Parliamentary Debates
(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2016

LEGISLATIVE ASSEMBLY

Wednesday, 7 September 2016

Legislative Assembly

Wednesday, 7 September 2016

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

PAPERS TABLED

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

"WESTERN AUSTRALIAN MUSEUM ANNUAL REPORT 2014–15"

Correction — Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): I received advice dated 7 September 2016 from the Minister for Culture and the Arts indicating some errors in the Western Australian Museum's annual report 2014–15, which was tabled on 22 September 2015. The minister has attached an erratum to correct the errors in the notes to the financial statements on page 84 and pages 87–90. I advise that under standing order 156, I have authorised that the erratum be attached to the tabled papers.

[See paper 4499.]

HEALTHWAY — BOARD

Statement by Minister for Health

MR J.H.D. DAY (Kalamunda — Minister for Health) [12.02 pm]: I rise briefly to update the house on a significant milestone for health promotion in Western Australia, with the Western Australian Health Promotion Foundation Act commencing operation on 1 September 2016. Members will be aware that the purpose of this legislation is to promote and facilitate good health and activities that encourage healthy lifestyles in Western Australia. The act ushers health promotion in WA into a new, modern era, enabling Healthway to operate under its own legislation and removing its governance from the Tobacco Products Control Act.

The new act provides for important contemporary governance arrangements for Healthway. This includes appointing a board on the basis of the best mix of skills and experience that is required for successful health promotion across our state. I am very pleased to announce the appointments to the new Healthway board, which will be chaired by Professor Bryant Stokes as the presiding member. Professor Stokes is renowned for the dedication and knowledge he has brought to his various leadership roles across the WA health sector. Ms Fiona Kalaf has been appointed as the deputy presiding member and will be joined by board members Mr Nathan Giles, Mr Steve Harris, Adjunct Professor Terry Slevin, Dr Roslyn Carbon and Ms Ricky Burges. These board members bring a wealth of experience in health, arts, sport, finance, governance, law, management and marketing, and I congratulate them on their appointment. I would also like to take this opportunity to sincerely thank the interim board members—Professor Bryant Stokes and the directors general of the departments of Health; Sport and Recreation; Culture and the Arts; Child Protection and Family Support; and the WA Local Government Association—for their valuable stewardship and contribution throughout Healthway's transition.

The new legislation and board reflect Healthway's importance and evolution. Australia has seen a rise in chronic disease associated with unhealthy lifestyles. This affects individuals, families and communities, and has a significant impact on our health system. Healthway plays a vital role in our state by investing in sponsorships, research and health promotion programs that can influence community behaviours to enhance physical activity, improve diet, reduce smoking and risky drinking, and maintain a healthy body weight. The Western Australian Health Promotion Foundation Act and the board signify a new era for health promotion in Western Australia and demonstrate the Liberal–National government's commitment to improving the health and wellbeing of our community.

BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS

Suspension of Standing Orders — Withdrawal of Notice

Notice of motion, given Tuesday, 6 September, withdrawn by **Mr J.H.D. Day (Leader of the House)**.

BUSINESS OF THE HOUSE — SITTING HOURS

Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): The Legislative Assembly will sit until 8.00 pm tonight without a supper break.

SALE OF LAND AMENDMENT BILL 2016

Second Reading

Resumed from 23 June.

MR P.C. TINLEY (Willagee) [12.06 pm]: I rise as the lead speaker and responsible shadow minister for the opposition to speak to the Sale of Land Amendment Bill 2016, and also of course for the benefit of the house and for the Minister for Lands to be assured that the opposition is supportive of this legislation and will provide limited commentary apart from my own. I do not think other members want to speak just for the purpose of management of the business before the house. I thank the minister and his department for their briefings and for the supplementary information that I requested on the bill. I am also aware that there is an amendment on the notice paper; is that correct?

Mr D.T. Redman: Yes, there is.

Mr P.C. TINLEY: We will have to go into consideration in detail to consider and adopt that amendment.

The Sale of Land Act 1970 is a fundamentally important part of the arrangement of property for Western Australia that has provided supply of housing and commercial property and the contractual transfer of land for many years. Of course, the Sale of Land Amendment Bill incorporates section 13 of the Sale of Land Act, as we see it, and I will come to that amendment in a minute. The subsequent legislation, the Land Administration Act 1997, may be applicable and relevant to section 13. We come to this position on the basis of a ruling of the Court of Appeal of the Supreme Court of Western Australia that found that the sale and transfer of future lots may of themselves be illegal and unenforceable at law because of what could only be described as the air gap. It was interesting to read the judgements and the grounds for appeal. The appellants' approach to each of these cases is instructive when we look at the detail and rationale for the appeal.

I refer to the Court of Appeal case Barker v Midstyle Nominees Pty Ltd, heard on 21 October 2013 and delivered on 11 April 2014. The case was between two appellants, Michael Hewitt Barker and Carol Anne Barker and Midstyle Nominees. One of the interesting aspects about the judgement is the appeal court's commentary about the Sale of Land Act and its history. It is important to record it here. Paragraph 27 reads —

> At common law, (that is, independently of s 19 of the *Interpretation Act 1984 (WA)*), a court is permitted, in construing a legislative provision, to have regard to the words used by Parliament in their legal and historical context, and, if appropriate, to give them a meaning that will give effect to any purpose of the legislative provision which can be deduced from the context.

The judgement refers to some precedents and to two cases in other jurisdictions. It continues —

> In 1968 the Minister for Justice asked the Law Reform Committee of WA (the Committee) to consider the need for legislation to protect the rights of purchasers who default under terms contracts for the sale of land. In October 1968 the Committee published a working paper. In September 1969 it published a report entitled, 'Protection to Defaulting Purchasers'.
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> In its report the Committee drew the Minister's attention to legislation in Victoria and New South Wales which regulated proposed subdivisions by vendors. The legislation was directed, relevantly, to projects where land is being developed and sold in lots, but where the vendor who is selling to the purchasers of the subdivided lots is not the registered proprietor of the land …
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> This problem was referred to by J L Toohey QC in his article 'Default in the Sale of Land' (1964) University of Western Australia Law Review 407:
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> > It quite often happens that the vendor of land is not the registered proprietor but is himself a purchaser under a contract of sale. There may in fact be a chain of purchasers, so that if one earlier in the chain defaults and his vendor rescinds the remaining purchases are left with personal actions only.
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> The Committee mentioned Mr Toohey's article in its report.
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> By letter dated 9 November 1969, the Minister requested the Committee to consider what legislation was necessary to protect purchasers acquiring lots in a proposed subdivision from a vendor who is not the registered proprietor of the land. The Committee responded to this question in a supplementary report, 'Relief for Purchasers under Land Sales', published in February 1970.
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> In its supplementary report the Committee expressed the opinion that, in general, 'freedom to contract should not be restricted otherwise than as recommended in its report, but that a special problem could arise in relation to subdivisional land which should be separately dealt with'. The Committee identified this 'special problem' as follows:
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> > For example, suppose, A, a registered proprietor, sells land under a terms contract to B who in turn sells under a terms contract to C, who subdivides and sells subdivided lots to numerous purchasers. If then C breaks a condition of his contract with B, B can rescind the contract and

> defeat any claims by the ultimate purchasers to the land, leaving them with only personal claims against C which may be worthless. Likewise, if B breaks a condition of his contract with A, A can claim back the land and so defeat C and his many ultimate purchasers. The ultimate purchasers may have claims against C but if C is caught up in B's default and becomes insolvent, these may be worthless.

It is no surprise that —

> The Committee recommended that legislation be enacted 'requiring the vendor of subdivisional land comprising five or more proportions (whether Lots or parts proposed to be made into Lots) to be the registered proprietor of that land before he sells or offers for sale any portion or enters into any contract to sell any portion'. The Committee elaborated that if its recommendation was adopted 'the problems created by the practice of selling land subject to a chain of dependent terms contracts would not arise'. The Committee considered that its recommendation would 'help protect the ultimate purchaser by removing from the field the more irresponsible speculators who cannot normally finance the purchase and transfer of land into their own names'.

And so it goes on —

> The Minister informed the Legislative Council, in his second reading speech of the Bill which upon enactment became the Act, that the Bill incorporated all of the Committee's recommendations. As to the clause which became s 13, —

Which is relevant to us today —

> the Minister said:
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> > Clause 13 prohibits the sale of land unless the vendor is the registered proprietor of that land under the *Transfer of Land Act*. This restriction is limited in its operations to the development of subdivisions comprising five or more lots.
> >
> > The aim is to impose restrictions only in the area where known abuses have occurred. This has happened where the ultimate purchaser is the last in a chain of transactions. In the event of default in any one of the contracts between the registered proprietor and the ultimate purchaser, losses may be sustained by people unable to protect their transactions. The restriction will not prevent the owner of a lot or even a small group of lots from selling even though he has not got title. It will, however, exercise some control over the type of speculator who has caused some public concern recently.

That came from *Parliamentary Debates* in the Legislative Council on 3 November, 1970.

As members can see, the judgement identified the history—obviously there is much more to the appeal—and the very strict requirement under section 13 that the seller of a lot must be the legal owner of a lot. Over the course of time, convention and practice, those contracts have not been completed prior to the onselling of land, particularly in the subdivision circumstance. For the benefit of members and their electorates, the majority of what I am talking about applies to mid to small-sized subdivisions—for example, people doing unit lots on a couple of quarter-acre blocks that have been redeveloped. They quite often do not own the land but they onsell the land under what they call future contracts. That has given rise to what we might call fresh air titles; that is, they do not own the title but are purporting to promote and sell the title when, in fact, it does not come to pass until they have actually accumulated enough funds or executed enough contracts with onsellers to make the purchase possible, therefore giving rise at times to a house of cards—and ultimately the consumer is not protected.

What is really important to understand about the consumer is that regardless of the legalities of enforceable or unenforceable contracts in the chain of the sale of land, we must keep at the forefront of our minds, particularly in this place, the effect on consumers because, ultimately, they are the ones who will potentially be out of pocket. The bill goes some way towards protecting citizens. I will come back to where some protections may not be adequate; maybe we will come to that during consideration in detail. It is also instructive if we look at some of the potential problems with developers who are less than scrupulous. Several cases studies were provided to me by the minister's office and the Department of Commerce that involve some investigations that were undertaken that subsequently ended in action against a proprietor. It is really important that we, as a chamber, consider carefully where the citizen or the consumer in this case is to be protected.

The first case study involves a previously successful developer and a property speculator who joined to purchase and create subdivisional plans with the view of selling lots off the plan in rural Baldivis. The larger blocks down there are rapidly being developed. The property was owned by a farming family, which sold the lot to the property speculator; that is not unusual. The developer acted as a project manager developing subdivisional plans to create a large number of lots of land, including strata lots. The developer used its prior network of successful

buyers from previous land sales as a source of potential buyers for this new development. The new development was broken into five separate land titles and a licensed real estate agent was engaged to conduct seminars for those prior buyers and obtain expressions of interest contracts, in the first instance, followed shortly thereafter with offer and acceptance contracts. As many as 70 blocks were purportedly being developed and sold off the plan through the five land releases—or the five stages—that they had. As many as 60 buyers attended the seminars and answered advertising material to firstly execute an expression of interest contract, paying an EOI fee of some $10 000. This was non-refundable but would go towards their ultimate purchase if they proceeded to an offer and acceptance contract. On execution of the offer and acceptance contract, the buyers would pay an additional $45 000. The $55 000 combined fee and deposit was paid to a licensed real estate agent to hold until settlement. The offer and acceptance contracts included a clause allowing the full amount of the EOI fee and deposit to be released by the real estate agent to the developer and property speculator to purchase the land or develop it.

The buyers lost control of their money. They paid their deposit, a non-refundable EOI fee and the deposit, and it went to a real estate agent. They have lost control because in the contract they have signed it away or created the circumstances in which it could be distributed to the actual developer. The property speculator was able to buy the land from the original owners for $1.5 million. The property speculator and developer then conspired to sell the land from one company belonging to the property speculator to another company also owned by them for the significantly higher price of $3.5 million. This purchase was communicated to the buyers so they understood the land was being bought for development for $3.5 million, and that when subdivided and purchased by them, they would all share in the immediate profit of $1.5 million, in addition to any additional market value increase for vacant land in the Baldivis area. It all sounds pretty good except the two interposed entities that were wholly owned by the speculator and the developer—the word “conspire” is particularly important here—were actually dudding those consumers to the tune of $2 million. None of the 90 blocks of land ever came to fruition. This is because the land was still zoned as rural, so subdivisional plans needed to be submitted and approved by the various agencies and local government authorities—no surprise there. The broadacre land was low-lying, on average three metres lower than the level of the sewerage connection. For the larger area to be successfully subdivided, a number of sewerage pumping stations would need to be installed at the expense of the developer. Broadly, it was estimated that it would cost $10 million to develop the sewerage pumping stations solutions for the entire area, obviously making the subdivision in this instance uncommercial. None of these plans were developed, therefore no subdivisional plans were approved or in place. The EOI fees and deposits were taken by the real estate agent and paid directly to the developer and property speculator; all of these moneys were misappropriated. The Department of Commerce has paid out approximately $4 million in real estate fidelity guarantee account claims from these 60 failed buyers.

This is an important point: the real estate fidelity guarantee account was the one that covered the shortfall for the consumer. The case study states —

> If not for the involvement of a licensed real estate agent in the misappropriation/defalcation of the EOI fees and deposits, then there would have been no financial recourse available to the 60 failed buyers other than civil torts against companies that went into liquidation with no assets other than the broad acre land, which was sold for around $500 000; significantly less than the developer’s purported value of $3.5 million. The total loss to the buyers in this portion of the project was $3.5 million.
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> Following on from this, 10 of the remaining affected buyers had their monies held with a licensed settlement agent who also committed defalcation by handing over the entire $1 million held in their trust account to the property speculator/developer, which was subsequently misappropriated. These 10 claims were approved through the Settlement Agents Fidelity Claims process and paid out.

On reading that case study, we would say that is clearly just a case of fraud and of property spivs taking advantage of consumers with wild promises of an upside and also absolutely no regard for the integrity required in the sale of land. It also involved the illegal activity of a licensed real estate agent, who we know are fairly well regulated in this state to ensure that they protect the consumer, particularly around the offer and acceptance process and the requirement and retention of moneys in trust accounts and their process for holding those approved deposits, or being an approved deposits institution. However, if it were not for the real estate agent, the fidelity fund that was the guarantee account allowed the consumers, in this case, to be paid out. If it were not for that, these people would have been done out of a lot of money and have no recourse except the courts, again to liquidated companies; there was no-one to respond to any of the claims that they might have made at law. If this amendment to the Sale of Land Act that we are considering were in force at the time, it would have been illegal for that property developer or that speculator in this particular case, and it would not have even started, because it would have been illegal to even offer the future lots for sale, had they even wanted to. They could have built a case on it. No amount of legislation in this place and no law in the statute book has ever stopped people who want to be dishonest. This piece of legislation will not prevent dishonesty; if somebody wants to rort the system, they will rort the system. They will lie, cheat and steal. Forever has it been the case and probably forever will it be the case, but this amendment goes some way to redressing what has been a practice within the development community or developer community.

I should also say, for the benefit of members who have followed this, that this does not normally or ordinarily apply to large companies. The vast majority of companies out there that are established in the market that do large subdivisions, such as Stockland, Satterley Property Group and Peet Ltd, all buy and hold land. It would be very unusual for any of those companies to be involved in future lot offerings in which they do not have the title for the land themselves. They have balance sheets big enough to accommodate that and they do so with a great deal of integrity because they have been operating for a long time in the industry and they are assiduous in avoiding reputational risk in this area, particularly around land.

It is probably helpful to talk about the other case study out on the fringe in Baldivis. Another case study worth considering is of a small developer who secured an inner-urban block of land in Highgate on which to develop a group of 30 units. The developer tied all his personal assets into the purchase of this land and needed to secure 60 per cent pre-sales in order to secure finance from the banks to fund the construction part of the development. A 60 per cent hurdle rate is a very standard process, although I understand north of 75 per cent pre-sales are now required by the banks before they will consider any project financing for land development. The developer had obtained working drawing plans and artist's impressions of the development and engaged a real estate agent to sell the off-the-plan project and secure buyers so that he could get bank finance. Over time, the agent produced 18 offer and acceptance contracts from buyers and bank finance was obtained and construction commenced. Sometime after this, it was discovered that the agent had falsified 17 of these offer and acceptance contracts and the bank finance was subsequently withdrawn. The project never came to fruition. However, the deposit of $55 000 from the one genuine buyer was lost. The amount of the loss to the developer was $4.6 million. The victim of this particular case study is one genuine buyer. As the appeal judge identified, buyers B and C became victims of fraud of a real estate agent. Again, it highlights the fact that if people want to behave dishonestly, they will.

Further along the coast is a very important coastal strip in terms of property value. It is no more immune to these sorts of rorts; in fact, it probably attracts more of this activity than any of the outer urban areas. It is worth reading into the record a third case relating to a real estate agent in Scarborough who created a development company of which he and his wife were directors. The development company was designed to either purchase land and develop it into units or join with the current owner and act as the project manager to develop units in the Scarborough area. The developer found a suitable block of land that was owned by a local prominent landowner and television personality. The developer made an offer to purchase the land, saying to the owner that he wished to buy and develop units on the land. The owner refused to sell the land to the developer. Despite this refusal, the developer used his real estate agency's website and the realestate.com website to advertise for expressions of interest and/or the purchase of two and three-bedroom units off the plan in a key location in Scarborough. The developer/agent secured two such buyers, both of whom paid a total of $630 000 in combined expressions of interest fees and purchase deposits, which were paid to the agent/developer. The developer had developed what appeared to be a set of working plans for a unit complex, complete with an artist's impression of the facade, all of which appeared to fit onto the relevant block of land. To the uninformed buyer, these appeared to be genuine plans. The developer also provided rental projections to the buyers as likely values and returns. All these things added up to what appeared to be a legitimate unit development. However, the developer/agent never became the owner of the land. The owner of the land refused to engage with the developer to build units on his land, and the development never came to fruition. The agent took the $630 000 from his trust account and paid that to his development company to purchase the land. However, there was never an offer and acceptance contract in place; instead, he used that money to further develop his company's advertising profile and to buy luxury items for himself and the other director, his wife. Both of the failed buyers lost their EOI fees and deposits, as these were misappropriated. The Department of Commerce has paid out $630 000 in real estate fidelity guarantee account claims from these two failed buyers. Once again, this highlights the fact that no amount of legislation will stop people from being dishonest. With this amendment bill, at least there may be the opportunity for these things to be caught before they are taken to any form of market.

To the legislation itself, we are particularly interested in the area of the bill—the minister might refer to this during consideration in detail—that is designed to increase consumer protection by increasing the restriction of sale of land lots into subdivision or strata and, in so doing, introduce precontractual statutory warnings and explanations of purchasers' rights.

My point is that people were duped in all those case studies I referred to. We see that quite often in many other circumstances in which consumers are taken advantage of, no less so than in telco contracts. The fine print in those original mobile phone contracts and the ongoing fees and charges were bewildering. This amendment bill seeks to provide disclosure of the warnings and explanations of the purchaser's rights. This bill does not outline where those warnings should be placed in the contract of sale or what obligation the providers have to outline those warnings, and it does not refer to the language that should be used in promoting or projecting those statutory warnings. If there is any legalese in those warnings, we can always guarantee that the majority of consumers will not read it. There can be a lot of fluff and bubble in these sorts of things, as we heard in the case studies, about how blocks can be promoted and the talk about returns, but in the Baldivis circumstance, the developers never had to talk about the fact that they did not have subdivision approval. If someone invests in a subdivision like that, they should inform themselves, but there is a very important point to make here. There is

a limitation on the responsibilities of consumers in a regulated society such as we have here in Western Australia. They are not completely absent from those responsibilities, but I make the following point: how many members have ever read in detail all the fine print on their private health fund contract, if they have one, on documents relating to the purchase of a motor vehicle or the paperwork provided if they take out an interest-free loan for the latest flat screen TV down at the local electrical store? Who looks at the terms and conditions in enough detail? I am blessed with my wife, Vicki, who has a forensic nature when it comes to these things. She makes life very painful for people trying to sell us goods and services. If one is not of that nature, it is really important that we understand where the tension lies between the responsibility of the developer to disclose not just this aspect about when they might become the owner of the property they are selling, but other aspects of the property they are selling.

I return to the Baldivis case. What responsibility did the developer have to disclose that the land was below the watertable in some parts and would incur a significant infrastructure cost to provide workable sewerage onto the subdivision? I am particularly concerned—maybe we will get to it in more detail during consideration in detail—about that statutory warning. Where is it placed on a contract and what obligation does the seller of the lots have to indicate that? When we apply for a bank loan, for example, and we sit across the table from the lender at the bank, he goes through a whole checklist and points out where the penalties are in the contract. Under federal law, the banks are required to tell us the total cost of the loan, for example. They must go through these checklists. We must initial down the page that we have been advised of the particular terms and conditions, the total interest bill, the up-front fees, the variations and the notification periods. They are all in contract law at various points, particularly around financial services. This very much falls into that area of significant purchases. The purchase of a block of land and/or a subsequent development such as a unit, a house and so on will be the most significant purchase that some people make in their life. It is fundamentally important that we get the tension right in supporting an industry that supplies the land and develops that land, particularly with the infill targets that we are trying to attract and meet, so that we get the consumer's protection absolutely spot on.

Again, I go back to the point I made when I referred to the case studies. We will not prevent people doing illegal things because they will do those things regardless of what the law says; they will do what they can get away with. Hopefully, in some large part this legislation will assist to prevent the sorts of things that we have seen. The Department of Commerce was very generous, for which I thank the minister's office, to give me those case studies. The Department of Commerce had them because that is where the real estate fidelity guarantee account is managed. There is no such thing for a developer. Under this amendment bill, there will be a requirement to ensure that deposits paid are held in trust by a licensed real estate agent or a solicitor. Of course, that was the case in those case studies, but collusion can always bring that chain undone.

Another important part is the deterrence component that is required. The deterrence component is provided by the penalties, which have been increased substantially from a modest amount to a very large amount. Again, if a company becomes insolvent or goes into liquidation or even administration, the potential for recovery against that developer is limited. It is interesting that in each of these cases, the consumer is protected by the code of conduct for real estate agents, and also, of course, the law in relation to the guarantee account that is managed by the Department of Commerce. I do not think there is any move—I am speculating here—to require developers to be registered in a similar fashion to real estate agents. Any one of us could be a developer. I could subdivide my brother's several-hectare lot, set up a website and start selling the land. I am no better or more skilled than anybody else to be able to do that. Why is that so? I am not one for overregulation—not every problem needs a law. However, we are seeing fit to regulate the process for the transfer of titles and for contracts, and the people who represent the industry in the form of real estate agents, when the majority of the problem is the future lot contracts that are issued by developers.

Another aspect that is worth touching on is: when is a contract enforceable, and when is it unenforceable? The explanatory memorandum states that one of the key amendments in the bill is the provision of greater certainty. It states —

> … a contract of sale of any lot in a subdivision where the vendor is not owner of the land ('future lot contract') will be conditional upon the vendor becoming the registered proprietor of the lot within 6 months, or such other date provided in the contract.

That is important. The vendor will be given six months, or such other date as is provided in the contract, to become the legal titleholder of the land. Again, I go back to the consumer protections that are required. A developer might say that they want 12 months, or whatever—it does not really matter; it is an indeterminate amount of time—to provide the contract. There is no requirement for the developer to disclose to the consumer that under the law, the minimum time is six months, unless that has been changed by agreement. Again, it is about disclosure of the terms in a contract. At what point is the onus of responsibility on the developer, the speculator or the seller of the land to tell the consumer that they are not the owner of the lot yet, but they will become the owner in 12 months, because that is standard for the industry? Imagine if a developer could just say, "Twelve months is standard for the industry; just sign here." They would be happy with that! I say again that

some of the issues around consumer protection need to be carefully thought through and that it cannot be covered just by regulation. The law itself might be deficient.

The explanatory memorandum states also that another key amendment is the provision of better information to purchasers. What is the total exposure for the consumer? What is the potential downside? That needs to be enunciated clearly in the operation of this amending legislation to provide the better information that purchasers will need. The explanatory memorandum states —

> … it is proposed that a pre-contractual statutory warning be included in the future lot contract. This warning will state that the vendor is not currently the registered owner of the lot and include an explanation of the purchaser's rights. If the warning is not contained in the contract then the contract will be illegal and void.

It does not say where that warning needs to sit in the contract. It does not say what size print it needs to be; whether it needs to be bolded or boxed; or whether it should be on the front cover, on every page or in the footnotes. That is a particularly important point.

The explanatory memorandum states also that another key amendment is an increase in the penalties from $750 to about $100 000. A penalty of $100 000 would have a significant deterrent effect on a person who has engaged in illegal behaviour. It would be very interesting to see whether even the existing penalty of $750 has ever been applied.

Another concern is whether the six-month period for the vendor to become the owner of the land, or whatever other period has been agreed with the purchaser, can be modified on the basis of milestone rather than time. Can the vendor modify the contract to say it is 12 months, or 60 per cent of pre-sales, whichever occurs first? At some point, this again comes back to the idea of full and clear disclosure to the consumer and the conditionality of a particular contract.

The case in the Court of Appeal highlighted that the general rule of common law is that a contract is illegal and void if the making of the contract is expressly prohibited by statute; however, the general law is subject to any contrary intention manifested in the statute.

I will finish off where I started, with the history of the Sale of Land Act. The words that we say in this Parliament are fundamentally important. As we all know, and as has been highlighted—there is no better example than this—the words that are spoken in this chamber, particularly by ministers of the Crown, are carried forward. We have seen in this debate that the words of a minister in 1970 are being referred to in 2016. The words of that minister, and the interpretation and intention of the Sale of Land Act, have gone all the way to the Court of Appeal and, all these years later, have been regurgitated. The court found in the case of Barker v Midstyle that the contract was unenforceable, and the court provided a protection. Unfortunately, in this particular case, the Barkers did not get a remedy for their losses, so it might have been a hollow victory, although I am not sure on that.

The proposed amendment on the notice paper to clause 8 states —

> Page 12, lines 20 to 29 — To delete the lines and substitute —
>
> (1) If a vendor's condition in a future lot contract is not satisfied
>
> (a) the purchaser may terminate the contract by notice in writing to the vendor; or
>
> (b) the vendor may terminate the contract by notice in writing to the purchaser but only if the vendor has complied with section 13G.
>
> (2) If the vendor's condition is taken not to have been satisfied under section 13H(4), the purchaser may terminate the contract by notice in writing to the vendor.
>
> (2A)To avoid doubt, nothing in this section confers on the vendor the right to terminate a future lot contract if the vendor's condition is taken not to have been satisfied under section 13H(4).

I am interested to know the basis for that amendment. What circumstances gave rise to that amendment, or was it just a straight drafting issue? What circumstances gave rise to the potential gap that the minister or the department saw that required an amendment? I am particularly keen to know the origins of that amendment and why it came to pass. On that basis, I confirm the opposition's support for this bill. We note that the amendment bill is in response to an interpretation by the court, which we are grateful for, and I look forward to hearing from other members or the minister about the proposed amendments on the notice paper.

MR D.T. REDMAN (Warren–Blackwood — Minister for Regional Development) [12.50 pm] — in reply: I thank the member for Willagee for his response and indeed for the opposition's support of the Sale of Land Amendment Bill 2016. We made every effort to ensure that opposition members were fully briefed on the bill and we provided them with the necessary information. Is the member for Armadale happy to talk?

An opposition member interjected.

Mr D.T. REDMAN: We ensured the opposition had comfort in what we are trying to achieve. As the member for Willagee will be aware, the whole property process in Western Australia, including transactions in property and security around property and transactions, is the very basis and foundation of our economy. Anything that upsets, destabilises or gives a level of uncertainty to security of property and transactions and contracts in and around property undermines the foundation of our economy. It is very important that we get this right. Member, I think for the most part, Australia, and certainly Western Australia, has a very robust system of managing land assets and transactions. From time to time little cracks are found. This amendment bill will close a crack that has been identified in behaviour, and therefore of concern to the development sector and consumers, to ensure that neither developers nor purchasers of property are unreasonably disadvantaged in their rights and responsibilities for those transactions.

The member for Willagee mentioned the bill's importance to consumers. He is absolutely right. Although the focus of this legislative amendment is on some protections for the developer or the vendor—the person doing the development, because that is what that particular court hearing declared—there are also some reinforced supports and protections for purchasers of land. That has been encompassed in this bill. The consumer is not just the person purchasing land; the consumer is also all those people who purchase land in Western Australia and seek to access affordable housing. In both strata developments and other subdivisional land developments, a big part of that is delivering to market—that is, allowing purchasers to buy land and build at a reasonable price to pursue the great Australian dream of owning their own home. It is not only about protecting purchasers; it is also about protecting our community so that they have access to a pipeline of available land assets and strata title developments in order to carry on their business or to purchase a home.

The legal challenge is a significant aspect of what has triggered this amendment bill and therefore has strong feedback from the development community with the uncertainties that have been thrown in. I refer to the case of Barker v Midstyle Nominees Pty Ltd. The court said that in relation to the sale of a lot in a subdivision under a non-owner, sale-off-the-plan contract, the vendor–developer cannot enforce the sale contract. This is the case despite the vendor subsequently becoming the registered owner of the land.

The DEPUTY SPEAKER: Order, members! Your conversation has become too loud. Could you go outside to finish it, please.

Mr D.T. REDMAN: That triggered concerns within the development industry, particularly the small to mid-tier developers requiring a level of presales—therefore, being able to go to banks to seek finance to carry out developments. That is not until they reach particular presale targets. I am told by the development industry that, for mid-tier developers, that can be as high as 80 per cent presales. If the financiers in this case have a level of uncertainty about the developer being able to secure, maintain and enforce a contract, their lending security is undermined. Closing that gap or giving some certainty to the vendor is critical to these developments. There is a focus on the developer, but also we are adding some purchase protections. As I said in my second reading speech, it is things like ensuring tighter controls around contractual provisions, including time limits, unless it is predetermined, as the member mentioned, within a contract that it might be longer than six months; clearer legislation provisions setting out the enforcement rights and the obligations of the parties; extending the application of the consumer protection provisions to sales of one or more lots in both subdivisions and strata developments or two or more lots in strata divisions; and mandatory disclosure requirements.

During consideration in detail, I will respond to the level of mandatory disclosure required and the level of assurance that the purchaser has indeed understood that mandatory level of disclosure, and also a requirement for deposit moneys received by the developer to be placed in trust. The member read out a couple of examples. If deposit moneys were placed in trust, would there be some protection around those particular transactions? Also, there are increased penalties and more contemporary provisions around penalties to ensure there is a level of disincentive for developers to step outside the requirements of the act. This amendment bill clears up the uncertainties in and around those transactions. It strengthens the position of the purchasers, but allows mid to small-tier developers to carry on their business as they have until now, with the certainty that financiers supplying money to those transactions and deals have the comfort that there is some contractual surety around the developer side of this.

The member for Willagee mentioned the issue of regulation versus over-regulation. I think it is a good point in everything that we do in this place. My view is that we try to leave things unregulated unless there is a good reason to regulate; in other words, do not regulate for the sake of regulating. I am not sure I would be supportive of regulating developers. If I did a little subdivision on a property, arguably I would be a developer. I am not sure that I want to sign up and do a course on whatever to be a registered developer. The concerns around the process is in the transactions between developers and purchasers—hence having legal processes in those transactions, which is what we are talking about here, gives some security to the purchaser and to the consumer as distinct from a registered developer and therefore on a list, presumably, that meets a particular standard. My view is that we leave that unregulated unless there is a reason to regulate. No case has been presented to me to suggest that regulating developers would be a path that we should take or indeed that there are issues with not

having regulated developers, other than the fact that there are some flaws in legislation that we are addressing in the likes of the amendment bill being put forward today.

My proposed amendments will essentially provide some clarity around one aspect so there is absolutely no confusion; that is, they will clarify the intent of the legislation. I will talk about that when we get to consideration in detail. Again, I thank the opposition for its support of this bill and it going through the house in a timely way. I am advised that the development industry is concerned enough that this issue is holding up development opportunities. That is not a good thing if the broader community is to access land and property in a timely way to support the full activity of our property market. I commend the second reading to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 to 7 put and passed.

Clause 8: Sections 13A to 13I inserted —

Mr P.C. TINLEY: I need clarification due to my lack of legal knowledge. I refer to proposed section 13B, "Requirement for future lot contract to include vendor's condition", which reads —

> A future lot contract must include the condition (the ***vendor's condition***) that before the close of the period specified in subsection (2), the vendor will become, or will be entitled to become, the proprietor of the lot or lots to which the contract relates.

This is obviously the substantive aspect of this amendment. How does that tie in with the disclosure of it? Is the legislative support required to provide disclosure to the consumer?

The ACTING SPEAKER (Ms L.L. Baker): Is this the amendment?

Mr P.C. TINLEY: No.

Mr D.T. REDMAN: I have not put the amendment yet.

It is my understanding that there is a separate requirement, as in the explanatory memorandum, which reads —

> … contract must include the condition (*vendor's condition*) that before a period of six months or any other period specified in the contract, the vendor will become the proprietor of the lot/s to which the contract relates.

Do we have the proposed section for that?

Mr P.C. Tinley: Yes; it's proposed section 13C.

