Will it be F-E-S, FES or the Fire and Emergency Service WA—FESWA? Is there an answer or a process by which we consult with our uniformed officers, with our emergency —

**Mr T.R. Buswell:** Member, the advice I have is that the general approach used within the government of Western Australia is that it is the department of whatever, so this will be the Department of Fire and Emergency Services.

**Mr J.C. KOBELKE:** DFES?

**Mr T.R. Buswell:** I have not worked out which acronym will apply, but it will be known officially as the vast majority of government departments are, such as the Department of Education et cetera.

**Mr J.C. KOBELKE:** May I suggest that it would help build the relationship if the minister had a consultation process with our uniformed officers and the range of volunteer services and got feedback on what would be the most appropriate acronym? It does not mean other people would dictate it. Just keep in mind that thousands of people are contributing to this effort and they will talk to their friends, family and other people about what they are doing and why they are being called out. A name will be imposed on them into which they may feel they have had no input. It is a personal view—the people who do the work in the front line may not agree—but FES sounds weak. All I am doing is suggesting there be some consultation.

**Mr T.R. Buswell:** Member, it will be the Department of Fire and Emergency Services.

**Mr J.C. KOBELKE:** That will not stop the minister using a trading name, if I can put it that way, for the agencies.

**Mr T.R. Buswell:** No wonder you were hopeless when you were in government. You want a committee to work out the name of a government department. Let me explain it to you: the Department of Fire and Emergency Services. Who knows what that will eventually be called by people in the field. They are very creative people and I suspect they will come up with some very creative names. It will be the Department of Fire and Emergency Services. We have the Department of Education, the Department of Training and the Department of Transport. We have departments all over the joint. Whilst I do not mean to be disrespectful, we will not be running a public process to work out what it will be called.

**Mr J.C. KOBELKE:** I thank the minister for his interjection. I think that reflects a touch of the arrogance of this government.

**Mr T.R. Buswell:** Please!

**Mr J.C. KOBELKE:** There are thousands of people out there who do an incredibly good job. They will want to know what will be on the badge that they will wear. The actual legislative basis is not the issue. We can always have an acronym or a name whereby everyone refers to what they are doing that does not have to be identical to the legal identity. If the minister wants to go with the Department of Fire and Emergency Services, DFES, okay. It will come up with an acronym; it might be a good one or it might not be, but I am sure people will get on with the job. My personal view is that we cannot pay enough respect to the work done by those thousands of people in Western Australia who make the system work, whether they are uniformed or volunteer officers. The minister is asking them to give their time to commit to the community, but he will say to them, “Well, here’s a name, whether you like it or not, that’s your new name.” I am thinking that it will build the relationship —

**Mr T.R. Buswell:** Did you have a name-the-organisation competition when the FESA bill was brought in? No you didn’t; of course you didn’t.

**Mr J.C. KOBELKE:** No. But the fact is it was a whole new concept. It now has credibility. People know what FESA stands for.

**Mr T.R. Buswell:** Get on your gopher and nick off! I mean, that’s a stupid idea. I have sat here and listened to the debate, and you come up with this stupid codswallop! What an absolute load of bunkum!

**Mr J.C. KOBELKE:** The minister thinks it is stupid that we would actually consult with these volunteers and listen to them —

**Mr T.R. Buswell:** I did not say that.

**Mr J.C. KOBELKE:** I do not have that view of the world. I think we need to recognise the fantastic contribution made by people. One way of doing that is not just to smack our gums together in here and say we all think they are great. It is to go out and talk to them.

**Mr T.R. Buswell:** Do you think they care about the name of the organisation?

**Mr J.C. KOBELKE:** I am suggesting that there would be some value in consulting with people.

I move on. The next part of the bill is the establishment of advisory committees, which is in keeping with the comment I was just making. The comment I want to make on advisory committees is that there has to be a real commitment from the top to respect them and take them seriously. The bill as I read it makes that a requirement. It gives real strength to that structure of advisory committees for our volunteer services.

**Mr T.R. Buswell:** Member, can I give you some advice on that? We took a draft copy of the bill to the volunteer groups, and we made a number of changes in the area you are talking about reflective of what they wanted, because we have a commitment—both sides of Parliament have a commitment—to the volunteers. So I think we have probably ticked that box, or I hope we have.

**Mr J.C. KOBELKE:** Minister, I am not taking issue with the structures that are contained in this amending bill. I accept what the minister is saying—that he has consulted and he has taken on board their comments. I was not involved in that. I am accepting what the minister has told the house. On the surface, to me that looks okay. But that is not the point I was making. The point I was making is that from time to time, different ministers will be responsible for this portfolio.

**Mr T.R. Buswell:** No!

**Mr J.C. KOBELKE:** The minister will be Premier soon! He cannot keep this portfolio as well when he steps into the Premier’s shoes! So, come on! The minister will not be the minister for too much longer. The minister is hoping to take over as Premier, but I do not think he will do it before the next election, and it is not likely that he will do it after the election, either. But I know that is his goal. The point is that when we put legislation in place, we know that there will be a number of ministers who will have responsibility through that legislation for the delivery of these essential services. The point I wish to put on the record is that we hope that ministers will take seriously the need to consult through the advisory committees. The minister is saying that he will. I accept that. The minister is giving the undertaking. All I am saying is that there needs to be an ongoing commitment from whoever is the minister of the day that these advisory committees will be allowed to work and that they will not be there simply as part of the legislation. I say that because regardless of who is in government—it is not a Labor or a Liberal thing—some ministers will see this as a serious part of their job. They will see the advisory committees as a proper means of consultation with these very important voluntary services and as a way of being able to improve the functioning of the system by taking the advice that comes from these committees. That does not mean that the minister will have to agree with the advice of these committees all the time. But the minister will have to actively consult with these advisory committees and treat the whole process seriously.

**Mr T.R. Buswell:** Member, I respect what you are saying—I think you are 100 per cent right—but you would know as well as I do that I cannot legislate for the views of ministers who may come down the track. Ultimately, it does not matter what the portfolio is or what the structure is, it will be difficult, because they all have different approaches. People like you and I are very engaging and like to understand; some others are perhaps less so.

**Mr J.C. KOBELKE:** I accept the interjection from the minister. He seems to want to make another speech, but that is okay.

The next point I come to is the maintenance of fire hydrants, which was a recommendation of the Keelty report, which the government is enacting here. As the member for Girrawheen has pointed out, there are some apparent inconsistencies between amendments to the water legislation and this legislation, and we will need those clarified. But I want to make one single point here. The transfer of responsibility for looking after fire hydrants on the surface appears to be a simple administrative change; but so too did the establishment of the Building Commission, and now we have an absolute mess with that authority. We need a minister who is willing to iron out the details and ensure that there is a good working relationship between the new fire and emergency services and the Water Corporation and the other agencies that have responsibility for the maintenance of fire hydrants so that we will not end up with a whole lot of problems, as we have seen with the Building Commission. It is great to have the concept and to see that the reform is delivering better outcomes. But if the agencies are not working together, and if the relationship between the minister responsible for fire and emergency services and the minister responsible for the Water Corporation and the other water authorities is not driven at a high level, we cannot rely on just the fact that the administrative matters will be sorted out and we will not have hiccups. Of course in this area if we have hiccups—for example, if there is a major fire and a response is required, but the fire hydrants are not working, or there is a technical problem—it may mean that that very serious situation will become a lot worse. We are very hopeful that we have very professional agencies in this state and everything will be smoothed out and everything will work. But we had that expectation with the Building Commission too, and we now find that there is a major challenge to the residential construction industry in this state because administrative changes that were made with good intention were done very poorly. So we need to take a warning from the Building Commission experience and make sure that this change of responsibility for and ownership of fire hydrants takes place very smoothly.

I now go to some of the comments that the minister made in his second reading speech. I think we are all well aware that the fire in the Roleystone–Kelmscott area led to the Keelty review and his report titled “A Shared Responsibility: The report of the Perth Hills Bushfire February 2011 Review”. This legislation seeks to implement a range of recommendations of that report. But as members who have already spoken to this amending bill have said, we cannot forget the horrendous circumstances of that fire, with the loss of 71 homes and damage to a further 39 buildings in the Roleystone–Kelmscott area; the fires in Toodyay a year before that; the fires in the Peel region, in which more properties were lost; and, more recently, the fires in Margaret River and Nannup and the losses that occurred there. I think this really is a wake-up call for the government, and, hopefully, the government will take it seriously, because my personal perspective on that—it is open to debate—is that the propensity for serious fires and loss of buildings and loss of life is now at a much greater level due to climate change. This government of course wants to go cold on climate change. It is not politically very popular with this government. But it is a reality for fire and emergency services right across this nation. It is a reality for our insurance industry. Our insurance industry is rating it. There is now the possibility of more extreme events and more damage to properties from fire.

**Mr T.R. Buswell:** Surely we should be warming up with climate change, not going cold!

**Mr J.C. KOBELKE:** What is the minister’s problem?

**Mr T.R. Buswell:** I said surely if there’s climate change and global warming, we would be warming up, not going cold.

**Mr J.C. KOBELKE:** And the minister’s point?

**Mr T.R. Buswell:** You said we’re going cold on climate change. Surely we would be boiling with rage about climate change.

**Mr J.C. KOBELKE:** Smart answer, minister! I accept the minister’s interjection, but it reflects what I am saying—that this government simply wants to skim over the absolutely crucial issue that we now have greater risk factors because of climate change. I think that is where this government in many areas has simply dropped the ball. We now need a much higher level of preparedness. We need to put in place preventive programs to deal with the fact that climate change is a reality and is going to mean more extreme events.

As I have already indicated, right across Australia all the major agencies and governments, except this one, recognise that this is something that we need to prepare for, or the consequences will be even more dire. We see that, as I said, in the insurance industry. The insurance industry is looking to the fact that it expects more of these extreme events to occur. Therefore, we need to do something about it. We can take action at the preventive level or we can take action at the precautionary level. I think this government at least needs to take action at the precautionary level to deal with the potential consequences of these more extreme events. We are seeing no sign of that, and unfortunately I fear there will be more catastrophes, and we have already seen too many.

[Member’s time extended.]

**Mr J.C. KOBELKE:** The last thing I want to do is quote the paragraph from the minister's second reading speech relating to the fire and emergency services levy. He stated —

This government will ensure that the integrity of the emergency services levy is maintained by requiring the levy to be credited to the department's operating account, along with any other funds raised through the operation of the emergency services acts. Section 20(1) of the Financial Management Act 2006 allows the Treasurer to credit excess amounts of money in special-purpose accounts to the consolidated account. However, that provision will not apply to money held in the operating accounts of the department, ensuring that any funds not spent at the end of a financial year will remain for the use of the department for emergency service purposes.

I thank the minister for making such a clear statement. I am not a lawyer. I have read the relevant section—section 38. It seems to confirm what the minister is saying. The government played games with the road trauma trust account. It made this wonderful commitment that 100 per cent of the money raised from speeding fines and red-light cameras would go to road safety. It was expected that that would go through the Road Safety Council. Then we found that the government was simply playing with the money and using it for a range of other purposes.

**Mr T.R. Buswell:** Never. That's outrageous!

**Mr J.C. KOBELKE:** The minister knows that he is doing that. He is using that account as his plaything rather than dedicating it to road safety. We have an ironclad commitment and we will certainly be watching to make sure the government does not weasel out of that. I wanted to refer to some figures but I have lost the bit of paper with the figures on it.

This government really has been milking people through the emergency services levy. Since the emergency services levy was set by this government over three years ago, we have seen an increase of over 10 per cent a year. If we look at the forward estimates—seven years all told—that increase in the take from the emergency services levy will be 70 per cent, which is, again, roughly a 10 per cent increase every year. We can look at what the government has put in the total appropriations to provide for delivery of services in the budget papers under the current Fire and Emergency Services Authority of Western Australia. If we look at the 2008–09 budget, which was the last budget from the Labor government, through to the 2011–12 budget—that is, over those three years—we see that the actual government contribution has been down 16 per cent. The government has had all this extra money from the emergency services levy but the money going from the consolidated fund to provide for those essential services through the fire and emergency services levy fell 16 per cent. If we take the four years, which is from 2008–09 to 2012–13, we find that it is up 31 per cent, which is below the increase of about 40 per cent, which is in fire and emergency services. I am looking at two different streams: one is the fire and emergency services levy; the other is the contribution by this government from the consolidated fund. The government is taking more money from ordinary householders through increases to the fire and emergency services levy than it is willing to put in to fund these vital services. When we go across to seven years, which is going into the forward estimates, we can see that it is not just something the government did for a bit of catch up or for two or three years; it is planning through the out years to continue to increase the burden on ordinary householders through the emergency services levy well above the inflation rate. One can assume it will continue to do the same thing; it will not maintain the increase from the consolidated fund, seeking a bigger percentage of the funding for fire and emergency services to come from the emergency services levy.

The figures are there. The minister likes to yell and shout and make a lot of noise. He is very clever with his smart answers but the facts are in the budget. We have a guarantee that the money will not be hived off to other things. That is good. We also need to ensure that this government does not continue to milk ordinary householders and cause them pain and suffering through these large increases in the emergency services levy.

**Mr M.J. COWPER (Murray–Wellington — Parliamentary Secretary)** [7.45 pm]: I shall not take too much of the house's time. It is important to commend the Minister for Emergency Services for grasping hold of the issues during his short time as minister and bringing forward some legislation, which I believe is long overdue. I wish to speak about some of the challenges that face emergency services in the future. Before I do so, I want to put on record some of the issues that have occurred over a number of years. In 2006 I was a member of the Community Development and Justice Standing Committee, along with the member for Joondalup. We looked at this very issue and we came up with a very good report. It made a number of recommendations. The interesting thing about that is that a number of those recommendations were the same recommendations that were made in the Keelty report on the Kelmscott fires. I read that report and I met Mr Keelty when he was here. I thought that his report was serviceable. It commented on work that had been done by our committee some years before that appears to have been overlooked by a sequence of governments and a number of ministers, including the member who spoke a few minutes ago. The member for Balcatta spoke about some issues that were documented quite well in that report; namely, the fire hydrants, the ambulance service and a number of other issues. It is a little incredible that the member talked about relationships with the Water Corporation and the Fire and

Emergency Services Authority when he did not wish to challenge this particularly challenging situation that has occurred. Simply, we went into the last election with a policy document by the Liberal government that recommended restructuring FESA.

I am very pleased to see that the Minister for Emergency Services has the building blocks in place for some other changes to the legislation as we go forward. I believe that this piece of legislation is fundamentally important if we are going to refocus and mould a better workable situation instead of having a raft of different bills that impact upon emergency services in Western Australia. We need to put a fence around them and bring them into the one family and make them workable and clear and understood by all people who are affected. The reason we need to do that is that the 30 000 volunteers out there are the most important people that we need to consider when we are drafting such legislation. The career firefighters are also very important but we need to consider those people who are at the coalface when emergencies occur first and foremost.

Some of the challenges in the Department of Environment and Conservation have been highlighted and documented. We know that some dysfunction has occurred between FESA and the Department of Environment and Conservation for a number of years. It has been harking back over 10 years and, unfortunately, a sequence of events that occurred in Roleystone and then later in Manjimup have come into question. Whenever a critical incident occurs in Western Australia, there is always some form of review and examination of how things went and how business was conducted. That is a fit and proper thing to do. One of the things that has emerged in recent times is the way the media have portrayed some of our volunteers and career firefighters. I was very annoyed and upset about that. It is something that I have discussed with a lot of the volunteers in my electorate. We had a situation in which volunteers were being attacked in the paper before they had an opportunity to even put forward their case. That is something that people in the media need to be aware of. When they start attacking members or volunteers or people who are acting in good faith, they may well be causing a number of other volunteers to reconsider their positions as volunteers, given the potential for litigation and other things that might drive them away from volunteering. I imagine that volunteering is in decline because of all these various challenges. People are not particularly associated with their communities anymore because of fly in, fly out situations. I am trying to say that the environment is changing.

I hope that the minister, whoever the minister will be in the future, will be able to build on this new legislation and put together a suite of bills that will hold the community in good stead. That will have its own challenges.

The former minister, the member for Balcatta, made the point that we need to be inclusive. That is a key and fundamental point when we start to deal with volunteers in particular. I know that our volunteer base has a great amount of experience. A number of people who work in the rural environment, farmers and the like, are very versed at being able to chase down fast-moving fires in grasslands and farmlands. Those firefighters, predominantly in the Department of Environment and Conservation, formerly the Department of Forests, are very versed at chasing down fires in forests. I saw that firsthand during the Dwellingup fires when courageous, if not crazy, members of the fire-chasing crews went into forests in front-end loaders with CO<sub>2</sub>-charged cabins. They have these big CO<sub>2</sub> canisters on the back of their loads, and as they go charging into the fires, if they get themselves into a sticky situation, they can hit a button and a jet of CO<sub>2</sub> is released to cool them down so that they do not get burnt or perish. They were using that on an almost regular basis. I recall a couple of evenings when we were chasing down fires in the Coolup valley and the crews used those canisters.

The community is really brought together in times of need. I have seen that firsthand on a number of occasions right across Western Australia in my former career, whether before and after cyclones in the Kimberley; during my time in Volunteer Marine Rescue Western Australia when we rescued a number of people off the Pilbara coast; in cyclones and flooding in the Pilbara; in bushfires in the south west; or at critical incidents when volunteers have come out to major crashes and fatal accidents and done a marvellous job. Small communities rally together and make a difference. That is something we cannot put on the bottom right-hand corner of a spreadsheet. I know that from time to time we get in here and start arguing about the cost of providing such services, but at the end of the day, I would hate to realistically put a figure on what it would cost to pay someone to do the job that our volunteers do, because I do not think that the state could afford it given the fantastic work that they do.

One positive thing that has come out in recent years is the emergency services levy. There has been some debate in the chamber this evening about the percentage of money coming out of the recurrent costs or out of the consolidated account which is gathered by the emergency services levy. I saw that start way back in 2006 when I first came to this place. The contribution to the Fire and Emergency Services levy was about 20 per cent or 30 per cent and to the consolidated account was about 70 per cent. Over a period of about six years it seems to have gone in the opposite direction. Having said that, a lot more money is going into our emergency services portfolios these days—and rightly so.

Two things always come out of an inquiry into a critical incident; one is that communications is an issue and the other is a need for better training. One thing that concerns me is that we really do not have a stand-alone training

facility here in Western Australia. That is something we could turn our minds to once this legislation is bedded down and we have a structure within which we can operate. We should look at developing a place in Western Australia that could become the benchmark for all volunteer and career firefighter training across Western Australia. It would also be an opportunity to make money. I know that mining companies in Western Australia spend \$197 million a year on training their staff on mine sites up to FESA level, as it were. The problem is that when those people leave their employment—let us say for argument's sake from BHP Billiton or Fortescue Metals Group or Alcoa—and transfer from one business to another, their qualifications are not always recognised. A lot of those companies have an issue with corporate knowledge and information; they would like to keep it within their own organisations and perhaps do not wish to recognise the training of those people coming from other parts of the economy.

We could look at a model that exists in England. A place called Morton-in-Marsh in England is probably regarded as the benchmark for emergency services training in the world. It is an old Air Force base in Gloucestershire; they train firefighters from right across England, Europe, America and as far away as Hong Kong and Australia. If we were to have some state-of-the-art training facilities here in Western Australia with a view to training our volunteer and career firefighters and marine rescue people, we could also provide a service to not only the mining industry in Western Australia and Australia generally, but also the emerging countries of South-East Asia and the Pacific. I think that India in particular, Hong Kong, Japan and other such places could be potential customers, if we like, of a world-class facility. It could include things such as helicopter training for those people working in offshore marine services off the north west coast in particular.

Having said that, this legislation is a great basis from which we can work. I look forward to this legislation going through this place later this evening, hopefully, and in the not-too-distant future some bricks being put on the basis of this legislation. We can go from strength to strength and Western Australians can become the go-to people in this part of the world for emergency services.

**MR A.J. SIMPSON (Darling Range)** [7.58 pm]: I want to add a small bit to this debate on the Fire and Emergency Services Legislation Amendment Bill 2012. My electorate of Darling Range has a strong volunteer fire brigade base in its community. I served on the shire council of Serpentine–Jarrahdale from 2001 to 2005. I was there when the implication of an emergency services levy came in. Prior to that, we levelled our rates at \$60 a rate notice to fund our fire brigade. When the ESL came in, from a council perspective, it was great to see it taken over and run as a state government issue.

It is good to see that the act recognises volunteers; that is really important. A number of members have touched on—I am not sure how many volunteers there are —

**Mr T.R. Buswell:** There are 32 250.

**Mr A.J. SIMPSON:** There are about 32 000 volunteers. Members have spoken about the great work that they do in our community. That was very much demonstrated with the fire in Kelmscott in 2011.

One of the issues I want to raise today is the incident that unfolded with one of my volunteers in Keysbrook, Pam Story, and the efforts that she went to. The thing that always amazed me through that process is that the act quite clearly states that if a volunteer firefighter is injured in the course of their duties, they will receive a monetary allowance equivalent to what they were on or a level 4 Department of Environment and Conservation officer, whichever is greatest. Pam went through that process with her lawyers to get that money. To this day I am still not quite sure how a judge can interpret that act to say that it is not insurance but compensation for what she should have had. She had a job at the time. She got approval for the job to be recognised. She was working three days a week as a graphic designer. The court said she could have \$500 a week and not \$1 000 a week, which was the DEC offer. It was such an issue that to this day I am still a bit unsure of it. I hope we can work through it as we get closer to getting the issue resolved, because protection for volunteers is one of the main things we have to be sure of. I thought that act did that, so it is something for me to keep chasing up. The other thing that was always frustrating was that when we came to the table we got Pam an ex gratia payment from the government, but, unfortunately, for an ex gratia payment, hardship has to be proved, and it took us a while to get through that process. I must admit that that was not a nice journey. But Pam is in a better place now; she now works doing graphic design for a printer and it is good for her to get out and do her work again. It is still good for her to call in and to see her from time to time, and she is in great spirits.

I just want to touch on a couple of other things. As I said, Serpentine–Jarrahdale shire had five volunteer fire brigades. We struggled to fund those processes from a small council of 4 500 ratepayers and we try to make sure we have the right resources. When the emergency services levy kicked in, it was fantastic to have that process. I want to read in some amazing figures that have occurred since the ESL came in to the Shire of Serpentine–Jarrahdale. We have contributed \$3.4 million in ESL levies, and over the same period the shire has received operating grants of \$3.1 million and capital of \$3.25 million, which consists of one new building, one bay shed, one upgrade, 12 vehicles and two new bulk water tankers and state emergency services capital of \$100 000 for three vehicles. That is a total of \$6.4 million for our shire, even though we paid in only \$3.4 million. That shows

that the ESL is working well. All the vehicle maintenance and replacement of equipment is part of that process. The Serpentine–Jarrahdale shire is a rural council —

**Mr T.R. Buswell:** It is different; it is an urban–peri-urban mix.

**Mr A.J. SIMPSON:** Correct; that is the process. As we roll out the urban cell of Byford, it now very much rolls into a suburb of Perth and not the country town it was eight years ago. The 1 000 people a year rolling in for the last six or seven years have made an impact to the point that the red trucks will start to roll out soon to structural fires. The Byford brigade is still working on that process with the bushfires, and volunteers still work in that, but there is a commitment for us to ensure we give our community the best protection we can from this process. I just wanted to add my bit to that process to say it is great to see that we are taking on a lot of those recommendations. Also, in the last couple of weeks we passed the water legislation, which takes away the issue of the water mains being a maintenance problem for the shire. That has now been transferred back to water licensing and I think that is important as well. That cost for infrastructure that did not belong to it was never fair to local government. I think we have come a long way since the reports and I think the next stage of that now going to an agency will certainly give us better protection for our community. I just wanted to add that.

**MS J.M. FREEMAN (Nollamara)** [8.03 pm]: I rise to speak on the Fire and Emergency Services Legislation Amendment Bill 2012. As I understand this bill, I see its two primary roles as establishing a department and having an operational commissioner. I was just speaking to my colleague the member for Girrawheen and I find it interesting that in a contemporary community we tend to move away from departments to statutory authorities and not the other way around. It certainly shows that there was an issue with the statutory authority for the government for there to be a move back to a department with a greater role for the minister. That is quite a serious and onerous responsibility on the minister that may not previously have been there with the statutory authority. I recognise that, given what occurred in the bushfires in Roleystone and Kelmscott, it was seen by the community as being a government and a ministerial responsibility. Therefore, it is probably quite appropriate that it comes back under government control, because the community sees these sorts of essential roles, services and aspects of what we deliver out into the community as things essentially delivered by government. It is therefore quite appropriate, given what occurred, and given that the statutory authority was under the governance of a board, with the board directing the strategic capacity of an organisation—a process of governance removed from government—to clearly bring that all back into a department. That says very clearly to the community, “Yes, we take this essential service as one we deliver into the community and basically the buck stops with us as government in how things operate.” I think that is very important and that is what is expected in our community in a variety of areas and operations. Of course, it would be no surprise to members of this house for me to say that I believe that it is also the case for other essential services such as hospitals, which should be delivered directly by government. But I do not want to digress.

I want to go on to talk about the personal circumstances of the people in Koondoola who recently had a fire. Were it not for the good work of the fire and emergency services and the police, those residents may have been placed in as great peril as those who were involved in the Roleystone–Kelmscott fires. The Koondoola bushland is a very valued community asset. It is a very large area. Koondoola is actually a very small suburb, because most of it is taken up by this very large bushland. Animals that live in that particular bushland are unique. They include the rainbow bee-eater, the blue wren, the western jewel butterfly, the nagarus butterfly and the graceful sun moth, which I have seen is not that graceful.

**Mr T.R. Buswell** interjected.

**Ms J.M. FREEMAN:** Yes; the graceful sun moth! There are bandicoots, the black-gloved wallaby and native quails. In terms of flora and fauna, it is quite an important and significant area. It is also quite a significant cultural area; it has significant cultural links to the Aboriginal people who live around the area. They tell quite extensive stories about camping all along that area from Koondoola to Mirrabooka.

There was a Koondoola bushfire debrief. The member for Armadale is back in the house and the member for Darling Range has left the house. One of the issues we face as members of Parliament is that there is a real sense of anguish that something is occurring in our local community and there is information we want. There is also a sense of frustration that there is really nothing we can do to participate and assist. Subsequent to the bushfire, I went doorknocking around the area of the bushfire in order to talk to the residents, just to get feedback. There was a debrief by fire and emergency services and I thank them for that. They clearly need to be commended for their good actions on the day. What was odd about the debrief was that although the fire happened in Koondoola, the debrief happened in Alexander Heights. I can understand that a bit, because there is Beach Road and just across from it is Alexander Heights, and some of the land that was left unburnt will put Alexander Heights at risk if there is a fire. But what was really odd about the debrief was that it was right at the other end of Alexander Heights quite substantially away from where the major bushfire had been. I said to the council that it was very odd and asked why we were having the debrief in Alexander Heights. The council told me that it was because of the Fire and Emergency Services Authority. I said to FESA that it was very odd and asked why we were having

the debrief in Alexander Heights given the fire had happened in Koondoola and I was told that it was because of the city. The only way I found out about the debrief was because it was in the local paper. No advice was given to me as the local member representing the community. No advice was sought from me about the best place to hold the debrief. Koondoola has a community centre that would have been just as good, if not better, for the debrief. When I was doorknocking, that was one of the issues that came up. I asked people whether they had heard about the debrief and was told that they had but that it was too far to go to or that they had only got a few days' notice. That is a bit of a concern for me. I just wanted to make the minister aware, now it is a department, that he needs to be fully apprised of these things.

At the bushfire debrief, FESA said it had a nine-minute response time. However, one of the concerns raised by people when I was doorknocking was that they felt there was not a quick enough response. I have explained to people that when FESA members first entered the bushland to fight the fire, they entered from Alexander Drive and subsequently shifted to the other side of the park, just near the Koondoola Primary School. At that point they had a visible presence. Again, as a point in the debriefing exercise, because I doorknocked the area subsequent to the debrief, people were saying that the response was not quick enough. Part of the response is that visible response that people need.

There were multiple ignition points. It looked like it started in the middle of the bushland. Whilst those multiple ignition points could have been started by embers, it appeared that the ignition was from arsonists. That is obviously very distressing to the community. Despite trying to find out, I have not heard anything back from the Minister for Police on whether there has been any more information and whether anyone has been charged. This fire put people's houses and, potentially, their lives at risk. It is somewhat concerning that there does not seem to be a feedback loop for someone like me who is actively trying to represent people in the community and who goes to community functions in the area of Koondoola. I was unable to find out that information, so I was unable to give it back to the community. It is really disheartening that that occurred despite my requests to the Minister for Police. Fortunately, they did not lose any assets but they were at significant risk of that. In the middle of the Koondoola bushlands is a large water reservoir and the tower, and there was some issue about the Water Corporation not clearing the land well enough and that there were significant issues in how that contributed to a quite ferocious fire.

Some of the most interesting things I found from doorknocking was that most of the people I spoke to felt that it had been dealt with really well. They all loved watching the helicopters come over and dump water—the big one, whatever it was called; it has some special name.

**Mr T.R. Buswell:** Margie!

**Ms J.M. FREEMAN:** I have looked it up but I cannot remember at this time.

**Mr T.R. Buswell:** The Eriksson air crane with 9 500 litres per drop; it goes up in 18 seconds.

**Ms J.M. FREEMAN:** I can see that the Minister for Police is completely uninterested in what I am saying, but what is important is that I went out to talk to the people of Koondoola. One of the things the minister may want to know is that they thought they would receive a call if they needed to leave. They all thought they would get a phone call, so it was quite fascinating for me to say to them that the expectation is that they will listen to the radio and make contact themselves. I did notice at the debrief that there was a real reluctance on FESA's part, evident to the people who attended—only a few people attended unfortunately—to promote the mobile telephone number texting service. I raised it a number of times. It is very difficult to find it in the information leaflet. At one stage, they were saying that is not the best service to use and it would be best to listen to local radio. I thought that was quite fascinating, because I would have thought that would be quite important for people. I suppose that the reason these things are important for me is that there is substantial bushland in the areas I represent—Mirrabooka bushland, Dianella bushland, the Errina Road–Alexander Heights bushland; so there is quite a bit of bushland that is at risk, and a lot of people live close by so that a lot of housing is at risk. Also a recent tornado went into my area, and the minister might be interested to know that I walked out of my office and looked across, and I said, "God! that looks like a tornado!" as I saw this huge thing on the horizon. I went to get my lunch, came back and thought it looked amazing, and then I heard that it had ripped through parts of Dianella and Morley, including a Uniting Church that I regularly visit. So it was quite an issue for many people in the area.

One of the other things that happened on the day was that we got a phone call from a very stressed aged person who had been listening to the radio and taking the warnings as "pack up and leave", but they did not have capacity to leave of their own accord. They actually were not in the particular streets that were identified, but they rang our office and wanted basically to go somewhere else because they were reasonably stressed. Obviously we calmed them down and said that it is not in their area and that they did not have to worry, but we had taken note and if there was a potential threat we would contact them on how they would be moved. We could not find that out on the day. It was really fascinating for me and my staff to find out when we rang the City of Wanneroo, which told us to ring FESA, but when we rang FESA, because it was outside the area, we were

told we needed to ring the City of Wanneroo. I raised this at the debrief and the city said that in that case if the person was in danger, then it would be FESA's responsibility to shift them. However, given they were not in any of the streets that were in danger, they were in a situation that unless we could organise a volunteer to go and get them, there was no-one to shift this particularly stressed person. That is a coordination issue. Obviously an operational commissioner who has been on the ground would know that a lot of different factors come into play. But one of the those factors is that in urban areas there may be people who need some assurance and some capacity to move out of the area because it has a negative impact on their health. There needs to be some effective way of doing that. As the local member of Parliament in the area, I had no contact or guidance to give to people who were calling us for advice, other than the advice on the radio, which is what everyone was getting. It seems to me that the government and the department need to understand that we are part of the resources that can be used and that people will be contacting us. It would be really important if the department was able to give us that guidance and to clarify what we would do for a person who is so stressed. I thanked the minister on the day because he sent me a copy of an email he had received. It was interesting that that email said that Waddington Primary School had been closed when it had not; the children were simply kept inside. Again, there was a lot of misinformation and obviously the most important thing in a serious fire situation is to calm people, and the easiest way to do that is to give them as much information as possible. I would have thought that one of the tools in that process would be to make sure the local member of Parliament had that information.

The Koondoola bushfire taught me many lessons about representing my community and being able to give them good guidance.

[Member's time extended.]

**Ms J.M. FREEMAN:** I will take the opportunity to talk to other community members who live around those other bushlands that I have outlined previously, because it is important for people to be made aware that bushfires are not just contained to country areas. They are a very real and imminent threat in our suburbs. The Koondoola bushfire was a perfect example of this. In the bushfire in Koondoola, 70 hectares were lost; 70 hectares of bush were burnt. There are 130 to 140 hectares of bush in Koondoola, so half the bushland was burnt. From all accounts and from looking at the pictures, it went up, to use that classic line, like tinder.

In regard to this legislation and the State Emergency Service and its volunteers, I would like to recognise the Stirling State Emergency Service unit and the good work that it does.

**Ms M.M. Quirk:** They have concerns for a new premises.

**Ms J.M. FREEMAN:** I was about to take the opportunity to raise that. I thank the member for Girrawheen very much.

The Stirling State Emergency Service unit is currently housed at Des Penman Reserve in Nollamara. It is in an old softball venue, I think it is. No-one can use the bottom of it because it is full of—I am sorry if the minister thinks I am filibustering —

**Mr T.R. Buswell:** I think you're wasting our time, but carry on.

**Ms J.M. FREEMAN:** I thought that when I went through, I —

**Mr T.R. Buswell:** I've told you that I think you're wasting our time, but carry on.

**Ms J.M. FREEMAN:** I thought I gave the minister some very important aspects of what happens during a bushfire. I am very distressed that the minister thinks I am wasting his time.

