Legislative Assembly

Tuesday, 21 June 2011

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

MINISTER FOR PLANNING — VISIT TO UNITED STATES OF AMERICA AND CANADA

Statement by Minister for Planning

MR J.H.D. DAY (Kalamunda — Minister for Planning) [2.01 pm]: From Saturday, 9 April until Wednesday, 20 April, I travelled to Boston, New York, Vancouver, Portland and San Francisco on ministerial business. The travelling delegation included the Director General of Planning, my principal policy adviser and my planning policy adviser. The objectives of the travel are outlined in detail in the report, which I will table.

My office was more than ably assisted by the Perth and international offices of the Department of Foreign Affairs and Trade in the organisation of some extremely valuable meetings, including with the Australian Consul-General in New York, Phillip Scanlan, and the Office of the Mayor at the City of San Francisco. Other meetings and briefings included a meeting and tour of revitalised public spaces in New York with Fred Kent, president of Project for Public Spaces; a meeting and tour of the Museum of Modern Art in New York with world-renowned director Glenn Lowry; a tour of the National Museum of the American Indian in New York; a very insightful meeting with directors and curators at the American Museum of Natural History in New York; a briefing by the City of Vancouver, focusing on infill development and waterfront revitalisation; a briefing on Vancouver's integrated transport system by TransLink Vancouver; a briefing and tour of the Museum of Anthropology at the University of British Columbia; and a meeting with the principals of Calthorpe Associates, a leading planning consultancy in the United States.

In summary, the planning challenges facing our North American counterparts are very similar to those confronting Western Australia. The integration of land use and transport planning, rapid transit systems and regional planning, and the importance of communicating change effectively, are just some of the common themes I encountered. I am also hopeful that as a result of my travel and the hard work of the Art Gallery of Western Australia, partnerships in the arts arena between Perth and the United States, particularly New York, will continue to evolve.

Perhaps the most heartening aspect of my travel was to witness the results of hard decision making in order to achieve good planning outcomes. As the report details, the importance of cultural facilities to creating cities of international note was also very apparent and something that I intend to pursue in my other portfolio area of culture and the arts. I am pleased to now table the report.

[See paper 3493.]

RACING RESTRICTION ACT 2003 — APPROVED RACING ORGANISATIONS

Statement by Minister for Racing and Gaming

MR T.K. WALDRON (Wagin — Minister for Racing and Gaming) [2.04 pm]: Section 9 of the Racing Restriction Act 2003 provides for a person to be approved by the minister as an approved racing organisation to conduct horseracing other than thoroughbred or harness racing. In determining such applications, the minister must take into consideration a number of criteria, being that the person is a body corporate; has the capacity to hold races for stakes or prizes or for the purposes of betting; has suitable rules of racing; is able to conduct races honestly and free from criminal influence; meets the requirements prescribed in regulations; and, satisfies the minister that it is not contrary to the public interest to approve the person as an approved racing organisation.

Recently I received the first application for an approved racing organisation since the legislation came into force in 2003. The application was from Speedhorse Australia, an organisation that promotes the racing of quarter horses. The application by Speedhorse Australia was refused under section 9 of the act on the grounds that it was not a corporate body and that it was not in the public interest to grant the application, as the material contained in the application was insufficient to satisfy me that the organisation had the capacity to control races and to conduct races honestly and free from criminal influence.

Section 9 of the act allows for regulations to be prescribed to enable a full and complete assessment of a person seeking to be an approved racing organisation. Currently there are no prescribed requirements. I therefore intend to establish the necessary framework to facilitate the assessment process. Until this framework has been promulgated in regulations, applications lodged under section 9 of the Racing Restriction Act for an approved racing organisation will not be considered.

KIMBERLEY SCIENCE AND CONSERVATION STRATEGY

Statement by Minister for Environment

MR W.R. MARMION (Nedlands — Minister for Environment) [2.06 pm]: The protection of the magnificent Kimberley region is one of the greatest community and government responsibilities at this time. The Kimberley is a region with incredible natural values, and is one of the world's last remaining wilderness areas. It has a rich and living Aboriginal culture. The Liberal–National government has delivered on its election commitment to develop a strategy that recognises the Kimberley's significance, the challenges facing the region and the region's economic importance, and has set a path to conserve its important natural and cultural values.

The Kimberley science and conservation strategy is the government's bold vision for the Kimberley's long-term conservation. This is one of the most substantial conservation initiatives in Western Australian history, befitting of a region of such significance. A centrepiece of the strategy is the Kimberley wilderness parks, which will include the state's largest interconnected system of marine and terrestrial parks. Four new Kimberley marine parks will protect 48 per cent of Kimberley coastal water, and will almost treble the area of marine parks and reserves in WA. On land, Prince Regent Nature Reserve has already been converted to an A-class national park to provide the highest level of protection to this internationally recognised area.

Significant Kimberley islands will be managed, in partnership with traditional owners, as conservation arks to protect plants and animals threatened on the mainland. A conservation reserve corridor will be promoted between Prince Regent River and Drysdale River to connect existing parks, also in partnership with traditional owners. The strategy takes a landscape approach to conservation to manage threats caused by fire, feral animals and weeds across property boundaries. With all these initiatives come opportunities for Aboriginal people to be involved and employed in managing lands. Central to the strategy is the opportunity for Aboriginal people to jointly manage the new marine and terrestrial parks.

Already we have had positive discussions with traditional owners to progress concepts in the strategy. The recent consent determinations in the north Kimberley in the Dambimangari and Uunguu native title claims provide a platform for the negotiation of key initiatives in those areas. We will continue to engage with traditional owners to ensure that the opportunities that flow from the strategy are realised. The government currently has before this house of Parliament the Conservation Legislation Amendment Bill 2010, which will provide the legal mechanism for joint management to occur, and I commend the bill to the house as a significant step forward.

The strategy also recognises the opportunity for the Kimberley to become Australia's premier nature and culture–based tourism destination, with a significant investment in tourism initiatives. The Kimberley science and conservation strategy sets a long-term vision, but is action oriented and funded into the longer term, with many initiatives ready to commence immediately. New strategy initiatives worth more than $41 million have been announced. In total, $63 million over five years is committed for planning and implementation. The strategy is founded on the major themes raised through an extensive community consultation process led by former Senator Hon Chris Ellison. It is particularly pleasing to see the positive response that the strategy has had from the community, including environmental and industry peak bodies. The strategy will be delivered through partnerships. I welcome interested groups and individuals to play a part in protecting this magnificent region.

QUESTIONS WITHOUT NOTICE

CHILD DEATHS

378. Mr E.S. RIPPER to the Premier:

In November 2006 the Premier described the deaths of 50 children a year who were known to child protection authorities as "shocking and damning statistics".

(1) How does the Premier now describe the Ombudsman's information that in the past two years 96 children known to the Department for Child Protection have died?

(2) In 2006 the now Premier demanded a royal commission. Will the Premier now support at least a parliamentary inquiry into this issue?

Mr C.J. BARNETT replied:

(1)–(2) The loss of any child is a tragedy. We should be very sympathetic to parents who, through no fault of their own, may have seen a child die. We are all aware that very young children are vulnerable at birth, and in the early months and years after that. Sometimes there are unexplained deaths—an obvious example is sudden infant death syndrome. Sometimes, tragically, accidents occur, such as drownings and the like. This is a very serious issue. Indeed, I note the Leader of the Opposition has given notice of a matter of public importance on this issue. I will be interested to hear what he says. In the response from this side, we will actually detail the exact numbers. In advance, I make reference to the fact that Hon Sue Ellery needs to take great care before she goes out in public and makes inaccurate comments.

CHILD DEATHS

379. Mr E.S. RIPPER to the Premier:

I have a supplementary question. Was the Premier simply hypocritical then, or is it the case that he is incompetent now?

Mr C.J. BARNETT replied:

I will wait for the matter of public interest. I advise the Leader of the Opposition to be a little circumspect and a little more respectful of the parents of children who have lost their lives.

Mr E.S. Ripper: You think back to what you said! Don't be so hypocritical.

Mr C.J. BARNETT: Before the Leader of the Opposition races out there, he should at least do his research properly!

Mr E.S. Ripper: Double standards!

Mr C.J. BARNETT: No double standards at all. What happened back in 2006 was a disgrace, but we have an opportunity shortly to debate it, and we will. We will put accurate data on the table.

RESTRAINING ORDERS — LEGISLATIVE REFORM

380. Mr M.J. COWPER to the Attorney General:

I note with interest the announced changes to restraining orders over the weekend. I am sure all my former police colleagues would be very interested in, and applaud the government for, taking what I believe to be a step in the right direction to protect some of our most vulnerable people. Can the Attorney General please explain what these changes mean for the police service and those who might be at risk of violence in our society?

Mr C.C. PORTER replied:

I thank the member for his question. As the member would know, domestic violence is one of the most serious criminal justice problems facing the state. I think there is an arguable case that it is perhaps the most serious single criminal justice problem facing the state of Western Australia. Indeed, when I was listening to the police minister's answer to a question about crime statistics, I heard an interjection—in fact there may have been more than one—asking whether the total crime figures reported by police include domestic assaults. In fact they do. The police total reported crime figure has long counted all assaults but there is no distinction between domestic assaults and assaults that have occurred outside a domestic scenario. We have been able to unpack that data very recently. We have not just done it for the past year; we have unpacked it for the last 10 years. The data shows that the number of assaults has been growing in WA. It has been one area that neither side of politics has been able to make great impact on. We long had a suspicion that one reason for that was that inside the total assaults figure, the number of domestic assaults was growing very rapidly. That data shows that is precisely what has been happening over the past 10 years.

I make this comment about those statistics: they raise the classic problem about crime statistics; that is, we do not know whether we are finding more of a relatively stable number of offences or whether the number of offences is growing. It is quite obviously the case that domestic violence is now treated very seriously and far differently, thankfully, from how it was treated 10 or 15 years ago. I suspect it is a bit of both in terms of why those statistics are growing so much. We are not only recording and investigating these offences more heavily, but also I suspect there is a prevalence of them. The reason we have taken some very serious and significant action is that this is a persistent and serious problem. To give the house some idea of how pervasive the problem of domestic assaults is, there were 30 000 reports of domestic assaults last year, and 12 000 of those reports involved the police considering that there was the commission of a criminal offence. Twenty per cent of all homicides in this jurisdiction have their genesis in a domestic assault. Domestic assault disproportionately affects Aboriginal women. A very high proportion of all domestic assaults in this jurisdiction are perpetrated on Aboriginal women, and, absolutely staggeringly, an Aboriginal woman who is the victim of an assault is 45 times more likely to be hospitalised because of that assault than a non-Aboriginal woman who is the victim of an assault. I think that is quite staggering. It means that when an Aboriginal woman is the victim of a domestic assault, it is a very serious assault, often involving a weapon, and a very violent assault.

The Restraining Orders Act came into play in 1997. There were significant and very good amendments to that act by the Labor Party in 2004. A statutory review was commenced in 2008. There were 14 recommendations. This government has adopted all of them—and has gone further. The three key changes, or three very significant changes, that this government will be making to the Restraining Orders Act grow out of what I will call the 27 per cent statistic. For the benefit of everyone present, I explain that statistic in this way. We have statistics that show that only 27 per percent of offenders who have breached a restraining order four times actually receive a term of imprisonment. So that we can all be clear on what that means, a person can be in fear of their safety and have a restraining order imposed upon their assailant. However, if the order is breached and the victim

complains to police and makes a statement and gives evidence and the person, the assailant, is charged and convicted again and then breaches the order again, and then the person is charged and convicted again and breaches the order again, and the person is charged and convicted again and breaches the order again, then at that point, after four times, only 27 per cent of the male individuals who breach the orders face a term of imprisonment.

The government has moved to repair that situation. The three very important changes are these. Firstly, in the case of a person who has committed and has been convicted of two offences involving breaches of a restraining order within a two-year period, the court will be told through the legislation that it must impose a term of imprisonment unless extraordinary circumstances make it clearly unjust to do so. If such circumstances exist, the court must give specific written reasons explaining why it has not imposed a term of imprisonment after that second breach. Secondly, and also very importantly, we will change the act so that domestic assault will be classed as a serious offence. This will have the effect that police will always be able to arrest once the complaint is made, rather than proceed by summons. For a long time in this jurisdiction, a domestic assault has proceeded by summons, rather than by arrest on the spot. The third very important change is that the police will have the ability to give a 72-hour order against a person complained of in respect of these matters. That means that the perpetrator has to leave the home or residence for 72 hours, and that order can be given without the consent of the victim. In other jurisdictions that have used such an order we have seen that, rather than the 24-hour order that exists at the moment—I refer to a case without consent—72 hours is the appropriate time needed to take the heat out of a situation and to deflect the possibility of further assaults.

This is good legislation. My view is that this is some of the most significant legislation that this government will bring into the house. It will impact on a really terrible criminal justice problem. I look forward to the second reading debate.

Point of Order

Mr J.C. KOBELKE: I do not want to go back to the problem that we had last question time, but the Attorney General has addressed a very serious issue. He has taken over seven minutes. I would put to you that you might like to counsel him that such an important matter be dealt with as a ministerial statement or short ministerial statement, rather than take up more than seven minutes of question time on an important issue, which was listened to in silence because of its importance. However, that is really not something that standing orders suggest question time should be used for.

The SPEAKER: I thank the member for Balcatta. It is not a point of order, but I recognise what he is saying and I take his advice.

EMERGENCY DEPARTMENTS — FOUR-HOUR RULE

381. Mr R.H. COOK to the Minister for Health:

I refer to the emergency department four-hour rule policy and to orderlies who have today revealed that on numerous occasions they have been asked to wheel patients out of emergency departments and then back in again to start the four-hour clock or have been involved in bed shifting to avoid four-hour rule penalties.

(1) When was the minister first advised that WA hospitals were cutting corners in conforming to the four-hour rule?

(2) What action will the minister undertake to bring these tactics to an immediate halt?

Dr K.D. HAMES replied:

(1)–(2) The action that has been taken in our emergency departments to address the debacle that existed under the former government, whereby up to 50 per cent of patients waited in corridors for access to a bed in the hospital, has resulted in an enormous change in the way our hospitals operate. We have had a massive improvement. The staff at all our hospitals who are working in the emergency departments will be extremely disappointed by the comments of the Deputy Leader of the Opposition that resulted in the article in yesterday's paper and his further comments today. Those staff are out there working their tails off trying to cope with an eight per cent to nine per cent increase in demand coming through their doors. It is a massive increase in demand that is putting an enormous pressure on our hospitals. Despite this, they are able to maintain a level of service to patients far in excess of that which existed under the former government.

Extra patients going to hospital wards is not a new thing. It occurred under the previous government. When I asked how many beds there were, for example, at Sir Charles Gairdner Hospital, the response that came back to me was, "It depends on how busy we are on the day." That is because while the hospital had an official allocation of a certain number of funded beds through the budget process, depending on demand, it would have up to 20 or 30 additional beds that it would put in the wards. That was done for exactly the same reason that we do it: when there is huge demand in the ED and it is safe

> to move a patient to a ward, that is what occurs. That transfer of patients to the ward in excess of quota occurs only when there is a code red or black. It used to be code yellow. That happens when the ED is under enormous pressure with patients coming through the door. My advice is that Sir Charles Gairdner Hospital, which is the hospital to which this issue refers, has had a maximum of eight extra patients in the wards.

Mr R.H. Cook: No, it wasn't Charlies.

Dr K.D. HAMES: That was the bit that was in the paper. It had a maximum of eight patients extra in those wards at any one time.

Under our system, instead of patients who have come in, been seen and been assessed as requiring admission sitting in a corridor waiting for a bed, as 50 per cent of them often did under the previous government's watch, if there is capacity, if it is safe to do so and if the problem of the particular patient has been assessed as not severe, each ward can take an extra patient—up to eight throughout the hospital. Therefore, in a 500 plus–bed hospital, an additional eight people might move to the wards. Sure, sometimes they are double handled. Instead of a patient sitting in a corridor waiting for a bed and having to be taken from there to get their X-ray, they will go to a ward, where they are looked after, and then that patient can be taken back. Sure, that requires a bit of extra work from the orderlies. I do not know what has happened at the other hospitals, but I do know that Fremantle Hospital, for example, has put on extra orderlies to help cope with that extra load. As would be expected, if there is extra work to be done, extra staff are put on to do it. That does not mean that that poor patient should be left sitting in a corridor for eight hours, desperate for a bed, as happened under the previous government's system.

EMERGENCY DEPARTMENTS — FOUR-HOUR RULE

382. Mr R.H. COOK to the Minister for Health:

I have a supplementary question. Given that the minister says that he was not aware of the particular accusations today, does he not think that it is time to independently review the four-hour rule policy to make sure that it is working for good clinical outcomes?

Dr K.D. HAMES replied:

The policy is designed as a target to improve flow of patients through to the wards, and it has been enormously successful. A lot of the work being done by opposition members to undermine this program does them no credit whatever. If we were under the system —

Several members interjected.

The SPEAKER: Members!

Dr K.D. HAMES: I am going to go later to some of the comments made by the doctors who run the system. I will talk about that at a later time. The action by the opposition seriously undermines the confidence of those doctors and staff who are doing a magnificent job treating our patients.

The Leader of the Opposition's comment that the four-hour clock starts again is not true. The patients are admitted and they may be moved again to have a test. That happens all the time to patients who are admitted to wards. Often a patient is admitted to a ward and a certain number of hours later the patient is collected and goes elsewhere for other tests. That is standard practice. It used to happen out in the corridors and now it happens out of the wards when it is super busy.

POLICE OFFICERS — NUMBERS

383. Mrs L.M. HARVEY to the Minister for Police:

I refer to a media statement by the opposition spokesperson for police stating that police numbers have been reduced under this government. It goes so far as to claim that the number of police officers has been reduced by 90. As I understand it, we have been steadily increasing police numbers since we came to government. I would appreciate the minister updating the house on the status of the issue.

Mr R.F. JOHNSON replied:

I thank the member for the question. She is absolutely right. I see so many press releases from the member for Girrawheen that I do not normally pay much attention to them these days because they are either irrelevant or misleading in the extreme. The press release from the member for Girrawheen that I show members today is headed "Police numbers down as crime goes up". The first paragraph states —

> A reduction of 90 WA Police officers in the past year was a major contributing factor in the significant increase in a range of offences, Shadow Police Minister Margaret Quirk said today.

That is what she said last week. I did not think that could be true because I have attended so many graduations. We certainly are not down by 90 police officers by any stretch of the imagination.

Mr E.S. Ripper: If you see the document, will you retract that statement?

Mr R.F. JOHNSON: I have the documents that the opposition has, I am sure, but it is a matter of how they are interpreted and whether the opposition misinterprets them, which is what the member for Girrawheen does. As at 31 May 2010 we had 5 596 officers and as at 31 May 2011 we had 5 850 officers. Anyone who can do elementary maths can see that if the one figure is subtracted from the other, we end up with a total of 254 more police officers in that one-year period. Obviously the member for Girrawheen has trouble with her maths, just as she has trouble with being completely truthful in her press releases. To make it simple for the member for Girrawheen, I got out my coloured crayons because that is the only way she seems to understand. I will show the member for Girrawheen and other members a graph. The red years are the Labor years. Members can see that the only time police numbers went up under Labor was in the year leading up to an election. True, true, true. It is absolutely true, I assure members. Members opposite can have this and study it to their heart's content.

Mr M. McGowan: Give us a copy.

Mr R.F. JOHNSON: I will give members a copy. I will even sign it, with pleasure. Once again, the blue years—under the Liberal–National government—are the good years. In our first year, we increased the number of police officers from the pre-election year in which the Labor Party had increased police numbers, which was a big jump from the previous three years. We did go up a little bit, but not a great deal, in the second year, but the number of police officers we have in the present year —

Mr E.S. Ripper: Are they all sworn officers?

Mr R.F. JOHNSON: They are all sworn officers. Members will see that the number of officers here —

Mr E.S. Ripper: Are there no auxiliaries in that number?

Mr R.F. JOHNSON: They are—even —

Opposition members interjected.

Mr R.F. JOHNSON: They are all police officers. We know that the opposition has contempt for our police auxiliary officers. The number includes police auxiliary officers. The red years versus the blue years are important. We are really doing well. This shows that what the member for Girrawheen said in her press release is absolutely untrue.

Tabling of Paper

Mr M. McGOWAN: The minister indicated that he would table the document that he read from, and I would appreciate it if he would table that document.

The SPEAKER: Before you table it, Minister for Police, I did not hear you use the word "table". I know you said that you would provide it, but if you are happy to table it, I would like you to do that.

Mr R.F. JOHNSON: You are quite right; I did say that I would provide it, and I am more than happy to table it.

[See paper 3494.]

POLICE — INDUSTRIAL AGREEMENT

384. Ms M.M. QUIRK to the Premier:

My question without notice is to the Premier, because I would not bother with the Minister for Police!

I refer to the current wage dispute between the police and the Premier's government.

(1) Does the Premier acknowledge that the police perform a special role and therefore should not be treated like other public servants; and, given that every time our police officers go on duty they put their lives on the line, should this not be reflected in their remuneration?

(2) Why is it that the Premier has such a dim view of the WA Police that he is not prepared to stand by his 2009 commitment to provide a decent wage rise to police at these negotiations?

Mr C.J. BARNETT replied:

(1)–(2) I certainly do not have a dim view of our police. The serving policemen and women of this state do an outstanding job and they put themselves at risk on a regular basis. The wage negotiations with the Western Australian Police Union have gone on for some time. Last week, the state government made an offer; I think that it was a fair offer. One of the sticking points related to, not so much salary, but a condition of employment and we are flexible about that, and I would hope that we can get a resolution very shortly.

POLICE — INDUSTRIAL AGREEMENT

385. Ms M.M. QUIRK to the Premier:

I have a supplementary question. Why do police not deserve a 15 per cent pay rise; and, will the Premier guarantee that if they do not accept the current offer that threats to remove back pay will not be made?

Mr C.J. BARNETT replied:

I will not negotiate wage increases for any government employees in Parliament. The ability of this government to reach fair agreements with public sector employees is in sharp contrast to that of the previous government. Remember the teachers' dispute?

EMERGENCY DEPARTMENTS — FOUR-HOUR RULE

386. Mr M.W. SUTHERLAND to the Minister for Health:

I refer to the article regarding the four-hour rule in *The West Australian* newspaper yesterday and the editorial in the paper today. Could the minister please update the house on the four-hour rule and how it has improved our public hospital system since the government was elected in 2008?

Dr K.D. HAMES replied:

Mr Speaker —

Mr R.H. Cook: Don't repeat yourself.

Dr K.D. HAMES: I will try not to; I saved a bit of stuff!

Mr R.H. Cook: You have used up all your best material!

Dr K.D. HAMES: No; I said I have saved it.

I have before me a copy of a letter that was written to the editor of *The West* in response to a story in the local paper about the four-hour rule. Sadly, it did not get a run; therefore, I will reveal some of its contents. The doctor who wrote it is an emergency physician, co-director of the Fremantle Hospital emergency department, clinical lead for the four-hour rule at Fremantle Hospital and on the expert panel advising the commonwealth on the implementation of the targets that will be brought in Australia-wide. I will read some extracts from his letter —

> Two years ago I became involved in the program because it was the best chance I was going to have to improve patient care at a system level after watching a decade or so of worsening access block (where a patient has to wait more than eight hours to get into a bed).

Just to remind some members about what it was like in those days, I hold a copy of an article from 10 August 2008—just before the last election.

Mr F.M. Logan: Forty-hour rule!

Dr K.D. HAMES: The 40-hour rule. The article has the title "40hr wait in corridor". It states —

> A horror 40-hour wait for emergency surgery has made health the most important election issue for Dianella pensioners …

Mr E.S. Ripper: Who wrote that article?

Dr K.D. HAMES: Anthony DeCeglie.

We see underneath the article heading a term commonly used in those days—"Health care 'in crisis'". That is what we used to face under the Labor Party: health care in crisis. At the time we had 40 to 50 per cent access block; that is, patients waiting for more than eight hours for a bed.

Mr T.R. Buswell: That was *The Sunday Times* wasn't it?

Dr K.D. HAMES: *The Sunday Times* as well.

Mr T.R. Buswell interjected.

Dr K.D. HAMES: Exactly.

The letter from the doctor I quoted earlier continues —

> The consequence of access block from a patient's perspective is being lined up on hard trolleys in corridors where they have been for 24 or 48 hours.

It goes on to say —

> Western Australia's access block was the worst in the country, in fact my hospital's was the worst in the country at around 60–70% of patients not getting into the hospital within eight hours. It is now around 10%.

Therefore, there has been massive improvement in our hospitals. No wonder they like it. The letter continues —

> I have no vested interest in the politics of health, only in a better health system.

I can tell members sincerely that, to the best of my knowledge, this doctor is totally apolitical.

Mr E.S. Ripper: What is his name?

Dr K.D. HAMES: I will tell the Leader of the Opposition after; I do not want to give his name now. This doctor is the only Western Australian on the federal clinical league, which I spoke of before, so it is easy for the Leader of the Opposition to get the name—he can just ring Hon Nicola Roxon. The letter continues —

> I have no vested interest in the politics of health, only in a better health system. What we are seeing with the Four Hour Rule Program is real sustainable change for the benefit of our patients.

His last comment reads —

> As an Australian, I am so very tired of seeing opposition parties damage excellent reform processes for a political end. I believe our politicians should be more responsible than that.

That is exactly true: members opposite should be more responsible! I would like to go through some of the other articles that we found in the newspaper. One headline reads "300 deaths in waiting". Another article related to research done by Dr Spyropoulos at Fremantle Hospital in around 2003, 2004, or something of that order, in which he assessed the number of patients who died needlessly because they waited in our emergency departments for longer than eight hours. Dr Spyropoulos estimated that about 300 patients would die each year. That was just the tip of the iceberg, and behind that were all those people who had some other problem as a result of waiting in our emergency departments for longer than eight hours, such as losing a limb, which they might not have otherwise lost. They did not die, but they had another significant medical problem as a result. That article was written in 2008. Another article reads —

> AMA state emergency medicine spokesman Dave Mountain said 55 per cent of emergency patients at some major hospitals were waiting longer than eight hours …

In 2003, Western Australia's access block was 25 to 30 per cent, but it could be up to 50 per cent. The situation got worse and worse under the previous government. I have a graph that shows what people thought of the health system under the previous government. The graph is titled "Extent to Which Emergency Departments are Considered a Problem" and was commissioned by the government of the time, the Labor government. The white bit is "not a problem"; the black bit is "a major problem". What colour do members think is most prominent on that graph? It is black! At least 50 per cent of patients thought there was a major problem or a very serious problem, and a very small percentage—roughly five per cent—thought there were no problems. I will quickly wind up with the last graph, which shows the access block under the former government and a yellow line showing when the Liberal–National government introduced the four-hour rule; and this other line shows what it is now—it is right down. Under the Labor government 300 patients a year were dying needlessly. Now we have the access block, the number is right down here! That is directly as a result of the four-hour rule. The four-hour rule is a fantastic system. It is extremely successful, and it does the opposition no credit at all when they attack the hard working doctors, nurses and allied health staff who are making it work.

Point of Order

Mr J.C. KOBELKE: I have a point of order. The minister spent seven minutes wasting our time!

The SPEAKER: I give the member for Balcatta the opportunity to ask questions in this place. I previously gave him the opportunity to make a point of order, but not to make statements of that nature. I formally call you to order for the first time today.

Tabling of Papers

Mr R.H. COOK: The minister quoted extensively from a letter, a number of newspaper articles and charts. I ask whether he would table each of those documents.

The SPEAKER: If they are official documents.

Dr K.D. HAMES: I am happy to table the copies of the newspaper articles, but the letter is not an official document. I am more than happy to show that to you, Mr Speaker.

[See papers 3495 and 3496.]

Mr M. McGOWAN: The minister was quoting extensively from a letter that he had received. I seek your ruling on whether that is an official document.

The SPEAKER: The minister has indicated he will show me the letter. At this point I would rule that the letter is not an official document, but I will make a decision on that, member for Rockingham, by the end of question time.

Mr A.P. O'Gorman interjected.

The SPEAKER: Member for Joondalup, I formally call you to order for the first time today. I am going to look at the letter, and if I decide it should be tabled, it will be tabled.

[See page 4487.]

WESTERN AUSTRALIAN ECONOMY — MEASURE

387. Mrs M.H. ROBERTS to the Treasurer:

In this house during question time last week, the Treasurer referred to Western Australia having a $42 billion economy.

(1) What was his basis for using that figure and does he stand by it?