Mr D.T. REDMAN: Section 13C requires that a warning be given to ensure that on the purchase of lots, it is fully understood by the purchaser that the vendor is not the owner of the lots. There is a requirement for that disclosure.

Mr P.C. TINLEY: Proposed section 13B(2)(a) and (b) refers to a period of six months. I refer to my comments in the second reading speech concerning the requirement to disclose. I understand that the vendor is not the owner of the lot, but it provides that the vendor's condition is —

> (a) the period of 6 months beginning with the day on which the future lot contract is executed by the parties or, if the parties execute the contract on different days …
>
> (b) any other period that the parties may specify in the future lot contract …

That proposed subsection refers only to time as the vendor's condition. Is that the only condition that is allowable under the act? I am referring, of course, to milestones.

Mr D.T. REDMAN: This clause refers purely to the time of the requirement to secure the ownership of the lots in the contract. I am advised that there may be any number of other conditions in a contract, which may or may not have a legislative requirement to be provided. As the member knows, a lot of deals are done for a range of reasons and part of those contracts come under normal contractual law arrangements that people agree to as part of a deal.

I move —

> Page 12, lines 20 to 29 — To delete the lines and substitute —
>
> (1) If a vendor's condition in a future lot contract is not satisfied
>
> (a) the purchaser may terminate the contract by notice in writing to the vendor; or
>
> (b) the vendor may terminate the contract by notice in writing to the purchaser but only if the vendor has complied with section 13G.

(2) If the vendor's condition is taken not to have been satisfied under section 13H(4), the purchaser may terminate the contract by notice in writing to the vendor.

(2A)To avoid doubt, nothing in this section confers on the vendor the right to terminate a future lot contract if the vendor's condition is taken not to have been satisfied under section 13H(4).

Mr P.C. TINLEY: As I alluded to in my comments, I am particularly interested in where the advice came from or what was the background to the advice that required an amendment after the bill had been drafted and presented through the cabinet process et cetera. I am sorry if I sound a little vague. Would someone demystify it for me and tell me what the hell it means.

Mr D.T. REDMAN: The intent of the clause is to ensure that a purchaser can get out of the contract if the vendor fails to tell them within 10 days that they have become the owner of the land. It is the right of the purchaser. The intent is that the vendor cannot use their failure to tell the purchaser within 10 days that they are the owner of the land, which is in the legislation, as grounds to get out of the contract. There is a requirement that when the vendor becomes the owner of the land, they have 10 days to let the purchaser know.

Mr P.C. Tinley: It is a notification requirement.

Mr D.T. REDMAN: Yes. We are ensuring in the legislation that the vendor cannot use the non-disclosure of the fact that they have taken ownership of the land as the basis for voiding the contract.

Mr P.C. TINLEY: Yes. Thanks, minister. In effect, this is trying to head off what some members on this side have been concerned about—what we are calling "fresh-air titles" whereby someone can be a speculator —

Mr D.T. Redman: And have no responsibilities.

Mr P.C. TINLEY: Yes, and do nothing, even though there is provision for reasonable steps, and let the 10-day timeline lapse—six months in the standard form of the contract—and walk away. I am not quite sure why a developer would want to go through the trouble of marketing and carrying on like that only to suddenly find out. My question is: is one of the conditions also for the developer to secure financing for a future lot contract? In other words, a person cannot purchase land without, obviously, a transaction occurring. Is that ground the fact that they could not secure finance?

Mr D.T. REDMAN: The whole basis of these legislative changes is to ensure that there is security for the vendor in a valid contract to ensure that when they go to a financier, they can get finance on the basis of a secure contract. The member for Willagee made the point a second ago about some of the reasons vendors and purchasers might want to get out of a contract. Land values change. Given some of these projects go over a time, if there is a substantial change in land values, it might be in the interests of one or other of the parties to get out of the contract. All reasonable efforts—I think that is the right terminology—must be made by both parties to ensure they meet their obligations under the contracts, including statutorily.

Mr P.C. TINLEY: Coming to that point about "reasonable efforts", is that defined at all by case law? Given the minister's advice, what would be considered reasonable efforts on behalf of the vendor to secure the land to meet that test?

Mr D.T. REDMAN: I am advised that it is a well understood legal principle coming under case law; therefore, it is up to the courts to decide whether that level has been met.

Mr P.C. Tinley: Just by way of interjection in relation to this, it has probably not been tested.

Mr D.T. REDMAN: As a principle, it is all reasonable efforts. It depends on the circumstances. The member made the point in his second reading contribution that there is a responsibility on the vendor to disclose to the purchaser that they are not the owner of the land. The member asked about the level of disclosure that needed to be carried out. I am told that the disclosure is to be in an approved form, and that approved form is approved by the Registrar of Titles. That approved form is out there and the vendor is required to ensure that it discloses it in accordance with that approved form. The true test is a court test of whether reasonable efforts have been made to meet that responsibility.

Amendment put and passed.

Mr D.T. REDMAN: I move —

Page 12, lines 30 and 31 — To delete "subsection (2)(a) or (b)," and substitute —

subsection (1)(a) or (b) or subsection (2),

Mr P.C. TINLEY: For clarification, is that not a subsequent stage of this amendment? Should we not deal with that further?

Mr D.T. REDMAN: It is all under clause 8.

Mr P.C. TINLEY: Is this another amendment to clause 8?

The ACTING SPEAKER (Lisa Baker): Yes, member for Willagee.

Amendment put and passed.

Mr P.C. TINLEY: I draw the minister's attention to proposed section 13C. I just want to make sure that we get this on the record. It reads —

(1) A future lot contract must include a warning that …

(2) The warning required under subsection (1) must be in the approved form.

If it is not, it can be voided, and the bill refers to the penalties for not doing so. The minister talked about the approved form. What will that look like? How will that be promulgated to the industry, I suppose, and what sort of detail will the approved form take?

Mr D.T. REDMAN: I am advised that the approved form is currently being developed by the registrar. That will be done in consultation with the Department of Commerce and, presumably, industry. I am also advised that the nature of this is that the Registrar of Titles has the capacity to make laws as subsidiary legislation. It is a quasi-regulation; in a sense it becomes law. The registrar is still developing the approved form; once that is developed, effectively that becomes law.

Mr P.C. TINLEY: How far along in that process are we? Are we at the final form? Has stakeholder engagement occurred with the industry? Will that final agreed form be passed? I presume the minister is required to sign off on that approved form. We are talking about something that is a quasi-regulation. I am not quite sure what "quasi-regulation" means in law. Will the approved form be ready in time for when this bill is proclaimed? Sorry; there were a lot of questions there.

Mr D.T. REDMAN: We will see how we go. I am advised that a quasi-law basically does not need to go to Parliament or cabinet. The registrar is at arm's length from the minister, so I do not get to sign off on this. The registrar puts that in place. There will have to be an alignment from the activation of the bill after going through royal assent and becoming law and having all those elements in place to ensure that the application of that can apply.

Mr P.C. TINLEY: We have entered into some unsure ground when we are talking about quasi-law. Maybe we can just tidy that up. Under the Sale of Land Act—the base act—more broadly, I presume that regulation is provided for and that the Registrar of Titles is the person with the authority to lay out or interpret or enact a regulation. Does the Sale of Land Act have regulations that allow the Registrar of Titles to do that? Therefore, what is the legal framework for this form?

Mr D.T. REDMAN: No regulations are attached to this legislation, but the registrar has the capacity, under the Transfer of Land Act, to put those regulations in place; in other words, he has a legal capacity to do so. On the basis of that capacity, he would put this in place, and that would therefore be concurrent with this legislation passing and be a matter of public process.

Clause, as amended, put and passed.

Clauses 9 to 14 put and passed.

Title put and passed.

UNIVERSITIES LEGISLATION AMENDMENT BILL 2016

Second Reading

Resumed from 19 May.

DR A.D. BUTI (Armadale) [1.17 pm]: I am the lead speaker for the opposition on the Universities Legislation Amendment Bill 2016, which seeks to do a number of things. I will briefly mention the opposition's position on this bill. This bill seeks to amend a number of statutes that govern the various universities in Western Australia, such as the University of Western Australia Act 1911, the Curtin University of Technology Act 1966, the Murdoch University Act 1973, the Edith Cowan University Act 1984 and the University of Notre Dame Australia Act 1989. The bill also contains provisions for consequential amendments to 10 associated acts, and the repeal of two acts.

This bill seeks to make common amendments to the various university acts, as well as some amendments specific to various acts. I will briefly mention them, but I will not discuss them in any detail. The University-specific amendments contained in this bill include changing the name of Curtin University of Technology to Curtin University; repealing certain provisions and amending others in the Curtin act related to the university's vocational education and training operations in Kalgoorlie; and amending the Edith Cowan act so that the boards of the south west campus in Bunbury and the Western Australian Academy of Performing Arts become advisory bodies without management functions. The sole substantive amendment to the Notre Dame act is the deletion of a provision that no state moneys be appropriated for the purposes of the university. The

opposition is generally supportive of the bill, but we will be moving some amendments on the composition of the governing bodies of the various universities, and we will be opposing the amendment that seeks to reduce the 50 per cent floor on the movement of student amenity fees from the universities to the student guilds.

This is an incredibly important bill, because universities have a very important role in the economy and in our cultural and social systems. Personally, I have a great love of universities, having spent a considerable time in universities as both a student and an academic. I should state that I still remain an honorary fellow at the University of Western Australia, and occasionally engage in intensive teaching, and recently I taught in an intensive course at Murdoch University. However, I do not think that precludes me from speaking on this bill or that it constitutes a conflict of interest. In fact, the University of Western Australia in many respects did not want this bill; it is not as supportive of the need for this bill as are some of the other universities. As I said, universities are very important, and becoming more so as we seek to diversify our economy away from being overly reliant on natural resources. If we are seeking to be innovative and to diversify our economy, our universities become very important. I share an academic history with the Premier himself. Was the Premier involved as a lecturer with UWA or Curtin?

Mr C.J. Barnett: I am a UWA graduate, but I taught at Curtin.

Dr A.D. BUTI: Yes, that is right. I am a UWA graduate, and also a graduate of a couple of other universities, including the Australian National University and an overseas university. I taught at Murdoch University and UWA. I have to say that an academic has a very privileged existence, and I thoroughly enjoyed that job. However, the politics of this place is nothing like university politics. The politics practised by academics can be incredibly vicious at times and very personal. One may say that it is a very good grounding for this place; I think that this place is a bit more civilised at times than the university.

Mr C.J. Barnett: I have a very close friend, an American professor, who used to say to me that there is only one thing more complex in the politics of higher education, and that is the politics of higher religion.

Dr A.D. BUTI: That is right, and I think it was an academic who said that academics were inclined to fight so viciously over so little. I think that is because academics have a lot of time on their hands, and they are very reflective and so forth.

Back to the bill before the house. The amendments with a common function in all the various statutes governing our universities can be basically split up into a number of categories, such as the commercial activities and financial borrowing arrangements of universities; the composition and remuneration of governing bodies of universities; the student services and amenity fees; and the provision for the tabling and disallowance of statutes. I will deal quickly with the last category, which is quite simple. This bill seeks to amend the existing university acts by inserting a provision that, once a university statute has been gazetted, it is subject to the Interpretation Act 1984 as if it were a regulation, and, as such, it is a disallowable instrument. That takes care of that part of the bill, which we will not be opposing.

In dealing with the commercial activities and financial borrowing arrangements of universities, it is interesting to look at the histories of the various universities and their current structures. Our oldest university is the University of Western Australia. It is no doubt the most prestigious university in the Western Australian system and also the wealthiest. The university was endowed with considerable land grants. For instance, Murdoch University was built on former UWA land, as were the residential colleges and the campus of Corpus Christi College. UWA has had a fairly privileged existence, and has often been referred to as the university of the western suburbs. Compared with the other university law schools, the law school of the University of Western Australia has a higher proportion of students with private educational backgrounds.

This bill seeks to change the name of Curtin University of Technology to Curtin University. Most of us here are old enough to know that the university was originally the Western Australian Institute of Technology, and then became Curtin University of Technology, and now this bill seeks to change the name to Curtin University. It is an interesting move to delete the technology part of the university's name. Maybe the word "technology" can be seen to degrade the intellectual quality of the university. However, as we all know, one of the greatest universities or learning institutions in the world is MIT—the Massachusetts Institute of Technology. There is no particular reason that, just because an institution has the word "technology" in its name, it is not a higher education establishment of some note.

Murdoch University opened in around 1973, as I said, on land purchased from the University of Western Australia. When Murdoch University commenced, its focus was on veterinary science. That was the driving force behind Murdoch University, and from that it mushroomed out into a number of courses, and now it runs a full range of university courses. Murdoch University was built at a time when there was a view that we should be building universities on the periphery of the metropolitan area to try to stimulate development, residential complexes and commercial activity. Of course, Murdoch is no longer on the periphery of the metropolitan area, but I remember in 1983 or 1984, when I commenced my teaching career at Corpus Christi College, which was just around the corner from Murdoch University, how small the university was. After

teaching, I used to go and use the gym at Murdoch University, which was very small at the time, but it has now grown to be a fully-fledged university. Murdoch University has always suffered from that problem. That brings me to the issue of commercial activities. Murdoch University is a very large campus. When it commenced it was a vet science–driven university and it needed large grounds to house animals and so forth. I know Madam Acting Speaker (Ms L.L. Baker) has been very interested in the welfare of the animals at Murdoch University. Overall, one cannot doubt their welfare and the conditions in which they are kept. In the early days Murdoch University had a very small student population on a very large area of land and it was very expensive to maintain the land. It was surrounded by a lot of natural bush. A lot of that land had to be maintained for agricultural and other purposes and very little income was generated from the small student body to cover the cost of maintaining that land. At that time the vice-chancellor, Professor Schwartz, who was not necessarily the most popular vice-chancellor ever, was in many respects an innovator. When I started my academic career at Murdoch University, he was vice-chancellor of the university. Personally, I found him to be very forward looking and quite amenable, although I must admit that I fell asleep when listening to him once when he was only two metres from me. It had been a very hard day and I just could not keep my eyes open. But he never said anything, so I give him full marks for that. His view was that the university needed to develop into a vibrant village. There were not a lot of activities for students at that time and he put in place the process that led to the development of the St Ives retirement village. Since then the Western Australian Cricket Association has set up a training facility at the university and, of course, because it is very near the Fiona Stanley Hospital complex, one would think that there will be natural synergies between Fiona Stanley Hospital and Murdoch University.

Mr C.J. Barnett: The proposal for a petrol station on the campus was a bit of a stretch; that was hard to justify.

Dr A.D. BUTI: That is exactly right. A high school, Murdoch College, was also located on the campus, and the students doing year 11 or 12 at Murdoch College were able to attend lectures at Murdoch University. For some reason that school is now closed and has been re-established in the city. I am not sure what happened there.

I remember that development at the university occurred when I was teaching a course in equity and trusts and it made me think about the *Truman Show*, which starred Jim Carrey and which was all about a make-believe town. I thought that a person could be born across the road from the university at St John of God Hospital—because there was no Fiona Stanley Hospital at the time—go to child care at Murdoch University, then go to Murdoch College, then to Murdoch University and then get a job as an academic at Murdoch University and retire to St Ives retirement village. All that would be needed then would be a cemetery on the grounds and a person would not need to leave the grounds of Murdoch University. People could just stay within that safe complex, surrounded by Murdoch Drive and South Street. In fact, I set an exam question based on that proposition.

That is Murdoch University. Then of course we have Edith Cowan University, which, under the Dawkins reforms, was an amalgamation of a number of teaching colleges and what were known as colleges of advanced education.

Mr S.K. L'Estrange: There was nursing as well.

Dr A.D. BUTI: Yes, but were they not originally only teaching colleges? I think so. From memory, ECU was made up of Claremont, Nedlands, Mt Lawley and Churchlands teachers colleges.

There was a lot of debate about the Dawkins reforms and whether they were the right way to go or not, but of course it was all about economies of scale. Many held the view that colleges of advanced education did not deserve to become universities, but that was only intellectual snobbery. The Western Australian Academy of Performing Arts is now one of the top 20 schools in the world. No doubt one of WAAPA'S benefactors Hugh Jackman surely helps give respect to that institution.

The problem with the current legislation that governs universities is the inability of universities to engage in commercial activities. Generally, an educational purpose or university function needs to be attached to a commercial activity within a university. This bill will make it easier for universities to engage in commercial enterprises. Curtin University—that is, Curtin University of Technology, which is to become Curtin University when the bill is passed—and Murdoch University are particularly keen for this legislation to pass, because their proposed master plans are dependent on the engagement of their universities in commercial activities. This is not an issue at all for the University of Western Australia, but it is an important issue for other universities. This bill seeks to streamline the ministerial approval process. I will not go through that at this stage, but it is basically a three-step process: firstly, approval is sought in principle from the minister; secondly, an advanced determination is made by the minister; and, finally, the approval from the minister is granted. The bill will enable universities to skip steps one and two and the minister will be able to vary the terms of the approval.

There is also an issue with universities being able to borrow money. Under the bill, universities will be able to seek from the Minister for Education and the Treasurer a guarantee on borrowings. It is that provision that makes this bill a money bill and is the reason it has been instigated in this chamber first rather than in the other place.

I do not want to make a big issue about this, but it is arguable that some of the commercial ventures Murdoch University has engaged in may be ultra vires, or without authority under the act. The bill is not retrospective, so whether they are ultra vires, this bill makes no difference. However, it will be a lot easier going forward for the universities to plan commercial activities.

Some argue that universities are places of learning and should not be involved in commercial activities, but it is the reality that universities are now receiving less and less commonwealth funding. State funding of universities is minuscule compared with commonwealth funding. Many years ago, 80 to 90 per cent of funding for universities came from the government purse; now it is about 25 to 35 per cent. Therefore, the need for universities to engage in commercial enterprise is greater. I think that as long as that commercial activity is not contrary to the mission or objectives of the university and will have some positive effect on the ability to provide high-quality education, we have no reason to oppose such a move. All one needs to do is visit the USA. Of course they have high tuition fees in the US, but a lot of their great universities engage in commercial enterprise without that affecting education delivery to students. One would argue that greater funding from outside sources is needed to improve the quality of education services to students. There is no doubt that our universities are really struggling at the moment to generate enough revenue to be considered world quality universities. I note that in the recent world rankings, UWA went down the rankings—I am not sure to what number.

Mr C.J. Barnett: I think it is about 96.

Dr A.D. BUTI: Ninety-six, is it?

Mr C.J. Barnett: It is just under 100.

Dr A.D. BUTI: It is just under 100, and that is the highest ranking university in Western Australia. I think the highest ranking university in Australia is the University of Melbourne or the Australian National University.

I think it is important that universities have the ability to obtain revenue outside government sources. Arguably, there is a question about the quality of education being received by students, because one of the ways that universities raise revenue now is by increasing class sizes; they take in more and more students. I remember when I started my university academic career in 1997, I had a core teaching class in law of no more than 80 or 90 students, but by the time I left, there were about 350 or 400 students whom I would only ever see on day one and on exam day. That cannot be good for high-quality education. Then there is the issue about online learning and so forth. I am a traditionalist with university education. I consider myself to be quite a progressive and innovative person, but I believe there is a need for face-to-face education in a university education. I really am concerned about this online emphasis, because it is obviously cheaper, but also students think differently nowadays. They seem to want to have a full-time job and study full-time at the same time. I worry. I lament the way that university education is progressing in Australia, and I do not think it is different anywhere else. At universities such as the University of Oxford, the University of Cambridge or Yale University, it just would not be thought of that a student would not attend class, and the classes are much smaller. It would be fantastic to get back to that, but we probably will not. We need to do what we can to try to stimulate the ability of universities to obtain greater revenue sources. As I said, we are in agreement on the provisions enabling universities to engage in commercial enterprises and on the borrowing arrangements.

There is an issue about whether the governing bodies of universities are called councils or senates. There was always a concern about whether people who sat on the senates or councils could be paid. This bill makes it quite clear that they will be eligible for remuneration, as the Salaries and Allowances Tribunal will have responsibility for the remuneration of the people on these governing bodies.

Mr C.J. Barnett: Do you think they should be paid?

Dr A.D. BUTI: I do not personally think there is a need for them to be paid, but the issue then is that if they are paid, will that improve the quality. They will not get a lot of money anyway. People will sit on university bodies because they want to sit on university bodies; they see it as something that they want to engage in.

Mr C.J. Barnett: I see a university as a bit like a very sophisticated not-for-profit.

Dr A.D. BUTI: Yes; it is an interesting one.

We have received representation from the National Tertiary Education Union, the various guilds and some universities about the composition of the governing bodies. This bill seeks to reduce the maximum size of governing bodies to 17 members. I think that is a good idea. That is the size of cabinet, which runs the state.

Mr C.J. Barnett: And that's hard enough to run!

Dr A.D. BUTI: These governing bodies will be the size of cabinet. At the moment, they are much larger than that. Some of the governing bodies have up to 22 members. We have received representation on, and have some concerns about, the issue of the composition and we will move some amendments in that regard. Briefly, the University of Western Australia Student Guild is concerned about the proposed composition under the bill because its numbers will be reduced from three to two members and it wants to maintain its three members.

Interestingly, under the bill, there will be an undergraduate student and a graduate student or postgraduate student. Of course, under the UWA model, which is based on the Melbourne model, which is the United States model, a student must have an undergraduate degree before they can do law, education, engineering et cetera. There will be a lot more graduates, so the composition may change depending on the number of graduates and undergraduates. We are very supportive of the need for the student representation to be maintained on these governing bodies, so although the overall size will be reduced from 22 in some cases to 17, there will still be two students on the governing body, which means that the proportion will remain the same. However, we will move some amendments about the academic or staff representation.

Of course, as I stated before, Australian and Western Australian universities are incredibly important institutions in our higher education system, but also for our economy, community services and international relations. It is very important that the staff representation on these governing bodies not be diluted. The bill proposes that we reduce the current number of 19 to 22 members to 17 members. At the moment, the UWA senate and Murdoch University council each have three elected academic staff members, and the Edith Cowan University and Curtin University councils each have two elected academic staff members. At UWA, there will be a reduction from the current four members to two, and the fact that the student representation also will be reduced means that there will basically be a 75 per cent reduction in the elected staff and student representation on the governing body, and that is quite significant. We do not propose to change the bill's proposal on student representation; we think that is incredibly important. In the main, the student proportion will not increase. However, we are concerned about the staff representation reduction and we will move an amendment in that regard. We believe that for the proper governance and the democratic process of the universities, it is necessary to move these amendments.

I should say, though, that it can be quite difficult being a manager in a university situation. A dean of a law school, for instance—it has changed now—often had privilege but no power. I do not know the other divisions that well, but a collaborative consensus model is sought in the management structure in law schools. The dean often has to reach consensus with the staff, which I think is the right way to go, but often, of course, when they seek to engage in some reform, it can be quite difficult. For the governing structure of the overall university, it is incredibly important that the staff representation not be unduly diluted; therefore, we believe it is necessary to move an amendment to seek to preserve that representation.

Another area of the bill that is probably the most contentious as far as the opposition and all student guilds that have corresponded with the shadow Minister for Education are concerned is the student services and amenities fee. This is a rather complex area. At least one National Party member is in the house. I would be interested to know the National Party's position on the student services and amenities fee. As country members would know, students from the country who are living away from home rely on the services and facilities provided by guilds to a greater degree than metropolitan students. We hope that the National Party supports our opposition to that part of the bill. I am not sure whether the National Party has a position on this but, if not, it should seek to formalise one. A debate has always gone on at a national level between the Labor Party and the conservatives about whether we should have compulsory student union fees. They were abolished under, I think, John Howard. The Gillard government brought back non-compulsory student guild fees but also a student services and amenities fee. However, we have stripped the parameters on how those fees can be spent by the guild. That is quite an important matter that raises possible constitutional issues that we will talk about briefly.

With regard to the student services and amenities fee, at the commonwealth level, the Howard government banned compulsory student union fees with legislation that prevented a university requiring a student to be a member of a student association, union or guild. It also prevented a compulsory fee from being charged for facilities, amenities or services that were not of an academic nature. We can debate compulsory unionism all day. At the university level the problem is that students are loath to hand over money, but they want the facilities and services, so it has created a bit of a problem. In 2011, the Gillard government brought in the Higher Education Legislation Amendment (Student Services Amenities) Act. Under this commonwealth legislation, universities can charge students the student services and amenities fee for student services and amenities of a non-academic nature such as sporting and recreational facilities—which is why I mentioned this to the National Party—employment and career advice, child care, financial advice and food services. The fees set out the maximum that can be charged by the university. In 2016 it was $290 per student, and students studying on a part-time basis could not be charged more than 75 per cent of the maximum. It is important to note that at the commonwealth level, the fees that are collected can be used for only certain prescribed activities as set out in the legislation. They cannot be used for political purposes such as funding political parties or individuals seeking to run a political campaign. However, they can be used to provide food and drink for students on campus and care for the children of students. They can also be used to promote the health and welfare of students and to help students to secure accommodation. I am sure that the National Party would understand that students from the country, unlike students from the city who often live at home with their parents, have to live away from home and seek accommodation. The guild can assist to provide accommodation or a rent subsidy for these students through the student amenities fee. The guild can support the artistic activity of students and it can help students

to develop the skills for study et cetera. The universities can choose to deliver the services and amenities themselves or to contract them out to a third party. At a state level, this bill does not limit how those student services and amenities fees can be utilised. The commonwealth legislation limits it to 19 activities but the bill before us does not provide any limitation on how those services and amenities fees can be utilised. The current legislation provides that 50 per cent of the student services and amenities fees collected by universities must be redistributed to the student guilds. However, this bill will remove that 50 per cent threshold, and we have major concerns about that.

Before I tell the house about some of the concerns relayed to us by the various student guilds, I will outline some of the incredible activities that student guilds provide for their students. For instance, Curtin Student Guild provides an amazing array of services to its students. It has built some fantastic facilities on campus including a number of cafes, and the fees have also been utilised to help country students. The UWA Student Guild provides funding for the Albany Students' Association. Curtin University's guild also assists with the Kalgoorlie students' association. It is good that we now have three National Party members in the house. It is really important and incumbent upon the National Party to support the opposition in opposing the bill's removal of the 50 per cent threshold limit on services and amenities fees being directed from the university to the student guild. If the National Party does not support the opposition's view on this, it will need to explain to its constituents and students why it does not support the opposition's refusal to allow the 50 per cent limit to be abolished. How could the National Party, which argues that it represents country people, not adopt the opposition's views on this and support country students? It has only to go to any student guild to see the number of activities and support that they provide for country students. For instance, Curtin University's guild assists with the Kalgoorlie student representation at the guild by providing an honorarium. It also provides a Kalgoorlie student assistance officer. The member for Kalgoorlie is not in the chamber, but I am sure she will support our opposition to the reduction of that 50 per cent limit. We have received correspondence from various student guilds such as UWA Student Guild. The UWA Student Guild has been very disappointed with the consultation it has had with the Minister for Education on its concerns with this bill. In its correspondence it states —

> Section 28A removes the 50% minimum amount of the SSAF fee being paid to the Student Guild. In its place, the University has total discretion over funding allocations.

Members can see the problem here. If we remove the 50 per cent minimum amount that has to be allocated to student guilds and universities have complete discretion over funding allocations, that will allow them to offload those fees for any purpose they see fit. The UWA Student Guild stated —

> This is an extremely concerning amendment given that the SSAF is a student fee levied to pay for crucial student support services and initiatives that complete the student experience and allow students to graduate as well-rounded individuals.

It continues —

> At the UWA Student Guild, the SSAF is spent on a range of student-facing initiatives including:
>
> - Electing and training student representatives.

Debate interrupted, pursuant to standing orders.

[Continued on page 5578.]

QUESTIONS WITHOUT NOTICE

ORD–EAST KIMBERLEY EXPANSION PROJECT

607. Mr M. McGOWAN to the Minister for State Development:

I refer to today's damning Auditor General's report into the "Ord–East Kimberley Development Plan".

(1) Given that the main rationale for this $500 million project was economic activity, employment and agricultural return, why did State Development not have any measures in place to monitor and report on these outcomes?

(2) Have monitoring and reporting regimes been implemented by State Development since the Auditor General's findings were first made known to the agency?

(3) If monitoring and reporting regimes are not in place, could the minister advise the house when exactly they will be?

Mr W.R. MARMION replied:

(1)–(3) I thank the Leader of the Opposition for the question. I have not yet had a chance to read the Auditor General's report. The project is a fantastic project for Western Australia. I think members will find that everybody in the Kimberley supports it and all people in the region support the project. It has been a great project for Western Australia. It is part of diversifying the economy and supporting the agriculture industry in Western Australia.

ORD–EAST KIMBERLEY EXPANSION PROJECT

608. Mr M. McGOWAN to the Minister for State Development:

I ask a supplementary. Will the minister apologise for his part and that of his predecessor in the shoddy planning, monitoring and financial oversight of this project; and, if not, why not?

Mr W.R. MARMION replied:

As a person who spent three years working in the Office of the Auditor General and actually running value-for-money projects like this, I will read the report, look at the Auditor General's recommendations and respond accordingly.

DEPARTMENT OF STATE DEVELOPMENT — PROJECT APPROVALS

609. Mr M.H. TAYLOR to the Minister for State Development:

Can the minister update the house on recent works by the Liberal–National government in stimulating investment, economic growth and employment in Western Australia?

Mr W.R. MARMION replied:

I would be delighted to highlight some of the achievements that my Department of State Development has made over the last month. It is very important that we promote investment in Western Australia to diversify the economy, provide jobs and have a broader base for our economy. I am very pleased to report on three specific projects that my Department of State Development has been involved in. The first is the lithium project, which involves the upgrading of lithium concentrate into lithium hydroxide. Members may have read the announcement in today's paper that Tianqi Lithium is moving forward with a $400 million beneficiation plant that will provide 500 jobs in the Kwinana strip during construction and between 115 and 150 permanent jobs once it is operational in two years' time. To give members an idea of how important this is, we have one of the world's largest exporter of lithium concentrate out of Greenbushes. It sells for about $500 a metric tonne and by beneficiating it and turning it into lithium hydroxide that value goes up to $12 000. It is a very important project.

The second project I was pleased to approve earlier this month is the $440 million expansion of Rio Tinto's Silvergrass iron ore project near Tom Price. The importance of this project is that it will not only provide 500 jobs during construction and 25 permanent jobs afterwards, but also maintain the volume of iron ore produced by Rio Tinto. It is actually higher quality iron ore so it will maintain the quality of the iron ore and the volume of iron ore during this particular time. My department did great work to assist Rio Tinto with the approvals.

The final project I wish to highlight, which is in the agriculture area, is the Pardoo Beef Corporation's project just north of Port Hedland. This project is about diversification of the agriculture industry and its high-grade product Wagyu beef. It has the potential to generate $1.8 billion to the state's economy. It will provide 165 full-time jobs—jobs are important, Mr Speaker—and world-class produce and improve the reputation of Pilbara as a quality agricultural region. These projects covering mining, advanced manufacturing and agriculture highlight the resilience of our economy and how we are moving forward and making sure we are broadening our base. It is about jobs and investment. The Liberal–National government is doing it.

Distinguished Visitors — Peter Hackett and Ronnie Roach

THE SPEAKER (Mr M.W. Sutherland): Today was the commemoration of the first Battle for Australia. In the gallery today are Mr Peter Hackett and Ms Ronnie Roach, the last two members of the Western Australian gunners. Welcome to our proceedings today.

[Applause.]

GEOFFREY WEDGWOOD

610. Mr M. McGOWAN to the Premier:

I also welcome our distinguished guests here today.

I refer to the appointment of Mr Geoff Wedgwood to the Deputy Director General of the Department of State Development position for a five-year period at a cost of more than $1 million. He is a person who was originally appointed to the Premier's office to secure the Browse and Oakajee projects, which did not happen.

(1) Why is the Premier making such a blatant political appointment to a senior public service position just six months out from the next state election?

(2) Does the Premier think it is appropriate to appoint to this role someone who was unsuccessful in the priority projects that were allocated to him when he was employed in his office?

Mr C.J. BARNETT replied:

(1)–(2) Does that not tell us a lot about the Labor Party. It tells us an enormous amount about the Labor Party. The first I knew about this appointment was when I read about it in "Inside Cover" this morning. That was the first I knew about it. I had no knowledge that Geoff Wedgwood was an applicant or that he had been appointed to that position and my office had no involvement at all. Any individual is entitled to apply for a job—what is wrong with that? He has not worked for me for a long time. The Leader of the Opposition comes in here and criticises someone—do you know Geoff Wedgwood?

Mr M. McGowan: I've met him.

Mr C.J. BARNETT: The Leader of the Opposition has met him. Does he know him? Has he ever worked with him or does he just take the bias and bigoted approach of the Labor Party? Some members will not remember, but I will remind them. When the former Liberal-National government under Richard Court lost government in 2001 and Labor came in, it basically forced out more than 30 senior public servants—more than 30 were forced out. Many of them had been career lifetime public servants in Health, in electricity—career public servants. They had spent their entire careers there and Labor forced them out.

Mr R.H. Cook interjected.

Mr C.J. BARNETT: I can name them. I tell you what; I will get a list before question time is over and read out who they were. I can think of some—Alan Bansemer, David Eiszele and others. I will get the whole list. If the opposition wants them, I will get the whole list. They were career public servants.

Several members interjected.

The SPEAKER: The wall of noise on both sides!

Mr C.J. BARNETT: I contrast that —

Mr D.J. Kelly interjected.