**Mr T.R. Buswell:** It has taken you 20 minutes to tell us this, but carry on. It's typical form, but carry on. I'm sure you play this back to help you sleep at night. The rest of us do. You're like a human version of a tsetse fly —

**The ACTING SPEAKER (Ms A.R. Mitchell):** Thank you, minister.

**Mr T.R. Buswell:** — zooming around looking for someone to put to sleep.

**The ACTING SPEAKER:** Minister!

*Point of Order*

**Mr R.H. COOK:** I am not sure bullying is referred to in the standing orders, but, really, I think the member should be heard in silence. She has issues of concern to her in her electorate, and she should be allowed to speak about them.

**The ACTING SPEAKER (Ms A.R. Mitchell):** Thank you, member for Kwinana. I have asked the minister to quieten down.

*Debate Resumed*

**The ACTING SPEAKER:** Thank you, member for Nollamara.

**Ms J.M. FREEMAN:** I cannot go on. Thank you.

**MR M.P. WHITELY (Bassendean)** [8.22 pm]: I want to make just a brief contribution about the Fire and Emergency Services Legislation Amendment Bill on behalf of the two electorates I have represented: firstly, Roleystone; and, secondly, Bassendean. I want to speak about those people who suffered loss in the Roleystone–Kelmscott fires. I simply say that the package that has been offered to the people who suffered from the Toodyay and Margaret River fires was given by the government on the pretext that it was not anything to do with compensation and that it should not be treated as compensation. Given that pretext, I cannot see why the people of Roleystone and Kelmscott are being treated any differently. I think they certainly should be treated exactly the same, or perhaps the government needs to be honest. If it sees a difference, it should spell out the difference and say, “Look, there is an element of compensation in the Toodyay and Margaret River fires.” On behalf of those people whom I used to represent in Roleystone, I say that the government should do the right thing by them. It should either tell them the truth—tell them that it believes their circumstances are different—or give them the same entitlement that those people who suffered tremendous loss in Toodyay and Margaret River got.

The other comment that I want to make briefly is about an issue that I raised with the minister recently when I wrote a letter to him about the future of the Bassendean Volunteer Fire and Rescue Service. I do not think the letter was signed by the minister; I think it might have been signed by the minister’s chief of staff, from memory, so perhaps it did not go across the minister’s desk. However, the minister really needs to understand the nature of the Bassendean volunteer service. Currently it is co-located with the full-time service, which is going to be moved to Kiara, and no-one has a problem with that. However, the issue of the future of the Bassendean volunteers remains. The Bassendean volunteer service has been operating for over 100 years. It has between—I do not have the numbers in front of me—40 and 60 active volunteers. They see regular active service. It is an award-winning brigade in all the competitions that are held around the place, but that is secondary to the fact that these people see active service and provide a useful service. The letter that I wrote to the minister raised the issue of the future of the service and plans that have been in the ether about the possibility of the service being moved to and co-located in Forrestfield and called the Bassendean volunteer service. It simply will not work, minister. Let me say that the people who are a part of that service are part of that service because they are very much Bassendean locals. Bassendean is a unique part of the Perth metropolitan area. People who live in Bassendean—it is a bit like when I used to live in and represent Roleystone—regard themselves as being in a country town within the city. If the minister moves them out of the heart of Bassendean and away from that area, he will simply lose those volunteers. It is not transferable. The sort of token effort that was implied in the reply of the minister’s chief of staff, whereby they could have some sort of ongoing connection with the name remaining the same or something like that, simply will not work. If the minister wants this service provided by volunteers to continue into the future, as it has done for over the last 100 years—I had the pleasure of attending their 100-year celebration a couple of years ago with, I think, Captain Mike Smith—he needs to keep the service in Bassendean. They would prefer to stay at the Bassendean Fire Station, which is in Parker Street. They are currently co-located with the full-timers. I do not know why they cannot stay in that location, given that they already have a perfectly adequate facility for their purposes. As I said, I wrote to the minister. I do not think the letter went across the minister’s desk. I think it is a reflection of the incredibly heavy workload that the minister has because of the capabilities of some of the other people who have been members of the ministry. I do not think the letter went across the minister’s desk, so I do not think he is necessarily —

**Mr T.R. Buswell:** I am familiar with the issue.

**Mr M.P. WHITELY:** Okay. But those people need to stay there, because if the minister moves them and makes some tokenistic effort to call it the Bassendean fire service, it simply will not work.

They also put to me the argument that many of them work, but they all live, within very close proximity to that station. The time that it would take for them to collect at Forrestfield, or wherever the minister chooses to relocate the service, would make the service not a very rapid response service. It is a very valuable service. They do real work, they fight real fires and they save real lives. If the minister wants to protect that service, he will have to make the effort to leave it in Bassendean. I am glad I have had the opportunity to have the minister hear that from me directly this evening.

**Mr T.R. Buswell:** Can I say, member for Bassendean, that having driven the Bassendean senior citizens in my bus from Old Perth Road, under the kind tutelage of a lady called Mimi Pule —

**Mr M.P. WHITELY:** I know Mimi well, yes.

**Mr T.R. Buswell:** I think her husband, Gerry, is now on the council or some such thing.

**Mr M.P. WHITELY:** He is the deputy mayor.

**Mr T.R. Buswell:** I understand very well the attachment of those local people to that area.

**Mr M.P. WHITELY:** I think the minister might have some sense of the community that exists there. It is a unique little country town —

**Mr T.R. Buswell:** It was 50 Old Perth Road that they were at.

**Mr M.P. WHITELY:** Yes. My office is at 6 Old Perth Road, so I am very well familiar with the area, and I am glad that the minister has some understanding of the nature of Bassendean, because he will understand the special nature of the Bassendean volunteer service and the fact that it needs to be protected.

**Mr T.G. STEPHENS (Pilbara)** [8.27 pm]: I will be brief. The opposition makes four points in this debate. It is basically describing to the government that it wishes to support the Fire and Emergency Services Legislation Amendment Bill 2012. It is also saying to the government that its woeful record in the area of bushfire management and the treatment of victims should be highlighted, and there should be a response; that the bill should be clarified, with the minister putting on record his response to the issues raised; and that the inconsistencies in reference to the Water Services Bill should be clarified. In the process of making those points, my colleague the member for Nollamara was basically bullied by the Minister for Emergency Services. It was basically in that process that the Minister for Emergency Services attempted to humiliate her and to sit her down.

**Mr T.R. Buswell:** I did not.

**Mr T.G. STEPHENS:** Yes, he did, and he should start to lift his game. He should not come into this place and try to bully women because they are in this place. He should show some respect to the female members of this place, even if he cannot show some respect for people opposite.

**The ACTING SPEAKER:** Member for Pilbara, would you take a seat.

**Mr T.G. STEPHENS:** Yes, Madam Acting Speaker; I will for a moment, yes.

**The ACTING SPEAKER:** Thank you very much. Member for Pilbara, I ask that your speech pertain to the second reading debate on this bill and not to other behaviour that might have occurred in the chamber.

**Mr T.G. STEPHENS:** In making those four points, my colleague was harassed and harangued by the minister. It was unnecessary. Those points still stand. Opposition members have an expectation that when our colleagues rise and make legitimate points, they will be listened to with respect and consideration and that the minister handling the bill will respond to those points. There is no place in this chamber for members to bully other members.

**The ACTING SPEAKER:** Member for Pilbara, I have asked you to make your speech about the bill.

**Mr T.G. STEPHENS:** And I am going to.

**The ACTING SPEAKER:** I would ask you to make that speech now.

**Mr T.G. STEPHENS:** There is, fortunately, the opportunity for members to speak in this place. The role of the Chair is to champion that cause for members to speak. I came into the house to speak because I watched an incident in which the member's role was not so vigorously championed in this place. I have been here long enough to know that debates like this are opportunities for members to put their points of view. The role of the Chair is to allow us to put our points of view. Four points are being made by the opposition, which I have just iterated and were being iterated —

**Mr R.F. Johnson:** He is going to apologise.

**Mr T.G. STEPHENS:** I am pleased to hear from the Minister for Emergency Services.

**Mr R.F. Johnson:** I am not the Minister for Emergency Services.

**Mr T.G. STEPHENS:** Well, whatever you are these days.

**Mr R.F. Johnson:** I am the Leader of the House, Minister for Police —

**Mr T.G. STEPHENS:** The former Minister for Emergency Services—the failed Minister for Emergency Services!

**Mr R.F. Johnson:** No; there were no deaths on my watch.

**Mr T.G. STEPHENS:** The removed Minister for Emergency Services! I am very pleased to hear —

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

**Mr R.F. Johnson:** And don't you start, either.

**The ACTING SPEAKER:** Thank you, members. I am hoping that the member for Pilbara is actually going to talk about this bill.

**Mr T.G. STEPHENS:** I will be delighted if behind the Chair right now there is an apology being offered to my colleague.

**Mr R.F. Johnson:** Why don't you just have a bit of faith in other people? He's doing something now.

**Mr J.J.M. Bowler:** What—just because she's a woman? Lighten up! If it were a man, no-one would care!

**Dr A.D. Buti:** The number of times the Premier goes on about the bullying of women!

Several members interjected.

**The ACTING SPEAKER:** Members! Member for Pilbara, I have asked you to speak to the bill as you see it and to raise what you wish to raise, and to not raise matters that have previously occurred in this house. I believe that is being resolved at this point. In the meantime, I ask you to speak about what is in the bill and to say what you wish to say. I ask other members to not become involved in personal discussions across the chamber.

**Mr T.G. STEPHENS:** Madam Acting Speaker, I am pleased to hear your advice to me. I will follow your advice. I appreciate that it has come to the left of the chair. It is wise for such advice to be issued wisely across the chamber, both to the right and the left, when members are speaking and are being unnecessarily harassed. For me, there were simply four points being made by the opposition. They were well made by the member for Nollamara. I am pleased to think that some accommodation appears to have been struck by my colleagues. I, for one, do not accept that there is a role in this place for the bullying of members on this side of the house, even if the minister in charge of this bill is the heir apparent.

**The ACTING SPEAKER:** I give the call to the member for Kwinana.

**Mr J.J.M. Bowler:** She handled herself pretty well.

**Mr T.G. Stephens:** Shut up, Kalgoorlie!

**Mr J.J.M. Bowler:** She handled herself pretty well.

**The ACTING SPEAKER:** Member for Kalgoorlie!

**Mr J.J.M. Bowler:** If she was a man, you wouldn't be worried about it.

**Mr T.G. Stephens:** Listen, do you oppose bullying when it happens over there?

**The ACTING SPEAKER:** Members! Member for Kwinana, take a seat. Member for Pilbara, you just agreed that there should not be interjections across the chamber.

**Mr T.G. Stephens:** Well, he's the one who's interjecting!

**The ACTING SPEAKER:** Member for Kalgoorlie, I ask you to refrain. If you wish to discuss that later on, you can do it outside the chamber. I have given the call to the member for Kwinana. I now ask him to rise to his feet to speak on the second reading of the bill.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [8.34 pm]: I have the briefest of remarks to give about the Fire and Emergency Services Legislation Amendment Bill 2012. They will be briefer still, given that over the last few moments we have been able to rectify some of the concerns of members in this place about the way in which the chamber is being conducted. I thank members who were involved in that process.

I wanted to make a couple of points on behalf of the volunteer brigades within my electorate. They include, of course, the Mandogalup Volunteer Bush Fire Brigade, the equipment of which the member for Jandakot has some experience of. I think his expert driving involved a tree.

**Mr J.M. Francis:** It did get bogged—very bogged!

**Mr R.H. COOK:** It did. I think dents were involved!

The other brigades are the townies, or the Town of Kwinana brigade, which is officially called the Kwinana Volunteer Fire and Rescue Service, the Kwinana South Bush Fire Brigade based in Wellard, and the Baldvis Volunteer Bush Fire Brigade in the south of my electorate. I certainly do not have any personal experience of working with the volunteer brigades, unlike the member for Gosnells, formerly of the East Gidgegannup Volunteer Bush Fire Brigade, but I obviously work very closely with the members of each of the local brigades, not just because of their expertise or the perspectives they have on the work that they do, but also, obviously, because they are an invaluable resource for the community because of the work that they do. It is important to listen to what they have to say on a range of issues in which they might be involved.

The point of the legislation that I particularly want to focus on is that which involves the establishment of volunteer advisory committees across each of the services. These committees are particularly important because what seems to unite each of the brigades across my electorate is their desire to have their work valued and for the members to feel that the services they provide are valued. I am aware of the tensions that exist between the full-time firefighters and volunteer firefighters, particularly when their work intersects from time to time. It is important that we make sure that the volunteer services feel valued and that they feel they have the resources and equipment they need to carry out their work. Certainly in my area, such as with the fires in Baldvis and the recent fires in Parmelia around Challenger Avenue, it is the speed with which these volunteer brigades can mobilise that provides an important contribution to the full-time services. In areas such as Kwinana, some of the bushland is particularly dense and much of it is unknown to the full-time brigades; therefore, the volunteer services play an extra role in terms of augmenting the full-time services. The townies—I hope the chamber will

forgive me for not necessarily using the right language—are regarded as a brigade as opposed to a bush fire brigade, which means that from time to time they respond to structural fires, vehicle fires, vehicle accidents and so forth. The speed with which they respond to those emergencies and the equipment they use are both very important aspects of what we are debating today. Each of the brigades spoke to me about their desire to have better equipment that they consider to be comparable with that of the full-time brigades. I am not sure how practical it would be to roll out the same equipment, but there is certainly the sense that they do the same work, particularly on a job-by-job basis, and, therefore, they want the same equipment to carry out that work. What is really important is that there is a level of consultation or communication between the volunteers and the Fire and Emergency Services Authority, so that they have the capacity to communicate operational, policy and training issues and can feel engaged as part of the overall services for the area.

In Kwinana, we have the Hope Valley Fire Station, which, if any members are familiar with it, is a bizarre sight, because Hope Valley is almost non-existent now in terms of a built-up community. This fire station sits on top of the hill in glorious isolation from just about anything that would remotely represent a fire emergency, but it is located strategically in order to respond to troubles on the industrial strip.

We also have the East Rockingham Fire Station. The location of the Hope Valley Fire Station is such that often the crew that can respond the fastest is at the East Rockingham Fire Station, because of the intricacies of the roads and the difficulty in getting from the Hope Valley Fire Station into Kwinana. Therefore, the townies volunteer brigade play a very important role in making sure that the Hope Valley brigade can respond to emergencies within good time.

A good example of the frustration that is felt is that recently one of the brigades had to go out and use fundraising money to buy infrared imaging equipment as part of the equipment they use in fire response. My understanding is that this equipment is used by full-time brigades. The volunteer bush fire brigades feel that it is important that they also have that equipment so that they are not dependent upon the full-time brigades for that operational capacity. If they have the same equipment, they are in a better position to respond in the same or a better manner. Communication is obviously key. Having faith in the overall capacity and structure of the leadership is also an important aspect of that. The appointment of Wayne Gregson is universally regarded as being a good move. It is one that is consistent with the culture of the fire and emergency services.

I simply want to place on record my appreciation of the volunteer brigades in the Kwinana area and implore the government to look more closely at the equipment that these volunteer brigades work with to see where there are shortfalls in terms of that equipment and where we can improve their operational capacity by building up the equipment that they have available.

Many members have made contributions to this debate this evening that are much more informed than my passing understanding of the way in which volunteer services work. Certainly for communities in the outer suburbs of Perth that still have a large area of bushland to protect and which people love to live in, how we work with these volunteer brigades and how we facilitate communication between differing levels and differing areas of the fire and emergency services is extremely important. This legislation, through the advisory committee structure that is proposed in the second reading speech, will go some of the way to making sure that our volunteer brigades do feel valued in their service.

**MR C.J. TALLENTIRE (Gosnells)** [8.43 pm]: I, too, rise to support the Fire and Emergency Services Legislation Amendment Bill 2012. I particularly note the emphasis that is placed on the role of volunteer bush fire brigades. As has been mentioned by my colleagues, I have some practical experience with volunteer bush fire brigades. I was a member of the East Gidgegannup Volunteer Bush Fire Brigade for a number of years. From that experience, I can say how important it is that there is that connection between volunteer brigades and those who are professional firefighters. It is absolutely essential, because there is such a wealth of knowledge contained in those local brigades. In an area as diverse as Gidgegannup, it is critical that local people are involved in any firefighting undertaken in the area because of their in-depth local knowledge of the topography, the best ways to gain access to properties, who landlords are and who absentee landlords are, so that access can be gained and stock management can be undertaken and so that evacuations can be done of properties that may only occasionally be occupied—that sort of thing. The local knowledge provided by local brigades is absolutely critical to the overall firefighting plans that we have in Western Australia.

I realise that these volunteer advisory committees are being created. I hope that the breadth of responsibilities and issues considered by those volunteer advisory committees really takes into account the details of prescribed burning. So often we hear prescribed burning presented in a fairly negative light, and with some justification, as we saw late last year when fires got out of control. I think, though, that by accessing the local community knowledge that is in volunteer bush fire brigades and other community groups as well, we can ensure that there is a more intelligent use of prescribed burns, especially those undertaken by community organisations. Advice that should relate to the timing of those burns, the local knowledge on the weather conditions and the results that might come from wind changes—those sorts of things—are critical to the safe undertaking of burns.

There is also a very important issue around mosaic burning. I know that people in the science division of the Department of Environment and Conservation have done a lot of work on the importance of mosaic burning. It is a hope that we have got. It is the way forward. We want to preserve biodiversity assets and we also want to preserve human assets and the built infrastructure. We want to protect human settlements, and at the same time we want to ensure that we do not get into a situation in which we have to burn areas at a frequency that far exceeds what the natural frequency would be. That smaller-scale mosaic burning, which is perhaps what Aboriginal people did before European settlement, is the way forward, I believe, to ensure that we achieve those dual outcomes of having human settlement protected while at the same time not diminishing our biodiversity assets.

I want to talk a little further, though, about the hard work that goes into being in a volunteer bush fire brigade and acknowledge that where I now live in the Gosnells electorate, the volunteer bush fire brigade has a group of people who are dedicated to the task. What does that mean, though? It means that these people are on call throughout the fire season. There is a rotational roster, but invariably people find that their weekends are disrupted because the beeper goes off and they are called out to a fire. Often it is in the most frustrating of circumstances—for example, there is a fire in the Gngangara pine plantation because some idiot has stolen a car and lit it up on a 40-degree day. That is the sort of issue that people have to respond to when they are doing volunteer bush fire fighting. They are not always active in their local area. They are often called upon to travel to other parts of the metropolitan area to fight fires.

Their generosity needs to be emphasised. How do we reward that generosity? One way, as I have touched on, is by listening to what they have to say—respecting their advice and realising that it is valuable advice. Another way we can acknowledge their valuable contribution is by ensuring that they have the best possible equipment available. It is acknowledging that they put in an enormous amount of time not just in firefighting, but also in training themselves and making sure that all members of the brigade have gone through a very extensive training program so that when they are on the fire ground, they are able to operate the equipment efficiently and safely and not endanger others in the process.

Often they have access to equipment such as firefighting pumps, trucks and four-wheel drives and firefighting fast-attack vehicles that in untrained hands could be dangerous to operate. It is essential that they have gone through those extensive training programs—they recognise that—but it is an impost on their time. We are asking people to give up an enormous amount of time to get themselves trained to a standard so that they can be safe and efficient on the fire ground, and we have to acknowledge that. As I say, one of the best ways we can do that is by making sure they have good equipment to work with.

Finally, I emphasise the value that these local bush fire brigades provide when it comes to firefighting. I have mentioned the use of fast-attack vehicles. On at least three occasions that I can recall, I was able to put a call through to the local fire brigade by dialling the 000 number—that system worked well—to have put out a fire that was near my home. At the time it was only a small fire, but it quickly could have developed into a really large fire. Because the fast-attack vehicles are manned by crew who are nearby, they can be there in that crucial time frame of between 10 and 15 minutes. They can be there to attack the problem before the fire gets out of control. The incredible asset that we have with our volunteer firefighting service is that it can respond rapidly and be on site and get a fire out in no time. If we were to rely on a more centralised professional service, we would have bigger delays in between a fire being spotted and the attack firefighting equipment arriving on site. That delay could be the difference between putting out a small fire that can be done with, say, 500 litres of water, and the other end of the spectrum, when we very quickly could have a major fire to contend with. The great feature that we have with our volunteer firefighting service is that it is so responsive and able to get out quickly. But it has to be borne in mind that this is a service that is given to us mostly by volunteers, and they deserve the highest levels of recognition.

I think that longer term we do need to look at some means of not professionalising in terms of payment, but recognising the financial costs that people go through when they give up their weekends or have to lose time from their working day to fight fires. I am happy to support this bill, but I hope that these volunteer advisory committees will be used to ensure that we get the very best out of our volunteer bush fire service.

**MR P.T. MILES (Wanneroo)** [8.51 pm]: I rise to support the Fire and Emergency Services Legislation Amendment Bill 2012. I also want to acknowledge to the house the good volunteers of the Wanneroo brigade, which was formed 50 years ago this year, in 1962, and which has been doing an excellent job since that time. I also want to acknowledge the fact that I have two career fire stations in my electorate. One is Joondalup station, which is in Drovers Place, and which the minister has come to visit in a different capacity. The guys at that station have received their new pump, which is looking quite good and working quite well. The other station is Wangara station, and the government has provided in the budget this year \$2.3 million for some capital works and some upgrades and modifications to bring that station up to grade, which I think also is a great bonus and a plus that this government and this minister are delivering on behalf of the state, and I thank the minister for that on behalf of my electorate of Wanneroo.

The emergency services levy is an issue that is always contentious around my electorate, because it is an outer metropolitan seat. We have the urban areas and we also have the rural and semi-rural areas, which are obviously rated slightly differently, and at times the ratings can be testing for them, but we are always trying to see what we can do to help out in that way. I do think, however, that although the ESL sometimes has flaws in how it is rated, it has done a lot of good for the fire and emergency services.

**Ms M.M. Quirk:** Do you defend the quantum of the rises?

**Mr P.T. MILES:** Although the previous government put in the ESL—I think it was under the member for Midland, who was the minister at the time—the ESL has done a lot of good over that time.

**Ms M.M. Quirk:** Do you think the rise is warranted?

**Mr P.T. MILES:** The rises will always be contentious in some areas compared with other areas, but on the whole they are balanced and well thought through. I commend the bill to the house and congratulate the minister on his support for the fireys and volunteers in my electorate.

**MR J.M. FRANCIS (Jandakot) [8.55 pm]:** I will be brief. I want to commend the minister and the government on the Fire and Emergency Services Legislation Amendment Bill 2012. This is an issue that I have spoken about in this house a number of times, way before this state was hit with the numerous large bushfires that have occurred over the last couple of years. I raised my concern about the management of the Fire and Emergency Services Authority of Western Australia way before there were any issues. I raised my concern because I believed that a broom needed to be put through FESA. I believed, from my experience as a volunteer firefighter, that it was an organisation that was fairly top heavy, lacking in Indians and with a few too many chiefs. I do not want to offend anyone here, but there were some people who used FESA as a bit of a retirement village, and there were certainly some people making some decisions there who had not seen the front line of a fire for some time.

I remember very well the first time I saw a bushfire and was involved in fighting it. I was a sailor in the Navy based in Sydney, and in about 1992 a huge bushfire went through Frenchs Forest, and they sent a crew of us out to fight this fire. I was in a corner of Frenchs Forest—now in the federal member for Warringah's electorate, actually—and we were wearing our overalls, with not an awful lot of personal protective equipment, and we had a water tank strapped on our backs, and I laid on the ground at this intersection and watched this wall of fire go over the top of us. It was quite a daunting experience. I had never believed that fire could burn without being attached to anything. It was literally a fireball in the air as it went over the top of us, and the heat was quite incredible. Ever since then, I have always had a high regard for the people who basically put their lives on the line fighting fires. Obviously as time has moved on in all states, and especially in Western Australia, the professionalism and the training of people involved in fighting these fires has dramatically increased. I want to place on the record my observation about the proposed Office of Bushfire Risk Management, and the new chief executive officer of FESA, who I think is doing an outstanding job.

There is no such thing as a risk-free burn—there never will be. Every single burn carries some degree of risk, no matter how well-planned, well-managed and well-resourced it is. I ran up to my office earlier and grabbed some of the fire maps from the last big fire I was involved in, which was in Nannup. I got this because I think it is worth noting the member for Balcatta's comments about global warming. Some of the areas in Nannup that went up in flames had 21 years of undergrowth. They had not been burnt in 21 years. There were other sections that had not been burnt for 18 years. There were areas of bush there that had a lot of thick, dry undergrowth, not so much because of global warming or climate change, but because they had not been burnt for 21 years, and 21 years is a massive fuel load. What it says is that there is a need to do prescribed burns. But, as I said, there is no such thing as a risk-free burn. I think we should all acknowledge that every single time we make the decision to do a burn to protect property, it carries some risk.

I want to acknowledge the volunteers of the state. It is hard to put a figure on it, but I understand that the contribution that volunteers across the board make to the state's economy is between \$600 million and \$800 million. In other words, if the government had to pay people to do this work, it would add \$600 million to \$800 million in expenditure to the state budget. That is a phenomenal amount of work when we look at the thousands of hours that people have put in over the last couple of weekends just in Mandurah alone. The resources and equipment was sitting in stations all over the region and these people went out there once again and did the right thing by the community. They make an outstanding contribution to our safety and to protecting our lives and our property, and I do not think any of us here could underestimate the amount of effort and the dedication and commitment that they put into training and to turning up and putting in the hard hours when it is required. Western Australia has just under 2.6 million square kilometres of land. There is an awful lot of bush out there. Without the volunteers, we could not keep the community safe.

I congratulate the minister on an outstanding bill. We are definitely moving in the right direction. I have not had any bad feedback from members of the volunteer fire brigade in my electorate. I commend the bill to the house.

**MR M.P. MURRAY (Collie–Preston)** [9.01 pm]: I rise to talk briefly about the Fire and Emergency Services Legislation Amendment Bill 2012. As with any changes, there is always a settling-in period. As we move through that, some concerns will be expressed within the communities. Some of those problems have been mentioned by previous speakers. One of the first things I want to say about the changes that are happening is that although I think it is a positive move, all we are doing is balancing the books. When we look at what is happening in forest products, we see that we have lost up to 50 potential firefighters who could be on call immediately. If we move to another structure, it still does not give us the legs on the ground or the vehicles to go with those people. The reliance on contractors is huge. A lot of the gear that is being used in the north west that was previously available is not necessarily available as quickly as it was before. Even when we had the Carnarvon fires this year, when there was a crossover between the Department of Environment and Conservation and the Fire and Emergency Services Authority, graders were carted from all over the south west to try to get machinery up there. It occurred far too late to work on those Carnarvon fires. Although it was not necessarily just the responsibility of FESA in that case, it was about sorting out who was who in the zoo and getting people moving quickly to stop nearly one million acres of land from being burnt out. A massive area was burnt out in that part of the state.

When we look at the volunteer side of things, we realise that we can use them only for so long. When we have fires in the south west, I see these guys who have jobs to do; they have to work. They do not always get paid by their employer when they attend fires. Some employers are very good. Some of the bigger companies certainly pick up the bill for their wages and say that it is all part of community spirit. We often rely on a small number of people for too long. The storms that occurred last week were another example. As soon as the winds had passed, I knew there would be damage around town. I went for a drive and came across a young lady standing on the side of the road waving people down because electrical wires were on the road. Within minutes a guy came along dressed in an orange uniform—one of our local FESA guys. Between us we rustled up a few witch's hats and blocked the road off so the young lass could get out of the rain. She had been standing in the pouring rain trying to warn people about the wires on the ground. The first people there were the FESA guys. We rely on them. When we see the news on the television the next night, we see those orange uniforms everywhere, with workers putting tarps on roofs, pulling trees off roads and reassuring members of the community that the process is working and that people have concerns about them. We lean on these workers but how much should we lean on them? How much regulation and support do we give them?

I have noticed over time, as I am sure have some of those opposite who live in country areas, that people tend to balk a bit when the regulations become too tight or too hard around what the volunteers have to wear or machinery. I understand the reasoning for it. I am not arguing that point. We lose volunteers because they have to go through this course or that course or they have to wear certain clothes and cannot go on site unless they are appropriately attired. I really do understand the reasoning. We watched the number of volunteers dwindle. Some of the bushfire brigades in my area are really struggling because the older people have moved on—or passed on in some cases—and the young people are not picking up the baton to move in because they do not want to go through a course, but they are willing to help if need be. We have to be very careful with what we do with the new department and how we manage our volunteers along the way.

As has been mentioned, many thousands and millions of dollars are saved by these volunteers. They work alongside the professional help that we need at the top. We need structures to guide the people who are on the ground—the people who wish to help. We have seen that crossover get a bit messy at times. We do not want to be back in here having another inquiry about what went wrong or what did not go right. My words of warning are that we just have to be cautious and mindful of our major resource—our volunteers. We have to be on the ball at least about talking to the other departments in the structure. At least now we think we know who is going to be running the show because there is now a process and the leadership will be defined. I am glad to see that because there is nothing worse than what happened previously when people said, “This is your job” or “This is my job” and then at the end of the day nothing gets done at all. That certainly creates confusion on the block, to say the least.

I asked a couple of questions in Parliament recently. We were talking about prescribed burns a minute ago. There have been 1 816 prescribed burns since 2001. In saying that, just over 4.5 per cent of those burns escaped. I think that percentage is too high. Again, it puts pressure on communities. That should not happen. We should be very careful about those prescribed burns. In some areas the fuel loads are very high. I do not have a problem with that in some of those areas if they are not next to town sites or farmland. I believe that nature should take its course. It is not always the case that 20-odd years' worth of litter on the forest floor is just packed up. It is eaten away. When it rains, it rots away. All the vertebrates and those sorts of things that get in there chew it away and turn it into —

**Mr T.R. Buswell:** Compost.

**Mr M.P. MURRAY:** That is the word I was chasing. The moisture is in the forest floor anyway. It is not as bad as people make out in some cases. For the life of me, I cannot see why we burn 10 000 hectares in the middle of

nowhere. We should be putting buffers around towns so that when a naturally occurring fire does come through, perhaps as a result of a lightning strike, when it gets to town, it then starts to fizzle out because we have put those breaks in. It is a very costly exercise. I think we are changing ecology too quickly by burning large tracts of land in one hit because we have to burn this invisible figure of so many hectares in a certain time so we can come back and say, “No, we have had the controlled burns. We have burnt this great area of forest in the state.” Some of it is needlessly burnt. I believe that the forest in some places is just getting back to its natural state after five to seven years’ rotation. The animals, snakes and all those sorts of things have moved back in and are starting to recolonise those areas. If we start another fire, we knock them over again. I am sure the ecology in those forests is quite different over 20 years as a result of the continuous burns. I have concerns about that, firstly, because I believe it is a real waste of money in some cases and, secondly, because we are changing the ecology by moving through our cycles too quickly. But as I said, buffer zones around towns and farmland certainly support that very strongly. They are just a few of those things.

In finishing, I would like to mention a lady in Collie. I am sure people up the back of the house would know Monika Nicholson who for a long time has been the backbone of FESA in Collie. I can guarantee that if someone is in Monika’s road, they shift very quickly. If she does not run them over with her four-wheel drive, she will give them a spray and they will move anyway. She is always there and always available. For example, she will be at a promo downtown such as the Christmas pageant. She will have her group out there all “shinied” up and promoting FESA very, very strongly. I spoke about the storms the other day; if Monika is around, she is one of the first out there. With that, I can only say that people will be watching and there will be criticisms along the way, which happens when any changes are made. I am not concerned about that. I am concerned that we get the best for Western Australians and those volunteers, who do a great job.

**MR P.B. WATSON (Albany)** [9.12 pm]: I would like to talk about the Fire and Emergency Services Legislation Amendment Bill 2012. I read the minister’s speech and he talked about how all the houses were destroyed in the Kelmscott–Roleystone area on 6 February 2011. We had a similar incident in the Little Grove area in Albany in March 2010. The whole community could have gone up. It was only a freak of nature that stopped that happening. We had tremendous bushfires that got out of control. It started when one of the Ulysses motorbike riders who were in town had an accident; they left the bike on the side of the road to look after the gentleman. A little fire started from that and from there we had this huge bushfire. We were very lucky. I happened to be sitting at a friend’s house overlooking the harbour out towards Little Grove. At about six o’clock at night we had this tremendous storm and it rained continuously for about 20 minutes. That is what saved the Little Grove community. If the storm had not come, we would have lost not only the Little Grove community, but also the Albany Regional Prison and our water supply. It was only the great work by FESA and all the volunteers that saved those facilities.

I experienced an incident when I lived in Denmark and worked as a volunteer bush fire fighter. One long weekend someone decided to light a fire in their backyard; it just took off over a large area. I was on the back of a truck with a hose. The guy who was with me was a senior officer with the volunteers. We were going along when all of a sudden he told me to hit the tray, lie down and put the hose in the air. The flames had gone from one lot of trees to the other and I only knew that because I could not breathe. A lot of people do not realise that in a situation such as that, it is not the fire that kills people, but the lack of oxygen. I lay down and he got us out. But if we did not have an experienced guy there—I am sure the government will love this—I might not be here today.

Prescribed burns are a huge issue. In Denmark last year a prescribed burn caused a lot of damage to my friend Tony Pedro’s land. It was a huge problem.

I do not want to talk too much tonight, but I want to bring up an issue that happened earlier tonight when the member for Vasse continued to bully women in the chamber. It is unacceptable and I feel he should apologise —

*Point of Order*

**Mr R.F. JOHNSON:** The member on his feet, the member for Albany, has just accused a member on this side of the house of unparliamentary behaviour. The member knows that that has been resolved and I think it is completely unnecessary for him to carry on. The member is not talking to the bill, which is the most important thing. I ask that the member talk to the bill and leave other members to deal with their situations.