(2) What is WA's current gross domestic product and why did he not use that figure?

Mr T.R. Buswell: What's wrong with GSP?

Mr C.C. PORTER replied:

(1)–(2) My understanding is that that was a reflection of gross state product. I can double-check that for the member.

Mrs M.H. Roberts: That's the quarterly figure.

Mr C.C. PORTER: That was the most up-to-date data that I had on file.

Mrs M.H. Roberts: That's the final demand figure for one quarter.

Mr C.C. PORTER: I think it was a quarterly figure of GSP, yes.

WESTERN AUSTRALIAN ECONOMY — MEASURE

388. Mrs M.H. ROBERTS to the Treasurer:

I have a supplementary question.

Mr T.R. Buswell interjected.

The SPEAKER: Minister for Transport!

Mrs M.H. ROBERTS: How foolish does the Treasurer now feel after telling the house last week that he could repay $22 billion of debt with a $42 billion economy when our gross domestic product is about $184 billion? The Treasurer is out by a factor of four.

Mr C.C. PORTER replied:

No. The point I was seeking to make is that the shadow Treasurer had made a statement about debt on a per capita basis. I think she compared, both inside and outside the house, our debt with that of Victoria on that basis. I used that quarterly GSP figure and also a comparative figure from Victoria to show that, although Victoria —

Mrs M.H. Roberts: You described it as the size of our economy.

Mr C.C. PORTER: It was a descriptor of size compared with Victoria to give the member an idea of how different our economy is.

Mrs M.H. Roberts: You have misled the house and you should make a clarifying statement.

Mr C.C. PORTER: No. I think the member has misunderstood the point.

Mrs M.H. Roberts: No; read what you said last week. You said that the size of the WA economy is $42 billion. It is in black and white in *Hansard*.

The SPEAKER: Member for Midland!

Mr C.C. PORTER: That is a fair comparative measure of size when the same measure is used —

Mrs M.H. Roberts: When you look at only one quarter of the year!

The SPEAKER: Member for Midland, I have given you the opportunity to ask a supplementary question. I am now giving the Treasurer the opportunity to answer that supplementary question. I do not need further interjections.

Mr C.C. PORTER: When we use the same comparative figure from Victoria, we get an understanding of the difference between the two economies. The point that the member has been making publicly is that our debt per capita is higher than that of Victoria, and that is true. But Victoria has a population of about 5.56 million people and WA has a population of about 2.31 million. When that figure is used, it gives a very good snapshot of how

large our economy is compared with that of Victoria—that is to say that it is only slightly smaller than the economy of Victoria, which has a population of 5.56 million people. That was the concept I was trying to express to the member.

Mrs M.H. Roberts: And you misled the house.

Mr C.C. PORTER: No. If the member has not understood that, I sincerely apologise and hope that she has got it now.

Mrs M.H. Roberts: Caught out. Absolutely arrogant! Caught out and won't apologise.

The SPEAKER: Member for Midland!

Mrs M.H. Roberts: He won't admit that he's wrong.

The SPEAKER: Member for Midland, I formally call you to order for the first time today. Quite simply, members, the member for Southern River has the call.

GAMBLING — AUSTRALIAN STATISTICS

389. Mr P. ABETZ to the Minister for Racing and Gaming:

I understand that recent national gambling statistics show that Western Australia continues to excel in responsible gambling in comparison with the rest of the nation. Can the minister please update the house on where our state stands compared with the other Australian states and territories?

Several members interjected.

Mr T.K. WALDRON replied:

I thank the member, because I think everyone knows that he has a very keen and real interest in this area.

Several members interjected.

The SPEAKER: Thank you, members!

Mr T.K. WALDRON: He does.

I have previously spoken in the house on this issue. I think it is important that I provide the latest update. The Queensland Office of Economic and Statistical Research has recently released the latest Australian gambling statistics. I am very pleased to report that Western Australia has come last by a long way in per capita gambling expenditure—that is, how much each of us spends on gambling in a year. That is a good thing to come last in.

Several members interjected.

Mr T.K. WALDRON: No, it is not ridiculous.

Mr M.P. Murray: It is when you haven't got pokies in the pubs!

Mr T.K. WALDRON: It is not ridiculous when members consider what is happening at a federal level, which I will explain in a moment. This is actually quite important.

The latest gambling statistics show that the average gambling spend of an adult Western Australian is $693 a year, which is by far the lowest of all the states and territories. If members look at the statistics for the other states and territories, the highest per capita spend is in the Northern Territory, with $3 131 per head.

Several members interjected.

The SPEAKER: Thank you, members!

Mr T.K. WALDRON: I would have thought these would be pretty interesting statistics.

The Northern Territory has the highest spend per adult, with $3 131; that is probably an inflated figure because the corporate bookmakers do their business up there. For New South Wales it is $1 318 per head, and for Victoria it is $1 229 per head. The national average is $1 145 per head. In percentage terms, Western Australia contributes only 6.1 per cent of all gambling expenditure in Australia, although we have 10.1 per cent of the nation's adult population, so it is a good result. That result is due to the longstanding policy of successive state governments to resist the establishment of poker machines in pubs and clubs. While I am on my feet I will reaffirm and stress that this government is extremely strongly committed to not having pokies in clubs and pubs. I will say again that whenever I go to a gaming ministers meeting, 90 per cent of the time is spent talking about the issues with poker machines in clubs and pubs. The state government could earn around $400 million a year from gaming machines if it allowed them, but I think the human cost is far too great to even consider doing that, particularly given the social problems they create.

I think the federal Labor government's move to introduce mandatory pre-commitment for all gaming machines in Australia is important, but I think we all know that that is really aimed at staying in government rather than addressing problem gambling. WA's situation is unique, as the member for Collie–Preston has said, in that unlike other states and territories we do not have poker machines outside our casino. Even the gaming machines in the casino are not true poker machines. So that people understand, the spin rate of the machines at Burswood is five seconds; the spin rate for true poker machines is up to twice as fast. Also, Burswood Casino machines have no auto-play features and fewer bet options, and Burswood already has voluntary pre-commitment. Those statistics are good, and we think we have our gambling policy right in WA. As I said at the last gaming ministers conference, if the rest of Australia had the same gambling regime as WA, there would not be a need to even consider mandatory pre-commitment as a way of tackling gambling issues.

PERTH WATER SECURITY

390. Mr F.M. LOGAN to the Minister for Water:

As we know, the 2011 budget has killed off proposed stage 2 of the Binningup desalination plant and provided absolutely no money for expanding the waste water recycling program.

(1) Just what are the minister's plans for ensuring that there is water security for Perth this summer, given that it appears that we will again face significant water shortages?

(2) Has the minister given any approvals or directions for a further drawdown on the Yarragadee aquifer; and, if so, for how much?

(3) Given that the time to act on our summer water security is now, will the minister take full responsibility for any water shortages that might occur this summer?

Mr W.R. MARMION replied:

I thank the member for Cockburn for his question.

(1)–(3) I am actually closely monitoring the situation at the moment in terms of what water will be required.

Mr E.S. Ripper: That fills me with confidence! I'm really glad you're on the case!

Mr W.R. MARMION: Members will be informed in due course of the outcome.

Mr F.M. Logan: Oh, thanks! Is that before we run out of water or after?

Mr W.R. MARMION: What strategy we put in place will depend a little on the rain. We are monitoring the current rainfall and a worst-case scenario is that —

Mr F.M. Logan: We will run out of water.

Mr W.R. MARMION: No, the worst-case scenario is that we may have to draw on the full allocation of the Gnangara mound, but we have lots of strategies in place. I have a special task force that is meeting and considering a number of options. Obviously, the longer term or the medium-term option is recharging the Gnangara mound through the replenishment trial.

Mr F.M. Logan: But that will not help this summer.

Mr W.R. MARMION: Yes, but that is our medium-term plan. As members know, 50 gigalitres of extra water will come on stream later this year from Binningup. That is 50 gigalitres that we did not have this year. It is true that it would be ideal to get 76 gigalitres of run-off into our dams this year. We are monitoring that. If we get down to about only 32 gigalitres—that would be the second-worst winter we have had in the last 15 years—we might have to draw on the full amount of the Gnangara mound.

PERTH WATER SECURITY

391. Mr F.M. LOGAN to the Minister for Water:

I have a supplementary question. From what the minister has just told the house, he is clearly hoping that it will rain this winter or that we will get through summer by relying on the supply of water from Binningup. Does the minister have any other plans?

Mr W.R. MARMION replied:

An extra 50 gigalitres from Binningup, which we did not have last year, will be a pretty good increase to what we have available this year.

Mr F.M. Logan interjected.

The SPEAKER: I formally call the member for Cockburn to order for the first time today.

EMERGENCY DEPARTMENTS — FOUR-HOUR RULE

Question without Notice 386 — Tabling of Paper — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Member for Rockingham, with respect to the letter referred to by the Minister for Health, it is a copy of a private letter and is not a formal document in any sense. I do not require the minister to table it.

TREASURER

Question without Notice 387 — Western Australian Economy Measure — Personal Explanation

MR C.C. PORTER (Bateman — Treasurer) [2.51 pm]: Mr Speaker, I wish to make a personal explanation. Today in response to the shadow Treasurer's question, I think I said that the figure of $42 billion was a quarterly figure of gross state product. As I said the first time around in question time, that $42 billion is a quarterly figure of total revenue.

BROOME — SANDERLING DRIVE–GUBINGE ROAD INTERSECTION

Petition

MRS C.A. MARTIN (Kimberley) [2.52 pm]: I have a petition with 244 signatures couched in the following terms —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say that the closure of right hand turn access into and out of Sanderling Drive at the Gubinge Road intersection in the Roebuck Estate via Broome was an unnecessary decision. In addition the Main Roads Department did not communicate the decision in a proper manner to the community.
>
> Sanderling Drive is the main service road for the suburb of Roebuck Estate. Many residents use this exit for access to the main highway, rubbish dump, Blue Haze Industrial area and also to access the town centre to avoid going past the local primary school and daycare centre.
>
> Now we ask the Legislative Assembly to request the Minister responsible for Main Roads to have the department halt all works intended to permanently facilitate the closure of the right hand access at Sanderling Drive and then reassess this situation with a view to creating an industrial traffic turnoff at the Tanami Drive intersection and to allow right hand access at Sanderling Drive.

[See petition 421.]

HAMMOND PARK HIGH SCHOOL

Petition

MR F.M. LOGAN (Cockburn) [2.53 pm]: I have a petition from 134 petitioners that has been declared in accordance with standing orders in the following terms —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say that plans for a High School in Hammond Park must be brought forward as a matter of urgency. The suburbs of Success, Franklin Springs, Hammond Park, Aubin Grove, and Honeywood are developing rapidly with significant numbers of primary school age children. Atwell College is unable to cope with the current demand and is extremely overcrowded. It is absolutely necessary that the designated public High School site at Hammond Park be developed to meet current and future needs of residents and their children. Now we ask the Legislative Assembly, to call on the Minister for Education to immediately bring forward the development and construction of a High School at Hammond Park.

[See petition 422.]

TRANSPERTH — BUS ROUTE 467

Petition

MS A.R. MITCHELL (Kingsley) [2.54 pm]: I have a petition with 107 signatures that conforms to the standing orders of the Legislative Assembly, and it reads —

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

We, the undersigned, say Bus Service 467 along Duffy Terrace provides a valuable public transport option for:

- Residents
- Students
- Seniors

when it is in operation, as there are no other public transport options for up to 1km.

Now we ask the Legislative Assembly to ensure the proposed changes to Bus Route 467 do not proceed to exclude Duffy Tce from the current route.

[See petition 423.]

PINJARRA–MANDURAH BUS SERVICE

Petition

MR M.J. COWPER (Murray–Wellington — Parliamentary Secretary) [2.55 pm]: I have a further 224 signatures on a petition for a bus service between Pinjarra and Mandurah. It conforms with the conditions of the Parliament, and it reads —

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

We the undersigned say that: The Murray Shire is growing at 6.5% pa and this year alone 150 new jobs have been created in the Pinjarra Industrial Estate, a new 200 place apprentice training facility has opened, a new swimming pool will open soon in Pinjarra and indigenous training at Fairbridge is continuing to be an outstanding success.

Additionally a new bus service will service those travelling to and from the Pinjarra Paceway and Race Club, new sub-divisions, schools, shopping centres, aged care and medical facilities.

Residents of the Murray District, who travel to Perth for work, study, medical appointments or recreation are compelled to drive their cars and when they choose to use public transport are compelled to compete for limited parking at the Mandurah Train Station.

The dual lane Pinjarra road is now WA's busiest provincial road outside of the Perth Metropolitan area and carries large volumes of traffic to and from Alcoa's Pinjarra and Wagerup Operations.

Fuel prices are now making Public Transport a necessity in the Murray District, and those outlying towns such as Dwellingup, Waroona and surrounds will be able to park and ride at Pinjarra, taking further pressure off parking at Mandurah Train Station.

Now we ask that the Legislative Assembly to support our campaign for the Government to provide a regular bus service between Pinjarra and Mandurah.

Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your petitioners, as is duty bound, will ever pray.

[See petition 424.]

URANIUM MINING — BAN

Petition

MS A.S. CARLES (Fremantle) [2.56 pm]: I have a petition containing 222 signatures which conforms to the standing orders of the Legislative Assembly and which is couched in the following terms —

…

We, the undersigned residents of Western Australia are opposed to uranium mining.

We ask the Legislative Assembly to recognise the unacceptable risk to the community and the environment posed by uranium mining and to immediately reinstate the ban on uranium mining in Western Australia.

[See petition 425.]

COST-OF-LIVING INCREASES

Petition

MR C.J. TALLENTIRE (Gosnells) [2.57 pm]: I have a petition signed by 64 constituents. It has been certified as conforming to the standing orders of the house, and it is in relation to the increases in fees and charges for householders. It reads —

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

We, the undersigned, say

1 The State Government's recent increases in fees and charges to householders are disproportionate and unfair.

2 Many people are struggling to get by and these increased charges are causing unnecessary hardship.

Now we ask the Legislative Assembly

3 To voice the case of householders aggrieved by these increases in fees and charges.

4 To give relief for WA householders trying to balance the household budget.

[See petition 426.]

BEMAX RESOURCES LTD — HAPPY VALLEY MINE

Petition

MS A.S. CARLES (Fremantle) [2.57 pm]: I have a petition containing 91 signatures which conforms with the standing orders of the Legislative Assembly and which is couched in the following terms —

…

We, the undersigned, say that we wholeheartedly support the recommendation of the Environmental Protection Authority that Bemax Resources Limited not be allowed to mine at Happy Valley, in the Whicher Scarp because, as the EPA found,

- the proposal will result in unacceptable impacts to the outstanding, diverse and varied natural values of the Whicher Scarp, including its diverse and rich flora, restricted and rare wetland communities, highly endemic flora, more than 60 rare species, 60 species at the end of their range, more than 100 species with disjunct populations and its high degree of intactness of native vegetation;
- the area has been significantly impacted by mineral sands mining and nearly the entire Whicher Scarp is subject to current exploration licences or mining leases
- the EPA is unlikely to support any further development on the Whicher Scarp;
- Bemax Resources Limited's proposal cannot be managed to meet the EPA's objectives in relation to flora and vegetation, conservation significant fauna and habitat, rehabilitation, and noise;

and the EPA has recommended against approval and has not provided draft conditions.

Now we ask the Legislative Assembly to endorse the EPA's recommendation.

[See petition 427.]

PAPERS TABLED

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

BILLS

Notice of Motion to Introduce

1. Duties Amendment Bill 2011.

Notice of motion given by **Mr C.C. Porter (Treasurer)**.

2. Restraining Orders Amendment Bill 2011.

Notice of motion given by **Mr C.C. Porter (Attorney General)**.

3. Metropolitan Redevelopment Authority Bill 2011.

Notice of motion given by **Mr J.H.D. Day (Minister for Planning)**.

4. Equal Opportunity Amendment Bill 2011.

Notice of motion given by **Mr J.N. Hyde**.

INDIGENOUS AFFAIRS — BIPARTISAN APPROACH

Notice of Motion

Mr J.J.M. Bowler gave notice that at the next sitting of the house he would move —

That this house recognises the need for a bipartisan and new approach on the matter of Indigenous affairs.

WATER CORPORATION — DRAINAGE CHARGE

Notice of Motion

Mr F.M. Logan gave notice that at the next sitting of the house he would move —

> That this house calls on the Minister for Water to immediately cancel the introduction of the expanded Water Corporation drainage charge, which applies from 1 July 2011, and undertake a process of meaningful consultation with residents affected by the expansion of the drainage charge.

JUSTICE REINVESTMENT STRATEGY

Removal of Order — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Members, I bring to your attention that in accordance with standing order 144A, the order of the day that appeared on the last notice paper as private members' business 1, "Justice Reinvestment Strategy", has not been debated for more than 12 calendar months and has been removed from the notice paper.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION — INQUIRY INTO THE CORRUPTION AND CRIME COMMISSION AND POLICE MISCONDUCT

Extension of Reporting Time — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): I have received a letter dated 16 June 2011 from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission advising me that the committee has resolved to extend the reporting date for its inquiry into how the Corruption and Crime Commission deals with allegations and notifications of misconduct by WA Police. The committee will now report on 1 March 2012.

CHILD DEATHS — REFERRAL TO COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams): Members, today I received within the prescribed time a letter from the Leader of the Opposition in the following terms —

> I wish to raise the following as a matter of public interest today.
>
> "That the House —
>
> 1. Expresses its grave concern at the numbers of children dying in WA and in particular those that were known to the Department of Child Protection, and
>
> 2. Refers this extremely important issue to the Community Development and Justice Committee for urgent investigation and report to the House by 1 November 2011."

The matter appears to me to be in order. If at least five members stand in support of the matter being discussed, the matter can proceed.

[At least five members rose in their places.]

MR E.S. RIPPER (Belmont — Leader of the Opposition) [3.01 pm]: I move —

> That the house —
>
> (1) expresses its grave concern at the number of children dying in WA, in particular those who were known to the Department for Child Protection; and
>
> (2) refers this extremely important issue to the Community Development and Justice Standing Committee for urgent investigation, and to report to the house by 1 November 2011.

The death of each child is a very sad and tragic matter; it must be one of the most difficult things for any parent to bear. This motion is not some crass attempt to compare the numbers of children dying under the watch of one government with those of another government, and to attempt to claim some credit or place some blame as a result. This is a matter of great public importance, and it is a matter that an opposition is fully justified in raising. I was very disappointed to see the response from the Minister for Child Protection to comments made by my shadow ministerial colleague Hon Sue Ellery on this issue. The Minister for Child Protection simply declared that the opposition should not have raised the issue because it was insensitive to the feelings of parents of children who had died. Regardless of how many or how few, when children who are known to the Department for Child Protection are dying, it is a significant issue of policy that the opposition is fully justified in raising. I cite as evidence of that argument the following quote —

> The Child Death Review Committee report tabled in Parliament in May this year shows that in 2003/04, 80 children died and 42 had some form of contact with the department… In 2004/05, 96 children died

> and 53 of those had some form of contact with the department… In 2005–06, 100 children died, and 55 were known to the DCD.

These are shocking and damning statistics. I ask the house to consider who made those comments; those comments were made by the now Premier in November 2006. It ill befits the current Minister for Child Protection to criticise the opposition for daring to raise this issue when the current Premier raised exactly the same issue in November 2006.

This begs reflection upon what the figures might be today. I raised this issue with the Ombudsman during the estimates hearings and asked him about the number of notifications. He said that, in the almost two years his office had had jurisdiction in this matter, he had received 182 cases. That is about 90 cases a year. This is the man with the latest information and the man who does not have a department or a ministerial record to defend; this is a man who is an impartial servant of the Parliament, and he said that he is receiving notifications at the rate of about 90 a year. That is the latest information, given only recently during the estimates hearings.

I asked for supplementary information about how many of those 182 children who were the subject of notifications over the past two years had had contact with the Department for Child Protection. The answer, given in supplementary information by the Ombudsman, was that of the 182 child death notifications to the Ombudsman, in 96 cases the child or a relative of the child had had contact with the Department for Child Protection. I repeat: this is the latest information from an impartial servant of the Parliament who receives the notifications, and in 96 of 182 child death notifications over the past two years, there had been some form of contact with the Department for Child Protection.

If an average of 50 children known to the department dying every year was so indicative of underperformance by a government department that the Premier needed to raise the issue, why is it inappropriate for the current opposition to raise the issue when, on the Ombudsman's figures, 48 children who are known to the department are dying every year? The truth of the matter is that the Barnett government has not been able to improve the state's performance in this regard, and I find that very disappointing. I find it very disappointing because the previous government put more than $500 million in additional resources into the Department for Child Protection. Hundreds of additional caseworkers were employed. We ought to be seeing a significant improvement in the performance of the state as a result of that investment. But it appears that the Barnett government has done nothing to improve the number of children known to the Department for Child Protection who die each year.

I want to refer to the likelihood of there being any further improvement. I think we have a disappointing position here. There was no funding for a single extra child protection caseworker in the last budget. This last budget was the first budget in five years in which no extra caseworker positions were funded. The minister has gone out and claimed the appointment of an additional 37 caseworkers, but the budget papers clearly show that full-time equivalent caseworker figures remain exactly the same as those in last year's budget. The budget papers tell the story—not a single additional caseworker is funded in this year's budget. Let us look at the demand on the department. On 4 March this year 799 child protection cases were defined as monitored or unallocated, which means they were not actively investigated or followed up by caseworkers but remained in a pool of similar cases held by the district management. The regional breakdown of those figures shows that the Murchison district contained the highest number of unallocated cases with 116, followed by Cannington with 88 and Armadale with 75.

I do hope that the Premier will, as he promised at question time, rise to his feet immediately following my remarks and provide his comments on this issue. I do not want the Premier to sit and wait and wait and wait until he speaks in a way in which there can be no scrutiny or follow-up from other members on this side of the house. The truth of the matter is that there is good reason to doubt the determination of the government on this matter. There is no additional funding for any additional caseworkers in this budget. The Minister for Regional Development has for four months sat on a very disturbing report about events in Laverton. His office apparently did not even show him the report or draw it to his attention. When he was challenged on that issue he said that successive governments had failed and there were these sorts of problems all over the state. He was virtually conceding defeat on this issue. I think the government has lost focus on it. I think the issue is not so much about how many children tragically died then and how many are tragically dying now; I think the issue is about credibility. I think the issue is about competence. I think the issue is about whether the standards espoused by the Premier in opposition are standards that he takes into government now.

Less information is available now about these issues than there once was. I believe the Ombudsman should be making available the same level of information as we used to get for each case from the Child Death Review Committee. The minister in the other place has been challenged on this but she has refused to provide that information. The Ombudsman's report refers to the following —

> … two major projects were initiated to investigate key systemic issues, identified through the review of individual child deaths and other sources, with a view to improving practices in order to reduce the occurrence of preventable child deaths.

I would like to know: what are those two major projects, why were they considered necessary, and what progress has occurred? The minister again has been challenged in the other place to provide that information but she has refused to do that. It is worthwhile looking at what the Premier wanted in 2006. What the Premier wanted in 2006 he described in his own paper, as follows —

> The Opposition has called for a royal commission into the DCD and child deaths and has outlined proposed terms of reference that would ensure the investigation would have far-reaching powers to fully scrutinise and report on matters relevant to child protection in WA.

That is what the Premier wanted in response to similar figures in 2006. What are we getting now? When he is in power, when he has the capacity to implement whatever he wants in this area, what are we getting? We are getting no improvement. We are not getting enough information and we are certainly not getting any accountability on this issue from the Minister for Child Protection. I ask the house to consider what this tells us about the Premier. It tells us three things: that his government has failed to deliver on the child death issue; that the Premier cannot be trusted or believed when he makes statements; and that the Premier cannot be trusted to deliver what he says he will deliver.

Mr M. McGowan: Hear, hear!

Mr C.J. Barnett: Is that it?

Mrs M.H. Roberts: We want to hear from you.

Mr C.J. Barnett: Make your case.

MRS M.H. ROBERTS (Midland) [3.15 pm]: Here we have the emperor who really has no clothes; who will not get up and address the argument put by the Leader of the Opposition. He is all bluff and bluster. In question time he said, effectively, "I'm not really going to answer the question now, Leader of the Opposition; I'm going to wait for the MPI debate." We are having the MPI debate and he has the opportunity to get to his feet and speak after the Leader of the Opposition has spoken.

Mr C.J. Barnett: I will.

Mrs M.H. ROBERTS: The Premier is pathetic because he does not want me to speak after he has spoken. He says, "Get to your feet first", because he is frightened that I will disagree with or rebut things he might say. I say that the Premier is pathetic. I ask the house: What is government for? What is the Parliament for? What is our historic responsibility? What is our historic role? I will tell members what our historic role is; it surely has to be to protect the weakest members of our community. In a society like ours children should not have to forage in rubbish tips. In a society like ours children should not be locked up by the police with adults. In a society like ours the resources for child protection should not be an afterthought, but should be front and centre in the budget.

In 2006 the Premier, then a backbench member in this place, produced an extensive discussion paper on this issue. Here it is, Premier, it is titled "Putting Children First". At that time his views were very different. In that paper —

Mr C.J. Barnett interjected.

Ms M.M. Quirk: He did write it.

Mr C.J. Barnett: No.

Ms M.M. Quirk: It's got your name all over it.

Mrs M.H. ROBERTS: That is interesting is it not? At the bottom of every page of this document it has the words "Putting Children First—Hon Colin Barnett MLA: November 2006". The Premier is now saying that he did not write it. Maybe he does not know what is in this document.

Mr C.J. Barnett: Perhaps it was something that was prepared for the previous election campaign.

Mr E.S. Ripper: "Putting Children First—Hon Colin Barnett MLA: November 2006".

Mrs M.H. ROBERTS: It is on every page. I will refer to some of the matters on this page that have his name on where he refers to the shocking and damning statistics—statistics the Leader of the Opposition said are not much different from the current statistics. He says in this paper, although he now denies he wrote it and we do not know where it has been plagiarised from —

> The State Government's response to the very serious questions about how it is ensuring protection and safety of children at risk has been completely inadequate.

I say the same about his government now. What did he call for back then? Perhaps he does not know. This document, which has his name on every page and is dated November 2006 reads —

> The Opposition —

That is the Premier in opposition —

> has called for a royal commission into the DCD and child deaths and has outlined proposed terms of reference that would ensure the investigation would have far-reaching powers to fully scrutinise and report on matters relevant to child protection in WA.

Mr C.J. Barnett: I don't recall writing that.

Mrs M.H. ROBERTS: Written in the first person, this document has Hon Colin Barnett, MLA, at the bottom of every page.

Mr C.J. Barnett: I didn't write it.

Mrs M.H. ROBERTS: It was put out in the Premier's name, written in the first person.

Mr C.J. Barnett: By who?

Mrs M.H. ROBERTS: It reads —

> I believe that any investigation —

Mr C.J. Barnett: I was a humble backbencher up there. I don't think I would be writing about child protection.

Mrs M.H. ROBERTS: It continues —

> needs to examine the fundamental philosophy behind the DCD's care and protection of children. The Department's ideological position that favours keeping family together assumes the family is the best place for the child. Sometimes it is not. These ideological good intentions seem to be favoured over the protection, safety and care of children. Indeed, the report of the review of high-risk cases released on 31 October had a recommendation that DCD officers should adopt a child-focused approach to cases. This begs the question: why hasn't this always been the focus of the DCD's care for children?

This is a little bizarre. This document was allegedly put out by Hon Colin Barnett in November 2006 but now he is saying that he did not write it and he has no recollection of it. He has no recollection of calling for a royal commission into DCD. Let us put that to one side because the Premier is now saying that he knows nothing about that.

I was surprised to hear the Premier's response in question time. Having made some strong statements when he was in opposition, he now thinks that we are going too far.

Mr C.J. Barnett: Are you referring to a speech I made in Parliament following the death of Wade Scale? I certainly spoke on that issue.

Mrs M.H. ROBERTS: That is right. This is subsequent to Wade Scale.

Mr C.J. Barnett: You are talking about a speech I made in Parliament.

Mrs M.H. ROBERTS: It was a Liberal Party document. I do not want to waste my time trying to do the Premier's homework for him.

Mr C.J. Barnett: Someone has printed a speech I made in Parliament.

Mrs M.H. ROBERTS: If the Premier did say these words in Parliament, maybe he did write the speech and maybe he is prepared to stand by them. For the Premier's information, the opening paragraph states —

> The tragic death of 11-month old Wade Scale and the subsequent review of the Department of Community —

Mr C.J. Barnett: It was a speech I made in Parliament, as recorded by *Hansard*.