The SPEAKER: That is enough.

Mr C.J. BARNETT: I contrast that —

Mr D.J. Kelly interjected.

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

Mr C.J. BARNETT: I hope I am not being unfair to anyone, but I well remember what happened when Richard Court led the Liberal Party to victory in 1993, defeating Carmen Lawrence's government. How many public servants were required to leave?

Mr W.R. Marmion: None.

Mr C.J. BARNETT: No; one person was required to leave. That one public servant was actually a term-of-government employee, but that does not matter. One person—Marcel Anderson—came to Richard Court and said, "I understand I should leave", and resigned. That was credible and commendable. Compare that with what happened under Labor when it came to office. When this government —

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: We have a system of public servants who have permanency, but we also have a term-of-government system under which ministerial staff are employed; they are basically political appointments. They come and go with governments, unless the incoming government decides to keep them on. When this government won the election in 2008, aside from term-of-government employees, who generally just take a package and go, how many public servants were asked to leave?

Mrs L.M. Harvey: None.

Mr C.J. BARNETT: Yes, none; absolutely zero. This government set up the Public Sector Commission to ensure that we would never get the abuse of public service positions, as happened under the Labor government when it was elected in 2001.

With respect to Geoff Wedgwood, as I said, I had no knowledge of that and no role in that. The Leader of the Opposition got up and criticised a person he really does not even know, because that is his nature. I employed Geoff Wedgwood when I first became a minister way back in 1993. The Leader of the Opposition implied that he could not get things done. Who sorted out the Collie power station? It was Geoff Wedgwood. That is something Labor had struggled with for 10 years. Geoff Wedgwood played the principal role in sorting out the Collie power station project, which was built. The member for Collie–Preston will remember that.

Mr M.P. Murray interjected.

The SPEAKER: Member for Collie–Preston, I call you to order for the first time.

Mr M.P. Murray: If he keeps poking that finger at me, I'll poke something back!

The SPEAKER: Member for Collie–Preston! Premier, I want you to wind up.

Mr C.J. BARNETT: One of the most unheralded, but most complex, negotiations under the resources or state development portfolio was the renegotiation and the disaggregation of the north west shelf gas contracts. The key adviser who helped me on that was Geoff Wedgwood.

GEOFFREY WEDGWOOD

611. Mr M. McGOWAN to the Premier:

I ask a supplementary question. As we are now four and a half months out from the caretaker period prior to the next state election, does the Premier rule out any more jobs for the boys for former staff —

Several members interjected.

The SPEAKER: Finish your question.

Mr M. McGOWAN: Does the Premier rule out any further jobs for the boys for former staff from his office in public sector positions?

Mr C.J. BARNETT replied:

The Leader of the Opposition gets worse. He seems to have ignored the fact that one of the first things this government did was split the role of what was Premier and Cabinet, to maintain Premier and Cabinet, but to establish the Public Sector Commissioner as the head of the public service.

Mr W.J. Johnston: Best man for the job!

The SPEAKER: Member for Cannington, that is enough.

Mr C.J. BARNETT: All such appointments, as this one —

Mr W.J. Johnston: Best man for the job!

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

Mr W.J. Johnston: Best man for the job!

The SPEAKER: Member for Cannington, do you want to carry on with this?

Mr C.J. BARNETT: The Public Sector Commissioner was the head of the Department of the Premier and Cabinet when this government was elected and had served successive governments with distinction, and continues to do so. The change was to ensure that there was an independent Public Sector Commissioner.

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: Why do you laugh?

The SPEAKER: Through the Chair, please.

Mr C.J. BARNETT: I conclude by saying that any appointment is done through the public service act and the Public Sector Commission with directors general, selection committees and so on. The one position for which I do make a distinction is the head of Premier and Cabinet. With the recent retirement of Peter Conran as head of Premier and Cabinet, I concede that although that is a public sector position, it is a key advisory position to the Premier of the day, and I have made it quite clear that we will not make a permanent appointment to that position before the election. That is the one exception.

PREVENT ALCOHOL AND RISK-RELATED TRAUMA IN YOUTH PROGRAM

612. Ms E. EVANGEL to the Minister for Health:

I understand that the minister visited Royal Perth Hospital this morning with the Deputy Premier; Minister for Road Safety. Can the minister please advise the house on the purpose of his visit?

Mr J.H.D. DAY replied:

I thank the member for the question. I was very pleased to visit Royal Perth Hospital with the Minister for Road Safety this morning for a very important event and, in particular, to mark the occasion of the 10 000th student participating in the prevent alcohol and risk-related trauma in youth program. Together with my colleague, we were pleased to meet with students from Kolbe Catholic College in Rockingham, introduce them to the program and have a conversation with them. This is a very important program that is intended to introduce students in years 10 to 12 to the consequences of serious trauma, to hopefully encourage students to think carefully about their choices and to be aware of the consequences of excessive alcohol consumption and mixing that with

driving on the roads and other risk-taking behaviour, including illicit drug use. From the research that has been undertaken, the program has been very effective and it is one that we very much want to continue operating. In that context, I was very pleased that the Minister for Road Safety announced that $402 000 from the road trauma trust account will be allocated to assist in funding the RPH PARTY program and also its expansion into rural areas over the next year. The Department of Health is underwriting the program until at least 2020. This program is also being offered through satellite programs in Bunbury, Albany and Geraldton. A condensed mobile outreach version of the program is available to high schools and youth groups, including juvenile justice clients who are unable to attend an on-site program.

This program has received a number of awards relating to injury prevention. It is notable that Western Australia apparently has the youngest overall population and the highest proportion of young drivers coming into the road transport system. Research indicates that over the past 20 years young adults are consuming alcohol at an earlier age, so we are making them very well aware of the consequences of mixing alcohol and driving, for example, which can have catastrophic results. A 2012 study of the program linked attendance with the change in attitudes of juvenile justice offenders about risk-taking behaviour. Participation in the program also significantly reduced the subsequent risk of injuries and committing traffic or violence-related offences.

This is a very valuable program that has been in operation for 10 years. It is modelled on one that originally started in Canada. I commend all those who are involved at Royal Perth Hospital, the Department of Health and other community organisations, including Headwest, and all the ambassadors, who in some cases have been seriously injured themselves, who make their time and experiences available to senior high school age students so that those students can hopefully avoid the same sorts of incidents.

MINISTER FOR TRANSPORT — EMAIL

613. Mr B.S. WYATT to the Premier:

I refer to reports that one of the Premier's advisers has sent a disparaging email about the Minister for Transport to a third party.

(1) Can the Premier confirm that his adviser referred to the Minister for Transport, and I quote with great hesitation, as "an absolute eff-wit"?

(2) If yes to (1), is this the standard quality of dialogue between the Premier's staff and third parties about his ministers?

(3) If yes to (2), has the Premier counselled his staff member; and, if not, why not?

Mr C.J. BARNETT replied:

(1)–(3) That was brought to my attention today. I have not seen the email. I am not interested in seeing the email.

Mrs M.H. Roberts: Have a look.

Mr C.J. BARNETT: I am not interested, but I will comment on it. My understanding was the email was from one journalist to another.

Mr B.S. Wyatt: Not one of your staff members?

Mr C.J. BARNETT: It was from one journalist to another. The member used the term "third party"—it was another journalist. I am not so sanctimonious; I have noticed from time to time journalists use colourful language. I have noticed from time to time that members of Parliament also use colourful language.

Several members interjected.

Mr C.J. BARNETT: I really do not care whether people use language like that.

Mrs M.H. Roberts: Just him or any of them?

Mr C.J. BARNETT: I am sure the Minister for Transport can cope with that. In my career —

Mrs M.H. Roberts interjected.

Mr C.J. BARNETT: Calm down! I have sat in this chamber and had members opposite chant obscenities at me, and I have survived. Ideally, any person communicating with any other person would use the King's English without any dramatic statements and the like.

Several members interjected.

Mr C.J. BARNETT: What members opposite have called me to my face over the years makes that look absolutely insignificant. A profanity would never come from the mouth of the member for Collie–Preston—never ever! The member for Cockburn would never ever say anything untoward! His lips are sealed. I mean, give us a break. Members opposite should be serious in their questions.

MINISTER FOR TRANSPORT — EMAIL

614. Mr B.S. WYATT to the Premier:

I have a supplementary question. Does the Premier —

Mr B.J. Grylls interjected.

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

Mr B.S. WYATT: Does the Premier think it is this sort of dialogue between his staff and third parties about the Minister for Transport that perhaps has contributed to the breakdown of trust between the Premier and the Minister for Transport?

Mr C.J. BARNETT replied:

It is truly pathetic —

Mrs M.H. Roberts: It is unprecedented.

Mr C.J. BARNETT: Unprecedented—give us a break! We hear your language around the corridors; we hear the journalists' language around the corridors —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, I call you to order for the first time. Premier, a quick answer.

Mr C.J. BARNETT: When I arrived here, a group of journalists, as they are inclined to do, asked me some questions on a few issues as a doorstop and asked me about this number one or number two issue that the member is running. I looked at all of them and said, "I've heard worse from you; I've heard you use worse language than that", and they all burst out laughing. But the member for Victoria Park takes it seriously as a question. He is a joke.

NATIONAL THREATENED SPECIES DAY — DRYANDRA WOODLAND

615. Dr G.G. JACOBS to the Minister for Environment:

I note it is National Threatened Species Day today and that the minister made an announcement yesterday about the new measures —

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah, I know you are enjoying yourself, but settle down. Start again, please.

Dr G.G. JACOBS: I note it is National Threatened Species Day today —

Several members interjected.

The SPEAKER: Member for Albany, I call you to order for the first time. Carry on.

Dr G.G. JACOBS: I note it is National Threatened Species Day today and that the minister made an announcement yesterday about new measures to protect our numbats and woylies in Dryandra Woodland. Could the minister please outline what the Liberal–National government is doing to protect our threatened species?

Mr A.P. JACOB replied:

I thank the member for Eyre for this question. It is National Threatened Species Day today. I think the numbat is particularly symbolic this day. It is one of our most threatened species—there are fewer than 1 000 of them left in the wild—and it is also our state emblem. What is no laughing matter, and something that we take very seriously, is working through the commitments that we gave in the 2013 state election. We made an undertaking that we would put in a sanctuary zone or a sanctuary area for numbats and woylies to be re-habitated back into Dryandra, and that is exactly what we are delivering on—not only for our state fauna emblem, the numbat, but also for woylies and up to 10 species that can thrive within that enclosure in Dryandra and then also be released back into bushland. This forms part of this state's award-winning western shield program, a world-leading conservation program that removes feral predators, allows for healthy breeding in either a zoo, a sanctuary zone or an island, and also allows their reintegration and release back into bushland to ensure that those species survive into the future.

Another thing that is no laughing matter is that this government not only backs up action, but also is making significant policy changes. I will take this time to mention the Biodiversity Conservation Bill—a bill that has been sought after for 66 years. I again remind the house on National Threatened Species Day that only a few short weeks ago, the Labor Party voted against the listing of critical habitat. The Labor Party voted against —

Several members interjected.

Mr A.P. JACOB: I love that one! If members can believe it, the Labor Party voted against the listing of threatened ecological communities. It is National Threatened Species Day today, yet the Labor Party voted against increasing penalties under the act from $10 000 to $500 000 for harming a numbat. The Labor Party would rather leave it at $10 000. It does not want the government to be able to protect critical habitat.

Mr D.J. Kelly interjected.

The SPEAKER: Don't do it, member for Bassendean!

Mr A.P. JACOB: It is only interested in playing pure politics to its fellow travellers in the conservation movement—individuals who, I suspect, are keen to follow the member for Gosnells' pathway into safe Labor seats. If only they cared for the environment like the Liberal–National government does. If only they cared enough to change those acts that are generations overdue. If only they cared enough to make investments like this investment in a sanctuary area in Dryandra to ensure the perpetuity of species like numbats and woylies into the future.

MINISTER FOR TRANSPORT — PRIORITY PROJECTS

616. Ms R. SAFFIOTI to the Minister for Transport:

I refer to a statement recently made by Helen Morton regarding the Thornlie rail line, and specifically her statement that this line will be the next rail project after the Forrestfield–airport line is complete, and to the minister's answer to the media, after he released his transport plan, that the Morley tunnel was the minister's next priority project.

(1) Is Helen Morton correct that the next priority project of this government is the Thornlie rail line?

(2) If Helen Morton is not correct, why are members of the minister's government openly promising that this rail line will be the next one?

Mr D.C. NALDER replied:

(1)–(2) Pretty much every day of the week I get lobbied by just about every member in this house, on both sides, about what they view as their priorities with regard to transport in Western Australia. I can assure members that every shire and every city I visit across Western Australia has their top 10 list of priorities when it comes to transport. Every time I sit down with a member from my house, they bombard me. I can tell members that when I am in Busselton next month I know that the honourable member down there will harass me about the dualling of Bussell Highway. It happens every time I go near the town. These things occur right across. We have always said that the Mandurah–Thornlie line has been an important line. In fact, it was under the Court government that the infrastructure was put in to ensure that —

Point of Order

Ms R. SAFFIOTI: Mr Speaker, the question was specifically: will the Thornlie rail line be the next priority, as the minister's colleague said?

Questions without Notice Resumed

The SPEAKER: Thank you. I want to hear from the minister.

Mr D.C. NALDER: I really appreciate the point of order because I can reiterate that it was the Court government that put in the infrastructure so that the connection for the Mandurah–Thornlie or the Cockburn–Thornlie line could be built. This is an important project. It has always been seen as an important project. As I said, and as the Premier has also said, the next major piece of public transport infrastructure to consider will be a mass transit or a public transport solution to the northern suburbs.

In my commentary, I was talking about the need. I have always clarified that the northern line will require some planning, and I said this in the media presentation. There is no point in taking one little bit without the whole context. I said the advice that I received from the department is that because we are looking at taking it underneath, there will be at least two years' worth of planning work for the geotechnical works and so forth to be undertaken. We know that the undergrounding through to the Forrestfield–Airport Link—I know the member for Forrestfield, and the member for Belmont, will delight in seeing the construction start towards the end of this year—will take until 2020 before it is completed. These are not projects that can occur overnight.

The Cockburn–Thornlie line is a much smaller, simpler, easier project to undertake. We have said that getting going with the northern solution is the number one priority. But that does not mean that during the process—which could take five or six years—another one cannot occur at the same time or during that. That reiterates what the Treasurer has said about this project. He is another advocate for the Cockburn–Thornlie line who harasses me regularly about it. These projects will occur. We are continuing to develop right across Western Australia great infrastructure projects for Western Australia. We can stand proud on our record of what we have delivered. We can give people great confidence, as I walked through the other day, about what we are delivering.

MINISTER FOR TRANSPORT — PRIORITY PROJECTS

617. Ms R. SAFFIOTI to the Minister for Transport:

I have a supplementary question. Which is the next priority project—Thornlie or the tunnel?

Mr D.C. NALDER replied:

In the absence of going through it all again, I will stand on what has just been said.

ROAD TRAUMA TRUST ACCOUNT — YOUTH DRIVER EDUCATION PROGRAMS — MIDWEST REGION

618. Mr I.C. BLAYNEY to the Minister for Road Safety:

Can the minister please advise the house —

Several members interjected.

The SPEAKER: That is enough!

Mr I.C. BLAYNEY: Can the minister please advise the house how the Liberal–National government is using road trauma trust account funds to improve road safety outcomes for young people in the midwest region?

Mrs L.M. HARVEY replied:

I thank the member for Geraldton for the question and, indeed, his interest in the record $146 million allocation from the road trauma trust account for the next financial year to deal with road safety initiatives across the regions and metro Perth. I am very pleased to announce that the Rotary Club of Geraldton has been successful in achieving a road trauma trust account grant.

Mr I.C. Blayney interjected.

Mrs L.M. HARVEY: Indeed; it is the member's club, so he might participate in the project.

This grant will achieve two youth driver education programs for years 10 and 11 students across the midwest district. The program will be delivered to Geraldton Grammar School; Geraldton Senior High School; Kalbarri, Mullewa and Morawa District High Schools; and Nagle Catholic College. The program will reinforce the four pillars of the safe systems approach of the Towards Zero strategy, which is safer road use, safer speeds, safer vehicles and safer roads and road signs. They will also engage with students on the areas that we know are at risk and the areas that are the major causes of fatal and serious injury crashes. The students will learn about road law; they will learn about the effects of drugs and alcohol on their driving; they will learn about the effects of fatigue and distraction; and they will learn about the Australasian New Car Assessment Program safety rating system for vehicles so that they understand how important safer vehicles might be for them. In addition, they will engage with people who have been victims of road trauma. In particular, one of the six interactive sessions will involve a survivor of road trauma—a young man whose life has been significantly changed following a serious crash as a P-plater after having had his licence for only two weeks. I think that particular speaker will have a significant impact on those young drivers. We know that young people who engage in these sorts programs say that they feel they are better informed and are more willing to make better and safer choices when they are driving.

The program will go also into areas of specific challenges for driving. In the midwest region, as we know, there are long stretches of road where students need to be particularly conscious of the effects of fatigue, and also of the difference between driving on a sealed road and an unsealed road, because obviously different driving techniques are required for both, and we need to keep our young people safe as they encounter those very different road conditions in the midwest region.

So, congratulations to the Rotary Club of Geraldton, member for Geraldton. I hope the member can advise the club that he has raised this issue in Parliament today. I am really pleased to see the road trauma trust account spend going out to local groups like this to get to grassroots level in our communities and make an impact on our young drivers to help reverse the road toll in regional WA.

TRAINING AND WORKFORCE DEVELOPMENT — APPRENTICESHIPS

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

I refer to the July Building and Construction Industry Training Fund annualised figures of electrical apprenticeship enrolments, which show a 15.5 per cent drop in commencements over the last 12 months, and to the minister's own figures from answers to question without notice 5490, which show an increase in electrical apprenticeship cancellations over the last three years.

(1) Does the minister support the disgraceful decision by Western Power not to employ one single electrical apprentice this year, when normally it takes on over 100?

(2) What is the minister's plan to deal with the rogue electrical companies that are taking on apprentices for only one or two years in order to get federal funding and then cancelling their indentures?

Mrs L.M. HARVEY replied:

(1)–(2) I thank the member for the question. The decline in apprenticeship numbers is an issue that the entire country of Australia is facing. We have seen less of a decline in the uptake of apprenticeships and traineeships in Western Australia compared with other jurisdictions. Indeed, in New South Wales the decline in the uptake of apprenticeships has been in the region of 46 per cent. With respect to the issue with Western Power, I am not aware of its policy around apprenticeships and traineeships but I will certainly take that up with the Minister for Energy and find out exactly why that decision was made. However, a number of issues are facing employers at present. When we see a decline in economic conditions and in future project growth for some of these companies that traditionally take on apprenticeships, they are less inclined to take on apprenticeships.

Mr F.M. Logan: What are you doing about it?

Mrs L.M. HARVEY: As a government, we have our government policy with respect to employment.

Mr F.M. Logan: Tell us about it.

The SPEAKER: Member for Cockburn! Through the Chair.

Mrs L.M. HARVEY: Thank you, Mr Speaker. As the member for Cockburn is well aware, we announced our policy around government projects. All contractors who take on government project work need to demonstrate to us, if they have an employee component of over $2 million, that 11 per cent of their workforce is engaged in training or apprenticeships.

Several members interjected.

Mrs L.M. HARVEY: That is a requirement now.

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn!

Mrs L.M. HARVEY: That is a requirement now for government contractors. With respect to the issue the member has raised about Western Power, it sounds as though that may well be contrary to our policy, and it is an issue I will need to take up with the Minister for Energy.

TRAINING AND WORKFORCE DEVELOPMENT — APPRENTICESHIPS

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

I have a supplementary question. Exactly what has the minister done over her term as Minister for Training and Workforce Development to help arrest this shocking decline in the future of our state's skilled electrical workforce? From what the minister has said so far, nothing.

Mrs L.M. HARVEY replied:

As I said, we have introduced a new policy to replace the Labor Party's failed Priority Start policy.

Mr F.M. Logan interjected.

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

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn, do you want me to call you for the second time? I will. Minister, a quick answer, through the Chair.

Mrs L.M. HARVEY: The policy that this government developed to encourage employers to take up apprenticeships and traineeships was done in consultation with industry and has the support of industry and the support of the agencies that need to monitor that employers are doing the right thing. Priority Start was a ridiculous policy.

Mr F.M. Logan interjected.

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

Mrs L.M. HARVEY: The policy that we have put in place ensures that those contractors who want to take on —

Mrs M.H. Roberts interjected.

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

Mrs L.M. HARVEY: The policy that we have taken on ensures that those contractors who wish to take up government contracts need to demonstrate to us that 11 per cent of their workforce is engaged in apprenticeships and traineeships.

Mr M.P. Murray interjected.

The SPEAKER: Member for Collie-Preston, I call you to order for the second time.

Mrs L.M. HARVEY: I have previously said in this place that we subsidise apprenticeships and traineeships up to 85 per cent, and, indeed, a lot of apprenticeships are 100 per cent free to the students. We are engaging with our federal counterparts to have a look at what can be done to encourage employers to take on apprentices. When changes were made to the Fair Work Act and employers had to start paying more for apprentices' wages, when the subsidy to pay for the tools that apprentices need to do their work was removed, we started to see less interest in employers taking on apprentices. That has been reflected right across the country. A number of issues need to be dealt with at a federal level, and I am dealing with those. We have our Priority Start project, we have our Future Skills, through which we started to see a 21 per cent increase in the uptake of apprenticeships and traineeships in priority skills areas, and we have our government policy with respect to contractors needing to engage in training and apprenticeships all the time—all year round—not just for specific government projects. We have the policy initiatives in place. We need some assistance from the federal government, and we are going to work on that.

RIO PARALYMPIC GAMES — WESTERN AUSTRALIAN ATHLETES

621. Mr R.S. LOVE to the Minister for Sport and Recreation:

The much anticipated Rio Paralympic Games open tonight. Can the minister please update the house on the Western Australian athletes competing over the next 10 days?

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the second time. Repeat your question, member for Moore.

Mr R.S. LOVE: The much anticipated Rio Paralympic Games open tonight. Can the minister please update the house on the Western Australian athletes competing over the next 10 days?

Ms M.J. DAVIES replied:

I thank the member for Moore for the question.

I point out that Western Australian shooter Anton Zappelli was born in the midwest town of Mullewa. He is one of the 18 Western Australian Paralympians about to compete in Rio. We have a number of Paralympians from regional Western Australia, including three-time Paralympic medallist and the Rollers captain, Brad Ness, who was also announced as the flag bearer. He is an amazing individual and a true champion. There is the Bunbury-bred para-athlete, who also happens to be a triple medallist, Brad Scott, and triathlete Brant Garvey, whom many members will be familiar with through the HBF advertising role and his —

Mr P.B. Watson: He's an Albany boy!

Ms M.J. DAVIES: He is Albany born and bred, and very proud of it!

Mr P.B. Watson: Buy one of his hats or T-shirts, because it goes towards his funding. They're on his website.

Ms M.J. DAVIES: He is very proud of it. A number of those athletes have had to self-fund and rely heavily on community to get them to where they are today. Certainly, from a regional perspective, those communities have come in behind them. More than 4 300 athletes from 160 countries will compete in 528 medal events in 22 sports. I am sure that every Australian, just as they were for the Olympics that have just concluded, will be right behind those Paralympians.

Most importantly, these athletes have made an enormous commitment to get themselves to this point in their careers, overcoming challenges that many of us will never understand. We are about to be truly, I think, inspired by watching them on the world stage in the world's biggest sporting arena. I think our Western Australian athletes will have enormous success because some significantly talented individuals are part of that contingent. They will be inspirational. After they return, I hope that we will be able to use them as role models going forward for this generation and the next. The state government supported the Australian Paralympic Committee team appeal, just as we did with the Olympic appeal, with a $150 000 donation to add to the fundraising that the Olympic committee had to put together itself. Before I sit, I will very quickly wish them all the very best. I am sure that all their families and friends will be watching intently. Sign in for the opening ceremony, when we will see Brad Ness holding that Australian flag.

It was wonderful to welcome our Australian Olympic athletes back on the weekend. The shadow Minister for Sport and Recreation joined me at a very special function. They are truly inspirational. There are few things in this world that draw together a nation, and the Olympics and the Paralympics do exactly that. The immense pride that we feel as a nation as being part of the journeys of those individual athletes is, I think, very special, and I am looking forward to watching the Paralympics over the next two weeks.

WOMEN'S INTERESTS — SENIOR PUBLIC LEADERS — GENDER EQUITY TARGETS

622. Ms S.F. McGURK to the Minister for Women's Interests:

(1) What gender targets have been set by the government for senior roles for women in public leadership?

(2) What gender equity targets have been included in the key performance indicators of senior public leaders that are measured and reported under the minister?

Mrs L.M. HARVEY replied:

(1)–(2) I am just getting over the shock of being asked a question on women's interests by the opposition! I just need to gather myself!

I welcome the question because we have a great story to tell. The federal government set a target of 40 per cent representation on government boards. Within two years we exceeded that; 43.6 per cent of our government board positions are now occupied by women. When we have a look at our performance in the public sector, one area that I am particularly proud of with the proactive policies that we have put in place —

Mr W.J. Johnston interjected.

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

Mrs L.M. HARVEY: When we have a —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I call you to order for the first time and the second time.

Mrs L.M. HARVEY: This is typical of the opposition. One interested person asks about women's interests, and the rest interject because they cannot bear to hear about it. They cannot bear to stare at the face of success—successful policies that are rendering successful results.

When I came into the role of Minister for Police, only 18 per cent of our workforce was female. We are now up to 22 per cent, and we have the fastest growing rate of employment of female officers in the Australasian region. I am proud of that, and it is no accident. That has come out of police putting in proactive policies to recruit women. We are now at the point of 30 per cent of our applicants for police positions being female; 30 per cent of them are now flowing through to the academy as recruits and graduating. I would like to see 50 per cent of our applicants being female, and then we will start to see that flowthrough and improvement in female participation. As to executive positions in government, we are now at the point of having increased the participation of women in senior government positions to 35 per cent. We are very proud of that. That is because of proactive policies by this government, the engagement of Mal Wauchope , the Public Sector Commissioner —

Several members interjected.

The SPEAKER: Member for Albany, I call you to order for the second time. Member for Fremantle, I call you for the first time. Minister, you have 30 seconds to wind this up.

Mrs L.M. HARVEY: I am really proud of the performance of this government. Look at some of the key women in key roles in the public sector: Dr Ruth Shean, director general of my Department of Training and Workforce Development; Ms Sue Murphy, CEO of the Water Corporation —

Point of Order

Ms S.F. McGURK: The question was specific about gender targets across public leadership and whether gender targets had been set.

Several members interjected.

The SPEAKER: Member for Wanneroo, I call you to order for the first time. Member for Perth, I call you for the first time. Have you finished that point of order, member for Fremantle?

Ms S.F. McGURK: Yes.

The SPEAKER: Minister, the member for Fremantle asked you to address those two points, if you wish to.

Questions without Notice Resumed

Mrs L.M. HARVEY: Was that a supplementary question?

The SPEAKER: No.

Several members interjected.

Mrs L.M. HARVEY: We have put in proactive policies across a range of government agencies. The Public Sector Commissioner is now implementing a project in which he will de-identify gender and age data on curriculum vitaes. When applicants apply for senior positions in the public sector, to completely remove any kind of unconscious bias, we are taking out the date of birth, the gender and the nationality of applicants to see what happens —

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the third time. If you shout out again, you are going to be asked to leave.

Mrs L.M. HARVEY: This is to see the flowthrough and the potential change if we eliminate unconscious bias from the selection process. Unlike the Labor Party, we have a jobs policy for women, a policy to re-engage women in the workforce and proactive recruiting policies in Police to ensure that we get female participation right through to the executive ranks. I am proud of our achievements for women in Western Australia, and we will continue to kick goals.

WOMEN'S INTERESTS — SENIOR PUBLIC LEADERS — GENDER EQUITY TARGETS

623. Ms S.F. McGURK to the Minister for Women's Interests:

I have a supplementary question. I am still none the wiser —

Several members interjected.

The SPEAKER: Minister for Emergency Services, member for Collie–Preston, please.

Ms S.F. McGURK: Could the minister tell us the government's targets for the public sector to ensure that there is more gender equity throughout the public sector?

Mrs L.M. HARVEY replied:

The opposition is obsessed with targets and quotas. We promote people on merit. We actively seek women of merit for positions. That is why we have 43.5 per cent of women on our boards. That is why we have 35 per cent of women at the senior executive level in the public sector and that is why we now have 22 per cent participation of women in the police.

The SPEAKER: That concludes question time.

ORD–EAST KIMBERLEY EXPANSION PROJECT

Standing Orders Suspension — Motion

MR B.S. WYATT (Victoria Park) [2.51 pm] — without notice: I move —

That so much of standing orders be suspended to allow the following motion to be moved forthwith —

> That the house condemns the Liberal–National government for its failure to adequately plan, assess and deliver on the Ord–East Kimberley development project.

I will not waste the time of the house. I think the Leader of the House has already said that he will agree.

Standing Orders Suspension — Amendment to Motion

MR J.H.D. DAY (Kalamunda — Leader of the House) [2.52 pm]: We will agree with the motion subject to the following amendment. I move —

To insert after "forthwith" —

> , subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members and five minutes for Independent members.

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR B.S. WYATT (Victoria Park) [2.53 pm]: I move the motion. The response of the Minister for Housing, the Leader of the National Party, explained exactly why we are here—the inevitability of this report from the Auditor General. He has always seen his role as something of a joke. When questioned, he laughs, mocks and never addresses the questions asked. He has always thought of himself as above any propriety: "I have a pot of money; I'll spend it as I see fit." That is the reality of the National Party, and the problem is that the grown-ups in this scenario, the so-called Liberal Party, should have been keeping charge of this guy. It should have been keeping an eye on what he is doing, particularly during the first term in government, when he treated billions of dollars as his own money. That is why there is a sense of inevitability about this report from the Auditor General. We know that, and the Leader of the National Party can laugh and cackle and carry on as much as he likes.

In the ordinary course of politics, this report would see a minister lose his job. It would absolutely see a minister lose his job, but in question time, when the Leader of the Opposition asked a question about this report, the Premier said—I wrote it down because I was stunned—"We do not dwell on that sort of stuff." That was when the Minister for State Development said that he had not read that report yet; he may get around to having a look at it. This may be one of the more extraordinary Auditor General reports we have seen delivered in the term of this government. This two-year $415 million project has become a seven-year $529 million project. We get laughter from the Leader of the National Party; we get mocking from the Premier; and we get "I haven't read the report" from the Minister for State Development.

"No planning", "no business case", "no supporting evidence", "no comprehensive costings", "bad governance", "no measurements" and "no agency in charge" are all lifted directly from this report, yet we hear the Premier saying that the government does not dwell on that sort of stuff. We have Brendon Grylls, the Leader of the National Party, mocking the whole idea that the Auditor General's report should even be raised in this Parliament. Is there any wonder that the state's finances are so bad after a performance like this? It is the responsibility of the Liberal Party, when it is in government with these clowns, to hold them to account for the way they spend money. The government effectively gave them billions of dollars to spend as they saw fit. I assure members that this is just going to be the first of many reports, whether by the Auditor General or some other body. We will continue to examine spending by the National Party, particularly that of the member for Pilbara, because none of us, let us be frank, is surprised that he has been out there promoting Ponzi schemes of late using royalties for regions money. I think we all know that there was a certain sense of inevitability from the National Party, and the member for Pilbara in particular.

Mr B.J. Grylls: Did you say this was a Ponzi scheme?

Mr B.S. WYATT: No. I said that no-one is surprised that the member for Pilbara has been promoting Ponzi schemes. No-one in the Liberal Party has been surprised in the slightest, let me assure the member of that, and certainly the media saw that this was inevitable through the way the member treated public money over a long period.

I want to go through a couple of points. I could simply spend 20 minutes reading in this report, because it is awkward reading for the government.

Several members interjected.

Mr B.S. WYATT: Members opposite can get up and speak in a minute.

The SPEAKER: Thanks, member; through the Chair.

Mr B.S. WYATT: I would be interested in hearing what some of these leader aspirants have to say about the finances, bearing in mind that they have not said much to date.

I want to talk about the socioeconomic side of the Ord project, because ultimately this has always been the main argument that the government has used to justify this spend. As I said, a two-year $415 million project became a seven-year $529 million project. I want to read into *Hansard* a couple of points identified by the Auditor General. Back in 2007, the Treasurer said that there was no sole economic case that would justify this spend. The only way we could justify this spend is if there is a socioeconomic outcome. That is the way the government justifies this. I read into *Hansard* —

> DRD and DSD —

Your department, minister who has not read the report —

> have not measured whether the $529 million invested in the OEKD Plan has improved socio-economic indicators in the region. These include the main objective of the Plan to develop a sustainable and stronger economy and improve the socio-economic outcomes for Aboriginal people in the East Kimberley.
>
> …
>
> The justification for the OEKD Plan relied heavily on addressing socio-economic disadvantage. Therefore, monitoring relevant indicators was essential to properly understanding achievement of outcomes. A comprehensive baseline of social indicators was completed in 2008, but there is no plan to reassess these indicators to identify any improvement.

However, the Premier says that the government does not dwell on these issues and the Leader of the National Party mocks the suggestion that we should even raise this issue in the Parliament of Western Australia. I refer to page 18 of the report.