**Mr D.A. TEMPLEMAN:** The Leader of the House jumped very quickly to his feet before the member for Albany had any chance to relate what he was about to say to the bill, and I am sure he will do that. I think that was a little too presumptuous of the Leader of the House.

**The ACTING SPEAKER (Mr A.P. O’Gorman):** I am listening very carefully to the member for Albany. If you stray too far from the bill, member, I will pull you back to the bill. If you do not stay on the bill, I will sit you down.

**Mr P.B. WATSON:** It was during the debate on this bill that the bullying happened. I think it is unacceptable, but maybe they have different standards on the other side of the house.

**Mr R.F. Johnson:** It has been addressed and you know it.

**Mr P.B. WATSON:** It has not been addressed and people on this side of the house are still upset about it.

**Mr R.F. Johnson:** The member has apologised; all right?

**Mr P.B. WATSON:** If the minister has apologised, he admits that he bullied; is that what the minister is saying?

**Mr R.F. Johnson:** He has spoken to the member in question. He is not going to talk to you about it. It has nothing to do with you.

*Debate Resumed*

**Mr P.B. WATSON:** I have spoken to the member and she is still upset. If the minister thinks it is acceptable, he should go right ahead.

The water bombers in Albany do a tremendous job fighting fires right throughout the state. I fully support this bill. It is something that should have happened. It is especially beneficial to regional areas. Everyone is on edge during the fire season in Albany and in the great southern. I think it is great that we are doing something about it. I commend the bill to the house.

**MR T.R. BUSWELL (Vasse — Minister for Emergency Services) [9.17 pm]** — in reply: I thank members for their contributions on the Fire and Emergency Services Legislation Amendment Bill, as varied as the debate has been. A lot of members spoke from personal experience. Nearly every member in this house would have something to do with somebody who is involved in emergency services, either directly, member for Gosnells, indirectly or by association.

The first important thing to put on the record is that a lot of discussion today was around the bill and perhaps not necessarily to do with the technicalities of the bill. However, we will deal with that in consideration in detail. A lot of the discussion was about fire. Fire is present, obvious and dangerous, and it has had tragic consequences. However, we must remember that there is a raft of other emergency services. Fire emergency services are made up of three different areas—career firefighters, volunteer bush fire fighters and the Volunteer Fire and Rescue Service. Three different services of the community all generally deal with fire and/or other related issues. As the member for Collie–Wellington —

**Mr M.P. Murray:** Collie–Preston.

**Mr T.R. BUSWELL:** As the member for Collie–Preston, Wellington, Dardanup, Harvey, Dalyellup et cetera pointed out, the State Emergency Service volunteers around the state were certainly brought into the public's eye last week following the storms and the tornado. I went out to the tornado site with the member for Morley. We visited Dianella and Morley and we spoke with members of SES units who had come in from Cockburn, Merredin and a whole range of points in between to help that community.

Reflecting on comments made by the member for Armadale about the impact of the loss of homes on people in his community, I met a number of people last week who lost their homes in that storm. I saw the tragedy of a young couple in Dianella who had just finished renovating their very first home. Their roof exploded under the impact of an airborne projectile in the form of a 20 to 30-foot-long steel girder. I could lift up one end, so it probably weighed a tonne! It probably weighed a couple of hundred kilos. The whole roof was obliterated. I sat with them to try to understand the impact of that tragedy on their lives. The member for Armadale reflected that 70 homes were lost in his electorate as a result of the Perth hills bushfire. There were similar experiences in my electorate with the Margaret River fires. It is obvious that fire has an impact on our community. That is why so many people wanted to participate and speak in this debate.

The point I want to stress is that volunteers do not only put out flames. Volunteers go and find people on dark nights when they are lost. Volunteers help repair and maintain people's houses when they have been impacted on by storms. Volunteers go out to sea in boats to find people when they have run out of fuel or have become lost at sea.

I want to touch on three issues without going into the bill in any detail and wasting too much time of the house. Three issues came through repeatedly when people spoke. The member for Collie–Preston talked about the need to ensure that we do not scare off volunteers, to put it bluntly, through overregulation, over control and requiring too much training. I remember a volunteer in my electorate whose name is Geoff Morgan. He used to always introduce himself by saying, "My name is Geoff Morgan—capital M small organ." He claimed he was in the volunteer —

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

**Mr T.R. BUSWELL:** I never worked out what that meant but I judge from the member for Girrawheen's smile that she has!

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

**Mr T.R. BUSWELL:** He was, and still is, a volunteer of the fire and rescue service in Busselton. He reckoned the death of the service would be when they had to wear safety boots instead of thongs!

Several members interjected.

**Mr T.R. BUSWELL:** He is still there; that is fortuitous. The point I am trying to make is that change has to be brought in gradually. If the importance of it is explained, most people will accept that and move on. But Geoff “big M small organ” Morgan is a great bloke.

The member for Girrawheen talked about taking responsibility, as did I. I think we view this same issue as being important, but perhaps through different glasses, and I do not say that to be disrespectful. The member for Girrawheen’s point of view when she talks about responsibility is if there is an issue or incident and a review of that incident needs to be conducted, perhaps there is an onus on government and/or the responsible authorities to explain the outcomes of that review to the public affected by it. I accept the rationale of what she is saying. When I talk about responsibility, I say that if there is an incident and the public is running around trying to blame someone, often that is just a natural human response. I do not blame people for having that response. Responsibility means that the government, through the minister, or the organisation, through the commissioner, have the wherewithal, the capacity and the willingness to stand up and say, “There is an issue here; we will deal with it and it is our responsibility.” The member for Balcatta made a good point that that may vary from time to time depending on the minister of the day, but certainly when I speak with volunteers, and I know the member for Girrawheen has been there many times and I appreciate her turning up, there is a point I try to make: if it all goes sour—in a volatile emergency that can happen; we are dealing with a volatile beast in fire, in flood, in storm and all the other things people have to deal with—and it all heads south and issues need to be dealt with, that is when the government needs to step up and take some responsibility. Therefore, when I talk about responsibility, that is what I talk about.

I will quickly share with members a reflection on a meeting I had recently with a chap called Brad Commins; his name may be familiar in the house.

**Ms M.M. Quirk:** I’ve met him.

**Mr T.R. BUSWELL:** I have met Brad Commins and I have met his mother; she is a constituent of mine. Brad Commins was, and still is, a professional, highly regarded and highly trained forester. The State Coroner made certain findings in relation to Brad Commins and the Boorabbin fire. He believes those findings are in dispute based on an internal review conducted through government in relation to that fire. That matter is yet to be resolved and I will not comment on it. But I know that he is a very dedicated individual who was well regarded by his peers and by people he has dealt with for his lifetime, which has been dedicated to forestry, yet in the early days of the Margaret River fires, someone saw Brad Commins’ name on a piece of paper, and they pursued him—I do not even know the word—vigorously, as though he was single-handedly to blame for what happened in Margaret River. That clearly was not the case and it clearly could not be the case that a person who signs off as part of a long process involving a whole range of people perhaps a year ago could be held responsible for what, in many ways, was an unfortunate outcome due to a whole range of factors that Mr Keelty identified. What I say when I talk about responsibility is that I want to protect people like Brad Commins. I do not want to have an individual hung out to dry in a trial by media. That is my job; that is the commissioner’s job. He knows that and I know that; it is not Brad Commins’ job. If Brad Commins or another person in his position makes a mistake that requires discipline, we will deal with it. But to hang him out in the way that happened with those Margaret River fires is shameful; it was shameful. Therefore, when I talk about responsibility, I talk about the minister’s responsibility in relation to his or her job, but I also talk about a minister’s and/or a commissioner’s responsibility to their organisation, to those volunteers and to those professional people who work within those organisations, be it FESA, DEC, the Forestry Commission or wherever. I say to those people, “You go out and do your best to fight those fires and defend your communities from those circumstances, and we will back you up. We will not leave you there to hang out to dry.” Because I can tell members, and they all know this, that this is a big issue. It is a big issue with volunteers and it is a big issue across our society that we ask people to put themselves in danger and to put their families through the stresses that that danger brings, and when it all goes to the pack, we run away. That will not happen on my watch, and I hope —

**Ms M.M. Quirk:** Do you think that situation might have been exacerbated by the fact that no-one else was putting up their hand?

**Mr T.R. BUSWELL:** That is a very good point, member for Girrawheen. In my view, one of the most important statements in the second reading speech for this legislation is this—I cannot remember that exact statement, but I know what it means: in the old FESA, the CEO had no operational responsibility for the organisation; in the new department of fire and emergency services, the commissioner, and by extension the minister to whom that commissioner reports, will have responsibility for the operational outcomes of the organisation. That, I think, in a nutshell summarises the very issue the member for Girrawheen raised: you cannot run and you cannot hide if

you are the commissioner or the minister. I think that is a very, very important message in terms of policy. It is also a very important message to the communities that we support and protect, and to the volunteers from those communities who work so hard to support and protect those communities. As I think I said by way of interjection when the member for Girrawheen spoke, if the pervasive culture we allow to emerge is that after every emergency that has dire consequences we have to find someone's head to chop off, we will have no-one step forward or we will be requiring headless firefighters to put out fires. Headless firefighters will not put out fires. People will stop coming forward and I will not stand by and let that happen. I have a very, very strong belief that the intent of this legislation is not to let that happen. I think of all the things we have talked about that is the single most important outcome, and it is not just for volunteers; it is also for career firefighters and for people who take up a career in FESA in whatever way, shape or form that that career determines.

I quickly go to a couple of other points that were raised. There was a lot of discussion about the emergency services levy. I understand the opposition view that the government ratcheted up the ESL, and we did. The ESL goes into the general funding of FESA. There is a consolidated revenue addition to that funding and that basically pays the bills. Perhaps an interesting example of how the ESL manifests itself in better outcomes for volunteers in particular, because that is what a lot of the discussion has been about, is in the quantum of grants that go from the ESL to the State Emergency Service and to bushfire volunteers around the state. An SES unit or a bushfire volunteers unit belongs to the local government; it does not belong to FESA. To get the money out of the ESL, an organisation has to work with its local government and it has to put up a submission. We either fund or do not fund that submission, because it is a competitive tendering round. There are capital grants and there are operational grants. What I can tell members in relation to capital grants is that in 2007–08 they totalled \$10.7 million and for a few years either side they were about \$10.5 million to \$11 million. In 2010–11, the capital grants were \$18.6 million, which was an 80 per cent increase. In 2011–12, capital grants were worth \$17.3 million, which was a 73 per cent increase. When I travel around now and visit SES units and volunteer bush fire units, to name a couple, one of the things they talk about to me is the capacity they now have to access better equipment. It is incredibly important that they have good equipment and good training. I acknowledge that there is a point of difference about whether the government should or should not have ratcheted up the ESL, but what I can say, and what I hope members would understand from those figures is that the ratcheting up of the ESL has led to a direct increase of 80 per cent in the flow of funding through to volunteer bush fire brigades and SES units through that local government funding process.

**Mr P. Abetz:** And they needed it.

**Mr T.R. BUSWELL:** Of course, they needed it. My view is it is a good outcome. When I had the soon-to-be commissioner—hopefully—Mr Gregson in Busselton in his role as CEO, we went out to the SES and had a barbecue with the local volunteers; there were a lot of people there. Every bit of equipment was shiny and new. I said to them, “Dirty it! Make it look bad so we feel compelled to give you some more money!” That is a good outcome all over the state. Wherever we have gone I have tried to engage with volunteers, and so has Mr Gregson, to understand the issues and for them to share with us their concerns and aspirations. It has been a really interesting period of engagement, but I think whilst we may debate and dispute the increase in the emergency services levy, there is absolutely no doubt in my mind that the increase in the ESL has flowed through in better resources and equipment to the people who are at the fire front or at the emergency dealing with that particular issue.

I have one last point around volunteers, because I am pretty keen to get into consideration in detail on this bill tonight. We have 32 500 volunteers in WA; they are an incredibly valuable resource to our community. I would like to think that in my role as minister I have committed to engaging with as many of those volunteers as possible. I have met with volunteers from the great southern though to Derby. I think that is as far as I have been in the north so far, and a whole lot of points in between, including Geraldton, Busselton and range of other regions. They are a wonderfully committed group of people. One of the real positives out of the debate tonight is that right across the chamber, as I would expect, there has been a thorough understanding of the value of those volunteers to our communities. The government is committed to embracing our volunteers through the advisory committee structure, and I am glad that has been acknowledged. We have in place what the volunteer organisations asked us to put in place. It was not the initial option that was presented to us, but it was the option that the volunteers wanted and that is what we are happy to implement. There are other examples of our commitment to volunteers. One of the questions I was asked, particularly after the Margaret River fire, came after I met a lot of local bush fire brigade people. They said that people from FESA or the Department of Environment and Conservation came to town and took over the fire, which was a level 3 fire. They felt their local knowledge was, in part, pushed to the side and perhaps not valued. One of the issues they had is that to manage a level 3 fire, they need to have a certain level of training. Those people feel—they are probably right—that they have the practical knowledge they need to do that job. However, the member for Girrawheen knows as well as I do—this reflects what the member for Collie–Preston said—that the reality in the modern environment is if they cannot tick the boxes, it is very hard to get to that position. One of the things the government is committed to doing is to help our volunteers access better training, so, effectively, within the broad church of

volunteering they have career paths open to them. We are currently exploring options to reopen or to enhance the Mundaring firefighting school so we can take all those bushfire volunteers in and train them up so that they can tick those boxes. I assume it will be easy for a lot of them, because they already have the practical skill sets they need. In my view, if we value volunteering we will provide the training they need to obtain the positions they aspire to so they can do the jobs they want to do. That is how we tap into this concept of local knowledge and expertise. We should not exclude them because they do not have the training; we will provide the opportunities.

The house will be pleased to note that the government's commitment to volunteers is not just lip-service. It will not just be advisory committees that have an active role to play. Our commitment to volunteers will be to provide for them the training and opportunities they need to pursue within the sphere of volunteering that to which they aspire. That is a really important step forward that the government certainly supports and that I know the opposition would support as well.

I will close with a couple of quick observations. I was out recently at the graduation at the latest group of firefighters. I know that the member for Girrawheen was there, and I appreciate her coming along. It was a good day.

**Ms M.M. Quirk:** I always come along when I get invited; I do not often get invited.

**Mr T.R. BUSWELL:** I will invite the member to a lot of things in FESA. Perhaps not so much the road openings, but that is a different issue.

I still remember with some amusement—that is not the right word—some wonderment; that is not the right word either! I was just impressed.

**Ms J.M. Freeman:** Bemusement!

**Mr T.R. BUSWELL:** No, bemusement would be a belittling term, member for Nollamara, and we shall not go down that path. I was impressed when we opened the Mirrabooka Avenue–Reid Highway overpass. I think the member for Girrawheen would have beaten Usain Bolt from the marquis to the ribbon.

**Ms M.M. Quirk:** I got the biggest pair of scissors, too, minister!

**Mr T.R. BUSWELL:** The member did have the biggest pair of scissors.

**Dr A.D. Buti:** You are misleading.

**Mr T.R. BUSWELL:** The member for Armadale is a long-distance runner; he does not understand the psyche of sprinters like the member for Girrawheen and me. I have been described by many people as a sprinter. We got there quickly. I thought I got there very quickly, but the member for Girrawheen was there ahead of me and I was impressed.

**Mr J.M. Francis:** Like a modern-day “Boy” Charlton.

**Mr T.R. BUSWELL:** No, a modern-day Usain Bolt, and it was brilliant to see. The member for Jandakot has taken me off the subject.

I was talking about the firefighting school. We went out to watch the firefighters graduate, and one of the things I was really interested in was the diversity of backgrounds of those people. It was really interesting. There were ex–Western Australia Police officers, a lot of people from the defence forces, and a lot of people who had come across from volunteering. We had Daniel Metropolis, a former West Coast Eagles footballer, who unfortunately played for Subiaco.

**Dr A.D. Buti** interjected.

**Mr T.R. BUSWELL:** That was when his career was in its decline, member for Armadale. In his opening game Daniel Metropolis kicked six or eight goals, if my memory serves me correctly. It was a really great day. I think we have a challenger. I spoke to Lea Anderson from the WA United Firefighters Union, and I had a chat to Wayne Gregson about this. There were only two females who graduated.

**Dr A.D. Buti:** A bit like the Liberal Party!

**Mr T.R. BUSWELL:** The member for Armadale can make fun of that if he wants.

**Ms M.M. Quirk:** How could you describe that as diverse, minister?

**Mr T.R. BUSWELL:** I am saying diverse lifestyles and backgrounds, without gender diversity.

I think it is an issue for the agency. It is a discussion I have been having with a lot of my agencies at the moment and it is an issue that we are trying to work around. Lea Anderson was my tutor in industrial relations 101 at university and a colleague of mine in the university ALP. I thought she had moved on but I am not sure she has. She has some views about what needs to be done and I am happy to engage with the union about that.

With those few words, I reiterate my thanks to all members who have contributed. I know some of my colleagues are a little frustrated by the lack of time afforded them by the Leader of the House, but they know as well as I do that the most dangerous place in politics in Western Australia at the moment is between the Leader of the House and the knock-off bell, so I will sit down so we can proceed to consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clauses 1 and 2 put and passed.**

**Clause 3: Act amended —**

**Ms M.M. QUIRK:** My query really relates to all of part 2. Under this bill, the Fire and Emergency Services Authority will become the Department of Fire and Emergency Services. The minister has canvassed this already at some length with the member for Balcatta. However, in having this new nomenclature, has there been any estimate of the cost of this change of name in relation to uniforms, logos, letterhead, signs and whatever else has to be initiated to change this name?

**Mr T.R. BUSWELL:** The advice I have is that this has been a long time coming, so we have reasonably been able to predict the end date, although it is never perfect. Uniform replacement will be based around normal wear and tear—when it conks out. I am not sure that there will be too many dramatic changes. I am not sure that the fluorescent orange of the SES will become the predominant colour. There will be a different uniform, or different elements, especially on the badging, but it will be a normal wear-and-tear replacement. My understanding, on advice from Mr Bailey, is that, from an operational point of view, stationery and those other sorts of fixed overheads that come with badging are being wound down in anticipation of a change. There will be some costs. I anticipate that they will be minor. I do not have a calculated amount that I could give to the member here tonight

**Ms M.M. QUIRK:** I also understand that identity badges for volunteers were in the process of being produced. They are important, as the minister knows, because volunteers will occasionally have to knock on a door as part of an evacuation and ask people to leave, and they need a badge that effectively shows the householder that they are authorised to do so. I understand that the production of those badges was delayed while the minister decided what the name of the department was going to be, the badging and so forth. I want some information about when we can expect that to be finally rolled out.

**Mr T.R. BUSWELL:** The delay was not while we decided what the name would be; the delay is while we get this legislation through the Parliament. Once this legislation goes through the Parliament and then works its way through the proclamation processes and royal assent, those badges will change. But, clearly, even though they seem relatively simple—they include the person's date of birth—there is not just the name, but also the postal address and a couple of other things. The renewed one will start once those formalities are completed.

**Mr M.P. MURRAY:** Changes have been made previously. When there was a change of ties, for example, there was an argument for quite some years between the departments about what ties should be worn. Then there was the issue of the colours of the fire brigade—people could have white or red. Has there been communication between the departments to ensure that we do not go through that scenario again?

**Mr T.R. BUSWELL:** The advice I have is that the livery will remain relatively unchanged; it is really just the badging. As the member can see from Mr Bailey's outfit, it is just the badging on the shoulder that will change.

**Mr M.P. Murray:** What I am saying is that there should be consultation with the groups before those changes are made, because that is what caused a problem previously.

**Mr T.R. BUSWELL:** I understand that; but my advice is that there will be no change, so the different groups will retain their different outfits. The only thing that will change effectively is the current FESA badging, because, as the member would be aware, marine rescue has an outfit, FESA has an outfit, volunteer fire and rescue has an outfit, volunteer bushfire people have an outfit, SES obviously has an outfit and volunteer emergency service units have an outfit. My understanding is that the basic livery of the outfit will not change; it is simply the badging that relates to FESA on the outfit that will change.

**Ms J.M. FREEMAN:** Under proposed section 3 of the act, the definition of "assistance operation" is set out in paragraphs (a), (b), (c), (d), (e), (f) and (g), and then says "in performing functions relating to emergency services". I note that in the terms used in the act, there is no definition of "emergency services". It is a pretty broad definition in terms of emergency services. I also note that in other, I suppose, fire and emergency service organisations —

**The ACTING SPEAKER (Mr A.P. O’Gorman):** Member, can we seek clarification? We are dealing with part 2, clause 3, on page 3.

**Ms J.M. FREEMAN:** Yes. We are at clause 3, “Terms used in this Act”, are we not?

**The ACTING SPEAKER:** No, that is further down. Clause 3, “Act amended”, states —

This Part amends the *Fire and Emergency Services Authority of Western Australia Act 1998*.

**Ms J.M. FREEMAN:** Okay; no worries.

**Mr T.R. Buswell:** You can deal with that at clause 7, I think.

**Ms J.M. FREEMAN:** I am now completely confused.

**Clause put and passed.**

**Clauses 4 to 6 put and passed.**

**Clause 7: Part 2 replaced —**

**Dr A.D. BUTI:** I am not sure whether the member for Nollamara will also talk on the same point, but I will commence. I refer to page 6. Sorry; I have missed it. It is all right.

**The ACTING SPEAKER:** You are on clause 7, proposed section 7.

**Dr A.D. BUTI:** Yes, I know, but that is not what I wanted. I wanted to deal with clause 6(3). It is too late.

**Mr T.R. BUSWELL:** While there is some debate about this, perhaps I can assist. We also have an amendment.

**The ACTING SPEAKER:** Is the minister going to move his amendment?

**Mr T.R. BUSWELL:** Yes. I move —

Page 8, line 27 — To insert after “money” —

from the Western Australian Treasury Corporation, or as otherwise approved by the Treasurer,

**Amendment put and passed.**

**Dr A.D. BUTI:** I thank the member for Cannington for clarifying my query. I refer to clause 7 on page 6, line 9, which refers to employment under the Public Sector Management Act. My question is premised on the previous bill that we had on the new Metropolitan Redevelopment Authority and the industrial protection of the former employees at the Armadale Redevelopment Authority. The minister is saying that they are employed under the Public Sector Management Act, but, of course, FESA, the FES ministerial body and those officers are not an organisation for the purposes of that act. Can the minister provide a guarantee that the employees will have the protection that all other public servants have under the Public Sector Management Act, even though it is not an organisation for the purposes of that act?

**Mr T.R. BUSWELL:** The short answer is yes, they will.

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

**Clause 8: Part 3 heading deleted and Part 2 Division 2 heading inserted —**

**Mr C.J. TALLENTIRE:** I have concerns about clause 8 that relate to the power of the minister to acquire property. Clause 8(1) states that the minister is empowered to acquire by taking on a lease or licence or in any other manner in which property may be acquired. It is an established practice in Western Australia that fair and just compensation is always provided for someone if this process involves the acquisition of property, particularly real estate as property. I would like to hear from the minister about what is intended here regarding the extent of the power. Would we be able to envisage perhaps a situation in which a minister might deem —

**The ACTING SPEAKER (Mr A.P. O’Gorman):** We need to ensure that we are dealing with the correct clause. We are on page 9.

**Mr T.R. BUSWELL:** Mr Acting Speaker, I might be able to provide some clarity. My understanding is that the member for Gosnells is referring to clause 7 and proposed section 8. However, I can broadly interpret his request as relating to clause 8, as I reflect on the broad nature of his question.

**The ACTING SPEAKER:** Can we just clarify that matter, minister? What the member for Gosnells is dealing with is clause 7, which we have already passed. He is dealing with proposed section 8 of clause 7. Unfortunately, we have already dealt with clause 7. If the minister can answer the member’s question under clause 8, because it is talking about the powers of the minister —

**Mr C.J. TALLENTIRE:** I appreciate that. I must point out that this is the third time that a member has been thrown off course because of the way these papers have been presented. There is a lack of clarity in the presentation of this bill. The numbering in the clauses is exceptionally confusing. That is why we have had a

succession of members getting up and speaking on an important clause only to be told that there is something different in the numbering. There is a problem with the numbering.

**The ACTING SPEAKER:** If members look closely, at the top of each page there is an “s” and a number, which indicates the clause on that page. On page 8, under clause 7, there are proposed sections 8 and 9. That is what it is. We have unfortunately dealt with clause 7 in its entirety, as amended, and we are now moving to clause 8, which is on page 9. However, the minister has indicated that he is happy to respond under clause 8 because he understands your question. I will allow the minister to respond to the question. If the member is still not happy, he can ask that clause 7 be reconsidered once the entire bill has been completed.

**Mr T.R. BUSWELL:** I was trying to accommodate the member for Gosnells. I have read this bill a couple of times. Without trying to reflect negatively on the comments made by the member for Gosnells, I think the numbering is entirely consistent —

**Ms M.M. Quirk:** I’m having trouble as well.

**Mr T.R. BUSWELL:** Member for Girrawheen, page 8 clearly deals with proposed section 8 under clause 7. Again, just picking up on the comments made by the Acting Speaker —

**Ms M.M. Quirk:** But look at the next page. It is really confusing.

**Mr T.R. BUSWELL:** The next page concerns clause 8. It then goes to clause 9.

**Ms M.M. Quirk:** There are two 9s. There is proposed section 9 on page 8 and clause 9 on page 9.

**Mr T.R. BUSWELL:** I do not write the legislation.

**Ms M.M. Quirk:** I know, but it is complicated.

**The ACTING SPEAKER:** Members, we could argue about it all night. The easiest thing is that if the member for Gosnells is not happy about the minister’s answer to his question under clause 8 on page 9, we can reconsider clause 7 when we actually reach the end of the bill.

**Mr T.R. BUSWELL:** Maybe I can deal with it. As it exists at the moment, this is merely replicating an existing power. I understand what the member is saying. It has the word “taking” in there. I think that means “taking on”. We are trying to maintain the actual and perceived independence of FESA into the department. I have to say that within government, that has not been entirely easy. The member for Balcatta referred earlier to the ability that this bill gives the new department of fire and emergency services to quarantine its ESL accounts from the Department of Treasury’s skimming mechanism. I am sure the member will one day get to be a minister—in a long time. They will come around at the end of the year and his cash balances will be skimmed by the central agency. That cannot happen to the ESL accounts here. Similarly, as the minister, I get to buy all these properties. I read it as saying that it includes taking on a lease or a licence, or in any other manner acquiring property. I have not been the Minister for Emergency Services for a long time, but I cannot recall us taking property in the way that Main Roads, for example, takes property. I have done Main Roads for a long time. We do take property. Notwithstanding the fact that FESA traditionally has not taken property, there is still a mechanism by which people can appeal Main Roads taking their property. In fact, there are a couple of things coming through now that I am not too happy about in which Main Roads has to pay substantially more than was originally anticipated because the courts have determined that proper compensation was not paid. In relation to FESA, generally when we acquire land, it is in an established area. We will generally acquire land for the purposes of a facility such as a fire station, be it volunteer, career or mixed, or for an SES unit and the like. Generally, that is by way of procurement from a private provider’s land. Alternatively, it may be a lease, but that would generally relate more to offices or we might acquire crown land by way of a management order. I am not aware of a circumstance in which we have physically taken land for the purposes of providing infrastructure. Certainly my reading of the word “take” is that we can take on the responsibility rather than take the land. Hopefully that gives the member some clarity.

**Clause put and passed.**

**Clause 9: Section 11 amended —**

**Ms J.M. FREEMAN:** Subclause (1) states —

Delete section 11(1) and insert:

- (1) Subject to the control of the Minister, the FES Commissioner is responsible for the provision and management of emergency services in accordance with the functions given to the FES Commissioner by or under the emergency services Acts.

Given that there is no definition of “emergency services”, what is the interrelation between emergency services and ambulances, given that ambulances attend emergencies as well and given that this is saying that the FES commissioner is responsible for emergency services in that way? I seek clarification.

**Mr T.R. BUSWELL:** Good question. I think the important thing to understand is that this act sits in and around a number of other acts to do with emergency services. I cannot remember exactly which ones they are, but they basically deal with bushfire, fire brigades, et cetera. The other acts that this act relates to and sits in and around give definition to emergency services. Those acts definitely do not include ambulances.

**Ms M.M. Quirk:** The Emergency Management Act.

**Mr T.R. BUSWELL:** Yes, the Emergency Management Act et cetera. I am informed that the Bush Fires Act, Fire Brigades Act and this act are the three acts that give definition, that are responsibilities, in this case of the commissioner. They basically define it as we have been discussing all night. I still think it is a good point; it is not clearly defined here, but the cumulative impact of those three acts is to deliver that set of responsibilities.

**Ms M.M. QUIRK:** Clause 9, as I understand it, deals with the FES Commissioner. Minister, I just seek some clarification of the current status of Mr Gregson. Is he currently acting chief executive officer of FESA? When this legislation comes through, he will be acting commissioner; is that correct?

**Mr T.R. BUSWELL:** My understanding is that Mr Gregson is actually the CEO. He was appointed on a 12-month contract. That is pretty much at its point in termination. I anticipate that there will be some announcements from governments around what happens from now moving forward in relation to Mr Gregson. In relation to transference to the FES Commissioner, I might have to get some more technical advice from the Public Sector Commissioner on that transition. I have just been advised—we will get to it at the end of the bill—that some provisions at the end of the bill deal with the transitional provisions. My anticipation would be, speaking frankly, that if Mr Gregson is to receive a longer tenure as the CEO of FESA in its current form, when this act passes and the position of commissioner is created, he would become the commissioner.

**Ms M.M. Quirk:** Because there is provision in the legislation for the substantive CEO to then be called the commissioner.

**Mr T.R. BUSWELL:** He probably made us put that in.

**Ms M.M. QUIRK:** As I understand it, Mr Gregson's contract is up in August. I am not quite sure if that is correct. What I am inquiring about is, as I think the minister has confirmed, that it is not automatic that Mr Gregson has the substantive appointment of CEO and that it will be advertised and interviewed in the normal course.

**Mr T.R. BUSWELL:** No, that is not what I have said. What I said is that my understanding is Mr Gregson is currently CEO in the substantive position. He was appointed on a one-year contract.

**Ms M.M. Quirk:** Which is about to expire.

**Mr T.R. BUSWELL:** Which is about to expire.

**Ms M.M. Quirk:** And I am trying to ask what is happening at the end of that time.

**Mr T.R. BUSWELL:** The government will give consideration to the extension of his contract, as we do to a whole range of CEOs, as their contracts come to conclusion. My understanding is it is not incumbent on us to advertise that. We will make a decision based on advice provided in part from the Public Sector Commissioner as to whether he is reappointed or whether there is an advertising process. Given that we are nearly at the point at which his contract expires, we could reasonably anticipate, and I am sure the member will understand the sensitivities around this, that that process is well in hand.

**Ms M.M. Quirk:** I might do this by way of interjection. Minister, this also comes up in clause 52, so I will raise it then.

**Dr A.D. BUTI:** I refer to line 10 in regards to control of the minister. As the minister stated in the second reading speech, responsibility will be with the commissioner. Is the control of the minister on the policy and operational matters, or just operational matters or just policy matters? I presume it is policy matters at least, but what about operational matters?

**Mr T.R. BUSWELL:** My understanding is that basically what that means is that the relationship between the minister responsible for fire and emergency services and the commissioner is the same as the relationship that would exist between any other minister and the head of a government department.

**Dr A.D. Buti:** Except for the police commissioner, obviously.

**Mr T.R. BUSWELL:** Yes. There may be some others who think they have those. What it is doing effectively is, I think, creating a much tighter linkage, for better or for worse, as is often the case when these unions are entered into, between the performance of the agency, in this case the department, and responsibility of the minister.

**Ms J.M. Freeman:** By interjection, is that normal terminology, “subject to the control of the minister”? It seems like it is a very definitive statement about the clause. It is usually “delegation”. It is quite a determinative and quite strong terminology.

**Mr T.R. BUSWELL:** I do not know; I cannot answer that question. I have never really dealt with legislation that has established an agency before. My advice is that it is a normal clause recommended for inclusion by parliamentary counsel. Control via minister is a widely interpreted definition. I think if any CEO or minister were asked what that means, they will probably give slightly different answers. There would probably be quite a wide range. I suppose that is the nature of the beast.

**Ms J.M. Freeman:** Just again by interjection, that would mean that if you direct the department, you would still need to put those directions in writing.

**Mr T.R. BUSWELL:** No; I would not imagine so. I can only reflect on what I do. If I need to provide some enlightened view to a port authority, I would do that by way of interjection. I generally do not agree. If it is with one of my other agencies, that is not required by legislation. It is generally done by way of some method of communication. That would be the same in government historically and I am sure, into the future, but it would depend on the relationship at the end of the day between the minister and the CEO. They differ as personalities differ.

**Clause put and passed.**

**Clauses 10 to 13 put and passed.**

**Clause 14: Section 15 amended —**

**Dr A.D. BUTI:** Before I get on to clause 14, as the minister was explaining the close linkage between the CEO and the minister, the minister would make a good marriage celebrant when talking about the union. It was very moving, I must say. So maybe he should consider a career as a marriage celebrant.

**Mr T.R. Buswell:** I am assuming, member, you are reflecting on my personal circumstances.

**Dr A.D. BUTI:** Not at all, minister.

**Mr T.R. Buswell:** Being of a thick hide, I will not take offence.

**Dr A.D. BUTI:** May I return to clause 14. It is always an interesting one —

**Mr T.R. Buswell:** I am not assuming I will be in need of one in the near future, let me assure you.

**Dr A.D. BUTI:** We are talking about delegation. It is always interesting when we talk about delegation and “Without limiting the things that may be delegated ...” et cetera. I assume that we can get guarantee or clarification from the minister that delegation means the delegation of the actual action, not the delegation of the responsibility. The responsibility will rest with the minister. Whoever the minister delegates the action to, he will still have the responsibility, or the commissioner will have the responsibility.