Mrs M.H. ROBERTS: The status of this issue is even more serious. It is something that the Premier said on record. He is admitting that, and it is on the *Hansard* record.

I listened to the Premier's response in question time with some concern. There was an implied threat. He attempted to intimidate the opposition into an obedient silence while he strutted around and doled out some general abuse on the issue. The facts are simple. The Premier has now admitted that it was a speech he gave in the house.

Mr C.J. Barnett: I've always said that. You talked about a document I wrote. I made a speech in Parliament on Wade Scale. I remember that clearly.

Mrs M.H. ROBERTS: Back in 2006 the Premier was fairly pompous and pious on this issue in the section of the speech in his name that I have read. He wanted to call for a royal commission. He wanted to castigate the government. We have to ask: what has the Premier done since he has been in government? He has failed to provide the expert support needed. The government no longer has the Child Death Review Committee, which

reviewed all the cases involving children who had some relationship or dealings with the Department for Child Protection in the two years leading up to their death. That responsibility has now been handed to the Ombudsman's office. The Premier and his government have failed to provide the necessary resources. As the Leader of the Opposition said, the 2011–12 budget does not provide the resources for a single extra caseworker. It is the first budget to fail to do so since 2006. Instead, Minister McSweeney has promised 37 new caseworkers, but not a single position is funded. How will those 37 caseworkers be provided? Maybe the funding for those caseworkers will be provided out of the royalties for regions fund that has not been fully allocated yet. If they are, that is a very good use for the fund. After all, money from royalties for regions is supposed to enhance the quality of life for all members of those regions. If that is true, perhaps that is where that money could be spent. The Leader of the National Party, the person responsible for that fund, has said that successive governments have failed the community on Indigenous affairs and that a new approach is needed. Perhaps this will be part of his new approach, despite the fact that that is the same minister who had a report relating to children in Laverton on his desk for four months and did not read it.

The Premier failed his own test. He set up his position in 2006 when he was in opposition and he failed his very own test in government. He is very quick to judge us and suggest that we might be politicising this issue. We are not politicising it; we are taking the Premier at his word. We read what he said back in 2006 and we think it is a little hypocritical if he does not deliver on it. The standards and accountability of this government are lower. The government will not make public the recommendations of the Ombudsman, whereas the Child Death Review Committee made recommendations public. That does not happen any more. This government is not as accountable. It will not release the same level of information as was provided in the annual report of the Child Death Review Committee, such as how much contact there had been between the child or the family and DCP or the reason for the child being known to DCP. For example, was there recent neglect or abuse? What intervention did DCP take with that child or family? Perhaps the Ombudsman could at least report on some of those themes or systemic issues.

This government has failed the children of this state. The Leader of the Opposition has gone through the very alarming figures. They are just as alarming as they were a few years ago, despite the extra expenditure and the extra case officers that the government put in place. At the same time, the openness and accountability of the process here is now markedly reduced because none of the information is being made public. That is why there needs to be an inquiry into this issue. If the Premier stands by the standards that he professed in 2006 when he was in opposition, he would welcome the opportunity for a committee to look into this serious issue. He has conceded that it is a serious issue, and I think he needs to respond. He needs to respond by agreeing to refer this issue to a committee and to make information public. In fact, he is not even providing the level of information that was made public previously under our government. This is a cover-up.

MR C.J. BARNETT (Cottesloe — Premier) [3.27 pm]: I wish to clarify a matter. When opposition members first spoke, they talked about a paper I had written. As I said, I have not written a paper on child protection. I imagine that they are referring to a reprint of a speech I made following the tragic death of Wade Scale. I did speak on the tragic death of Wade Scale. It was a scandalous situation, which I reflected on in that speech. I spoke on the death of Wade Scale not only because of the tragic loss of that little boy's life but also for the simple reason that over the five years of the Labor government 214 children known to the Department for Community Development had died. It was an outrageous situation and it reflected on a government that was not giving due and proper attention to the safety of children.

One of the difficulties in this area is the number of different measures and statistics used. We can find different conclusions depending on which statistic we want to focus on. I take exception to the comments made by Hon Sue Ellery, as reported in the weekend media. I want to again reflect on what happened under the previous government. Again, we have different statistics and different reporting groups, so comparing apples with apples is not always easy in this area. In December 2007, at the time of the previous government, the Child Death Review Committee found that the number of deaths of children aged between zero and 18 years, excluding stillbirths, was 187. Of those, the number reported for coroner notification and brought to the attention of the Department for Child Protection was 87. Of the 87 cases that were basically reported or referred to the coroner, 37 were known to the department. During that period up to 2007, 37 children known to the department in one way or another died. I do not think that is a good result at all. That is a matter of public concern. In fact, what Hon Sue Ellery was referring to was this: in 2009–10 it was found that the deaths of eight children under two years of age warranted investigation. These deaths, tragically, occurred during the time of this government—I concede that—but the number is eight.

Mr E.S. Ripper: How come the Ombudsman says 90 over two years?

Mr C.J. BARNETT: I listened to the Leader of the Opposition in silence; now he can listen to me.

Several members interjected.

Mr C.J. BARNETT: I will sit down, Mr Deputy Speaker. I thought the opposition did not want to politicise this.

Mr T.G. Stephens: You're the one who is politicising it!

Mr C.J. BARNETT: I thought the opposition did not want to. I thought members were interested in the facts. The fact is there were eight investigable cases involving children.

Mrs M.H. Roberts: Compare apples with apples!

Mr C.J. BARNETT: I thought you did not want to politicise it.

Mrs M.H. Roberts: You're the one politicising it if you won't compare apples with apples.

Mr C.J. BARNETT: In the Ombudsman's 2009–10 annual report he found the deaths of eight children under the age of two were considered investigable deaths. As I said, these deaths, tragically, clearly occurred during the time of this government. If we look at the record of the previous government, 39 children under two years of age died, and they were similarly considered reviewable deaths. The article in *The West Australian* stated the number of child deaths was 35. The correct figure should have been eight; not 35. Thirty-nine little children actually died during the time of the previous government. This is part of the problem: the death of any child is a tragedy, particularly if there may have been neglect by parents. If the Department for Child Protection was aware that a child was at risk or even had some contact, no matter how limited that might have been, that is of course of public concern.

This government has put big resource increases into the area of child protection. The record is far, far better than under the previous government. It is not perfect, because if a child dies, that means the record is far from perfect. There is a real issue here of comparability of data and different reporting measures; that is, numbers of deaths, numbers reported to the coroner, and numbers reported to the coroner who were known to the department and so on. That adds to confusion and does not lend itself to a debate like this. I do not support this motion. The first part of the motion states —

> That the house —
>
> (1) expresses its grave concern at the number of children dying in WA, in particular those who were known to the Department for Child Protection; …

If the number was only one, we would equally be concerned. Obviously, I have no objection to that, but this side of the house is not about to agree to refer this to a parliamentary committee. I tell members what I will do: I will ask the Minister for Child Protection, with the assistance of the Department of the Premier and Cabinet, to produce a comparable, accurate statistical summary of this area, because I think that is lacking.

Mrs M.H. Roberts: What about asking the Ombudsman?

Mr C.J. BARNETT: I will ask the Department of the Premier and Cabinet —

Mrs M.H. Roberts: Would it not be fairer, if you want to depoliticise it, to ask the Ombudsman?

Mr C.J. BARNETT: The member can ask anyone she wants. The Ombudsman is an officer of this Parliament. What I will have prepared as Premier is an accurate, comparable summary in this area of numbers of child deaths, numbers referred to the coroner, and numbers referred to the coroner who were known to the department. I do not think that will necessarily be easy because there are different reporting mechanisms.

Mr E.S. Ripper: Why do we not just have an inquiry?

Mr C.J. BARNETT: Because I am not convinced that we need it. From all the information and advice I have received, the situation, although not perfect—any death is a tragedy—is dramatically improved from where it was.

Mrs M.H. Roberts: If the numbers are similar, will you support an inquiry then?

Mr C.J. BARNETT: I do not pre-empt anything. The opposition has raised this issue. I think Sue Ellery, from the advice and information I have received, has got it wrong. She has exaggerated the situation and she has actually included child deaths that occurred during the Labor years. However, I will undertake to have a proper summary of the data prepared, and present that to the Parliament. I do not know how difficult that will be to prepare, but I will ensure it is prepared. The opposition can then challenge and question that if it wishes.

MS M.M. QUIRK (Girrawheen) [3.34 pm]: United States Supreme Court Justice Louis Brandeis coined the marvellous phrase "sunlight is the best disinfectant". That was of course in praise of transparency and honesty in public policy. This motion has been necessitated by the government's lack of candour, its complacency and its failure to squarely confront systemic issues within the Department for Child Protection which may have contributed, either wholly or in part, to the tragic and untimely death of children.

This motion is about ensuring some level of transparency in how child protection is conducted; it is about introducing that sunlight. The Premier has specifically chosen to be obtuse and ignore the key point of this motion. It is not about pointing fingers or attributing blame. As members of Parliament we are paid to confront

difficult issues. We should not shy away from them. If the inquiry we are calling for by this motion recommended measures that potentially could save the life of one child, then it would be worthwhile.

Until 2009 child deaths were investigated by the Child Death Review Committee. That committee was established following the Gordon inquiry. Its comprehensive reports were tabled in Parliament. They not only included discussion of a number of individual cases but also canvassed broader policy issues, the need for better interagency collaboration, and shortcomings of the child protection system. It was great in informing us how to move forward and better protect children. In the conclusion to the Child Death Review Committee's 2007–08 annual report, it was noted —

> … the child death reviews are critical for informing good practice. The monotonous repetition of the same recommendations reinforces their importance rather than diminishing their value.

We have heard that all child deaths since 2009 are now notified to the Ombudsman. He is compelled to investigate those deaths when the child or family is known to DCP in the two years before death. That is called investigable death.

During the Legislative Council's budget estimates hearing yesterday, Hon Sue Ellery asked the Minister for Child Protection whether the government would make public any recommendations on child death investigations made by the Ombudsman. Her response was in the negative. Further, when asked whether government would provide the same level of information released in the annual reports of the Child Death Review Committee, she similarly declined—nor would she provide information on general themes or the prevalence of specific issues. In fact Hon Sue Ellery wrote to the Ombudsman in April this year and asked —

> 1. How many investigable deaths of children are currently being monitored and or reviewed by the Ombudsman's office? and
>
> 2. What is the date of the death of each of the children subject to the above?

The Ombudsman replied —

> As you may know, the Ombudsman is required by the *Parliamentary Commissioner Act 1971* … to undertake investigations in private and in accordance with the confidentiality provisions of the Act. Accordingly, I regret I am not able to provide the date of the death of each of the children subject to review.

That is the level of information we get. The last Child Death Review Committee annual report was 44 pages long. I think the Ombudsman deals with the same issues in three or four pages of his annual report—that in itself says something.

The Premier has undertaken to provide the same level of material but, frankly, that is an ad hoc commitment. We will have to come back next year and put a similar motion—I think not.

What is really concerning is that the responses, both from the minister and the Premier, are quite different from when they were in opposition. We remember that Hon Robyn McSweeney was outraged at the number of child deaths in 2008, as we all were, but yet today, with little change in the number of children under the care of DCP who have died on her watch, her outrage is not so evident. I think the minister shows a disturbing lack of concern at her department's failure to protect those children most at risk across the state.

Mr C.J. Barnett: She is a minister who actually goes out on the street and helps kids.

Ms M.M. QUIRK: The Premier referred to a paper that he was not familiar with. It is actually on the Premier's website under "Children". It is cited as being the Premier's current position.

Mr C.J. Barnett: There is a speech in Parliament.

Ms M.M. QUIRK: If the Premier resiles from any of those comments, now is the time to say so. In closing, I want to quote the second paragraph in the Premier's paper "Putting Children First" —

> Every child has a right to be safe, secure and loved. Unfortunately, some children have none of this. It is the State Government's responsibility, through the Department of Community Development —

It is now the Department for Child Protection —

> to provide these children with the care that their parent or parents cannot or will not provide. Whether the DCD is fulfilling its statutory responsibility to safeguard the wellbeing of children and respond to concerns for the wellbeing of children is now being questioned.

Premier, that is all we are doing, and we should not be criticised for doing it. These issues should be approached in a bipartisan manner. They are equally relevant today as they were when the Premier made those comments in 2006. I suggest that the Premier and his government be mindful of the sentiments he expressed at that time and continue to put children first and not run for cover.

MR J.H.D. DAY (Kalamunda — Minister for Planning) [3.38 pm]: Everybody accepts this is an area of great tragedy. One death of a child is one death too many. This debate seems to be, however, about a comparison between the record under this government and the record of the previous government. The opposition has been drawing a comparison, at least in part, between what has happened in the last two and half years and what happened when it was in government.

The Premier has said that he will ensure that a thorough and accurate analysis is undertaken, so that comparable figures can be examined, so that we are all talking about exactly the same thing. At the moment I am not sure that that is the case. I am advised that currently 32 cases are being reviewed by the Ombudsman in relation to a child or a child relative being known to the Department for Child Protection. These deaths date from 8 November 2008 through to 22 March this year. The majority of them have occurred as a result of co-sleeping, suicide, motor vehicle crashes or acquired illness. Of the 32 cases in total, eight of them tragically relate to children under two years of age. In the estimates committee process the Ombudsman was asked by the Leader of the Opposition —

> Of the 182 cases notified to the Ombudsman in the past two years, how many of those children had had contact with the Department for Child Protection?

The supplementary information provided by the Ombudsman indicated that of the 182 notifications —

Mr E.S. Ripper: Which you previously said were over the last two years.

Mr J.H.D. DAY: I will provide the full information in a moment. The Ombudsman indicated that, of the 182 notifications, in 96 cases a child or the relative of a child had had contact with the Department for Child Protection. Of those 96 cases, 71 were in the time of the previous Labor government. That is the clear information that I am provided with.

Mr E.S. Ripper: Who by?

Mrs M.H. Roberts: That is right—so 76 were under the time of the previous Labor government, and 73 are during your time.

Mr J.H.D. DAY: Of the 96 cases in which a child or the relative of the child had had contact with the Department for Child Protection —

Mrs M.H. Roberts: That is what Hon Robyn McSweeney told the Legislative Council.

Mr E.S. Ripper: Who provided you with that information? Did the Ombudsman provide you with that information?

Mr J.H.D. DAY: I presume this has come from the minister's office.

Mr E.S. Ripper: Yes, this has come from the minister, not from the Ombudsman. The minister is talking about the situation in the middle of last year when the annual report was finalised. The Ombudsman is talking about right now.

Mr C.J. Barnett: It is a separate dataset.

Mr E.S. Ripper: It would be good to get a dataset that we can all agree on. I agree with that.

Mr J.H.D. DAY: It is very difficult to have an informed debate when there is lack of clarity about what all the numbers are.

From what I am advised, of the 96 cases where a child or a relative of the child has had contact with the department, 71 of those were in the time of the previous Labor government. It seems to be the case that there has been an improvement in outcomes, but we all agree that one death is one death too many. We all have to do whatever we can.

The Premier indicated that a lot of extra resources have been allocated to the Department for Child Protection during this term of government. I myself recall that that is the case. The 2010 budget in particular, from my recollection, provided a substantial increase in funding to the Department for Child Protection so that it can fulfil its important responsibilities and ensure that there is likely to be a much lower chance of these tragedies occurring.

Amendment to Motion

Mr J.H.D. DAY: I move —

> To delete all the words after "WA" in the first line of the motion.

So that the motion will then read —

> That this house expresses its grave concern at the number of children dying in WA.

MR B.J. GRYLLS (Central Wheatbelt — Leader of the National Party) [3.43 pm]: I rise to support the amendment moved by the Minister for Planning representing the Minister for Child Protection and to put my thoughts on the public record. The Leader of the Opposition said that this government had done absolutely nothing in the field of child protection since coming to government. That is just blatantly unfair. I begin by paying tribute to the Minister for Child Protection, Hon Robyn McSweeney. Having shared the cabinet with her now for three years, I know that Hon Robyn McSweeney is a passionate advocate for children. She is a passionate advocate for children at risk. As I have said publicly before, Hon Robyn McSweeney has stared down the cabinet on numerous occasions, making sure that the rights of young children at risk are heard and acted upon. I do not think that should be unrecognised in this debate today. She is a very good Minister for Child Protection. If anyone can move to address these issues, bring them to the attention of the government and put in place programs to make a difference, it will be Hon Robyn McSweeney. She has gone out of her way to talk regularly with me about the royalties for regions program and how it can work in this space of child protection.

As the Premier said, the loss of one child is a tragedy. All of us have had experience of this—our friends, our family and our wider community—and it is tragic. It is even more tragic in circumstances where young children are not getting the care that they need and that leads to some of these tragic outcomes. I agree wholeheartedly with the Premier that being able to have baseline statistics that we can all agree on is an important move in this space. I think it is a welcome commitment from the Premier.

I return to the notion that this government has done nothing in this space. Prior to last year's budget Hon Robyn McSweeney came to me to talk about the responsible parenting program. The responsible parenting program had been started by the previous government and was funded in the metropolitan area, the Peel region and the Kimberley, which was good for the metropolitan area, the Peel and the Kimberley but not very good for the rest of the state where it was not running. On Hon Robyn McSweeney's insistence, the responsible parenting program has now been rolled out across the length and breadth of the state. It is a $38 million government initiative. Last year an extra $2.8 million and this year $6.5 million has gone into the responsible parenting program. For the information of members, the responsible parenting program is comprised of home visiting services and support and advice to at-risk families with both older children and young babies and toddlers. This is about the government intervening in the household, around the kitchen table, of families who are at risk, which have been identified by the system. It is putting in place the support mechanisms to give them advice, support, counselling and linkage with other government services so that they can be better advised on how to deal with some of the challenges. We all recognise that that type of direct intervention is going to be needed, but more importantly this needs to be a partnership with those families that come to the government and are linked up to those services. There is not much point if government provides a service delivery to a community and families do not take it up. Hopefully the responsible parenting program encourages more families to come and access that support.

I want to pay tribute to the people who work in this field. Dealing with families at risk must be a very challenging job in many circumstances. Young graduates are moving from Perth into remote parts of the state and are dealing with some really terrible circumstances.

Mr P. Papalia: You should talk to your colleague the Minister for Corrective Services about funding the Family Intensive Team program, which was cut by the previous minister. It is the same sort of thing.

Mr B.J. GRYLLS: I am more than happy to do that.

Mr P. Papalia: It is in the field of young offenders.

Mr B.J. GRYLLS: I can go to that because we are funding the youth justice diversion program. Is that what the member is talking about?

Mr P. Papalia: No, this particular one was unique: it was the only system that targeted kids who would otherwise go to prison, and it wrapped around the families. The minister cut it because of a lack of funds, but you have lots of money.

Mr B.J. GRYLLS: We also need to ensure that we spend that money wisely, and we are doing just that with the responsible parenting program. It is now being rolled out across the entire state, as I have said in previous debates. This year it is being rolled out in the Goldfields region. It has already put extra resources —

Ms M.M. Quirk: The Goldfields was us.

Mr B.J. GRYLLS: No. The responsible parenting program was rolled out by the Labor government in the Peel and the Kimberley. The Labor government had the justice program in Kalgoorlie, but not the responsible parenting program. The responsible parenting program allowed Minister McSweeney, when she went to Laverton the other day, to put those FTEs into Laverton. As I said previously in this chamber, those FTEs can go to Laverton because this government has funded housing. Without housing for government employees, it is very difficult to locate those government employees in that community. Since 2007, the Laverton community has

sought support from government to put a housing program in place, because it knew that it needed houses to attract police, teachers and child protection workers. The community now has 10 extra houses, which are supported by this Liberal–National government. These houses have allowed those extra resources to go into Laverton, and, hopefully, that will put more people into that community to give it support. The funding for the responsible parenting service is $38 million over five years, which is being rolled out across the entire state. Under the leadership of Hon Robyn McSweeney, we will see a substantial amount of intervention in those families that need that extra level of care.

I just touched on housing because I think it is really important. One of my first interactions with Indigenous communities as a member of Parliament was in Halls Creek in an area called Mardiwah Loop. That was one of the dysfunctional communities of Halls Creek upon which so much focus has been put. In that community, 25 people lived in a house. The kids were normally under the care of grandma; mum and dad did not contribute a whole lot to the looking after of those kids. Anyone who wants to be a member of Parliament and to address Indigenous issues needs to spend some time in the remote communities in Halls Creek and Jigalong to get an understanding of the challenges. Twenty-five people living in a house will end in dysfunction no matter what. I heard that some deaths referred to in the report were due to co-sleeping. I assume that that is when too many people are in a bed. With 25 people living in a house, bed space is probably pretty short. This government, in partnership with the federal government and its stimulus money, has put 18 new houses into Mardiwah Loop in Halls Creek. Eighteen new houses means many more rooms, many more beds and, hopefully, less of that overcrowding —

Mr J.C. Kobelke: What percentage of those 18 new houses was funded by the state government money and how much by federal government money?

Mr B.J. GRYLLS: I just noted that it was funded under the commonwealth government stimulus package.

Mr J.C. Kobelke: So it was all federal money?

Mr B.J. GRYLLS: Yes, but, interestingly enough, the commonwealth had had money available for housing in Mardiwah Loop for many years. The problem was not the willingness to spend money; it was getting a management regime in place that looked after the houses. I have previously paid tribute to Jeff Gooding from the Kimberley Development Commission and Joe Ross, a local community leader. They intervened in Halls Creek to come up with a deal to which the community could sign up and have the housing managed; that deal allowed those houses to be built. Without that intervention by Jeff Gooding, with the support of Joe Ross, the commonwealth money would have been available, as it has been previously, but not usable. This government won extra funding from the commonwealth by being the best at rolling out that housing program into remote communities.

Mr J.C. Kobelke: Minister, there seems to be an inconsistency in what you have just said. You said it was commonwealth stimulus money. Then you said that the money had been there for many years. The stimulus money only came two years ago, so you cannot have it both ways.

Mr B.J. GRYLLS: There was money there for many years. The money that funded the houses was stimulus money, but money was available prior to that. I do not know whether it was commonwealth or state money; it may have been state money available. What I am saying is that the commonwealth will not provide money for remote Indigenous housing—it is still the case—unless the local community sign up to a management regime, which is often the most intractable problem. Without a willingness to engage in how the houses will be managed, the solution cannot be found. We have been very focused on housing availability in remote communities. In places like Roebourne, the Minister for Housing has made a huge progression on more and better quality housing to reduce some of the overcrowding. Better and more housing and the responsible parenting program are the sorts of decisions of government that start to make a difference in looking after young families.

Before I sit down, I also touch on the southern inland health initiative that is putting $500 million into better health facilities in regional communities, essentially from Kalbarri across to Meekatharra and down to Esperance.

The State Coroner has made many reports on young children—I do not know whether these relate to families at risk or just young children—entering the country health system and getting a poor outcome resulting in death. There were far too many examples of young kids not being able to see a doctor and not being able to get the type of services that they needed at country hospitals. As we know, the health system is needed in an emergency, and if the health system is not there to support people, we get negative outcomes. The Minister for Health, through the southern inland health initiative, is all about more doctors, better services at those regional hospitals and better linkages with the health system and the community to ensure that we do not get constant repeats of the challenges that we have heard about.

I will let other members speak. This is a very serious issue. Governments of all persuasions need to ensure that they act to look after those most vulnerable and who most need help. Young children, linked to families at risk,

who are dying is a very important matter. This government, through our responsible parenting program, through initiatives in the health field and through ensuring better living arrangements for many people with more housing, is doing as much as it possibly can to get better outcomes for this very difficult area.

MR A.J. SIMPSON (Darling Range — Parliamentary Secretary) [3.58 pm]: It should be stated that one child death in Western Australia is a tragedy. That is why the amendment to the Parliamentary Commissioner Act 1971 has transferred the responsibility for child deaths from the Child Death Review Committee to the Ombudsman. A large number of deaths are investigated by the Ombudsman, but budget estimates made it clear that this was because the Ombudsman investigates cases of accidents also in that process.

The point to raise in this debate is that in June 2009, the responsibility for investigating child deaths in WA transferred to the Ombudsman with the amendment to the Parliamentary Commissioner Act 1971. The criteria in the legislation for investigating child deaths charged the Ombudsman with investigating any death in WA. Before June 2009, the Child Death Review Committee investigated deaths of children who were known to the Department for Child Protection. The Child Death Review Committee, chaired by Dr Denzil McCotter, and supported by the department, reviewed 48 cases between 2005 and 2008. In June 2009, 73 reviewable deaths known to the department were transferred from the Child Death Review Committee to the Ombudsman for his review. That is outlined on page 60 of the annual report.

Child protection is probably one of the most important responsibilities of government; it concerns the most vulnerable in our community. This government's commitment goes a long way to try to help and protect children in our community. This government is very keen to implement a housing strategy for children in the community and to set up tier 1 and tier 2 DCP houses throughout the community. There are a couple of these houses in my community, and they work very well to keep siblings together in a family environment—that is, to protect them, to nurture them and to help them continue their schooling, their education, their sport and so forth. The protection of a surrounding family community in a suburb, community or town goes a long way to help these children recover from the situations from which they came, and also to make them better citizens in our community. It is a fantastic step by this government to try to protect and help these children so that they value where they are and are kept together with their siblings. In years gone by, we separated brothers and sisters and took them away to almost institutional-type situations, which did not help at all. I am very proud to be part of a government that looks at ways of keeping children together, and to put them into a family community and keep them on the right track. Getting involved with the family community helps them to become part of the community and to feel part of a unique family. It is a great initiative by our government to ensure that we keep that process going.

Child protection has been an issue for a number of years under a lot of governments. In 1971 I started grade 1 at Wyndham District High School. My mum was then with native welfare services, which I think is now called community welfare. We had a number of young kids stay with us for one reason or another—their mum was ill or had ended up in hospital. We constantly had a small child in our house. I am one of five siblings, so it was a busy and noisy house anyway. I had firsthand experience in trying to help kids get back on the right track. I keep in touch with a lot of those kids to this day. They have flourished into adulthood and have made great steps in their lives. In the 1970s in Wyndham, child protection processes were not at the forefront, but there were processes to try to ensure that everyone had a healthy lifestyle and kept moving forward. As the years have passed, a lot of changes have been made in those communities, including better protection processes. The Minister for Lands mentioned the situation in Laverton and the need for housing in the town. It is now 2011 and we are facing similar issues and the same problems to those faced in the 1970s. We are still trying to find a way to help those people overcome the problem of child protection issues and also to give them a stable community. The minister touched on one of the major problems in those remote communities; that is, trying to find housing for staff so that we can help those people. It is great that we are finding a way to give staff decent accommodation so that they can remain in those towns and do the work that they are paid to do. Child protection is a major initiative of this government. We are very keen to ensure that we keep these processes going. I can only support the amendment put forward by the Minister for Planning.

MR M. McGOWAN (Rockingham) [4.01 pm]: This motion was put forward seriously by the opposition to try to get some examination of a very important issue. The reason we put forward this issue is that figures came to us from the Ombudsman that show that there has not been a great improvement, if any, in the number of deaths of children who are known to the state. That means that there has been some intervention by government departments. Why are those kids still dying despite, as the Premier said, all the resources that have been allocated by the government to the department, the creation of the Department for Child Protection, the Gordon inquiry, the new police stations and multipurpose facilities around the state, and mandatory reporting, which was brought in by the previous government? All those things have happened, yet we have not seen much, if any, improvement in the number of deaths of children who are known to the state. The opposition saw those figures and has brought this issue before Parliament. Firstly, we said that this issue is of grave concern to all of us because the deaths of children is so appalling and shocking that we should all express our concern, and everyone

agrees with that. Secondly, we need to examine in some way what has been going on and how we can improve the situation. The opposition thought that referring the issue to a committee of Parliament, which has members of both sides of the house and which has resources and the capacity to research and review these matters, might be a reasonable way of looking at why these kids are dying and why the situation has not improved. Let Parliament note in the *Hansard* record that the reasonable way of looking at this issue in an open and bipartisan way has been rejected by the government. That is all we wanted to do. Our motion to have an open and bipartisan inquiry into this grave issue has been rejected by this government.

Amendment put and a division taken with the following result —

Ayes (28)

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

Noes (24)

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

Pairs

Mr D.T. Redman	Ms L.L. Baker
Mr A.J. Simpson	Mr D.A. Templeman
Ms A.R. Mitchell	Mr W.J. Johnston

Amendment thus passed.