Mr C.J. Barnett interjected.

Mr B.S. WYATT: The Premier can laugh all he likes; this is not good reading for the government. Page 18 of the Auditor General's report refers to phase 2, and I quote —

> Phase 2 was a more technically challenging exercise, with much greater inherent risk and variability, and required more detailed planning. It had to deliver roads, irrigation and drainage for up to 21 farm lots of varying sizes …
>
> No detailed planning for Phase 2 occurred prior to the project commencing.

The Auditor General's report goes on to set out some examples, and continues —

> A 2010 project budget set Phase 1 at $61.5 million and Phase 2 at $114 million. We expected to find comprehensive supporting evidence for these estimates. Instead, we found little to support them.
>
> …
>
> The lack of planning meant that Government lacked a good understanding of the work required and a capacity to provide sufficiently explicit project specifications. This failure ultimately led to the increase in the cost of the project.

The Premier does not dwell on these things and the Leader of the National Party laughs at these things.

A government member: No—not laughing.

Mr B.S. WYATT: I am not sure who said that—somebody said it.

The SPEAKER: Through the Chair, member.

Mr B.S. WYATT: The government does not dwell on these things. The Minister for State Development did not even read, and is barely aware of, the report. One of the more useful or instructive examples states —

> Further, when the project began in 2010, the budget significantly underestimated or missed out some of the costs. For instance, it allocated only $200,000 for environmental activity.

Those costs reached $8.1 million. The Auditor General has highlighted that at every turn the government did not plan. It started the project before it had any idea what the project was. Then when it started the project without an understanding of where it was going, it failed in its governance. Perhaps the key role all ministers and the cabinet should have played was in the governance of that spend of half a billion dollars. I want to read into the record another quote that points out that nobody was in charge of this project, despite media statement after media statement that outlined the changing parameters of the project, a grand sugar mill initially, and the major upgrades of Wyndham port, which rapidly changed over a short period of time. Some comments around governance state —

> A large-scale economic development program needs strong and consistent governance structure … and well-informed decision-making. Although the project has a defined governance structure, it has not delivered the oversight we expected.

The report then refers to the steering committee. The graph on page 22 shows that the Ord–East Kimberley Development Plan Steering Committee was the key advisory body to the ministerial body in charge of this project. The Auditor General stated this about the steering committee —

> During the main irrigation construction, the Steering Committee did not receive detailed or consistent updates on financial or contract performance. Nor did it require detailed budgets, even after the approval of the additional $91 million. The Steering Committee appears to have functioned more as an information-sharing body than decision-maker. There was poor definition of responsibilities for this group, and poor records of decisions. Although there are comprehensive minutes of meetings, it is not clear when or who approved some significant changes such as changing the farm lot layout and key infrastructure design changes.

Finally, I quote some findings around the steering committee —

> We expected that DRD as the project coordinator of the $334 million irrigation expansion project would have clear and robust financial management, with routine and detailed reporting. This was not the case.
>
> …
>
> It could —

That is the committee —

> also not provide a clear breakdown of project expenditure to budget, which could be reported routinely, and in a timely way to the Steering Committee. Further, financial commitments were managed manually in spreadsheets —

Like a bunch of monkeys on a Commodore —

which is both time consuming and increases the risk of error.

It is clear that nobody has taken responsibility for the effective delivery of the project because nobody knew what the effective delivery of the project was going to be. There was no planning or business case, financial commitments were not being managed, and there was no routine or detailed reporting; yet, the Premier says that we should not dwell on these things and the Leader of the National Party mocks the questions he is asked, as he has done over the course of years, on anything to do with the Ord.

What annoys me the most about these projects are the departmental responses. The Department of Regional Development's response was effectively a cut-and-paste from the website. That is all it was. It did not even try to address the four recommendations the Auditor General outlined. The Department of State Development at least tried to answer them. LandCorp did a similar cut-and-paste job from the website. The minister seems to think that outcome is okay—$500 million. The Auditor General identified social outcomes as the key driver and justification. That agitates me because I know that the Leader of the National Party, and maybe even the Premier if he gets to his feet, will talk about outcomes for the local Aboriginal community. That is what they will do.

Mr C.J. Barnett: Why not?

Mr B.S. WYATT: I know the Premier will look to the Aboriginal community to wear responsibility for this project, like he did to justify his comments on the closure of remote communities. The Premier went out and said, "Look how much Roebourne is costing us." He gave that to *The West Australian* and it was stuck on the front page: "Look how much Roebourne is costing us. It is an outrage what all these things we give to Aboriginal people, the normal services of government, are costing us." The government then went out and spent half a billion dollars, with no planning, no governance, no financial parameters and no set outcomes around social outcomes. It does not have the slightest idea whether it has been able to deliver any of those social outcomes. That is what the Auditor General has found and that is what most condemns this government. It is not the Leader of the National Party who wanders around with his pot of money, throwing it here, there and everywhere that condemns this government. I know this government will look to the Aboriginal community to wear responsibility for this failure, like we saw in *The Australian* just this week: "$6bn a year fails to help Aborigines". Aboriginal people will wear the responsibility, and not the failure of the government to deliver that project. That is what you have failed to do. You failed, minister.

Several members interjected.

The SPEAKER: We are getting the wall of noise.

Mr B.S. WYATT: The Leader of the National Party has failed and the Premier has failed to keep an eye on him. He is the Premier's responsibility. The Premier has been treating the Leader of the National Party as some sort of university student having fun before going on sabbatical. The Premier has failed to keep an eye on him and has failed to ensure that the money was being spent appropriately. That is what the Auditor General found; I did not find that.

When we had someone running the National Party with a bit of nous and who showed an interest in how things are delivered, they got rid of him and replaced him with the car salesman again—the guy with the Ponzi scheme. For heaven's sake, the Premier needs to take responsibility. I want to hear the Premier explain why he failed in the first instance. I remind him, because he left the chamber—these quotes are lifted directly from the Auditor General's report—there was no planning, no business case, no supporting evidence, no comprehensive costings, bad governance, no measurements and no agency in charge. A two-year, $415 million project became a seven-year, $529 million project. The Auditor General pointed out that not one government minister had the slightest idea whether it delivered on the social outcomes it used to justify this investment. That is the reality. The government deserves condemnation, because in the first flush of victory in 2008 it allowed the National Party to spend money without any parameters, without justification and without planning. The Auditor General, in perhaps one of the strongest reports we have seen in a long time in this place, has highlighted that comprehensive failure.

MR C.J. BARNETT (Cottesloe — Premier) [3.08 pm]: What an extraordinary outburst! I want to make a few very brief comments. When Ord stage 1 was opened in 1972, the then Prime Minister and then Premier commented that the next stage would follow shortly. It took a long, long time—decades—before that happened. During the 1990s, I, as the then Minister for Resources Development, and the then Minister for Agriculture, Monty House, worked together to resurrect the Ord stage 2 concept. A lot of work was done on soil types, planning and design of the irrigation scheme and there were many discussions with the Northern Territory and the commonwealth. I spent a lot of my time in discussions with Aboriginal people of the East Kimberley. I had endless meetings. It was an enjoyable experience. We did not get it all, but an enormous amount of work was done on the Ord stage 2 project.

The Labor Party then came into government. Although not a lot happened, I give credit to Eric Ripper who reached an agreement with the Aboriginal people to continue that work. That was a good achievement. When this state government was elected in 2008, Kevin Rudd was Prime Minister. When he developed the Infrastructure Australia program, he came to Western Australia and spent time with me. We went and looked at the Ord River. We landed on the dam wall in a helicopter—a bit indulgent. When he saw that expanse of water, he, like so many other people, just fell in love, I guess, with the concept of developing the irrigation scheme and the Ord River project. But there was a difference. My advocacy was for the irrigation project and realising the long-term dream of developing the north with the irrigation scheme and all it could offer this state and this country. Prime Minister Kevin Rudd agreed, but he came back with a concept, and I give him great credit for this. He said, "The great economic development of the Ord River speaks for itself, but for the commonwealth to support it, we want to see social development go with economic development." For the first time in Australian history, with the most outstanding project in the development of the north of Australia, there has been major investment of hundreds of millions of dollars in the irrigation infrastructure and the roads and the bridges and hundreds of millions of dollars in housing, health care, education, welfare and training for Aboriginal people. That was world leading, and certainly leading for this country. Minister Grylls and Minister Redman took on the responsibility on the ground. It is outstanding.

Several members interjected.

Mr C.J. BARNETT: The member for Victoria Park got up in this Parliament and said repeatedly that we are blaming the Aboriginal people. Who has ever said that? It was a crass accusation!

Several members interjected.

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

Mr C.J. BARNETT: The problems of lots of people, but in particular Aboriginal people in remote parts of the state, are well documented. This was an attempt to bring Aboriginal people along with the Ord, through training, jobs, land entitlements, housing and all the rest of it. I have no doubt that the member for Kimberley would applaud that. She would applaud the fact that Aboriginal people were included from the start.

Several members interjected.

Mr C.J. BARNETT: I would think any member for Kimberley would support it.

The SPEAKER: Sit down, please. Member for Victoria Park, you were given a pretty good go. Member for West Swan!

Mr C.J. BARNETT: Now, this historic, great Australian project —

Several members interjected.

Mr C.J. BARNETT: Members opposite can laugh at it if they wish to, but we will not. We are proud of it.

Mr J.R. Quigley interjected.

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

Mr C.J. BARNETT: Who would have thought, even a decade ago, that the farmland development of the Ord River would be undertaken by a private Chinese company, Shanghai Zhongfu? Who would have ever thought in Australian history that that could happen? They are the sorts of milestones and breakthroughs that the Ord development makes in northern development, irrigation farming, looking after the welfare particularly of Aboriginal people, and building bonds with our great Australian trading partner of today, China. It is a historic, great project. If all the sums, the cost benefits and the like are done, will the project stack up 100 per cent on economic grounds? No, it will not. It was never going to do that, but it will help the Aboriginal people of the Kimberley. That is what it will do. The member for Kimberley can shake her head, but she should be behind this project and supporting her people in the Kimberley.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany! The question is that the motion be agreed to.

Several members interjected.

The SPEAKER: Member for West Swan! Member for Victoria Park! Member for Albany, you are going to be having a rest.

Mr P.B. Watson interjected.

The SPEAKER: I am not interested! Are there further speakers?

MR W.J. JOHNSTON (Cannington) [3.13 pm]: It is interesting that the Premier did exactly what was expected—blamed the Aboriginal people. Let me make a point.

Several members interjected.

The SPEAKER: The wall of noise!

Mr W.J. JOHNSTON: He justifies a waste of half a billion dollars on the basis that it would help Aboriginal people. Eleven Aboriginal people got jobs out of this project. What is wrong with the Liberal Party that it does not like the idea of cost benefit? Was this the best way to help the Aboriginal people in the Kimberley? The clear answer from the Auditor General is no. Not only that, the clear answer from the Auditor General is that the government does not even know what happened to the social benefit up there. It is not as though this is some new idea. I remind the Assembly that in 1967, the member for Katanning, who was the Deputy Premier at the time, said —

> I am sure the completion of the Ord River scheme will make a valuable contribution to the growing of cotton, sorghum, beef, and the many other products which will result from the great development which is taking place in the northern part of Western Australia.

Fifty years ago, the exact same words came out of the then Deputy Premier as have just come out of this Premier—50 years later, and he is still saying the future is going to be bright. What was said in this chamber by the late Colin Jamieson on 23 November 1978? He said —

> … unless we can find a good base crop that earns money each year so that we do get money back, we will be putting more and more money down the irrigation drains of the Ord River.

It is not as though this is a new thing. That was 40 years ago. Today, the Auditor General said that not only did the Liberal Party and the National Party bugger up the implementation of this project —

The SPEAKER: Just hold it a minute. Member for Cannington, I would not use language like that in this place.

Mr W.J. JOHNSTON: The Auditor General said that not only was the management of this project by the Liberal Party and the National Party negligent, but also they did not even know what they were trying to achieve, and they did not achieve it anyway. They cannot claim benefits for Aboriginal people because they never measured anything. They never said who was going to get a job. What are the benefits? They do not know. Indeed, we know that there has been an outcome in the Kimberley—more and more Aboriginal deaths through suicide every day. That is what we know has happened. Half a billion dollars has been spent so that people do not grow any crops. There are no crops growing on this land—none.

Mr B.J. Grylls: Who's lying? They're harvesting chia at the moment.

Mr W.J. JOHNSTON: For crying out loud!

The SPEAKER: Member for Pilbara, I call you now to order for the second time.

Mr W.J. JOHNSTON: One hundred thousand tonnes of rice was promised by the minister.

Mr B.J. Grylls: It was grown in Ord stage 1.

Mr W.J. JOHNSTON: I would love to see the 100 000 tonnes of rice. We were all in here when he threw the bags around like a joker and a clown. We all remember that. Half a billion dollars has been spent and the Auditor General has found that they did not know what they were trying to achieve and they did not achieve it.

Today there are suicides by Aboriginal people in the East Kimberley. Why did we not spend some of that money on directly helping those communities? Why did we have to spend it on the white man's project instead of the black communities? Why did that happen? Why is it that we spent half a billion dollars on contractors —

Several members interjected.

The SPEAKER: Members!

Mr W.J. JOHNSTON: What is wrong with these people? What racists are there on that side?

The SPEAKER: Member for Cannington!

Several members interjected.

The SPEAKER: Members!

Mr W.J. JOHNSTON: They spent half a billion dollars on contractors and nothing on Aboriginal people. Let us not forget that the commonwealth's contribution never went over budget, because it had a plan to implement it, and when it wanted to make a change, it went and reviewed it and the budget did not go over. They were incompetent and this is the result. Aboriginal people are dying through suicide in the East Kimberley today and we have spent nothing on that effectively. We spent half a billion dollars on a tiny farm that is never going to make a contribution to the food bowl of Asia. We spent half a billion dollars on 8 000 hectares of land. How many million hectares are there in the wheatbelt? Eight thousand hectares of farmland cost half a billion dollars, and there is no money to help the member for Kimberley.

MR D.T. REDMAN (Warren–Blackwood — Minister for Regional Development) [3.20 pm]: I am looking forward to making a contribution to this debate. From the outset, I welcome the report—I always do. It is very important that the Auditor General has a process to assess the government's challenge of spending public funds on a range of projects. Page 10 of the report contains four recommendations, and we will put those four recommendations in place. There is no doubt that we will respond to this; it is very important that we do.

As the Premier said, this project has languished for probably over 40 years. The alternative to what we did was to go up and see what we saw in 2008—nothing. That was the alternative; that was the other option. We have either what we have now or the alternative, which is what we saw in 2008, of nothing happening. When the Labor Party was in government, it had more than enough chances, with its budget positions and the flow of revenue into the state, to get a development such as that underway, albeit on social and economic grounds. However, it chose not to. Business cases were put before it, but it actually chose not to do it. Since 2008 we have implemented Ord stage 2, which has seen a significant shift from something that has been languishing for more than 40 years. The WA government invested more than $300 million, with the federal government investing nearly $200 million. For that amount of just over $300 million, we have 41 kilometres of roads, 86 kilometres of drains and 40 kilometres of channel, which is four-fifths of the way between Mt Barker and Denmark and a channel that is somewhere between 10 and 14 metres wide at its base. That is the scale of the project. The volume of water in the channel is 1.9 million cubic litres. The volume of earthworks is 3.6 million cubic metres. It is a substantial project in a part of the state in which it is always difficult to get projects up and going. We have made a significant project, along with the commonwealth government in the social investment infrastructure that it has made.

On the back of that, we have been able to get, from what I can ascertain, about $150 million of investment from Kimberley Agriculture Investments in not only the project development and expansion of the Goomig lands, but also lease development opportunities in Knox Plain, Mantinea and also with TFS Corporation in the Ord West Bank. It has also purchased Ivanhoe Station and a Carlton Hill pastoral lease, which has more than 10 000 hectares of freehold land. That investment has signalled huge opportunities for the East Kimberley purely because we have put in place what the opposition is describing as a failure. Yes, there are key performance indicators of progress. On the back of our own investments on the channel infrastructure and the like, key performance indicators were measured and assessed and signed off by MG Corp, government and Leighton. We have triggered a significant amount of investment.

One of my proudest moments was when I was in Shanghai, the economic epicentre of the world, with the head of Shanghai Zhongfu, Mr Wu; the chair of MG Corp, Des Hill; and the CEO of MG Corp, Neil Fong, when they signed the Aboriginal development package agreement for, from memory, Knox Plain. What a proud moment for an Aboriginal corporation from a remote part of Western Australia to have an agreement with an international company to make investments in their region in some of the most difficult investment areas that we will see, and that is in agriculture and in northern Australian development. That was a fantastic moment. Our investment has unlocked the opportunities that the Ord final agreement put in place. The Ord final agreement was signed off and done, but then nothing happened. Nothing happens unless you actually do it. It is a great agreement and, like other members and ministers, I pay tribute to Eric Ripper for what he did. But nothing happens unless we actually do something. We did it and we have delivered all of Ord stage 2.

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park!

Mr D.T. REDMAN: Member for Victoria Park, I challenge you to stand in the middle of Kununurra with the member for Kimberley and the Leader of the Opposition and say that this was a stuff-up. I challenge you to stand in the middle of Kununurra and say that this was a stuff-up.

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park!

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park, I call you to order for the first time.

Mr P.B. Watson interjected.

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

Member for Victoria Park, you made your speech. You addressed the chamber and said certain things and people did not respond in the speech. It is now the minister's turn.

Mr D.T. REDMAN: Thanks, Mr Speaker.

I want to pick up on a point that the member for Cannington made. He said that a $500 million investment was a stuff-up and was not the right investment.

The SPEAKER: Just excuse me. Can you also please watch your language in this place. Thank you.

Mr D.T. REDMAN: He made the point that $500 million was appropriately invested and could have been better invested to address some of the social challenges in remote communities and the like. One of the things that came to light was shared services, which was probably an equivalent amount of money that, from what I can understand, has just gone off into the ether. What we are saying is yes, there are challenges in the robustness of KPIs and having all those measurement processes we have to have in place and, yes, we can improve their robustness.

Mr B.S. Wyatt interjected.

Mr D.T. REDMAN: There are, but they can be strengthened, absolutely. The greatest KPI is seeing what has happened up there and seeing the outcomes of a project that languished for 40 years. The member for Cannington made the point that the money should not have been spent on the Ord project and that it should have been spent addressing the symptoms of social ills, which is a huge challenge for the Aboriginal communities in some remote parts of Western Australia. We have made the point as a government—I am very proud of it—through the work we have been doing in remote Aboriginal communities with Hon Andrea Mitchell and, prior to her, Hon Helen Morton, in investing in the causal issues. There is no point investing in failure and investing in symptoms if we do not fundamentally change what is going on. This investment fundamentally changed what is going on in East Kimberley. There is no point in building transitional houses —

Point of Order

Mr B.S. WYATT: Perhaps the minister could point to where in the Auditor General's report it says that exact statement, because it simply does not.

The SPEAKER: Member for Victoria Park, if you make another spurious point of order, I will call you to order.

Debate Resumed

Mr D.T. REDMAN: One of the great successes of our government has been investing in transitional housing in Halls Creek, Kununurra, Broome and Derby, and now, as a part of the remote community work, there is some more investment. There is no point investing in transitional houses, which means you get a house if you get a job and send your kids to school, supported by the Aboriginal communities and supported by the Aboriginal leaders, if there is no jobs pathway and some sort of opportunity to progress through the economic opportunities that the Kimberley and Pilbara present. We have invested in unlocking the potential up there, which has triggered significant international investment. I am very proud of how this government has been able to deliver on that. Across northern Australia, it is the only iconic agricultural development that has occurred. I have not seen a similar one in Queensland and I certainly have not seen one in the Northern Territory. In fact, until recently, the Northern Territory was giving us a hard time over it, but everyone is looking at it. The federal government wants to attach itself to it. This is one of the great things to have happened in the Kimberley for more than four decades. We are very proud as a government of what we have done, and it is hitting the causal issues of many of those social ills. If we do not deal with that, in a couple of decades we will look back and say, "What the hell happened?" As I have said to the member for Victoria Park a number of times, I hope that the work that we have started is something that the Labor Party, when and if it comes into government, can carry on. That is the opposition's challenge. It does not happen in one cycle of government. This is a fantastic project. Yes, there are some governance issues that can be improved, but it is not absent.

I might add that when I had a briefing by the Auditor General yesterday, I asked him whether he was telling me that no economic and social outcomes had been achieved or whether they simply cannot be measured and therefore we do not know. It is the latter. He said that the challenge here is one of measurement, and I take that on board. I challenge anyone to go up there and say that we have not delivered an outstanding project for Western Australia and huge opportunities for the future of Aboriginal people.

MR B.J. GRYLLS (Pilbara — Leader of the National Party) [3.29 pm]: What empowered the Aboriginal leadership of the East Kimberley to be the first in the nation to adopt the healthy welfare card and to stand in the midst of their community and say, "We want to do this a different way"? What empowered the Miriuwung–Gajerrong leadership to do that? It was trust in government, because government had worked in that community since 2008 in a project started by the Labor Party under the Ord Final Agreement, which said that if the Aboriginal people give up the title to their land to allow the project to happen, they will receive certain benefits; if no project happens, no benefits will occur. The very act of signing the Ord Final Agreement made it incumbent on future governments to deliver the project—or we are asking the Aboriginal people to sign away their land for no benefit. The Labor Party did that. When the member for Victoria Park spoke, he pointed at us, saying,

"You did that. Your government did that. Your government said that we will do the Ord Final Agreement and benefits can flow." The business case was then done and the Labor Party looked at it and said, "No, we're not doing it." The Liberal–National government looked at the business case and said that it would honour the Ord Final Agreement. It said that it would deliver the benefits that flowed under the Ord Final Agreement. The $500 million that the member for Cannington talked about delivered a new hospital and a new school.

Mr B.S. Wyatt: Paid for by the commonwealth.

Mr B.J. GRYLLS: Absolutely. The commonwealth is in the East Kimberley to partner with the state government on the Ord project. It did not just fly in and say let us fix all the infrastructure. The Western Australian Liberal–National government brought the commonwealth to town. The Premier and the Prime Minister signed historic agreements. They were in partnership to deliver that outcome, which resulted in a hospital, a school, the drying out centre just outside Wyndham, the boat ramp, transitional housing and $195 million of social investment, matched by the government. Why did the project run over budget? A conscious decision was made by the committee, which the Auditor General said was not concentrating on the job. It was a really simple decision—we can drive this project through in two years by employing a bunch of fly in, fly out workers from Perth to build it. The Liberal–National government made the decision that this was about Indigenous employment. If we spread the construction over multiple years, 204 Aboriginal people would be employed. A total of 94 Aboriginal people chose to work external to the Ord project, not on the Ord project. A total of $6.3 million was spent on Aboriginal-owned businesses; $130 million was spent on 82 local businesses; there were 286 nationally accredited certifications; and $12.4 million went to MG Corporation to deliver the financial package. The Ord Final Agreement that was negotiated and signed by the other side of the house was supposed to deliver to them. This is a landmark project.

The member for Cannington said that there are no crops in that area. I was in the paddock on Ord stage 2 on Friday morning watching Aboriginal people harvest chia. Kimberley Agricultural Investment told me that some of its best employees are those workers who got their first job on the project and now they are the company's go-to men. The Labor Party would take that away from them. It would sign an Ord Final Agreement and then disappear, as it planned to do. The Liberal–National government did not disappear. What has flowed from that? Many Aboriginal people have gained first jobs. There is a new skill set in the East Kimberley. Transitional housing, a complete new model of doing housing, was pioneered in the East Kimberley under the Ord project and has now been rolled out in Derby, Halls Creek and Broome, and is pushing into the Pilbara under the remote reform project. We have seen the introduction of the healthy welfare card. Again, that community is empowering itself to change the outcomes for those families. What inspired the Mowanjum community to think they can have a go at agriculture? They looked over to the East Kimberley and said, "Agriculture is working; we will do some of that." I say to the member for Cannington that that was the suicide capital. Now those people have hope and a future under this project. International investment is driving the agenda. I will tell members what I take as the KPI of that project. It is the front page of *The West Australian*, with a Chinese agriculture investor embracing the chairperson of MG Corporation, Edna O'Malley—empowering Aboriginal people to participate in the economic development of their community.

Mr S.K. L'Estrange interjected.

Withdrawal of Remark

Dr A.D. BUTI: The member for Churchlands—the minister—said an expletive, and he should withdraw it.

The SPEAKER: I never heard an expletive but if you said an expletive, please withdraw it.

Mr S.K. L'Estrange: I said "mind it" but I withdraw the "mind".

The SPEAKER: Thank you. It is withdrawn. I call you to order for the first time.

Debate Resumed

Mr B.J. GRYLLS: The Aboriginal leadership of the East Kimberley walk proud in their community because of this project. Hang your head in shame!

Division

Question put and a division taken with the following result —

Ayes (19)

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

Noes (35)

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

Pairs

Ms M.M. Quirk	Mr T.K. Waldron
Mr P. Papalia	Mr J.M. Francis

Question thus negatived.

UNIVERSITIES LEGISLATION AMENDMENT BILL 2016

Second Reading

Resumed from an earlier stage of the sitting.

DR A.D. BUTI (Armadale) [3.40 pm]: I will continue from where I left off, which was talking about the contribution that student guilds make to the life of university students. It is a shame that all members of the National Party are now out of the chamber. The member for Victoria Park must have scared them away! As I mentioned previously, this will test the National Party's commitment to country students if it does not agree with the opposition in opposing the current bill's position to reduce the 50 per cent floor on student amenities fees being transferred from universities to student guilds. I started to talk about some benefits that country students receive from the amenities fee. The Western Australian School of Mines is part of Curtin University. It receives very little assistance from the university and it is only the student services and amenities fee that is collected and given to the guild that provides the ability for a student representative from Kalgoorlie to receive an honorarium fee. Without the student services and amenities fee, that would not be possible. The Kalgoorlie student assistance officer is funded by the student services and amenities fee. That is an incredibly important position for Kalgoorlie students. The document provided by the guild states —

- Aside from dealing with welfare and advocacy issues the position also runs workshops and informations sessions relevant to a University student. These sessions can vary from those run at the Bentley campus due to the unique need of rural students.

The position also assists with other aspects of country students.

That is also quite an important issue for the University of Western Australia. The student services and amenities fee collected by UWA and given to the guild provides financial support to the Albany Students' Association. It will be incumbent on the National Party to support the opposition's opposition to the bill in regard to removing the 50 per cent floor in moneys that must be distributed from the university to the guild through the student services and amenities fee. The UWA Student Guild provides an enormous amount of assistance to students as a result of this student services and amenities fee. In its document to us, it states —

- The SSAF is a student fee levied to pay for crucial student support services and initiatives that complete the student experience and allow students to graduate as well-rounded individuals. For UWA, this student experience is a unique selling point that allows the University to recruit high quality domestic and international students.
- As a student fee, it is important that students retain control over how it is spent. The federal act does not do this; the students do this in their decision-making when allocating funding. The previous requirement that at least 50% of that fee be provided to the Student Guild means that students have the freedom to choose how their money is best spent supporting their experience.

That is a very important comment. Part of the supposed rationale for introducing this amendment to eliminate that 50 per cent minimum floor is there may be better ways to deliver services to the students by allowing the university to decide how this money will be distributed. This is money collected by students as a student services and amenities fee. These students are adults. Should they not be given the right to determine how these fees are utilised? There are sufficient restrictions in the commonwealth act. That act was brought in by the Gillard Labor government and provides 19 criteria that the money can be spent on. That raises the issue of constitutional inconsistency in the sense that the federal act, which has 19 criteria, is not replicated in the state act. There is a possible inconsistency between the commonwealth and state acts. Although we do not want to labour that point because it has not been challenged, there is the potential for it to be. The opposition's position is that we will

oppose this 50 per cent minimum floor being eliminated. If a McGowan Labor government is successful at the next election, it will revisit the issue and talk to all the stakeholders about the best way for the fees to be distributed; that is, should there be a 50 per cent floor or should there be some other measure et cetera? Surely the major stakeholders are the students. We are talking about a fee that is collected by the students for their benefit. Surely they are the most appropriate stakeholders. Without any dissention from any student guild, they all advocate that that 50 per cent minimum level must be maintained.

Although university management may support the removal of this 50 per cent minimum limit, Murdoch University mentions in a letter that it is not that bothered. Although it is generally supportive of the 50 per cent limit being removed, it is not bothered if it remains.

Edith Cowan University Student Guild advocates the need to maintain the 50 per cent limit. Its document states —

- The ECU Student Guild is currently almost solely reliant on the income from the SSAF, —

That is the student services and amenities fee —

> having no commercial revenue of its own, and therefore would like for as much of the SSAF to be allocated to the ECU Student Guild as possible to better accomplish the above aims and sustain itself long-term.

One of those aims is to represent the students to provide services. Further on, the ECU Student Guild states that it is not confident that, if this was given to the university, the 50 per cent limit will be retained. It also states —

- The requirement to receive 50% is important to the Student Guilds, and in turn—the students. Whilst we appreciate its functionality is troublesome given perceived inconsistencies with the federal legislation—we would be supportive of **keeping it as-is** and reviewing it at a later date, rather than **removing it** and reviewing it at a later date.

That is the Labor Party's position—we want to retain it and then we will review it. It seems quite convenient for the universities and the government to argue that it is difficult for the universities to comply with the federal legislation. It has not proven to be difficult. It is quite clear what the money can be spent on. That is not prescribed in the state university acts at the moment, but this amendment does not do that either. If the government were consistent in saying that we are amending this student services and amenities fee part of the various universities statutes to try to make it more consistent or easier for universities to be consistent with the federal act, why does it not replicate the 19 areas that the money can be spent in? This Universities Legislation Amendment Bill does not do that. All the bill does is reduce the 50 per cent guarantee. The 50 per cent guarantee is eliminated and the university will have the ability to give whatever money it wants, or no money, to the student guild and spend the money any which way it wants. How can that provide the universities with an easier method to comply with the federal legislation? It does not do that. It is hard to concede that this amendment to the student services and amenities fee clause in the bill—to reduce a guarantee of moneys to the guild—will not affect the ability for students to make their own decisions about how that money should be applied. There are enough restrictions in place under the federal legislation. It is clear that it cannot be used for political activities and/or supporting political parties or people running for political office. What is crucial is the amount of money the guild receives. As I mentioned, the support the guild provides students at Edith Cowan University, the University of Western Australia, Murdoch University and Curtin University of Technology, which will become Curtin University if this bill is passed, gives a guaranteed stream of income. The 50 per cent requirement in the legislation provides that guarantee.

We can imagine that if tension develops between the student guild and university management, the university can decide that it will take away the money and spend it the way it wishes to spend it. There is no doubt that student guilds can often make life difficult for university management—and may that continue. Universities provide an opportunity for students to develop their advocacy and their community activism. But that is not necessarily being funded in a political sense through this fee and it cannot be because, as I said, the federal legislation brought in by a Labor government provides strict limitations to how the money can be spent.

The Edith Cowan University Student Guild's document states —

> The removal has been proposed without any formal consultation by the University with the ECU Student Guild and the students it represents. There has been from our perspective no tangible consideration about the real impact it will have on the ECU Student Guild as an organisation and the student body in general. We are supportive of a robust consideration of the desired changes, that adequately consults with students.
>
> The removal has been proposed without any formal consultation by the government, except one meeting with the Student Guild Presidents very recently—after the Bill had been fully drafted.

> In this meeting, Peter Collier and his staff suggested that the changes would not be a detriment to the ECU Student Guild and its counterparts at the other universities in WA, as the universities will be consultative. Given the above points—I would contest that relying on the universities' administrations to always be consultative with their respective guilds is naive and unrealistic and definitely of detriment to the Guilds.

To clarify in the remaining time I have, the bill before us seeks to do a number of things and the opposition is supportive of them—in the main. We support the university-specific amendments. I mentioned some, such as changing the name of Curtin University of Technology to Curtin University, and there are various other specific amendments. Regarding the common amendments such as amending the Curtin University of Technology Act, the Edith Cowan University Act, the Murdoch University Act, the University of Western Australia Act and the University of Notre Dame Australia Act, we are supportive of the issues of borrowing and commercial activities. This bill provides an avenue to make it simpler and easier for universities to engage in commercial activities for non-academic purposes. One can have a philosophical argument about that, but the realistic situation is that universities are facing major financial crises as government funding has decreased as a proportion of their overall revenue. As I mentioned previously, it would have been 80 or 90 per cent many years ago; now it is down to 25 or 30 per cent. The classic example I have talked about is Murdoch University, which has a very large campus but a smaller student body. To service that campus is quite expensive. That was one of the stimuli for the vice-chancellor at the time, Professor Schwartz, who, interestingly, went to England and became vice-chancellor of Brunel University and, at one stage, was voted the most unpopular vice-chancellor in England. He then came back to Australia and went to Macquarie University in New South Wales. That was a catalyst that he saw as an economic imperative. There was also an issue of trying to make the campus more dynamic. Murdoch University is on a fantastic site, but at one stage it was quite dead, so the idea was to try to enliven that campus. The opposition accepts the amendments regarding commercial activities.

We also support the amendments regarding remuneration of members of the governing bodies of universities. We do not agree with the changes in the composition. We do not oppose the reduction from 19 to 22 down to 17 so that all universities will have a governing body of 17, but we will put forward an amendment to the staffing composition of those governing bodies. We strongly believe that the elected staff numbers need to be maintained and that that is very important.