**Mr T.R. BUSWELL:** That is a good point. It is a functional delegation. It is easy to say that the responsibility is here, outside of the stress of a real-life situation. Responsibility will rest where it will rest, but it should rest with the minister and/or the commissioner, and ultimately with the minister representing the government. We cannot dismantle an agency, that being FESA, and pull it closer to government through some things that we have just talked about and then pretend that we cannot be responsible for it. That is easy to say now, but in due course people may throw their arms up. I will give the member a practical example. Earlier this year, there were a lot of fires. There was a fire in the vicinity of Dongara. We have two type 1 water bombers—one based in Perth and one based in Busselton. One of the type 1 water bombers was sent to Dongara. That is about a 4 500-litre water bomber. It is a big one but not the really big “Marty”; it is the middle-sized one. FESA made a decision to return that type 1 water bomber to Perth because the risk factors in Perth, particularly in the hills, were very, very high. I had about three phone calls from people saying to me, “You need to call Wayne Gregson and tell him to send the type 1 back to Dongara.” I rang Wayne Gregson and inquired as to why the type 1 was being returned to Perth but most certainly did not have a conversation about where it should be deployed. In my view, I do not have that level of knowledge and would never profess to have that level of knowledge. I said to the people when they rang me, “That’s not my responsibility. My responsibility is to make sure we have the type 1s here. Where FESA decides to deploy them is their responsibility, ultimately.” If there had been a fire and we had not had the type 1 here, I am responsible. I think that is the difference with the functional decision making. That is not to say that functionality is something we should hide behind as a minister, but, again, I cannot say that down the track that is not an excuse or a defence that will be offered up. Certainly the intent of the act—I think it is entirely appropriate—is that functional delegations occur, but ultimately organisational, and I suppose by extension political, responsibility sits with the commissioner and/or the minister.

**Clause put and passed.**

**Clause 15: Section 16 amended —**

**Ms J.M. FREEMAN:** This is actually in clause 14, but I seek the indulgence of the minister because it is still an instrument by which a function is delegated. Clause 14(2), which seeks to amend section 15(2) of the act, refers to a public service officer not employed in the department. Can the minister give me an instance of where he would be delegating to a public service officer not employed in the department?

**Mr T.R. BUSWELL:** Generally this is the FES commissioner delegating authority to other people. The member is referring here to a public service officer not employed in the department.

**Ms J.M. Freeman:** I understand they can delegate to an SES or a FES unit.

**Mr T.R. BUSWELL:** It might be a DEC officer or it might be a police officer. More than likely it will be a DEC officer, but it could be a police officer. As the member rightly pointed out, it might not necessarily be a volunteer because an SES or a local bushfire control officer is probably not going to come under —

**Ms J.M. Freeman:** Yes, that's already in there.

**Mr T.R. BUSWELL:** However, there are probably other examples that we can think of. A recent example in the Margaret River fire is that the fire control officer, Roger Armstrong, was from DEC. Therefore, it just gives them the capacity to utilise other resources as required with suitable delegation.

**Clause put and passed.**

**Clauses 16 to 19 put and passed.**

**Clause 20: Section 18H amended —**

**Mr W.J. JOHNSTON:** This may be something that is well-known to others, but it is not known to me and it will relate to questions I will ask in respect of clause 20. I just want to get a picture. In proposed section 20(1) there are three paragraphs—(a), (b) and (c) —

**Mr T.R. Buswell:** Member, I apologise, but again it is that old problem. By way of interjection, I will just help —

**Mr W.J. JOHNSTON:** It is clause 24 I want to speak to.

**Clause put and passed.**

**Clauses 21 to 23 put and passed.**

**Clause 24: Parts 4 and 5 replaced —**

**Mr W.J. JOHNSTON:** I apologise for my previous error. I will go through everything in this clause at once to save some time. There are three categories of officials of the department—namely, public service officer, I sort of understand what that is; operational staff, for which there is a definition; and wages staff. I cannot see a definition of “wages staff”, so can the minister direct my attention to that? Proposed section 21(3) states —

The remuneration of, and other terms and conditions of service of, operational staff and wages staff are not to be less favourable than provided for in —

- (a) an applicable award ... or
- (b) the *Minimum Conditions of Employment Act 1993*.

I want to get a picture of whether the awards that, generally speaking, cover people who work for this organisation are intended to be paid rates awards or minimum rates awards? The minister probably does not remember, but a number of years ago when we amended the Police Act there was a discussion in this place about the difference between paid rates awards and minimum rates awards. This could be interpreted as an intention to turn a paid rates award into a minimum rates award, so I need clarification of that.

The final thing I seek clarification on in clause 24 is proposed section 22(3), which states —

Regulations may be made in respect of the entitlement of persons who are the subject of a determination under subsection (1) to rights and benefits that had accrued or were accruing at the time when the determination took effect.

That relates to people transferring from being operational staff to public sector staff. Proposed section 22(1) provides that the person can be transferred. Proposed section 22(2) states that determination can be made only if the person has agreed to it and proposed section 22(3) states that regulations may be made in respect of the entitlement. Therefore, I am wondering whether any procedure will be used to determine what those entitlements are. Is it something that the FES commissioner will determine unilaterally? Is there a procedure? What is intended to happen? They are three old-fashioned industrial relations questions, but I would appreciate it if the minister could let us know the details.

**Mr T.R. BUSWELL:** They are very good questions. I think the member for Girrawheen raised the issue of wages staff when she had the briefing. The advice I have is that “wages staff” covers a small group of people who are employed under the Fire Brigades Employees (Workshops) Award 1983. They are the mechanical and technical officers working at the O'Connor workshops. Those employees are covered by the Australian Manufacturing Workers' Union. Whether they are minimum conditions or pay conditions, I do not know. I am assuming that everyone is happy with it. I could be wrong. I cannot answer that.

In relation to the second component of the member's question, the advice I have is that those processes would generally be oversighted by the Public Sector Commissioner.

**Ms J.M. Freeman:** Proposed new clause 21(1) states —

The PSMA Part 3 does not apply to operational staff or wages staff.

**Mr T.R. BUSWELL:** I understand that. This relates to transferring them to another category. I am just going on the advice that I have. When it comes to industrial relations, this is a very sensitive issue. We have done a lot of work, again not entirely supported by other areas of government, to ensure that some of the unique pay and conditions within the existing FESA have been preserved. I am hopeful that the member for Girrawheen will support this. No issues have been raised with me by staff about the transitional provisions if they apply or where we intend to get them. I cannot drill down into that level of detail. I know that a lot of effort went into making sure that the transition had no negative impact now or into the future on anyone working there. It just was not designed to do that. I cannot technically answer the exact detail of that question but I would suspect that if there were an issue, I would know and the member would know based on the representation those people have available to them.

**Mr W.J. Johnston:** Is there an assurance available to us, maybe at a later date, that these provisions do not allow a unilateral setting in terms and conditions of employment?

**Mr T.R. BUSWELL:** My understanding is that these are modelled on similar provisions in the School Education Act to assist when teachers move into an administrative role and perhaps out of an administrative role back into a teaching role. We can certainly seek to provide those undertakings. I have no problem with that. I understand that it is not common but there is some precedent in the use of this type of terminology and mechanism to deal with those sorts of transitions.

**Ms M.M. QUIRK:** I want to move to the provisions dealing with advisory committees and also the volunteer advisory committees. I understand—the minister can correct me if I am wrong—that the advisory committee would be set up for a specific issue. If there were a specific issue relating to, for example, whether all-terrain vehicles should continue to be deployed, the minister might want to set up a committee comprising various people who have some knowledge or require some use of these vehicles in their work to determine that and to make certain recommendations to the minister about whether those vehicles are deployed. That is my understanding of that section.

**Mr T.R. Buswell:** Yes.

**Ms M.M. QUIRK:** That is a subject matter. The minister has a discretion as to whether or not he appoints them.

**Mr T.R. Buswell:** Correct.

**Ms M.M. QUIRK:** It is my understanding that there will be regulations covering those committees, as well as the volunteer advisory committees.

**Mr T.R. Buswell:** My understanding, member, is that in relation to those—let us call them incidental committees or case-by-case committees—the regulations will not be used to provide that detail; it will be provided in the notice that establishes the committee. Proposed clause 24(5) states —

An advisory committee is to be established by an instrument signed by the Minister that —

- (a) identifies the members of the committee and the length and conditions of each of their appointments; and
- (b) sets out the duties and responsibilities ...

**Ms M.M. QUIRK:** Further to that, let me get this straight: the minister could set up a committee like that in relation to a particular issue, but that is not the level of committee that the minister would be sitting on, and potentially there could be —

**Mr T.R. Buswell:** I think, member, it would depend on the nature of the committee. I think if it was all-terrain vehicles, as the member pointed out, probably not, but there may be a different issue. Perhaps one issue that comes to mind is a need to provide advice around the types of insurances provided to volunteers, which was touched on tonight. I think it is important that I have an interest in that. It would depend.

**Ms M.M. QUIRK:** What I am really getting at, which goes back to an issue that has been around the Fire and Emergency Services Authority for many years, is that there is an expectation that if people spend their time on these committees and they are there in their representative capacity, there will be a conduit to the minister, though the commissioner, and these views will be taken on board and acted upon.

**Mr T.R. BUSWELL:** Again, this provides a mechanism or a tool for ministers to use in the future; I can only talk on behalf of my own views.

**Ms M.M. Quirk:** That is all I am asking.

**Mr T.R. BUSWELL:** My own view is that I would not be inclined to set up an advisory committee if I was not interested in receiving its advice. I am not one to rush out and set up an advisory committee, to be honest. I think someone is paid to absorb information and make decisions. But there will be times when we need to absorb the advice of people, and the advisory committee will provide a mechanism to do that. I would not set it up at a personal level unless I was interested in the feedback provided. I think it is a very important tool not only for the minister, but also for people who may be engaged in those advisory committees.

**Ms M.M. QUIRK:** Just further on that issue, if I can again use the example of all-terrain vehicles, I understand the minister has requested the report from the Chamber of Commerce and Industry of Western Australia. Would that not be something that an advisory committee could be set up on, and then the minister would not need to farm out that sort of policy work to a body like the CCI?

**Mr T.R. BUSWELL:** I think it would depend on the issue. It may well be that in some cases we are chasing technical advice, and if we are chasing that sort of technical advice, there may be an external body that is better to provide it rather than an advisory committee. It may well be that we are seeking advice of a more practical nature and we want to draw in a variety of opinions. I really think it is a horses for courses-type application. Notwithstanding that, I still think it is an important tool for either me or future ministers to have available to them.

**Ms J.M. FREEMAN:** I am just wondering whether the advisory committees will be paid. Will they receive public sector payments for the type of committee they are?

**Ms M.M. Quirk:** Yes; it is in proposed clause 24(8).

**Ms J.M. FREEMAN:** Thanks.

**Ms M.M. QUIRK:** In relation to the volunteer advisory committees, is that still under the same clause?

**Dr A.D. Buti:** I haven't finished with clause 24 yet.

**Ms M.M. QUIRK:** It is still the same clause.

**Dr A.D. Buti:** Sorry.

**Ms M.M. QUIRK:** The minister is required to set up these committees in relation to each of the services that are set out under proposed clause 25(3)(a) and (b).

**Mr T.R. Buswell:** Yes; the member is right.

**Ms M.M. QUIRK:** I understand that there are regulations—if the member for Swan Hills needs to go home, he is excused as far as I am concerned. The operation of these are governed by regulation; is that correct?

**Mr T.R. Buswell:** My advice is that an instrument would establish them, although I cannot find where it is mentioned in the bill.

**Ms M.M. QUIRK:** There were discussions about “prescribed”, so that usually implies regulation.

**Mr T.R. BUSWELL:** I think the member will find that the associations will be prescribed. However, my understanding is that proposed section 24(5), which refers to the instrument to establish an advisory committee, also covers voluntary advisory committees. The prescription relates to the relevant particular duties and responsibilities of the volunteer advisory committee.

**Ms M.M. Quirk:** So that is the instrument that is gazetted; is that correct?

**Mr T.R. BUSWELL:** It does not have to be gazetted; it has to be signed by the minister. I assume that it will be a public instrument.

**Ms M.M. QUIRK:** Again, I am interested in whether that instrument will contain things such as how often the committee will meet, obviously who will be members of that committee, what processes will be undertaken by the committee, what consultation there will be with committee members and so on.

**Mr T.R. BUSWELL:** The instrument—I am looking at proposed section 24(5)—will identify the members, the length and conditions of appointment, duties and responsibilities et cetera. A lot of the matters that the member is talking about are procedural operations of the committee. I assume that they would be determined by the committee.

**Ms M.M. Quirk:** This goes back to recent history. In some advisory committees under the current regime, minutes have not even been taken. I am concerned about ensuring that these meetings are conducted in such a way that there are formal records and that if you are not on the committee, the information in some way flows up to you and to the commissioner.

**Mr T.R. BUSWELL:** That is a good point. Proposed section 24(7) provides that an advisory committee may determine its own proceedings. Proposed section 25(4) provides that the committee must be made up of a majority of members nominated by the relevant prescribed association. The point of difference is that the volunteer advisory committees will have a majority of members from volunteer organisations. Within the confines of the instrument under proposed section 24(5), they will have the capacity for self-determination to some degree. Given that the committee will be made up of a majority of volunteers, I would hope that they would exercise those powers in a way that is reflective of the will of those volunteers.

I fully understand the issue that the member has raised. It is one of the reasons we have tried to change the nature of advisory committees. When I met with the volunteers when I first got this portfolio, one of the issues they raised was quite simply—I am not saying that this is right or wrong or accurate or inaccurate—that they felt that the previous committee structure was designed to take messages from the top and move them down. This committee structure, with a majority of volunteer members who have the capacity for a fair degree of self-determination, is designed to give them the capacity to take information from the bottom—I do not mean that in a hierarchical sense, but from the coalface—and push it up. I cannot tell the member with my hand on my heart that they will all do this and be functional, but I hope they do. That is the entire purpose of this structure. Again, we went back to the volunteers with this structure. This was not the original recommendation.

**Ms M.M. Quirk:** That is what I was going to ask you.

**Mr T.R. BUSWELL:** I cannot remember the original recommendation, but it was not this. It was not as prescriptive as this in terms of the associations and the like. This is a good outcome.

**Ms M.M. Quirk:** If they have asked for it, that is fine, but it seems to me, minister, you could have under proposed section 25, say, on a committee with a majority of SES persons and they are all in fierce disagreement and there are a couple of underlings from FEES there—I am having trouble working out what to call it; I will call it FESS—and frankly it is a pretty futile exercise.

**Mr T.R. BUSWELL:** A structure can be set up that we think will work; this is a structure that I think will work and that the volunteers think will work. If there is dysfunction there, I would like it brought to our attention and we would have the capacity to deal with it. I cannot guarantee to the member that if there are five members on a committee, three of whom come from the volunteer organisation and two of whom are not from the volunteer organisation, and not necessarily associated with FESA, but are not from the volunteer organisation —

**Ms M.M. Quirk:** Can I put it another way? What level would you contemplate that that representation from the department would be at?

**Mr T.R. BUSWELL:** Under the new structure, each of those areas will either have a deputy commissioner or an assistant commissioner, and I would imagine that they would be on those committees.

**Ms M.M. Quirk:** All right; that is really all I need to know.

**Mr T.R. BUSWELL:** So, it plugs in at the upper level of the organisation.

**Ms M.M. Quirk:** Yes.

**Mr T.R. BUSWELL:** But I respect the concern the member has raised.

**Dr A.D. BUTI:** Under proposed section 24 there are the advisory committees and under proposed section 25 there are the volunteer advisory committees. I presume there is nothing stopping the advisory committees from looking into the same matters that the minister wants the volunteer advisory committees to look into. As the minister mentioned, the volunteer advisory committee has to have a majority of appointees nominated from the prescribed association; therefore, to circumvent that, the committee could be set up to look into the same matter as the advisory committee. Is that not correct? It has not been stated that under the volunteer advisory committee there is exclusive jurisdiction to deal with the various matters under proposed section 25(3), which is still under proposed section 24.

**Mr T.R. BUSWELL:** A person could, but they would be pretty dopey to, because they would be inviting, I imagine, a fair degree of criticism from the individual group they have effectively tried to disenfranchise. I just cannot imagine why someone would do that, to be honest.

**Dr A.D. Buti:** But someone might. Would it not be better to put something in the legislation to prevent that? Because ministers will not all be great ministers like you!

**Mr T.R. BUSWELL:** Irrespective of the level of greatness obtained by ministers—of course it is only for the future to decide, and the member knows I am coming to the train station, so he can calm down!—the issue is that the minister is not compelled to accept the views of the advisory committee. The minister could determine something completely different off their own backs from some crazy idea they have—I am not saying we have crazy ideas. Technically the member is probably right, but it would be fraught with danger and I can tell the member quite clearly that the intent of the advisory committee to be established under proposed section 24 is to

give the capacity to deal with issues that work across those different areas and, again, the point about volunteer insurance is probably a good case in point—and there will be others. One of the things I am interested in is the attraction and retention of volunteers. Attraction and retention of volunteers is not just to do with bushfire volunteers. It is not just the State Emergency Service, it is not just the volunteer marine rescue services and it is not just WA Volunteer Fire and Rescue; it is across all of those disciplines. My view is that we are giving the minister the capacity to come up with or to seek advice on issues that affect everyone. If it is an issue that clearly affects one area over the other, we would get them to do it. The member is right that technically what he mentioned could be done, but, geez, it would be opening a can of worms.

**Clause put and passed.**

**Clauses 25 to 38 put and passed.**

**Clause 39: Part 8 inserted —**

**Ms M.M. QUIRK:** I refer to proposed section 48(2), (3), (4), (5) and (6) on page 32 of the bill. Could the minister explain those subsections in plain English? I think the parliamentary counsel could have done better; it is incomprehensible.

**Mr T.R. BUSWELL:** This is a detailed area of the bill that effectively deals with the transfer of assets from the authority, the ministerial body corporate. My understanding is that those proposed subsections deal perhaps with circumstances in which there may be assets that—how can I put it?—temporarily cannot be moved from the authority across to the body corporate. I am trying to find some examples, but the advice I have is that there are none. This gives the capacity to appoint an individual to have carriage of an asset until it is dealt with. The member for Girrawheen is right, and it is difficult to decipher the subsections, but in layperson's terms it is a safety net designed to assist that asset transfer.

**Mr W.J. JOHNSTON:** I refer to page 39, new section 62(3), which reads —

Regulations referred to in subsection (2) may provide that a specific provision of this Act does not apply, or applies with specified modifications, to or in relation to any matter.

That is an incredibly broad regulation power. I note that proposed section 62(6) provides that would end after 24 months. I wonder what we are doing here. Why not pass that one subsection by itself and then the minister can do whatever he wants, until it is time to come back and pass a different bill? Is there a particular reason for having such an extraordinarily wide regulation power? I understand, of course, that in any transition period there will be complications that might be unexpected, but is the minister expecting them to be so unexpected that he can set aside the act?

**Mr T.R. BUSWELL:** That is a good question. Again I can only go on advice, which is that this new subsection was recommended by parliamentary counsel, and it is a somewhat empowering clause. Although if the member for Cannington steps back, new section 62(3) relates to proposed subsection (2), and proposed subsection (2) relates to a transitional matter, and proposed subsection (1) defines a transitional matter.

**Mr W.J. Johnston:** But the definitions are specified in regulations.

**Mr T.R. BUSWELL:** Yes, and we do love those. As the member knows, regulations are subject to perusal by the house, and I am sure if the opposition sees anything that relates to proposed section 62 —

**Ms M.M. Quirk:** I warn the minister that the member for Nollamara is on the Joint Standing Committee on Delegated Legislation.

**Mr T.R. BUSWELL:** I have dealt with that committee before. I will say again that it is similar to the clause that the member for Girrawheen asked about before, and I appreciate the potential for somewhat broad interpretation. However, all the advice I have is that it was recommended by parliamentary counsel simply as a mechanism to deal with any unforeseen circumstance as a result of the transition. I cannot say that there will be any unforeseen circumstances, but there may; and, if there is, Parliament will be notified and we can deal with it at that time.

**Mr W.J. JOHNSTON:** I think there might be one other provision in this clause that I wanted to look at.

**The DEPUTY SPEAKER:** It is in clause 39, is it?

**Mr W.J. JOHNSTON:** Yes, that is indeed the case. It is on page 35. I know that the minister had a bit of interchange on this topic with the member for Girrawheen when we were dealing with an earlier provision. It is the provision about the chief executive officer being the person holding the job on the date. It appears that this provision allows a person to be appointed as the commissioner without having to go through a competitive process. I wonder whether that is considered by the government to be the most efficient method, given, as I understand it, that the person on the 12-month contract in the current CEO role did not go through a competitive process because they did not have to because it was a 12-month appointment. Now this provision will appoint that person as the commissioner, but there is still no competitive process. What assurance can we have that the person who ends up with the job will be the best person for the job?

**Mr T.R. BUSWELL:** That is a good point. I think the issue here is that when the government appoints or reappoints to the position of CEO of FESA—that will happen before this bill is in place—it understands the implications of that appointment. We can make a decision, as would any government, at the end of that one-year period as to whether we reappoint for a period of time or whether we go through a competitive process. That is what happens when CEO contracts come to their end point. Sometimes they are rolled over; sometimes they are not.

**Mr W.J. Johnston:** But ordinarily a person gets to be the head of a department only after going through a competitive process.

**Mr T.R. BUSWELL:** I understand what the member is saying. He is saying that Mr Gregson was given a one-year contract; therefore, he was afforded the luxury of avoiding the competitive process.

**Mr W.J. Johnston:** And I have got —

**Mr T.R. BUSWELL:** No, I know the member is not talking about —

**Mr W.J. Johnston:** Wayne Gregson is a revhead like me, so I am happy to —

**Mr T.R. BUSWELL:** Yes, he is, and he was bitterly disappointed that his beloved Ford lost in Darwin last Friday and Saturday. I am glad he was up there on Friday and Saturday, enjoying himself, of course.

**Dr A.D. Buti:** You'll have to pay him well.

**Mr T.R. BUSWELL:** No. I have no idea what he is paid. It is really for him and the Public Sector Commissioner to work through those processes. I understand what the member is saying. He got the one-year appointment and therefore avoided the competitive process. We now have the capacity, if we choose, to roll his contract on for a period to be negotiated, thus avoiding the competitive process. I suppose my message to the member is that if we are confident in government that he is the right person for the job and is doing a good job, it is our prerogative to do that. These things happen. I do not think he was back-dooed into the position. I think we needed someone to fill the role and he was headhunted, and he has done a great job. As I said before, his contract is up soon, and that process is now well in hand. However, clearly, irrespective of what happens in and around Mr Gregson, this process says that whoever the chief executive is at the time of the transition will become the first commissioner. Personally, I do not have a problem with that. Interestingly, as we were discussing before with Mr Bailey, they will become a uniformed commissioner in charge of the organisation. My view is that that is a good thing. For the first time for a long time, the person in charge of this organisation will have direct operational responsibility for the agency. I think that is a good outcome but I understand the point the member raised about the appointment process.

**Clause put and passed.**

**Clauses 40 to 48 put and passed.**

**Clause 49: Section 14B amended —**

**Ms M.M. QUIRK:** There has been lack of clarity in the authority of police officers to exercise certain powers that they need in the course of closing roads, evacuation and the movement of people during an emergency operation. As I understand it, police do not have general authorisation but are authorised in relation to a specific incident and that that authorisation is effectively given by the incident controller.

**Mr T.R. BUSWELL:** It is my understanding that under section 13 of the Bush Fires Act, when a person is given control of a fire—appointed as incident controller—those responsibilities automatically flow to the police.

**Ms M.M. Quirk:** If that is the case, minister, why was it necessary to make this amendment? It is in the Bush Fires Act.

**Mr T.R. BUSWELL:** Maybe I provided some information that was not quite accurate. I understand that previously those authorised people did not include police officers. This bill now includes them. Previously, the people who could use powers were bushfire control officers, liaison officers, authorised CALM act officers and officers and members of a bush fire brigade.

**Ms M.M. QUIRK:** Are police then, effectively, authorised to do all things that are necessary to presumably promote the objectives of the Bush Fires Act or do they have general authorisation? I will give a very extreme example. It will probably not happen, but if they were authorised to execute the evacuation of a particular street and they went to a house and the occupier said, “Get stuffed”, and the policeman tasered the occupant, that seems to me to be beyond his level of authority.

**Mr R.F. Johnson:** They are not allowed to use them for compliance purposes.

**Ms M.M. QUIRK:** I know that, Minister for Police, but it is not unheard of that they do.

**Mr T.R. BUSWELL:** It is a very interesting area. Under the Bush Fires Act, section 14B(2), which is what we are reading about, states —

During the authorised period, an authorised person may do all or any of the following —

- (a) direct, or by direction prohibit, the movement of persons, animals and vehicles within, into, out of or around the affected area or any part of the affected area;
- (b) direct the evacuation and removal of persons or animals from the affected area or any part of the affected area;
- (c) close any road, access route or area of water in or leading to the affected area.

The penalty for failure to comply is a fine of \$25 000. I am assuming on the strictest interpretation that someone who fails to comply can be arrested. I cannot speculate on how that would play out practically. Would a copper put handcuffs on the person who does not evacuate and drag them out?

**Ms M.M. Quirk:** It's a long, hot day, he is very tired and he's got a short fuse.

**Mr T.R. BUSWELL:** The only thing is that there would be probably 20 other people to evacuate.

**Ms M.M. Quirk:** Yes.

**Mr T.R. BUSWELL:** I reckon they would probably get back to them in due course. I cannot give a definitive answer. I can only say that giving police access to those powers is already contained in the Bush Fires Act.

**Ms M.M. Quirk:** And they are limited effectively by what is in the Bush Fires Act.

**Mr T.R. BUSWELL:** Correct.

**Clause put and passed.**

**Clauses 50 and 51 put and passed.**

**Clause 52: Section 22C amended —**

**Ms M.M. QUIRK:** This clause really relates to the chief executive officer becoming the Fire and Emergency Services Commissioner. The minister responded earlier to some questions I and the member for Cannington had, but I need some clarification. The current CEO, Mr Gregson, was appointed for a 12-month period in September 2011. Is that the minister's understanding?

**Mr T.R. Buswell:** Yes.

**Ms M.M. QUIRK:** Given the timing of this legislation, it may well be that consideration has to be given to his reappointment as a CEO rather than as the commissioner, because the 12 months will expire in September.

**Mr T.R. Buswell:** Yes.

**Ms M.M. QUIRK:** That reappointment is not automatic; is that correct?

**Mr T.R. Buswell:** Correct.

**Ms M.M. QUIRK:** Does the minister contemplate that there will be advertising for that position?

**Mr T.R. Buswell:** I think all I would be prepared to say by way of interjection around that—and I'm not trying to be cute, as these are sensitive matters—is that the matter is currently being considered by government.

**Ms M.M. QUIRK:** It is interesting because I was advised by the Public Sector Commissioner in May of this year that as the matter is now before Parliament, it should be considered as part of Parliament's debate on the bill. We are now in the position that the minister will not answer and the Public Sector Commissioner will not answer.

**Clause put and passed.**

**Clauses 53 to 56 put and passed.**

**Clause 57: Section 27B amended —**

**Ms M.M. QUIRK:** An amendment to section 35 of the Bush Fires Act is referred to at the bottom of page 50 of the bill. As I understand it, if someone refuses to clean up, the FES Commissioner can authorise his agents or someone to clean up as required and then recover the cost. I understand that provision already exists under the current legislation. How many times has that power been used in recent times?

**Mr T.R. Buswell:** The advice I have is that it has not been.

**Clause put and passed.**

**Clauses 58 to 83 put and passed.**

**Clause 84: Section 47A deleted —**

**Ms M.M. QUIRK:** I understand under section 51 that will be amended. This is again an existing provision that enables brigades, at the discretion of the authority as it now is or the department as it will subsequently be, to

make payments for brigades. I just wanted to know under what circumstances the minister would contemplate making payments. I understand none has been made to date, but it seems to me there might be some exemplary examples where discretionary payments might be warranted.

**Mr T.R. BUSWELL:** Member, it is actually clause 86 that we are dealing with, but as we look at clause 84 in contemplation of clause 86 —

**Ms M.M. Quirk:** Thank you.

**Mr T.R. BUSWELL:** That is all right. The short answer is it has not been used. Can I give you some examples of where it could be used? To be honest, I think it is good issue. I am struggling to come up with an example of where a payment would be made under this provision. A lot of exemplary service at a personal level is recognised by the different service awards that are made. Brigades, I would hope, do not need recognition to be by way of provision of extra equipment, because I think we have more funding now to do that. I might have to hear some more advice on that, member, and get back to you, if that is okay.

**Ms M.M. QUIRK:** While we are on that point, I am not sure what happens with brigades, because certainly with other emergency services personnel in other areas, there is some variation about, for example, payment of expenses as opposed to salaries—petrol expenses or whatever. I would see a situation where maybe someone is on call and uses their private vehicle on a number of occasions in a short amount of time to have to report to the brigade at a very busy period and whether it might be appropriate in those circumstances to direct that those officers might get some reimbursement for their petrol costs or something if it was particularly busy and they were placed under enormous pressure.

**Mr T.R. Buswell:** I will just have to get some more advice around that.

**Clause put and passed.**

**Clauses 85 to 87 put and passed.**

**Clause 88: Section 54 amended —**

**Ms M.M. QUIRK:** This clause deals with fire hydrants in relation to country fire brigades; is that right, minister?

**Mr T.R. Buswell:** It is hydrants in fire districts.

**Ms M.M. QUIRK:** I did let your advisers know; the explanatory memorandum says —

Section 54 concerns the provision of fire hydrants in fire districts. It is amended so the FES Commissioner is responsible for this function and the property in fire hydrants vests in the Minister.

The minister will be aware of what I said in the second reading debate, that this is not on all fours with the Water Services Bill that the Minister for Water has brought in. It is in fact a recommendation of the Keelty report that the responsibility for fire hydrants vests with the Water Corporation. I really need some clarification as to why there is not a level of consistency between this and the other clause and how we might resolve it.

**Mr T.R. BUSWELL:** That is a good question, member. It is related to the relative passage of two bills through the Parliament, and there is some inconsistency. My understanding is that if this bill passes through both houses before the Water Services Bill, this bill will maintain the status quo; and once the Water Services Bill passes through the Parliament and is proclaimed, that will effectively amend this bill and change the status quo. If the Water Services Bill gets through Parliament—I know this is complicated —

**Ms M.M. Quirk:** Then you've got a problem!

**Mr T.R. BUSWELL:** No; then we will have to amend this bill. It is not a problem, but it is anticipated. I am thinking, at the relative speeds at which we are, in a cunning and skilful way, manoeuvring these bills through the Parliament, that this will go first —

**Mr W.J. Johnston:** So that is why the other one has been delayed?

**Mr T.R. BUSWELL:** Absolutely, member for Cannington—I am glad the member has had a small, but insightful, window into the operations of government. It was always our intention that off a short run, this bill would sprint through the house, whereas the Water Services Bill obviously has been progressed deliberately, one could say, straight after this one, but somewhat more slowly —

**Mr W.J. Johnston:** In fact, I started my speech in the second reading debate on the Water Services Bill and it was four and a half months before I concluded it!

**Mr T.R. BUSWELL:** It was absolutely anticipated, was it not, Leader of the House?

**Mr R.F. Johnson:** Absolutely!

**Mr T.R. BUSWELL:** In fact, my very clear understanding is that this bill will pass through, go to the other place and be dealt with, and the Water Services Bill will subsequently pass through and amend this bill.

**Ms M.M. Quirk:** It's in the pipeline!

**Mr T.R. BUSWELL:** It is in the pipeline! Yes. Thank you.

**Clause put and passed.**

**Clauses 89 to 94 put and passed.**

**Clause 95: Act amended —**

**Ms M.M. QUIRK:** The minister would appreciate that the issue of superannuation is of concern to career firefighters. My understanding is that this clause will preserve their current position. But for the purpose of assuaging any concerns that they might have, could the minister confirm that this will preserve their current position, rights and entitlements to superannuation?

**Mr T.R. BUSWELL:** I absolutely can. The Fire and Emergency Services Superannuation Act confers a defined benefit scheme on firefighters and I think a couple of other people. Again, I would have to say that this is one of those things where, in its passage through Parliament, there were certain people who looked with envy at others—just as, member for Girrawheen, some of the newer members of Parliament look with envy at some of those more experienced people here, whose effective income is perhaps double that of some of the other members, based on a defined benefit scheme —

**Ms M.M. Quirk:** And he doesn't even need it, minister!

**Mr T.R. BUSWELL:** Oh, the well-heeled member for Hillarys!

I may make light of that, but if a person who is under a defined benefit scheme is doing the special job that we all know firefighters do, then clearly we needed to go to some considerable lengths within this bill to protect that defined benefit scheme. That has happened, and, again, the reason I know it has happened is that if there was any way that this would threaten that structure, I suspect that the United Firefighters Union would have been on our doorsteps pronto, Tonto. My understanding—I have only had a conversation in passing with Lea Anderson about this—is that it is not an issue. I am assuming—in fact I am sure—that the member for Girrawheen has had the same advice. I am confident that notwithstanding the efforts of some in government to try to erode this entitlement, the advice we have had from the State Solicitor's Office, and certainly the advice we have had from the union, is that that entitlement has been preserved. Yes, it is a unique benefit conferred on firefighters because they provide a unique service to the community.