Motion, as Amended

Question put and passed.

BILLS

Appropriations

Messages from the Lieutenant-Governor received and read recommending appropriations for the following bills —

1. Water Services Bill 2011.
2. Water Services Legislation Amendment and Repeal Bill 2011.
3. State Superannuation Amendment Bill 2011.
4. Road Safety Council Amendment Bill 2011.

DUTIES AMENDMENT BILL (NO. 2) 2011

Introduction and First Reading

Bill introduced, on motion by **Mr C.C. Porter (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

Second Reading

MR C.C. PORTER (Bateman — Treasurer) [4.10 pm]: I move —

That the bill be now read a second time.

The Duties Amendment Bill (No. 2) 2011 amends the Duties Act 2008 to introduce an exemption from vehicle licence duty for transfers of vehicle licences between spouses or de facto partners of at least two years. This measure was announced as part of the state government's 2011–12 budget. Under the Road Traffic Act 1974, a vehicle licence can only be registered in one person's name. For varying reasons spouses will often want to change the vehicle licence registration from one to the other, only to discover that there is a duty cost of doing so. This duty exemption will allow the transfer of a vehicle licence from one spouse or de facto partner to the

other spouse or partner with only minimal cost. The proposed exemption is similar to the existing duty exemption for the transfer of a principal place of residence from one spouse to the joint ownership of both spouses.

To ensure that the exemption applies only to a vehicle used for private or non-commercial purposes, the bill requires that the vehicle qualifies for the family vehicle licence concession under the Road Traffic Act 1974. This concession applies to cars and wagons of up to three tonnes and provides a $67 reduction in the annual vehicle registration fee. The proposed exemption will save spouses or eligible de facto partners $275 on the transfer of a licence for a $10 000 vehicle, $550 for a $20 000 vehicle and $1 050 for a $30 000 vehicle. A transfer fee of around $15 will continue to apply to cover the Department of Transport's administrative costs. Similar exemptions presently apply in Victoria, Queensland, South Australia and the Northern Territory. The measure is expected to have a negligible revenue impact and is consistent with the state government's objective of providing a fair and efficient tax system that is competitive with the other states while raising sufficient revenue to meet the needs of the Western Australian community.

The exemption is intended to commence on 1 July 2011. Subject to this bill being passed by the Parliament and receiving royal assent, spouses or eligible de facto partners who transfer a vehicle between 1 July 2011 and the date of royal assent will be able to apply to the Commissioner of State Revenue for reassessment and refund of the duty paid. A detailed explanation of the bill is contained in the associated explanatory memorandum.

I commend the bill to the house.

Debate adjourned, on motion by **Ms R. Saffioti**.

WORKERS' COMPENSATION AND INJURY MANAGEMENT AMENDMENT BILL 2011

Second Reading

Resumed from 17 May.

DR J.M. WOOLLARD (Alfred Cove) [4.14 pm]: My attention was brought to some anomalies within the Workers' Compensation and Injury Management Act, which I believe we are able to address while this bill is on the table. I received a letter from Dr Bill Musk, who is a respiratory physician at Sir Charles Gairdner Hospital and a clinical professor of medicine and population health at the University of Western Australia. The letter says —

> Dear Janet,
>
> My attention has been drawn to the Workers' Compensation and Injury Management Act … concerning the addition to Schedule 3 describing pleural plaques (diffuse pleural fibrosis): any process entailing substantial exposure to asbestos dust. The description of the disease is that pleural plaques and diffuse pleural fibrosis are synonymous processes which they are not. Pleural plaques are circumscribed areas of hyaline fibrosis, usually involving the parietal pleural ... whereas diffuse pleural fibrosis is a more inflammatory process which involves the pleura lining the chest wall and also the pleura on the surface of the lung. The processes are radiologically and pathologically distinct. They have different effects on the function of the lungs. Therefore while both result from exposure to asbestos they constitute quite different bodily responses. In the interests of accuracy I believe that this Order should be changed.

Further to that letter, I was sent some correspondence, which was also sent to other members of the house, from the Asbestos Diseases Society, which refers to a patient and says Mr A —

> ... is definitely disabled by industrially caused pleural plaques and since such disease is not covered within the provision of the Statutory Legislation, we are unable to secure compensation to which otherwise he would be entitled.

The society says that for 30 years it has been trying to have amendments made to the act to include pleural disease and pleural plaque as compensable industrial injuries and that —

> … last year Workcover WA upon advice from the Medical Advisory Committee recommended ... changes to include pleural plaques as a compensable industrial injury.

However, when the act was gazetted, WorkCover had changed the pleural plaque connotation by adding it as "pleural plaques (diffuse pleural fibrosis)" under schedule 3 of the act in "Column 1: Description of Disease".

The letter continues —

> In our view with such connotation (diffuse pleural fibrosis) no pleural plaques sufferer will receive any compensation and that includes —

"Mr A" —

> … unless the diffuse pleural fibrosis is removed.

Unfortunately most members would not have appreciated the difference between "pleural fibrosis" and "pleural plaques" when the legislation went through Parliament, apart from the wonderful member for Eyre, who has a lot of expertise in this area.

Mr F.M. Logan: What are you talking about? That is what I just raised in my speech.

Dr J.M. WOOLLARD: The member for Cockburn did not raise this when this came up. The member may have raised it now, but —

Mr F.M. Logan: We knew about it a long time ago.

Dr J.M. WOOLLARD: It may have been raised by the member, but the legislation went through with that inequity two years ago.

I show the house two X-rays, particularly for the benefit of those members who have not had an opportunity to look at the differences between these conditions in detail. We can very clearly see on this X-ray a nice well-defined lung space and some white patches, which are the pleural plaques, in variation with the diffuse pleural thickening bilaterally in the lungs on this second X-ray. In the second X-ray we cannot see that air has entered the lung, because the lungs have been damaged. A major anatomical difference is presented depending on whether someone has pleural plaques or diffuse pleural thickening. A definition of pleural thickening is —

> This is a (non-cancerous) thickening/scaring … of the pleural membrane surrounding the lung(s). It usually occurs when fluid leaks into a person's chest following an accident or a rheumatic condition and then drains away. Typically, the lower outside part of the lung …

That is this X-ray —

> … is damaged and either one or both of the lungs can be affected to a degree that varies from very minor to extensive.

To go on with fibrosis, pleural thickening can cause shortness of breath and impaired lung function and can get worse over time and cause breathlessness and disability as the lungs are prevented from functioning properly. It may result in pleural infusions and may cause other problems, such as haemothorax and tuberculosis, and usually occurs 15 years after asbestos exposure. The other condition, pleural plaques, is a small, isolated thickening of the inside of the ribcage and results from breathing in any form of asbestos; it is the most common type of benign asbestos-related lung disease. Although pleural plaques are not thought to cause symptoms, they may slightly affect some lung function tests. They do not require treatment, but their presence should prompt regular medical check-ups. They usually do not develop into a more serious condition; however, they are proof that someone has been exposed to asbestos. Occupations typically affected by pleural plaques include plumbers, electricians, builders and engineers. It usually takes a minimum of 10 years following exposure to asbestos for the first signs of the disease to show up on a chest X-ray.

Further to the clinical description, I have information from the British Thoracic Society, which has provided information for health professionals on pleural plaques. It makes reference to association with other conditions caused by exposure to asbestos, such as diffuse pleural thickening, which is a progressive condition that affects larger confluent areas of pleura than pleural plaques. This condition sometimes causes respiratory disability. It is very clear that the two conditions are very different.

Why was there confusion with the previous act? It is interesting that in October 2010 a copy of a letter from WorkCover came to my attention. It states, in part —

> WorkCover WA will investigate the implications of removing the *diffuse pleural fibrosis* qualification attached to pleural plaques in Schedule 3 and other relevant sections of the legislation.

We know that when reference is made to "implications", it comes back to costs. It should not come back to costs; it should actually come back to the people who are suffering from these conditions. That is why I believe it is very important, while the Workers' Compensation and Injury Management Amendment Bill 2011 is on the table, for the house to make amendments to the oversights that occurred when the legislation last came before the house. I note that the member for Eyre has listed some amendments on the notice paper. I seem to have misplaced one of the other letters I received, but one of the member for Eyre's amendments seeks to delete "diffuse pleural fibrosis". It was suggested in a letter that was sent to me that by removing the brackets in references in schedule 2 to "pleural plaques (diffuse pleural fibrosis)" we could possibly have "pleural plaques or diffuse pleural fibrosis", and that way a person would not have to have both those conditions before being eligible to receive compensation.

I look forward to the consideration in detail stage and I hope that the government will give some serious consideration to these changes. The maximum number of people in the community who are affected by this condition is perhaps five or six people each year, so it is not going to put a major strain on the government's finances, but it will make a big difference to people who, because of their diagnosis, are not able to receive compensation at the moment and are, in fact, very disabled by their condition.

MS J.M. FREEMAN (Nollamara) [4.24 pm]: I rise to speak on the Workers' Compensation and Injury Management Amendment Bill 2011. I congratulate the government on this bill, especially on the changes to age discrimination. This is an issue I spoke about in my inaugural speech, and I said that I wanted to see change; two and half years after being elected, I welcome it. I know how difficult it would have been for the minister, because I have been around long enough to know that many people are reluctant to change age discrimination provisions on the basis that they have some idea that it means that people aged over 65 will pull an injury. I know how the system works; if one is incapacitated because of an injury sustained at work, that is when one gets workers' compensation. People should in no way be discriminated against on the basis of age. There are people in our workplaces over the age of 65 who have greater fitness levels and capacity for work than some people aged in their 30s. The concept that we somehow have to protect a costly area is, I think, a false one. It was absolutely shameful that insurers continued to claim premiums and have premiums paid for workers over 65, without providing cover beyond a year of sustaining an injury. I welcome those changes.

I know that the changes are partly the result of a review established in 2009 by the current government, but that was an extension of work that was already being done by the WorkCover board. Various changes over the years had made the act quite unwieldy. It is a bit of a concern when one has a workers' compensation act of the volume of the current act. When workers are injured, they do not need the complexities of law; they need the compassion and understanding of an overlaying system that enables them to avoid having to prove that they are sick enough to stay in the system, resulting in a compromised position because of the way the system works. We must always remember that the objective of this bill is to provide a no-blame system for the benefit of workers and to ensure that workers have enough time to rehabilitate and convalesce from injury and return to work safely.

In the times I worked at WorkCover I knew a few people who I think have had a great impact on this Workers' Compensation and Injury Management Amendment Bill and who I would like to mention. One is Linda Morich, who sits on the WorkCover board and who works for UnionsWA. She is a great advocate for workers' compensation and for the need to afford workers a fair and just system. The other is Professor Rob Guthrie, who over the years has worked in the system. Unfortunately, he left WorkCover in the past year or so to go into a different area of law. They have both contributed greatly to workers' compensation.

I also congratulate the government on this bill. I started in the workers' compensation area in 1996. I will tell members a funny story. In 1996 I left to have a baby and when I returned to work, the federal and state industrial relations acts had been changed. The federal workers' compensation legislation had been changed in 1993. On returning to work for the union, I said to the state secretary, "Wow; I don't think I can get my baby brain around these massive changes." She said, "Here; go into workers' comp, it's easy." That was the beginning of my seven-odd years of working on various aspects of workers' comp.

The timing of this legislation is a sign that this place needs to move beyond disputation over workers' comp because the more stable the workers' comp system is for employers and employees, the better. One of the biggest difficulties with workers' comp is that often the crux of who should be addressed—the employers and the workers—is lost. That is often because insurers have insurance policies that stand in the shoes of employers. I suppose that reflects one of the greatest conflicts in the system; namely, if we remove the employer–employee relationship and the benefits for employees and employers of employees returning to work and making the workplace safe, it undermines what should be the aim of the legislation.

I am somewhat concerned that the removal of the age discrimination provisions from workers' compensation legislation will not be retrospective. I understand that it could not be fully retrospective but I wonder whether the age discrimination provision could be retrospective from the point at which it was announced by this government, because I think many people will have made decisions about their ongoing employment after turning 65 years on the basis that they would have some coverage. That would certainly not incur an additional cost to insurers; they claim the premiums on it.

I agree with the minister that the common law remedy provision to cover employees when employers are uninsured is an important provision, and that omission has certainly caused unfairness. I will say, though, that that is uncommon and we need to ensure that it continues to be a rarity. We need to ensure that it is fully regulated and that employers provide adequate insurance for workers' compensation.

I feel as though the major changes to the dispute resolution system are a bit like *Back to the Future*. I lived through the 2005 changes and those in 1993, and over those periods I saw the number of disputes and dispute resolutions increase. In fact, in 2008–09 the number of disputes lodged was 1 686 and in 2009–10 it was 1 762—an increase of 4.3 per cent. The number of disputes resolved in 2008–09 was 1 566, or 93 per cent of disputes lodged. In 2009–10, 1 517, or 86 per cent, of the 1 700-odd disputes lodged were resolved. I must admit that that increase seemed to occur gradually. I think that was due to the introduction of the 2005 reforms. Although I think they were well intended and tried to address some of the problems of lengthy delays in conciliation and review, they were hampered by the rules.

That taught me a very important lesson as a member of Parliament. Departments must be committed to the way the Parliament thinks reforms should be implemented. If a department feels some resistance—I was around at the time; there was some resistance to the changes—it may consider the reforms have become legalistic and bring in rules that are extremely difficult to comply with. I think that is what happened. I was in the jurisdiction of conciliation and review and I cannot remember reflecting on the rules. There were forms et cetera, and we were able to achieve things. Under the new system in 2005, suddenly the number of rules was just as great as the number of regulations. It is really important for members in this place to pass legislation, but unless we have some way of ensuring that our departments process it according to our aims, those aims can be hampered.

Mr T.R. Buswell: Can I interject?

Ms J.M. FREEMAN: No; I really want to get through this. I am reluctant to go into consideration in detail because I think the age discrimination provision is so important that I would like to see the bill proceed as quickly as possible.

Mr T.R. Buswell: We may have to so that we can discuss the pleural plaques. You raise a really good point. All too often we get obstructionism, if I can use that term, in trying to implement legislation or policy changes. In this case, most of the changes here were driven by the agency, which is a good reflection on it.

Ms J.M. FREEMAN: Absolutely. I said that very early on. I think this bill is a reflection of a department that was very committed to amending very unwieldy legislation that totally undermined the objectives of the system. Seeing that here today shows that we have come a long way since the introduction of the changes in 1993.

Some people might not know workers' comp as intimately as I feel I do. The changes in 1993 introduced a non-legal conciliation and review directorate to replace the 1948 Workers' Compensation Board, which the Chapman report at that time called a Kafkaesque legal and bureaucratic maze. Having looked at the rules that came after the 2004 reforms, I feel that some of those Kafkaesque aspects have remained. That is one of the issues we must address. It is a jurisdiction that can argue over one word. I have had those arguments. It is my view that, although there might be a lot of money in the system, unfortunately, not a lot of it goes to workers. On that basis, we must be very careful that we do not cause something to become more legalistic.

The aim of the conciliation and review directorate was to create a fair, economical, informal and quick disputes settlement process. Those objectives are still there today. One of the differences between the return to conciliation provisions in this bill and those previously is that, prior to 2005, under the conciliation and review directorate, a matter could be referred for review, and a conciliator could also refer it. If a party to the review knew the issue was not going anywhere, it was the party's right to have it referred to the review to be argued on the merits of the matter rather than being placed in a conciliation stage. A critical problem in this jurisdiction is the delay. The delay is what causes workers to become caught up in injury psychology and a heap of other aspects. Delay and conciliation can be used by one of the parties. Conciliation is used, for example, as a delaying tactic to enable surveillance or time to prepare further reports. Unfortunately, the 1993 non-adversarial, administrative and non-legal system did not deliver in either time or in formality. As a lay advocate in the area of workers' compensation, I found it very useful to get the parties around the table but many people still believed that the delays were unconscionable. They felt that workers were intimidated by the system if they were not represented. Insurers remained legally represented, so even though the insurer represented the employer, the advocate was a paralegal. In those situations we would often try to negotiate some way forward for the worker but we could not come forward because the advocate could not make a decision until he went back to the legal firm to get further instructions. The 2000 reforms were right in reintroducing legal representation.

Post 2005, the right to legal representation was reintroduced but it could not deliver on efficiency as the rules became complex and unwieldy. Effectively, the 2005 changes brought in a Western Australian Industrial Relations Commission structure. If legislation had been modelled on the New South Wales workers' compensation legislation with its dispute resolution provisions instead of the less complex Western Australian Industrial Relations Commission–type model, we would not have come unstuck. Had the legislation reflected the intent of the changes brought about in 2005, we would not have had the complex rules; we would have had a system that was much more like the Western Australian Industrial Relations Commission. The changes that are before us effectively introduce a Fair Work Australia structure; that is, a conciliation structure divorced from an arbitration-type structure. It will be interesting to see how the separation of the two operates. I understand that there were concerns about procedural fairness.

An evaluation of the 2005 workers' compensation legislation after a year of operation basically said that the rules were outcomes-focused and caused confusion. It said that the front loading of documents in applications was burdensome. Whereas the intent was for all the papers to be on the table, it was never intended to be a burden but to get through the process quicker. The evaluation also found delays in processing applications because of strict rules. It said that the lawyers became adversarial. I do not think that much has changed since the first year of the review.

The changes that we have before us may assist but only if there is a change in the culture of workers' compensation. We need to ensure that we have a system that workers know is protecting their interests. Often the problem we have is that people enter into the system and believe that they are under attack and that their interests are not being protected. One issue that may hamper conciliation is some of the terminology and powers—in particular, the parties cannot request that the matter be referred to arbitration, which I have already spoken about; only the conciliator can do that—and the reaching of a time limit set in the rules. Delay is the tool of disputes. That is something that we need to be very aware of.

The terminology used in division 3 of the bill in reference to dispute resolutions is "fairly, economically, informally and quickly". Yet proposed section 177(1)(b) introduces the term "professional". Given the litigious nature of workers' compensation, I am really concerned about the interplay of suddenly having this new concept of "professional" when it comes to conciliation, as it has never been in workers' compensation legislation before, and how that will reflect in dispute resolutions that are done "fairly, economically, informally and quickly". I seek some clarity from the minister on how the government thinks that will play out. I hope it will not undermine the informality of conciliation.

In any event, it clearly needs to be said that the object of any process in this bill involving workers' compensation should ensure that, wherever possible, during or consequent upon the administration of any claim for compensation or in the process of any dispute resolution relating to such a claim, everything possible should be done by the employer, insurer and dispute resolution officers to prevent harm additional to any injury already suffered by the worker in the course of his or her employment. Many people have come into my office who were almost more damaged by the process of gaining workers' compensation and staying within the system than they were by the original injury. We need to ensure that the system does not create that sort of situation. People need to have faith in a system in which their disputes are fairly heard and their concerns fairly dealt with.

Since 1993 repeated changes to the act have not adequately compensated workers for the effective closure of common law claims. I firmly believe that. We have insurance premiums of 1.547 per cent. The Pearson report was presented in 2004. The member for Balcatta can correct me if I am wrong, but aged-care institutions were saying that they would not be able to afford workers' compensation and they would have to close down because the premiums were too high. The report guidelines stated that a premium should be around 2.2 per cent to 2.4 per cent.

Mr J.C. Kobelke: I think the Pearson report said 2.4 to 2.7 per cent.

Ms J.M. FREEMAN: I thank the member. It was even more than I thought it was, which is more than it currently is. That further emphasises my point that someone is missing out in this system, and I think it is the workers. Insurers are now offering mass discounting. Premiums are at historic lows and we still have insurers who are discounting. That means that insurers say to employers, "If you do a whole package with us, we will offer you workers' compensation at lower premiums." We would all like to think that they have really good workplace safety records, but that is not true. It is based on size and scale. I would like to note that QBE Insurance is one of the good insurers when it comes to dealing with the workers. It went through a major change when I was working in the area. Mass discounting by insurers is not resulting in safer workplaces. Workers are basically coerced through processes and there is a lack of adequate compensation to finalise their claims through the backdoor method of section 92(f) of the act for amounts that do not deliver sustainable futures. Compensation for a serious injury is around $50 000.

With the closure of common law claims in 1993, I believe that common law rights were pretty much extinguished in 2005. I will stand by that. The figures from the actuarial reports over the past two years show that from 31 December 2009 to 31 December 2010, there was an eight per cent reduction in claim payments in real terms for common law. The figures in the actuarial reports for the previous year, 2010, show that the decrease in common law frequency was around 0.3 per cent. The actuarial reports refer to the major decline in common law claims after 1999. The graphs showing the figures relating to claims were sitting pretty high and they have come down really low. We have just seen that occur. Workers have lost their common law right to pursue someone for negligent behaviour in a workplace. That should be a right, but we have extinguished it as parliamentarians. We have not enabled them to be given proper compensation in the statutory system to recognise the diminution of that right. The lack of benefit is demonstrated through the limit applied by the prescribed rate. The prescribed rate is a maximum amount an injured worker can receive in weekly payments for loss of earnings during the life of the claim. We are the only state that does that; no other state has this ceiling limit. While the prescribed amount is indexed, it has just gone up to $190 701. Once someone has received weekly compensation payments of $190 701, plus an extra $50 000, which has to be applied for, that person suddenly has no rights to compensation whatsoever. We should think about that—$190 000 in a booming economy. People working in the mining industry are earning that much. No wonder we need unions to negotiate claims that have make-up pay provisions and additional insurance provisions for people with injuries. Our system has not paid the compensation it should have. Further, all workers have a weekly cap on payments, which is basically inadequate for Western Australia's economy. It is currently about $2 545 per week, which is two

times the average weekly earnings. The annual rate is $132 000. I have a funny story, which I told some friends recently. One of the great things about United Voice is that it covers many and varied workers, including sex workers. It also covers the former Liquor, Hospitality and Miscellaneous Workers' Union. I took a couple of sex workers' compensation cases to the Conciliation and Review Directorate. I can remember telling one worker that the cap at that time was about $2 200, or maybe a little less. This woman looked at me and asked if that was for a day! I told her it was for a week. Needless to say we settled that claim very quickly because there was a need in terms of income. But anyway, I digress.

Mr T.R. Buswell: Is the miscellaneous workers' union now United Voice?

Ms J.M. FREEMAN: They are; we are united.

The annual rate is $132 000. If a person earns above this and has financial commitments above this, and is subsequently injured, he or she is financially at risk. Can I bring the minister back to this; I should not have let the minister go off on his own little tangent.

Mr T.R. Buswell: That is my mum's old union!

Ms J.M. FREEMAN: Stay with me! The minister has told me that 100 times. It is a shame he does not act accordingly!

I refer to weekly payments amendments. The intent to simplify clause 11 of schedule 1—can the minister listen because this is important—I understand is done on the basis that it will ensure no worker is worse off. However, the removal of clause A appears to result in workers who work regular overtime—such as those in metal workshops on a six-day roster who are paid additional overtime rates for working Saturdays—will lose that regular income if injured. That is a concern to me. If the intent is that the workers revert to definition B, there is a step down. That will result in financial disadvantage not previously suffered—that is, to 85 per cent—or at least to amount Aa, which will not include regular overtime. I understand that clause is quite difficult to get around but I believe if the intent is not to have anyone worse off, that can simply be rectified by an amendment to Aa to include the words "or overtime"; that is all regular overtime.

Mr T.R. Buswell: I will get advice.

Ms J.M. FREEMAN: The minister can answer me when I finish; I want to keep going.

Clause 16 of schedule 1 needs close examination to ensure workers injured at the time of one enterprise agreement get the benefits of subsequent enterprise agreements. I understand there has been a Magistrates Court decision. If a worker was under, let us say a 2006 enterprise bargaining agreement, and was subsequently injured resulting in incapacity to work, and paid under an earlier 2003 enterprise agreement, that needs to be checked. I understand a magistrate has made a determination. When I was involved in the 2005 amendments, that was never the intent of clause 16 of schedule 1. I would like clarification put on the record.

Pleural plaques will clearly be addressed by others. My only comment—there might be some difference in this—as a previous member of the medical committee at WorkCover, my recollection —

Mr T.R. Buswell: You were the chairperson when this issue was dealt with.

Ms J.M. FREEMAN: I was indeed the chairperson when this issue was dealt with. I am cognisant there may be issues governing how much I can say. My understanding is that pleural plaques have a debilitating effect on a worker's capacity to undertake gainful employment. Although it may not lead to or cause cancer or asbestosis, it should be covered by the same provisions in the act that are accorded to lung cancer and asbestosis. I understand that pleural plaques is quite separate to diffuse pleural fibrosis. My recollection is that pleural plaques was considered different from diffuse pleural fibrosis. That was part of the determination. There are records from that time. Perhaps that would help me to recall better, but I certainly believe that all we are talking about here is section 41(1). That section gives the worker the right to seek compensation from the last employer. Even if a worker has pleural plaques, they still have to prove incapacity to work for the purposes of workers' compensation. This bill gives them the same capacity to prove that, as they would do if they had pneumoconiosis, mesothelioma or lung cancer. That is a fair thing to do under the circumstances.

There are some questions I probably want to go through if we go into consideration in detail. I congratulate the minister for introducing this amendment bill, and I congratulate the minister in the other house for continuing this. I hope he takes the next step, which is to simplify this process. We still have this most unwieldy and complex piece of legislation that refers back and forth. It needs more work. I understand the department has been working on that for some time and is keen to do that. It would be a shame for us to stall the process and not get a document which ensures we have at heart the benefit of the people who suffer injuries in Western Australia, and which ensures they have the best system possible and the best legislation that we can afford them. We want practical legislation that provides practical regulations and does not bog us down in bureaucracy or a Kafkaesque maze of difficult processes, but ensures injured workers know that we, as legislators, recognise and believe in a

no-blame system that well compensates them, and takes into account they should have more in their system to ensure they are not financially disadvantaged just because they suffered an injury in the workplace.

DR A.D. BUTI (Armadale) [4.54 pm]: I feel that by following the member for Nollamara on this issue I am part of the second XI. I am sure the minister will be happy to know he will not be bombarded with facts and figures. I will definitely not need my allotted time. The minister and I have two similarities—our surnames start with B and both our mothers were members of the misso workers' union; so there you go.

Mr T.R. Buswell: Not any more. It is now United Voice!

Dr A.D. BUTI: My mum was, until retirement.

The member for Nollamara mentioned the work of Professor Rob Guthrie on workers' compensation. I would also like to endorse those sentiments. In fact I marked his masters thesis on workers' compensation. It was an outstanding thesis. With a little bit more work, it would have been up to a level of a doctorate thesis. He is a person who has been a very important player in the workers' compensation scheme in Western Australia for a number of years. If I am not mistaken, he has moved on to criminal injuries compensation.

I would like to congratulate the minister on the Workers' Compensation and Injury Management Amendment Bill 2011. In his second reading speech, the minister broke the amendments down to changes to age entitlements, the common law safety net, dispute resolution, and legislative anomalies and inefficiencies. All those matters are dealt with well in the bill, although I have some concerns about the dispute resolution part of the amendments. Before I deal with those, I will make some general comments on workers' compensation. I agree with the expressed views of the member for Nollamara. I have not the experience the member for Nollamara has in the area, but I started off my legal career in workers' compensation as an articled clerk for Dwyer Durack in the heydays of Dwyer Durack in the early 1990s, when they used to be the old —

Ms J.M. Freeman: The old WorkCover board.

Dr A.D. BUTI: Yes; in West Perth. I remember every morning at nine o'clock getting in the taxi up there to argue section 58s and section 64s—commencement and termination of payments. I realised it was a very imperfect system. Even with these proposed changes, we will still have an imperfect system because it is a system that is very hard to manage one way or the other. We have to find a fine balance to ensure we compensate injured workers. Once a worker is injured, their whole economic future can be put into a very grave situation. We also need a system that assists with the rehabilitation of the injured worker and provides incentives for a worker to recover to a stage at which they can return to work—hopefully to the same level that they were before they were injured. That is not easy. I am sure this government and future governments will always be battling with that system.

I will address my comments more to the administrative changes that have been proposed by this legislation. It concerns the separation of conciliation officers and arbitration officers. From the way I read the bill, it would appear that the chief executive officer will have the responsibility for the appointment and, I assume, termination of conciliation officers. That happens now to a great extent. The proposed changes will formalise that process into a strictly administrative function, which has its own problems. Although it can be argued that there is no WA state constitutional right to a separation of powers in workers' compensation matters, there is over 100 years of tradition of separation of powers in workers' compensation matters, particularly relating to workers' compensation tribunals. I worry that by giving the CEO in effect the responsibility for the appointment and, I imagine, termination of conciliation officers, the process is really more of a formalised administrative function than a quasi-judicial process. I wonder how that will play out if these amendments pass through both houses of Parliament and are eventually proclaimed.