We then come to the student services and amenities fee. That has been a complex issue in light of the parallel federal and state legislation, but we do not agree with the so-called rationale that removing the 50 per cent minimum funding will make it easier for the universities to comply with the federal legislation. That seems not to be the way to go. If the government was really serious about that, it would include the 19 provisions. It raises a constitutional issue. However, we believe strongly, as do the National Tertiary Education Union and the various student guilds of all the Western Australian universities, that that 50 per cent must be maintained. As I say, the government has made its position clear but we do not know the National Party's position. If it says it supports country students, it is incumbent on the National Party to say that it will support the opposition's position and ensure this funding is maintained at least 50 per cent to provide all the services and amenities for all students, particularly country students, who live away from home and require this funding.

MR C.J. TALLENTIRE (Gosnells) [4.00 pm]: I rise to speak to the Universities Legislation Amendment Bill 2016. I approach this bill with a great deal of interest, because I am keen to see whether some of the problems I encountered when I had a tilt at getting onto the Curtin University council via the Curtin University alumni association, when I ran for president, still exist. I encountered a series of problems, and when time permits I will go into those in some detail. I want to see whether the legislation before us will make the situation any better in the future. As to the problems identified through the experience I encountered in 1999, I want to see whether we have improved things. I also want to talk about a few other aspects of higher education that relate to decision-making at the very highest level in the universities. I have been fascinated to hear some of the discussion from the member for Armadale.

Debate adjourned, pursuant to standing orders.

BAYSWATER WETLANDS — PROTECTION

Motion

Resumed from 24 August on the following motion moved by Ms L.L. Baker —

> That this house condemns the Liberal–National government for its poor management of the Skippers Row wetlands area in Bayswater and for failing to protect vital urban wetlands through either planning or environmental legislation, and calls for the urgent protection of the remaining Bayswater wetlands known as Carter's block, which is still currently at risk.

MR J. NORBERGER (Joondalup — Parliamentary Secretary) [4.01 pm]: I am the lead speaker on behalf of the government on this motion. From the outset, I thank the member for Maylands for bringing this motion to the chamber for discussion. I apologise that I did not get a chance to address it two weeks ago; I know a number of concerned community members made the effort —

The ACTING SPEAKER (Ms J.M. Freeman): Member for Joondalup, you are the lead speaker, are you not?

Mr J. NORBERGER: Yes.

The ACTING SPEAKER: We just need to give you your time.

Mr J. NORBERGER: I am mindful that people from the member for Maylands' community came to Parliament. They did not get a chance to hear from me, so I apologise, but I am sure they will get *Hansard*—and I am on TV!

It is a sensitive issue, and there is a fair bit to go through. Member for Maylands, I say from the outset that I am obviously not in the position of being able to support the motion, but I will come back to that later. I understand that a couple of weeks ago the whole debate or discussion probably got a little heated, and I will do my utmost for the member to not do that today; that is not my intention. I do not intend to filibuster, either, but there is a bit to go through.

I would like to raise a couple of points that are not so much in relation to things the member for Maylands has said, but just in and around this discussion—whether it has been in the media or otherwise—so that I can potentially set the record straight. I have already acknowledged that it is a sensitive issue that clearly has the community interest and there is a bit of angst in the community, so it is important that the issue gets the attention it deserves.

Some discussion was had about whether the Minister for Environment or Minister for Planning had been to the site. We heard from the Minister for Environment that he had been there—admittedly, in a personal capacity—but I am sure the member is by now aware that the Minister for Planning had been there. The member is quite right: I have not had the opportunity to attend. I have seen aerial footage and the like, but certainly the Minister for Planning went there. As soon as she was made aware of the community concern in and around it—I believe that was through communication with the member for Maylands—she availed herself of the opportunity to go out to the site.

Perhaps it is also important to inform all members that a meeting was called with the stakeholders, the member for Maylands, the Speaker at the time, and a number of community members, some of whom came along two weeks ago, at Dumas House. That was organised at the request of the minister. There was a great turnout with a lot of people. I have not seen that many people shoehorned into that meeting room for a little while. We spoke through some of the history of that site and some of the things we could do going forward. Importantly, obviously, the City of Bayswater was represented at that meeting, with the mayor and a number of the other councillors attending. There had been some discussion—I do not believe it came from the member for Maylands—around the notification given to the City of Bayswater upon advice of the approval of the subdivision and its potential timing. I am not going to labour that point, but, for what it is worth, I understand that the City of Bayswater was notified of the subdivision approval on 9 June—the same day as the proponent. I thought I would put that out there. Some of the pre-works—I know that area has caused some of the angst because of the potential scale of the pre-works and the like—commenced on 13 July. Unless things have changed since last we were in the chamber, I understand that the developers have at this stage held off on any further works. That was my advice as of about a week ago. The member for Maylands may remember that during the meeting, the chair of the Western Australian Planning Commission undertook to write to the developers. Notwithstanding that we could not legally bind them to stop their works, we asked them—as a good corporate citizen, if you like, given that some of these issues were being worked through—whether they could just hang back. Up until about a week ago, I understand that that is still the case.

Ms L.L. Baker: Can I just add by interjection that I think you are correct in terms of works. The only thing I am aware of was that the developers went in and shredded trees that were knocked over after that request was made of them. That got the community very angry, too, because they were not allowed to take any of the tree bodies and put them into the wetland to help the creatures.

Mr J. NORBERGER: I will make a note of that. Sorry; I was not aware of that, but I will feed that back.

I will not get too stuck in and around the process of how the land was approved for subdivision; we know it was through delegated authority and the like. But it is important to remind everyone that at no stage has anyone, on either side, suggested that anyone acted with impropriety; I am talking about public servants. The subdivision approval was based on a number of factors. Some of those factors are for discussion. The member for Maylands rightly spent a fair bit of time talking about not just the member's personal views, but those of the community and others in regard to the true value of the wetlands. Notwithstanding that, we know that the decisions at the time were based on the classification at the time and so forth.

I thank the Minister for Environment—he is not in the chamber right now—for tackling the environmental side. That is not my area of expertise. I intend to just update the member and the house predominantly on the planning side, and obviously the Minister for Environment went through the environmental aspects.

The reality is that a lot of the information I have is no different from what the member put on *Hansard*. The member for Maylands was, to her great credit, extremely factual. We are dealing with two properties. They are large blocks—hence the desire for subdivision—and they are privately owned. Some of the potential angst has come about because they had been vacant for some time and have had remnant vegetation and whatnot on them. As far as the community was concerned, other than that gravel walkway, there was not, perhaps in their mind, a clear distinction or they would maybe not have been aware that it was privately owned. Then to have bulldozers rock up, I can understand, initially, would cause some angst. But it is two privately owned blocks. It is former industrial land. I believe it used to be market gardens at one stage, and then over time it was artificially built up. The member for Maylands spent some time talking about that and some of the things that may or may not be buried there. It had been artificially built up for some time.

Interestingly enough, it has been zoned urban for a long time; since 1963 in the metropolitan region scheme, I believe. In the City of Bayswater's town planning scheme 24, it has been identified for residential purposes since 2004. As the member also mentioned, in 1996 the site was identified as multiple-use wetland. That is the lowest classification level, and it does not prohibit the urban or residential development of that block. I know that some discussion has taken place about whether those blocks should have been re-looked at and reclassified. The reality is that since 1996 those blocks have been identified as multi-use wetland. That is what the Department of Planning based its assessment on. It did seek advice, as we know, from the then Department of the Environment, and was told that there were no objections. I am looking forward to the latter part of my contribution when we look at what we can do going forward, but I am just placing this on the record.

On multiple occasions throughout her contribution, the member for Maylands said, I have no doubt genuinely, that she did not want this to be a blame game, and that it is more about where to from here. One of the key reasons that our side of the house cannot support this motion—I do not believe for a moment that this came from the member for Maylands; she had an issue she wanted to bring to the house—is the wording of the motion, asking for the government to be condemned. There is a bit of political spin to that that will obviously set the views. Notwithstanding that, the member knows that the government is keen to continue to work with her and the community, despite the fact that the subdivision has already been approved, on privately owned, appropriately zoned land, and it was appropriately done.

Mindful that we do not want to get into a blame game, the member rightfully raised the point that the City of Bayswater had two wonderful occasions on which it could have purchased the land. I am happy to be corrected, but I believe that 2010 was the first occasion, and the second was in 2013. As the member mentioned herself, in 2010 the public officers in the City of Bayswater, to their credit, prepared quite a substantial submission for the council to consider, looking at social and economic benefits, and additional benefits in relation to the nearby bird sanctuary. The interesting thing I found is that the City of Bayswater approached the federal government at the time for some potential funding. I can only assume that the funding was not secured, or that the council did not pursue the option, but I am not aware of the council actually approaching the state government, or any state government department at the time, for funding. If I remember my history correctly, a couple of months after this matter was first brought to the council, it was indicated that some interest had been shown in the site by other parties. Those parties had done some initial assessments, and based on those assessments, decided not to pursue the purchase of that land. Obviously, the City of Bayswater did not purchase the land either. In 2013 the land was offered up for sale again. I understand there was a bit of a changeover at the time, but notwithstanding that, if I am not mistaken, this time around it was not even put forward to the council. That is a shame. I know we are talking about things in the past, but it is important that we lay out the journey that has been taken to get us to where we are today.

I understand that the City of Bayswater is at the moment looking at the potential of purchasing the Carter's block—or both?

Ms L.L. Baker: I think they are interested in having discussions with both of the owners of the two blocks.

Mr J. NORBERGER: Yes, the council has definitely had a discussion with Carter. That was raised in the meeting we had with the minister, and we are watching that very closely. I know that the chair of the Western Australian Planning Commission said that he would be able to provide assistance where possible.

Ms L.L. Baker: Do you know whether he has been approached and asked to do that?

Mr J. NORBERGER: No, I do not, but I can follow that up for the member.

Ms L.L. Baker: That would be great.

Mr J. NORBERGER: I will see if I can get some information. It was made clear that it was not really the place of the WAPC to spearhead any meetings or negotiations, or whatnot, but where it was able to help, the chair said that it would, in that same meeting. That is what prompted the WAPC chair to write to the developers or the owners asking for the subdivision work to be put on hold.

We know that the approval that has been granted covers a 27-lot subdivision, which is fairly significant, for lots 6 to 10 and 14 Leake Street, and lots 128 and 130 King William Street in Bayswater, although we refer to them more colloquially by the terms that we have been using. The Eric Singleton Bird Sanctuary, as the member knows, is right next door. That is one of the key reasons for the interest that has been shown by the community. I will not go over again the investment by the state government that got us here. To the member's credit, she highlighted in her speech the state government investment that has seen that bird sanctuary developed to what it is. From the images I have seen, and from listening to the member and other community members, it seems to have been a valuable addition to the community. Separating the bird sanctuary and these two lots is a road reserve. The member referred to the width of this reserve as 15 feet, but my advice is that it is 20 metres. I will not split the difference with the member.

Ms L.L. Baker: That is right.

Mr J. NORBERGER: Yes, the 20-metre-wide King William road reserve is not sealed at this stage, but it divides the two blocks. It is referred to as a multi-use pathway providing a buffer between the proposed subdivision and the Eric Singleton Bird Sanctuary.

I think when this initially came up, the first gut reaction of the community was a desire to see the decision to grant the subdivision approval overturned. As the member knows, the Minister for Planning does not have the power to overturn a subdivision approval. Therefore, the best chance moving forward is hopefully for the City of Bayswater to be successful in its negotiations. I will come to that shortly, but I know that the member for Maylands also expressed a desire for the consideration of —

Ms L.L. Baker: A planning control area.

Mr J. NORBERGER: Yes, thank you, exactly. I have it here. I have a lot of notes and it was all so much clearer in my head two weeks ago! I will come to that, but it was raised by the member as another alternative approach. I have sought some advice about that since we were last in the chamber debating this matter.

I mentioned that the approvals were granted appropriately. Even though it was done by a delegated authority, the Department of Planning at the time sought advice and consulted various authorities. We nutted out some of that in further detail with the Minister for Environment. Before the subdivision approval was given, the key stakeholders consulted were the City of Bayswater itself, and the Department of Environment Regulation, which is the key one that the minister discussed, and importantly we know that no objection was returned from that department, other than the need to deal with acid sulphate soils appropriately during the earthworks. I understand that works undertaken so far are not classified as earthworks, so that is still ahead of us. Beyond what has already happened, the developers will need to deal appropriately with the acid sulphate soils. I know that the member mentioned other elements in the soil, and they will obviously need to be handled satisfactorily as well. The Department of Parks and Wildlife made no objection, and the Department of Water was consulted and made no objection. It was the culmination of the fact that we had an appropriately zoned private property, multi-use wetland subject to no other objections, that the subdivision then went ahead.

I am not going to go into too much detail responding to the member for Gosnells. I know that he and the Minister for Environment had a great soirée! It was entertaining for the rest of us. I know there has been some talk about the boundaries, and the proximity of the land to the boundaries that would have seen the matter looked at by the Swan River Trust. I would say that the member for Maylands was probably the most rational person talking about the boundaries. I realise it is frustrating to be so close yet so far, but, as the member stated in her speech, the reality is that boundaries are boundaries; they are there for a reason. Once there is a provision for something to be within 10 metres, the next time it will be 20 metres and then it will be 100 metres, but in fact it is only half a kilometre away. Notwithstanding that, I acknowledge the fact that that land —

Ms L.L. Baker interjected.

Mr J. NORBERGER: Yes, missed it by that much!

I will acknowledge that the member is right. It is reasonably close to the Swan–Canning development control area and there would have been potential additional scrutiny of it. Obviously, we do not have the leeway to have poetic licence, if you like. The boundaries are there for a reason.

The planning control area has been identified as a potential way we could go. PCAs are used when the Western Australian Planning Commission wants to ensure that no development occurs that might prejudice the use of the land for a particular purpose and where there is an intention to reserve the land under the metropolitan region scheme. On first pass it might be thought that that is one option, but the key thing to understand about PCAs is that they are typically used as a precursor to securing land for public purposes that have strategic regional significance. That is probably the key: it has to have strategic statewide or regional significance. More often than not it will get developed or used later on, so we are talking about a reservation of land. My advice is that the subject site is not considered to have environmental characteristics that are of such regional significance to warrant reservation under the MRS.

Ms L.L. Baker: That would be predicated on its current assessment classification level as multipurpose wetland. The point I hope you are going to come to is that that assessment is simply not valid on the basis of a number of expert opinions. I think there is some leeway in that planning control area provided this other bit can be put in place.

Mr J. NORBERGER: That is good feedback. I am obviously not able to speak on behalf of the minister directly in that sense. I imagine that the notion of the reclassification of that land would need to come either from the Minister for Environment—that direction—or the City of Bayswater, although I am not entirely sure whether it can initiate it. Again, part of the shame is that we are dealing with a lot of this after the fact. The member also mentioned that the land has been classified in that way as such for 20 years. I could get all political and say that there have been Labor governments, and there have been. There have been Labor governments, Liberal governments and different councillors involved. I am sure that even interest groups will not have the same sorts of assumptions going forward. I am not having a crack at them in any way, but I think this just shows the importance of checking who owns the land and what the classifications are. Obviously, in this instance the subdivision decision was made based and predicated on the circumstances at the time. That makes it a legal decision and hence we cannot overturn it. I imagine that it seems fairly clear from the City of Bayswater's point of view that the site has significant value to the community. I understand that the member had some reports from a biologist and the like. We have not tested or counter-tested that; we have taken it on face value. I appreciate that the member laid the reports on the table for the rest of the day's sitting and that I was able to get a copy. Irrespective of all of that, the land has significant value to the community and I would have thought that it would have been a good use of ratepayers' money to secure that land. In the meeting we had with the minister the question was raised about why the state could not just buy the land. We never said yes or no; we said that the City of Bayswater needs to progress down that road and have those negotiations with the owners of the land. From a negotiation point of view, when someone says they have a bundle of money, we know how the negotiation is going to end. We are watching that process and I think it would be a great outcome. I even know from local media that the owners of the land have indicated their stress, if you like, at the situation. Hopefully, that will translate into a whole lot of goodwill to maybe work through things, notwithstanding the fact that if they choose to progress with their subdivision, they are legally entitled to. It is then really a matter of ensuring that the conditions that have been set on the subdivision are met. That is where the environment department, if it is appropriate, and certainly also Planning, will make sure that those conditions are set. If the City of Bayswater is successful in purchasing the land, I am hopeful that for the sake of the community it will be a great outcome for everyone.

I have mentioned the dates when the City of Bayswater had its chances. Again, we could spend hours going through the details and crying over spilt milk, but the reality is that it did happen. My view is not directed at the member for Maylands, but the motion is worded such that the state government be condemned, when quite frankly a lot of other parties of different political persuasions, including local government, have been involved over a long period. They could have done something. That wording is probably not appropriate, but I do not lay that at the member's feet. At this stage that is where we are at. That is the history of the site. We will continue to monitor it. The member has direct access to me, but more importantly to the minister, and where we can be of assistance we will be. Notwithstanding that, as the member indicated, the view at the moment, especially with the PCAs, is that the land in question does not hold significant enough environmental value to warrant a PCA, and that includes at a regional level as well. Unless that view changes, PCAs are really not the appropriate tool to look at in this instance. I thank the member for Maylands for bringing this matter into the chamber and to our attention. Community members were not able to make it here in person, but they can watch the proceedings or read the transcript later. As the member knows, we will continue to work with her collaboratively going forward and hopefully we will get a decent outcome.

MS R. SAFFIOTI (West Swan) [4.28 pm]: I rise to make a short contribution to this debate. The member for Maylands has been keeping me up to date with some of the progress on what is now becoming a significant issue for the local community. I will pick up on some of the points that the Parliamentary Secretary to the Minister for Planning outlined, and which the shadow Minister for Environment also outlined. Something that concerns me in my shadow planning role is the categorisation of wetlands and the time that has elapsed since it was assessed. This is all about de-risking, in a sense, investment decisions and also having current information in front of all the players involved. I will take the scientific and environmental advice, and from some of the reports I have seen, this area has significant environmental benefits and value, particularly in relation to some of the animals there and the area's role in supporting the bird sanctuary just next door. It concerns me that this area has not been assessed since 1996. As we know, areas change over time and we probably have an outdated stock list of what are and are not wetlands. Should we win the election next year, this is something that the now shadow Minister for Environment would have to start addressing pretty quickly so there is certainty for everybody involved—for councils, landowners and ultimately the community—and they are very much aware. A process is underway and I do not want to jeopardise any part of that process. However, I note that it is zoned urban in the MRS. I also note that due to the government's poor and disastrous management of its finances over the years, it

has been added to the metropolitan region improvement fund to try to offset some of its debt. According to the last report—I have not done an update for about six months—over $220 million is in the metropolitan region improvement fund. We need to look at the expenditure of that fund. It should be remembered that the MRIF is fed by the metropolitan region improvement tax, which is paid by landowners who pay land tax throughout the metropolitan area. The government has been spending roughly between 40 and 50 per cent of the revenue it collects each year. As a result the funds have increased significantly and it now has over $200 million in it. The government has done that with the sole purpose of helping its debt problem. However, given the government's debt problems of over $25 billion, I think that some of those practices are not really helping. Today's debate on the Ord River matter of public interest demonstrated why Western Australia has a debt problem. There is no real benefit in not spending the metropolitan region improvement fund when half-a-billion-dollar decisions are made based on no business case. I point that out and note that the money in the fund is not spent unless legal action is taken. The government, through the metropolitan region improvement fund, used to be proactive and buy land for environmental and other reservation purposes. That has generally stopped and the government now only spends the money in that fund when it is legally obligated to do so. As a result, a lot of landowners are left in the lurch for many years. I just wanted to make that point.

As I said, I think we will be watching this matter closely. I understand the City of Bayswater is actively considering purchasing one of those blocks of land and will seek assistance from the government for that. My knowledge of the area is limited, but after looking at some of the maps, after talking to community groups and also after listening to the advice of my colleague the member for Maylands, this area deserves a lot of attention. Its role has probably changed over 15 years, but because it is adjacent to the bird sanctuary, it serves a strong environmental purpose in the area. I wanted to make those comments. In particular I wanted to point out my primary concern that we do not have an up-to-date register of wetlands and that will certainly have an impact on everybody's certainty.

MS L.L. BAKER (Maylands) [4.33 pm] — in reply: I rise to close the debate on this motion. I was just about to ask how long I would be able to speak, and note that I have 45 minutes. I may not take 45 minutes.

Mr W.J. Johnston: Come on!

Ms L.L. BAKER: I may.

I would like to start by repeating that this is not a situation for which private landowners can be blamed. They acted within the bounds of all laws, and all speakers have acknowledged that. I want to put that on the record first.

This motion is as much about Eric Singleton Bird Sanctuary as it is about the wetlands that abut the Skippers Row wetlands area. There is a very real connection between the $3 million investment the Minister for Environment is all too happy to spruik and his absence in the debate to support the Skippers Row wetlands—wetlands that are absolutely vital to the health of the bird sanctuary. I spent the better part of an hour describing why that is the case and the comparison between the two wetlands—why each is interdependent on the other and why so much comparability exists between the two. I will not go over those arguments again this afternoon. However, I want to thank the parliamentary secretary for his comments and thank him for acknowledging a number of issues, which made me feel quite cheerful. He did not dismiss or accept that the state government had any funding commitment in this direction, but admitted that, as always, it is a balancing act. I am very pleased that he did not say, "You would not be interested in taking this matter forward." He said that there is a bit of ground on which to continue, but we can check *Hansard*. I agree with that, but that ground needs to be worked on and I have a couple of issues that I need to revisit that are not necessarily related to planning but to the environment and the treatment of the blocks in question through the environment assessment process.

To my knowledge the City of Bayswater has put on the record several times that it has made some serious mistakes regarding these blocks. Decisions made 20, 30 or 40 years ago and legislation written 20 or 30 or 40 years ago goes out of date. To keep the currency of decisions alive we need to go back and check, and resources need to be used. It is true that both Labor and Liberal governments did not do that; nobody did that for 30 years, but it needs to be done. We are having this debate because it was not done. I am confident, after being apprised of the details, as I know the parliamentary secretary has been, that at the root of this problem is the failure of an environmental assessment to consider the health of wetlands along the river and to consider whether they have been properly classified. It seems that that is the real issue—the basic issue. That then begs the questions: Why did the Swan River Trust, the Department of Parks and Wildlife or anybody else not look at that? Why has it been left as it is? I cannot speak about prior years; I can only speak about why it has been left. It is clear that it did not come up on the radar.

It is interesting that the Swan River Trust, as it was, and now the Department of Parks and Wildlife did not apply resources to assess wetlands. I look at the member for Belmont now, because she has many wetlands on her side of the Swan River. Why have assessments not been done? They need to be done. There have been massive developments at Ascot and around her area; work was done and money was spent to check the wetlands. None of that happened on my side of the river. There are nine kilometres of riverbank and a number of big wetlands in

my electorate—Skippers Row, Baigup and Bardon Park—all of which need to be reclassified and looked at carefully. Why has the Department of Parks and Wildlife not spent the money? Maybe it does not have the money. I do not know. I do not run its books. I do not know what is happening. I can only guess that it is not within the management priorities of the Department of Parks and Wildlife and it does not have the resources or it has not been a priority in its resources. That is a massive failure. If the government has failed, it should own that failure. I do not know whether that is the case. However, if funding of the Department of Parks and Wildlife has been cut and it cannot afford to do that, that happened under this government's watch.

The classification process needs to begin and the City of Bayswater has acknowledged that. I will comment on a letter that the mayor sent me on 29 July. He states —

> The City is keen to secure a commitment from the State Government to explore all option for protecting the wetland that is in close proximity to the sub-division approved by the WA Planning Commission.
>
> The City regards the preserving this wetland and its future integration with the Eric Singleton Bird Sanctuary as a highly desirable outcome given Perth's reducing tree canopy and loss of natural areas due to urban infill and population pressure.
>
> As you will be aware, the Eric Singleton Bird Sanctuary recently underwent a $3 million revitalisation undertaken by the City in partnership with the State Government. The project has not only resulted in bringing back birds and wildlife to a sanctuary that was under stress, but it will also significantly reduce pollutants that contribute to algal blooms from entering the Swan River.
>
> The Eric Singleton Bird Sanctuary is a success story with benefits for the environment and the community that can be built upon by the preservation of the wetland on the Carters Land.
>
> The preservation of that wetland would also have overwhelming community support.

Clearly, the council recognises the value of the wetlands. The parliamentary secretary also underlined that in his comments and I am grateful for that. Nevertheless, mistakes have been made. That wetland was zoned residential by the council in 2004. The council is doing its best to fix these mistakes. The parliamentary secretary is right; it is of significant community and environmental value. It is the lungs of the river, as I said. The local government has every justification to look at the priorities in the budget and direct some of the ratepayers' funding to preserving this wetland. The state government and the Department of Environment Regulation have the responsibility to take on board the reassessment process and complete it as quickly as possible and then look at the metropolitan land acquisition fund to see whether there is some way that that could be used to support the purchase of the Carter's wetland. Regardless of what the city is or is not negotiating—I have said that I agree that there is a way to go in that journey—we still need to know that the state is looking at this, is keeping up to date with what is going on and is prepared to go in to bat when we need it to.

I also want to mention that in the Minister for Environment's response to a media inquiry on 23 August, he provided this comment —

> *"The Liberal National Government has delivered a completely restored Eric Singleton Bird Sanctuary and has imposed a number of strict conditions on the private development to ensure there are no negative impacts on it.*

"It" is the Eric Singleton Bird Sanctuary —

> *The Sanctuary will not be impacted by this development.*

That statement is rubbish. It is a complete fabrication.

Mr W.J. Johnston: What is it?

Ms L.L. BAKER: It is rubbish. It is a complete fabrication. I do not know what possessed the minister to allow that to be given to the media. As the material I have presented from three different experts shows—I think the minister also acknowledged that these wetlands are interconnected—when water levels move up and down according to the season, it impacts on the Eric Singleton Bird Sanctuary. The minister is very aware from the list I put together of the relevant species in the wetland that more than 20 bird species were seen back in 2009, including at least two rare birds and one migrating bird. Can members imagine how much more birdlife there is in the Eric Singleton reserve since it has been improved dramatically and how much better the habitat is for those creatures? In 2009, 20 species were registered as being seen by BirdLife Australia. I do not know how many there are now because they have not been measured. That is the point. But there must be more. It is very clear from the environmental report that those birds bring their chicks into the Carter's wetland at some point. Some of them prefer the shallower water across the Eric Singleton wetland, but others take their chicks into the deeper water, including a couple of the migratory birds. That is not going to happen if we bulldoze this wetland. The creatures in the Eric Singleton reserve will be impacted by this development. What the environment minister has told the media is, I repeat, rubbish. I am sure that every right-thinking person, given the evidence, would agree with me on that. We know that over 3 300 people signed the petition that I tabled in this house a couple of weeks ago. As the parliamentary secretary quite rightly pointed out, there has been an incredible outpouring of grief about this. People were looking for someone to blame; now they are looking for someone to fix this.

I started by saying that mistakes are made by local government. Mistakes are made by state government. We all make mistakes. The mark of leadership is what someone does when they find out they have made a mistake and how they fix it. That is what a good government should do. That is what a good council should do. That is what a good schoolteacher should do. That is what a good local member should do. Regardless of whose fault it is or where we have come from, we simply have to pick up the reins and fix this problem.

What we have seen from the state government so far is very limited ownership of the issues from an environmental perspective. I think the Minister for Planning gets it. I think the parliamentary secretary gets it. I think he is completely apprised of the situation and I think, probably as a result of my bringing this issue to Parliament, he understands and is sympathetic to what we need to do to fix the problem. I am not hearing anything along those lines from the environment minister, which I think is very sad.

I will quote a little bit from the information that I have been given by the No Houses In Wetlands campaign group. It states —

> The zoning of the entire floodplain area along the Swan River as a Multiple Use Wetland area, in what is now the Riverside Gardens precinct, arises from a historical misunderstanding of the sensitivity and environmental value of this area. For years it was used as a landfill site and market gardens. The land was sold to private owners before the importance of our river and wetlands was understood. Up until the last decade, some of these private owners had a great deal of influence in the management and zoning of this area through the local council.

That is also an undeniable fact —

> The public has enjoyed the Riverside Gardens precinct and all it has to offer for some time now. It is a leisure precinct.

One of the reasons we are so vested in this is that the community helped to reconstruct the environmental value of the area to see Eric Singleton's vision and his perseverance finally pay off. Everyone in my electorate viewed the wetlands on both sides of the King William road reserve as part of this conservation effort. Carter's wetland is valued because it is different from the Eric Singleton reserve. It has a beautiful canopy of paperbarks, frogs and birds breeding in spring. It is not a multiple-use wetland, and that is as plain as the nose on anybody's face. People who know about environmental issues—I do not but I am learning fast—know that this wetland is not used as anything except a wetland and a nursery for baby birds and our native flora and fauna.

The Environmental Protection Authority's "Position Statement No. 4" of 2004 clearly states —

> The health of many of Western Australia's aquatic ecosystems, such as rivers and estuaries, is inextricably linked to the abundance and health of wetlands in the catchment and in this regard, wetlands function as the "kidneys of the catchment". Where vegetation linkages (corridors) between wetland vegetation and other native vegetation have been reduced and fragmented, further threats to ecosystem processes at the whole system level occur.

I am saying that the information used by the state government to approve the development of the land at Skippers Row and Carter's block against the council's recommendations simply do not hold up to scrutiny. I will go over a few of the reasons I think that is the case. They will be in *Hansard* so the parliamentary secretary can take his time and go through this later. Again, just because the Minister for Environment says that his department has participated in due diligence, it does not mean it happened. That is quite clear from what I am about to say.

What evidence has come to light so far? Firstly, a group called 360 Environmental prepared a report for ABN Group in July 2015 to support the application for subdivision. This report was about the grassed area owned by the D'Orazio family. It is described as being native melaleuca species along the north western boundary and one or two introduced trees along the southern boundary. The proposed development may necessitate removal and/or pruning of several native trees and shrubs. The vast majority of the site is introduced grasses. I want members to remember that when we think about what has happened. The report stated at that time back in only 2015 that the sum total of vegetation destroyed would be the removal and/or pruning of several native trees and shrubs. We just have to try to get our heads around this. This is what was said a year ago. This is in stark contrast to what occurred on the first day of what we call preliminary site works—when 50 mature trees were destroyed and the land was built up to three metres in height. That report did not address the fauna in the adjacent wetland adequately or correctly. In fact, I do not even know whether it addressed it at all. It is hard to say what that report was trying to say about the site. The report does not mention the migratory bird that uses the area—the rainbow bee-eater—and the need to protect it. That is just one instance. The report does not identify the protected species that occur under the Wildlife Conservation Act 1950 within Carter's wetland; it completely misses all that. Was this report relied on to justify development in Carter's wetland? That is the question asked by my community to both the Minister for Planning and the Minister for Environment. Even though 360 Environmental was not commissioned to assess the site, we believe that is exactly what has happened.

I move to another really serious point. Again, I say to the parliamentary secretary that it relates to the vacancy. The Rivers and Estuaries Division of the Department of Parks and Wildlife wrote to the City of Bayswater on 1 October 2015. I do not think the parliamentary secretary will have seen this. It expressed serious reservations about the subdivision proposal. I know that the minister and the parliamentary secretary say they have given it the big tick. I want to read what it said on 1 October 2015. I do not know why it changed but I want to read what it said less than a year ago. It states —

> Thank you for the opportunity to provide some preliminary comment on the proposal to develop Lots 6-10 Leake Street, Bayswater which is in close proximity to the Bayswater Brook and Eric Singleton Bird Sanctuary.
>
> As you are aware, the State government, in partnership with the City, has provided significant investment in the restoration of the Eric Singleton Bird Sanctuary Wetland. This project is near completion and we expect that the restoration works will substantially improve water quality in the Bayswater Brook as well as the ecological and social value of that area. We therefore are very interested in any developments in close proximity that have the potential to impact on the wetland, its surrounds or the value of this investment.
>
> With this in mind, we support the notion that the public open space requirement for the development should be provided by way of a buffer between the residential development and the Eric Singleton Bird Sanctuary to the northeast, rather than an offset paid in lieu of this requirement for the following reasons:
>
> - an increased buffer width between the development and the Bayswater Brook/Eric Singleton wetland is consistent with the intention of State Planning Policy 2.10—Swan-Canning river system, of which clause (7.2.6) states: *The protection and re-establishment of wetlands, tributaries and bushland associated with the river should be promoted*;
> - setbacks to the walkway and the wetland are important as there is a significant level difference between the proposed lots and the walkway. The reasoning for this is the setback a) provides a buffer for noise and light entering the wetland such that disturbance of birdlife from residential activity is minimised and b) to maintain the amenity of this area and protect passers-by using the walkway, which forms an important link to the foreshore and river, from being overlooked by future residences; and
> - there is also the potential for the dumping of rubbish and garden waste from the proposed lots into the walkway and wetland area with this risk being greater if no buffer is provided.

Again, we should remember that this was written less than 12 months ago. It continues —

> Further, in relation to appropriate stormwater management we would encourage the City to consider the following clauses from State Planning Policy 2.10—Swan-Canning river system, which would also be relevant to this development:
>
> - Clause 7.2.9 Water sensitive urban design principles should be incorporated in proposed developments. In doing so, national flow regimes are generally preferred over artificial systems.
> - Clause 7.2.10 Stormwater management systems should be designed in a manner that will enhance the environmental quality of the river through the use of water sensitive urban design.