**Dr A.D. Buti:** So who were the people the government wanted to —

**Mr T.R. BUSWELL:** There are always people in government.

**Dr A.D. Buti:** Name them!

**Mr T.R. BUSWELL:** It is not for me to name them because they may require a callout at some time, member for Armadale! Suffice to say, there are some people who do not enjoy the generosity of a defined benefit scheme. I am one of those, as is the member for Armadale.

**Mr W.J. Johnston:** But there's a specific reason firefighters get it.

**Mr T.R. BUSWELL:** Yes, I understand that. However, I think it is good that we preserve it, so it is there—preserved. The advice I have is everyone is very comfortable with it.

**Ms J.M. Freeman:** So that is for all new firefighters, but if they contribute in addition to their defined benefit fund, do they get choice over that?

**Mr T.R. BUSWELL:** All I know is that whatever they do now, they can still do. I cannot answer that particularly, but I know that whatever they do, they can keep doing, and everyone seems happy doing it now and I am sure they will be happy doing it in the future.

**Clause put and passed.**

**Clauses 96 to 147 put and passed.**

**Title put and passed.**

## WATER SERVICES LEGISLATION AMENDMENT AND REPEAL BILL 2011

### *Second Reading*

Resumed from 2 May.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clauses 1 to 4 put and passed.**

**Clause 5: Section 5 amended —**

**Mr C.J. TALLENTIRE:** Clause 5 details some definitions that are to be deleted. I am concerned that with the deletion of some of those definitions, we may lose some of the integrity of the Country Areas Water Supply Act 1947. We could lose clarity on such important terms as the definition of farmland and what “country water area” actually means. I would be interested to hear the minister’s comments on the purpose of that deletion of definitions.

**Mr W.R. MARMION:** This is quite simple. The terms listed that have been deleted are no longer required due to the sections that I mentioned no longer being in the act.

**Clause put and passed.**

**Clauses 6 to 15 put and passed.**

**Clause 16: Section 115 amended —**

**Mr W.R. MARMION:** I move —

Page 7, line 8 — To delete “Department.” and substitute —

Department or a person authorised to do so by the Minister.

The reason for this amendment is that it is basically an unintended consequence of what we want to do to ensure that under this act—the Country Areas Water Supply Act—the Water Corporation can still look after its water in catchment areas that it is responsible for. It is an unintended consequence. It was left out in the drafting. Without putting it in the act, the act only relates to the administrative department, which is the Department of Water. By adding the words “authorised to do so by the minister”, I can authorise other organisations such as the Water Corporation to carry out management of its areas under the Country Areas Water Supply Act.

**Amendment put and passed.**

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

**Clauses 17 to 27 put and passed.**

**Clause 28: Section 106 amended —**

**Mr C.J. TALLENTIRE:** Proposed clause 28 refers to the deletion of “works” and the insertion of “asset” in its place. I recall hearing, in the discussion around the Varanus Island problem, that Apache was able to avoid a court case I think over the term “works”. It was able to say that that was not a valid term to describe the infrastructure. I seek clarity from the minister on the reasoning behind this deletion and whether it relates to that, I suppose, legal interpretation of “works” versus “asset”, if that is the origin of this change.

**Mr W.R. MARMION:** The reason is that in the Water Services Bill, which we have passed, we are not referring to “works” anymore, we are using the more general term of “asset”. So, we are talking about drainage assets rather than drainage works, so it is just to be consistent in terms of the terminology in the previous bill.

**Mr C.J. TALLENTIRE:** I have a further question. I think it is an interesting point, though, and perhaps this would have a bearing on the Varanus Island–Apache case. I understand that Apache was able to get out of substantial legal responsibility in the state of Western Australia because it argued that “works” was too vague a term. If the minister is saying that he is changing to “asset” for similar reasons, I think that would be an interesting thing for the house to know. It may be because the minister wants a broader term, but I think we need a better explanation. As I say, I think this is could potentially have a bearing on the whole Varanus Island situation.

**Mr W.R. MARMION:** No, it is quite simply that the Water Services Bill talks about drainage assets, not drainage works, so we are just making it consistent. The Varanus issues have nothing to do with this. This is water services; it has nothing to do with mining infrastructure or —

**Mr C.J. Tallentire:** It is the legal definition of “works” versus “asset”.

**Mr W.R. MARMION:** The member would have to see the contractual arrangements; it is a red herring. It is a simple definition; we have to be consistent. We are talking about drainage assets not drainage works, so we are making it “asset” rather than “works”. It is very simple.

**Mr C.J. TALLENTIRE:** I have a further question. I think what we are revealing here, though, is that previously legislation was drafted using “works” in the sense that they were referring to assets. If it was the case when the previous legislation—the Metropolitan Water Authority Act 1982—was drafted that the understanding was that “works” referred to infrastructure, I think we have made a serious discovery that there was a definitional

understanding. That could have implications on the liability of Apache to the state of Western Australia. I think this is a very important issue.

**Mr W.R. MARMION:** I stand by the current position that all we are doing is changing “works” to “asset” because we are talking about drainage. By the way, we are talking about drainage, not gas pipelines, and we are changing the definition from drainage “works” to drainage “asset”; it is fairly clear. If there are any implications to that, I am sure that other aspects of both bills will give the minister the power under the codes or under the regulations to make sure there are no problems.

**Clause put and passed.**

**Clauses 29 to 56 put and passed.**

**Clause 57: Long title amended —**

**Mr C.J. TALLENTIRE:** Clause 57 amends the long title of the Rights in Water and Irrigation Act 1914. It seeks to delete the current words “water resources, to provide for irrigation schemes” and compacts that into the two words “water resources”. I think that is a good thing. It will broaden the area of coverage of this legislation to water resources, not just water resources for the purpose of irrigation schemes. The Rights in Water and Irrigation Act 1914 is quaintly known in bureaucratic circles as the RIWI act. It is a very important act. It potentially manages the sustainable use of water through a number of schedules to the act. This amendment will broaden that act in a number of ways. I think it is important that we have it on the record that the new long title of the act will mean that the act will cover issues as diverse as deep watering projects, for example. In the past, the RIWI act was confined to matters of irrigation schemes. I support this; I think it is good that the Rights in Water and Irrigation Act will cover deep watering. The scale of dewatering is absolutely massive with some of the mining projects in this state. I can think of one example. Weeli Wooli Creek is associated with a Rio Tinto Ltd mine in the Pilbara. In that case, we are talking about some 45 gigalitres of dewatering, which is the equivalent of the annual production of the first desalination plant. It is absolutely enormous. If my understanding of this is correct, I am pleased that the Rights in Water and Irrigation Act will be broadened to cover all matters relating to water resources and will not be confined to matters around irrigation schemes. That is welcome news, but I seek the minister’s confirmation that that is the case.

**Mr W.R. MARMION:** That is not quite right, member. Although the long title will be a bit more general in that it will refer to water resources, the words “irrigation schemes” will be deleted because they are covered in the Water Services Bill. Anything to do with irrigation is in the other legislation. The member is sort of on the money.

**Mr J.C. KOBELKE:** I think it is the appropriate time to ask how advanced the water resources legislation is. Has cabinet agreed to the drafting of the water resources legislation, or is the drafting of that legislation yet to get cabinet approval?

**Mr W.R. Marmion:** Do you mean the water resources management legislation?

**Mr J.C. KOBELKE:** Yes; the other legislation that is to go with what is currently in the two bills before the chamber.

**Mr W.R. Marmion:** That has not gone to cabinet yet. That is the next task after we have done this bill.

**Mr J.C. KOBELKE:** So it does not have drafting approval yet.

**Mr W.R. Marmion:** No.

**Clause put and passed.**

**Clauses 58 to 109 put and passed.**

**Clause 110: Act amended —**

**Mr F.M. LOGAN:** Can I clarify that part 7, “Water Corporation Act 1995 amended”, means that this act, which covers all the corporations, including Aqwest, Busselton Water and the Water Corporation, will now be confined only to Aqwest and Busselton Water, and that Water Corp, as an institution, will be covered by the Water Services Bill 2011?

According to the minister’s advice to the opposition, it appears that the Water Corporation Act only covers Bunbury and Busselton Water Boards; is that correct?

**Mr W.R. MARMION:** I think that the member’s question was: does the amendment to the Water Corporation Act 1995 bring in the Bunbury Water Board, which is Aqwest, and the Busselton Water Board? The answer to that is that is what this legislation is doing, so the Water Corporation Act will apply to water service providers—the Water Corporation, Aqwest and Busselton Water.

**Mr F.M. LOGAN:** I thank the minister, but what is actually the point of this amendment we are now dealing with? We have the Water Services Bill that covers and governs the operations of Water Corp; what is the point of doing this and covering only the Bunbury and Busselton Water Boards?

**Mr W.R. MARMION:** If the member reads the front page of the explanatory memorandum that was distributed, it actually spells it out. With the reviews that were undertaken back in 1999, the “National Competition Policy (NCP) Legislation Review of the Water Boards Act 1904” and the “Busselton and AQWEST–Bunbury Water Boards Competitive Neutrality Reviews” recommendations were made in this revision of the Water Corporation Act 1995. The explanatory memorandum states that this will —

- enable the Water Boards to provide services outside their water area;
- allow Water Boards to provide a full range of water services (including sewerage, drainage, and irrigation);
- enable the Water Boards to make a profit;
- enable the Water Boards to enter into business arrangements;
- facilitate the adoption of a more commercial approach to service provision consistent with the principles of competitive neutrality; and
- enable the provision of CSO (Community Service Obligations) payments to Water Boards where applicable.

Also, under the recommendations coming out of Competitive Neutrality Reviews of Busselton and AQWEST–Bunbury Water Boards, the Busselton and Bunbury Water Boards, along with what Water Corporation already does, will be required to —

- prepare annual statements of corporate intent and strategic development plans;
- provide concessions to senior and pensioner customers;
- pay dividends to government with the dividend payments to be negotiated annually;
- earn a return on assets with the rate to be negotiated annually; and
- remain exempt from local government rates and charges.

**Mr F.M. LOGAN:** My understanding is that is what they had to do anyway and they were doing that under the Water Corporation Act 1995. I am asking why these changes are being made that would limit the Water Corporation Act 1995 as amended by what we are doing now to cover only those boards, whereas before all the things that the minister has just read were covered, including Water Corp. I am just asking: What is the intention of changing this act to leave it in place covering only Bunbury and Busselton? Why, for example, did the Bunbury and Busselton Water Boards not get covered by the Water Services Bill or the other legislation altogether?

**Mr W.R. MARMION:** I am trying to clarify the situation for the member. Under this bill, the Water Boards Act 1904, which covers the Bunbury and Busselton Water Boards, will be repealed. So, it will not exist. We will bring them in another piece of legislation, which is the Water Corporation Act. If we go through the future amendments under that, we will find that it gets rid of the Water Corporation and talks about corporations. Therefore, the member will find that when we repeal the Water Boards Act 1904, it gets rid of the act that covers both Bunbury and Busselton Water Boards, and brings those two boards into the Water Corporation Act so we will have basically three corporations then.

**Mr F.M. LOGAN:** I understand that, but I cannot understand why the minister did not include that under the Water Services Bill 2011, which is what I thought we were doing in getting rid of the Water Boards Act 1904. I thought we were going to get rid of it altogether and include Aqwest and Busselton Water Board under the Water Services Bill. I thought that was the whole intent of the amalgamation of the bill, rather than leaving this outstanding under a different act altogether—that is, the actual Water Corporation Act 1995.

**Mr W.R. MARMION:** The Water Corporation Act is the legislation for government-owned entities, like the Water Corporation, Aqwest, and the Busselton Water Board, and all the rules under which the boards are appointed and the other rules. That is why they are there, whereas the Water Services Bill covered all the services.

**Mr J.C. KOBELKE:** I want to come back to some comments the minister made in his first response to the member for Cockburn. I am seeking clarification on two aspects of that. If I understood the minister correctly, he was talking about the extension of the area services for the Water Corporation and the Bunbury and Busselton Water Boards under this one statute. Is the minister now suggesting that they can extend that area, so there can be areas where they compete or will that still be controlled by other aspects of the legislation where they will have a designated area of service that the minister would have to sign off on?

**Mr W.R. MARMION:** I thank the member for Balcatta for that very good question. The ERA regulates the licences and where they can operate. This provision will allow Aqwest and Busselton Water to go outside the area and compete but the licence will still have to be agreed by the ERA.

**Mr J.C. Kobelke:** Is the minister saying they can both offer the same service in the same area, or through the ERA will there be a designation of which particular corporation operates the service in a given area?

**Mr W.R. MARMION:** That will be up to the ERA, not me. This does exactly what I said. It means that at the moment they are constrained by the area of operation, as the member knows. The example is where Busselton Water provides water to the Water Corporation, to Dunsborough, and they had to go through an act of Parliament to do that. This will allow them to apply to the ERA to, I guess, compete and go outside that area. It will be up to the ERA to agree to that.

**Mr J.C. KOBELKE:** I thank the minister, but there is one point of that on which I am still seeking clarification. Does the legislation now before us allow for the ERA to approve two service providers providing the same service into the same geographic area?

**Mr W.R. MARMION:** The Water Services Bill will allow that to happen.

**Mr J.C. KOBELKE:** The minister indicated that the legislation will now allow Busselton Water and Bunbury Water Board to be licensed through the appropriate process through the ERA to carry on the full range of water services. It currently only provides potable water and does not currently provide drainage or sewerage, but this legislation will allow them to do that. The point of my question is: has the minister had discussions with them and are they likely to take up those other services or are they currently just to remain as providers of reticulated potable water, or is there an appetite or are they being pushed to move into those other service areas?

**Mr W.R. MARMION:** I am not aware of an appetite for that. I know anecdotally there is just potable water, and certainly those people in some of the suburbs around Bunbury in particular who are currently serviced by the Water Corporation have an appetite to be taken up by Aqwest because it charges less for water.

However, I have not heard on the grapevine or in my discussions with the boards of an appetite to move into other water service provisions.

**Mr J.C. Kobelke:** Is the minister of a view that they should broaden to offer the other services of drainage and/or sewerage? Is the minister suggesting that to them or is that not an option?

**Mr W.R. MARMION:** It will be up to them. I am not suggesting that they do that, but if there is a competitive advantage for them to do that and they can provide an efficient and better service than is currently available, I think that would be encouraged.

**Clause put and passed.**

**Clauses 111 and 112 put and passed.**

**Clause 113: Section 3 amended —**

**Mr F.M. LOGAN:** Can the minister advise whether subclause (3) is a new subclause that is part of the amending of the act; and, if it is, can he advise why that wording is deemed to be appropriate or needed?

**Mr W.R. MARMION:** It is a consequential amendment, because we are not talking about a corporation. Proposed section 3 of the act will read —

*executive officer*, of a corporation, means a member of the staff of the corporation designated under section 18 as an executive officer;

Previously it was “the corporation”. Because we are going from “the corporation” to “corporations”, some of the definitions have changed. This will run through quite a lot of the clauses in this legislation.

**Clause put and passed.**

**Clause 114: Section 4 amended —**

**Mr J.C. KOBELKE:** I have two technical questions. Clause 114(4) states —

The Governor may, by order published in the *Gazette*, establish a body with the name specified in the order.

The technical question is: is the effect of that subclause likely to be used simply for a name change? Let us say the Bunbury Water Corporation wanted to be called that legally, as opposed to a trading name, Aqwest. Would clause 4 apply to that, or is clause 4 solely about the establishment of a new water authority in addition to the ones that already exist?

**Mr W.R. MARMION:** This clause is for establishing new bodies; it is not for established bodies. It is specifically in the legislation so that a new corporation can be set up.

**Mr J.C. KOBELKE:** My second question goes to subclause (5), which states —

The Governor cannot establish a body under subsection (4) without the concurrence of the Treasurer.

There are two parts to the question. Is that provision contained in other parts of the minister's water legislation; and, if so, can the minister draw our attention to it? Secondly, what is the form required to be proof of that concurrence? I presume it is not a regulation. Can it be just a letter? How would the Treasurer be required to fulfil the terms of subclause (5) in terms of notifying the Minister for Water that the Treasurer is supportive of the establishment of a new water service body?

**Mr W.R. MARMION:** I will answer the second question first. There is no specific provision to define what form should be required in seeking the Treasurer's concurrence. It could be by written agreement or whatever. The first part of the question, I guess, was whether there are other aspects of the bill relating to the Treasurer. There are in relation to the provision of a dividend. I think I mentioned that the dividend the water corporations provide to the Treasurer would have to be agreed on.

**Mr J.C. KOBELKE:** The follow-on question relates to whether a disagreement between the Minister for Water and the Treasurer would be judicable. The former Treasurer has split up with the Premier and gone off in a huff. What happens if the Treasurer and the minister responsible for this act have a bit of a disagreement and the Minister for Water thought the then Treasurer had said, "Yes; I concur and you can set up a body", but it was just a verbal agreement and we find some time later that the minister responsible for this statute had established a new water corporation and the Treasurer then says, "I didn't give you any permission. I didn't concur as required under proposed subsection (5)"? Would that matter be judicable? What would happen if there was no requirement to show that the provisions of proposed subsection (5) were met?

**Mr W.R. MARMION:** The actual wording refers to the Governor. If I were the minister, I would be looking for the piece of paper that has the Governor's signature on it and I would say to the Treasurer, "Mate, have a look at the Governor's signature; I've got the approval."

**Mr W.J. JOHNSTON:** I want to clarify the provision under proposed subsection (4). Given the definition provided for in amended section 3, which was amended by clause 113, can the government set up a new corporation in the water space to do anything that is currently being done by the Water Corporation either instead of or in competition with the Water Corporation? For example, could he set up a water corporation in Karratha? Is there effectively no limit and could that be set up by an order signed by the government? Is that what this provision allows?

**Mr W.R. MARMION:** It also reflects the power that is already available in section 64 of the Water Boards Act 1904, which we are repealing. It provides for new boards to be repealed. We are replicating a clause that we are getting rid of in another act.

**Mr W.J. Johnston:** Under that act could you have set up a water organisation in parallel to the Water Corporation?

**Mr W.R. MARMION:** I could have set up a water board.

**Mr W.J. Johnston:** With the powers that could be operating —

**Mr W.R. MARMION:** With similar powers to the Busselton and Aqwest boards.

**Mr W.J. Johnston:** In the metropolitan area, for example?

**Mr W.R. MARMION:** We understand there is no limitation to the Water Boards Act 1904, so the answer is yes.

**Clause put and passed.**

**Clause 115: Section 5A inserted —**

**Mr F.M. LOGAN:** This clause inserts proposed section 5A. Can the minister advise whether proposed subsection (3) as a result of this amending bill is similar to one that exists in the Water Corporation Act? If it is a new subsection, can the minister explain why it is needed?

**Mr W.R. MARMION:** Proposed section 5A allows the corporation to adopt a name other than its corporate name. The member probably does not have a copy of the Water Corporation Act 1995 in front of him, but some subsections of section 4 of the act are being deleted and are moving into proposed section 5A.

**Mr F.M. Logan:** So is this new section similar to one that is in the act?

**Mr W.R. MARMION:** Yes, that is right.

**Mr F.M. Logan:** That is all I ask.

**Mr W.R. MARMION:** It gives a bit more clarity; that is all.

**Mr F.M. Logan:** If the wording is the same as one that is in the act, that is it; don't worry.

**Mr W.R. MARMION:** Yes.

**Clause put and passed.**

**Clause 116: Section 6 amended —**

**Mr C.J. TALLENTIRE:** This clause refers to the Public Sector Management Act. I am sure members will be aware that section 105 of the act prevents members of Parliament from providing references to people who might be employed under the act. This is of concern to members who may be asked to provide a reference to a person who might be seeking employment with, say, the Water Corporation. It is a very progressive organisation and many of us know people who would want to work for an organisation such as the Water Corporation. My understanding is that in the past we as members of Parliament have not been in a position to provide references to those people because of coverage by the Public Sector Management Act. However, I understand that under this clause—I seek the minister’s confirmation on this—there will be no problem at all with any of us here as members of Parliament providing a reference to someone who seeks employment with a corporation, be it the Water Corporation or any other related corporation covered by this legislation.

**Mr W.R. MARMION:** This is one of those clauses that change “corporation” to “corporations”. That is all it is trying to do. New section 6 is bringing in the plural rather than the singular for the Water Corporation. The member is talking about providing references.

**Mr C.J. Tallentire:** Yes. Currently we cannot provide references to people who may be employed under the Public Sector Management Act. I am referring to section 105 of the Public Sector Management Act. If we do, we are liable to a \$1 000 fine. I want clarification —

**Mr W.R. MARMION:** How does that relate to this?

**Mr C.J. Tallentire:** It is because clause 116 states that a corporation, for example the Water Corporation, will not be covered by the Public Sector Management Act, and therefore we would be legally entitled to provide people seeking employment with the Water Corporation with a reference.

**Mr W.R. MARMION:** There has been no change to the way that people in the Water Corporation are employed. This is no change; all this does is change “corporation” to “corporations”. Whatever applies now still applies. There has been no change to how people are employed at the Water Corporation.

**Mr W.J. Johnston:** Basically what you are saying is that you already provided a reference to it.

**Mr W.R. MARMION:** I am not an expert on the references. I could ask my counsel. They are probably not expert in the Public Sector Management Act, but I could ask them.

**Mr C.J. TALLENTIRE:** I have a further question; it is a simple one. Can the minister clarify whether people at the Water Corporation are currently covered by the Public Sector Management Act?

**Mr W.R. MARMION:** No.

**Clause put and passed.****Clause 117: Section 7A inserted —**

**Mr W.J. JOHNSTON:** Minister, could I ask firstly—he can answer this by interjection or I might have to sit down—is this new section 7A replicating the existing provision?

**Mr W.R. MARMION:** I am not 100 per cent sure whether it is covered in the existing act, but, because I have the power to create a board, this provides for the power to dissolve the board. That is the rationale. I have some more advice; I will just read it. This provision continues an existing power available—I should have known this, shouldn’t I?—in the Water Boards Act 1904, section 6(4).

**Mr W.J. Johnston:** The explanatory memorandum does not make it clear. What you are saying is that this simply reflects a provision in the 1904 act?

**Mr W.R. MARMION:** Correct.

**Mr W.J. Johnston:** So there are no additional authorities or powers between what is in the 1904 act and what you are proposing here?

**Mr W.R. MARMION:** I will just check if there is anything additional. We think there is a bit more detail. Without going through it in detail line by line, there is the suggestion that it is a bit more descriptive and more modern in terms of what is gone through in terms of disposal of assets and discharge of liabilities. It is a bit more prescriptive.

**Mr W.J. JOHNSTON:** I do not want to be too long on this, but I just want to clarify something. Under the current provision, can assets be transferred outside the public sector, or do the assets of the authority that is created have to be transferred within the public sector? The reason I am raising this, minister—I will be quite frank—is that this would appear to give the minister the provision to create an instrumentality to compete with the Water Corporation and then privatise it without coming back to the Parliament. If that is already an existing provision, I will have to go and have a think about that, but if the current provision only allows assets to be

transferred back to the Crown, this is, with the effect of that other clause that we talked about a couple of minutes ago, quite a big authority for the minister.

**Mr W.R. MARMION:** I am actually reading section 6 of the Water Boards Act 1904, part II, division 3. The pertinent part is section 6(4), which states —

The Governor may by Order in Council revoke any other Order in Council made for the purposes of this Act and constituting a water board, and may thereby dissolve any water board constituted under any Order so revoked, and effect shall be given to the Order in accordance with its terms.

That is what it says. So, basically, we can do it.

**Clause put and passed.**

**Clause 118: Section 7 amended —**

**Mr J.C. KOBELKE:** I do not know whether this is part of the emperor syndrome or something, but why is the minister seeking to take power away from regional areas and give the minister more power to do it from Perth? The current requirement for the Bunbury and Busselton Water Boards, unless it has been changed in the past couple of years, is that the people appointed to the board be resident in the general area. Correct me if I am wrong, but that is the way it has always been, and now the minister is watering it down.

**Mr W.R. Marmion:** It is the glass-half-empty approach rather than the glass-half-full approach.

**Mr J.C. KOBELKE:** No. The minister is changing the current requirement for members of the board to be resident in the general area or in the region served by the regional water corporations. The minister is changing that to state in proposed section 7(2)(b) —

In the case of a nomination for appointment to the board of a regional water corporation—the nominee is a person ordinarily resident in an operating area of the corporation so far as is necessary for the majority of the directors of the corporation, at the time of the appointment, to be persons so resident.

The minister has watered that down in two ways. First, it only has to be the majority of the six or seven members. If there are seven members, only four have to be nominated as local residents; and, of those four, one might be resident in, say, Collie, and be on the Bunbury Water Board. If that person moves out a month later and serves the rest of his years on that board not residing in the area at all, we will have a minority of board members who are resident in the area. The question I am asking is: why is the minister watering it down? For 100 years, the Bunbury and Busselton Water Boards have been made up of members who have generally lived in the area, and there has been no criticism that they have not functioned or that they have been inefficient. There were problems decades ago, but in recent history those water boards have functioned efficiently and properly with people from the local area. The minister is now seeking to water that down by saying that only a majority of the members need to reside in the area, and those persons need to be resident in the area only at the time of appointment and not after.

Secondly, proposed subsection (3B) states —

The Minister need only comply with subsection 2(b) to the extent practicable.

The minister can say that it is not practical for him to find a friend of his—a mate—to go on the board, so he will have to appoint someone from Perth or Kalgoorlie to the Bunbury Water Board. The minister needs to give some explanation and some rationale for why what has been happening for 100 years is no longer satisfactory and why the minister has to centralise in Perth the people who will be on the board of these regional water corporations.

**Mr W.R. MARMION:** I can give three reasons. The first reason is that we are just doing what the member wanted to be done.

**Mr J.C. Kobelke:** What do you mean? I did not want that.

**Mr W.R. MARMION:** My adviser says that was a provision that the member was in favour of.

**Mr J.C. Kobelke:** Absolutely not—I was not—because I gave them an undertaking that I would maintain their local identity.

**Mr W.R. MARMION:** That is fine. I acknowledge that. That leaves only two reasons, then. The second reason is that the water service corporations, whether in Bunbury or Busselton, will operate outside that area. By the way, the majority will still need to reside within the area but the other members will give the board the scope to put in people who have skills in certain areas. In a place like Bunbury, they might want to have a lawyer on the board, and they might find that they cannot get a lawyer from Bunbury because they are on a whole lot of other boards such as the port authority. The reason is to provide the board with the opportunity, if the board members want a certain person with a particular skill to be on the board, to go outside the region. I think that is a very good reason to do it.

**Mr J.C. KOBELKE:** I do not accept the minister's argument, but I will not delay the chamber by going over it. The minister made his point and I do not think it stacks up.

The second point I want to make about clause 118 is that clause 114 allowed for the establishment of new water corporations, which presumably would centre on a different part of the state. This legislation allows the government to split up Perth, but let us for the moment look at regional water corporations. Let us say that we wanted one at Kalgoorlie, Karratha or Broome; there is the mechanism by which to do it, but they would not be caught by the provisions in clause 118. Therefore, we would not have to have regional people on a Broome water corporation because the way I read it—correct me if I am wrong—is that clause 118(2) applies to regional water corporations, and proposed section 7(3A) defines “regional water corporation” as the Bunbury Water Corporation or the Busselton Water Corporation. Therefore, it seems to me that if the government established another regional water corporation, it would not be caught by the watered-down provision to have a majority of board members, at least at the time of nomination, living in the operating area of that regional water corporation.

**Mr W.R. MARMION:** I am not sure what the member's point is. The Water Corporation can appoint whoever it likes. This provision is something that both the Bunbury and Busselton boards wanted to have, so it is actually a special provision exclusive to them—perhaps of all boards in Western Australia. It is quite the opposite of what the member is suggesting —

**Mr F.M. Logan:** I thought you said the minister wanted it.

**Mr W.R. MARMION:** I am talking to the member for Balcatta. It is quite the opposite of what the member is suggesting. If we start a new water corporation in Karratha, we could put anyone on it. That is exactly the case with the majority of boards in Western Australia. This provision allows, because both the Bunbury and Busselton Water Boards wanted it and we are happy to have it, for the majority of board members to be from those localities. That is what this is all about in a nutshell. But the member is correct; if someone set up a water board in Karratha, they could have whoever they like. They could have everybody from Karratha if they wanted to, or they could have no-one from Karratha. That is exactly right.

**Mr F.M. LOGAN:** Firstly, the minister told the member that this provision was put in because the minister wanted it and now he is saying that it has been put in because the boards wanted it. The minister also made statements earlier that these clauses need to be put in because it broadens the areas within which both those organisations may operate.

**Mr W.R. Marmion:** It's a reason, I'm not saying it has to be.

**Mr F.M. LOGAN:** They may operate out of their current areas. Can the minister clarify, before we vote on this, what the government's intention is for those corporations? At the moment, as the minister knows, they are defined to operate in certain areas. There is a demarcation, as the minister knows, between the Water Corporation and those boards. What is the minister's intention, in explaining these provisions, for the future of those corporations? What will they be? Will they operate way beyond those boundaries? Will they be in competition with the Water Corporation? What is the minister actually setting up here?

**Mr W.R. MARMION:** I have no intentions for them. This is enabling legislation, so it allows both the Bunbury and Busselton Water Corporations, if they want, to extend their boundaries, and they can go to the Economic Regulation Authority to do that. The member is a smart person, so if he is a business operator and runs a business, he is hardly likely to move to Karratha if he is in Bunbury. It may make sense and it is the business of the board to decide this but it may want to expand its current boundary.

**Mr F.M. Logan:** The Water Services Bill that we just dealt with still constrains them and still creates those demarcations. Why would you say they would want to alter it?

**Mr W.R. MARMION:** As I said before when we were discussing other clauses, this bill allows them to apply to the ERA to move outside their current boundaries. I cannot tell the member where the Bunbury Water Board, Aqwest, might end up in the next 50 years. This allows those corporations to expand their boundaries and also to move outside potable water. As the member for Balcatta said, they can move into other water service provisions.

**Mr J.C. KOBELKE:** The sections that establish the composition of the governing board and the various things that help corral who can or cannot be on it is quite important for the functioning of an organisation. When we have two organisations that have functioned for over 100 years, I am interested in why changes have been made. I have already commented on the minister moving away from requiring a greater composition from local residents. The other thing that the minister has moved away from in clause 118(1) is the current requirement that the chief executive officer, who is appointed by the board, then becomes a member of the board. That is being scrapped because paragraph (2A) states —

The chief executive officer of a corporation may be a director of the corporation.

The minister has now made a change in how the board will be comprised by moving away from a situation in which the board has, until now, a chief executive officer as a member of the board in Bunbury and Busselton. I

do not know whether this change is driven by some dissatisfaction with the board or some dissatisfaction by the minister with a particular chief executive officer. I would like to know why there are these changes in the appointment structure so that it is now the minister's decision, I presume, going through the Governor, whether the chief executive officer will be a member of a particular board.

**Mr W.R. MARMION:** I think it is the opposite of what the member just said. Currently the chief executive officer of the Water Corporation is on the Water Corporation board. The executive officer of the Busselton board and Aqwest are not on the board. The wording in clause 118(1)(2A) is explicit. It states —

The chief executive officer of a corporation may —

That is the main word —

be a director of the corporation.

That allows the status quo to remain the same for the Water Corporation because the current CEO of the Water Corporation is a director of the corporation.

**Mr J.C. KOBELKE:** I am sorry if what I said was incorrect. I was going off the explanatory memorandum. Page 20 of the explanatory memorandum states —

Subclause (4) amends section 7(3) ...

**Mr W.R. Marmion:** You are ahead of me. That is page 20 —

**Mr J.C. KOBELKE:** I am referring to page 20 of the explanatory memorandum. The second paragraph from the top states —

Subclause (4) amends section 7(3) to take account ...

**Mr W.R. Marmion:** Can I just read it so I can see what it says?

**Mr J.C. KOBELKE:** I will read it into the record; the minister can read it at the same time. I will not read too quickly. It states —

... to take account of the change to 7(1) that removes the requirement that the chief executive officer of a water corporation is automatically a director on the board.

The explanatory memorandum says that the minister is removing the requirement for the chief executive officer to automatically be a director on the board. That is contrary to what he just said. Either the explanatory memorandum is wrong or I am misreading it.

**Mr W.R. MARMION:** The member is trying to trick me. The current provision under the Water Corporation Act 1995 makes the chief executive officer automatically a director of the board.

**Mrs M.H. Roberts:** You said it didn't.

**Mr W.R. MARMION:** No; I am saying that the new legislation we are bringing in—this is the new wording under proposed section 7(2A), as opposed to the existing wording—reads “may be a director”. Currently, the chief executive is automatically a director; the new wording means he may be.

**Mr J.C. Kobelke:** That's what I said at the start.

**Mrs M.H. Roberts:** You said they currently weren't.

**Mr W.R. MARMION:** No. We are talking about the Water Corporation; we are talking about Sue Murphy. We are not talking about the executive officers from Busselton Water Board and Aqwest, who are not currently automatically directors of the board. That is correct.

**Mr F.M. LOGAN:** I refer to what the minister was referring to in the definition of “operating area” contained in proposed section 7(3A).

**Mr W.R. Marmion:** Which clause are we referring to?

**Mr F.M. LOGAN:** We are still dealing with clause 118. We were talking about the operating area, and the minister gave an explanation of the representation of the board and, basically, the future of organisations such as the Bunbury and Busselton Water Boards. The definition of “operating area” on page 39 of the bill states —

*operating area*, of a corporation, means an operating area of a licence held by the corporation under the Water Services Act;

The minister said that the future of an Aqwest or Busselton Water may be that they would apply to, say, the Economic Regulation Authority to broaden out their representation. Minister, these are not businesses; they might be corporations, but they are government-owned businesses. They are not businesses as such; they are government-owned operations that are actually monopoly suppliers of particular services to particular areas. Is the minister honestly suggesting that they could be broadened out to be in competition with one another? What

would the public benefit be in having three government-owned organisations in competition with one another? I cannot see the benefit of that at all.