My other concern is the attempt to put time restrictions on the conciliation process. Having worked in the area—I am sure the member for Nollamara would agree—I know that it is a worry when there is a great delay in determining a matter. That is a major concern. I assume part of the logic behind the minister's attempt to bring in time constraints is to try to ensure that the process is not prolonged. The problem is that all matters are not the same; many matters are different. Some matters deal with simple matters of law; others are more complex. Some matters may be able to be dealt with very quickly, while others may take longer. By imposing or prescribing certain time limits, which are in effect artificial limits, I am concerned that all cases will be treated the same even when they should not be treated the same, because they are not the same. Many cases come before workers' compensation systems and schemes, and they vary in complexity, whether it is with regard to medical complexities, rehabilitation complexities or the general factual information that is presented before the arbitrator and the conciliation officer.

From my understanding, the proposed amendments will result in arbitrators and conciliation officers being appointed initially as officers of WorkCover, and then they will be designated a position from that initial appointment. I am led to believe that this will then eliminate the ministerial process that is in place at the moment whereby a nominal appointment is made by a minister, and then they are employed pursuant to the

Public Sector Management Act. If that is being changed, I wonder whether this is eroding the traditional separation of powers that we have enjoyed. I am not saying that there is a legal constitutional imperative that there be a separation of powers in these matters, but at least there has been a tradition of it.

Mr T.R. Buswell: I think we also have to acknowledge, from my recollection, that the separation or that perception of separation has in the past created some significant issues in terms of trying to manage the processes required to have a good compensation system. I think it is about just trying to find a balance.

Dr A.D. BUTI: I understand that, minister. The system we have at the moment has had a good settlement rate. From my understanding, over 90 per cent of matters that become before the arbitrator and conciliator are settled. One of the arguments is that, if the arbitration and conciliation roles are fulfilled by the one person, that person will have a greater knowledge of the case and will seek to bring a settlement hopefully more quickly than what may happen if the matter is split between the conciliator and an arbitrator. If one considers the current scheme to the pre-2005 scheme, in the pre-2005 scheme, conciliation officers resolved between 75 and 85 per cent of matters. Resolutions under the current scheme are at least at 93 per cent. That may not seem to be a great difference, but one must take into consideration that often many of the disputes that came before the decision-makers in the pre-2005 scheme were not really major disputes, and they were settled quickly. If those simple matters were taken out of the equation, the difference between the pre-2005 settlement rates and rates in the current system in which arbitration and conciliation is done by one person, there is a greater difference. One could argue, at least from the statistics—we all know that statistics do not always tell the truth—that the current system has been pretty effective.

Mr T.R. Buswell: They do on the Minister for Police's graphs.

Dr A.D. BUTI: Yes. Unfortunately, I did not have time. I do not have the resources of government, unfortunately. The minister knows very well what it is like to be in opposition; we are very, very poor.

I just summarise my major concerns with regard to the proposed changes in the administrative or the dispute resolution structure. Firstly, I have a concern about the artificial time constraints, because sometimes it is not known until the matter is dealt with in some detail how long it will take to resolve. I also have some concerns about breaking away from over 100 years of tradition of separation of powers and the judicial independence of the workers' compensation system by allowing the CEO to be the determining head on the appointment and termination of conciliation officers.

MS A.R. MITCHELL (Kingsley) [5.07 pm]: I rise to support the Workers' Compensation and Injury Management Amendment Bill 2011 because I believe that this bill introduces some significant workers' compensation reforms that will have a positive and very beneficial effect for many workers. I specifically want to mention two aspects of the bill. One is very personal within my electorate, but one of them I will firstly talk about more broadly.

The first is the removal of the age limits on workers' compensation entitlements. As has been mentioned previously, this certainly improves the status for older workers within the state's workers' compensation scheme. The removal of aged-based limits on entitlements certainly will give these people the same entitlements as those available to every other worker. That is absolutely essential. This is also important because Western Australia has an ageing workforce. It is imperative that we are able to maintain that skilled and experienced workforce; therefore, it is essential that we treat these people the same. In fact, we need to encourage older workers to remain at work. Therefore, it is even more important that the state's workers' compensation scheme actually reflects this entitlement and the environment in which we are working. On its own, this will certainly not determine whether people continue to work, but it is a factor that should not discourage people from continuing to work. As a state, we have a very low unemployment figure, and there is a need for that increase in workforce. As I said, the removal of the discriminatory provisions from the bill will have a positive impact for many people who are considering what they should do with their future.

The aspect I really want to talk about is the common law safety net. I believe that the introduction of this section is absolutely vital. A constituent of mine has experienced a situation in which his employer was uninsured, and was injured on the job. What he and his family have been through is absolutely disgusting. Let me tell members about Bryan. Bryan was aged 18 years. He was a talented soccer player and was earmarked for a successful soccer career. He was fit, he was healthy, he was energetic and he was bright—he was a great young man. This young man secured his first apprenticeship as a boatbuilder in Balcatta. He completed all the documentation. He assumed that his employer had complied with all the requirements, and he began his apprenticeship.

One day in 2004 he suffered a horrific accident at work after the boss had left him unattended and unsupervised to complete some welding. There was a massive explosion that was heard right throughout the district; many people in other businesses around the site were well aware that a major explosion had occurred. Of course, Bryan had been left on his own, but, fortunately, because the explosion was so loud, people came running. He

suffered some fairly major injuries. He had head injuries—blood clots on the brain—he had many fractures, he needed a tracheotomy, he was in a coma for 19 days, part of his skull had to be removed —

Ms J.M. Freeman: How old was he?

Ms A.R. MITCHELL: He was 18 when this happened.

He had massive dental problems and the list goes on. Bryan survived. He slowly recovered due to strong family support and a great desire on his part. He has had operations, treatments, tests, medications—on and on it goes. During all this he learned that his employer did not have workers' compensation insurance. His family was furious. Bryan quickly used the funds that were available to him as an employee whose employer was uninsured, but Bryan's family paid the other bills. Let me tell members about Bryan today. He has epilepsy, short-term memory loss, headaches, neck problems, back problems, wrist problems, bowel problems, cognitive problems, body temperature–control problems and fatigue. He is sensitive to light and he has uncontrollable shakes. Bryan is not the man he was. He cannot play soccer; he cannot play sport. He is well behind what his mates have.

But I greatly admire Bryan because in 2008 he went back to work and got another apprenticeship—not in boatbuilding though! He took another apprenticeship as a plumber and gasfitter. In 2010 he finished his apprenticeship, and he now has a job. But he continues to have medical bills and tests from the accident he had during his first apprenticeship, and he pays for this because his employer was not insured. There was no common law safety net for Bryan. He will not benefit from this legislation, but he and his family vowed that no-one else should experience what they have and they took every avenue they could to highlight this problem. I am very pleased that the previous Minister for Commerce, Hon Troy Buswell, met with them and set out to correct the anomaly that existed. The family have achieved their aim and I thank them for their diligence and their commitment.

MR J.C. KOBELKE (Balcatta) [5.14 pm]: I rise to speak in support of this Workers' Compensation and Injury Management Amendment Bill 2011 and recognise the member for Nollamara's very extensive practical experience representing injured workers. She clearly has a much greater understanding than I do about some of the operational aspects of the system that will be affected by these amendments. I also recognise the member for Armadale's legal expertise in representing people in this area. I want to make a few general comments about the workers' compensation system and the amendments in this bill; touch on a few aspects of those amendments, particularly the removal of the age limit; and, spend some time on the issue of pleural plaques, which causes concern. The bill is overwhelmingly good, and makes a range of improvements that are most welcome. I would like to caution the Minister for Transport—I am sure that staff will also advise both him and the minister in the other place—of the difficulties one can encounter when making changes, for the better, to the very complex set of laws and procedures that is our workers' compensation system. The system is obviously way too complex for injured workers; even professionals in the field find it difficult. Sometimes the inter-relationship between the act and the practices, and the services provided to people, do not deliver the best outcomes for the injured workers. Clearly, we need the best outcomes; the whole system is established to look after injured workers and to do so with a light a touch as possible on the costs passed on to the employer. But the system is very dynamic and when a change is made to one little area, it has knock-on effects through the whole system. Therefore, a change made with a very clear intention of improving the system for injured workers may open up some unseen problems in some other areas. Even those small changes can have unforeseen circumstances; therefore, we need to assure ourselves of the implications of these very good changes to the workers' compensation system.

To illustrate that point, I go back to some of my fairly lengthy and in-depth experiences with the workers' compensation system. I have had experience with the system through the 1993 debates with Hon Graham Kierath on the legislative changes, which were vigorously opposed by the Labor Party; through the problems that arose from those changes; and, through an amending bill that I brought in as Minister for Consumer and Employment Protection in 2005 to try to improve the system and overcome some of those disastrous things that happened in 1993. In 1993, the then minister, Graham Kierath, was concerned because the average recommended insurance premium rate was about three per cent of the cost of wages and he wanted to get that down. Therefore, he reduced the benefits available to injured workers in a range of ways. He shut off access to common law—not totally but he reduced it quite substantially. He also removed journey cover insurance and shut down the use of redemptions. When a worker was injured and getting weekly payments, the actual administration of the case, with all the doctors' reports and the management of the worker's files, could cost more than the injured worker was getting. Therefore, a judgement would be made to just pay this person $10 000, $20 000 or $30 000, because it would cost less than continuing to have that person in the system, managing their case and paying for ongoing medical reports et cetera. Graham Kierath argued, and I accepted it, that workers were bought out of the system in a way that could be to their detriment, because if they stayed in the system, they would get medical treatment if they needed it. But holding a carrot of $10 000, $20 000 or even more in front of someone may mean that they accepted the redemption, signed off, lost all their rights and were out of the system. I do not think I misrepresent Hon Graham Kierath when I say he used those sorts of arguments for the closing down of redemptions. However, insurers, who were no longer able to use redemptions in the way

that they had previously, started to use consent common law as a way to get people out of the system. Therefore, people could be paid off; they would sign off all their rights to take matters further and insurers would use a form of common law to do it. That led to an explosion of costs in the system; at its height it went up to around 3.4 per cent of the average wages bill. The change that was argued for, and made, to benefit injured workers and to be good for the system, did not cause all the problems—that was the growth of common law—but was the catalyst that drove the system out of control. At the time, employers came knocking at my door saying that they could not employ people in Western Australia because the workers' compensation costs were so high that work would simply go to other states. This was particularly the case with sheep shearing out on the Nullarbor Plain. If a Western Australian shearing team was employed, workers' compensation premiums might have been to the order of 12 per cent of the cost of wages, whereas a South Australian team would attract a much lower workers' compensation premium. Therefore, big issues needed to be addressed, and at about that time the Pearson "Report of the Review of the Western Australian Workers' Compensation System" recommended that the best range for those average premium rates was around 2.4 to 2.7 per cent of the cost of wages. As the member for Nollamara has indicated, following the changes the Labor government made in 2005, premiums rates are now down to 1.5 per cent, which, I must acknowledge, I am rather ashamed of. With a premium rate of 1.5 per cent, we are not running a system that provides the level of benefits that I personally would like to see available to people who are injured in the course of their work. Clearly, we do not want a system that gets out of control—I am very much aware of the problems—but we want to ensure that injured workers get the maximum benefit and are not tied up in the system.

I asked for some figures from WorkCover, and the minister sent me some figures but they were not the detail that I wanted, so I will refer to the graph on page 10 of the 2009–10 WorkCover annual report. I make the caveat that these figures can cover a whole complex of issues—a cost that shows up in one year may be attributable to an accident in another year. All those problems make it difficult. The graph in the annual report shows that the actual costs have not gone up by too much between 2007–08 and 2008–09, but the total workers' compensation payments have gone up substantially more. I will refer to some percentages from those numbers. In 2007–08, 68 per cent of the total compensation premiums were made as payments to workers; in 2008–09, the percentage going to workers had gone up to 78 per cent; and in 2009–10, it went up to 82 per cent. If those figures are a fair reflection of what is happening—I qualify that because I am drawing those percentages just from these figures, not the base data that I asked for—the 2005 changes to ensure that workers got a bigger percentage have at least had some good effect, which was clearly the intent. The total has gone down. I would like to see the real numbers, because I suspect that, as a quantum, less money is being paid to injured workers, even though the percentage across the system has increased. Even the figures that I got from the minister indicated that.

With the 2005 amendments, we were trying to improve the fairness of the system and to ensure that there were greater efficiencies. I was also very conscious that, in doing that, we had to balance the political arguments that were going on. We ended up making the system more complex. Again, I was not happy with that at the time, and I am still not happy with it. But it was a balancing act to achieve those improvements because the Liberal Party opposed it; the conservatives voted against it. I would like to have done a number of things. I would like to have removed the age limit, which will be done with this bill, but I was told that it would cost more. I was told that all the things that I wanted to do, including the amendments to deal with the actuary reports, would cost more. We now see that it has cost less because the new system has given greater certainty, particularly in measuring and identifying the injury, and has reduced costs.

Mr T.R. Buswell: The advice I have is that, as a stand-alone change, the cost is marginal.

Mr J.C. KOBELKE: I am not talking about this government's change; I am talking about the 2005 change.

Mr T.R. Buswell: I am talking about removing the age limit of 65.

Mr J.C. KOBELKE: I accept that. If the minister had been in Parliament in 2005, I am sure that he would have led the charge in opposing those changes on the basis of the cost to the system and, therefore, the cost to employers. I had to walk that balancing act between keeping the increasing costs down and —

Mr T.R. Buswell: I heard that you had no ticker; that's what they told me!

Mr J.C. KOBELKE: I actually got it through.

Ms J.M. Freeman interjected.

Mr J.C. KOBELKE: I thank the member for Nollamara. In these times, we could go a lot further. The government has indicated that these reform amendments—I think they are good reforms—are only the first stage, and we look forward to seeing what will come afterwards. These are generally not contentious amendments and, as I have said, they are positive. Also at the forefront of my mind in 2005 was something that the member for Nollamara alluded to; that is, there were many cases of people who were injured at work and then suffered far more damage from being stuck in the workers' compensation system. I was very keen to have a system that had a review after four weeks, and the changes we made to the legal system helped to get people

through the system as quickly as possible, particularly if they did not have the really horrendous injuries that some people had. To some extent, that is reflected in the lower premiums.

I now turn to some of the provisions in the bill. The first provision is the removal of the age-based limit. This is very much required, and, as I have said, it is certainly overdue. It is driven by the fact that people have an increasing life expectancy, which is causing a whole lot of social and economic changes. As the baby boomers move out of the workforce, the cohort that will have to work and pay taxes to support everyone is shrinking. There are real issues with meeting the costs of maintaining pensions and health services for the ageing population. I will use the figures that Bernard Salt from KPMG used in a speech he gave in Perth a few weeks ago. He pointed out that, in 1931, the life expectancy of the average Australian was 63 years. If people got to the end of their working life at the age of 60, they basically, as he put it, were stuffed, did not have a lot of years to look forward to and did not have the energy to enjoy life. Basically, people were expected to die in their mid-60s, so there was not an issue. By 1971, the life expectancy of Australians had gone up to 71 years. In 2011, it is up to 82 years, with a trajectory that the life expectancy of baby boomers will be 85 years. The commonwealth government has lifted the age at which people become eligible for the age pension. It has been moving to 65 years for both men and women for a number of years now, and the commonwealth government has indicated that the age at which the pension will become payable will rise above 65 years in the future. That means that there will be pressure on people to work beyond the age of 65. We have a workers' compensation system that should support all workers. Although it is clearly an injustice currently, the magnitude of that injustice will grow as more people work beyond the age of 65. This bill seeks to remove that age-based limit in the act. Currently, under the act, a worker's weekly payments for compensation are ceased at age 65 if the injury occurred before the age of 65, or one year after the injury if the worker was 64 years or more. The removal of the age-based limit will not operate retrospectively. The changes will take effect for injuries that occur, or for noise-induced hearing loss suffered, after the date of the proclamation of the relevant provisions. I understand that we need to look at some limits to control, and perhaps quantify, the costs. I am very concerned for those people who have some hearing loss that perhaps has been acquired over quite some time. The particular provisions relating to noise-induced hearing loss could be applied a little more fairly. We will have some questions for the minister during consideration in detail about whether some small changes would make that provision even fairer without imposing any considerable cost on the system.

Another amendment in the bill provides a common law safety net. The bill provides a requirement for all employers to hold a policy of insurance covering statutory and common law liabilities arising from injuries for which compensation is payable under the act. This issue was of concern to me about 10 years ago, because there was a bit of talk around that some insurers were offering a policy whereby they would cover the statutory costs involved if a worker was injured, but they were finding a way to opt out of covering common law liabilities. When I questioned the insurance industry, I was told that that did not happen. But there was scuttlebutt around that that sort of thing was happening. I was advised when I was the responsible minister that, no, that was not the case and that the insurance required to be taken out by employers covered both the liability for statutory benefits and the liability at common law. It is interesting that this bill will put the bolts and braces on that to ensure that it will happen. Perhaps we can have from the minister some technical explanation about what is happening in that area, because we obviously fully support the move.

The bill also provides that payment will be made from the WorkCover WA general account to workers when common law damages are awarded and the employer is uninsured. That is a very good move. Again, the advice received from the officers is that this is an extremely rare occurrence, and perhaps there has only ever been one case. If a worker is injured, the employer is held liable. But, of course, if the employer has gone bankrupt or has simply absconded and there is no-one to pick up the bills, and that employer had not taken out the workers' compensation or employer indemnity insurance as required, there is no insurer to take responsibility for the liability for payments to that worker for common law claims. If such a case arises—I note again that it is extremely rare—WorkCover would use its general account to step in.

[Member's time extended.]

Mr J.C. KOBELKE: WorkCover would seek to recoup funds if possible, but the injured worker would not miss out.

The member for Nollamara covered the changes in the dispute resolution framework. She has far more expertise in that area than I have, so I will not go into those matters.

I turn to the inclusion of "pleural plaques" under schedule 3, which is supposed to be consistent with a number of other industrial diseases. Schedule 3 and sections 33 through to section 44—a number of sections relate to it—shift the responsibility if there is a dispute over whether a person has the disease and the disease was work-caused. If a disease is listed in schedule 3, under section 44, "Diseases in Sch. 3 deemed due to employment in process in Sch. 3", the employer must prove that the claim is not genuine, or the claim stands. In workers' compensation generally, the employee who has been injured must show that the injury has affected their ability

to work and that there has been a loss of income due to the injuries or disease resulting from their work. Diseases caused by asbestos have very long latency periods. Therefore, when a person has been exposed to asbestos years ago and has had three or four different employers since, the issue arises of who is liable. The situation then puts the liability back on the employer the person now works for. There are some protections for how liability is determined; if the person has been out of the country or changed employers, perhaps some other employer can be found to be liable. However, assuming the person clearly has an asbestos-caused disease that means it is impossible for them to work or earn their full wage, their employer is held liable through their insurer unless the employer can prove to the contrary.

Putting "pleural plaques" in schedule 3 changes the ability of an injured worker to make a claim. It is still open to the worker to prove who was responsible, but the difficulties of the evidence and the case they would have to put makes it very difficult for workers to go down that road successfully. For good reason, if an injured worker has a particular disease from the limited number given in schedule 3, including lung cancer and asbestosis, they can be compensated through their employer's insurer. The undertaking was made to include "pleural plaques" in schedule 3. However, the difficulty is that when the regulations were put in place over a year ago, schedule 3 instead included "pleural plaques (diffuse pleural fibrosis)". The member for Nollamara was quite conversant with this because she chaired the medical committee that made the initial recommendation. Back in October 2009, WorkCover WA announced that pleural plaques is considered a specified occupational disease under schedule 3. That was over a year and a half ago.

On 4 March 2010, the Asbestos Diseases Society wrote to the chief executive officer of WorkCover, Michelle Reynolds, advising her of the requirement to include "pleural plaques" in sections 32 and 33 of the Workers' Compensation and Injury Management Act. Further, in April 2010, Hon Troy Buswell—who was then the actual minister rather than the minister assisting as he is tonight—delivered the workers' compensation legislation changes at a WorkCover breakfast meeting and mentioned the inclusion of "pleural plaques". Members might be starting to get the message that through all this no mention was made of including "pleural plaques (diffuse pleural fibrosis)"; it was all about "pleural plaques".

In April 2010 the chief executive officer of WorkCover replied to the Asbestos Diseases Society correspondence of 4 March and stated that section 33 of the Workers' Compensation and Injury Management Act 1981 will be amended to include pleural plaques. All this talk was about pleural plaques, but when it was put into the regulations to go into schedule 3 it was "pleural plaques (diffuse pleural fibrosis)". Bill Musk wrote a letter, from which the member for Alfred Cove quoted, in which he points out about pleural plaques and diffuse pleural fibrosis that —

> The processes are radiologically and pathologically distinct. They have different effects on the function of the lungs.

I am not a doctor and I have great difficulty understanding all these medical terms and knowing the full implications of them, so I chased up Professor Bill Musk. For the record, I point out that he is a respiratory physician in the department of respiratory medicine at Sir Charles Gairdner Hospital and a clinical professor of health and population health at the University of Western Australia. Professor Musk is an internationally recognised expert on asbestos diseases. I asked him: if we had this term "pleural plaques (diffuse pleural fibrosis)" in the schedule, would he and other medical practitioners know what it is? He said no, there is no such disease. We have put into the schedule "pleural plaques (diffuse pleural fibrosis)", which an eminent expert such as Dr Musk has said is not a disease. We have pushed two together; pleural plaques is one disease and diffuse pleural fibrosis is another disease. Both are put in that category of pleural diseases that are caused by asbestos; they are asbestos-caused diseases. The question is: why do we have this concocted terminology rather than having one or the other, or both? I think we should have both. Again, I acknowledge my lack of expertise in this area. I put this to Professor Musk, but it is my interpretation and I might have misinterpreted because he uses all these technical terms. Professor Musk suggested that pleural plaques generally do not lead to a disability. There is not a high percentage of people with only pleural plaques who cannot still perform their duties and earn income. Pleural plaques may lead to other diseases, such as asbestosis. Once someone has asbestosis or lung cancer, they are claiming compensation on that. The fact that they also have pleural plaques does not increase their ability to claim on the workers' compensation system. Once someone has a recognised disease that is work related and an injury, disease or disability that makes them unable to work or requires medical treatment, or both, that person is eligible to receive funding through the workers' compensation system. When we put in "pleural plaques", the additional cost appears quite minimal because someone might have pleural plaques with other diseases that already get them benefits under workers' compensation. Alternatively, for many patients if pleural plaques is the only disease they have, it may not be so disruptive to their normal functioning that they would be able to make a claim. I am advised that a greater percentage of people with the quite separate disease of diffuse pleural fibrosis suffer disabling affects. It is also my understanding that "pleural plaques" was included in the act without any costing, because it was assumed that costs would be quite minimal and that in the context of a budget of $700 million to $800 million a year—which is what employers pay in premiums—the costs were

really going to be so small that the system could absorb them. The minister can correct me if I am wrong on that, but that is my understanding.

We have a situation in which asbestos causes lung diseases, and the advice I have from the Asbestos Diseases Society is that there are basically four of them. They might all be grouped under pleural diseases, so if we actually change the legislation to cover pleural diseases, we might be casting the net somewhat wider without having the medical evidence and the costings that might be obtained, which might open us up to a whole lot of costs. Although I would like to support the Asbestos Diseases Society and say, "Let's make it pleural diseases", I am seeking to work with the government to say, "Okay. Let's actually clear up this inconsistency and conundrum that's been created by putting into the bill something that is not a single disease; they are two different diseases pushed together." I do not know how medical practitioners are going to interpret that. Will they interpret it to mean that the person has to have both of them together? That could be possible. Are they going to interpret it to mean that the person can have one or the other? We are actually creating uncertainty through the way in which pleural plaques has been included in the legislation.

It would clear up the uncertainty and clarify the issue if we were to make a simple amendment to have either pleural plaques or diffuse pleural fibrosis. The minister might need to get some advice about what extra costs might be involved. The Asbestos Diseases Society and other parties that I have spoken to do not anticipate that the costs will be great. People who have lung cancer, mesothelioma or asbestosis may also have pleural plaques or diffuse pleural fibrosis, but they are eligible for compensation for lung cancer, so it is not relevant. We are talking about those people only who have diffuse pleural fibrosis to the extent that there is a disability from that disease and therefore they are eligible to claim. The fact that they have pleural plaques does not get them into the workers' compensation system; it is through pleural plaques plus the disability. Again, it is only the part of the legislation that relates to schedule 3, because when it goes in there, it means that the person can make the claim and the employer will have to prove that it is not relevant. The claimant may have worked overseas for 10 years and contracted the disease there, in which case the employer may make a successful case through its insurer and not cover them. But if they have worked somewhere in Australia where they have inhaled asbestos and it has caused a disease, I think we should look after them. This is a situation in which a good amendment could be made to one little issue that is causing concern, and I hope the government will take it on board and make sure we have coverage for people with pleural plaques and diffuse pleural fibrosis.

DR G.G. JACOBS (Eyre) [5.40 pm]: I am not being condescending when I say that the member for Balcatta made a pretty good fist of explaining the quite complex area of pleural asbestos-related disease. The Workers' Compensation and Injury Management Amendment Bill 2011 is essentially a very good bill that covers, as many members have already mentioned, age eligibility, the common law safety net and dispute resolution, and I think there is great support for this true reform. I am advised that this is a work in progress; some of these changes are very positive.

Like the member for Balcatta, I think it is important that we talk about some of the concerns around pleural disease and compensable conditions caused by exposure to asbestos. This is, in fact, a very complex area. I have had discussions with respiratory physicians, the very good people from WorkCover, and, indeed, the minister and his adviser about this complex condition. To define what we are dealing with here might help us come to a decision that will be helpful to a small but deserving group of people who have a work-related medical condition as a result of exposure to asbestos.

Short of asbestosis and mesothelioma—which is a cancer related to asbestos exposure—there are four conditions which are benign, if you like, and which may be on a continuum towards asbestosis, but which in fact are not by definition asbestosis, lung cancer or mesothelioma as such. However, they are related to asbestos exposure. There is one qualification that has been somewhat confusing because of some of the rulings in the United Kingdom and the Victorian legislation, but generally, pleural plaques is a recognised benign pleural disease. Generally, the accepted definition of "benign" is that it does not kill one; but in fact, a benign disease may be on a continuum towards further disease that may be more serious.

Pleural plaques are whitish, plate-like tissue that affect the lining of the lung rather than the body of the lung. There are two linings of the lung: there is a lining inside the chest wall and the ribs, and there is a lining that sits very close to the lung tissue itself. There are two membranes, if you like—one on the inside of the chest wall, and one on the lung tissue. God has created them, and these are fine membranes that rub and are lubricated; they go across each other and move, allowing inflation and deflation of the lung.

The plaques we are talking about are generally parietal plaques—they are inside the chest wall. There is recognition that they are due to exposure to asbestos at some time in the patient's life. However, there is a complication in that it is not recognised in Victoria, and there are some issues about the causal relationship between asbestos exposure and a parietal pleural plaque. In the UK there was a ruling that discounted that causal relationship. If one speaks to people like Bill Musk and Gary Lee, they will say that there is an accepted causal relationship in Western Australia. In fact, in respect of benign asbestos-related pleural diseases, the so-called

"Greenberg Bible", *Pathology of Asbestos–Associated Diseases*, refers to benign asbestos-related pleural disease as being one the most common pathological and clinical abnormalities related to asbestos exposure, and one of those is pleural plaques.

There are three other benign conditions related to asbestos exposure. One is diffuse pleural fibrosis; this affects the lining sitting close to the lung tissue. In that situation, the lining becomes inflamed, tightens up and becomes fibrosed. When it does that, it creates pressure and shrinks the lung tissue. It is probably considered by most to be a more sinister and more severe and serious condition that leads to decreased lung function and disability. There are a couple of other benign conditions. I say this only to show that it is quite a difficult situation if we are to recognise some benign conditions and perhaps not others, understanding that this is a work in progress and we can do that. The minister indicated to me today that work can continue to perhaps recognise these other conditions.

Benign asbestos effusion is when people get fluid on the lung. The fluid on the lung is an inflammatory response to asbestos exposure at some time in a person's life, and it is recognised as a benign asbestos-related pleural disease. Then there is rounded atelectasis, which is a medical way of describing the collapse of little air sacks in the lung tissue. We could draw a diagram of those four and have them overlapping with the asbestos disease in the centre. Then we could go on to a further disease such as mesothelioma. There is overlap of the four specific disorders, and, in fact, the bill recognises two of them.