Those two points, I acknowledge, will come later in the subdivision and the local government authority will have involvement in that. The first points I mentioned are directly in the state's lap. I continue —

> Finally, the proposed development is located outside of our Development Control Area … and it abuts an area of land to the southeast that is currently zoned urban, but that is used for public open space by the City. Given the use of this adjacent land for public open space, it is feasible that in the future this land could be reserved for Parks and Recreation under the Metropolitan Region Scheme.

These guys got it less than a year ago. It continues —

> The DCA —

Development control area —

> would then be amended to reflect this change, meaning that the development site would abut the DCA and any proposed development on the site would be referred to the Department of Parks and Wildlife … for assessment and comment. As this is a future possibility and given the site's close proximity to the Eric Singleton Wetland and potential impacts as detailed above, I would encourage the City to consider the issues raised carefully.

I think it is pretty clear that something catastrophic —

Mr J. Norberger interjected.

Ms L.L. BAKER: I am sorry but it is redacted. This was released confidentially through freedom of information. It is from the Rivers and Estuaries Division of the Department of Parks and Wildlife, but I would not provide an officer's name even if I had one. Something catastrophic happened in the Minister for Environment's fiefdom.

Mr C.J. Tallentire: It is mysterious.

Ms L.L. BAKER: Something catastrophic and indeed mysterious happened between 1 October last year, when this email was received, and 9 June when planning approval was granted, with a big tick from these guys. I am completely unable to explain what happened. I doubt whether the parliamentary secretary could explain what happened. The Minister for Environment does not give a toss. I have asked him several times. He has not even bothered to try to explain what is happening. All he wanted to do two weeks ago, as we discussed, was yell at the shadow Minister for Environment, which is indeed his right, but it certainly did not win the government many points from my community. It certainly did not cover anyone with glory. I quite enjoy having discussions with the parliamentary secretary because I find him very sensible on these types of matters. That is not something that I would be able to say about others.

The City of Bayswater has reflected the concerns that I just read from the Department of Parks and Wildlife in its recommendations against the Skippers Row development when that was referred to the Western Australian Planning Commission. It said all that. It took what it was told and they said, "Don't do it." Not only that, but an old report done in 2013 says the site is full of dieldrin, asbestos and has high-to-medium levels of acid sulphate. Very clearly, there are problems. In my mind, catastrophic errors have been made. I do not know why the concerns of Rivers and Estuaries were not taken seriously within the Department of Parks and Wildlife or why they were never translated through into the Planning Commission's request for advice. It is clear that this has left a precious, fragile wetland to be desecrated by developers. That is simply not okay.

I have covered this briefly, but in 2010 the City of Bayswater received a geotechnical report about the medium-to-high levels of asbestos on the site, yet this fact was not mentioned when subdivision plans were submitted. We cannot find any mention of that in the subdivision submission. Maybe they were not required to, I cannot answer that; but I am saying there was no reference to what had happened to this medium-to-high level of asbestos on the site. Back in 2010, any logical person finding out that there were these kinds of problems would have simply expected the Department of Environment Regulation to have been informed that there was a contaminated site in the metropolitan area. But work went ahead on a site that was known to be contaminated, with no protective measures being taken. I would like to have a chat to my old colleague and new federal member for Perth, Tim Hammond. As we know, he is a barrister for victims of asbestosis and mesothelioma. I am sure he would have a view about the level of asbestos exposure the workers on the site would have had when they took in their bulldozers, flattened half of this wetland and built it three metres high. Protected fauna was known to be on the site and were taken without the permission of the Minister for Environment, as required under the terms of the Wildlife Conservation Act 1950. That is the law. If protected fauna is injured, killed or removed, the person responsible is obliged under law to let the Minister for Environment know. That did not happen—another catastrophic omission. Why were there no conditions in the WA Planning Commission's approval to protect the fauna on-site? Why did the Department of Parks and Wildlife and the Department of Water rely on outdated wetland data from a survey conducted over 20 years ago in sanctioning the destruction of a functioning wetland in an urban area?

I said a while ago that mistakes are not restricted to one party in this debacle. Mistakes have been made by everyone along the way, but the most grievous mistakes are causing the worst damage to the creatures that are trying to breed in that environment at this time of the year. I was lucky enough to pop in to an environmentalist's home to see seven baby oblong tortoises. If members get a chance to see them, they are gorgeous. I should put a call out for mosquito larvae. That is not the sort of thing that one finds me asking very often! If anybody has stagnant water in their back garden with mosquito larvae in it, baby oblong tortoises eat it as they are growing.

Mr J.M. Francis: How do I get them, to put them into the pond of stagnant water?

Ms L.L. BAKER: They cannot be bought; they have to be collected. This is the problem.

Mr J.M. Francis interjected.

Ms L.L. BAKER: I am sorry; I understand. The minister wants to buy a turtle!

She is trying to raise seven babies and then let them out. God knows what will happen when they are let out. We hope they do not go back to where they were born, which is under three metres of dust, asbestos and other rubbish. It is very clear to me that a number of things have to happen. As I said at the beginning, I was somewhat heartened to hear the parliamentary secretary acknowledge that there is a way to go.

Several weeks ago, members from my community asked me to contact the City of Bayswater to suggest that they would be happy to take down their protest and rally signs for a couple of weeks to enable negotiation to start between the council and the owners of both blocks. One of the things suggested, I think remarkably sensibly, was that the council should engage a professional mediator or an alternative dispute resolution specialist; someone who could come in as an independent voice with no vested interest and manage the discussions between the owners of both delicate and beautiful properties. I hope that that has happened but I cannot say that it has. If it has not, I would say that is another grievous mistake. So much is at stake in this kind of situation. Private landowners who have

done the right thing want to develop probably their nest egg for the future and they have every right to do so. They have property rights—that is absolutely fine. Within that, an independent voice needs to bring the parties together who does not allow either the council to put an ultimatum, "It is our way or the highway", or the owner to say, "You can bugger off because we have 100 owners and we can't get them all into a room; we can't help." Somebody has to be engaged. I give my strongest advice to council that it engage mediation services. The parliamentary secretary mentioned that Eric Lumsden, the chief of the WA Planning Commission, would do that. I know Eric very well after many years of involvement in local government and from my previous life as a member of local government. At the time he was CEO of the City of Swan, having just left the Shire of Mundaring. I know that Eric is a good man. There is not much he does not know about planning. It would be of great benefit to the City of Bayswater for him to provide some support as they move forward on this. I doubt whether he is a sufficiently independent voice, so I would still be urging the city to find an appropriate mediator to help negotiate an outcome.

I know for sure that unless action and pressure continues, unless the community continues to voice its concerns, unless the planning minister continues to be dismayed by what she has seen and what the parliamentary secretary knows and unless the Minister for Environment shakes off whatever fugue he is in and takes on board the reality of what is happening in this wetland, not just community members and tourists who walk by every day, but the whole of the Perth metropolitan area will suffer. This area is part of interconnected wetlands. I have made the point a multitude of times; I will not make it again. If members opposite want criteria on regional and strategic significance, I cannot think of anything more significant than the lungs of the Swan River, a major tourist attraction and a major leisure and activity recreation centre. I have friends who come from Midland down to Riverside Gardens to picnic and walk their dogs. Many members of this house have told me that they have walked their pets down at Riverside Gardens. This is a major area; it needs reclassifying. To do that, someone needs to put the money in the right hands and make this a priority within the Department of Parks and Wildlife. I have not seen a lot of support from the Minister for Environment to get that done. I am looking straight across the chamber at the parliamentary secretary, who is the only person who appears to get this issue. I ask him on behalf of my community to please stand up and help get a reclassification process over this area so that the Minister for Planning can, in all confidence, make it a planning controlled area. Can the parliamentary secretary please start whatever processes he needs to see whether the metropolitan land acquisition fund can be brought in to help at some point in this process as we move forward.

Thank you for your response. I personally look forward to working with Environment House, with the No Houses in Wetlands team and, indeed, with all the urban wetlands players because this issue has resonated across the metropolitan area. During a rally outside the Minister for Planning's office in Guildford, a woman came up to me who had come from, I think, Spearwood. When I asked what she was doing there, she said, "I saw the Facebook post; this is something I really care about." People have come from all over the state to support this. This is not something that the government can turn its back on and walk away from. It is not something that will not cost the government votes. This is something, I warn the government, that will not go away. The community is angry, I am angry and people in this chamber who know the area are angry and incredulous. Something needs to be done.

Division

Question put and a division taken, the Acting Speaker (Mr I.M. Britza) casting his vote with the noes, with the following result —

Ayes (18)

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

Noes (32)

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

Pairs

Ms M.M. Quirk	Mr T.K. Waldron
Mr P. Papalia	Mrs G.J. Godfrey
Mr P.B. Watson	Mr J.H.D. Day

Question thus negatived.

CRIMINAL LAWS (DOMESTIC VIOLENCE) AMENDMENT BILL 2016

Second Reading

Resumed from 11 May.

DR A.D. BUTI (Armadale) [5.17 pm]: I rise to contribute to the Criminal Laws (Domestic Violence) Amendment Bill 2016 introduced into this house by the Leader of the Opposition on 11 May. As the Leader of the Opposition stated when he introduced it, this bill seeks to amend the Criminal Procedure Act 2004, the Evidence Act 1906, the Restraining Orders Act 1997, the Sentencing Act 1995 and the Criminal Code to implement a number of criminal law reforms in the area of domestic and family violence.

Everyone in this chamber knows that the issue of family violence is of great concern to this community. It seems to be one area of law and order that this government has failed to take seriously in the sense that it has not instigated major legislative reform or policy initiatives. We keep hearing that the government is serious about the issue and is taking legislative measures to enhance the ability of authorities to deal with the issue of domestic and family violence but it does not appear to be the case, as we have not seen any evidence of that. As we all know, the consequences of family and domestic violence can be quite significant for its victims, their families, communities and society in general. Domestic violence results in a personal and social toll and economic cost. A KPMG report of a number of years ago referred to a $13 billion cost to the Australian economy if we did not seek to urgently address this issue.

Some jurisdictions have taken this issue very, very seriously. The Victorian Royal Commission into Family Violence was landmark, and the Daniel Andrews–led Labor government has led the way by holding a royal commission and agreeing to implement all its recommendations. There have also been significant reforms in New South Wales and Queensland, and in many respects the Criminal Laws (Domestic Violence) Amendment Bill 2016 includes many of the similar provisions that passed the Queensland Parliament after the comprehensive report delivered by Quentin Bryce, the former Governor-General of Australia.

It should be noted that this bill is not the sum of the opposition's policy or direction for dealing with family and domestic violence. It is interesting that in this term of government, the opposition has raised this issue in this Parliament. Very rarely does the government discuss this issue, and it seems to talk about this issue only in reaction to the opposition stimulating debate on this incredibly important issue.

This bill contains a number of reforms to the justice system to deal with domestic and family violence. As I mentioned, it makes a number of amendments to a number of acts, such as the Criminal Procedure Act, the Evidence Act, the Restraining Orders Act, the Sentencing Act and the Criminal Code, with the intention to increase perpetrator accountability and to provide greater protection for victims of family and domestic violence. This bill also provides the ability to signpost criminal offences and convictions in the area of domestic and family violence, and ensures that victims of domestic and family violence automatically come within the definition of "special witness" under the Evidence Act. Further, we seek to increase penalties for breaches of restraining orders.

It is hard to see how this government would not support the bill before the house. I can see nothing in this bill that the government would oppose. This government talks about being tough on law and order and has introduced legislation to this house to increase penalties and deal with hoon drivers, graffiti and vandalism. I am not sure how the government will be able to oppose this legislation on the basis of policy. The only reason it will oppose this legislation is because it wishes to play politics. When the Leader of the Opposition introduced this bill to the house on 11 May 2016, he mentioned that this is an incredibly important issue and stated —

> We must come together as a Parliament and as a community to do what we can to fight this terrible crime. I urge the government to come on board with the opposition and support this bill.

The government may say it has its own legislation in the wings—it may say that. We are nearly at the end of a four-year term, and we have not seen it. During the last state election, the then Minister for Corrective Services went on about introducing electronic tagging of or tracking repeat offenders for breaches of violence restraining orders. We have not seen that legislation. When that has been put to the current corrective services minister over the past couple of years, he has said, "It's going to happen; it's going to happen." We are in the last seven weeks of Parliament in this four-year cycle. If the government seeks to introduce any legislation now, that tells us a couple of things. Firstly, it is in reaction to the opposition being on the front foot, without the resources of the government. Secondly, it shows that the government has never had commitment in this area. Thirdly, it will show a degree of cynicism that the government wishes to play politics with such an important area as family and domestic violence. This legislation could have been introduced ages ago by the government. It would rather introduce legislation to do with graffiti, which is important, but I defy anyone on the other side to tell me that graffiti causes as much damage to society and people as family and domestic violence. I will talk about this more, but we seek to make changes to section 281 of the Criminal Code. The Leader of the Opposition sought to do that in 2012 in regard to what was commonly known as Saori's law.

I will speak to some of the amendments in the bill. The amendments will enable notations to be made on a charge in respect of any offence to specify whether it is an offence that occurred in a domestic violence context. Also, if the offender is found guilty of such an offence or pleads guilty, this bill will provide for a court order that that also be noted on the offender's criminal history. Further, similar notations can be provided on that person's criminal history, so one can go back and see what other domestic and family violence offences have been committed by that person. I make it clear that this bill will not affect the court's discretion on whether to formally record a conviction against the offender or when an offender's criminal history can be taken into account. These amendments provide the capacity to examine a person's past criminal convictions, and I will talk more about that later. A person's past family and domestic violence criminal convictions can be flagged to interested parties, allowing for better tracking of repeat offenders. Hopefully, it will allow better service delivery in this space and provide better protection to victims of domestic and family violence.

This bill will also amend the Evidence Act to include a presumption that victims of domestic and family violence are to be regarded as special witnesses. As such, they will have access to the directions the court can make to support them in the process of giving evidence—for example, by giving evidence from another room or via videotape recording. Surely the government cannot disagree that that is appropriate.

The bill labels breaches of violence restraining orders as crimes, and increases the maximum penalty for such breaches. I will say more about this, but it will increase the maximum for a breach to three years' imprisonment, and six months for misconduct and breaches of restraining orders and police orders. We hope these amendments will send a clear message to the community and to offenders that this type of conduct will not be tolerated. We understand that these measures in isolation will not solve the issue of family and domestic violence, but they will go a long way towards sending the right signals to offenders and the community.

This bill also seeks to amend section 281 of the Criminal Code. To secure a conviction under that section for unlawful assault causing death, the state does not need to prove that the offender intended to kill the victim. The crucial issue is that the death has resulted from an unlawful assault. Since that provision was made law, a number of offenders have been convicted in family violence situations, and have received penalties that the community would see as unjust, and this bill seeks to change that and to bring it into line with recommendation 44 of the Law Reform Commission's report on family and domestic violence. I will talk about that a bit more in a moment.

[Member's time extended.]

Dr A.D. BUTI: Parts 2 and 5 of the bill enable charges for criminal offences to be noted and recorded on a person's criminal history. That is consistent with Queensland and New South Wales legislation. It does not interfere with the court's discretion on whether to formally record a conviction against an offender. When introducing similar legislation in Queensland, the Attorney-General stated —

> This signposting will ensure that a perpetrator's criminal history clearly illustrates any pattern, or increased frequency or escalation, in domestic violence which can then be considered by the court and police when considering matters such as bail and in sentencing the offender. It also provides greater protection of victims against future violence and the timely identification of this type of conduct by relevant agencies to reduce incidents of escalated violence, including domestic homicide.

Referring to the Queensland equivalent amendments, Dr Silke Meyer, postdoctoral research fellow at the Institute for Social Science Research at the University of Queensland, wrote —

> It is important to demonstrate to victims, perpetrators and society that violence within the family home is no longer being tolerated and that it is therefore being taken as seriously as any other form of violence occurring outside domestic settings.

Those proposed amendments will help to ensure that information about a person's pattern of offending in a domestic and family violence context is more readily identifiable to the court and it will assist in tracking domestic violence offences and offenders, listing practices, risk assessment, bail processes, wraparound support services and data recording on domestic violence.

Part 3 of the bill seeks to amend the Evidence Act 1906 to provide for existing protection for special witnesses to apply also to victims of domestic violence. I am sure the minister will acknowledge that domestic violence victims are in a vulnerable situation, and the court process can be very stressful for them, particularly if the offender is in the same room. In introducing similar legislation in Queensland, the Attorney-General said —

> A recurring theme in submissions to the task force is that victims are traumatised by having to repeatedly retell their stories. When criminal charges are laid, police report that there is often difficulty pursuing the prosecution given a reluctance of the victim for fear of continuing with the criminal prosecution.

There is also the fear of being confronted by the offender. There is academic support for the inference that victims are re-traumatised if they have to give evidence in the same room as offenders. Qualifying as a special witness, which is the purpose of this amendment, will allow a victim to give evidence without having to be confronted in the same room as the offender.

I will go back to the issue of the recording of the offences on the criminal record. A bench book has been formulated for judges in Australia. In reference to family and domestic violence, the draft of the bench book reads —

> The risk of life-threatening injury or death is reported to be higher where the past violence experienced by a victim occurred within the last year and included at least one incident where the perpetrator used or threatened to use a firearm or knife or attempted to strangle or choke the victim, or where the perpetrator made a death threat of any kind to the victim, or where the frequency or severity of incidents of threatened or actual physical violence increased in the lead up to the life-threatening injury or death. Some victims however may never experience any form of actual or threatened physical violence and yet may still be at risk of death; in some reported cases, the homicide is the first incident. In these cases, there may be other important signifiers of risk evident in the perpetrator's behaviour, such as: physical violence outside the intimate relationship; misuse of alcohol or drugs; intense jealousy towards the victim; or exercising a high level of prolonged control over the victim's daily activities and life.

That is why it is important that notification of a charge of domestic violence is made, and that it is recorded on an offender's criminal record. The amendment does not in any way reduce the discretion of the court on whether past convictions should be recorded.

The policy intention behind the proposed increase in maximum penalties for breaches of violence restraining orders is to provide a greater deterrence for perpetrators of domestic violence and to reinforce the community's view that domestic and family violence is not acceptable and will not be tolerated. Referring to a breach as a crime reinforces the seriousness of the breach. We are proposing with this amendment to increase the maximum penalty quite significantly but, under section 41 of the Sentencing Act 1995, where imprisonment is the only specified penalty, the court may use any of the sentencing options in section 39(2), including those in paragraph (c), which is release or imposition of a fine. Under section 41(2)(b), the court may also imprison the offender and impose a fine. Under section 41(6)(a), the maximum fine corresponding to three years' imprisonment would be $36 000 for an individual. That is why we have not gone down that path in this bill. We have set out the maximum, but under the Sentencing Act there is always discretion about the imposition of a fine or a term of imprisonment.

Turning to the issue of Saori's law, or an amendment to section 281 of the Criminal Code, this is actually recommended in the Law Reform Commission report at recommendation 44. This measure was introduced by the Leader of the Opposition in the last term of Parliament but was voted down by the government without any rationale. I do not wish to verbal the Leader of the House, but I think I correctly remember the member for Kalamunda, who was Leader of the House at the time, say, "Watch this space. We will introduce some form of legislation." That has not been the case. Section 281 of the Criminal Code, a very interesting provision, was introduced by Hon Jim McGinty a while ago and the rationale behind those amendments was as a result of a series of one-punch deaths. Hon Jim McGinty introduced that bill to address the one-punch homicides and to "ensure people who caused a death by assaulting another were held accountable for their actions". In his second reading speech, Hon Jim McGinty did not mention that it would apply to domestic violence death scenarios. The idea behind the one-punch legislation was generally about a person who hits a stranger and they die. Domestic and family violence is not about strangers and are usually repeat offences.

I mentioned that recommendation 44 of the Law Reform Commission report on family and domestic violence recommended what has been included in this bill to increase the maximum penalty for offences. That would mean that as a result of this amendment, penalties for convictions under section 281 of the Criminal Code would carry a maximum penalty of 20 years. At the moment the maximum penalty is 10 years.

This bill is commonly referred to as "Saori's law" because it came about as a result of the tragic death of Saori Jones. Members would be well versed in that case. Bradley Wayne Jones admitted felling his wife Saori Jones in December 2010 with a "full-on punch". Even though Saori was vomiting, bleeding and lying unconscious on the floor at Mr Jones' home, he failed to call an ambulance and when she died he left her body for 11 days, until the police arrested him. When he punched her, she fell to the ground, unconscious. Saori had two children, one of whom was a baby. Jones put the baby on Saori Jones' nipple, even though she had vomited and was lying unconscious. It was absolutely deplorable. Although Jones was originally charged with manslaughter, the charge was downgraded to unlawful assault causing death because the delay in discovering Saori's body made it difficult to identify the specific cause of death. Although that difficulty is not necessarily addressed in this legislation, the bill provides for the possibility of a sentence similar to a manslaughter conviction with the seriousness of domestic violence. Bradley Jones received a penalty of around three or four years' jail. He is now out of prison. He is free. What that man did was appalling; it was unbelievably disgraceful.

It does not make sense that the government does not agree to increase the maximum penalty to 20 years for a conviction under section 281 of the Criminal Code in a family domestic violence context. As I stated, Hon Jim McGinty introduced section 281 in response to one-punch deaths in which intent would not have to be proved. In one-punch deaths a person punches someone and does not intend to kill them, but the victim hits the ground and dies. Hon Jim McGinty introduced a clause to allow for conviction in those situations with the maximum penalty of 10 years. What we are saying, which is consistent with the rest of the bill, is that we need to send a message to society that domestic violence is a serious crime and has to be treated as such, and that it is incredibly unjust for a person in the Bradley Jones scenario to walk free after three years. One is not saying that this will necessarily be a deterrent. I do not think anything would have been a deterrent for Bradley Jones, but there is the issue of justice. The issue of justice is that someone who did what Bradley Jones did should not be out of jail after three years.

When the Attorney General tabled a report in Parliament on the review of section 281 he mentioned the community disquiet with the operation of section 281 for the length of sentence for convictions under section 281 in a family and domestic violence scenario. That is all this amendment seeks to do—that is, increase the maximum penalty to 20 years. The court will still have discretion to look at the context. It is in conformity with the Law Reform Commission report on domestic and family violence and consistent with the report tabled by the Attorney General in the other place on the review of section 281.

The bill before the house seeks to do a number of things. It seeks to send a message to society and to offenders that domestic and family violence is a crime that should be treated as seriously as any other form of crime. It also increases accountability for offenders. It allows for better tracking of offenders. It provides better relief for victims of domestic violence to provide evidence in court and also provides some degree of justice in convictions under section 281 of the Criminal Code in those convictions that have occurred in a domestic and family violence scenario. As the Leader of the Opposition said, let us forget about politics. The government and the minister have it within their power to allow this bill to pass this house and for it to then go to the other house and be debated and to become law. The government has been missing in action on this issue. It may bring in a similar bill at some stage, but it is a bit late in this term to do that. I implore the government to agree and support the bill before the house.

MR R.F. JOHNSON (Hillarys) [5.48 pm]: I am not going to take 20 minutes to speak on the Criminal Laws (Domestic Violence) Amendment Bill 2016. My colleague, who has just spoken, the member for Armadale, has a lot of experience in this area. He is a qualified lawyer and he has a commitment to do something about domestic violence in this state. He has asked many questions in this house. Today we are debating a bill that the opposition brought in a little while ago.

As the member for Armadale said, this is a simple bill. It simply asks for a few things that should take place. He just mentioned that there should be a penalty of 20 years and not 10 years when somebody is found guilty of killing another person in a domestic violence situation. Why does the government not accept such a domestic violence amendment to the Criminal Code? The maximum penalty for killing someone when driving dangerously is 20 years. They may not have meant to kill someone, but they have driven dangerously and they have ended up killing someone. That carries a maximum penalty of 20 years, yet in the case that we heard about, where there is the definite intention by a person—normally a male, but not always—to kill their wife or partner, they get only 10 years. How can we balance that out and call it justice? It is not justice; it is deplorable. It is a shameful description of justice when we compare those two penalties.

I agree that previous charges should be brought forward. I think the court should know when someone has been found guilty of repeatedly breaching restraining orders, particularly violence restraining orders, and attacking their wife or partner. I say that because it is normally the husband who does it to the wife. It can happen in reverse, and I know that only too well as it happened to me many years ago. I was a sufferer of domestic violence, but I will not go into that now. Normally, the husband commits the violence against the wife. When the wife or partner ends up being killed, some action has to be taken.

We have 18 days left of Parliament, not counting tomorrow. If the government intends to bring in a bill and rush it through both houses of Parliament in those 18 days, I say shame on it, because we will not have enough time to really consider it. The government has had at least four years to do this. It was dealt with before that; it was dealt with in 2012, when the opposition brought in a very similar bill.

Dr A.D. Buti interjected.

Mr R.F. JOHNSON: Yes, indeed, but they are all interrelated in my view when horrendous killings take place in a relationship between a man and a woman. I do not think it is unreasonable to expand the sentence from 10 years to 20 years; in fact, I think it is very reasonable. I believe that if somebody has repeatedly breached a violence restraining order in particular, the courts should be aware of that. As the member quite rightly said, the Minister for Corrective Services said some time ago that he was going to deal with this and that detection bracelets would be used to show where people are. But they do not always work and they do not stop a person from killing somebody. They might show where the person is, but quite often it can be too late. Some years ago

on the estate where I lived, a husband killed his wife while his children were in the house. I will not say their names because I do not think it is appropriate. He used a kitchen knife to stab his wife to death. She did not have a chance to press the distress button for the police to come; he killed her before she had an opportunity to do that. That was a clear case of domestic violence ending in death. To me, it was absolutely murder. That person went to jail, but not for 20 years. It was a lot less than that. I suggest that that person would have been let out on parole a few years ago. An innocent life was taken.

At the end of the day, why would the government not accept a very reasonable amending bill that the opposition has brought in to bring some justice to people in this state? If it saves one life, it is worth it. I can tell members what will happen. The minister will get up and say that it is flawed, that there is something wrong with it, and that it will bring in its own bill at some stage—blah, blah, blah. That is what the Attorney General will say as well. I am afraid that the Attorney General has been asleep on the job. He should have brought in a bill at least three, if not four, years ago when he took over in the new term of Parliament in 2013.

Dr A.D. Buti: In regard to the Law Reform Commission report, it came out over 15, 16 or 17 months ago now. It is a comprehensive report and the Attorney General said that there is a bill, but we haven't seen it.

Mr R.F. JOHNSON: That is the point I am trying to make. He did not need that report to bring in legislation to deal with domestic violence that ends in somebody's death. He could have done it of his own volition and I think that, as Attorney General, he should have done that.

Dr A.D. Buti: Do you remember in the first month or two of this government all the urgent bills it had, including the urgent bill about the East Fremantle city council? That was really urgent! Domestic violence is not urgent!

Mr R.F. JOHNSON: I know. We are talking about people's lives. I could not agree more with the member. I sympathise with the member and the Leader of the Opposition, who introduced this bill, because I know it will go nowhere. The government will use its numbers to vote this bill down. I say to government members, as I have said to them before, shame on them; they should support this bill. If they care about innocent people, particularly women, and the children who are witnessing this sort of disgraceful, inherent violence from some of the individuals who perpetrate these offences, they will support this bill. Forget about the party politics and just support a good bill that will possibly save some people's lives. It will send a clear message that this Parliament will not accept that sort of behaviour from these disgraceful people—I would say human beings but I think some of these people are less than human beings.

We have seen many cases. Which crime has had one of the biggest increases? It is domestic violence. Crime is going up. The minister will refute that. She will say that crime is coming down. It is not coming down where I live. I have seen a 37 per cent increase in one suburb in my electorate—Kallaroo. The minister will say that she should not be expected to know the crime rate in certain suburbs, but it was in the newspaper. Everybody could see it and I thought she would have looked at it since then and seen that the people in my area are not satisfied with the way the government is performing with the number of police it has monitoring what is going on and catching these sorts of criminals. As I have said before, I have put forward a proposal that could see 400 extra cops on our roads. The RAC and the police union support it. The only people who do not support it are the minister and the Premier. They do not support it. There is money in the road trauma trust account. Apparently, they are giving bouquets of flowers to people who have never had a demerit point because they are good drivers. I have never had a demerit point in my life. I have a completely clean driver's licence that goes back 29 years. I do not want a bouquet of flowers. I would be happy if I was presented with one, as I would donate it to my favourite charity, Radio Lollipop. I think some of the people who are being chosen are probably hand-picked and it is just a bit of a gimmick. That is not the way we should be spending money. We should be trying to save people's lives, whether it is on the road or in cases of domestic violence, which we are hearing about today. Today we are talking about domestic violence. That is the case that we must put forward, and I think it has been put forward extremely well by the opposition.

I choose which issues I will vote on these days. As an Independent, I have that luxury—and it is a luxury. I do not have to simply go along with the herd, like a lot of sheep that very often follow the black sheep. In this case, I will vote with the opposition, because I think what it is doing is right. This legislation is right. I look forward to hearing what the minister has to say when she gets up. I presume she will talk on behalf of the Attorney General. I would love to hear the excuses she will give for why the government will not support this bill. This bill could go through this house tonight and go to the other place and be debated within a couple of weeks and it could become law well before this house is prorogued for the next election. That is what should happen. We could save many lives if that were the case, but it will not happen. We will hear all the excuses under the sun. I have been described as the member for hot air. It is up to some people to call me that if they like. At the end of the day, I like to think that what I say and do is for the people in my electorate and the people in Western Australia in general. Some people might think it is hot air, but it is not; it is absolute concern. Everything I say I say with conviction and I always tell the truth. If somebody wants to tell me that I have not told the truth, they can stand and have a go at me. Tell me when I have not told the truth. They will have a job to find that time, because I pride myself on being honest and truthful.

I will not take up any more time, because I know other people want to speak on this bill. I give it 100 per cent support. I think it can save people's lives. It has been well thought out and it covers every angle that needs to be covered. I do not believe there are any excuses that could be put forward not to support this bill. I absolutely commend this bill to the house.

MS S.F. McGURK (Fremantle) [5.58 pm]: I am very happy to get up today and support the Criminal Laws (Domestic Violence) Amendment Bill 2016. I thank the people on our side for the work they have done, but particularly the member for Armadale, who has done quite a bit of the legwork to bring forward these proposed amendments to strengthen the criminal laws on family and domestic violence. The Leader of the Opposition and the member for Armadale have outlined the specific changes that are proposed in the bill, so I will not dwell on those, but they include amendments to the Criminal Procedure Act, the Evidence Act, the Restraining Orders Act, the Sentencing Act and the Criminal Code. They represent a strengthening of the implications of people carrying out the very serious offences of family and domestic violence, strengthening the criminal justice system as a whole. We have heard many examples in this house and in the media of how our criminal justice system is wanting with cases that come before it, in the message that it sends to not only the victims, but also the community as a whole. I think the community sees that our current legislation is wanting and improvements can be made. As other members have said, it will be interesting to hear the government's response to the amendments to those acts I read out and whether it will do the right thing and accept these improvements to our current system as a stepping stone to improving our responses to the very terrible statistics and the circumstances that lie behind those family violence statistics.

Some time ago I received a message on Facebook from a woman—I will try not to take too much time telling this story—whom I had not seen for some time. I used to work with her in one of the unions that I worked for. She went to work for other unions and I lost track of her but I used to interact with her a little on Facebook. I sent her a message on Facebook asking her to support something that I was doing relating to women. Not long after that, I got a call from her on a Sunday night. I was surprised because I had not seen or heard from her for some time. I took the call and she told me that she had been living in Melbourne for the last six months. I received this call about three or four months ago. She moved to Melbourne because she had been assaulted by her partner. She had some issues with her partner at the time and she asked the police to issue her partner with a move-on notice, I think, not a restraining order, but before the police issued that notice, she was assaulted in the worst possible way. She was in her bed in her place alone. She does not remember what happened but her neighbours, whom she did not know, were alerted by screaming. She was being assaulted by her partner, who was using a wrench to hit her head. She would have died if her neighbours had not heard the screaming and came and interrupted him. He fled the scene. I think it took the police a couple of weeks to find him. He changed his identity, but eventually they tracked him down. My friend was very seriously injured. When I spoke to her, she was still on anti-fitting drugs. She had staples put in her head. Her skull was fractured. She was taken to a women's refuge, which urgently decided to move her interstate using its resources, although she did say that police had been positive in their dealings with her and she had been moved to Victoria for her own safety.

In three or four minutes I have just told a very dramatic story but it is one that I think highlights the fact that these circumstances can come before any of us—our neighbours, family members, people we know or colleagues who we work with whose circumstances are very serious. This woman is a very capable woman. She is a mother. I would not have thought that she would be in that sort of situation but she was. The amendments to the acts that are proposed in the Criminal Laws (Domestic Violence) Amendment Bill are important because they strengthen our criminal justice system's response to circumstances such as this and the thousands of circumstances that occur across the state in any one year in various manifestations. Of course, the worst is homicide. We know that that is still occurring at an alarming rate. In many cases the circumstances can involve serious assault and assaults of various degrees of severity.