**Mr R.F. Johnson:** Was that a question or a comment?

**Mr F.M. Logan:** Both.

**Mr W.R. MARMION:** As I said before, this is enabling legislation. We cannot predict the future. If we use Dalyellup as an example, that could be an area where residents on one side of the street pay half the price for water than those on the other side of the street because they have different providers.

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

**Mr W.R. MARMION:** Yes, that is right. I am not saying there would be competition—there could be—but we might find that there might be a transfer of assets. If one water service provider thinks it can provide water services at a cheaper price, there might be a change of assets. It allows a whole lot of things to open up, whereas now there actually is a monopoly due to the defined boundaries. Now that the boundaries will be opened up, there will be an opportunity to have more efficient water service providers and delivery. I think this is a good bill that enables those opportunities to be presented.

**Clause put and passed.**

**Clauses 119 to 126 put and passed.**

**Clause 127: Section 28A inserted —**

**Mr C.J. TALLENTIRE:** This clause seems to give all sorts of powers to an eventual corporation. Proposed section 28A reads —

The fact that a corporation has a function given to it by this Act does not impose a duty on it to do any particular thing ...

Reading that, I was keen to see what this clause was replacing in the existing act, because I did see in the explanatory memorandum that this proposed section replaces repealed section 27(5) of the existing act. I have gone to section 27(5) and it does not relate. Proposed section 28A gives the impression that eventually this corporation could do anything it wants to do. It does not have to do anything to do with water. I checked on section 27(5) of the act, which reads —

This section or section 28 does not impose on the corporation any duty to perform any function that is enforceable by proceedings in a court.

They are quite different things. The real concern is that proposed section 28A seems to allow a corporation to do whatever it likes. It clearly states “does not impose a duty on it to do any particular thing”. I find this proposed section very strange.

**Mr W.R. MARMION:** I will see whether I can explain this. Section 27(5) to which the member has referred will be deleted and proposed section 28A will replace it. It does not mean that it has discretion to do anything it likes; it still has to comply with its licence and any other provisions under the act. Can the member explain it in clearer terms?

**Mr W.J. JOHNSTON:** I can. The provision that the member for Gosnells is pointing out to the minister does not direct the corporation to provide services in the water services space; it provides an authorisation for it to do anything, whereas the provision that is being deleted makes it clear that it is a provision related to water services. I had only half an ear to the question of the member for Gosnells, but the point he was making was very clear to me. This corporation will be allowed to provide, say, services as an electricity corporation, because there is nothing in the legislation that will prevent it from doing so.

**Mr W.R. MARMION:** My legal counsel has explained it. Obviously, it was drafted by experts. The fact that a corporation has a function given to it by this legislation does not impose a duty on it. It is not saying that it can do anything; it is just saying that it has a function given to it by the act but it does not impose a duty for it to do it. That is the actual wording of the legislation. It is not quite the same as what the member said.

**Mr F.M. LOGAN:** I cannot see how the minister’s counsel has interpreted it in that way.

**Mr W.R. Marmion:** It is the same counsel you used.

**Mr F.M. LOGAN:** What does that have to do with it?

Several members interjected.

**The SPEAKER:** Thank you, members!

**Mr F.M. LOGAN:** It is set out in the explanatory memorandum. The only reason the minister is making these amendments is that similar amendments were made to the Electricity Corporations Act 2005, but there is a

significant difference between the Electricity Corporations Act 2005 and this bill. The Electricity Corporations Act 2005 provided for the break-up of Western Power and the creation of a market system for the provision of power. That is not what is happening with water services under this bill. It is irrelevant whether this provision was picked up simply because the minister is following what was done in the Electricity Corporations Act. This is about, ultimately, the monopoly supply of water through the Water Services Bill by licensed operators owned by the government. It is not about, as it says in the Electricity Corporations Act, the provision of electricity to the buyer Synergy, which may well be a government-owned body; it is about a series of different organisations, both public and private. So there is no reason to pick this up, and the wording is very clear. Not only does the legislation state that a corporation does not have a requirement, effectively, to carry out the duty imposed on it, it states —

subject to —

... this Act; and

... any direction given to the corporation under this Act,

it has a discretion as to how and when it performs the function.

Therefore, even if the minister were to give a corporation a direction, the corporation does not have to comply with it immediately; it can determine when and how it complies with the direction. That is what that says.

**Mr W.R. MARMION:** I will try to explain it again.

**Mr W.J. Johnston:** How about you explain it the first time?

**Mr W.R. MARMION:** I have, but there are three things happening at the same time here. Firstly, proposed section 28A is basically a modernisation of section 27(5). That is what I have been advised. I am not a lawyer, but point one is that I have been advised that this is the more modern language and reflects —

**Mr F.M. Logan:** You believe them?

**Mr W.R. MARMION:** I do; I believe the lawyer.

The other thing is that we are talking about functions not duties; the member is confusing the two. Also, anything it still has to do in terms of its water licence, it still has to do. All this provision means is that although under the legislation the corporation can be given a function, it does not impose a duty to do that particular function subject to the act and to a direction given to it by the corporation under the act. Therefore, it is subject to any direction that might be given; indeed, I would imagine a direction given by me.

**Mr W.J. JOHNSTON:** I just want to get it clear here, if the minister was to give a direction to the Water Corporation to act in respect of water services in a particular way, is the minister saying that this provision means that the Water Corporation would have complete discretion on how it performs that obligation being directed by the minister. Is the minister suggesting that it gets to choose the effect of a direction, because it states —

... any direction given to the corporation under this Act,

it has a discretion as to how and when it performs the function.

Is the minister actually suggesting that, because that is clearly not the provision that is in the Electricity Corporations Act, the minister knows as well as I do that there is just no way in the world that that is the provision.

**Mr W.R. Marmion** interjected.

**Mr W.J. JOHNSTON:** Is the minister saying that it is the same provision, because it is not?

**Mr W.R. Marmion:** No; it is subject to any direction given.

**Mr W.J. JOHNSTON:** It does not say that.

**Mr W.R. Marmion:** Yes, it does.

**Mr W.J. JOHNSTON:** Where does it say that?

**Mr W.R. Marmion:** In proposed section 28A.

**Mr W.J. JOHNSTON:** That states —

The fact that a corporation has a function given to it by this Act does not impose a duty on it to do any particular thing and, subject to —

**Mr W.R. Marmion:** And subject to paragraphs (a) and (b). Paragraph (b) states —

... any direction given to the corporation under this Act,

**Mr W.J. JOHNSTON:** I do not understand. What is the exclusion then that the minister says is being given to it? What is the benefit of the provision? If the minister is saying that the corporation has to do what the act tells it

to do, that is clear and it is a direction, and that is clear as well. So, what is the actual impact of the clause, because that is certainly not what is in the Electricity Corporations Act; that is a completely different provision. So what is it in plain English? Tell me: what is the effect of this provision?

**Mr W.R. Marmion:** Now you have asked the right question, I think.

**Mr W.J. JOHNSTON:** It is exactly what the member for Gosnells asked 10 or 15 minutes ago.

**Mr W.R. MARMION:** Section 27 in part 3 of the Water Corporation Act 1995 sets out all the functions of a corporation. I will not read them all out because they are quite exhaustive, but they include —

- ... to acquire, store, treat, distribute, market and otherwise supply water for any purpose;
- ... to collect, store, treat, market and dispose of wastewater and surplus water;

So, again, they are all the things that can be done. They are all the functions. I read paragraphs (a) and (b), but it goes down to paragraph (f), so there are all these things that can be done. This proposed section 28A says that despite the fact that the corporation has all those functions it can do under the act, a duty is not imposed on the corporation to do all those things, subject to anything that it has to do under the legislation or any direction given by the corporation under the act. It is pretty clear to me, but let me make it really simple. One of the functions is to provide drainage services, so it might choose not to provide drainage services and that is what this clause allows.

**Mr F.M. LOGAN:** I think the minister has explained it as well as he could. The way in which this is worded can be interpreted in various different ways. Wording like this allows corporations, and particularly CEOs of corporations, to turn around to the minister and say, “We are not going to do that; and you cannot tell us what to do.” If the minister thinks they do not do that; they do! I know that and the minister should know that. When the minister asks the Water Corporation to do something and it says, “Sorry, minister, we are a government-owned organisation and you have no responsibility over us; you cannot tell us what to do,” they will pull this wording out and put it in front of the minister’s nose. That is what they will do. They have done it before. They have done it to former ministers in this chamber. The minister is making a rod for his own back by leaving that wording as it is.

**Mr W.R. MARMION:** New section 27A(b) covers that.

**Clause put and passed.**

**Clauses 128 to 157 put and passed.**

**Clause 158: Section 81 amended —**

**Mr J.C. KOBELKE:** I was actually concerned with clauses 157 and 158, so if the minister is obliging, I can ask about them both. One question relates to rates. What is the current provision, because my limited understanding from what is presented in the explanatory memorandum is that the rates are paid to the Treasury and not to local government? To what extent are the corporation’s assets on land exempt from paying local council rates? What is the current provision, and is it changed by this clause? I also have a question on borrowings and the current provisions for setting those limits; and whether this legislation changes that at all.

**Mr W.R. MARMION:** I refer again to clause 76, which is cover-all clause for all corporations. At the moment the Water Corporation provides the equivalent amount of local government rates, but Busselton and Bunbury Water Boards are exempt. Clause 76 makes it consistent and refers to a sum equivalent to any local government rate or charge. I guess they pay a government rate.

**Mr J.C. KOBELKE:** To get that clear, the minister is saying that the Water Corporation and the Bunbury and Busselton Water Boards currently do not pay local government rates on most of their assets or all of their assets?

**Mr W.R. Marmion:** Don’t they pay rates on the land?

**Mr J.C. KOBELKE:** If they have pipework, I assume they are exempt from paying rates on that sort of asset. But if they own an office block, would they have to pay rates on it under the current arrangement? The current provision, which is an exemption for rates, says that no local government rate or charge is to be imposed or levied on any land vested in or under the management and control of the corporation that is used or reserved exclusively for the purpose of providing works, undertakings or facilities necessary in the performance of the functions of the corporation. That is the current exemption.

**Mr J.C. KOBELKE:** My next question follows from that. Currently, as I understand it, Bunbury and Busselton water corporations, in lieu of the rates for the council, are not paying money to state Treasury. Under this provision, I need to be clear about whether they will be required to or whether it opens it up and they may be required to. Is it automatic that they will now have to pay that?

**Mr W.R. Marmion:** They will have to.

**Mr J.C. KOBELKE:** Does the minister have a figure for how much that will be for the past year?

**Mr W.R. Marmion:** Yes, we have an estimate. The estimate for Busselton Water is \$22 500 in 2011–12 and \$24 000 in 2012–13.

**Mr J.C. KOBELKE:** And for Bunbury?

**Mr W.R. Marmion:** We will see whether we have those figures. You get a bit of an idea of the level.

**Mr J.C. KOBELKE:** Yes—just an indicative figure.

**Mr W.R. Marmion:** We don't have that. We think that it might be about double, from memory; and, being double, it probably reflects the assets it has.

**Mr J.C. KOBELKE:** I thank the minister for attempting to give an answer even though he does not have the exact figure in front of him. The second part goes to the borrowing limits on corporations. That is an amendment in the bill. Does that make any substantial change or is it just rejigging it because the same legislation will apply to all three corporations?

**Mr W.R. MARMION:** The actual wording is consistent with that for the Water Corporation. Both Aqwest and Busselton will have the same borrowing rates, consistent with those for the Water Corporation.

**Mr J.C. Kobelke:** Is there anything that tells us the mechanism by which you set that, I presume?

**Mr W.R. MARMION:** That is correct. Also, Treasury puts limits on borrowings, of course, as the member knows.

**Clause put and passed.**

**Clauses 159 to 162 put and passed.**

**Clause 163: Sections 92, 93 and 94 inserted —**

**Mr C.J. TALLENTIRE:** This clause inserts into the act provisions relating to the vesting of land. I am curious to know from the minister whether, under this vesting capacity, we could see land vested in the Water Corporation that is government-owned land, and for what sorts of purposes it would be vested in the Water Corporation. What would the circumstances be? It is easy to imagine that for infrastructure-type purposes there would be that sort of vesting, but is it also envisaged that there might be vesting of land in the Water Corporation as part of an environmental offsets package?

**Mr W.R. MARMION:** This provision already exists in another act. We are trying to put all the acts that currently exist in one bill or another. We are putting in this bill the powers vested in the corporation.

**Mr C.J. Tallentire:** Which other act is it in, minister?

**Mr W.R. MARMION:** The Water Agencies (Powers) Act 1984, section 8.

**Mr C.J. Tallentire:** And it is identical wording, is it, that you are transferring into the new —

**Mr W.R. MARMION:** We will look at the wording right now.

**Clause put and passed.**

**Clauses 164 to 188 put and passed.**

**Clause 189: Schedule 5 inserted —**

**Mr J.C. KOBELKE:** I refer to proposed clause 18 of schedule 5, "Payments to the State under Part 5 Division 2", which establishes the financial year for the regime of payment by the Bunbury and Busselton Water Boards, particularly because they do not currently make payments to the state. How much is it anticipated those payments will be in the first or second year of operation? Is there a number? Has any determination been made about the rate they will be required to pay? Will it be equivalent to the Water Corporation or will a different rate be set?

**Mr W.R. MARMION:** No; the rate has not been set as yet. There is a process of negotiation between the board and the Treasurer. That will be the process once these bills are passed, but no specific rate has been determined as yet.

**Mr J.C. KOBELKE:** Has the minister had any discussions with the Bunbury and Busselton Water Boards about the likely level of payment to the state? When I was discussing this legislation with them five years ago, they were very keen that there not be a payment. We had lengthy discussions about that. I gave an undertaking that in the life of the government, we would not require that payment. Even though these provisions would be in the statute, I gave them a verbal undertaking that I would accede to their wish and in the life of the government—the four-year term—there would not be the requirement for them to make that payment. Has the minister had discussions with the CEOs of the boards? What understanding does he have with them about the likely quantum of payment they will have to make?

**Mr W.R. MARMION:** It is fair to say that there have been discussions and it is also fair to say that, obviously, they would prefer not to pay a dividend. I have the power as a minister to direct another amount be the dividend, so there is that flexibility. I guess in the member's situation, he would have been able to direct that it would be zero to a certain period. I have that flexibility. I know they understand that they will be paying a dividend.

**Mr J.C. KOBELKE:** I imagine people there will be very unhappy with the minister. He will be taking away some of the requirement for a higher local component on the board and he will make them pay for it. They will be paying more money into the central Treasury to try to prop up the profligate spending of the minister's government and he is taking away some of the local control of the board as part of it. They will be losing on all sides. I am sure the minister will not get a very good reception when he goes down there to tell them that he will be making them pay a whole lot of money they have not had to pay before in terms of both the rates and dividends to the government. He will be reducing the number of board members who potentially have to be local residents.

**Mr W.R. MARMION:** It was not a question but I will respond. Both bills are strongly supported by both boards. As a Bunbury person, I know a lot of the people involved. I know, I think, the people who were the first five members of the Bunbury board. Some of them are still alive. They strongly support both bills, and they are keen to provide a fuller range of services.

**Mr J.C. Kobelke:** But not this provision, I'm sure.

**Mr W.R. MARMION:** That is true.

**Clause put and passed.**

**Clauses 190 to 204 put and passed.**

**Clause 205: *Builders' Registration Act 1939* amended —**

**Mr W.R. MARMION:** I am opposing the clause.

**Mr J.C. Kobelke:** Can you give the reason?

**Mr W.R. MARMION:** Yes, I can.

**Mr R.F. Johnson:** We don't like it! We've gone right off it! That's good enough, isn't it?

**Mr W.R. MARMION:** The reason we are opposing clause 205 is that it refers to an act that no longer exists. The name of the act was amended to the Builders Services (Complaint Resolution and Administration) Act 2011.

**Mr R.F. Johnson:** A good reason!

**Mr W.R. MARMION:** So there is a fairly good reason. That act came into being between the period when this bill was second read and where we are at now. Circumstances took over and that act has had a name change. The intention of the clause was to change the name of the act, so it is irrelevant.

**Clause put and negatived.**

**New clause 205 —**

**Mr W.R. MARMION:** I move —

Page 91, after line 3 — To insert —

**205. *Building Services (Complaint Resolution and Administration) Act 2011* amended**

- (1) This section amends the *Building Services (Complaint Resolution and Administration) Act 2011*.
- (2) In section 3 in the definitions of *building service Act* paragraph (f), *plumbing work* and *vocational regulatory body* paragraph (b) delete "*Water Services*" and insert:  
*Plumbers*
- (3) In section 92(5)(e) delete "*Water Services*" and insert:  
*Plumbers*

**New clause put and passed.**

**Clause 206: *Bulk Handling Act 1967* amended —**

**Mr W.R. MARMION:** I oppose this clause, too.

**Clause put and negatived.**

**New Clause 206 —**

**Mr W.R. MARMION:** I move —

Page 91, after line 17 — To insert —

**206. Bulk Handling Act 1967 amended**

- (1) This section amends the *Bulk Handling Act 1967*.
- (2) Delete section 52A.

There is a special provision for Co-operative Bulk Handling in a specific section of the existing act. However, CBH is happy to be treated like every other client, so we are deleting section 52A.

**New clause put and passed.**

**Clause 207: Conservation and Land Management Act 1984 amended —**

**Mr W.R. MARMION:** I move —

Page 92, lines 1 to 11 — To delete the lines.

Again this clause was intended to amend the act but it has been overtaken by events through the CALM Act. These provisions have therefore already been inserted by another bill.

**Amendment put and passed.**

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

**Clauses 208 to 212 put and passed.**

**Clause 213: Fire Brigades Act 1942 amended —**

**Mr W.R. MARMION:** I oppose this clause.

**Mr J.C. KOBELKE:** Could we just have some explanation? I am just concerned how that that fits in with the Fire Brigades Act.

**Mr W.R. Marmion:** I will be moving an amendment.

**Mr J.C. KOBELKE:** So the minister is not amending. He is moving to oppose and proposing a new clause.

**Mr W.R. Marmion:** And then inserting a new clause, yes.

**Clause put and negated.**

**New clause 213 —**

**Mr W.R. MARMION:** I move —

Page 96, line 9 — To insert —

**213. Fire Brigades Act 1942 amended**

- (1) This section amends the *Fire Brigades Act 1942*.
- (2) Delete sections 54 and 55.
- (3) At the beginning of section 61 insert:
  - (1) In this section —
 

*water services licensee* means a licensee as defined in the *Water Services Act 2011* section 3(1).
- (4) In section 61:
  - (a) delete “The Authority,” and insert: (2) The Authority,
  - (b) delete “water supply authority” and insert:
 

water services licensee

This provision was put in to enable FESA to operate the fire hydrants. As we are transferring the ownership of fire hydrants to the Water Corporation, fire hydrants are already part of the water infrastructure. Under clause 163, all fixtures go through to the corporation; that is a catch-all clause.

**Mr F.M. Logan:** When they are not blowing up.

**Mr W.R. MARMION:** That is right. This deletes special provisions in the Fire Brigades Act that allow FESA to operate the hydrants.

**New clause put and passed.**

**Clauses 214 to 222 put and passed.**

**Clause 223: *Presbyterian Church Act 1908* amended —**

**Mr C.J. TALLENTIRE:** The Presbyterian Church Act 1908 is being amended through this legislation. I am concerned that there is actually a disincentive for Presbyterian churches and the churches' real estate to connect to the sewerage system. I say that because the church can avoid paying a water services charge unless the land is connected to water service works as defined in the act. I think by including this, we are going beyond what the current section 21(6) of the Presbyterian Church Act says, and we are adding in this other aspect of "unless the land is connected to water service works as defined". In a way, that acts as a disincentive for the church to make sure that it is connected to water service works.

**The SPEAKER:** The question is that clause 223 be agreed to.

**Mr C.J. TALLENTIRE:** Hang on; I have not had a response from the minister.

**Mr W.R. Marmion:** You were just making a comment.

**Mr C.J. TALLENTIRE:** No, I wanted a response. I want the minister to explain why.

**Mr W.R. Marmion:** Ask me the question.

**Mr C.J. TALLENTIRE:** The question is this: why are we creating a situation in which churches would be discouraged from connecting to the sewerage system?

**Mr W.R. MARMION:** We are retaining the status quo. The exemptions proposed by the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 are being replaced with the Water Services Act 2012. The status quo will remain. This is a consequential amendment of the Water Services Bill 2011.

**Mr C.J. TALLENTIRE:** Clearly some special treatment is being given to the Presbyterian Church. That may be justifiable, and indeed I would also ask the minister to explain why there is a Presbyterian Church of Australia Act 1901 as well as a Presbyterian Church Act 1908, but that is beside the point, really. The fact is, though, that the minister's amendment goes beyond what the act currently says, because it allows for the church to not pay any water service charge. Why do we need to insert that provision? Why not make the church pay the water service charge regardless?

**Mr W.R. MARMION:** We were trying to keep the status quo. There is a whole range—Hale School, the Anglican Church; a whole lot of people—and we are retaining the status quo.

**Mr C.J. Tallentire:** That is not consistent with the act as it currently reads, though.

**Clause put and passed.**

**Clauses 224 to 226 put and passed.**

**Clause 227: *Residential Parks (Long-stay Tenants) Act 2006* amended —**

**Mr J.C. KOBELKE:** I am seeking a clear explanation about what this change will mean for the rebates and deferments and other benefits that are paid to particular sectors of the community or people who meet certain criteria. The explanatory memorandum says —

The Amendments to section 16(4) and proposed section 16(5) are based on the policy that only prescribed private licensees should be able to make a claim for and receive reimbursement (rather than any licenses under the Water Services Act. Water corporations established by or under the Water Corporations Act 1995 are excluded from the operation of section 16 on the basis that those bodies will receive community service payments from Treasury.

Amendments were made under the last government to try to look after the people in long-term residential parks or caravan parks, because if the caravan park had a larger pipe coming into it, it fell into a different category of water charges, and therefore the cost per litre was more expensive for those residents than it would be if they were living in a house next door, and that full cost was passed on to the residents of the caravan park or the long-stay residential tenants by the owners of that facility. So those people were paying more for their water as pensioners because they lived in a park home. I want to know what is happening here and whether these people will be disadvantaged by the changes the minister is making in this clause.

**Mr W.R. MARMION:** Again, we are preserving the status quo. This is a clause that makes consequential amendments arising from the Water Services Bill. There is no change. Whatever applies now will still apply for anyone residing in caravan parks.

**Mr J.C. KOBELKE:** Minister, I really want to have this doubly confirmed. The minister is saying that under clauses 226 and 227, pensioners and people who currently qualify for some form of rebate or assistance will get that. But, secondly, I want to know whether the actual charging mechanism for people who live in these group homes will disadvantage them under the changes the minister is making here, because the rebates are only one aspect of it. The second aspect is that if the water service to a property that has multiple dwellings falls into a

different price structure, in the past that has meant that people have had to pay more per kilolitre of water, because of the delivery system and the pricing structure. Is the minister confirming that the changes that he is making in clauses 226 and 227 will not in any way adversely impact people who are living permanently or semi-permanently in caravan parks or in retirement villages that may be residential parks?

**Mr W.R. MARMION:** I can confirm my previous statement. The clause amends a section in the Residential Parks (Long-stay Tenants) Act 2006 that makes the park operator responsible for all water charges except consumption charges, and this outcome is preserved.

**Clause put and passed.**

**Clauses 228 to 233 put and passed.**

**Title put and passed.**

## **WORLD WAR II INTERNMENT CAMPS**

*Notice of Motion — Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams):** Leader of the House, before I give you the call, there is a statement I wish to make. It is a pity that the member for Warnbro is not in the house at the moment because I refer to the notice of motion given by the member for Warnbro yesterday, now, effectively, regarding internment camps in Australia during World War II. I have to say, members, that it is with some reluctance that I have allowed the motion to remain in its original form, even though it contains, in my estimation, argument more properly contained within the debate when the motion is being considered. However, the special circumstances that are involved in that notice of motion do not apply to other notices. Can I just say, members, that I provide some caution that when you formulate a notice of motion, it should be concise, a self-contained proposition and one that does not contain argument.

*House adjourned at 1.02 am (Wednesday)*

---

### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MINISTERS/ MINISTERIAL OFFICES — MEETINGS WITH SERCO

7703. Mr M. McGowan to the Minister for Police; Road Safety

In relation to the Minister's portfolio responsibilities, has the Minister or the Minister's staff met with representatives of Serco or the Serco Institute in the period of January 2011 to March 2012 to date; and

- (a) on what date(s) did the meeting(s) take place;
- (b) who attended the meeting(s);
- (c) what was the purpose of the meeting(s); and
- (d) what issues were discussed?

Mr R.F. JOHNSON replied:

Neither the Minister, nor his staff, have met with representatives of Serco or the Serco Institute in the period of January 2011 to March 2012 to date.

(a)–(d) Not applicable.

#### GOVERNMENT DEPARTMENTS AND AGENCIES — MEDIA ADVERTISING COST

7840. Mr B.S. Wyatt to the Minister representing the Minister for Mental Health; Disability Services

With respect to each agency under the jurisdiction of the Minister, I ask, for the years 2008, 2009, 2010, 2011 and 2012, how much has been spent on:

- (a) advertising in both television and newspapers (please provide a separate figure for both television and newspapers);
- (b) printing brochures and other promotional material; and
- (c) radio advertisements?

Dr K.D. HAMES replied:

Please refer to Legislative Assembly Question on Notice 7824.

#### REGIONAL HOSPITALS — CLINICAL SERVICES

7884. Mr R.H. Cook to the Minister for Health

- (1) Please outline what clinical services are currently provided at each of the following regional hospitals:
  - (a) Albany;
  - (b) South West Regional Health Campus (Bunbury);
  - (c) Headland Health Campus;
  - (d) Nickol Bay;
  - (e) Broome; and
  - (f) Geraldton?
- (2) What new and/or additional clinical services were recommended at each of the above hospitals as part of the Clinical Services Framework 2005–2015, and the Clinical Services Framework 2010–2020 respectively?
- (3) What actual new and/or additional services which have been funded will actually be provided at the above regional hospitals over the four years?
- (4) How many patients from each of the above regional hospitals were transferred and/or referred to general or regional hospitals in Perth in 2011?
- (5) For what clinical services were these patients transferred and/or referred (please provide information broken down by number of patients per clinical service)?

Dr K.D. HAMES replied:

- (1) (a)–(f) [See paper 4949.] Nickol Bay is not a Regional Hospital; Hedland Health Campus is the Regional Hospital for the Pilbara.
- (2) The WA Country Health Service (WACHS) was not included in the Clinical Services Framework 2005–2015, which encompassed only the Metropolitan Area Health Services. The Clinical

Services Framework 2010–2020 allows for the first time the inclusion of detailed modelling and role delineation of services provided by WACHS.

- (3) Not applicable. See response provided to (2).
- (4) For 2010/11 there were a total of 39880 separations of WACHS residents of the five regions listed in the table below, in metro public and private hospitals.

REGION	TOTAL NUMBER OF SEPARATIONS
Albany (Great Southern)	6364
Bunbury (South West)	15642
Hedland Health Campus (Pilbara)	5855
Broome (Kimberley)	4029
Geraldton (Midwest)	7990
TOTAL	39880

This excludes boarders and healthy newborns (unqualified neonates).

- (5) [See paper 4949.]

#### PERTH WATERFRONT PROJECT — EMERGENCY ACCESS

7912. Mr J.N. Hyde to the Minister for Emergency Services

I refer to the Minister's answer to my Question on Notice No. 7420, where he does not produce any evidence of planning for emergency services' access to the Perth Waterfront project environs. In relation to this, I ask:

- (a) on what occasions did the Minister provide advice to Cabinet, and what was the scope of that advice;
- (b) what advice has the Minister's department provided to other departments or stakeholders, will the Minister table that advice and, if not, why not;
- (c) now that work has begun on the Waterfront Project, what advice on emergency services access has been provided to construction companies or sub-contractors or the Metropolitan Redevelopment Authority; and
- (d) will the Minister guarantee full emergency vehicle access to the Waterfront project site during its construction?

Mr T.R. BUSWELL replied:

The Fire and Emergency Services Authority advises:

- (a)–(b) Advice provided is part of ongoing Cabinet deliberations.
- (c) The Metropolitan Redevelopment Authority (MRA) wrote to all key stakeholders on the 24/4/2012 including FESA, to provide an overview of the project and advise of the various stages of the planned work program over the next 18 months. The MRA advised that this information will be provided to all key stakeholders, including all emergency services on a regular basis throughout the life span of the Elizabeth Quay project.

The project is currently in Stage 1 of the development which only entails site development and preliminary infrastructure work on Langley Reserve. FESA has established an internal oversight group from operational and built environment staff who will meet with the MRA Project Team and other emergency service agencies on a regular basis to ensure coordination of access to emergency services is maintained to buildings, infrastructure and hydrants during all stages of the construction phase of the project.

- (d) FESA in conjunction with the MRA will coordinate and manage access issues in and around this development as it progresses. .

#### SEX OFFENDERS — GLOBAL POSITIONING SYSTEM

7915. Dr A.D. Buti to the Minister for Corrective Services

In relation to the Global Positioning System for tracking dangerous sex offenders in the community, I ask:

- (a) what is the total cost involved in establishing the system;
- (b) what is the total cost in involved running the system per annum;
- (c) what is the breakdown for the cost of each component necessary in establishing the system;
- (d) what is the breakdown of the cost for each component necessary to run the system per annum;
- (e) how many dangerous sex offenders will be tracked per annum; and

(f) what is the cost of tracking each sex offender per annum?

Mr D.T. REDMAN replied:

- (a) The estimated project cost in the first, establishment year (2012–13) for the Global Positioning System (GPS) Tracking, inclusive of staffing, equipment, office and vehicle costs is \$1.75 million.
- (b) The project is estimated to cost on average \$1.5 million per year, inclusive of staffing, equipment, office and vehicle costs.
- (c) The breakdown for the cost of each component necessary in establishing the system is provided below:
- |                      |           |
|----------------------|-----------|
| FTE:                 | \$822 000 |
| Shift Allowance:     | \$308 000 |
| Training:            | \$15 000  |
| Trial:               | \$60 000  |
| Equipment:           | \$275 000 |
| Office Requirements: | \$259 000 |
| Vehicle:             | \$9000    |
- (d) The breakdown for the cost of each component necessary in running the system per annum is provided below:
- |                      |           |
|----------------------|-----------|
| FTE:                 | \$833 000 |
| Shift Allowance:     | \$308 000 |
| Training:            | \$15 000  |
| Equipment:           | \$25 000  |
| Office Requirements: | \$259 000 |
| Vehicle:             | \$9000    |
- (e) It is not possible to give a definitive answer as this will depend on the number of offenders subject to GPS Tracking (monitoring condition) on an order imposed by the Supreme Court under the Dangerous Sexual Offenders Act 2006. However, the Department of Corrective Services estimates approximately 19 offenders will be subject to GPS tracking in the first year, increasing to approximately 30 in the third year.
- (f) The cost per offender will be proportionate to the number of offenders subject to GPS Tracking, which is unknown at this stage.

#### GUILDFORD HOTEL — DETERIORATION

7918. Mr J.N. Hyde to the Minister for Heritage

In relation to the Minister's failure to act to prevent deterioration of the State heritage-listed Guildford Hotel, I ask:

- (a) is the Minister aware that on 2 April 2012 provisions in the *Local Government Act 1995* were transferred into the *Building Act 2011*, where section 112 enables local permit authorities to make building orders to compel owners of buildings which are in a dangerous state or unfit for human occupation to, among other things, renovate or repair the buildings;
- (b) is the Minister aware that signs have been erected on the State heritage-listed Guildford Hotel stating that there is a danger from falling materials;
- (c) why hasn't the Minister used his position to demand that action is taken to renovate and repair the Guildford Hotel to eliminate the dangerous state it is now in;
- (d) will the Minister now acknowledge that roofing the Guildford hotel is the quickest way to ensure that its heritage fabric and materials cease being eroded (as it is now in its fourth winter exposed to the elements), and prevent falling from the building, presenting a dangerous state?

Mr G.M. CASTRILLI replied:

- (a) Provisions from the Local Government (Miscellaneous Provisions) Act 1960 were transferred to the Building Act 2011, not from the Local Government Act 1995.
- (b) Yes.
- The building has been pinned, braced, scaffolded and fenced in compliance with a Dangerous Building Notice issued by the City of Swan on 4 December 2009 under section 403 of the Local Government (Miscellaneous Provisions) Act 1960. These building stabilisation works included the erection of a gantry over the footpath to mitigate the risk to the public of any falling material. Any signage that would warn the public of a risk would seem to complement these physical measures.

- (c) The Heritage of Western Australia Act 1990 does not empower either the Minister for Heritage or the Heritage Council to demand or compel an owner to initiate works to repair a building. The Local Government Act 1995 does not empower the Minister for Local Government to demand or compel a local government to exercise its discretionary powers under the Local Government Act 1995, the recently repealed provisions of the Local Government (Miscellaneous Provision) Act 1960 or any other legislation, such as the Building Act 2012.

As outlined in part (b) the City of Swan took appropriate action under the Local Government (Miscellaneous Provisions) Act 1960. The building is subject to six monthly inspections and reports by an engineer to ensure that there is no danger to the public.

- (d) I made my position that the building should be re-roofed without delay very clear to the owners at an on-site meeting on 7 April 2010, and have been consistent that this should occur since the building was damaged.

There has not, however, been any suggestion that roofing of the building is necessary for the safety of the public.