I might say that my journey in this started not only because I was a medical practitioner, but also because, in relatively recent times, two of my constituents—Peter in Esperance and Alberto in Boulder—came to me. Peter has been recently diagnosed with pleural plaques. At this stage he has not been diagnosed with asbestosis or, thankfully, mesothelioma. Unlike some cases, Peter has some symptoms. It is very early in his phase of symptoms—about six months—for pleuritis. If plaques are inside the lung tissue, inside the chest wall, as the lung tissue comes up inside the chest wall, it can cause a pleuritic pain. Anyone who has had pleuritic pain will understand how painful it is—a sharp, grabbing pain as one inspires. Peter cannot work and has significant pain, suffering and disability and is on pain relievers. It is possible that Peter can get some compensation relative to his disability, his inability to work and his pain and suffering.

With this bill we have at least tried to prescribe some of the benign pleural-related diseases. Prescribing them gives people a walk-up start, if we like, to the compensation process. In the past, people have had to fight for recognition of the condition and spend half the time arguing about the causation of their condition. If it is prescribed in the bill, I describe that as a walk-up start to there being no doubt about not having to argue the point of whether it is a work-caused or an asbestos-caused condition and, therefore, we attend to what should be attended to; namely, the appropriate compensation for the disability. There are some obvious positives to prescribing a couple of these pleural-related diseases. Section 32 refers to "one year previous to the date of being so rendered" and, if we include recognition of a benign pleural-related disease in section 33, it refers to "The disease is, or was, due to the nature of any employment in which the worker was employed at any time previous". There are some positives in including those couple of pleural diseases. I understand, member for Balcatta, that there is some difficulty with how we get those two conditions to sit together. As the member for Balcatta rightly said, the medical advice is that they are two different benign pleural conditions, albeit asbestos related. If we ask, "Why are they qualified?", why do we not just take out the bracket and maybe even say, "Let's get pleural plaques up and remove diffuse pleural fibrosis." I have to say that that was my view last week. But when we think about it, diffuse pleural fibrosis is potentially a more serious condition than pleural plaques. We talked about the pleura shrinking and fibrosing and constricting the lung. It can be asymptomatic in early phases, but is more likely to be symptomatic and cause significant reduction in lung function and disability, so why would we leave that out? Why would we include pleural plaques before that? Should we include just diffuse pleural fibrosis, or should we leave them both there and remove the brackets or put a comma or an "or" in between them? However, the advice is that, because of some of the concerns in other jurisdictions that pleural plaques, as an asbestos-related disease, has tended to cloud the issue, more work probably needs to be done. If we ask a specialist how many people in Western Australia have pleural plaques, stand alone, for instance, they would say, "Well, we're not sure; it might be 1 000, it might be 100 or it might be 10." Then we might say, "Okay, but if we prescribe them, how many are definitely related to asbestos exposure?" In Western Australia, generally the answer is that they are directly related, but, of course, there are other jurisdictions in Victoria and in the United Kingdom that cast some doubt on that relationship. Okay; in Western Australia, how many people with diffuse pleural fibrosis, stand alone, would be eligible—not necessarily compensated—and at least would be recognised and prescribed? Maybe six is the answer.

Mr J.C. Kobelke: You are aware of one case—I don't know the detail—that has been referred to me as the only one that the Asbestos Diseases Society is aware of currently.

Dr G.G. JACOBS: Yes. It is a relatively small number. We could couple pleural plaques. I thought initially that the words inside the brackets were to define the word "before", but that cannot be the case. If we tried to isolate each of these in any amendment, there would be some concern about the relationship between pleural plaques

and asbestosis, but in most cases it is associated. In diffuse pleural fibrosis, the quantum of people we are looking at appears to be lacking.

Ms J.M. Freeman: In schedule 3, under "Specified industrial diseases", column 1 is headed "Description of Disease", and column 2 is headed "Description of Process". For something like hepatitis B, the description in column 2 reads —

> Employment in a hospital or other medical centre or a dental hospital or dental centre or employment associated with a blood bank.

Lung cancer in column 1 is described as follows —

> Any process entailing heavy exposure to asbestos dust.

I have had the opportunity to look at the minutes of the meeting I chaired that looked at this area. I understand, from looking at the minutes, that pleural plaques would go under "Description of Disease", and in column 2, under "Description of Process", it was supposed to be diffuse pleural fibrosis, which is like saying that is the process. Does that make any better sense of what might have been going on in the minds of people and the reason we ended up with pleural plaques and diffuse pleural fibrosis put together?

Dr G.G. JACOBS: Yes, it does, although, again, those two conditions are quite separate.

Sitting suspended from 6.00 to 7.00 pm

[Member's time extended.]

Dr G.G. JACOBS: Before dinner, I spoke about benign pleural disease and I tried to relate it to asbestos exposure, although I probably did not make as good a fist of it as did the member for Balcatta. However, there is some recognition of four conditions which are related to and considered to be benign pleural conditions but which may go on in a continuum to more severe diseases.

Before the weekend I tried to come to terms with two different pleural diseases that are coupled together in the amendment bill. Advice from the medical profession and specialists such as Dr Bill Musk is that these two conditions do not fit together. I therefore believe that the best way to resolve this problem is to put a line through the phrase "(diffuse pleural fibrosis)" and leave the phrase "pleural plaques" to stand alone. But there is a problem with that. As we have prescribed in regulations, and as Bill Musk and Dr Lee recognise, the other benign pleural condition called "diffuse pleural fibrosis" is potentially the more severe condition. On my copy of the bill, therefore, I have rubbed out "(diffuse pleural fibrosis)"and left "pleural plaques". However, the more severe condition is not recognised, and perhaps we should prescribe that condition in the regulations. We would then dissociate ourselves from these confusing conditions because they are two different entities, put a line through "pleural plaques" and let "diffuse pleural fibrosis" stand, as that is the more significant condition. There is one problem with that: the two men who present to me as constituents, Peter and Alberto, have pleural plaques without fibrosis and others have diffuse pleural fibrosis without plaques. Therein lies the dilemma. Of course, the added dilemma to that is, if we prescribe pleural plaques and diffuse pleural fibrosis, what about benign effusion and round atelectasis?

Ms J.M. Freeman: But, minister, are you saying —

Dr G.G. JACOBS: I am not a minister.

Ms J.M. Freeman: I am sorry; member.

Dr G.G. JACOBS: There is the minister!

Ms J.M. Freeman: Are you saying that if we leave them both together, though, no-one can get them? So, it is a pyrrhic victory, if nothing, isn't it?

Dr G.G. JACOBS: My interpretation is a difficult one, as the member for Balcatta and the member for Nollamara have described them to me. If we put them together, what exactly does that mean?

Ms J.M. Freeman: The member for Balcatta says you can't.

Dr G.G. JACOBS: Does that mean that the interpretation must have both? We are trying to deal with the more severe condition—perhaps the more deserving condition—as it is a fibrosing condition and can potentially lead to serious, reduced lung function. If we recognise that condition, it is important to then consider some of the other conditions.

Ms J.M. Freeman: But the member for Balcatta has said that, on the advice he has received, no condition has the two together.

Dr G.G. JACOBS: No.

Ms J.M. Freeman: My question to you as a doctor is: can you have both diffuse fibrosis and pleural plaques together? Can you suffer from both those as a benign aspect of asbestosis?

Dr G.G. JACOBS: The short answer is yes. The member for Nollamara is asking whether in a cohort of people a patient can have both conditions.

Ms J.M. Freeman: Yes.

Dr G.G. JACOBS: That is even more limiting in its effectiveness if we are trying to look at caring reform in truly deserving people who have a compensable condition. There are good things, of course. We are overcoming the caveat about a worker being employed at any time within one year. That is a good thing. There is a dilemma. I suppose we can blame the member for Nollamara for all of this, because on 23 April 2007 she chaired a medical committee that resolved the dilemma of "pleural plaques" and "(diffuse pleural fibrosis)".

Ms J.M. Freeman: No, that is not my recollection. My recollection is that it was "pleural plaques", and I'm sticking by that!

Dr G.G. JACOBS: That is the reason we are debating this here today.

Ms J.M. Freeman: I've looked at those minutes. It says "pleural plaques" in those minutes.

Dr G.G. JACOBS: That is the dilemma. I do not want to hold back this very good legislation. There are some very good things in it and I do not want to hold it up because of this issue, but I do believe that somehow we need to resolve it. Perhaps it could be to put the word "or" between the two phrases, but, of course, the issue then is the magnitude of pleural plaques and how many people we are talking about; that is, the percentage of that cohort that goes on to have symptoms and becomes deservedly compensable. There is a bit of work to be done on that. I have spoken to the minister and I thank him and his advisers on this matter. This debate just shows members the complexity of the situation. Both sides of the house are trying to resolve this matter. It is not about politics; it is about trying to deliver good legislation for these people, albeit a small number of people, who have a condition for which they deserve some compensation. I hope that over the next little while we can amend the legislation to clear up that dilemma, so that we can deliver good legislation for deserving people in Western Australia.

MR P. ABETZ (Southern River) [7.09 pm]: I will make a very short contribution to this debate on the Workers' Compensation and Injury Management Amendment Bill 2011. A gentleman came into my office on 20 May and alerted me to the difficulties with the pleural plaques (diffuse pleural fibrosis) issue, which the members for Alfred Cove and Eyre have eloquently spoken about.

Ms J.M. Freeman: And the member for Balcatta.

Mr P. ABETZ: And the members for Balcatta and Nollamara. I add my support to the idea that we should rectify this particular difficulty in the legislation. The gentleman who came to see me is an older gentleman who has been exposed to asbestos but is in perfect health, and he is involved with people who are not as fortunate as he is. He was very concerned that by saying that a person must have "pleural plaques (diffuse pleural fibrosis)" was like saying that a person must have a "broken leg (broken ankle)"; in other words, he must have both to qualify, which is really far too narrow.

Mr T.R. Buswell: I think some may argue that it is more "broken toe (broken leg)".

Mr P. ABETZ: That is probably a better analogy, because pleural plaques is not necessarily a debilitating disorder. If we could rectify that, I would be more than happy to support that.

MR T.R. BUSWELL (Vasse — Minister for Transport) [7.11 pm] — in reply: I will make some broad comments about the bill and canvass some of the issues raised by members opposite, noting, of course, that this matter will go to consideration in detail because we have a couple of pretty minor amendments that deal with some wording. In relation to diffuse pleural fibrosis and the discussions around that —

Ms J.M. Freeman: "Pleural plaques (diffuse pleural fibrosis)".

Mr T.R. BUSWELL: That is the one. I think we need to be a tad careful about how we deal with that issue in this place. One thing I have learnt in my brief time in Parliament is that it is easy to think that we are doing the right thing, but in the cool light of day we discover that we are not necessarily achieving the goals we had set. I remind members that this legislation is the result of a pretty rapid but thorough review process. There are differing points of view about "pleural plaques (diffuse pleural fibrosis)". I will shortly read into *Hansard* some alternative advice from Dr Tandon, who I understand was involved in the original deliberations of the WorkCover WA Medical Committee back in the halcyon days when it was chaired by the now member for Nollamara. We also need to bear in mind that the bill is much broader than this one issue. I do not intend that statement to diminish the significance of the challenge faced by people in this awful circumstance. The government has clearly committed to a second phase of reform in and around this issue. I do not want to hold up

this bill in the Parliament while we try to deal with this matter in a way that will provide an adequate remedy, given the divergent views. What I can say on behalf of the government is that as we work through the second stage of the reform, which is ostensibly around fixing up the legislation—as the member for Nollamara pointed out it is a very difficult piece of legislation, notwithstanding the fact that these changes make it easier—that is a matter we could work through as part of that process. This is not closing the door on it. I have probably said the wrong thing as the Minister for Commerce is now leaving the Speaker's gallery. It is all right; I assume it is the right thing. We are certainly not closing the door on trying to come up with better outcomes, but there is probably a better process to deal with that than by us trying to solve the issue in an hour or two during consideration in detail tomorrow. It is too important to get it wrong. Once something is in legislation, it becomes increasingly difficult to undo.

I will step back if I can and reflect on the intent of the bill. It has been widely canvassed and I have appreciated the comments and feedback from all members. The bill has broad support. I approach workers' compensation perhaps a little differently from other members, and on a personal level. The member for Nollamara was a representative of the miscellaneous workers' union, which has now been disgracefully renamed United Voice. What the heck does that mean? We will have a march down St Georges Terrace for United Voice!

Mr F.A. Alban: A church group.

Mr T.R. BUSWELL: It could be. Some may think it is a religious crusade.

Mr F.A. Alban: Divine intervention, minister.

Mr T.R. BUSWELL: Divine intervention! Others may think it is a rock band.

Mr M.W. Sutherland: I think it is a rock band.

Mr T.R. BUSWELL: Its music could be played on 92.9, which I listen to with my sons. That is the sort of thing one hears on that radio station—*Welcome to the House* by United Voice. No wonder Dave Kelly is looking a bit confused lately. That is an argument for another day!

I have a different perspective on workers' compensation as I was a small business employer. I thought it was a very important part of my obligation to the people who gave up their time to work for my business—to work for my customers really—to make sure that they were adequately insured from a workers' compensation point of view. I had a few cases of people being injured in the workplace. It was always of great comfort to me that we had a system in place that, by and large, adequately protected those people. I acknowledge that there were some difficulties, not generated by us but inevitably by the insurer or others involved in the process. One example was a cleaner who injured her knee when she slipped in a shower. She was able to be properly rehabilitated over an extended period and then she re-entered the workforce. That is very important. I will talk about the contribution from the member for Kingsley shortly, but one reason I get cross with people is that it is a complete abrogation of responsibility not only as an employer but also really as a decent, fair citizen to not pay workers' compensation. Every now and then there are accidents in the workplace. People owe it to their employees to make sure that they can be rehabilitated or, in instances when they cannot be rehabilitated, that they receive adequate compensation.

When we first raised this matter the member for Nollamara questioned the intent of the government, and rightly so. I think she will agree that the nature of this bill and the bipartisan support it has by and large enjoyed in this house indicate that the intent was nothing other than proper and that the bill will deliver a better workers' compensation system. Obviously, the removal of age-based discrimination is important. We all traipse on a day at a time until one day we are over the age of 65. In contemporary Australian society it is ridiculous that we would discriminate against people by arbitrarily determining that post-65 a person's contribution and value to our society and economy is less than that of younger people. I think this is a great initiative and a great policy position. I am really proud of the fact that it is a Liberal government that has delivered this. I acknowledge the comments of the member for Balcatta that previous changes meant that this is easier to deliver now, because there is less cost-side pressure on workers' compensation. It is a really terrific initiative. The member for Nollamara was right. If I remember rightly, the review committee came to me at the time—not that I oft reflect on my time as Minister for Commerce—and said that there were a couple of options and we could really choose whichever we wanted. I made it very clear that I thought the view of the government, supported by the Premier and my colleagues in cabinet, would be that this is an initiative on which we should move forward. There was some minor consternation at the time about the impact on cost. Because of other factors that were driving premiums down, that has never eventuated as an issue. I think this will be one of the great legacies of this Parliament, although it has not received a lot of fanfare. I have not seen it on the front page of *The West Australian* or often reported, but this is one of those great public policy reforms.

I turn to the other initiative relating to the common law safety net. I noted the obvious emotion in the voice of the member for Kingsley when she gave her speech on the second reading. One of the privileges of life as a member of Parliament is that every now and then, and all too often in situations of adversity, we are invited into the lives

of our constituents. We get to walk a mile in their shoes, we get to feel their pain and we get to endure their suffering. Sometimes that can be difficult. I have always thought that one of the true privileges of giving our time and service to the communities that we represent is that when the chips are down and when things are a bit tough, every now and then we can put our shoulder to the wheel and help people. At the very least, we can empathise with people. The member for Kingsley has certainly done that with the Hedges family. She has been a fantastic advocate for that family. I wish to put on the public record that if it had not been for her insistence that we tackle this issue of the common law safety net, this initiative would never have come about. I believe that absolutely.

The CEO of WorkCover WA, Michelle Reynolds, and I visited the Hedges family. It was a great visit. The Hedges have two very friendly dogs. Their names escape me but they are not small. Michelle has a fear of dogs of that size. They spent the whole time sensing her love for them, jumping all over her. Like the true professional she is, she soldiered on. We got a first-hand insight into the significant impact that the accident that Bryan endured as an apprentice while welding in that aluminium boat had on his whole life. In the flash of an explosion, in a fuel vapour–filled closed space, the direction of his life was changed forever. He can never go back to being the Bryan that he was, a young man who had a life in front of him playing soccer and enjoying a happy and contented life. I am not saying that his life will not be happy and content but there is no way in a pink fit that it will be the same. The member for Kingsley has walked a difficult road with that family. We have tried to assist them within the framework that we have available to us. This law will not deliver one red cent into the pockets of the Hedges family but it will give them a lot of satisfaction that their plight has not gone unlistened to either by the government or by the Parliament.

I take my hat off to the Hedges family and also to the member for Kingsley for the very passionate and proper representations that we made on their behalf. At the end of the day, the next time a young apprentice, a young worker, an old worker or any worker is in the employ of anyone who despicably and inexplicably chooses not to insure their workers, and an accident happens, not only will they have access to the normal statutory benefit system but also when that employer is found to have acted negligently in the workplace, they will have access to the common law provision. It is important to understand what happens now. Bryan was with XYZ welding company. The boat he was working on exploded and he was faced with a horrendous road back to recovery. He could take action against XYZ welding company, but it is a $2 company with no assets, not a zack in the bank and a director who has cleverly managed to limit its exposure and liability through the way its private affairs are structured. That director is a despicable individual. I do not know the company's name; I wish I did; I would put it on the public record. Even if the court had awarded Bryan common law damages, he would have received only 50 cents or a couple of bucks, which would not have even covered the cost of the first stamp charged by the lawyer he would have sought advice from. This legislation will deal with that matter. The good work of WorkCover and the actuarial support indicates that the impact of this provision on premiums will be negligible. It is a great step forward for WA. It is a great outcome, albeit it will not have a direct benefit for Bryan and his family. I acknowledge and applaud them.

In relation to the dispute resolution framework, like a lot of members in this house, constituents who were at their wits' end have come to see me because of complexities, dead ends and frustrations that they encountered with certain aspects of the old dispute resolution procedure. It would be fair to say that it was complicated. It is overly legalistic. I think the member for Nollamara made a good point; perhaps it was a case of the empire striking back! It can happen. During her time in politics, she will come to this side of the house. When she is here, I hope she gets to enjoy being a minister for a while. She will find out that they can strike back.

Notwithstanding her best efforts, not in relation to WorkCover, occasionally it is difficult to progress reform. The reforms around the dispute resolution framework are timely and sensible. I am happy to discuss aspects of that during consideration in detail. More importantly, the intent is to deliver a better outcome for everybody involved in the system. I note the issue that the member for Nollamara raised about people making these matters longer than they perhaps need to be, to the detriment of employees. That is not the intent of the government. I would be happy to canvass that with the member further. Our intent is to have a simpler, fairer system that is less confronting for the individuals who work through it.

Finally, there are a range of general amendments. One of those relates to the issue of the phrase "pleural plaques (diffuse pleural fibrosis)". I will make a few comments about that in a second.

I thought it would be appropriate to respond to a couple of issues raised by members during this debate, in particular, to some comments raised by the member for Cockburn, which have been echoed either directly or indirectly in passing by some other members. The member for Cockburn asked for some clarification on compensation for noise-induced hearing loss. Again, I do not pretend to be able to offer a definitive response now. I am happy to deal with that in consideration in detail. My recollection is that the member for Cockburn questioned whether amendments to sections 24A and 31E of the act limit the ability of workers aged 65 or more to make claims for compensation for noise-induced hearing loss. The advice I have received from the department

is that the bill does not affect the current ability of workers to lodge claims for compensation related to noise-induced hearing loss if they are aged more than 65.

Ms J.M. Freeman: What if they get noise-induced hearing loss after the age of 65?

Mr T.R. BUSWELL: I will have to get more advice on that for the member. That is the reason I am keen to go into consideration in detail. I will not be obstructionist. I am happy to provide that information. I can say that workers aged less than 65 at the time of the commencement of the amendments will not have any age-based limit on the compensation they can receive for noise-induced hearing loss. Workers aged 65 or more at the commencement of the amendments will only be entitled to compensation for NIHL incurred prior to age 65.

Ms J.M. Freeman: I think the point made by the member for Cockburn was that given that noise-induced hearing loss is something that you start getting measured way before you're aged 65, so you get your threshold measurements and then the measurements further on, actually having the date of proclamation only beginning after 65 is unfair, but he can go through that.

Mr T.R. BUSWELL: What was that? I am only joking! We will go through that at the appropriate time.

The member for Cockburn made a couple of comments about dispute resolution, which I am sure we will deal with in due course.

I will spend a little time talking about asbestos-related pleural plaques. This is a complicated issue. I do not profess to have any degree of medical knowledge on this issue other than to say that I have read Dr Bill Musk's advice. I have a lot of respect for Bill Musk. He is heavily involved with the Busselton health study, started by Dr Kevin Cullen, who is world-renowned for his longitudinal studies of the population. I have been getting poked and prodded and have had all sorts of things done to me since I was about eight years old. I am proud to have been a part of that and Bill is a big part of that team. However, every now and then we receive conflicting advice from people involved in the medical profession. I am not sure about the advice from Dr Tandon, which I am about to read into *Hansard.* As I understand from the member for Nollamara's earlier comments, Dr Tandon was involved.

Perhaps to reflect again on the extent to which advice can be conflicting, I interjected on, I think, the member for Cockburn, during his second reading contribution. When I had the privilege of being the Minister for Science and Innovation, Dr Musk and Dr Digby Cullen—who looks after other parts of the body; I am not sure of the technical term and I do not think that I even want to try to attempt to say it—were talking to me about a health study. They had come to lobby the government for a contribution of, I think, $1 million for a health study, which the government has now agreed to pay. Of course, Digby is from the famous Cullen vineyard in Margaret River. I threw into the conversation, simply to understand whether there was a consistency of view, a comment about the health benefits of red wine. In the hour they spent with me, they spent about 50 minutes debating the health benefits of red wine. Bill Musk said that the benefits were negligible and that one's intake should be minimal. Digby had, I think, a far more sensible proposition, based on maintaining consumption.

Dr G.G. Jacobs: Taking over the family winery, was he?

Mr T.R. BUSWELL: I am not saying that he was taking it over; his sister Vanya runs it and runs it very well. However, he indicated, on his readings of my approximate consumption over the past five years, that I should live to about 150! However, they had differing opinions. In a letter to the CEO of WorkCover dated 15 May, Dr Tandon writes —

> Dear Michelle
>
> With reference to our discussion regarding the acceptance of pleural plaques as being compensable disease, I would like to repeat that when I made this submission for acceptance of pleural plaques —

I am assuming that was back in 2008 or maybe 2007.

> — it was agreed that only diffused pleural disease with pleural fibrosis should be an acceptable condition. No doubt the pleural plaques are due to the asbestos exposure but presence of a pleural plaque does not necessarily imply that the worker is disabled to any extent. Only diffused pleural pathology causing impairment of the lung function, that is the reduced vital capacity causing pain and or shortness of breath, should be accepted as a compensable pathology.
>
> Hence in my opinion only if there are presence of diffused pleural plaques or fibrosis together with restrictive ventilatory pattern that is reduced vital capacity reduced total lung capacity is present, then and only then the disease is compensable coupled with the presence of history of shortness of breath and or chest pain. Simple presence of a pleural plaque which nearly everybody who has had any significant exposure will have some pleural plaques but does not necessarily imply that the person has a compensable disease.
>
> I hope this report will help you settle this matter.

Ms J.M. Freeman: Minister, can you just say if Dr Tandon —

Mr P. Abetz interjected.

Mr T.R. BUSWELL: No, that is not my reading of this.

Mr P. Abetz: Yes; it is.

Mr T.R. BUSWELL: How do you know what my reading of it is?

Mr P. Abetz interjected.

Mr T.R. BUSWELL: I know that you are very wise, member for Southern River. I am happy to table it.

Ms J.M. Freeman: Minister, can you just put for the record what his position is.

The ACTING SPEAKER (Mr P.B. Watson): Excuse me, members. Minister —

Mr T.R. BUSWELL: His position is that he hopes this report will settle the matter.

Dr J.M. Woollard: If you will take an interjection, we'd be happy for you to table that document.

Mr T.R. BUSWELL: It is not a secret document.

Ms J.M. Freeman: But isn't he the chair of the industrial —

The ACTING SPEAKER: Excuse me, minister, do you want to table the document?

Mr T.R. BUSWELL: I am happy to, Mr Acting Speaker. I am happy to.

[See paper 3497.]

Mr T.R. BUSWELL: The only reason I read the document into *Hansard* was to highlight the fact that this is a complicated area. People have alternative views on the intent of what I have just read into *Hansard*. I acknowledge that it was not the easiest letter to read. Notwithstanding, I can say on behalf of the government—I will of course check this with the minister—that in relation to the broader issue of pleural plaques, the changes recommended here are undoubtedly a step forward. There is no doubt that the changes in this amendment deliver better outcomes. Now there is a broader issue. I am happy to canvas it during consideration in detail. There is no doubt that there is a broader issue. Bill Musk has a view. Other members have views. I think that is widely acknowledged. However, I am saying that we have a second part to the reform of this legislation. I think we should explore it and I am not saying this to delay things, but simply because it is a complicated area of medicine that has me completely bamboozled, which is not necessarily hard to do.

Dr G.G. Jacobs interjected.

Mr T.R. BUSWELL: It is not necessarily hard to do, member for Eyre. However —

Dr J.M. Woollard: So why doesn't the legislation stay on the table until we —

Mr T.R. BUSWELL: No, we need to deal with the legislation; it has been around for too long.

Ms J.M. Freeman: Yes.

Mr T.R. BUSWELL: The government has committed, and I am happy to commit again on behalf of the government, that there will be another raft of workers' comp reform in the not-too-distant future based on, if I can use the term, simplifying the legislation so people can understand the legislation. I am happy to commit the government—unless the minister tells me not to, but I do not think that will be a problem—to specifically target this issue as part of that process. This is, clearly, a significant issue. There are, clearly, some alternative points of view in and around that. I do not think that we would be doing the issue justice nor the potential sufferers any favours by trying to rush an answer on the floor of this chamber in the absence of base facts. When I say "sufferers", I mean people who have this or associated conditions and who may or may not have access to the worker's comp system. The government will commit to doing that. I do not think that it will be a long process, but the government is happy to commit to it and that may provide a way forward to deal with this issue. I have read the correspondence from the diseases society —

Mr J.C. Kobelke: From Mr Robert Vojakovic.

Mr T.R. BUSWELL: He obviously has a strong view about it. There is no intent to deny people; the intent is to try to come up with a better outcome. If we can come up with an even better outcome, I would be happy to have a look at that.

Members, before I close, I will once again thank everyone who has participated in this debate. We have here an excellent example of the legislative review process working well. The review was initiated in late 2008 or early 2009 and we are now in the house debating the outcomes of that process, acknowledging that there may be some further points that we need to look at. Late last week, we passed through this house reforms to the retail tenancy

legislation, which were generated from a review initiated in 2004. I think that puts into context what we have been able to achieve in a relatively short period.

Mr Acting Speaker, I will close by once again acknowledging the excellent job of work done by those at WorkCover and the excellent job of work done by all those who contributed to the review process and to the subsequent drafting of the legislation, which has led to us being able to consider this bill tonight.

Question put and passed.

Bill read a second time.

ROAD SAFETY COUNCIL AMENDMENT BILL 2011

Declaration as Urgent

MR R.F. JOHNSON (Hillarys — Minister for Police) [7.38 pm]: I move —

> That in accordance with standing order 168(2), the Road Safety Council Amendment Bill 2011 be considered an urgent bill.

I will say a few words about the reason for so moving. We are approaching a somewhat long winter break and it would certainly help those in the area of road safety in their planning to know that this bill has been passed. The other house will be working not only this week, but also next week—it will sit an extra week—and I am very hopeful that this bill will have the support of both sides of the house in both houses. I cannot think of any negative whatsoever and why any member of this house would vote against this bill. Members may want to try to amend it—that is up to them—but at the end of the day I certainly believe that every member of Parliament will support a bill that ensures the money raised from both speed and red-light camera infringements, will go to the road trauma trust fund to be used for road safety initiatives. I cannot guarantee that the bill will go through both houses by the end of next week, but it is my fervent hope that it will. Once it has gone through this house, I believe that members in the upper house will not want to delay it. I hope that they will be very cooperative in getting it passed through that house and allowing this legislation to become law so that, as I said, everyone involved in the Office of Road Safety, the Road Safety Council and I can start planning in the certainty that the bill has gone through Parliament and has amended the Road Safety Council Act.