I wanted to speak about a few other responses to family and domestic violence. Dealing with our criminal justice system is one important way that we can send a message to the community that this sort of violence will not be tolerated and will be dealt with most seriously by the criminal justice system. The reality is that we need a range of different responses to family violence. We need responses from the police and the Department for Child Protection and Family Support. We need perpetrator accountability. We need a risk assessment of what is going on. We need specialised family violence services. We need all those responses if we are going to deal with this issue effectively.

Earlier in question time the Minister Police; Women's Interests said that I had not asked many questions as the opposition spokesperson for women's interests. I was reminded of an earlier question that I asked her about the levels of family violence and how they might be impacted by the cuts to financial counselling that have been undertaken by this government. The minister responded that she was not aware of the issues around family violence and she did not think it was part of her portfolio.

Mrs L.M. Harvey: That's not true. Tell the truth.

Ms S.F. McGURK: I think the minister has corrected that situation. As she said in the answer, she realised that as the minister responsible for women and the minister responsible for police, it was pretty incredible that she would give that answer.

Mrs L.M. Harvey interjected.

Ms S.F. McGURK: I am not taking interjections. The minister gets plenty of time to speak in this Parliament. I think the minister has since taken the time to correct her knowledge of this area but still the government's response to family and domestic violence as a policy issue has been woeful.

One of the challenges in government is that the area falls within so many different portfolios at a ministerial level, across so many departments and across so many different service providers. For instance, the primary responsibility in government for funding for women's refuges sits within the child protection portfolio. That may have been what the minister was referring to when she said that she did not have knowledge of this area. But of course it is important that the Attorney General is completely across this area and understands how our criminal justice system is responding. It is important that the Minister for Police understands how police are responding in this area. I understand that we could make many improvements in WA in how police are educated on this issue, how they respond and how their specialist services are resourced.

It is important that the minister responsible for housing has an understanding of how this issue impacts because it is crucial that women in particular, or any parent with family responsibilities who is seeking to leave or deal with a violent situation, has secure housing. It is important that the Minister for Community Services has a good understanding of these issues because of the example that I gave about financial counselling. Financial abuse and the insecurity around financial independence is a key factor. One of the reasons that women, for instance, do not leave violent or abusive relationships is that they do not have financial independence or perhaps tenancy security. We know that women who experience homelessness may be victims of domestic violence. It is important that the government has a good understanding of this issue and takes a coordinated approach across ministerial portfolios and with the service providers across government agencies, in cooperation with the not for profits that have responsibility in this area.

Rosie Batty, a former Australian of the Year, is a very passionate and effective advocate against family and domestic violence. She is in Perth this week and she was also here last week. I attended a lunch that she spoke at that was sponsored by the group Women in Super. I will quote from her website. She was speaking in this case on the occasion of International Women's Day —

> A timely reminder that we still have many challenges to overcome before we will see an end to family violence.
>
> Like, gender inequality, **which is a key underlying cause of violence against women**.

I commend Rosie Batty for the work she has done, not only in bringing this issue to the public's attention and being a tireless advocate but also in not being afraid to speak about what she thinks are the underlying causes. At that lunch, she also quoted the Prime Minister, Malcolm Turnbull. I have relayed this quote since. She said, "Not all disrespect against women results in violence; however, all violence against women begins with disrespect." Understanding the need for respectful relationships in our community and trying to deal with this issue in a preventive sense is an important part of a comprehensive response to the high levels of violence against women and children in our community. It is an area that has informed the federal program called Our Watch. That is a nationwide program to drive change in culture, behaviour and power imbalances that lead to violence against women and children. Shamefully, Western Australia and New South Wales are the only two states not listed as partners. I do not understand why WA has chosen not to sign on to using the sorts of resources that are available through that program.

Some of the thinking about primary prevention and education programs that could assist in challenging poor attitudes towards women that contribute to violence against women is occurring in Victoria. Victoria's equivalent to WA's Healthway is VicHealth. It has looked at ways to encourage change in the community. People know that our attitude to wearing seatbelts is different from what it was two decades ago. Our attitude to smoking is now very different. Our attitude to underage drinking, and to drinking and driving, has also changed. Over time, public health messages have been very effective in changing the way we approach some of the issues I have raised. Perhaps some of that change in societal attitudes could be used to help challenge not only disrespectful attitudes towards women but also the prevalence of violence in our community. VicHealth has adopted a strategy called Preventing Violence Before It Occurs. That has evolved into a program called Change the Story. As we know, Victoria and other states are doing important work in trying to address levels of family and domestic violence. Change the Story tries to deal with some of the drivers that contribute to disrespectful attitudes against women. In that analysis, violence against women is serious, it is prevalent and it is driven by gender inequality. Some of the gender drivers of violence against women, according to Change the Story, include condoning violence against women; men's control of decision-making and limits to women's independence; stereotyped constructions of masculinity and femininity; disrespect towards women; and male peer relations that emphasise aggression.

[Member's time extended.]

Ms S.F. McGURK: We have heard public discussion around some of these issues in sporting organisations. I commend those discussions taking place. Some public comments by leaders within the Australian Football League, for instance, have been challenged publicly and I am very grateful for that. That includes partly the players, but also some of the senior office bearers within individual AFL clubs and the AFL organisation as a whole. Those sorts of sporting and community organisations have an important role to play, like schools, in setting the scene for how we might address some of these issues.

I will quickly go over some of the other issues that have been raised in the primary prevention and education work that has been done in other states. I talked about some of the gender drivers that are expressions of gender inequality. The particular expressions of violence that consistently predict higher rates of violence against women include condoning violence against women; men's control of decision-making; rigid gender roles; male peer relations that emphasise aggression; and disrespect against women. Some of the reinforcing factors that might predict higher rates of violence against women include condoning of violence in general; experiencing an exposure to violence; weakening of pro-social behaviour, especially harmful use of alcohol; socioeconomic inequality and discrimination; and backlash factors such as increases in violence when male dominance is challenged. Some of those factors are not that surprising. I do not think one needs a particularly radical analysis of how society conducts itself to see that in environments in which some of those factors are present, there is more likely to be violence against women.

It is important to note that family and domestic violence is not a fact of life. Violence against women is preventable and actions can be taken by all of us as individuals and, importantly, as a community. The state government has an important role to play in promoting this in various ways. That includes actions that could prevent violence against women. That might mean challenging the condoning of violence against women. A good example of that is the White Ribbon organisation. Men from that organisation have stated publicly that they do not support violence against women and will do what they can to stop it. Other important contributors are actions that promote women's independence and decision-making; challenging gender stereotypes and roles; and actions that strengthen positive, equal and respectful relationships. All those things promote and normalise gender equality in public and private life and I think will go some way towards preventing some of the drivers that have contributed to the levels of violence against women and children and in families.

Some organisations are looking at putting this in place. I am familiar with Victoria as a result of its Royal Commission into Family Violence and the significant government resources it has put into this area of over half a billion dollars in trying to prevent family violence. Victoria has been putting work into school education and making sure that there are resources for sporting organisations and community groups that are not just a cookie cutter product: here is a program that will say why violence against women and children is bad or why violence in general is a poor way of resolving conflict. As I said previously, it is providing a much more sophisticated approach of using some of the ways that some of our health organisations have challenged societal norms and looked at change over a much longer term. I think that is very important and it is the sort of work that I do not hear anyone on the government side talking about, despite it being a big conversation in other states.

My impression is that providers of some of the services that assist women and children who are escaping family violence—women's refuges and the Women's Council Against Family Violence—spend most of their time trying to keep body and soul together and trying to deal with the demand in the refuges. I think a new refuge was recently established in the eastern suburbs and that is welcome but the demand is still high. Clearly, it is dealing with the emergency response situation and making sure that people trying to escape family violence have somewhere safe to go. But it is their services that are crucial; they need to be modern and effective and there needs to be a place for people to go.

In Fremantle, a number of us were concerned when the local council, which had had a long managerial responsibility for a local women's refuge, decided to vacate that responsibility and keep the building but facilitate a not-for-profit organisation doing that work. It decided to do that because the state government was proposing, I think, a three-year contract—or perhaps it was for five years, but let us say it was for three years—with no real increase to the funding available to that local women's refuge. The Fremantle city council had had enough of the cost shifting to it and it said, "We'll give you the money back, we're not interested; you facilitate a not-for-profit coming in and running that service locally." That is occurring but the state government wants more done with less money and it cannot be surprised when things start to go pear-shaped at the service end and there is pressure when people seeking escape from difficult, violent situations do not have somewhere safe to go. That is the case in Western Australia.

We know that financial counselling funding was initially cut completely by the Barnett government, but there was a big public back lash; anyone could see that it made no sense to not help people when they were in need of some financial assistance in managing their financial affairs before things got even more serious and they lost their car, their job or their home and they needed even more financial assistance. That made no sense. The government backtracked on that decision and put back half the money it had cut. It has not put back all the

money into financial counselling; it has put back only half the amount. I have no doubt women and people in family violence situations need assistance to untangle their financial affairs and maintain some sort of financial independence, and they are worse off as a result of the decision to halve the amount allocated for financial counselling. How can this government sit there and think it is okay to reduce the amount of financial counselling when we have seen massive waste in any number of projects? We heard today about the Kimberley Ord project and the sort of money poured into it with little accountability or clear measurable outcomes. We know $500 000 a month is being spent on empty car parks at the Perth Children's Hospital and there is the money allocated to the Bigger Picture advertising or the government's media monitoring; there are any number of examples. Still there are waiting lists of people trying to get into women's refuges and people unable to get financial counselling because this government has decided to cut the budget or cost shift onto local councils.

As I said, it will be interesting to see the government's response to these very comprehensive proposals to improve the responsiveness of our criminal justice system to domestic and family violence. The community is saying to us loudly and clearly that this is not acceptable. It wants government and its elected representatives to do something about family violence to stop it. So far, all this government has done is put out a 20-point action plan but that action plan had no additional resources, save for an allocation in the Kimberley, which was welcome. Save for that, no extra resources were allocated to the government's 20-point action plan to deal with domestic and family violence. I think that action plan was put in place about 12 months ago. I have not heard anything since about how the government intends to respond—but that is not true; I heard the Attorney General talk about bringing in a bill but I have not seen the details of it. We do not have many sitting weeks left, so the government cannot be too serious about that. If it was, we would have seen the legislation to date.

I commend the Criminal Laws (Domestic Violence) Amendment Bill 2016 and look forward to the government's response. I hope it sees its way to support it.

MS J. FARRER (Kimberley) [6.28 pm]: I have not written out a speech but I would like to talk about domestic violence in general. I had the good fortune of going to Beagle Bay on the weekend. On Monday there was a march in memory of all our young people from the Beagle Bay community who had suicided. The community itself organised the march. However, it did not stop at just suicide; it included domestic violence and violence against women and children. There was a young woman who was about 30 years old, but looked about 40 or maybe 50 years old. She was crying when she spoke about her life and the abuse her partner had inflicted on her. It was just really sad to listen to. She spoke openly about it to educate the other young women about domestic violence. It was a very good outcome in the sense that it revealed a lot of the issues. Sometimes people do not know why things are happening, which can lead to suicide. We all know about the high suicide rate in the Kimberley; a few mothers were involved and they left their little ones behind. Through domestic violence, women have suffered, but it has also left children very traumatised. The woman in Beagle Bay spoke very openly about the situation she was in, but at least she came forward before it got any worse. It was courageous of that woman to speak out, but she also gave us a look into the lives of some of our young women.

For us in the Kimberley there is no real support mechanism in place to look after our young mothers and their children and to support them. Women's refuges have been set up, but that is about all that happens. After reports to the police by the safe houses, as they call them, I do not think they have been taken any further. It is really sad to see these situations. In the past three years I have been in Parliament, I have gone back and been told about suicides that have happened, including those of mothers of three children or just a young suckling baby. But something needs to happen, because this is a crime against mothers and children.

I went through this stage with my sister. I do not know whether members can remember, but I talked in my inaugural speech about me raising 13 children. Four of those children came to us through this sort of situation. My sister lost her partner years ago, but she was a young mother with children—her youngest was a bit over a year old—and her life was taken. Because we were in mourning, I could not follow a lot of the court procedures, but I would have thought that at that time, because it is an offence and it is not acceptable, the court and the police would have taken it a lot further. We all went through a traumatic journey, and me as their second mum did not have that support. We did not have support from the services out there. The police came and told me what happened, but nothing else took place after that. I was not a working mother because I had my own children, so the only income we had was through my husband. We raised 13 children. There was no support. Just the traumatic effects —

[Interruption.]

Ms J. FARRER: Excuse me; we are talking about something very important here.

It had a traumatic effect over the years on these four little kids. I went to the Aboriginal Legal Service to see whether I could get support for those kids, and for me because she was my younger sister. But the pain and suffering we all went through was never acknowledged. When I looked at this lady in Beagle Bay the other day who talked about her life, it reminded me of my sister. This is a crime against vulnerable women and our children. We always talk about our kids as being the future, but what sort of mechanisms are in place? Children

do not have any rights to speak out and tell how they feel. I guess all the experiences they go through they keep locked up inside. Sometimes I wonder whether all that hurt and pain—the trauma they have experienced—leads to them taking their own lives. We talk about our young people taking their own lives; it is to overcome that pain. It is a journey that our kids carry on their shoulders by themselves. They do not have a mum around to support them, but they are also dealing with another family that they are now part of because of the situation they have been placed in. It is a very big crime that has been going on for a long time.

The person who contributed to the death of my sister went into prison for only a short time because that is how the court saw it. He went to prison for a short time, but the effects on the kids had not been taken into consideration. It still plays up with them. It still plays up in their minds and in their everyday life. They are adults now, but we are dealing with a different type of, I guess, trauma that has been passed through. It is a crime that should not be left so that it festers. We need to make sure that this sort of crime is dealt with properly.

I thought I would tell that story today because of the incident I saw at Beagle Bay. The community rallied around and talked about the issues that young mothers face because of the dominancy of their partners and how it affects them. Although they have the police up in the peninsula, I do not think the pain and trauma that that woman has been experiencing for some time has been taken into account. She is only a shadow of herself and she has four little kids, but she spoke out. I think that was one of the best talks on suicide, because we could see how this would lead on, especially for young mothers after the crime that is dealt to them and because of the silence. We know that women exposed to domestic violence sometimes feel powerless to seek help, but this is one thing that we should not bypass. I am pretty sure all members of Parliament have families. I am pretty sure that we all have Aboriginal people in our electorates who we sometimes see on the streets fighting, even in the city here. It is not just the Aboriginal people; it is everyone—every mother. I just thought I would contribute by giving that little bit of information. Thank you.

MS J.M. FREEMAN (Mirrabooka) [6.38 pm]: I rise to speak on the Criminal Laws (Domestic Violence) Amendment Bill 2016. Before I begin, I acknowledge the member for Kimberley and her very powerful story about her sister. It demonstrates how this situation can touch someone personally and so strongly. For people like me, who has never had to deal with violence from someone I trusted and for whom I cared, it brings home how it is an act of complete betrayal.

I went to a funeral this morning. It was nothing to do with violence. I went to the funeral of a woman who was loved very, very much by her husband. She suffered with cancer and has passed this world. One of the things that someone said during the funeral service was that she had entrusted her husband with her heart. That is why family violence and intimate partner violence is such a shocking thing. It is still violence, and it is appalling. In fact it is probably the worst violence of all in our community, because we trust and care for people, and then violence is perpetrated against us. It is difficult to understand that, and I am very fortunate that I do not have any experience of it.

It is really important that we recognise that this is not a women's issue; this is a human issue. The Leader of the Opposition introducing this legislation, and the member for Armadale championing the prevention of domestic violence and the response to domestic and intimate partner violence, shows that the Labor Party is really clear that it does not see this as the responsibility of women to try to stop. It is upon our whole community to prevent violence and respond accordingly. This legislation is about responding, signposting, enabling a person experiencing domestic violence to be treated as a special witness, ensuring proper response to breaches of restraining orders and, most importantly, responding to the horrible situation that happened to Saori Jones.

I have a picture of Saori Jones in my office downstairs. It is captioned "Don't forget Saori Jones". That young woman had no family here. The people who loved her were the people in the refuge who kept on telling the police that something was wrong. The police went to the door and did not go in, even though the refuge workers had told them that something was wrong. We do not know; if they had gone in when they were first alerted that she had not returned to that refuge, the consequences may have been different for her and her children. It breaks my heart to think that she suffered so badly at the hands of someone she had once trusted, and who had given her citizenship. She had come from another country and entrusted her future and that of her children to this person. He received such a limited sentence; there was no justice for her in that. Again, it is this whole thing about blaming the victim that we seem to have around domestic violence. He murdered her, and he got away with five years in jail. He murdered that woman, and we need to do something about that in this house. We need to stand up and be counted. If that is the mechanism that the law has to use because it cannot show that she died from the blow but she died in massive pain on a bed where she was left, and where she rotted, we should change the law so that the sentence and the punishment fits what was a hideous crime against Saori Jones.

One in six women and one in nineteen men will experience physical or sexual violence in their lifetime from a current or former partner. Three key sources of national data show us this—the intimate partner homicide figures, collected by the Australian Institute of Criminology; the Australian Bureau of Statistics personal safety survey; and police statistics. I raise this because the most comprehensive survey of interpersonal violence in

Australia was run in 2005 and 2012, and I think there are some figures from 2003. Supposedly in 2016, the Australian Bureau of Statistics was going to run the ABS personal safety survey again. I went to the ABS website and there is no indication that it will run that survey again. I will certainly—and I think the government should—write to the minister concerned to say that this is important information to determine how people in our community feel about their personal safety and that it needs to continue.

Although nothing can beat the power of what we just heard from the member for Kimberley, one of the most powerful figures is that Aboriginal and Torres Strait Islander women are 31 times more likely to be hospitalised and 10 times more likely to die from violent assault than other women. We need to change that and we need to address it. The Criminal Laws (Domestic Violence) Amendment Bill 2016 goes part way to showing that we take the issue seriously in this place. As the Leader of the Opposition said in his second reading speech, in a bipartisan message of solidarity against domestic and family violence, intimate partner violence will not be tolerated by the Western Australian government. The Victorian government has managed it. The Queensland government has managed it. The Victorian government had a royal commission. We did a law reform report but nothing happened from it. We need to stand strongly together, if for no other reason than we need to respect the people who have lost their lives and continue to lose their lives, become injured, become isolated or become financially incapacitated, or because of the impact on our children—as outlined by the member for Kimberley—because of the impacts that this violence has on our community.

When I was asked whether I would speak tonight—the member for Mandurah will attest to this—I said in my usual, cranky way that I have: "This is not a women's issue! I refuse to stand up and have this as a women's issue. I want as many men as women in the Labor Party to stand up and speak about this!" In this situation, men predominantly perpetrate violence against women and therefore it is the responsibility of men to take ownership of it. To say that it is a women's issue is like saying to an Aboriginal person that racism is their issue to fix. It is not; racism is my issue to fix in the modular, non-Aboriginal community. That is what the White Ribbon campaign is about.

White Ribbon is about men coming together, although women participate as well. It is led by men. It was started by a group of Canadian men who were appalled at a shooting, predominantly of women, in a school in Canada when a young man went after women. That is how I understand White Ribbon, off the top of my head. They were so appalled that they wanted to champion change through men—for men to say it is no longer acceptable. At one stage, I remember speaking to an Aboriginal leader who was a White Ribbon champion. He told me that often in communities, people see things they are uncomfortable with, but they do not say anything. The whole reason for White Ribbon and the championing of men is to give other men the power to say, "That is not on."

In saying that, I refer to an article in *The Conversation* by Zoë Krupka, a health sciences student, entitled "Blaming victims for domestic violence; how psychology taught us to be helpless". Krupka refers in that article to a scientific test in which dogs are basically shocked into such submission that even when their cage is open, they do not leave. Psychologists refer to that as the "learned helplessness" model. When people ask, "Why don't they leave?" or, "Why do women put up with it?" or, "What happens?" that is a suggestion about the concept of learned helplessness. Krupka states in her article —

> Like the slippery concepts of low self-esteem, Stockholm syndrome, co-dependence or traumatic bonding, learned helplessness has entered our vernacular. It has swallowed up socially accurate explanations for violence, until nothing is left but to blame the victim.

She goes on to discuss seeking therapeutic support and escaping domestic violence, and states that therapists have been trained to locate a problem in the client, not a problem in the perpetrator. Her article goes on to state that treatment has "individual attributes of victims of violence"; that is, it gives the attributes to those individuals and pitches their therapeutic techniques towards victim responsibility, which means to take control of their lives, leave, and do these things. That is what this piece of legislation is really about, as much as anything. It is about saying that if a person has done a crime, they should take responsibility and these are the responsibilities for it. That side of the house is always saying that people who do the crime should do the time and that they should take responsibility for those things, yet when it comes to domestic violence somehow we go back to blaming the victim. Krupka states, and I agree with her completely, that the "feminist framework of male entitlement, power and control" has to be debated, has to be out there and has to be included in our debate, and we need to stop embracing apologist responses such as anger management.

Krupka goes on in her article to state that as a victim of violence herself, which is not revealed until the end of the article, there is a myth out there that somehow it is the victim's fault. She goes on to state in her article that women who experience violence —

> … don't "keep choosing violent men". There are simply enough of them to go around to put one woman in this country in hospital every three hours.

[Member's time extended.]

Ms J.M. FREEMAN: When Rosie Batty, a beacon in this debate, became Australian of the Year, I remember speaking to—and I have said this in this house before—an ex-police officer on the day. He questioned her becoming Australian of the Year, and then went on to say, "You know you're never going to stop it." I said, "No, I'm never going to stop it, but you could stop it. You're the blokes; you've got to start saying no to this stuff in your community. You are police officers and you've got to stop thinking that this is not violence." If we were to stop someone in the street and there was violence like this, we would be outraged. We would not accept it. That is what Rosie Batty says. The tragedy for Rosie Batty is that people started to take notice only when the most horrible thing happened to her—when she lost the most valuable thing in her life, her son.

Dr A.D. Buti: Some people blame her.

Ms J.M. FREEMAN: That is exactly right. Some people saw it as her fault for allowing things to happen. Again, that is that whole thing about it. If it was violence out in the street or violence anywhere else, we would never blame the victim. If someone untoward, an unknown person, invades a house and perpetrates an act of violence, we would never say it is the person in the house's fault; we would say that that is unacceptable. That is what this is about. It is about us all saying tonight that it is unacceptable, it should not occur and these are the things were going to put in place to ensure that.

There is much more we can do. The Victorian Royal Commission into Family Violence made something like 227 recommendations. The journey has been a long one and we have journeyed far; we have done good things. Members have done good things; we have all done good things. We stand in a different place from when as a young woman I was a women's officer at the University of Western Australia. We stand in a different place, but we still have so far to go. Rosie Batty says that. She says it is about looking at the status of women in our community. She knows that it is about looking at those issues.

The Victorian Royal Commission into Family Violence report is both a reactive and a proactive document. Its 227 recommendations go to proactive and reactive aspects. The proposed changes we have here are certainly reactive. They are punitive in many instances, but that is just as important as proactivity. I am sure this government is just as committed as the Labor Party to proactive responses. I would like to think that both sides are as proactive as the Victorian government has been. It has now committed $572 million towards implementing 65 of those 227 recommendations. One of those recommendations is a statewide establishment of 17 safety hubs and local entry points to specialist family violence services, which I think is an important goal. The report also highlights why jail terms for family violence offenders are not effective in deterring future offending, and it makes several recommendations relating to Victoria's perpetrator interventions and behaviour change programs. Really, we have to stop accepting violence. A journalist rang me about something once and we were talking about violence. I said that I do not even accept that a person can hit someone on a football field and still be allowed to play. I think we should be stamping out all those sorts of things in our community. As I have said, other sections of the report focus on prevention, early intervention and recovery.

I want to talk about the 41 recommendations in the report specifically about diverse victims of family violence. They are targeted to information for people with disabilities, Indigenous people, culturally and linguistically diverse communities, older people and male victims. Since I, as the member for Mirrabooka, represent such a diverse community, I want to talk about the CALD communities and intimate partner domestic violence. In doing so, I do not want to stereotype newly arrived Australian communities and CALD communities as being somehow different from white Anglo-Saxon Protestant or generational Australian communities. I do not want to do that because there are many respectful and loving relationships in all CALD communities. But I have heard and known of women who have been pressured by other women to return to violent relationships in CALD communities. I have heard of threats to women to remain in relationships because they will have their visas removed, or their partners will ensure that happens. These days a person can have their visa removed for not being an appropriate Australian citizen so easily, but when they serve any time in custody for a restraining order or any sort of violence, unless they are charged and found guilty, they can keep their permanent visa. I know of a woman who had quite a bit of difficulty with her husband, but the Australian government said that he needed to do jail time for it to be able to have any impact on his visa. She lived in constant fear of this situation, yet other people seem to lose their visas quite easily. If a person perpetrates intimate partner violence or domestic violence, the Australian government does not see it as a serious issue.

Debate adjourned, pursuant to standing orders.

TAXI AMENDMENT BILL 2016

Second Reading

Resumed from 19 May.

MR B.S. WYATT (Victoria Park) [7.00 pm]: I put on the record that I am not the lead speaker on the Taxi Amendment Bill 2016. I understand that most of the debate will be held tomorrow. I am paired tomorrow, so I will take the opportunity now to say a few words about this legislation. The member for West Swan is, of course, the lead speaker for the opposition on the Taxi Amendment Bill 2016.

Regularly in Parliament we have to deal with a change of regulatory regime. The Labor Party has argued for a long time now about, for example, the regulation of the marketing and sale of potatoes in Western Australia. The government has effectively accepted the position of the Labor opposition around the deregulation of the potato marketing industry, and so we move on.

[Quorum formed.]

Mr B.S. WYATT: As I was saying, governments regularly have to update regulatory regimes, as technology changes, as the market changes and as the reason for the regulation may no longer be relevant, and I gave the example of the Potato Marketing Corporation, on which the Labor Party has long campaigned. This is another example of the government seeking to change the regulatory regime around the taxi industry.

The ACTING SPEAKER (Mr N.W. Morton): Members, there are a number of conversations happening in the chamber, which is making it difficult for Hansard and me to hear.

Mr B.S. WYATT: The arrival in Perth of Uber and the use of telephones to connect directly with that service provider has had a dramatic impact on the taxi industry, taxi plate owners and drivers in particular. The arrival of Uber is not new. The time line of events in Western Australia effectively goes back to August 2014 when the Minister for Transport was briefed on uberX. In October 2014, uberX started. In August 2015, nearly a year later, a green paper was released. In December 2015, deregulation was announced by the government. In May this year, more detail on deregulation was announced. The minister's second reading speech on this bill was delivered on 19 May 2016. The point I am making is that this is not new; this government has just been particularly slow moving to what has been a rapidly changing environment. Perhaps the starkest example of that slow moving is that we are now dealing with legislation for a deregulated regime that came into place on 4 July, a couple of months ago—but here we are.

I want to emphasise and note the article in *The West Australian* from Desta Gabremariam, who, fairly enough, in great frustration pointed out that he is suffering great financial pressure for a regime whose legislation is still being debated here in Parliament. Tomorrow, through the member for West Swan, the opposition will move a number of amendments. No doubt the government will oppose those amendments and, on the numbers, we will fail to get those amendments through. However, because of the situation that people like Desta find themselves in—I have received an email from another person from my electorate, which I will read in a minute—we will not oppose the passage of this legislation. Many taxidrivers are facing a financial crisis. I would have thought there are some out your way, Mr Acting Speaker (Mr N.W. Morton), in the electorate of Forrestfield who need support from the government and need it urgently. Most people in this place can reasonably understand how ludicrous it is that we are debating legislation, the regime of which came into place on 4 July.

I want to read to the chamber what I thought was a very astute piece by Daniel Emerson in support of the story he wrote about Desta Gabremariam in *The West Australian* last week. He stated —

> Could there be any starker illustration of the paralysis of the Barnett Government than its handling of reforms to the taxi industry?
>
> What kind of a mob acknowledges the need for an aid package to compensate an industry for changes it is enacting, but fails to have it in place in time for the transition?

Perhaps the key point is: what kind of mob are we referring to? I could only describe the government as a slow-moving, dimwitted mob over its handling of this legislation. WA Labor has already made the point—the member for West Swan will no doubt outline this in further detail in her second reading contribution tomorrow, by the looks of the timetable of Parliament tonight—that we support a form of industry-funded buyback. That has already been announced by the Labor Party, and the member for West Swan will make some comments around that space tomorrow.

I have received a number of emails, phone calls and letters from concerned taxidrivers not only in my electorate, but also in the surrounding areas of Cannington and Belmont. I will not read them all. I do not intend to speak that long tonight. I want to note an email that I received from Omar Didan, who is Australian born and bred. He wrote to me, reflecting on, as he says, the Liberal Party's intention to deregulate the taxi industry. He outlined to me in a very strong and long email why he thinks the way the government has handled this issue has been incredibly detrimental and stressful for him. I want to focus on the last paragraph because it is long. He stated —

> If the above email has not done my message justice, I am more than happy to come in and state my case. Please Mr. Wyatt help us and your locality. The Taxi industry is at a breaking point and this if allowed to go ahead will obliterate it once and for all. It is not viable at the moment and as stated before i am considering going on the dole even now let alone with any changes. It is unfair that the likes of Uber has all the money in the world with the backing of Google to destroy us small family business and disadvantage the elderly citizens and the safety of people in your locality. Help us fight our cause

I read that part of the email into the record because it outlines better than I can the similar frustrations expressed by Desta Gabremariam in *The West Australian* last week. I watched the final speech in Parliament of Hon Ken Travers, who reflected upon how the government has handled the issue of taxi reform—he is right; it

has been abysmal. I understand that political parties go through particularly stressful times of introspection and navel gazing, and that is where this government has been for quite some time. But this issue has been around since the minister was briefed on Uber back in August 2014. Although technology has quickly changed the industry, it is not as though the government was not aware of what was coming and the impact that it was likely to have. The lead-footed, ham-fisted approach by the government is now having a real impact on people like Omar in my electorate and Desta in the member for Girrawheen's electorate as outlined in *The West Australian* last week. I hope that government members take that on board when they think about their legislative program and deal with regimes such as this and the fact that people have borrowed and taken risks on the basis of these regimes, as created by government. Yes, some of it has come unstuck because of technology, which is out of the control of the government, but that puts a greater responsibility on the government to react quickly and fairly for those who are impacted. This government has not acted fairly and quickly to create a certain operating field for taxidrivers and plate owners in Western Australia. The member for West Swan has just returned from meeting a large crowd of taxidrivers and plate owners at the Western Australian Italian Club tonight. No doubt the member will reflect on that meeting tomorrow when she makes her contribution to the second reading debate. As I said, the member for West Swan, the Labor shadow Minister for Transport, will attempt to move some amendments to make this a fairer piece of legislation for people who are broadly in a vulnerable job; people who have taken a great risk to borrow against a regulated regime created by government. Bits and pieces of the regime have been changed over the years, but generally it has been in place for a long time. Two months after the regime has been changed, we are finally debating the legislation to allow that transition and we condemn the government because this has a real impact on Western Australians, including Omar who said in his email to me that he is Australian born and bred and he expects better from the government of the day. The government has failed miserably to act in accordance with the best interests of the people so dramatically impacted upon by that change in technology, but also the required change in the regulated regime that is effectively the taxi industry that we know. No doubt the government will oppose our amendments, but we will not oppose the legislation because from what I know about Omar and some other constituents of mine, and the story that Daniel Emerson wrote about Desta Gabremariam, people are now desperately in need of that support of $20 000 or $6 000 contained in this legislation. It will buy them a small window of time in which they can hopefully save their house and find another job or an opportunity to generate more revenue for themselves. I feel terribly for those people and the pressure that they must be under due to the changes in technology, and we have all accepted that that is outside the government's control, but I do not accept the slow, ham-fisted response from government that has exacerbated the financial circumstances of Western Australian taxidrivers and plate owners across our stateWe all get in taxis and discuss this issue with taxidrivers. They will be holding this government to account in the lead-up to the next state election, and quite rightly so.

MR C.J. TALLENTIRE (Gosnells) [7.14 pm]: I rise to speak on the Taxi Amendment Bill 2016. It is an issue that has caused much concern amongst the taxidrivers who reside in my electorate. They are hardworking people who looked to invest wisely in things like taxi plates so that they could have an ongoing income for their families. They invested in an asset they would be proud to leave to their children and it was something that they felt was a valuable investment contribution. It was not just a dead asset over which they had no control. They thought that in holding something like a taxi plate they were investing in something that had the support of the government; that it was backed by a government guarantee. Taxi plates were quite often sold by the state government. People were able to find the money by accumulating their savings and bringing together their financial reserves so they could pay very significant sums. In many cases they paid more than $250 000 and sometimes $300 000. They pooled that amount of money and invested in taxi plates so they would have an asset that they could use themselves as drivers. Many drivers invested in taxi plates and then invested in the vehicle. They also made sure that they paid the annual insurance, which I think is in the order of $5 000. They invested in the vehicle's maintenance and suddenly the government decided, probably with good reason, that security cameras should be installed in taxis. They complied and they did not quibble about the cost involved in doing that. They responded to the community's concerns. Unfortunately, a small number of taxidrivers abused the confidence the public placed in them. A few well-documented cases involved aggression, especially on female customers, and the industry responded. The community outcry was respected and the industry sought to allay community concerns and was prepared to go to the additional expense of investing in vehicles. The industry has been prepared to work with government. People have naturally invested in what they thought was a rock-solid, government-backed investment in a taxi plate. They found different ways of keeping the vehicle on the road 24 hours a day and leasing to a person who would be prepared to drive perhaps during the night to keep the vehicle on the road that way. These people have been very entrepreneurial in their approach.