#### UTILITIES — AMALGAMATION PLAN

7920. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Economic Regulation Authority regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7921. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Energy Retailers Association of Australia regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7922. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with ERM Power regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7923. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Griffin Energy regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7924. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Horizon Power regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7925. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Independent Market Operator regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7926. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Lanco regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7927. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Office of Energy regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7928. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Perth Energy regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7929. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Synergy regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7930. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with TransAlta Energy regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7931. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Verve Energy regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7932. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Western Power regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7933. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Yancoal regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7934. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Alcoa regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7935. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with Alinta regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7936. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with BHP Billiton regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7937. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Chamber of Commerce and Industry of Western Australia regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7938. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Chamber of Minerals and Energy of Western Australia regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7939. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Minister held discussions with the Department of State Development regarding this plan, and if so, on what date(s).

Mr J.H.D. DAY replied:

No such decision has been made.

#### HERITAGE — COMPLAINTS TO OMBUDSMAN

7941. Mr J.N. Hyde to the Minister for Heritage

In relation to complaints sent to the Ombudsman regarding issues within the Minister's portfolio, I ask:

- (a) what is the procedure within the Minister's office for alerting him to Ombudsman inquiries or complaints within his portfolio areas; and
- (b) is the Minister aware that a community grievance has been sent to the Ombudsman in relation to public remarks made by the Executive Director of the Heritage Council regarding the Government's ability to act over the continuing deterioration of the State heritage-listed Guildford Hotel; and
  - (i) if so, what inquiries, memos, discussions etcetera has the Minister instigated or been involved in; and
  - (ii) if not, why not?

Mr G.M. CASTRILLI replied:

- (a) I will be alerted by a Department or agency in my portfolio when it has been notified by the Ombudsman that a grievance has been lodged and the Ombudsman has determined that inquiries will be made into the complaint.
- (b) No.
  - (i) Not applicable.
  - (ii) While the State Heritage Office is aware that a letter addressed to the Executive Director from a member of the community was copied to the Ombudsman, it has not been notified by the Ombudsman that a complaint will be investigated.

#### SYNERGY — BILLING SYSTEM

7942. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Minister for Energy's statement to the Legislative Council on 2 April 2009 that he applauded Synergy for its work to deliver its new billing system, and whether he continues to applaud Synergy for implementing its new billing system?

Mr J.H.D. DAY replied:

Please refer to Question without Notice 237 asked in the Legislative Council.

#### SYNERGY — BILLING SYSTEM

7943. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Minister for Energy's announcement on 2 April 2009 that he had personally developed a five point plan with the board and management of Synergy to ensure that Western Australians would receive a world-class customer care and billing platform, and I ask whether Western Australians have received a world-class customer care and billing system; and

- (a) if so, when was this achieved; and
- (b) if not, when will this be achieved?

Mr J.H.D. DAY replied:

Please refer to Question without Notice 237 asked in the Legislative Council.

#### SYNERGY — BILLING SYSTEM

7944. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Minister for Energy's statement to the Legislative Council on 2 April 2009 that he had personally developed a five point plan with the board and management of Synergy to ensure Western Australians would

receive a world-class customer care and billing platform, and I ask, what new and better products and services for Western Australian energy users have been delivered by Synergy since the Minister's announcement of 2 April 2009?

Mr J.H.D. DAY replied:

While Synergy has acknowledged there have been problems associated with the implementation of its billing system, they have provided more convenient options for customers.

In terms of meeting the demands of customers, over 10% of Synergy's customers have registered for self-service since September 2009, providing automated customer self-service at a level not previously possible. Over 87,000 customers have signed up for Synergy's My Account, and over 25,000 customers are registered for paperless billing, reducing Synergy's costs on printing and postage. In the financial year to the end of April, over 66,000 transactions were undertaken online, a preferred transaction method for many customers while also reducing contact centre costs.

In addition, Synergy's system is market compliant and is a similar customer care and billing software system used by energy utilities around the world. The system is able to adapt to meet the changing demands and requirements of the evolving energy market, as has been demonstrated by energy companies in other nations.

#### SYNERGY — BILLING SYSTEM

7945. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to Question on Notice No. 7541, and also the Minister's statement to the Legislative Council on 2 April 2009 that he had developed a five point plan with the board and management of Synergy, and I ask:

- (a) did the five point plan relate to Synergy being able to implement a world-class customer care and billing system and, if not, why did the Minister refer to this issue in his statement to the Legislative Council of 2 April 2009;
- (b) did the five point plan relate to Synergy being able to deliver new and better products and services for Western Australian energy users and, if not, why did the Minister refer to this issue in his statement to the Legislative Council on 2 April 2009;
- (c) did the five point plan relate to Synergy making savings of \$75 million over five years and if not, why did the Minister refer to this issue in his statement to the Legislative Council on 2 April 2009; and
- (d) did the five point plan relate to Synergy delivering improved customer service and, if not, why did the Minister refer to this issue in his statement to the Legislative Council on 2 April 2009?

Mr J.H.D. DAY replied:

- (a) The five point plan did in part relate to the implementation of Synergy's billing system, which is used by many electricity retailers throughout the world.
- (b) The five point plan did in part relate to the delivery of new and better products and services.
- (c) The five point plan did in part relate to projected savings of \$75 million over five years.
- (d) The five point plan did in part relate to delivering improved customer service.

#### SYNERGY — BILLING SYSTEM

7946. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Minister's statement to the Legislative Council on 2 April 2009 that Synergy's new billing system would deliver improved customer service, and I ask whether he continues to believe that Synergy's new billing system delivered improved customer service?

Mr J.H.D. DAY replied:

I refer the Member to the statement of the Chairman of Synergy made in Synergy's annual report. Synergy acknowledged it caused too many customers too many problems, and expressed regret for this having occurred.

I also refer to answers to questions 7538, 7659, 7661, 7662 and 7944 in the Legislative Assembly and question without notice 237 in the Legislative Council.

#### SYNERGY — BILLING SYSTEM

7947. Mr W.J. Johnston to the Minister representing the Minister for Energy

I refer to the Minister's statement to the Legislative Council on 2 April 2009 that Synergy's new billing system was a tremendous outcome for Western Australia, and I ask whether he continues to believe that Synergy's new billing system is a tremendous outcome for Western Australia?

Mr J.H.D. DAY replied:

Please refer to Question without Notice 237 asked in the Legislative Council.

#### CULTURALLY AND LINGUISTICALLY DIVERSE PROJECTS

7948. Mr J.N. Hyde to the Minister for Citizenship and Multicultural Interests

In relation to the funding of Culturally and Linguistically Diverse (CaLD) projects under the Ethnic Organisations Fund, I ask:

- (a) has the level of funding been increased from \$200,000 per annum since 2009 and, if not, why not;
- (b) how many organisations have received funding;
- (c) which organisations have received funding since 2009;
- (d) have these funding grants met all the needs of Western Australia's CaLD community in terms of receiving adequate services in language support, support for humanitarian entrants in regional areas, family support including mentoring and counselling, employment assistance, youth support and capacity building and, if not, what needs remain unmet;
- (e) has the Office of Multicultural Interests requested annual funding of \$1 million to assist with unmet needs for up to 20 projects; and
- (f) will the Minister table all advice on funding needs for CaLD projects currently requested and, if not, why not?

Mr G.M. CASTRILLI replied:

- (a) No. Funding for the Community Grants Program was doubled in the 2012/13 budget with an additional \$1million provided over the next four years.
- (b) Three.
- (c) The Ethnic Organisations Fund is triennial and the 2009–2012 recipients were Metropolitan Migrant Resource Centre, Edmund Rice Centre and Coalition for Asylum Seekers, Refugees and Detainees.
- (d) The Ethnic Organisations Fund is not expected to meet all the needs of CaLD communities.
- (e) \$1 million has been provided to support projects and events that build capacity in CaLD communities, enhance cross-cultural engagement and promote the benefits of multiculturalism under the Community Grants Program.
- (f) No. The Tender for Ethnic Organisations Fund 2012–2015 closed on 31 May 2012. An independent assessment panel will assess the applications received and will make recommendations on the funding needs of CaLD projects.

#### NATIVE FORESTS — CANKER DISEASE

7949. Ms A.S. Carles to the Minister for Environment

- (1) Is the Minister aware of the impact that canker is having on native forests in Western Australia, particularly the Marri species?
- (2) Can the Minister table any advice he has received from his agency specifically in relation to canker impacts on Marri species and if not, why not?
- (3) Is the Minister aware of the impact that a warmer and drier climate has in contributing to diseases such as canker in our southwest forests?
- (4) Can the minister provide an explanation of the relationship between changes in climate and an increase in canker in native forests and, if not, why not?
- (5) Is the Minister aware of the significant recent increase in tree deaths caused by canker, particularly regarding Marri trees in Western Australia?
- (6) In light of the increased canker-related Marri deaths, is it justifiable to continue the practice of poisoning Marri trees with glyphosate in the southwest of Western Australia and, if yes, please explain why?

Mr W.R. MARMION replied:

- (1)–(2) The distribution and severity of marri canker in south–west forests is subject to monitoring by the Department of Environment and Conservation (DEC). The extent and severity of marri canker has not been quantified, although observations indicate it to be widespread. Improved recording of the prevalence of marri canker and the ability to evaluate its impact are anticipated as part of ongoing forest

health monitoring, including collaborative work with Murdoch University. The current focus of research is on the nature of the impact from marri canker, epidemiology, the role of environmental stress such as drought, and the taxonomy of *Quambalaria* species.

- (3)–(5) DEC is carrying out research that will help to assess the effect of climate change on canker. This research will help inform future management of canker including cankers affecting marri trees.
- (6) Silvicultural guidelines provide for the felling or culling of trees not marked for retention so as to encourage the growth of retained trees and to facilitate regeneration. Marri trees are retained in harvesting and other silvicultural operations as required by Appendix 5, Silviculture Guidelines, of the Forest Management Plan 2004–2013(FMP). Silvicultural practices in south–west forests were examined by an expert panel established in response to Action 34.1.4 of the FMP. The findings of the expert panel will be considered in the preparation of the next forest management plan, and will be released as supporting information to the draft Forest Management Plan 2014–2023.

#### UTILITIES — AMALGAMATION PLAN

7950. Mr W.J. Johnston to the Premier

I refer to the Premier’s decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Economic Regulation Authority regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7951. Mr W.J. Johnston to the Premier

I refer to the Premier’s decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Energy Retailers Association of Australia regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7952. Mr W.J. Johnston to the Premier

I refer to the Premier’s decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with ERM Power regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7953. Mr W.J. Johnston to the Premier

I refer to the Premier’s decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Griffin Energy regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7954. Mr W.J. Johnston to the Premier

I refer to the Premier’s decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Horizon Power regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7955. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Independent Market Operator regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7956. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Lanco regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7957. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Office of Energy regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7958. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Perth Energy regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7959. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Synergy regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7960. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with TransAlta Energy regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

## UTILITIES — AMALGAMATION PLAN

7961. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Verve Energy regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7962. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Western Power regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7963. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Yancoal regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7964. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Alcoa regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7965. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Alinta regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7966. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with BHP Billiton regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7967. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Chamber of Commerce and Industry of Western Australia regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

UTILITIES — AMALGAMATION PLAN

7968. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Department of State Development regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7969. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with the Energy Supply Association regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### UTILITIES — AMALGAMATION PLAN

7970. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities and I ask, since 1 January 2012, has the Premier held discussions with Chamber of Minerals and Energy of Western Australia regarding this plan, and if so, on what date(s).

Mr C.J. BARNETT replied:

No such decision has been made.

#### TYRE DISPOSAL

7973. Mr J.J.M. Bowler to the Minister for Environment

- (1) How many truck and large earthmoving tyres are used annually in Western Australia?
- (2) How many – or what percentage – of these are legally disposed of?
- (3) How many of these are illegally dumped?
- (4) Is there any assistance available for this material to be recycled back into useful materials?

Mr W.R. MARMION replied:

- (1) The Department of Environment and Conservation (DEC) has advised that the 2012 Study into domestic and international fate of end-of-life tyres, prepared by Hyder Consulting Pty Ltd for the former Environment Protection and Heritage Council, estimates that approximately 12 300 tonnes of end-of-life off-the-road tyres, which includes earthmoving equipment tyres, and 17 800 tonnes of end-of-life truck tyres are generated each year in Western Australia.
- (2) The Hyder study does not provide details of the amount of end-of-life tyres from trucks and off-the-road vehicles that are disposed of legally in Western Australia, nor does it provide individual figures for each Australian State or Territory.
- (3) The Hyder study does not provide details of the amount of end-of-life tyres from trucks and off-the-road vehicles that are disposed of illegally in Western Australia, nor does it provide individual figures for each Australian State or Territory.

A Western Australian study on Used Tyre Recycling Industry Triple Bottom Line Analysis, completed in 2005 by consultants Sustainable Strategic Solutions for the then Department of Environment, indicated that approximately 10% of end-of-life tyres, across all tyre types including tyres from motor bikes, cars, trucks and off-the-road vehicles, were dumped illegally. However, significant changes have subsequently occurred in the tyre recycling industry.

- (4) DEC understands that a national industry-based voluntary tyre product stewardship scheme will be established within the next 12 to 18 months.

#### UNCONVENTIONAL GAS INDUSTRY — ASSESSMENT

7974. Ms A.S. Carles to the Minister for Environment

- (1) What specific criteria does the Environmental Protection Agency (EPA) use to determine whether an unconventional gas proposal requires assessment?
- (2) Does the EPA assess the potential for an unconventional gas extraction plant to release chemicals, gases and waste waters into underground and surface water bodies through leakages and accidents from all underground pipes as a potential risk to the environment?
- (3) Has the EPA assessed the safety and environmental fate of the chemicals in the drilling fluids used by the unconventional gas industry?

- (4) Of the six wells that have been drilled and hydraulically stimulated for unconventional gas extraction in Western Australia since 1998, which ones are required to have long-term groundwater and air monitoring programs; and will the Minister table the results from these programs?
- (5) Have BTEX chemicals been found in any of these monitoring programmes and, if so, will the Minister please provide details?

Mr W.R. MARMION replied:

- (1) The Environmental Protection Act 1986 (EP Act) provides that a proposal likely, if implemented, to have a significant effect on the environment can be referred to the Environmental Protection Authority (EPA) for it to decide whether to assess the proposal. The EPA has published the Environmental Impact Assessment Administrative Procedures 2010. Section 7 of the procedures describes a number of matters that the EPA may have regard to when judging if a proposal will have a significant effect on the environment. The EPA gives regard to these matters when making its decision whether an unconventional gas proposal requires formal environmental impact assessment.
- (2)–(5) The EPA has not undertaken formal environmental impact assessment of unconventional gas extraction plants or wells that have been hydraulically stimulated.

The unconventional gas proposals referred to the EPA have been small scale trial proposals. The EPA will continue to consider proposals on their merit, and undertake formal environmental impact assessments where warranted. The Department of Mines and Petroleum regulates unconventional gas activities under the Petroleum and Geothermal Energy Resources Act 1967 and questions concerning the regulation of existing wells should be directed to the Minister for Mines and Petroleum.

#### YABBERUP FOREST — TREE POISONING

7977. Mr M. McGowan to the Minister for Forestry

I refer to the alleged poisoning of trees (other than Jarrah trees) in the Yabberup forest since 1 September 2011, and I ask:

- (a) what environmental assessments were carried out to assess the level of competition from trees (other than Jarrah trees) in the Yabberup forest; and
- (i) will they be tabled in Parliament; and
- (A) if not, why not;
- (b) what was the basal area of competing trees within the Yabberup forest;
- (c) how were the trees selected and demarcated for poisoning;
- (d) who carried out the selection and demarcation of trees for poisoning; and
- (i) if carried out by contractors, what training did they require to make these assessments;
- (e) what measures are put in place by the Forest Products Commission to ensure compliance by contractors to the Forest Management Plan and relevant guidelines; and
- (f) was the intention of poisoning trees (other than Jarrah trees) to create a monocultured Jarrah plantation upon regeneration after the current harvesting?

Mr D.T. REDMAN replied:

- (a)–(f) There has been no poisoning undertaken in the Yabberup Forest since 1 September 2011.

#### WESTERN POWER — DELOITTE FEES

7978. Mr B.S. Wyatt to the Minister representing the Minister for Energy

With reference to the Minister's answer to Question on Notice No. 7211 and the \$608,942 spent in 2011–2012 to date by Western Power's Commercial Performance business area on consultancy and fees for service to accounting firm Deloitte's, I ask:

- (a) what were the specific contracts or service arrangements;
- (b) what was the amount of each contract;
- (c) were the contracts advertised for tender, consistent with State tendering requirements; and
- (d) what was the hourly rate for the contractor?

Mr J.H.D. DAY replied:

- (a) Western Power's Commercial Performance business area engaged Deloitte to provide specialist information technology and data analysis services, which will help Western Power to achieve greater

efficiencies in delivering its \$1 billion annual works program in 2012/13. Deloitte's work was centred on improving Western Power's data quality, data integration and project governance.

- (b) The total contracted sum was \$781,421. Deloitte is on Western Power's preferred vendor list.
- (c) The contracts were not publicly advertised. However, they were awarded consistent with Western Power's procurement policy, which is designed to ensure a competitive process and secure the best value for money. The preferred vendor list allows Western Power to make prudent contract and investment decisions in line with State Government procurement principles.
- (d) The figure provided at b) above includes 508 days of work by a number of Deloitte staff with different hourly rates, depending on their skills and experience. However, on average, the amount equates to \$205 per hour.

#### WESTERN POWER — DELOITTE FEES

7979. Mr B.S. Wyatt to the Minister representing the Minister for Energy

With reference to the Minister's answer to Question on Notice No. 7211 and the \$89,969 spent in 2010–2011 by Western Power's Corporate Affairs business area on consultancy and fees for service to accounting firm Deloitte's, I ask:

- (a) what were the specific contracts or service arrangements;
- (b) what was the amount of each contract;
- (c) were the contracts advertised for tender, consistent with State tendering requirements; and
- (d) what was the hourly rate for the contractor?

Mr J.H.D. DAY replied:

The response to Question on Notice No. 7211 incorrectly indicated the contract with Deloitte was with Western Power's Corporate Affairs Branch. The contract was for work within Western Power's Access Arrangement Branch. These two teams work closely within Western Power and the Corporate Affairs procurement officer was assisting the Access Arrangement team. This inadvertently resulted in Western Power incorrectly identifying this contract as a Corporate Affairs contract.

- (a) Deloitte was engaged to assist with preparing Western Power's Access Arrangement submission to the Economic Regulation Authority, specifically to provide expertise on the regulatory framework and revenue model, which are legally required elements of the submission.

Deloitte's work consisted of two contracts:

1. Research, analysis and document assistance

Deloitte conducted research and analysis, comparing the regulatory framework in Western Australia with the eastern states. This enabled Western Power to ensure consistency of its Access Arrangement submission with good practice elsewhere in Australia. Deloitte also provided critical review of Western Power's access arrangement proposal.

2. Developing governance framework for the regulatory revenue model

To accurately calculate the amount of revenue it can collect from customers during an access arrangement period, Western Power is required to produce a detailed 'revenue model'. This model captures all of the costs and revenue streams expected over the five year access arrangement period.

Deloitte was appointed as an independent expert to ensure inputs to the model are robust and that the model follows a best practice approach and can be audited.

- (b) Research, analysis and document assistance = \$30,748

Developing governance framework for the regulatory revenue model = \$59,221

- (c) The contracts were not publicly advertised. However, they were awarded consistent with Western Power's procurement policy, which is designed to ensure a competitive process and secure the best value for money. Deloitte is on Western Power's preferred vendor list. The preferred vendor list allows Western Power to make prudent contract and investment decisions in line with State Government procurement principles.
- (d) This contract was priced as a fixed sum contract as opposed to a schedule of rates.

## WESTERN POWER — DELOITTE FEES

7980. Mr B.S. Wyatt to the Minister representing the Minister for Energy

With reference to the Minister's answer to Question on Notice No. 7211 and the \$453,710 spent in 2011–2012 to date by Western Power's Foundation and Transformation Programs business area on consultancy and fees for service to accounting firm Deloitte's, I ask:

- (a) what were the specific contracts or service arrangements;
- (b) what was the amount of each contract;
- (c) were the contracts advertised for tender, consistent with State tendering requirements; and
- (d) what was the hourly rate for the contractor?

Mr J.H.D. DAY replied:

- (a) Western Power's Foundation and Transformation Programs business area engaged Deloitte to provide specialist advice to help achieve greater efficiencies in delivering its \$1 billion works program for 2012/13.

The advice provided by Deloitte has helped Western Power implement change management initiatives across its large workforce and improve its information regarding the condition of the network. This is helping Western Power to ensure it is focussing its resources on the areas of the network that need it most, saving both time and money.

- (b) The total contracted sum was \$575,988. Deloitte is on Western Power's preferred vendor list.
- (c) The contracts were not publicly advertised. However, they were awarded consistent with Western Power's procurement policy, which is designed to ensure a competitive process and secure the best value for money. The preferred vendor list allows Western Power to make prudent contractual and investment decisions in line with State Government procurement principles.
- (d) The figure provided at b) above includes 325 days of work by a number of Deloitte staff with different hourly rates, depending on their skills and experience. However, on average, the amount equates to \$236 per hour.

## WESTERN POWER — DELOITTE FEES

7981. Mr B.S. Wyatt to the Minister representing the Minister for Energy

With reference to the Minister's answer to Question on Notice No. 7211 and the \$488,270 spent in 2010–2011 to date by Western Power's Strategy Implementation and Continuous Improvement business area on consultancy and fees for service to accounting firm Deloitte's, I ask:

- (a) what were the specific contracts or service arrangements;
- (b) what was the amount of each contract;
- (c) were the contracts advertised for tender, consistent with State tendering requirements; and
- (d) what was the hourly rate for the contractor?

Mr J.H.D. DAY replied:

- (a) Western Power's Foundation and Transformation Programs business area engaged Deloitte to provide specialist advice to help achieve greater efficiencies in delivering its \$1 billion works program for 2012/13.

The advice provided by Deloitte has helped Western Power implement change management initiatives across its large workforce and improve its information regarding the condition of the network. This is helping Western Power to ensure it is focussing its resources on the areas of the network that need it most, saving both time and money.

- (b) The total contracted sum was \$575,988. Deloitte is on Western Power's preferred vendor list.
- (c) The contracts were not publicly advertised. However, they were awarded consistent with Western Power's procurement policy, which is designed to ensure a competitive process and secure the best value for money. The preferred vendor list allows Western Power to make prudent contractual and investment decisions in line with State Government procurement principles.
- (d) The figure provided at b) above includes 325 days of work by a number of Deloitte staff with different hourly rates, depending on their skills and experience. However, on average, the amount equates to \$236 per hour.

## BROWNLIE TOWERS — NEIGHBOURHOOD MASTERPLAN

7982. Mr B.S. Wyatt to the Minister for Housing

I refer to the Brownlie Neighbourhood Masterplan, and I ask:

- (a) what is the status of the Masterplan;
- (b) is it the Government's intent to commence implementation of the Masterplan; and
  - (i) if so, when; and if not, why not;
- (c) does the Masterplan still assume that the pool will be closed;
- (d) does the Masterplan still assume that schools will be consolidated and, if so, which schools and to which site;
- (e) does the Masterplan still assume that the library will be relocated and, if so, to which location;
- (f) does the Masterplan still assume that the tennis courts will be closed;
- (g) if the Government is no longer committed to the Masterplan, does the Government have any plans in respect of the Brownlie Neighbourhood and, if so, what are those plans;
- (h) is the Government still committed to the Memorandum of Understanding signed with the City of Canning regarding the Bentley Development and, if not, why not;
- (i) has the Government entered into any other agreement concerning the development of the Brownlie Towers precinct and, if so, who are the parties to the agreement(s) and when were the agreement(s) signed?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) The Brownlie Neighbourhood Masterplan was subject to a peer review in August 2011. The outcomes of the peer review will be used to inform the structure plan for the precinct.
- (b) Yes, once the structure plan is completed and Council has amended its town planning scheme, the Department of Housing will be in a position to lodge subdivision plans for approval.
  - (i) As per (b)
  - (ii) Not applicable
- (c) The City of Canning has reaffirmed its decision to close the pool and provide new facilities at the Cannington Leisure Centre.
- (d) The peer review has maintained that the school site remain intact. The Department of Education has yet to consider any proposal regarding the future of the schools.
- (e) Council has yet to make decisions about the provision or retention of community facilities in the precinct.
- (f) As per (e)
- (g) The Government remains committed to the regeneration of the Brownlie Neighbourhood.
- (h) The Memorandum of Understanding has ended. The Department of Housing and the City of Canning are negotiating a new Heads of Agreement.
- (i) No.

## BROWNLIE TOWERS — GOVERNMENT ACQUISITION

7983. Mr B.S. Wyatt to the Minister for Housing

- (1) How many privately owned properties within the Brownlie Towers precinct have been acquired by the Government, and will the Minister please list the properties acquired.
- (2) Does the Government intend to continue to acquire privately owned properties within the Brownlie Towers precinct and, if so, how much money has been allocated to acquire these properties?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (1) 6 properties have been acquired:
  - Lot 888 (78) Pitt Street Bentley
  - Lot 889 (26) Taree Street Bentley

Lot 37 (30) Taree Street Bentley  
 Lot 35 (34) Taree Street Bentley  
 Lot 25 (37) Taree Street Bentley  
 Lot 649 (5) Pollock Street Bentley

- (2) There are a further four private properties to be acquired in the redevelopment precinct. Funds to be paid will be based on market valuation of the properties at the time of purchase. .

#### PRIMARY SCHOOLS — PERTH ELECTORATE

7984. Mr J.N. Hyde to the Minister for Education

- (a) In relation to existing primary schools in the electorate of Perth, I ask: has forward planning been carried out to establish the need for new primary schools, pre-primary schools, other education establishments or greater capacity in the inner-city;
- (b) will the Minister table these planning documents, and if not, why not;
- (c) what is the current pre-primary, junior primary and primary school student maximum capacity at each primary school in the electorate of Perth (please itemise each one); what is the current number of students in those pre-primary, junior primary and primary schools;
- (d) what capacity is there at those schools to take more students and in what areas or grades;
- (e) what is the estimated student demand in the electorate of Perth by:
- (i) 2015; and
- (ii) 2020;
- (f) what are the costings to meet this demand;
- (g) will the Minister table these costings and, if not, why not; and
- (h) how many of the schools have land for expansion?

Dr E. CONSTABLE replied:

- (a)–(b) I am advised by the Department of Education that no public primary schools in the electorate of Perth are at full capacity. The Department continually monitors the capacity and estimated future enrolment requirements of schools within local areas. The relocation of year 7 students to secondary school in 2015 will make additional accommodation available.
- (c) For the purpose of planning for student accommodation in public primary schools, nominal student enrolment and capacity data is collated into two categories, Early Childhood (Kindergarten to Pre-Primary) and Years 1–7. I am advised by the Department of Education that the nominal maximum student capacity at public primary schools in the electorate of Perth is detailed in the table below:

Public Primary Schools in the State Electorate of Perth and within the inner city area	Nominal Student Capacity		Total
	Early Childhood (Kindergarten to Pre Primary)	Years 1–7	
Highgate Primary School	90	616	706
Kyilla Primary School	65	224	289
Mount Hawthorn Primary School	245	532	777
North Perth Primary School	130	364	494

- (d) For the purpose of planning for student accommodation in public primary schools, nominal student enrolment and capacity data is collated into two categories, Early Childhood (Kindergarten to Pre-Primary) and Years 1–7. The Semester 1, 2012 student enrolments provided by the Department of Education for public primary schools in the state electorate of Perth are shown in the table below:

Schools	2012 Student Enrolments		Total
	(Kindergarten to Year 7)	Years 1–7	
Highgate Primary School	89	395	484
Kyilla Primary School	64	180	244
Mount Hawthorn Primary School	202	522	724
North Perth Primary School	106	291	397

(e)

Schools	Current Available Capacity Kindergarten to Pre Primary	Current Available Capacity Years 1–7
Highgate Primary School	1	221
Kyilla Primary School	1	44
Mount Hawthorn Primary School	43	10
North Perth Primary School	24	73

(f) (i) I am advised by the Department of Education that the estimated student demand in 2015 for Kindergarten to Year 6 students at public primary schools located within the state electorate of Perth are shown below:

Schools	2015 Projected Student Enrolments (Kindergarten – Year 6)
Highgate Primary School	490
Kyilla Primary School	194
Mount Hawthorn Primary School	672
North Perth Primary School	373

(ii) The projected student enrolments at public primary schools in 2020 are not available.

(g)–(h) On the basis of the Department of Education’s projections in (f)(i), schools in the electorate of Perth will have sufficient capacity to cater for enrolments in 2015.

#### RAILWAY SLEEPERS — JARRAH SAW LOGS

7985. Mr E.S. Ripper to the Minister for Forestry

- (1) Is the Minister aware that, according to the Forest Management Plan, railway sleepers supplied to Westnet rail were to be cut from third grade or lower jarrah saw logs?
- (2) Is the Minister aware of any sleepers being cut from logs above third grade jarrah saw logs and, if so, will the Minister explain the circumstances in which this occurs?
- (3) Is it the case that, even if mills have an allocation of third grade logs for sleeper production, they may be using higher grade logs for sleepers in order to meet their production targets and so be using high grade logs for a lower grade product?
- (4) Will the Minister take measures to ensure that high grade logs are only used for production of high grade saw timber and not for the production of sleepers?

Mr D.T. REDMAN replied:

- (1) The Forest Management Plan 2004–2013 (FMP) makes no reference to the production of sleepers.
- (2) The production of rail sleepers is an appropriate use of timber contained in any part of a jarrah log that is not suited to a higher value purpose, such as flooring, furniture or joinery. Logs that are better than third grade quality may still have a proportion of lower value wood that is better suited to sleeper production than any other product.
- (3) Mill owners aim to maximise profitability by cutting each part of the log into the highest value product. There will be parts of higher grade logs that are best suited to sleeper production, but a rational business operator will logically restrict most of its sleeper production to lower grade logs.
- (4) I support the objective of the native forest sawmilling industry to pursue markets that maximise utilisation and economic return to the sector. It is a financial reality that mill owners will pursue the highest value product they can produce from each log they process.

#### MT WELD RARE EARTH OPERATION — GROUNDWATER MONITORING

7987. Ms A.S. Carles to the Minister for Environment

With regard to the prescribed premises licence conditions for the Mt Weld Rare Earth Operation Concentrator Plant, licence no. L8141/2007/2, I ask:

- (a) will the Minister table the ground water monitoring data, including laboratory certificates, for bores LMW1 through to LMW 9 which are required to be analysed quarterly and, if not, why not;
- (b) can the Minister confirm that it is current Department of Environment and Conservation policy for all monitoring data arising from licence conditions of prescribed premises to be made public upon request from the Department;

- (c) can the Minister confirm that radiation monitoring of rare earth concentrate will take place from the Wiluna mine site to the Fremantle port; and
  - (i) if so, will the Minister make the results of the monitoring publicly available; and
  - (ii) if not, why not; and
- (d) on what date is it anticipated that the first shipment of concentrate will leave the mine site for Fremantle?

Mr W.R. MARMION replied:

- (a) [See paper 4950.]. Laboratory certificates are not required to be submitted to the Department of Environment and Conservation (DEC).
- (b) Under DEC's Information Statement 2011–2012 available on DEC's website, the data are publicly available. However, access may be restricted if there is material that contains confidential business information.
- (c) (i) The Office of the Environmental Protection Authority advises that the level of radioactivity in the rare earth concentrate from Mt Weld is very low and, as such, the material is below the requirements for classification under the Radiation Safety (Transport of Radioactive Substances) Regulations 2002.  
 However, if the concentrate is stored at any location along the transport route, it is subject to the Radiation Safety (General) Regulations 1983 administered by the Radiological Council. Any radiation monitoring results for the project can be required by the Radiological Council where it considers it appropriate.
- (ii) Not applicable.
- (d) Transport of rare earth concentrate containers to Lynas Corporation's holding yard in Bibra Lake commenced on 3 March 2012. Containers will be held at Bibra Lake awaiting shipment through Fremantle Port. I am advised that shipment of containers through Fremantle Port is unlikely to commence until the second half of 2012.

#### SYNERGY — AVERAGE ELECTRICITY BILL

7988. Ms L.L. Baker to the Minister representing the Minister for Energy

What was the average electricity bill issued by Synergy between 1 January and 30 April 2012 in the following suburbs:

- (a) Bayswater;
- (b) Bedford;
- (c) Embleton;
- (d) Inglewood;
- (e) Maylands; and
- (f) Morley?

Mr J.H.D. DAY replied:

- (a) BAYSWATER \$195.71
- (b) BEDFORD \$191.91
- (c) EMBLETON \$193.54
- (d) INGLEWOOD \$207.35
- (e) MAYLANDS \$173.45
- (f) MORLEY \$214.15

Note — Amounts reflect average residential consumption in these suburbs.

#### SENIORS HOME SECURITY REBATE — APPLICATIONS

7991. Ms M.M. Quirk to the Minister representing the Minister for Seniors and Volunteering

I refer to applications for the seniors' security or fire rebate, and I ask:

- (a) which personnel handle and examine those applications;
- (b) do volunteers have any role in the processing of these applications and, if so, what role;
- (c) what is the average time taken to process an application; and
- (d) what is the current backlog?

Mr J.H.D. DAY replied:

- (a) Public servants and additional temporary personnel as required.
- (b) No
- (c) Between six to ten weeks
- (d) None. The Seniors Card Centre is currently processing applications received in April and May 2012, which will be paid in June 2012.

#### SCHOOL DRUG EDUCATION AND ROAD AWARE — WEBSITE

7997. Ms L.L. Baker to the Minister for Education

The Department of Education's School Drug Education and Road Aware (SDERA) website states that Edith Cowan University has been commissioned to prepare an evaluation proposal for the monitoring and evaluation of SDERA between 2008 and 2011, due to be released in 2011. In relation to this, I ask whether the evaluation for the drug awareness activities has been completed; and

- (a) if so, when was this evaluation completed;
- (b) if so, why has the evaluation not yet been released;
- (c) if so, when will it be released;
- (d) if not, why has no evaluation been completed;
- (e) if not, when is it intended that it be completed; and
- (f) if not, when will this evaluation be released?