MR J.C. KOBELKE (Balcatta) [7.40 pm]: The opposition will support the motion to declare the Road Safety Council Amendment Bill an urgent bill, even though the Minister for Road Safety's reasons did not have any substance. The government has given an undertaking to increase the percentage of the speed and red-light camera fines that go into the road trauma trust fund from 33.3 per cent to 66.6 per cent next year and to 100 per cent the year after. We applaud and fully support that, but the government does not need a bill to do it. It can do that without legislation. There is no urgency for this legislation because it is not needed for that reason. The reason that the government needs the legislation is that it is undermining the role of the Road Safety Council. The government wants cabinet and the Minister for Road Safety to determine where the money will go, not the Office of Road Safety. The urgency is to hurry through the legislation before the community becomes more widely aware of the con that the government is trying to pull. On the one hand it is offering a positive while on the other it is changing the system by which the money is spent. That is the only urgency. There is no full and open accountability for what the government is trying to do. The opposition is ready for the debate. We will support declaring the bill an urgent bill and we will support the bill.

Question put and passed.

Second Reading

Resumed from 15 June.

MR J.C. KOBELKE (Balcatta) [7.41 pm]: The Road Safety Council Amendment Bill should have been titled the smoke and mirrors bill because it is about actually changing the mechanism by which decisions are made for spending money from the road trauma trust fund. Coincidentally, it also increases the money that will automatically go into the road trauma trust fund, which is a positive thing. However, as I indicated when speaking to the motion to declare this an urgent bill, we do not need legislation for that. The government can easily do that simply by adjusting the way that it sets its budget. I will talk later about the provisions in the Road Safety Council Act that mean amendments to the act are not needed to increase the proportion of the speed and red-light camera fines that will be channelled directly into the road trauma trust fund. Clearly the government wants to keep its hands on that money because it anticipates that within a couple of years the fund will approach $100 million. Based on what is in the bill, the government does not seem to trust the Road Safety Council to make decisions on how that money is spent to improve road safety. The government wants to take that decision away from the Road Safety Council and determine itself where the money will be spent. I will talk about that in more detail later.

One-third of the money raised through the speed and red-light camera fines goes to the road trauma trust fund. The road trauma trust fund was established under the Road Safety Council Act 2002. Section 12 of the act is headed "Road Trauma Trust Account". Section 12 states, in part —

> (2) There is to be credited to the Account —
>
> (a) one-third of each prescribed penalty paid pursuant to a photograph-based vehicle infringement notice for an offence to which the regulations specify that this paragraph applies …

One-third of the revenue raised from speed and red-light camera fines automatically goes into the road trauma trust fund, but this bill seeks to amend that. The Road Safety Council Act allows any money appropriated by Parliament for the purposes of the account to also go into the road trauma trust fund and there are other means by which money can be put into it. If proof was needed that it functions in that way, one only has to look to the last Labor government when there was a reduction in the amount of fines money being collected so that one-third of the money appropriated for the trust account totalled $11 million or $12 million. It was a policy decision of the last Labor government to ensure that at least $15 million would go into the fund each year. It was simply topped up. The mechanisms were in the act to do that then, and they still are now. The amendments will hypothecate the money and the funds will flow directly into the account without requiring a government decision. The amendments in the bill are not needed for the government to meet its policy commitment of ensuring that two-thirds of all the fines money goes into the road trauma trust fund, rising in two years to 100 per cent. It is good that the bill locks that decision into the future, but this bill is not needed to do that and therefore there is no urgency for the bill on the basis that it is needed for the money to go into the account. I will come back to the matter of the urgency later.

Mr C.J. Barnett: Don't you think Parliament should support it and be seen to be supporting it?

Mr J.C. KOBELKE: I have said that we are supporting it.

Mr C.J. Barnett: I know you are, but don't you think the Parliament itself should be seen to be making this decision?

Mr J.C. KOBELKE: The question is why it is necessary to declare the bill an urgent bill to do it. Later I will explain why the government has declared this an urgent bill. The issue I have a concern with is that the fine sentiments in the bill are being tarnished by the dubious intentions that underlie the detail of the bill, which I will come back to.

In order to give some support for what might be seen to be a negative and untrusting attitude, we need to look at the record of this government. When we consider the way it has treated this Parliament and deceived people and how it has said one thing and done exactly the opposite, we can see that the government's track record suggests that it cannot be trusted to do what it has stated up-front, which is to deliver two-thirds of all the fines and then 100 per cent of all the fines to matters that will go directly to road safety rather than being hived off into special projects, marginal electorates and other areas of government priority that are not necessarily the priority of the Road Safety Council.

I had started to explain the existing system. I also need to put on the record how the Road Safety Council was established. Section 6 of the act sets out the membership of the council, which includes a chairman. The practice has been that the chairman of the council is an independent person, and the government has continued that practice by the very good appointment of the current chair, Professor D'Arcy Holman. The council also includes a person who represents road users. For some years that has been a representative of the Royal Automobile Club of Western Australia. I certainly support the continuation of that, although the act requires only that it be a person who represents road users. The council also includes a person who represents local government and is nominated by the Western Australian Local Government Association. Of the 12 members of the Road Safety Council, those three have some independence from government. However, the other nine basically all hold government offices. They include someone employed in the department of the public service that principally assists the minister in the administration of the act—that is, the Office of Road Safety. The council also comprises someone from the licensing authority under the Road Traffic Act, and representatives from Western Australia Police, the Department of Education, the Department of Health, Main Roads WA, the Department of Transport, the Department of Planning, and the Insurance Commission of Western Australia. We need to keep in mind that when this body makes decisions, only three of the 12 council members can be seen to be independent of government and not influenced by what the minister might want. The Road Safety Council has a history of nominating, through one of these provisions, government employees who have worn their government employee hat either as a public servant or from the police, who actually were committed to road safety and who worked cohesively to put together policies and procedures and made recommendations to spend money to get good outcomes to improve road safety. Potentially, under the government's new model, these people might not want to speak up because they might cross either their minister or the government. There is a real potential that this

government, which is not honest and is not transparent, will try to fiddle the books. This places back onto these representatives on the Road Safety Council a real onus not only to deliberate, propose and recommend to government things that will improve road safety, but also to stand up to considerable pressure. As public servants, they might be in a situation in which the pressure that this government puts on them—we have seen plenty of examples of this government putting pressure on individuals—creates a divided loyalty between their responsibility as a loyal public servant to the government and the role they have to play on the Road Safety Council to drive the safety agenda if a government of the day wants to use the money that should go to road safety for other purposes—that is, for its own priorities and political purposes.

Mr R.F. Johnson: What other purposes?

Mr J.C. KOBELKE: This government has a track record of playing these silly games. I will come to them. I will lay them all out for the minister; it is in black and white. If one were a cynic, one would have to say that the detail of the legislation leaves it open for a dishonest government to abuse the process—to say that 100 per cent of the red-light and speed camera fines will go into the road trauma trust fund and to fiddle the books so that less than one-third goes into projects that have road safety as a priority. I will come to the detail of how the government can do that, and outline the amendment that the opposition will be recommending to try to open up transparency, which is not in the bill as the government has drafted it. The opposition's amendment will give some guarantees that the recommendations of the Road Safety Council are heeded by the government of the day. I will return to some of the facts that show why this government has not got a good track record on road safety, and why we might have some good reason to be suspicious of its motives and what it is really trying to do here. The road safety strategy Towards Zero was developed when I was the minister responsible for road safety.

Mr R.F. Johnson: You did nothing with it. You hung onto it. You did not want to do much because you were going to an election.

Mr J.C. KOBELKE: I will take the minister's interjection that I did nothing with it. This will show members how two-faced and lacking in honesty is this minister. The Labor government went through a very lengthy process of developing this new 10-year road safety strategy. I have to thank the member for Wagin, who took a bit of a lead in that he spoke to people on the Road Safety Council and made it clear that he would like to be involved in consulting with his community. I think that followed the death of some young people in his electorate. The member for Wagin took the lead and a very successful public forum was run. That was at the time the Labor government was setting up the consultation process to develop the new road safety strategy. I was pleased to follow the lead of the member for Wagin, and we rolled out those forums across most of the state. We consulted with people in an interactive way to get their views on what should be contained in this 10-year road safety strategy. The Labor government also ran a number of briefings for members of Parliament.

I made it clear right from the start that I wanted to be bipartisan in developing this road safety strategy and it should not be party political. I must admit that a few people on my own side said that I was setting myself up; they were not so sure I could do it in a bipartisan way. We showed that we could; it was very successful in getting members from all parties together to focus on what was deliverable, what were the problems and what would be a strategy to improve road safety in Western Australia. I acknowledge that the now Minister for Police and Minister for Road Safety did not come to one of those consultations. Quite a number of his party members did, but this minister did not come to one of them. He is a man who I believe has as a sincere belief in improving road safety. I make that very clear. But it was not important enough or he did not find the time to come to a single one of those consultations. However, the Labor government continued to ensure that we had a bipartisan approach.

It is interesting to go back to the minister's interjection of a moment ago, because the development of the Towards Zero strategy was done by the Road Safety Council and supported by the Office of Road Safety. That was presented to me as the then minister on the day the election was called, and by interjection this minister said that I sat on it! That is a total travesty of the truth, but that is what we get from this minister. This minister cannot deal with the issue in a factual way—through either his laziness or his incompetence, the minister simply cannot deal with it. The election was called. We were in caretaker mode. I could not do anything with it. The new government was elected. The current minister was made the minister; he sat on the Towards Zero strategy for months. I appreciate that he did adopt it, and I have already congratulated him on that. The Road Safety Council presented to the government—whether it was the old government or the new government—a well detailed and prepared strategy, plus an implementation plan. The strategy required that the government move, quite progressively, with expenditures of considerable amounts of money to implement that road safety strategy, Towards Zero, and there was an implementation plan to help map it out as a 10-year program. When this minister accepted the road safety strategy Towards Zero and said that he supported it, what happened to the implementation plan? It got shredded. We did not have an implementation plan. We have a minister who genuinely believes in improving road safety, so how can he not have the energy, the commitment and the intellect to put in place an implementation strategy? He might not have liked the strategy —

Mr R.F. Johnson: What do you think this is all about? It is to get the funding to meet the commitments to Towards Zero. What does the member think this is for? For goodness sake!

Mr J.C. KOBELKE: The minister is talking absolute nonsense, and I will come to the figures in a moment. No implementation plan has been laid out. The only part of the implementation plan we have seen was the money to buy new speed cameras to increase revenue, which the minister had to do because the old ones were practically obsolete. Whoever was in government would have had to buy new speed cameras. That is the only thing this government has done. In most other areas, the government has withdrawn funds and has reduced the money allocated to road safety. I will go through and show that in a moment.

When we have a government that talks about road safety but goes in the other direction and cuts money out, that does not have an implementation plan and that does not do anything except buy new cameras to raise more money, we have to be sceptical that it has the ability to drive the Towards Zero strategy.

If members think this is just me being rather biased, let us go to the RAC's state budget submission for 2011–12. I do not think anyone can say that the RAC is a Labor supporter or is somehow biased. The RAC is interested in its members and in road safety. I will quote from page 3 of the RAC's state budget submission, which reads —

> The quality of our road network remains in decline with no response to date from the government to the Auditor-General's report of June 2009 which identified a potential $800million black hole in overdue maintenance on State roads.
>
> The 2011/12 State Budget is an opportunity for the government to show that it is serious about delivering the infrastructure needed to ensure our rapidly growing population can move around their communities and their State in a safe and sustainable manner.

The RAC is clearly indicating—which I will back up from its statement in other places—that in terms of the spending on our road structure, this government has not met the challenge. This government has not addressed the challenges. It has announced that it supports the Towards Zero strategy. All the talk is there, but as the RAC has said, there is no action. The government talks the talk, but cannot walk the walk.

Mr R.F. Johnson: They are delighted with this bill; they support it 100 per cent.

Mr J.C. KOBELKE: I thank the minister for his interjection. Let us go to page 4 of the RAC's state budget submission, which addresses directly road safety and Towards Zero. It reads —

> It is now two years since the State Government endorsed the Towards Zero Road Safety Strategy. In doing so the Government specifically accepted the premise of the strategy: that it would save an estimated 11,000 people from being killed or seriously injured in the period to 2020 — a reduction of about 40 percent on present day levels. (Source: Ministerial Media Release, 18/03/09).

The Royal Automobile Club's budget submission continues —

> At the time the government hailed the strategy as the beginning of a new era in road safety, with the Minister for Road Safety stating:
>
> > "The State Government is committed to making serious inroads into this terrible problem and with Towards Zero, I am confident we can do just that."

What does the RAC's budget submission state directly after that? It states —

> Two years later, the Towards Zero strategy remains largely unfunded. The 2010/11 State Budget included significant cuts to the Main Roads budget and to road safety programmes.

That is not me saying that. I can say it because I know it is true, but that statement by the RAC validates it. This government has cut the budget. It talks about road safety and improving roads, but where is the action? The action is to cut the budget. That is the truth. Is it any wonder we have some doubts about what the government really hopes to achieve with this amending bill?

I will take a little more from the RAC's state budget submission, which states —

> At the same time, the cost of road trauma continues to rise, with the annual socio-economic cost now conservatively estimated at $2billion —

And the RAC provides a source for that figure. The submission states —

> In 2010 the Road Safety Council commissioned an independent review, based on international benchmarks, of the capacity of Western Australian agencies to deliver the Towards Zero strategy.
>
> The final report of the review team found that:
>
> > "A 40% reduction in deaths and serious injuries by 2020 as foreseen by Towards Zero is considered within WA's reach, but will require governmental commitment to the target,

> substantial resourcing of the lead agency and of Main Roads WA and local government road safety efforts, major knowledge transfer within and beyond government, supported by strong coordination and performance accountability frameworks plus increased funding."

It again provides the source. The submission continues —

> The review makes it clear that additional resources need to be allocated by the State Government to achieve the strategy.

The government said that it would support the Towards Zero strategy, but all the evidence shows that a large additional increase in funding, in resourcing, is needed to make it all happen, and the government pulled money out. It pulled money out of road safety and spending on roads. Can this government be believed?

The Towards Zero booster package is referred to on page 5 of the RAC submission as follows —

> The Road Safety Management Capacity Review called for "substantially increased funding" for Towards Zero programmes.

That is why the government did not want an actual implementation plan. The people who looked at how to make it work and how it could be achieved said that the government had to not only commit the extra funding, but also lay out a strategy so that the various agencies could combine to deliver on it. Road safety has to involve a range of agencies, which is the reason for all those government agencies being on the Road Safety Council. Government as a whole needs to work together, which cannot happen without a written, laid-down strategy and an implementation plan. If the funding is not provided in the forward estimates so that planning can be done and the money can be spent wisely, the objective will not be achieved. The minister has been totally found wanting. He thinks he can do it with just high-sounding statements outlining that he believes in road safety. I do not discount that, but if he actually wants to deliver road safety, he has to put in the planning and the money to achieve the specific goals.

Another quote from the RAC's state budget submission states —

> The RAC recommends that the State Government:
>
> - Restore funding to the Safer Roads programme which was diverted to bridge maintenance work in the 2010/11 State Budget.

The government actually took money out of the safer roads program to look after some bridges. I know that, but the RAC is stating it. This minister says that he supports road safety. How can he say that he supports road safety if he is taking money out of it? The evidence is in the RAC's submission to this government. The RAC went on to document where the money was cut from Main Roads Western Australia, but I will leave that out because although that has an impact on road safety, it is not central to the issue we are dealing with.

The other bit of evidence I need to lay before the house as to why everything really needs to be made accountable and transparent is that this government says one thing and does exactly the opposite. When it says that it is putting 100 per cent of the fines from speed cameras and red-light cameras into the road trauma trust fund and we assume it will go to road safety, the amendments it is making by way of the Road Safety Council Amendment Bill 2011 leave it open for a government of little credibility and little honesty to do quite different things. I know that if I were the minister, I certainly would not do that, but I need to make clear that this government's track record means that it simply cannot be believed.

No better example of that can be found than by looking at what has happened to the funding derived from speed and red-light camera fines as presented in the budget papers. I refer to page 661 of the *Budget Statements*, which relates to transport. According to the figures under "Speed and Red Light Fines", the actual amount collected in 2009–10 was some $42 million, bearing in mind that at that time only one-third would have gone to the road trauma trust fund. The 2010–11 estimate is nearly $93 million, but it will actually come in at about $51.5 million. I assume that that is because the government had every intention of buying the new speed cameras, which would have increased revenue, but there have been delays in getting them and having contracts finalised and all that type of thing. That can happen to any government, so I will not take issue with that at the moment. Therefore, instead of getting the $93 million in 2010–11, the government is now anticipating about $51 million. Does the minister accept those figures?

Mr R.F. Johnson: If you tell me they are correct, I am sure they must be.

Mr J.C. KOBELKE: No. Perhaps the minister is just not interested enough to follow these things; road safety is only his portfolio!

I asked because the front page of *The West Australian*, as well as questions asked of the Minister for Police that were answered by the Commissioner of Police during estimates committee hearings, would suggest that the figure could actually be substantially higher than the $51.5 million estimated for 2010–11, which is what would

have gone into the budget when it was closed off in about April. It would be good if it is the case because more would go into road safety.

Mr R.F. Johnson: I doubt it, because there was a downtime that, unfortunately, affected the amount of time that the cameras were out in this financial year. There was also a lot of training on not only the new digital cameras, but also the processing of the digital images. I am assuming that the $51 million that the member is talking about was the total revenue anticipated.

Mr J.C. KOBELKE: That is the estimated actual for the year just finishing.

I asked whether that figure might be updated because *The West Australian* stated, which the Commissioner of Police or Mr Italiano said was true during the estimates hearings, that the actual number of infringement notices for 2010–11 is running much higher than it was in 2009–10. In 2009–10, $42 million was raised, and a back-of-the-envelope projection would show that it is likely that more than that will be raised. As the minister said, it is a complex issue involving downtime, training and all the rest of it, or there might have been a lot of low-level fines and not so many high-level fines—all those things can affect it.

Mr R.F. Johnson: Exactly.

Mr J.C. KOBELKE: There is some potential that it may come in above $51.5 million by 30 June this year, but we will wait and see.

The reason I mentioned that is that the *Budget Statements* relating to the Department of Transport, which collects the fines, show that in 2011–12 the amount is expected to be $77 million; in 2012–13, it is expected to be $85 million; and in 2013–14 and 2014–15, it is expected to be in excess of $92 million. They are just estimates, and lots of things can change. We are all very hopeful that speeding drivers might suddenly have a change of heart and not speed.

Mr R.F. Johnson: I'd be delighted.

Mr J.C. KOBELKE: I certainly back what the minister says in that no-one needs to pay those fines; if people do not speed, they will not have to pay them. I am fully supportive of the rolling out of the new cameras and trying to enforce people driving at safer speeds on our roads. However, the point we are getting at is that trickery has been played in the budget because from 2011–12 to 2014–15, over those four years, the government on those estimates raises nearly $350 million. Therefore, $350 million is coming into the budget. A percentage of the speed fines goes to the road trauma trust fund, which the Road Safety Council distributes for various purposes. In the past, some of that money has gone to Main Roads because it conducts the work where there is a need to improve the safety of roads, as well as building new roads and all the rest. The road trauma trust fund has traditionally given Main Roads various amounts of money for special projects, and some of that has been ongoing. However, on page 662 of the *Budget Statements*, in the Commissioner of Main Roads division, all that money into the out years has been taken out of the budget—$51 million that was in the budget has been taken out. Again, this just shows that when the government tries to be tricky, people get it wrong, because the footnote about that road trauma trust fund money that goes directly to the Commissioner of Main Roads states —

> Expenditure from the Road Trauma Trust Fund has been reduced due to revising down estimated speed and red light camera infringement revenue over the forward estimates.

However, we know from the previous page that it is exactly the opposite; the revenue is going up, yet the government put that statement in the budget papers. I think that was really just a clerical error, an officer made an error —

Mr R.F. Johnson: No. I'm sure you're aware that the revenue for the speed and red-light cameras at intersections was extremely high when they were first installed some six or nine months ago—whenever it was—because they were catching people not only speeding through the intersections but also running the red lights. I've got to tell you, they've been very, very successful because the income and the number of infringements have gone down at those intersections, which is the sort of news we want to hear.

Mr J.C. KOBELKE: I do not dispute what the minister says about that, but it does not answer the question that I put to the minister. On one page it shows —

Mr R.F. Johnson: You're asking me a question about the Main Roads budget. I can't give you that answer; you need to ask the minister for Main Roads that.

Mr J.C. KOBELKE: I accept the minister's interjection because it shows how interested he is in his portfolio. The Department of Transport only collects the money from the speed and red-light camera fines. The Minister for Road Safety has responsibility for road safety policy and enforcing speed limits. That is the minister's responsibility. Through his actions, with his ministerial colleagues, the minister helps to set policy that directly feeds into that fine revenue, even though it falls in another portfolio. How that money is spent in the forward estimates has nothing to do with what the minister said about the transition issues. On one page, the forward

estimates show growth from $42 million in the 2009–10 actual to $92.5 million—more than doubling; however, the next page states that the actual revenue over the forward estimates for four years will go down and that the money has been taken out of the budget. Really, minister, this is absolutely shonky! I think the way those figures have shown up will just be an error by some officer who looked at those figures and did not realise what was really happening. What is really happening—this relates directly to the bill before the house—is that the government has pulled back all the programs that I am aware of that the Road Safety Council runs using the road trauma trust fund, it might not be all of them, because the government wants that money, I surmise, to be allocated under the new system designed in this amending bill. Therefore, instead of parking that money, as we did on a number of occasions when we were in government because we knew there would be expenditure—as the minister knows, $350 million is in the books from speed and red-light camera fines—the government in two years' time will put all that money into the road trauma trust fund. The government could have put that into a holding account, which would be reflected in the budget papers, and said that $350 million will be allocated to road safety without stating to which agencies or for what because the government is putting in place a new process. However, the budget does not do that.

Mr R.F. Johnson: It's going into the road trauma trust account—you know that.

Mr J.C. KOBELKE: But the budget does not show that!

Mr R.F. Johnson: Well, you're talking about a budget issue in Main Roads and, I'm sorry, you need to take that up with the minister for Main Roads.

Mr J.C. KOBELKE: It is not about Main Roads; it is a budget issue that cabinet would have decided in creating a nest egg of $350 million because that helps the bottom line look better. I understand why the Treasurer would like to do that, but the Leader of the House is the minister responsible for road safety so it means that he did not even have the art or the interest to ensure that $350 million went into an account clearly allocated for road safety. I have to correct myself—it will not be $350 million because the full 100 per cent of the fine revenue will not go to the road trauma trust fund for another year, so it will be a bit less than that, but clearly it will be in the order of $300 million.

As I said earlier, the minister does not seem to have any comprehension of this matter. Perhaps it is just laziness; I do not know. When the minister responsible for a large road safety program involving a range of government agencies and local government cannot lay down where the money for it is and the likely areas that it will go to and lay out a program of implementation, he will waste money and he will not have coordination in the program. The minister needs to have that sort of plan. His government is falling over all over the place because it does not have such plans. This government gets it wrong time and again. The Northbridge Link project was originally $260 million and now it has blown out by $500 million. That is $500 million so that people can merely walk across a railway line. Another classic example relates directly to the bill before the house tonight: the way the government has handled the money in the budget has not been open, honest and accountable to show that that money will go into the road trauma trust fund and be available for road safety. Currently, money goes into the road trauma trust fund established under the act and the Road Safety Council then recommends to the minister how that money is spent on road safety. My view may not be right on this—I am not a lawyer and I am aware that other people would take a different view—but when I was a minister, I always understood that I should act on the advice of the Road Safety Council. Is that the minister's understanding or does he understand it differently? Does the minister feel that he must operate on the advice of the Road Safety Council and follow its recommendation for funding or that he can really do his own thing?

Mr R.F. Johnson: Since I've been the minister, I have taken advice from the Road Safety Council. Of course, I work very closely with the Office of Road Safety and the independent chairman of the Road Safety Council who you agree is a person who wouldn't be intimidated by a minister. He is a very committed person in relation to road safety and what happens, because up until now the funds have been limited. When they want to expend money, they put it to me and I have to sign off on it.

Mr J.C. KOBELKE: I accept that but that is not the exact point of my question to the minister. The point of my question is that my understanding was that as the minister responsible I could not actually authorise the expenditure of money from the road trauma trust account except on the advice of the Road Safety Council.

Mr R.F. Johnson: Correct.

Mr J.C. KOBELKE: I am open to other interpretations. Section 12(6) of the principal act states —

> Money standing to the credit of the Account —

That is, the road trauma trust account —

> is to be applied for the purposes determined by the Minister on the recommendation of the Council.

That is how the act stands. I am open to the idea that the minister could get legal advice that the minister need only take advice from the Road Safety Council and then do something different and not reflect exactly the

council's recommendations. When I was the minister responsible, I worked on the basis that I could only authorise that expenditure in the way specifically recommended by the Road Safety Council. If I thought that the council's recommendation was not up to scratch, I could chat with it or visit and say, "Is this really the right priority? I'd like you to think about something." However, I never authorised expenditure in a way that was different from the council's exact recommendation. That is how I read it; however, I am certain that the minister could get a lawyer who, based on the wording of subsection (6), which I have just read out, might suggest that the minister has to obviously listen to the recommendation from the Road Safety Council but that the minister perhaps does not have to follow it to the letter. That is not my view. But I am leaving that open, because I am sure people will have different points of view about how that should operate.

Section 12(6) is proposed to be amended by the bill before the house. Section 12(6), as amended, would read —

> Money standing to the credit of the Account is to be applied for the purposes determined by the Minister having regard to the recommendations of the Council.

That is quite different wording. This amendment will make it absolutely clear that the expenditure of the money, which the minister needs to authorise, does not need to comply with the recommendations of the Road Safety Council. The minister is to have regard to the recommendations of the Road Safety Council. That simply means that the minister has to take note of them. The minister does not have to follow the recommendations. The minister can do exactly the opposite and make his arguments for why he disagrees with those recommendations. This amendment will give this minister and future ministers the ability to thumb their noses at the recommendations of the Road Safety Council, and fix potholes in a marginal electorate, or do something else that the minister of the day sees as having a higher priority than the recommendations that have come forward from the Road Safety Council.

Mr P.C. Tinley: Surely not!

Mr R.F. Johnson: No, he would not.

Mr J.C. KOBELKE: The minister is the one who is seeking to amend this section so that the minister can do other than what are the recommendations of the Road Safety Council to advance the interests of road safety in this state.

But it gets even trickier than that, because having opened up the possibility for the minister of the day to do that, the mechanism changes. The bill also proposes to insert a new section 6A. Under the current mechanism, the Road Safety Council considers its priorities about where the funding should go to improve road safety. It then makes a recommendation to the minister, and the minister has to sign off on that recommendation before the money can be spent. As the minister indicated by interjection—he has a view similar to mine; it may or may not be the only legal advice that he gets from us bush lawyers—the minister can sign off only in accordance with the recommendations of the Road Safety Council. That is the existing system. Under new section 6A, headed "Minister may give directions", the process will change. Although the Road Safety Council under another section can still make recommendations to the minister—it can do that at any time; that is not being changed—when it comes to the actual spending of money, the minister may give a written direction to the council on what the minister thinks the money should be spent on. I assume that whoever was the minister, even if he or she was a bad minister, would still consult with the Road Safety Council before that minister would sign off on that recommendation. But there is no requirement for the minister to do that. The minister makes a recommendation to the Road Safety Council on the expenditure from the road trauma trust account, and the Road Safety Council, under these amendments, is required to make a recommendation to the minister about that expenditure. However, the minister may or may not follow what has been recommended by the Road Safety Council. The minister has to consider it, but it is up to the minister to do what he or she wants.