I think of some of the people who have come to speak to me, such as Mohammed Boksmati. He is now in his mid-60s. He and his son Hoss are very hardworking. Mohammed worked in the Pilbara for something like 25 or 30 years to accumulate the funds to buy some taxi plates. After all those years working in the Pilbara, he was able to invest in taxi plates. He owns three plates and his wife owns three plates. They made a major investment decision. They told me that when they made that decision, they considered things like investing in property. They felt that investing in taxi plates was a very solid investment. It was an industry that they understood

perhaps better than the property industry and an industry that they were proud to contribute to. They could see that it met a community need. Occasionally, we all need to call upon the services of a taxi. He made that investment decision, to now find that, according to this legislation, the value of each of those six plates has decreased to $20 000; it is an absolute insult.

Mr D.C. Nalder: That's not correct.

Mr C.J. TALLENTIRE: What is the value of the plates down to?

Mr D.C. Nalder: That's not correct. You're misleading the house by making that statement.

Mr C.J. TALLENTIRE: Is the minister saying that the plates are worth more than $20 000?

Mr D.C. Nalder: I am not saying what the plates are worth, but you're factually incorrect by stating that they are worth that amount. You're misleading the house.

Several members interjected.

Point of Order

Mr B.S. WYATT: The minister has suddenly awoken and is now entering some strange debate. If the minister wants to contribute and talk about what plates are worth, he will no doubt do that in his reply to our second reading contributions.

Mr D.C. NALDER: Further to that point of order, Mr Acting Speaker —

The ACTING SPEAKER (Mr N.W. Morton): It is not really a point of order.

Mr D.C. NALDER: I was interjecting with the member speaking, and he was engaging in that. It has nothing to do with the member for Victoria Park.

The ACTING SPEAKER: I was going to say —

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Member for Mandurah! I was going to say that it appeared to me, as the Chair, that you had taken the interjection from the minister. That does not mean that it descends into a free-for-all for everyone to then interject on that debate. I want to listen to the member for Gosnells and he has the call. If the member is willing to take interjections from the minister, I will allow that in an orderly fashion, but I do not want it to descend any further than that.

Debate Resumed

Mr C.J. TALLENTIRE: Thank you, Mr Acting Speaker. I did welcome the interjection from the minister. I turn to page 4 of the bill, which states —

> **30M. Amount and payment of adjustment assistance grant**
>
> (1) The amount of an adjustment assistance grant is —
>
> (a) in respect of taxi plates other than restricted taxi plates — $20 000; or
>
> (b) in respect of restricted taxi plates — $6 000.

I suppose—the minister can correct me if I am wrong—the minister's argument is that the amount that people have invested in plates has come down, but it has not come down to zero. Is that right? Is the minister saying that the plates still have some residual value and that people would be eligible to claim $20 000 on top of the residual value?

Mr D.C. Nalder: No. I am saying that the transition allowance is helping people through a transition of the industry that is moving from a regulated environment to a non-regulated environment. It's not to say the value of the business. We have said that the value of the business will shift from being discrete against a licence to something that'll be incorporated in a quality customer service, and they'll all be worth something different. It is a total transition to a new industry. In addition to this $20 000, there's going to be a hardship allowance. Letters are being sent out to licence holders tomorrow and by Monday they will all be invited to apply for a hardship allowance, which has nothing to do with the transition allowance. There are different categories in here, and we have said that there's a third one that we are considering because we acknowledge that there's been a downturn in the economy that is making it different here from what it is in other Australian states, where taxi fares have gone up. We've not actually talking about the value of a business in these payments that are being made to people.

Mr C.J. TALLENTIRE: I welcome the minister's interjections, but I can put to him only what taxidrivers I have talked to told me. The minister can suggest that I am misleading the house, but I am relaying to the minister —

Ms R. Saffioti: He couldn't suggest that; he has to move a motion.

Mr C.J. TALLENTIRE: The parliamentary procedure is something we can look at as well. I use a taxi pretty well every Tuesday night when Parliament is sitting. My habit is to ride my bike in on the Tuesday morning, and usually when we finish up here, it is too late for me to ride home, so I catch a taxi home. I have fascinating conversations with the drivers. Last night, a gentleman from the Punjab told me about his situation. He is absolutely distraught. He works incredible hours for his family. I think I left here shortly after 10 o'clock, but he told me that he would be going until two o'clock in the morning. He dropped me off in Thornlie and then had to commute back to the Wanneroo area. These guys are driving incredible distances and I worry about the fatigue and the stress they are putting on themselves, but they are doing it out of desperation because they have taken out big loans with various financial institutions to cover the cost of their plates. I think in this gentleman's case it was a plate worth $260 000.

The Minister for Transport is telling me that there is provision in this legislation for some transitional assistance, and the wording is "adjustment assistance". I know that in government we like to talk about "adjustment". We do not like to refer to things as compensation; we like to say, "We're helping you adjust to a changed regime." I first met the term "adjustment package" when we had a host of farmers, private property owners, who were being told that they would not be allowed to clear their land because of the land degradation consequences, so we had the Rural Adjustment and Finance Corporation with adjustment packages to assist them through. That was a mechanism of the Department of Agriculture and Food at the time to help people deal with a changing situation. I suppose the minister is now suggesting to me that this $20 000 is an adequate adjustment package to assist people who have invested upwards of $250 000 to meet with a changed circumstance. For farmers, that might be to do with issues around land degradation; for taxidrivers, it is an issue to do with people ridesharing—or whatever term we want to use—to cope with the arrival of this Uber company. The minister mentioned in his interjection that there was also recognition of the fact that we have had a dramatic economic slowdown; that is certainly something that I also hear from the taxidrivers who take me home on Tuesday nights and sometimes other nights of the week. They point out that when they were entering into their loans in, say, 2010 or 2011, there was really good business to be had. There was strong demand from people in the resources sector, people who perhaps were doing engineering work or some of the financing deals on any of the major resources projects; all those technical jobs that are required to bring together a major resources project. They were here in Western Australia and they needed taxis. I suppose they were particularly useful as a customer base because they would often not own a vehicle and would be going to the airport regularly to commute to their corporate home bases in perhaps South-East Asia or Europe or the US. Perhaps they did not fancy doing the long-term parking arrangement and would get a taxi to the airport. It was a very reliable customer base. Of course, the bread-and-butter for taxidrivers was FIFO workers. Many taxidrivers would have arrangements in place with people who wanted to get to the airport for a 5.00 am flight. They would work through the night and finish with a last journey from, perhaps, the outer northern or southern suburbs, taking the FIFO worker to the airport to catch a plane, and then the taxidriver would be able to finish for the morning, get a bit of rest and then start all over again. That is just further evidence of the hardworking nature of these people.

Those were the glory days; those were the days when things were a bit easier, but, of course, we have seen what has happened. We have failed to diversify the economy, so the visitation rate to Western Australia has dropped off considerably. It is now the case that the taxidrivers I speak to say, "Well, I'll drop you off in Thornlie but then I'd better get back to Northbridge and see if there's anyone trying to get home from the pub on a Tuesday night." I do not fancy their chances. They prefer to do that than go to the airport. They find there is so much competition at the airport, waiting for customers who have arrived on a late flight, that they lose time and do not earn anything. They prefer to get back to Perth and do the Northbridge runs. People in Northbridge have the option of using a conventional taxi or a restricted-area taxi. However, they are choosing the Uber option, especially as there is no surcharge. They find that Uber taxis meet their needs. A new arrival has come into the industry and that has been causing disruption to the industry. What really gets me is that we have allowed Uber, the new arrival, to come into Western Australia and not comply with any regulation at all. The government just sat back. It did not want to intervene. It did not say one single thing to Uber about whether it is meeting the regulatory regime that is in place for conventional taxidrivers. The government did not do a thing to defend people who have invested in taxi plates on the strength that they were issued by the WA government. The government was happy to see this rogue competitor come into the market and disrupt things without questioning the regulatory regime. I remember that a few years ago, Minister Buswell spoke in this place about the need to have cameras in taxis and about how quickly cameras would be phased into all taxis. As I have said, the industry was very accepting of that requirement. However, at that time, the type of camera equipment that taxidrivers were required to purchase was much more expensive than it would be now. That is another example of how technology moves on and becomes more affordable. I imagine that to install cameras in a vehicle now would not be as expensive. The government should do the right thing and require Uber drivers to put cameras in their vehicles. They are in the ride-share business. The government should take the opportunity and say, "Okay, Uber driver, if you want to operate in Western Australia, you have to meet the same standards that other taxi and ride

operators have to comply with, so you must put cameras in your vehicle; and, by the way, you should have the same insurance standards as the standards that conventional taxidrivers have to comply with."

[Member's time extended.]

Mr C.J. TALLENTIRE: It would have been very easy for the government to keep faith with the taxi industry by showing that there would be a level playing field. That is the complaint I hear from all the taxidrivers I speak to. They tell me it is outrageous; it is not a level playing field. The Uber driver has none of the overheads that taxidrivers have to deal with. They find it outrageous and I totally agree with them. If the minister is suggesting that the $20 000 adjustment package does not equate to the value of their plate, I think he has to justify and explain that argument because he has not explained that to the industry. When I talk to taxidrivers, they tell me the value of their plates has dropped to next to nothing. That is their feeling. They feel they are struggling to meet the repayments on their loan. One of my constituents, a gentleman, has monthly repayments of $30 000 and his income is $20 000. He is losing $10 000 a month on his loan for his taxi and also has to meet mortgage repayments and other things.

Mr P. Abetz: Did you say annual—his annual repayments would be $30 000?

Mr C.J. TALLENTIRE: I have my notes in front of me, member for Southern River, and I will confirm that.

Mr P. Abetz: I thought you said monthly and I thought that that just can't be right.

The ACTING SPEAKER (Mr N.W. Morton): Member for Southern River, I think it is "member for Gosnells", not his Christian name.

Mr C.J. TALLENTIRE: The member for Southern River does well to seek clarification. Mr Jaswant Gill from Maddington has two young children and a wife and a loan of $210 000. He has to make annual repayments of $30 000 and already his income is down to $20 000. That is the information that he provided me. He pointed out that he has maintenance and insurance costs for his vehicle. He is looking to upgrade his car and the system, but he is suffering from an incredible amount of financial stress, and he is not alone. Many people in the taxi industry are in this situation and they are suffering.

I also want to introduce the perspective of Uber drivers into the debate. I have never taken an Uber. I have not been able to bring myself to do it. I hear that the quality of the service is good. I am sure that there is a high degree of variation around it, but I am told that people are given a bottle of water as they get into the vehicle. I have seen on YouTube clips that the driver is very professionally dressed and often has a nice vehicle. However, there is an issue about how much an Uber driver earns. This is a real problem and I do not think that we have had this discussion properly at all. In fact, people working as Uber drivers are vulnerable to all kinds of exploitation. When we really do the sums on it, we see that they are being ripped off. Those Uber drivers are losing big time. They are not being paid adequately at all for their service, but who is benefiting? Who is profiting from the whole thing? The Uber company is. We know that there are all sorts of question marks about where Uber pays tax. I am afraid to say that I do not have any confidence in our taxation arrangements to tax Uber properly. I think there is a real issue about how we defend Uber drivers from the exploitation to which they are starting to realise they are victim. All the promotional material that goes out to people to use Uber looks very enticing and the ease with which we can order a vehicle via the phone app and see its exact location is very appealing. We can do that with Swan Taxis now anyway. I admit that some players have probably been slower than others to catch up with the technology, but overall the ability to use GPS systems to track vehicles is becoming standard. But the real issue is how Uber drivers are being exploited and we have to tackle that.

I received a letter from Uber dated 24 May and it made all kinds of claims about the number of people working as Uber drivers. It told me —

> Uber conducted a survey of 1,500 of our driver-partners in Perth. As a result of the survey, **four out of every five Uber driver-partners said they would not be able to afford to become a ridesharing driver if they faced an upfront cost of $500**.

That is because at the time the minister was in discussions about some sort of charge system about which, obviously, the company just made various claims. However, it never went to the issue of how well recompensed these drivers are anyway. That is part of the question that we have to look at.

However, there is another aspect of the whole taxi industry story. People had the capacity to lease plates on an annual basis. The minister can correct me if the numbers are slightly out, but there was a time when people would pay around $12 000 a year to lease a plate. That is now $1 200 a year. Where does that sort of devaluation leave the industry? Some people hold these plates on an annual basis; they are not driving the vehicle, but are leasing out that vehicle permanently. That was the story that was relayed to me a couple of weeks ago by another gentleman from Punjab. He pointed out that he was not receiving a reasonable rate of pay, but, unfortunately, he was not able to get another job and was stuck using these plates as they were. We have a real problem with people driving these vehicles being exploited. It is very easy to say that it is a free market and that will decide

things if someone does not like the job they are doing or the rate that Uber is paying or the rate that they are paying for their plates. We expect things to work well in Western Australia, and for this to happen we need a satisfactory regulatory regime. That is all the opposition is asking for here—a regulatory regime that respects the users of the taxi service. That is essential. We expect that security arrangements are in place and that drivers undergo things like police checks and that the vehicles are properly maintained and checked for roadworthiness. We expect a certain quality of service. We cannot leave things like passenger safety or motor vehicle safety to the free market. We have to have standards in place for that kind of thing. It seems perfectly reasonable to require vehicles to undergo annual checks. These vehicles are being used in the business of ferrying people around. I know that is the case in many jurisdictions and that once a vehicle reaches a certain age it is subject to an annual check. Why not do that? This is a vehicle that will be on the road probably 24/7 and we want to be guaranteed that that vehicle is not deficient in any way and is meeting the standards.

Those people who say that we can benefit from a totally deregulated world get a little bit bamboozled by the velour seats and the smiling face on the YouTube clip; they are a little too easily won over by those things. For a society to work well, we need a regulatory regime that underpins standards and makes sure that adequate standards are met. We have to work on that to make sure that we do not lose those standards. This government has given up totally and has said that Uber is coming in and it is not even going to attempt to regulate the industry.

The ACTING SPEAKER (**Mr N.W. Morton)**: Members, there are a number of conversations happening in the chamber, which are making it hard to hear the member for Gosnells. If you want to continue, take it outside.

Mr C.J. TALLENTIRE: I am getting to the end of my speech, but I want to come back to the point I was making about the hardship that people are facing when they have taken out big loans or have invested their life savings only to find that the value of their taxi plates has dropped to zero. The minister contests that and says there is still some residual value in those plates. I would love to see his evidence around that. When I talk to drivers in the industry, they say that, effectively, the plates' value is zero.

I will finish with the example of one more constituent, Graeme Landquist. Graeme and his father have plates and they are devastated. They had thought there was a beautiful asset there that could be passed on to generations. They had confidence in the government of Western Australia to preserve the value of their asset, and for people like Graeme to see the value of that asset stripped away is devastating for them. It undermines the confidence not only of someone like Graeme Landquist but also a whole sector of our society in government institutions. If we cannot remain faithful to a commitment we have made to underpin the value of an asset by issuing that very asset, and we allow that asset to just erode to some very small residual sum—if the minister really does want to contest the point that it has probably fallen to zero—we have a big problem on our hands with community confidence in the operations of government. That is the last thing we need. I certainly hear that from many of the newcomers who are taxidrivers. We have to recognise that many of the people in the taxi industry are newcomers to this country. They are migrants who have been granted their permanent residency and are finding their way and working hard. They have often come from political regimes and escaped civil war or perhaps all sorts of corruption, and they have come to Australia and found that their hard work is not rewarded by a blossoming of their asset; on the contrary, they find their asset is eroding to nothing.

MR P.C. TINLEY (Willagee) [7.45 pm]: I would like to make a contribution on the Taxi Amendment Bill 2016. This bill is a classic example of regulation being overtaken by market changes. We often talk about innovation in this place, and it is the almost political item of choice at the moment nationally and certainly in this state. We talk about innovation, innovation and innovation. But we are currently talking about one of the technical innovations that has overtaken the industry and its regulation, and left Western Australian small businesses worse off. It is instructive, because although we could and should easily criticise the government for its tardiness in attending to this issue, we should also take it as an exciting opportunity to talk about change and about how regulation needs to keep pace and be in advance, whenever possible, of change. In the innovation lexicon, if you like, we are always groping around for a proper definition of where innovation occurs. Having just sat on a committee for nearly a year investigating the very term "innovation" and what it means for Western Australia, I feel a little more educated in speaking on it in relation to this bill and this position we are in. The best definition of "innovation" that we had in the committee I served on was a three-stage definition. It is important that we have these definitions so that we can start to quantify the size, scale and potential of any changes to a particular market.

Innovation occurs every day. A vast majority of innovation is boring. If a company, small or large, is not involved in the continuum at some point, the company will have a finite life; the business will be degraded, if not lost. Incremental innovation happens every single day in every business that wants to thrive in the Western Australian economy. The second definition that innovation neatly fits into is "step change". That is when we see significant market shifts by regulation or by market movements, supply and demand or the various macro or micro drivers to a particular market that create a circumstance when a business has to go through a step change. Innovation is never a commentary around technology. Technology pervades the whole spectrum of

innovation. There is incremental, step change, and of course the final one is disruptive change. We characterise disruptive change as the sort of change that happens to a market or a particular circumstance or an ecosystem, if we want to put it in those terms, that is unforeseen, sudden, widespread and deep. The advent of mobile technology is a good example of that sort of disruptive technology, but it is all relative.

When we are talking about Uber—the disruptive change people keep talking about that has impacted on the market in Western Australia—we like to characterise it as disruptive change. But if we were alive to the potential of it happening and alive to the idea that mobile technology and wireless technology had been a long time coming, we would have looked across the industries and the sectors on which the Western Australian economy relies, either as a prime participant of the economy or as a service to the economy, and we would have seen this coming. Uber has been around since 2009. It is a $1.25 billion US company. It started in San Francisco, and it was much heralded. Its founders were very vocal and very good at marketing their product. It markets itself as a technology company, not as a ridesharing company or anything else. Uber Technologies is a multinational online transportation network; its full title is Uber Technologies Incorporated. It is headquartered in San Francisco. It develops, markets and operates the Uber mobile app, which allows consumers with smart phones to submit trip requests that the software program automatically sends to the Uber driver nearest to the consumer, alerting the driver to the location of the customer. Uber drivers use their own personal cars. As of August 2016, the service was available in over 66 countries and 507 cities worldwide. Most of us know how the Uber app automatically calculates the fare, and creates a cashless service for the efficient provision of transport.

On the surface, that sounds great—no problem. But why did the government not see Uber coming? Who in the transport industry did not see it coming? Who in the transport industry did not alert the government? Who in the Department of Transport did not see it coming in 2009? It really gathered pace within 12 months of being launched, and now it exists in 507 cities. Why would we think that we would be immune to a global trend? This is a statement about how we arrange and see ourselves as an economy. The poor suckers, in this instance, are the people who paid a lot of money for plated taxis in a very regulated market. I will not go through the history of the regulation of the taxi industry, but back in the day it was seen as an essential service. We all remember the fights that Alannah MacTiernan had with the taxi industry about access to particular areas, zonal taxis, peak plates, and all the variations in a highly regulated market.

If we are going to take responsibility for regulating a market, we also have an inferred responsibility to look to the future of that market. Although I believe in the power of markets—I think markets are absolutely fundamental to our economic system—I do not believe for a minute that anyone, particularly a member from the other side, would suggest that governments do not participate in markets. That is complete bunkum. Governments have framed markets since capitalism began. Governments frame markets all the time. We set out the regulations under which participants will play. We do it in electricity and gas. We do it in fisheries, with quotas of how many crayfish can be taken. We do it in various other industries, such as the citrus industry. We are doing it now with the Potato Marketing Board, with the government deciding to exit the regulation of that industry. That was a regulated industry. We cannot absolve ourselves of the responsibility for looking after an industry that we regulate by saying that it is just economic forces; it is just the winds of change; we did not see it coming; it is not our fault. We are not blameless in this, and the government must accept a level of responsibility for not foreseeing the potential of Uber, the disruptive technology. If the government had seen it happening in 2009 and 2010 and acted correctly, we could have put this in the realm of definition on the innovation spectrum as just a simple step change for which we had to prepare the industry.

My point about this and the contribution I want to make is that we now have the downside effects of allowing a disruptive technology to shape the market in a way that we did not anticipate, which we should have anticipated. At both a state and federal level, we are now scrambling to come up with a way to manage the arrangement. In the middle of last year—I think it was May 2015—the Australian Taxation Office issued its directive that as drivers generate an income through ridesharing, it is considered a business. It advised those people who provide a ridesharing service that they need to have an Australian Business Number and register for GST. Obviously, Uber challenged that in the Federal Court, and I think that case is still on foot. I would be guided if anybody knows any more about it; I did not investigate that aspect. The Australian Taxation Office is left in a position whereby if it cannot get a special category for ride-sharing drivers under a standard ABN for the purpose of collecting GST, they need to be classified as taxidrivers. Again, in this case, Uber drivers will be penalised for the government's lack of forethought and foresight to attend to this early.

It also raises the issue of how the Western Australian economy sees itself. There is a cultural issue here amongst us, as policymakers and representatives of our community, and as we identify a future that we want to create for ourselves, not a future that we fear. I am talking about how we are so temporally connected to the red rock. The idea that we are simply an iron ore mining state pervades even the minds of people who occupy these benches, on all sides; it is a commentary about all of us. If we continue to see our future economic forces as the ones that have delivered our economic wealth since 1968—in the case of iron ore; oil and gas was not long after that—we are forever doomed to keep fighting the last war and not the next war. We must understand that traditional

industries that have been revenue-strong will one day decline. Even in those traditional industries, we are not immune to the winds of change in a globalised world. As I said, our iron ore has never been more trade exposed. We are in direct competition with Vale in Brazil for the shipment of iron ore to our biggest markets in southern China. Now that the cost differential has been reduced from $21 a tonne to $4 a tonne, if we continue to think what we have always had will be what we always get, we will continue to have problems like we have with Uber. Things that should be step changes or predictable changes in our economy will deliver unexpected change with greater turbulence. For all of us who engage with taxidrivers who live in our electorates, we will see them as victims—as they are victims—of the government trying to effectively deregulate a market. It is trying to exit people from the industry. Governments have often played in exiting by providing industry assistance packages. However, the Labor Party supports this bill only reluctantly because the level of support the government is providing to the industry to exit is pitiful. It is beyond belief that we should do this for them. We have choices. We can fund a proper exit for the industry, like we did for cray fishermen and some of the growers and the dairy industry when we deregulated or adjusted the industries. Other jurisdictions have done it and we should do a similar thing here.

That level is a moot point. I suggest that $20 000 is not the level. When we look at the capital expenditure for people to purchase a plate, we see that it becomes quite farcical. Other issues in the taxi industry would benefit from deregulation. We should be looking at not only providing monetary assistance or a transition payment, but also deregulating all plates. Why do we still have peak plates? Why not get rid of peak plates and pull off the bandaid completely? Right now, when Uber drivers are making their most money, people in the regulated market with peak plates are getting cut out because they cannot work. They have restricted trading hours and they are herded into, because of the nature of their plates, a specific set period of operation—that is, the peak periods—which are the best periods for Uber drivers. I think we can go a step further to support the current regulated industry to ensure that we look after those people's interests, because they too are citizen consumers who deserve our assistance.

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

House adjourned at 8.01 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MAIN ROADS— ESTIMATES COMMITTEE HEARING — SUPPLEMENTARY INFORMATION B11

5513. Ms R. Saffioti to the Minister for Transport:

I refer to Supplementary Information B11 arising from the Main Roads Estimates Committee Hearing of 24 May 2016, and ask in relation to the 30 per cent of contracts that came in over budget for the period 2014–15 and 1 July 2015 to 18 May 2016:

(a) for each of the Contract Numbers listed in part :

(i) what was the cost of the contract as at the award date; and

(ii) what was the final cost of the contract?

Mr D.C. Nalder replied:

(a) (i)–(ii) Please refer to attachment [See tabled paper no. 4498]

MINISTER FOR AGRICULTURE AND FOOD — PORTFOLIOS — 457 VISA HOLDERS — STAFF

5536. Mr M. McGowan to the Minister for Agriculture and Food; Transport:

For every department, agency and Government-Trading Enterprise within the Minister's portfolio of responsibilities, how many 457 visa holders are currently employed, and in what positions?

Mr D.C. Nalder replied:

Department of Transport

Regional Administration Officer – 1

Public Transport Authority

Senior Overhead Electrical Engineer – 1

Main Roads Western Australia

Executive Director Network Operations – 1

Manager Network Performance – 1

Network Performance Manager – 1

Fremantle Port Authority

Nil.

Southern Ports Authority

Marine Pilot – 1

Kimberley Ports Authority

Nil.

Pilbara Ports Authority

Deputy Harbour Master, Port of Dampier – 1

Mid West Ports Authority

Nil.

Department of Agriculture and Food

Nil.

MINISTER FOR AGRICULTURE AND FOOD — PORTFOLIOS — FREEDOM OF INFORMATION ACT — INFORMATION STATEMENT

5556. Mr M. McGowan to the Minister for Agriculture and Food; Transport:

For every department and agency in the Minister's portfolio of responsibilities, does the agency have an Information Statement consistent with section 96 (1) of the *Freedom of Information Act 1992*:

(a) if yes to (1), what was the date of publication of the Information Statement. If no, why not?

Mr D.C. Nalder replied:

Department of Transport

(a) Yes. 25 August 2015.

Public Transport Authority

(a) Yes. 8 June 2016.

Main Roads Western Australia

(a) Yes. 7 November 2014.

Fremantle Port Authority

(a) Yes. 15 July 2015.

Mid West Ports Authority

(a) Yes. 24 June 2016.

Kimberley Ports Authority

(a) Yes. 30 June 2016.

Pilbara Ports Authority

(a) Yes. Published 17 October 2014 and reviewed March 2015 and July 2016.

Southern Ports Authority

(a) Yes. 29 September 2015.

Department of Agriculture and Food

(a) Yes. Published 15 November 2013 and reviewed July 2016.

TREASURER — PORTFOLIOS — ANNUAL REPORT OF STATE FINANCES 2014–15 — LEASES

5601. Mr W.J. Johnston to the Treasurer; Minister for Energy; Citizenship and Multicultural Interests:

I refer to Note 3: Summary of Significant Accounting Policies, and specifically to sub-note (r) Leases on page 81 of the Annual Report of State Finances 2014–15, and I ask:

(a) for each agency in the Minister's portfolio, please detail each finance lease that has been entered into since 8 September 2008 and currently in force for each agency;

(b) for each such lease, please specify the specific infrastructure or property, plant or equipment that has been financed by such a lease, what value was assigned to that infrastructure or property, plant or equipment at the time the lease was created, and what is the current value of that infrastructure or property, plant or equipment;

(c) for each such lease, who is the counter party for each lease, and on what date did each lease come into force, and when is it expected that the lease will expire;

(d) what was the original value of each such lease, and what is the current value of each lease;

(e) for the specific infrastructure or property, plant or equipment financed by each such lease, what is the expected value of the item at the expiration of the lease;

(f) For each such lease, is there an obligation to make a "balloon" or similar payment at the expiration of the lease, and if so, what is the value of any such payment, and when is it due to be made; and

(g) what is the "interest rate implicit in the lease" for each such lease?

Dr M.D. Nahan replied:

Department of Treasury

(a) Nil.

(b)–(g) Not applicable.

Economic Regulation Authority

(a) Nil.

(b)–(g) Not applicable.

Government Employees Superannuation Board

(a) Nil.

(b)–(g) Not applicable.

Horizon Power

(a) (i) Leonora.

(ii) Exmouth Generator 9.

(iii) Karratha.

(b) Commercial-in-Confidence

(c) (i) Energy Generation Pty Ltd.

(ii) Exmouth Power Station Pty Ltd.

(iii) ATCO Power Australia (Karratha) Pty Ltd.

Dates for all leases are considered Commercial-in-Confidence

(d)–(e) Commercial-in-Confidence

(f) (i)–(iii) No

(g) Commercial-in-Confidence

Independent Market Operator

(a) Nil.

(b)–(g) Not applicable.

Insurance Commission of Western Australia

(a) Nil.

(b)–(g) Not applicable.

Office of Multicultural Interests

(a) Nil.

(b)–(g) Not applicable.

Office of the Auditor General

(a) Nil.

(b)–(g) Not applicable.

Public Utilities Office

(a) Nil.

(b)–(g) Not applicable.

Synergy

(a) Emu Downs Wind Farm.

(b) Off-take agreement.

(c) APA Group. Dates are considered Commercial-in-Confidence.

(d)–(e) Commercial-in-Confidence.

(f) No.

(g) Commercial-in-Confidence.

Western Australian Treasury Corporation

(a) Nil.

(b)–(g) Not applicable.

Western Power

(a) Nil.

(b)–(g) Not applicable.

MINISTER FOR AGRICULTURE AND FOOD — PORTFOLIOS — STAFF GRIEVANCES

5614. Mr M. McGowan to the Minister for Agriculture and Food; Transport:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask:

(a) how many staff grievances have been lodged for financial years 2013–14; 2014–15 and 2015–16;

(b) how many of those grievances are outstanding as at 30 June 2016;

(c) how many of those grievances are resolved as at 30 June 2016; and

(d) for those grievances resolved:

(i) how many were dismissed;

(ii) how many were upheld; and

(iii) how many were partly upheld?

Mr D.C. Nalder replied:

The following answers relate to grievances formally lodged by employees and investigated pursuant to the Public Sector Standard on Grievance Resolution issued by the Public Sector Commissioner.

Department of Agriculture and Food

(a) 2013–14 = 3
2014–15 = 0
2015–16 = 1

(b) Nil

(c) 4

(d) (i) 3
(ii) 0
(iii) 0

Department of Transport

(a) 2013–14: 7
2014–15: 10
2015–16: 7

(b) 0

(c) 24

(d) (i) 21
(ii) 0
(iii) 3

Public Transport Authority

(a) 2013–14: 5
2014–15: 5
2015–16: 2

(b) 0

(c) 12

(d) (i) 10
(ii) 1
(iii) 1

Main Roads Western Australia

(a) 2013–14: 2
2014–15: 3
2015–16: 1

(b) 1

(c) 5

(d) (i) 1
(ii) 0
(iii) 4

Southern Ports Authority

(a) 2013–14: 3
2014–15: 3
2015–16: 2

(b) 0

(c) 8

(d) (i) 2
(ii) 6
(iii) 0

Fremantle Port Authority

(a) 2013–14: 1
2014–15: 1
2015–16: 2

(b) 1

(c) 3

(d) (i) 1
(ii) 2
(iii) 0

Pilbara Ports Authority

(a) 2013–14: 1
2014–15: 2
2015–16: 3

(b) 1

(c) 5 – Please note that PPA's process allows some formal matters to be resolved without the need for a formal recording of upheld or dismissed.

(d) (i) 1
(ii) 1
(iii) 0

Kimberley Ports Authority

(a) 2013–14: 1
2014–15: 1
2015–16: 3

(b) 0

(c) 5

(d) (i) 1
(ii) 4
(iii) 0

Mid West Ports Authority

(a) 2013–14: 0
2014–15: 1
2015–16: 1

(b) 0

(c) 2

(d) (i) 1
(ii) 0
(iii) 1

PREMIER — BIRNEY CORPORATE COMMUNICATIONS — MEETINGS

5714. Mr M. McGowan to the Premier; Minister for Tourism; Science:

(1) Has the Minister and/or any staff member or placement within the Minister's Office, had any contact or meetings with representatives of registered lobbyist Birney Corporate Communications, since 1 September 2015?

(2) If yes to (1):

(a) what were the dates of the contact(s) or meeting(s);

(b) what was the name of the client being represented during the contact;

(c) what was the nature or subject of discussion during the contact(s) or meeting(s);

(d) were other people present during the contact(s) or meeting(s); and

(e) what were the names of all people present?

Mr C.J. Barnett replied:

(1) Yes. Willie Rowe – Premier's Chief of Staff

Stephen Home – Premier's Deputy Chief of Staff

(2) (a) 10 August 2016

(b) Shark Mitigation Systems

(c) The Clever Buoy shark detection technology

(d) Yes

(e) Matt Birney – Birney Corporate Communications

Craig Anderson – Shark Mitigation Systems

DEPARTMENT OF THE PREMIER AND CABINET — EXECUTIVE DIRECTOR POSITIONS — ADVERTISING

5804. Mr M. McGowan to the Premier:

I refer to advertising for the positions of "Executive Director, Land, Approvals and Native Title Unit", and "Executive Director, Whole of Government, Future Directions and Strategic Projects" within the Department of the Premier and Cabinet, and ask:

(a) on what date did the advertisement for the two positions first appear on the jobs.wa.gov.au website;

(b) were the positions advertised in any newspapers and, if so, in which newspapers and on what dates;

(c) other than the jobs.wa.gov.au, website did the advertisement appear in any other online sites and, if so:

(i) which online sites; and

(ii) on what date or dates was the advertisement first posted; and

(d) did the advertisement appear in any media other than online or in newspapers and, if so:

(i) in what media did the advertisement appear; and

(ii) on what date or dates did it first appear?

Mr C.J. Barnett replied:

The Department of the Premier and Cabinet advises:

(a) 26 July 2016.

(b) The positions were advertised in the West Australian on Saturday 30 July 2016.

(c) None.

(d) None.

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