Dr E. CONSTABLE replied:

SDERA is a collaborative, cross-sectoral initiative between the Department of Education, the Catholic Education Office and the Association of Independent Schools of Western Australia. It is funded through the Catholic Education Office by the Drug and Alcohol Office WA and the Road Trauma Trust Account. The evaluation was approved and funded by the Drug and Alcohol Office. The evaluation was requested by the SDERA Steering Committee and endorsed by the Drug and Alcohol Office which was seeking to evaluate the impact of the program.

I am advised by the Department of Education as follows:

- (a) The evaluation was completed in November 2011.
- (b)–(c) The evaluation was presented for discussion to the members of the cross-sectoral School Drug Education and Road Aware (SDERA) Steering Committee at the Steering Committee meeting held at the Catholic Education Office on 23 February 2012.

The final findings have not been endorsed at this point in time. The final report will be presented to the Drug and Alcohol Office Board of Management and the Minister for Mental Health for endorsement prior to any public release. The process of release will be determined in partnership with the SDERA Steering Committee.

- (d)–(f) Not applicable.

#### WESTERN POWER — CHRISTMAS STAFF FUNCTION

7998. Mr W.J. Johnston to the Minister representing the Minister for Energy

- (1) Further to Question on Notice No. 7669 (Tabled Paper No. 4756) and the reference to a variance of \$2,325 in cost of the Christmas function for the network business area, attributed to a subsequent repayment by the General Manager Networks, I ask:
  - (a) on what date did that repayment occur;
  - (b) why was the repayment made and on whose initiative; and
  - (c) did that repayment relate to any particular event or function and, if so, which one?

Mr J.H.D. DAY replied:

- (a) 2 March 2012
- (b) General Manager Networks took this initiative to make the payment in line with a commitment made prior to Christmas to limit the cost of functions they did with their staff.
- (c) The function was a Christmas dinner, for branch managers and their partners, hosted by the General Manager Networks.

## WESTNET RAIL — SLEEPERS SUPPLY

7999. Mr E.S. Ripper to the Minister for Forestry

Relating to the supply of sleepers to Westnet rail, I ask:

- (a) which mills are, or were in the last five years, contracted to supply sleepers to Westnet Rail; and
- (b) did all of these mills have contracts with the Forest Products Commission for the supply of appropriate third grade Jarrah saw logs suitable for sleeper production?

Mr D.T. REDMAN replied:

- (a) The Forest Products Commission does not have information (past or present) on which sawmills have contracts with Westnet Rail.
- (b) Sawmills that produce sleeper logs have contracts to receive a range of log products, including third grade sawlogs.

## DAN MURPHY'S LIQUOR STORE — MIRRABOOKA PROPOSAL

8000. Ms J.M. Freeman to the Minister for Racing and Gaming

Regarding the application for a license for operation by the proposed Dan Murphy's Liquor Store at the Mirrabooka Shopping Centre, I ask:

- (a) has a license for operation been granted; and
  - (i) if so, when was it granted; and
  - (ii) if not, how far has the Department's consideration of the application progressed;
- (b) in the process of considering the application, has the Department of Racing, Gaming and Liquor consulted with organisations working with the local community regarding the social impact of the proposed store; and
  - (i) if so, which organisations; and
  - (ii) if not, why not?

Mr T.K. WALDRON replied:

- (a)–(b) As at 13 June 2012 an application has not been lodged with the licensing authority.

## PUBLIC HOUSING — NOLLAMARA ELECTORATE

8001. Ms J.M. Freeman to the Minister for Housing

For the suburbs of Alexander Heights, Balga, Ballajura, Dianella, Koondoola, Mirrabooka, Nollamara and Westminster:

- (a) as at May 2011, how many:
  - (i) one bedroom properties were managed by the Department of Housing;
  - (ii) two bedroom properties were managed by the Department of Housing;
  - (iii) three bedroom properties were managed by the Department of Housing;
  - (iv) four bedroom properties were managed by the Department of Housing;
  - (v) five bedroom properties were managed by the Department of Housing;
  - (vi) one bedroom Department of Housing properties were managed by Community Housing providers;
  - (vii) two bedroom Department of Housing properties were managed by Community Housing providers;
  - (viii) three bedroom Department of Housing properties were managed by Community Housing providers;
  - (ix) four bedroom Department of Housing properties were managed by Community Housing providers; and
  - (x) five bedroom Department of Housing properties were managed by Community Housing providers;
- (b) as at May 2012, how many:
  - (i) one bedroom properties are managed by the Department of Housing;

- (ii) two bedroom properties are managed by the Department of Housing;
- (iii) three bedroom properties are managed by the Department of Housing;
- (iv) four bedroom properties are managed by the Department of Housing;
- (v) five bedroom properties are managed by the Department of Housing;
- (vi) one bedroom Department of Housing properties are managed by Community Housing providers;
- (vii) two bedroom Department of Housing properties are managed by Community Housing providers;
- (viii) three bedroom Department of Housing properties are managed by Community Housing providers;
- (ix) four bedroom Department of Housing properties are managed by Community Housing providers; and
- (x) five bedroom Department of Housing properties are managed by Community Housing providers?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) At 30 April 2011

- (i) 794
- (ii) 772
- (iii) 700
- (iv) 132
- (v) 27
- (vi) 103
- (vii) 44
- (viii) 26
- (ix) 14
- (x) 8

(b) At 30 April 2012

- (i) 807
- (ii) 767
- (iii) 685
- (iv) 131
- (v) 28
- (vi) 104
- (vii) 45
- (viii) 27
- (ix) 14
- (x) 9

#### PUBLIC HOUSING — MIRRABOOKA DISTRICT

8002. Ms J.M. Freeman to the Minister for Housing

- (1) What is the maintenance budget allocated for the Mirrabooka district for the financial year 2011–2012?
- (2) How much of the 2011–2012 maintenance budget for the Mirrabooka district has been spent to date?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (1) \$ 21,927,043
- (2) \$ 20,529,771 as at 30 April 2012.

#### LOCAL GOVERNMENT — FUNDING

8004. Mr J.N. Hyde to the Minister for Local Government

In relation to the Minister's comments in *Hansard* on 2 May 2012 regarding local government funding, I ask:

- (a) could the Minister name the 70 local Western Australian councils he claims have received financial assistance from himself to prepare their strategic and asset management plans;

- (b) please name the 63 local governments that have received assistance for their long-term financial planning and integrated report planning;
- (c) please list any local councils who requested assistance from the Minister or his Department and were denied funding, as well as the reasons for denying any funding; and
- (d) why were 68 councils not offered financial assistance for their plans?

Mr G.M. CASTRILLI replied:

- (a) The 70 Western Australian local governments that have received financial assistance to prepare strategic community plans and asset management plans includes 46 local governments that have participated in voluntary reform through amalgamation groups, Regional Transition Groups and Regional Collaborative Groups and 24 local governments supportive of reform but impeded from progressing due to a lack of suitable local partnerships.

The City of Geraldton–Greenough and the Shires of Mullewa, Yilgarn, Westonia, Morawa, Mingenew and Three Springs have been involved in progressing amalgamations.

The Town of Narrogin, the Shires of Narrogin, Cuballing, Wickepin, Beverley, Cunderdin, Quairading, Tammin, York, Brookton, Pingelly, Mount Marshall, Koorda and Trayning, and the Cities of Subiaco and Nedlands have participated in Regional Transition Groups.

The City of Kalgoorlie–Boulder, the Town of Port Hedland, and the Shires of Laverton, Leonora, Dundas, Coolgardie, Esperance, Menzies, Ngaanyatjaraku, Ravensthorpe, Wiluna, Murchison, Upper Gascoyne, Broome, Derby–West Kimberley, Halls Creek, Wyndham–East Kimberley, Carnarvon, Exmouth, Shark Bay, Ashburton, East Pilbara and Roebourne have participated in Regional Collaborative Groups.

The Cities of Bayswater, Bunbury, Cockburn, Fremantle and Mandurah, the Town of Claremont, and the Shires of Boddington, Boyup Brook, Bridgetown–Greenbushes, Broomehill–Tambellup, Coorow, Dandaragan, Donnybrook–Balingup, Irwin, Katanning, Kellerberrin, Manjimup, Merredin, Moora, Murray, Northam, Plantagenet, Wagin and Wongan–Ballidu are supportive of reform but have been impeded from progressing due to a lack of suitable local partnerships.

- (b) Funding assistance for the development of long term financial plans was provided to country local governments through the Royalties for Regions — Country Local Government Fund. The 63 local governments that have received assistance are those which I have previously mentioned with the exception of the metropolitan local governments of the Cities of Bayswater, Subiaco, Cockburn, Fremantle, Nedlands and Mandurah, as well as the Town of Claremont.
- (c)–(d) Capacity building funding was provided to local governments participating in voluntary reform through structurally reforming groups and to individual local governments supportive of reform but impeded from progressing due to a lack of suitable local partnerships. Other local governments indicated that they were already sustainable.

This policy is consistent with the Commonwealth Government’s policy approach to provide funding only to those local governments engaged in reform.

Only six local governments not already involved in voluntary reform have formally requested funding assistance from my Department of Local Government. These are the Shires of Capel, Dumbleyung, Kondinin, Victoria Plains, West Arthur and Williams. These local governments were not eligible for funding as they were not engaged in reform.

The Department of Local Government and I continue to engage with WA local governments regarding the implementation of integrated planning in the sector. Guidance on implementing Strategic Planning, Asset Management and Long Term Financial Planning is available for all local governments on the Department’s dedicated Integrated Planning website.

#### GOVERNMENT TENDERS AND CONTRACTS — RATINGS AGENCIES

8006. Mr J.N. Hyde to the Treasurer

Regarding tenders or contracts by Treasury, agencies or Government to ratings agencies, I ask:

- (a) what tenders or contracts are currently in place, with what terms and remuneration;
- (b) what amount was provided to ratings agencies in each financial year of the Barnett Government and what is budgeted for 2012–2013 and forward estimates;
- (c) what due diligence was undertaken by this Government into anti-corruption processes and safeguards of ratings agencies engaged; and
- (d) what are the current anti-corruption processes and safeguards of ratings agencies engaged?

Mr C.J. BARNETT replied:

Department of Treasury

- (a) As the State's central borrowing authority, the Western Australian Treasury Corporation (WATC) has engaged Moody's Investors' Service and Standard & Poor's Ratings to rate its debt. WATC's debt is guaranteed by the Treasurer on behalf of the State under the Western Australian Treasury Corporation Act 1986. For consistency in the assessment of Western Australia's public sector debt, Moody's and Standard & Poor's have rated the State as guarantor, and the debt issued by WATC, for over two decades. The credit rating fees paid by WATC are set out in (b) below. Moody's and Standard & Poor's are the two leading credit rating agencies in the world, and rate the debt of the Commonwealth and all 6 Australian States.
- (b) The annual costs for obtaining Western Australia's credit ratings are shown in the following table. Outyear costs are indicative for forecast purposes and are subject to revision as and when prices are made certain.

ANNUAL CREDIT RATING COSTS

	2008–09 Actual \$000	2009–10 Actual \$000	2010–11 Actual \$000	2011–12 Actual \$000	2012–13 Budget \$000	2013–14 Estimate \$000	2014–15 Estimate \$000	2015–16 Estimate \$000
TOTAL	450	423	378	399	410	420	431	442

- (c) Moody's and Standard & Poor's have Australian Financial Services Licences issued by the Australian Securities and Investments Commission (ASIC). These licences authorise the two agencies to provide general financial advice to wholesale investors by issuing credit ratings. Both of these credit ratings agencies have codes of professional conduct which include processes supporting the quality and integrity of the ratings process, independence and avoidance of conflict of interest, commitments and responsibilities to public investors and debt issuers (including the treatment of confidential information), code of conduct enforcement and disclosure frameworks, and communication with market participants. The rigour of the ASIC regulatory and licensing framework, together with clearly documented codes of professional conduct, provide sufficient assurance of adequate anti-corruption processes and safeguards in the credit ratings process.
- (d) See (c).

LIQUOR BURNERS — ENVIRONMENTAL MONITORING

8007. Mr M.J. Cowper to the Minister for Environment

Given that liquor burners have been banned across the world, can the Minister please advise:

- (a) what independent environmental monitoring is being conducted on the following liquor burners in Western Australia:
- (i) Kwinana Refinery;
  - (ii) Wagerup Refinery; and
  - (iii) Worsley Alumina Refinery;
- (b) what makes these liquor burners more efficient and subsequently safe, compared to those banned in the United States, Asia and Europe;
- (c) what questions did the Minister ask the Ministers for Health, State Development and Mines and Petroleum prior to approving a time extension of the expansion at Wagerup Refinery;
- (d) in increasing the allowable level of noise emissions from the Wagerup refinery, how many noise affected properties will Alcoa need to purchase to satisfy the requirement of the license; and
- (e) what will happen if no additional properties are purchased by Alcoa?

Mr W.R. MARMION replied:

The Department of Environment and Conservation (DEC) has advised that it is not aware that liquor burners at alumina refineries have been banned across the world.

- (a) (i) DEC requires Alcoa to monitor emissions from the liquor burner at the Kwinana Refinery as a condition of its licence issued under the Environmental Protection Act 1986. Air emissions monitoring is conducted by a National Association of Testing Authorities (NATA) accredited consultant, in accordance with United States Environmental Protection Agency (USEPA) methodology.

DEC requires Alcoa to monitor the liquor burner emissions quarterly for particulates, nitrogen oxides and sulfur dioxide, and continuously for temperature and carbon monoxide, which is indicative of volatile organic compounds (VOC) destruction.

A Source Emissions Characterisation Plan and Source Emissions Verification Plan have been completed for Alcoa's Kwinana Refinery, as required by Ministerial Statement 000678 issued on 23 June 2005. These plans have been completed by NATA accredited air emission consultants contracted by Alcoa.

- (ii) DEC requires Alcoa to monitor emissions from the liquor burner at the Wagerup Refinery through its licence issued under the Environmental Protection Act. Air emissions monitoring is conducted by a NATA accredited consultant in accordance with USEPA methodology. DEC requires Alcoa to monitor the liquor burner emissions quarterly for nitrogen oxides, sulfur oxides and VOCs, and continuously for particulates, temperature and carbon monoxide.
  - (iii) DEC requires BHP Worsley Alumina Pty Ltd to monitor emissions from the liquor burner at the Worsley Refinery through its licence issued under the Environmental Protection Act. Air emissions monitoring is conducted by a NATA accredited consultant in accordance with USEPA methodology. DEC requires Alcoa to monitor the liquor burner emissions quarterly for nitrogen oxides, carbon monoxide and VOCs, including acetaldehyde, formaldehyde and benzene.
- (b) The liquor burners at these refineries operate with best practice pollution control equipment, including a regenerative thermal oxidiser (RTO). The RTO achieves a 98% reduction in VOCs. DEC has assessed the air emissions from each liquor burner and determined they are environmentally acceptable.
  - (c) As required by condition 4 — 2 of Statement 000728 (14 September 2006) in relation to consultation with relevant Government authorities and stakeholders, I wrote to the Ministers for Health, State Development, and Mines and Petroleum on 12 August 2011 advising them of Alcoa's application and seeking their comments.
  - (d)–(e) The Environmental Protection (Wagerup Alumina Refinery Noise Emissions) Approval 2012, granted under the Environmental Protection (Noise) Regulations 1997, does not specify a number of properties that must be purchased within the two-year life of the approval.

This approval sets noise limits at several reference locations, some of which are at or adjacent to residential locations surrounding the refinery. The approval is based on Alcoa's commitment to not increase its noise emissions if the expansion proceeds. Should Alcoa be unable to meet its conditions of approval, it would need to submit another application under regulation 17 of the Noise Regulations for Ministerial consideration.

#### FORESTS — JARRAH SAW LOGS

8011. Mr E.S. Ripper to the Minister for Forestry

- (1) Will the Minister table the specifications for the grading of jarrah saw logs as being first, second or third grade saw logs or bole logs?
- (2) Does the Minister plan to revise the specifications for grading of jarrah saw logs so that there is no confusion over the grading of logs supplied to mills?

Mr D.T. REDMAN replied:

- (1) [See paper 4951.] Minor variations to these specifications apply to individual customers.
- (2) No. The FPC works closely with sawmills to ensure common understanding of how the specifications are applied. These specifications, which were not developed by the Forest Products Commission (FPC) but by the timber industry through the Forest Industries Federation of WA, are designed to differentiate easily between grades and reduce confusion.

#### TREASURY — PRELIMINARY IMPACT ASSESSMENTS

8012. Mr B.S. Wyatt to the Treasurer

- (1) How many Preliminary Impact Assessments (PIAs) have been examined by the Regulatory Gatekeeping Unit of the Department of Treasury:
  - (a) from 1 December 2009 to 30 June 2010;
  - (b) during the 2010–2011 financial year; and
  - (c) during the 2011–2012 financial year to date?

- (2) What percentage and number of PIA's were determined to require Regulatory Impact Statements:
  - (a) from 1 December 2009 to 30 June 2010;
  - (b) in the 2010–2011 financial year; and
  - (c) in the 2011–2012 financial year to date?
- (3) How many Consultation Regulatory Impact Statements were considered by Treasury:
  - (a) from 1 December 2009 to 30 June 2010;
  - (b) during the 2010–2011 financial year; and
  - (c) during the 2011–2012 financial year to date?
- (4) How many Decision Regulatory Impact Statements were considered by Treasury:
  - (a) from 1 December 2009 to 30 June 2010;
  - (b) during the 2010–2011 financial year; and
  - (c) during the 2011–2012 financial year to date?
- (5) How many Treasurer's exemptions from the Regulatory Impact Assessment (RIA) process have been granted:
  - (a) from 1 December 2009 to 30 June 2010;
  - (b) in the 2010–2011 financial year; and
  - (c) in the 2011–2012 financial year to date?
- (6) Of the matters that have been identified as requiring Regulatory Impact Statements, what number and percentage have been approved for implementation since the commencement of the RIA process on 1 December 2009?
- (7) Have any matters identified as requiring Regulatory Impact Statements been rejected by Government to date and, if so, what number and percentage?
- (8) Has Treasury undertaken any tracking or evaluation of the average time it takes for agencies to complete the RIA process, from the time a PIA has been submitted to the approval of the proposed regulatory change?
- (9) What key performance indicators are used to determine the efficiency and effectiveness of the process?
- (10) How many Regulatory Gatekeeping Unit Annual Reports have been published to date?
- (11) What were the terms of reference for the Regulatory Impact Assessment 2011 Review?
- (12) Has the review noted at (11) been reported to the Treasurer and, if so, when?
- (13) When will the review noted at (11) be made public?

Mr C.J. BARNETT replied:

Department of Treasury

- (1)
  - (a) 207
  - (b) 411
  - (c) 301
- (2) The percentage of regulatory proposals that require assessment through Regulatory Impact Statements (RISs) is not dissimilar to those publicly reported by the Commonwealth.
  - (a) 21 (10.2%)
  - (b) 12 (2.9%)
  - (c) 18 (6.0%)
- (3)
  - (a) 1
  - (b) 4
  - (c) 5
- (4)
  - (a) 1
  - (b) 5
  - (c) 9
- (5)
  - (a) Nil
  - (b) 3
  - (c) 4

- (6) Of the proposals identified as requiring RISs, 11 (21.6%) have been implemented, 20 (39.2%) are being finalised, 7 (13.7%) are being consulted upon and 11 (21.6%) are under further review.
- (7) The purpose of Regulatory Impact Assessment (RIA) is to improve regulatory outcomes by ensuring that decision makers are provided with complete, objective and transparent analysis on which to base their decisions. The RIA process encourages appropriate assessment through the requirement for consultation and assessment proportionate to the impacts of the issue. This assessment process may result in changes to a proposal prior to final recommendations being put to decision makers. This limits the number of proposals that will be considered as not meeting RIA requirements and that are therefore likely to be rejected by the decision maker. Given this, two proposals were completely rejected (3.9%) and two proposals were partially rejected (3.9%).
- (8) The RIA process is designed to integrate with the policy development cycle of a regulatory proposal. The Regulatory Gatekeeping Unit (RGU) tracks the time taken to prepare a PIA. On average, agencies take 1–2 hours to complete the PIA stage. More complex proposals requiring Regulatory Impact Statements are processed according to agency timeframes. Factors such as the complexity of the proposal and the level of consultation required determine the length of this process. The RGU is not responsible for the time taken following the completion of RIA to gain final approval for a proposed regulatory change. To ensure that agency proposals are efficiently dealt with under RIA, the RGU is required to respond to agencies within 10 working days on each RIA document submitted.
- (9) The RIA process is designed to promote better quality regulation where regulation is identified as necessary and to reduce the red tape burden of proposed regulation by improving its scope and design. In the 2010–11 reporting year, through the modification and abandonment of regulation, RIA resulted in savings to business of approximately \$43 million.
- (10) Nil.
- (11) The RGU conducted a review of RIA in 2010, prior to the introduction of RIA to subordinate legislation. Agencies were consulted on the review through a collaborative process involving a whole of government RIA Working Group. The RIA Guidelines, which were revised following this 2010 review, streamlined the RIA process to ensure that higher impacting proposals remained the focus of analysis. As a result of discussions with agencies through the RIA Working Group, further minor administrative reforms were made in 2011 to continue this focus. There were no formal terms of reference for these reviews.
- (12) The revised RIA Guidelines were approved by the Premier, in his capacity as Treasurer, and issued to all government departments in July 2010. The Treasurer is kept informed on all regulatory reform issues.
- (13) The revised RIA Guidelines were made publicly available through their placement on the Department of Treasury website.

#### LIQUEFIED PETROLEUM GAS BOTTLE — COST

8015. Ms R. Saffioti to the Minister representing the Minister for Energy

What has been the average cost of a 45kg Liquefied Petroleum Gas bottle in Western Australia in the following years:

- (a) 2007;
- (b) 2008;
- (c) 2009;
- (d) 2010;
- (e) 2011; and
- (f) 2012?

Mr J.H.D. DAY replied:

The pricing of LPG gas bottles is not the responsibility of government, and thus the Honourable Member may wish to direct enquiries regarding historical pricing statistics to the relevant privately owned retailers.

#### ALBANY RING ROAD

8017. Mr P.B. Watson to the Minister for Transport

With reference to the Albany Ring Road, stages 2 and 3, I ask:

- (a) on what was the amount of \$395,000, provided in the 2011–2012 budget towards land acquisition, spent (please provide details);

- (b) what amount was allocated in the 2010–2011 budget towards land acquisition; and
- (c) what amount was spent on land acquisition in 2010–2011 and from which government department budget did that money come?

Mr T.R. BUSWELL replied:

Main Roads Western Australia advises:

- (a) Acquisition of two properties impacted by the proposed Albany Ring Road is progressing. It is anticipated that these funds will be fully expended in the acquisition of these two properties by 30 June 2012.
- (b) A total of \$562,642 was allocated in 2010/11 towards land acquisition and property management activities.
- (c) No land acquisition was undertaken in 2010/11.

#### MIRRABOOKA BUS STATION — PEDESTRIAN FLOW DESIGN

8018. Ms J.M. Freeman to the Minister for Transport

Given that the layout of Mirrabooka Bus Station restricts passenger flow across the three lanes to a zebra crossing at the northern end, and also that public crossing is prohibited at the southern end of each concourse, I ask:

- (a) how many people have been fined for contravening the southern end restrictions in 2011;
- (b) how many people have been fined for contravening the southern end restrictions in 2012;
- (c) have any complaints been made to the Minister for Transport's office regarding poor pedestrian flow design of the Mirrabooka Bus Station;
- (d) have any complaints been made to the Public Transport Authority regarding poor pedestrian flow design of the Mirrabooka Bus Station?
- (e) how many people have been warned (approximately or otherwise) by the security staff for contravening the southern end restrictions in 2012; and
- (f) how many people have been warned (approximately or otherwise) by the security staff for contravening the southern end restrictions in 2011?

Mr T.R. BUSWELL replied:

The Public Transport Authority advises:

- (a) Nil.
- (b) One.
- (c) Yes, by the Member for Nollamara.
- (d) Yes
- (e) Three hundred and forty six. The majority of these warnings were issued during a targeted operation performed by security officers in February to educate passengers on the correct and safe method to traverse the station.
- (f) Nil.

#### GOVERNMENT PLANTATIONS — PRUNING

8020. Mr M.P. Murray to the Minister for Forestry

In relation to Government shared or joint plantations:

- (a) how much pruning has been done on Government shared or joint plantations;
- (b) how much has this pruning cost;
- (c) what funding has been made available for tree pruning;
- (d) has pruning been contracted out;
- (e) if trees have not been pruned, how much, on average, would this failure to prune diminished the value of a mature tree;
- (f) have, or will, all contracts with tree growers be(en) honoured in full; and
- (g) have the standards or methods of tree pruning been maintained to an acceptable level for all tree growers?

Mr D.T. REDMAN replied:

- (a) To date 1630 hectares of the Forest Products Commission's (FPC) eucalypt sawlog estate has been low pruned and a further 151 hectares has been high pruned.
- (b) Approximately \$764,000 has been spent on pruning of FPC's eucalypt sawlog sharefarms.
- (c) There is currently no budget allocation for pruning of FPC sharefarm plantations. FPC undertakes management operations, including pruning where necessary, that are consistent with good silvicultural practice and future forest product markets.
- (d) The majority of pruning works completed on sharefarm properties have been undertaken by private contractors with some small areas completed by FPC staff.
- (e) It is difficult to accurately estimate product values for the eucalypt sawlog program as there is not currently a market for pruned, plantation-grown eucalypt sawlogs in Western Australia.
- (f) FPC is complying with its obligations under the relevant Timber Sharefarming Agreements and will continue to do so.
- (g) All pruning has been completed in accordance with FPC's internal guidelines and these guidelines are consistent with best practice.

#### FORESTRY — JARRAH SAW LOGS

8022. Mr E.S. Ripper to the Minister for Forestry

- (1) What is the yield of first, second and third grade Jarrah saw logs from the marginal Jarrah areas to the west of Sues Road near Brockman Highway, compared with the total tonnage of trees cut in those areas?
- (2) What is the normal yield of Jarrah saw logs of the different grades in the main areas harvested for Jarrah saw logs?
- (3) What happens to the rest of the timber cut from the marginal Jarrah areas as described above?
- (4) If these areas of forest are not designated as being old growth forest, can the Minister inform when those areas were previously harvested for timber production?

Mr D.T. REDMAN replied:

- (1) It has been assumed that the area referred to encompasses the Schroeder 0503 and 0511 coupes located immediately west of Sue's Road and to the north of Brockman Highway.

The area of these two coupes totals 2573 hectares, of which 1094 hectares was harvested over approximately a four year period from 2008 to 2012. The area produced a combination of first, second and third grade sawlogs, as well as bole sawlogs. As bole sawlogs include portions of all sawlog grades, it is not possible to provide a breakdown of only first, second and third grade logs.

The total quantities produced from these coupes from 2008–12 are:

Bole sawlog — 3402 tonnes  
 First grade sawlog — 3076 tonnes  
 Second grade sawlog — 1550 tonnes  
 Third grade sawlog — 675 tonnes  
 Other green jarrah products — 4800 tonnes

Total quantity from this area from 2008–12 is:

Sawlog products — 8703 tonnes  
 All green jarrah harvested products (including sawlog) — 13 503 tonnes.

*Note* that this figure does not include the dead wood products that were harvested during this operation.

There is no measurement taken of total quantity of trees cut, only the quantity of products removed from harvested trees.

- (2) The yield of sawlog from the jarrah forest is variable. It can range from five tonnes per hectare to greater than 50 tonnes per hectare. On average, the yield of jarrah sawlog products is approximately 20–25 tonnes per hectare.
- (3) A proportion of the timber that does not achieve sawlog quality is marketed as domestic firewood. Green firewood makes up the majority of the 4800 tonnes of other green products identified in (1). Timber remaining after the removal of domestic firewood remains in the forest. In these coupes

the area has subsequently been made available by the Department of Environment and Conservation as a Public Firewood Area where the public can utilise remaining accessible timber from the forest floor.

- (4) The area does not contain any patches of designated old growth forest. Cutting records indicate that approximately 95 per cent of the area was harvested in the 1950s with the remainder being harvested in the 1960s.

#### PASTORAL LEASES — VIABILITY REPORT

8023. Mr C.J. Tallentire to the Minister for Agriculture and Food

- (1) Did the Minister, or any of his departments, commission any report(s) in 2010 or 2011 assessing the viability of a number of pastoral leases in the southern and northern areas of Western Australia and, if so, what was the cost of drafting the report(s)?
- (2) Have the report(s) been finalised and released publicly and, if not, when will they be finalised and released publicly?
- (3) What are the main findings of any such report(s)?

Mr D.T. REDMAN replied:

- (1) Between October 2010 and July 2011, Department of Agriculture and Food officers prepared reports on the viability of the northern and southern pastoral regions based on biophysical assessment of the individual pastoral leases in the respective regions. A third report was prepared by the Department on the financial viability of southern rangelands pastoral businesses and a supplementary rangelands “financial health” assessment was prepared by a consultant. Preparation of the reports commenced in anticipation of the Rangelands Reform Program, which was subsequently announced by the Government in December 2010. The cost of the financial health assessment conducted by the consultant was \$19 000.
- (2) The reports are part of a body of work which is continuing under the auspices of the Rangelands Reform Program. As part of Rangelands Reform, the Department has engaged consultants to assist in identifying opportunities and constraints associated with sustainable economic development of the rangelands including through consideration of these reports, earlier assessments, and the outcomes of consultation with a wide range of stakeholders. The consultants are due to provide a final report in July 2012. It is anticipated that this report will be presented at a stakeholder forum to be held in the second half of this year.
- (3) The reports cover biophysical and economic conditions associated with pastoral based activities conducted over 37 per cent of the Western Australian landmass. Report findings therefore reflect considerable diversity in environmental conditions, the scale and structure of businesses and viability outcomes. Large parts of the rangelands face major sustainability challenges but pastoralism remains viable where businesses have sufficient biophysical and managerial capacity. Analysis of the financial health of businesses also highlights the value of a diversified income base to overall business sustainability.

#### RSPCA — FUNDING

8025. Ms L.L. Baker to the Minister for Agriculture and Food

Last year the Department of Agriculture announced it had provided an additional \$250,000 in funding to the RSPCA. In relation to this, I ask:

- (a) with regard to the contract / memorandum of understanding / service agreement / grant between the Department of Agriculture and the RSPCA for the new funding, can the Minister please provide;
- (i) the outcomes;
- (ii) key performance indicators;
- (iii) outputs;
- (iv) any other deliverables that are written into this new agreement; and
- (v) the completion date for the contract/agreement;
- (b) what is the contract review date for performance under the terms of the new contract/agreement; and
- (c) for the purpose of the release of these funds, is the RSPCA treated as the preferred provider under government contracting policy, or will the next round of funding be open for competitive tender?

Mr D.T. REDMAN replied:

- (a) (i) Improving animal welfare in Western Australia.

- (ii) There are no specific key performance indicators, but the RSPCA is required to report annually on achievement of outcomes, stakeholder engagement activities and expenditure related to the grant;
  - (iii) Public education and promotion of responsible companion animal ownership, enforcement activities and a 24 hour complaint receipt and assessment service for public reports of cruelty to animals.
  - (iv) No other specific deliverables.
  - (v) 30 June 2013.
- (b) The contract review date is within 40 days of the reporting period ending. The end of the reporting period is 30 June each year.
- (c) There are no current plans to open the next round of funding to other providers.

#### HAINSWORTH SCHOOL SITE — HOUSING PLANS

8026. Ms M.M. Quirk to the Minister for Housing

- (a) I refer to the site of the former Hainsworth Primary School, earmarked for Department of Housing development, which has been vacant for two years and which has been the scene of antisocial behaviour and fires, and I ask: when does the Minister intend to do something about the state of this site;
- (b) when will building commence on this site;
- (c) what explanation can the Minister give nearby residents as to why the Department of Housing cannot properly secure the site as a matter of urgency;
- (d) will the Minister undertake to supply secure fencing for that site; and
- (e) when can I expect an answer to my letter of February this year regarding this issue?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) The Department of Housing is responsible for the maintenance of the site, and attends to the cleanup of any rubbish dumped on the site.
- (b) The Department is developing a proposal for the site.
- (c) The Department secured the site with fencing prior to the demolition of former school buildings which has been subject to ongoing vandalism. The Department will focus on regular monitoring of the site.
- (d) No
- (e) A response was sent to your office on 24 May 2012.

#### RAILWAY SLEEPERS — JARRAH SAW LOGS

8028. Mr E.S. Ripper to the Minister for Forestry

- (1) Who, or which agency, certifies that the sleepers cut from third grade saw logs meet the Australian New Zealand standard for rail sleepers?
- (2) Is there a conflict of interest inherent in the Forest Product Commission supplying logs for sleeper production and then certifying the sleeper product as meeting (or not meeting) the Australian New Zealand Standard for rail sleepers?

Mr D.T. REDMAN replied:

- (1) The Forest Products Commission (FPC) is the agency that, on request by the sawmiller, brands the railway sleeper as compliant with the specifications set out in the Australian Standard (AS) 3818 Part 2 2010 Timber — Heavy structural products — Visually graded — Railway track timbers. There is no requirement under the standard that sleepers be cut from any specific grade of log.
  - (2) No. FPC does not supply logs specifically for railway sleeper production. It supplies logs which are processed by sawmillers into a range of products according to their requirements and markets. Where railway sleepers are produced by sawmillers, they need to comply with AS3818 Part 2. FPC has skilled professionals to assess this compliance.
-