We then have this half attempt at transparency, because it is then required that the direction that is given by the minister to the council be laid before each house of Parliament within 14 days. That is commendable. It looks good. But it is only the minister's recommendation to the council than needs to be made public by tabling it. The actual recommendation from the Road Safety Council does not need to be made public. Therefore, the minister may make a recommendation to the Road Safety Council that half of the money will be spent on road safety, and half of the money will be spent on a pet project of the government that is vaguely related to road safety but not central to it. The Road Safety Council may look at the recommendation and write back to the minister and say, "We will back you one hundred percent on that half of the money that will go towards the Towards Zero road safety strategy; go for it. But we do not agree with the other half of the money, because although it will deliver some improvements, perhaps in transport, it is not primarily about road safety." The minister may then go ahead, despite that recommendation, and spend the money as he or she intended in the first place, with half going to road safety, and half going to other road issues. But what will we see tabled in Parliament? We will see only the direction that the minister has given to the Road Safety Council. The recommendation from the Road Safety Council, in which it might have made strong arguments to the minister, does not need to be tabled in Parliament.

It is hidden. That is a lack of transparency. If a government is trying to cook the books and is saying that all this money is going to road safety, when it is not, the Parliament will not know about that.

It then comes back to the role of the members of the Road Safety Council. Is the representative from local government, or the representative from the RAC, going to bag the government about the fact that it has not accepted its recommendations, when there has generally been a consensus within the Road Safety Council that people will not go outside the council and that the council will work collectively as a body advising the government and work with some confidentiality? How bad will it need to get before someone, either a non-government officer or a government officer, blows the whistle on the fraud that is being pulled by the government of the day in how it is using this money?

Again, the government would probably say that we are just being cynical and we should trust it. But this government has already shown with this funding that it is not being honest. The RAC submission on the 2011–12 budget is clearly contrary to the minister's repeated statement that the government is doing more on road safety and it is spending more on roads. It is not. The government has pulled the money out. We need look only at the minister's budget for road safety. That can be found under Commissioner of Main Roads, item 7, Office of Road Safety, at page 664 of the *Budget Statements*. At page 666, under service 1, there is less than half a page on road safety. It tells us hardly anything. Under "Net Cost of Service", which is the money that the government is taking out of the public purse to put into road safety, in 2009–10, the government budgeted $11 million. For this year, the government has budgeted $3 million. This government is putting less money into road safety. It actually comes out at $9.7 million. So, along the way, the government has repented of its sins and put in a bit more money. What will happen in 2011–12? The government will be taking nearly $25 million out of road safety—not put it in, but take it out. The net cost of service will be a negative $24.5 million. That is in the government's budget papers. There is no explanation for that. We can see from that that the government's track record is the total opposite of what it says.

I will give another example. This is a different portfolio, but it is instructive of the way this government works. The government increased the levy that is placed on rubbish that goes to landfill. That is a levy which councils have to pay, and which they pass on to property owners, through their rubbish collection fees, in their rates notices. The government heralded the fact that it would increase the landfill levy by 300 per cent—a fourfold increase. Great. That will mean that more money will be provided to try to divert waste from landfill. But, no; that was the con. It did not work. When the government brought in the bill that authorised that fourfold increase, it said that 25 per cent of the money collected from the landfill levy would go into the waste fund to help reduce the amount of waste. However, when we read the fine print, it was not even 25 per cent. Under the old system, the government paid for the administration. However, the cost of administration will now need to come out of the money that is collected.

The government also included a tricky clause that allowed the minister to redefine what the amount would be, because it fluctuates. The government heralded the increase in funding from the landfill levy as a positive for the environment, because it would provide more money to deal with waste, divert it and reduce it. The reality is that less money was going into that. It was a total con. My concern is: why should we have confidence that this is not a similar ploy? Why should we have confidence that the very admirable decision to have all the money in two years from speed and red-light camera fines going directly into the road trauma trust fund is something to be applauded? Why should we have confidence that all that extra money will be spent directly on road safety initiatives?

As indicated in earlier quotes, we are talking about savings of billions of dollars. If we spend a few hundred million dollars on road safety initiatives, we can potentially save billions of dollars as well as suffering, carnage on the roads and the loss of life. There are therefore real benefits in making sure that more money goes into the pot for road safety. However, this government does not trust the Road Safety Council. This government is not putting the money into the pot for the spending to be decided by the Road Safety Council. The government is now saying, "No, the minister through cabinet will actually make the decisions. We'll send the decision to the Road Safety Council for them to tick off on. We'll take their advice and we'll simply then go on and do what we want." As I indicated, the amendments that will be made to the Road Safety Council Act through this bill mean that the government simply has to have regard to the recommendations of the Road Safety Council; it does not have to follow the recommendations. From the start, the government's initiative will go to the Road Safety Council, a recommendation will come back and the government will simply have to have regard to it. This is wide open to abuse with a government that is devious, says one thing and does exactly the opposite. This government has a track record, and that is what it does. This bill, therefore, which is obviously a very good move, raises concerns as to what this government will actually do with it.

In finishing, I come finally to the issue that members touched on in the motion prior to coming to the second reading of this bill; that is, the motion to declare this bill urgent. The minister did not give any reason to my satisfaction for why it had to be declared urgent.

Mr R.F. Johnson: I could never satisfy you, member!

Mr J.C. KOBELKE: As I have indicated, with the levers that the minister already has, there is nothing stopping him now from simply allocating two-thirds of the money in the coming financial year. He can do that with the stroke of a pen.

Mr R.F. Johnson: I want absolute certainty for the road trauma trust fund. The only way I can do that is by doing this.

Mr J.C. KOBELKE: Who does the minister not trust?

Mr R.F. Johnson: I don't trust you if you were to form a government in the future. You made promises to do this and you never got around to it.

Mr J.C. KOBELKE: This minister's lack of action on road safety is perhaps due to his total incompetence. The point I was making is that there is no need for the bill to be declared urgent. This government will still be in government in 12 months and will be in this place in the second half of the year.

Mr R.F. Johnson: And the next term.

Mr J.C. KOBELKE: This bill is not urgent. When Parliament resumes after the midyear break, the government will still be in government. There is no argument for urgency. The money could be allocated from 1 July by the processes that the last government used to put extra money from the consolidated fund into the road trauma trust fund. That is available to the government today. It does not need the bill for that. The government could then proceed with the bill in the second half of the year and have it locked away so that any future government that might want to change it would have to come back to Parliament. That therefore would give the government the security, but there is —

Mr R.F. Johnson: You used to top it up with a couple of million dollars out of consolidated revenue. You didn't take the money correctly because it didn't have that much.

Mr J.C. KOBELKE: I thank the minister for his interjection. He has made it clear that the last government topped it up—whether it was a couple of million dollars or $3 million. What did this government do? It took it out! As soon as it came into government, it ripped it out!

Mr R.F. Johnson: No, we didn't.

Mr J.C. KOBELKE: This government was not going to have one dollar extra going to road safety. That is the level of commitment of this minister.

Mr R.F. Johnson: You tell the truth.

Mr J.C. KOBELKE: In his very first budget when he became the minister, he ripped out the extra money that Labor put into road safety. He went back to putting in one-third of the fines coming from speed and red-light cameras. He would not even top it up, and he attacks us saying that we were putting in only $2 million or $3 million to meet the guarantee we gave of at least $15 million! This minister is so two-faced that he attacks us for putting in only $2 million, but he took it out! He would not even give the fund a lousy $2 million, yet he is out there in the community trumpeting that he supports road safety. He supports it with his words —

Mr B.S. Wyatt: But no action!

Mr J.C. KOBELKE: No action at all. This minister is all talk; no walk. He is heading in the wrong direction, and that is a cause for great concern.

Mr R.F. Johnson: Vote against the bill if you don't support it. You promised you were going to do this eight years ago or 10 years ago.

Mr J.C. KOBELKE: I actually put in place a bipartisan approach —

Mr R.F. Johnson: You never did it.

Mr J.C. KOBELKE: This government then came in and said it was going to do the same thing. I do not want to destroy that bipartisanship, but the minister has got to speak the truth. He cannot actually progress an issue, particularly one as important as road safety, when people say one thing and do the opposite; when people say they will spend more but actually take the money out; and when people say they will implement the Towards Zero road safety strategy but have no plan to do it. Buying speed cameras to increase revenue is not a plan for road safety. A plan requires some detail to be laid out. There was an implementation strategy on the minister's desk when he became a minister. What did he do? He did not want it. He shredded it!

Mr R.F. Johnson: Are you saying that putting extra cameras and digitised cameras out there is not a road safety measure?

Mr J.C. KOBELKE: I thank the minister for his interjection.

Mr R.F. Johnson: Because if you are, that is in contradiction with Monash University and all the experts worldwide.

Mr J.C. KOBELKE: The minister's interjection could be interpreted in two ways. It could be interpreted that he is so embarrassed that he is trying to make up a red herring, but I think it really means that he just does not understand the portfolio. He is just in over his depth. He is totally incompetent. He is a man who is genuinely concerned about road safety but what the community out there knows is that when we mention the name of the minister, Rob Johnson, we get a good laugh!

Mr B.S. Wyatt: It's a punchline!

Mr J.C. KOBELKE: Yes, absolutely!

It causes me some considerable distress that so many good members of this house, members of the Office of Road Safety, members of the Road Safety Council and a range of road safety groups who support the bill have committed their energy to help put in place a strategy that on paper has been lauded around the world, yet we have a minister who is not competent and not willing to put in the hard work to actually deliver on it. We have seen in some of the facts I have laid out in this place that the minister simply cannot address the issues. He cannot ensure that the money is there.

In closing, I will repeat the simple example I gave of the government taking $347 million and hiding it away for budget purposes. If this minister was worth his salt on road safety, he would have done what we did in some cases: the money would have been in the budget and quarantined for road safety. It is not; it has simply been added to the bottom line to help the government with its budget because its expenditure is out of control. Again, this is budget manipulation overriding road safety. That really is the legacy of this incompetent minister.

MR F.A. ALBAN (Swan Hills) [8.37 pm]: I rise to speak very briefly in support of the Road Safety Council Amendment Bill 2011. What I have heard from opposition members is whether they can trust the government to deliver a conspiracy. They used phrases such as "fiddling the books", "cooking the books", "shonky" and "tricky". They even questioned the integrity of board members of the Road Safety Council. "Of course we support the bill", says the opposition, "notwithstanding all this shonkiness." I heard a lot of anger from members opposite and I think they are very much living in the past. Opposition members have taken their conspiracy theory so far that they have got to the stage of blowing the whistle on the government. The bill has not even gone through this house yet.

I want to take another tack. I congratulate the minister for introducing this bill and for other law and order bills that he has introduced into this Parliament. I believe there are some 20 and that, unless I am mistaken, this bill is the twentieth under this minister's ministry.

Mr R.F. Johnson: Is it! I have been very hard working then; haven't I?

Mr F.A. ALBAN: There are a couple of exceptional bills above all the others that I am particularly partial to. They are the hooning bill and the mandatory sentencing bill. But before I make a moral judgement about the behaviour of others —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr F.A. ALBAN: I have it in my hand.

Dr A.D. Buti: But have you read it?

Mr F.A. ALBAN: Yes, I have. The member should listen. Before I speak for a short while on that, I will do a mea culpa; the minister would know what that means, but the others may not. In my long life I have received my fair share of infringements, notwithstanding that I am probably the most boring driver in the world. Even that is no excuse. It is a crime. It endangers not only the driver's life but also the lives of others, with very serious consequences. One does not need to be a Rhodes scholar to know that law and order issues are important to me in my electorate. We should not forget what this bill is about. Some 200 people are killed on our roads each year, but particularly on our country roads. A further 2 800 people are seriously injured on our roads. Having lived predominantly in rural areas, I have witnessed firsthand deaths on country roads. Not only does this road trauma have long-lasting emotional consequences for the families and friends of those involved, but also there is a financial cost to the state. Any initiative to reduce the impact of road trauma should be supported.

This bill will work towards providing a dedicated source of funding for road safety, which can only benefit the community as a whole. At present the primary source of funds for the road trauma trust account is from speed and red-light camera revenue. As only one-third of this revenue is credited to the account, it gives rise to a public perception of revenue raising. This proposition has been aired regularly on our popular radio stations. The common response is that this is only revenue raising. This dilutes the message that people should not speed and that speed kills, thereby undermining the law. This bill introduces two key initiatives. Proposed section 6A empowers the minister to refer to the Road Safety Council funding proposals for measures relating to the advancement of road safety. Presently, the council identifies measures that will improve road safety or reduce

road trauma and makes recommendations to the minister concerning the funding of those measures. This amendment will enable the minister to have the council consider relevant measures that the minister has identified. That is right and proper. Of course, all conspiracy theories will fall apart. Under proposed section 6A, the minister will be required to table any such direction in Parliament within 14 days, thereby allowing further transparency. Section 12 of the act will be amended to provide for the complete transfer of funds from speed and red-light camera fines to the road trauma trust fund. The amount to be credited to the account will increase from the current level of one-third to two-thirds from 1 July 2011—not far away, thereby the urgency—and to 100 per cent from 1 July 2012. What a great result. General resistance by the offending public to paying infringement fines on the misguided basis that it is revenue raising will thereby be addressed. This bill will put arguments like that away forever.

We are part of a modern community in which more and more people do not take responsibility for their actions. Now we will be able to say that if these laws are broken, there will be consequences that will benefit the whole of our community. Seldom are innocent people fined. Of course, the odd exception occurs when a Multanova malfunctions. So what options do we advocate? No fines? More freedoms? More exemptions? More excuses, such as the driver is very young, modern cars help people to speed, or everyone else is doing the same speed et cetera? Such things ignore the fact that some 200 Western Australians die each year on our roads. No other option has been put forward as a deterrent for speeding. This bill clearly commits 100 per cent of fines revenue to the road trauma trust account. It will enable the Road Safety Council, through the minister, to fund proposals for the benefit of the community by 1 July 2012. This bill will be successful in ensuring that the revenue from fines and penalties goes directly to the areas of greatest need. The funds in the road trauma trust account will be directed to the areas of most need by the Road Safety Council. I recommend the Road Safety Council Amendment Bill 2011 to the house.

MS M.M. QUIRK (Girrawheen) [8.45 pm]: I firstly thank my colleague the member for Balcatta for his excellent exposition of some of our concerns with the Road Safety Council Amendment Bill 2011. The first is that we do not think it has been adequately explained why this is an urgent bill. The minister announced over a month ago in the media that this was the government's intention. Surely he would have had the opportunity to bring this in during the normal scheme of business without having to declare it an urgent bill. This is a bill for which the devil is in the detail. It ill behoves the minister's exhortation for bipartisanship when he is ramming through this bill and when there are some very legitimate concerns about the mechanism he is seeking to introduce through the amendments to section 15 of the act.

This bill deals with two issues: firstly, it increases the input into the road trauma trust fund from speed and red-light camera revenue to 100 per cent; and, secondly, it puts in what I consider to be a veneer of transparency about how the road trauma trust fund will be spent. I will talk about that shortly. They are the two major prongs of this bill. The first is something that we actually applaud. We think that all speed and red-light camera revenue should go into the road trauma trust fund, but we ask why it will take two years and why it is not being done immediately. For that reason we will move an amendment for 100 per cent of the revenue to go into the road trauma trust fund as and when this bill is passed. It is our belief that there is no legitimate reason to wait. Therefore, we suggest that it should proceed immediately.

It is the minister's wont to point out inaccuracies in my press releases, so I take the opportunity to point out what I consider to be a major inaccuracy in the media release he released jointly with the Premier—that is, the implication that this revenue will fund 100 per cent of the Towards Zero road safety strategy. It will do nothing of the kind. It will be well short. It will be less than half of what is required for the full implementation of the Towards Zero road safety strategy. I know the minister has copped criticism, and rightly so, over the past two years for not funding the Towards Zero road safety strategy, but I guarantee he will continue to cop flak from us because Towards Zero still will not be fully funded. I concede that this goes some of the way, but it certainly does not go all the way. The press release sought to imply that the problem was solved; that is not correct.

The second issue I raise about the speed enforcement strategy generally is that two reports have been issued to the Road Safety Council about the form the enforcement should take. The reports were written by Max Cameron from Monash University's Accident Research Centre. He is an expert with a capital "E". He recommended a variety of speed enforcement mechanisms—covert, overt, fixed or mobile speed cameras, and, last but not least, point-to-point cameras, which are, I think, much fairer on long road stretches. Many times I have had people express to me their frustration when driving along a road or freeway, travelling pretty much within the speed limit, only to see someone whiz past. They think the person will go free and not be caught for speeding unless there is, fortuitously, a speed camera in the area. Point-to-point cameras are much fairer because they take an average of the speed travelled for a certain distance and if people are getting to their destination quicker than they would have had they been complying with the speed limit, they receive a penalty. It works very well in New South Wales. If the minister is serious about acting on the expertise and advice he receives, I do not understand why this idea has been totally shelved. It is something that I think we should be proceeding with so that it can be said that what is implemented in this state is world's best practice and is based on sound evidence and research.

My colleague the member for Balcatta has, I think, talked in this chamber about why we have concerns about the transparency of road safety funding. There is no question that road funding has declined under the Barnett government. That is most unfortunate because safe roads and roadside design is one of the four key points of the Towards Zero strategy. Frankly, minister, the Barnett government has a lot of brownie points to make up because its record to date is not very good at all; for example, the safer roads program that was to be axed under the Liberal government has been given a last-minute reprieve, becoming the safer roads and bridges program. As far as I know, and I have asked some of the experts, there are no real road safety issues with bridges. Again, this government has disguised ordinary infrastructure spending—that is, bridge maintenance—by giving it the veneer of a road safety focus, when it simply is not. That is why we are concerned. There are countless examples from the past two and a bit years in which the appearance is made of a specific road safety focus but there are alternative motives.

The other matter I wanted to mention before speaking about the two amendments that the Labor Party will move is the private member's bill I introduced to do with the functions of the Road Safety Council. In that private member's bill, I sought to address the functions of the Road Safety Council and its ability to recommend what road trauma trust fund moneys are spent on, because those functions, set out in section 5 of the act, have been interpreted in a very narrow and restrictive manner. The bill that I introduced sought to permit the setting up under the road trauma trust fund of a road trauma support service such as operates in other states. It has been held, I am told by way of legal opinion, that it is not possible to set up such a body with road trauma trust funding because the parameters of that fund are too narrow and such a body does not come within the existing functions of the Road Safety Council. I would have thought that if the minister were to take an opportunity to bring a Road Safety Council amendment bill to the house, he might have considered inserting such an amendment. He says that he supports the setting up of such a valuable service, but it does not appear in this legislation. What is worse, the people who are behind this—the parents of children who have been lost to road trauma—are under the impression that this will be funded by the Department of Health and that some progress has been made in that regard. The health department has provided funding of $35 000 to study what form this service will take. That research was due to conclude on 30 June. I am told that that report is nowhere near finished. Therefore, the opportunity, for example —

Mr R.F. Johnson: Who told you that? Who on earth told you that?

Ms M.M. QUIRK: They are still looking at models from other states, minister. They are still having meetings and no report has been written yet.

Mr R.F. Johnson: Who told you that? I am under the impression that the report will be delivered on 30 June.

Ms M.M. QUIRK: That is really odd, because a meeting is to be held on 28 June.

Mr R.F. Johnson: Who told you?

Ms M.M. QUIRK: It was the researcher who is conducting it. She has a meeting with people on 28 June and she is still asking questions and seeking feedback. It sounds like that research is not completed. I will certainly check with the Minister for Health who funded the study, but I am told that it is some way off.

Mr R.F. Johnson: He did not fund the study.

Ms M.M. QUIRK: I am sorry.

Mr R.F. Johnson: The funding came from the Road Safety Council.

Ms M.M. QUIRK: The Road Safety Council?

Mr R.F. Johnson: It funded that money —

Ms M.M. QUIRK: That begs the question: how can that research be done when the service itself cannot be funded? It would be good if the minister can give us a time frame. We are bringing the bill back on tomorrow, so the minister will have the opportunity to vote for it tomorrow.

Mr R.F. Johnson: It will not be necessary.

Ms M.M. QUIRK: Then the minister will need to give us some indication during his reply to the second reading debate as to when that will occur. As I have said, I can give the minister the agenda for the meeting to be held on 28 June. If he were to look at that agenda, he would see that the service is some time off.

Mrs M.H. Roberts: The minister is obviously not aware of any of that.

Ms M.M. QUIRK: No, that is not it; the minister is not aware of many things.

Firstly, in terms of the legislation, Labor will move to amend that 100 per cent of the road trauma trust fund moneys from speed and red-light camera revenues move immediately into the road trauma trust fund at the passing of this legislation. Secondly, I have to note that for this year we have no idea what that money will be

spent on because there is no—I do not know whether the member for Balcatta said this in my absence—indication in the state budget about projects planned for this year. I understand that recommendations have already been made—some time ago—for this financial year, but there is no indication of them anywhere in the budget or elsewhere. There is not even a press release. I would have settled for a press release, minister.

Mr R.F. Johnson: I do not issue as many as you do.

Ms M.M. QUIRK: The minister does not do a lot of things; he does less than I do, including work.

Mr R.F. Johnson: I like mine to be accurate and truthful.

Ms M.M. QUIRK: Well, the minister was shown up today. The less said, the better.

Mr R.F. Johnson: Was I?

Ms M.M. QUIRK: Yes.

However, that is our first amendment and if the minister is to oppose it we will want to know the reason the money cannot flow through sooner to the road trauma trust fund. There is also some suggestion in the budget that revenue from speed and red-light cameras will decline. Is this based on the supposition that there will be fewer infringements because people will get the message and no longer speed, or —

Mr R.F. Johnson: That appears to be the case at intersections. There was a huge surge in income from speed and red-light cameras at intersections when they were originally installed, but people have, I think, learned their lesson and the revenue has come down, which is a good thing.

Ms M.M. QUIRK: In any event, that seems to me to be based on supposition; especially when we look at —

Mr R.F. Johnson: Supposition?

Ms M.M. QUIRK: Supposition, minister—look it up.

Mr R.F. Johnson: I can tell you that the income has gone down at those intersections.

Ms M.M. QUIRK: It is supposition, minister, because the two most recent driver attitude surveys show a pretty adverse attitude to speeding laws concerning driving five to 10 kilometres an hour over the speed limit. People generally do not consider that to be speeding. I do not think that people being touched up by being issued with a speeding ticket is having any effect whatsoever. I feel a bit sorry for the Minister for Road Safety because I noticed that an idea that was floated last week was immediately knocked on the head by the Premier without reference to any research. I do not necessarily agree with the idea of losing demerits if a person speeds between five and 10 kilometres over the speed limit, but it is worth looking at the research, and if there is good evidence for it, it may be worth considering. The Premier, in his high-handed, arrogant way, dismissed it out of hand. I suspect that the Minister for Road Safety would have had to hose down the independent chair of the Road Safety Council.

Mr R.F. Johnson: Not at all. The independent chair of the Road Safety Council was misquoted, to some extent. If you saw the whole of the answer that he gave to a friend of yours, I think, it was very different from what appeared in the paper.

Ms M.M. QUIRK: Is the minister telling me that something that appears in *The West Australian* is incorrect?

Mr R.F. Johnson: Would I ever say that?

Mrs M.H. Roberts: But you thought it, didn't you?

Mr R.F. Johnson: Never!

Ms M.M. QUIRK: The last point I want to make on this bill relates to the second substantive amendment that deals with the so-called new regime whereby, in the interest of transparency, the minister tables any directions that he gives the Road Safety Council. My view is that if it ain't broke, don't fix it. I find it very strange that this provision is in the bill. What is more sinister is that everything will go to cabinet. The prospect of the opposition being able to get, through freedom of information, correspondence about a particular funding decision will be made very much harder because it will be claimed to be exempt as subject to cabinet deliberations. I would like an assurance from the minister that if he is not prepared to accept our amendment, we should see not only the directions, but also the recommendations of the Road Safety Council. If the minister is not prepared to agree to that, I seek an undertaking from him that he will not preclude us from seeking that information under freedom of information and that the minister will not stick a cabinet-in-confidence stamp on it so that we will have even less of an idea about what is going on than we do now. That is very important and is in the public interest.

The minister quite often extols the virtues of road safety being a bipartisan matter yet he does his utmost to make sure that it is not bipartisan, which I believe is very unfortunate. I would like to have an open dialogue with and scrutiny of the operations of the Road Safety Council, which I believe does an excellent job, and enable it, to the extent that it is permitted, to put various things on its website so it is seen to be operating above board and, more

importantly, to share with the community the results of the research on road safety issues to better inform the public debate. It is very significant that the Minister for Road Safety will be able to skulk around and put things to cabinet and that his colleague, the Minister for Transport, can pinch money to fix a roundabout in a marginal electorate that may not be a key road safety priority. The minister might say, "Trust me, I will not do that." The problem is that with the scheme under this legislation, one can draw no inference other than that the minister wants to put a cloak of secrecy around how this money is spent. That is unacceptable. In the spirit of bipartisanship, to get these things right and to reduce the number of deaths and serious injuries in Western Australia, I think we should have open scrutiny of and access to the deliberations concerning how road safety is funded in Western Australia.

The final point I make is that a lot more money will flow into the road trauma trust fund. There must be an overriding vision for and strategic plan about how that money will be handed out. It cannot be handed out in dribs and drabs to buy off one interest group or another without having an overall plan for how it should work. For example, I have concerns about RoadWise funding being used to fund the odd country race meeting, dance or ball. That is not a particularly effective use of the funds. There should be a review of that type of funding.

Mr R.F. Johnson: What are they spending the money on?

Ms M.M. QUIRK: It is being spent on country race meetings, balls and various other things. Perhaps they have a sign on the wall saying "Don't drink and drive", or "Belt up", but there are other sources of funding for that these days; maybe the Minister for Regional Development can oblige.

MR B.S. WYATT (Victoria Park) [9.05 pm]: I rise to make a short contribution to support the comments made by the member for Girrawheen, the excellent shadow Minister for Police, and the member for Balcatta. I also support the member for Girrawheen's proposed amendments. If we are to channel the money into the road trauma trust fund, why not go to 100 per cent immediately? Why must it be phased in between now and 1 July 2012? As the member for Girrawheen pointed out, road safety should be a bipartisan issue. The minister has done his best to make it a very partisan issue, and this bill will make it even more of a partisan issue because, as the member for Girrawheen pointed out, he is bringing the expenditure of that money into the cabinet process. I dare say that the member for Girrawheen's fears are correct and that over time—although not through the freedom of information process—we will find out that the money is being spent in areas beyond road safety, and the Minister for Transport will get his hands on some of the money through the cabinet process to spend on patching up a road here or there.

The road trauma trust fund and the Road Safety Council have been enormously successful and have had strong bipartisan support. As a member of Parliament, it worries me to think that a government could be putting its partisan fingerprints over an initiative that has been successful thus far in tackling road safety. I am sure that every member of Parliament has known someone who has died as a result of road trauma. It is simply unacceptable to think for a minute that as a result of this legislation the opposition's job to hold the government to account can be blurred by the minister saying that the government will not provide the member for Girrawheen any information under freedom of information because it is part of the cabinet process. I find that that happens on a daily basis. The Minister for Education has not responded to a single freedom of information request. She continually hides behind the cloak of cabinet confidentiality, even though the cabinet process for her apparently is months and months in duration. I dare say that we will get the same treatment from the Minister for Road Safety when the member for Girrawheen fires in FOIs about how a significant amount of public money is being spent. Therefore, the minister will duck his responsibilities. The member for Swan Hills agrees; he smiled and nodded his head furiously at me. He agrees because he has these concerns as well.

Mr F.A. Alban: They are your fantasies. Come back to reality.

Mr B.S. WYATT: I will get back to reality because it is quite interesting to look at the comments made by the Minister for Road Safety, who said that at least his media releases are accurate and truthful. Let us look at some of the former Minister for Transport's media releases. I am referring to the former Minister for Transport who was the minister before the current Minister for Transport's indiscretions were forgiven and he was allowed back into cabinet. I have an email that was obtained under freedom of information dated 27 April 2010 from Mr Alan O'Brien, who was the policy officer for the then Minister for Transport, to a Mr Tony Papafilis. The Minister for Road Safety probably will not respond to any future FOI requests. The email concerns Mundaring and states —

> Main Roads has developed an proposal for the relocation of the existing 60 km/h speed limit by approx 200m further west of the town on Great Eastern Highway.

Mr O'Brien, the policy officer for the Minister for Transport, immediately shot that off to the member for Swan Hills, and to make the point, he said —

> Tony ... has asked me to run the e-mail below past you to see if you had any problem with Main Roads' proposal for a variable speed limit through the Mundaring Townsite.

Ms M.M. Quirk: Goodness me!

Mr B.S. WYATT: It says "Main Roads' proposal"! Can members imagine the response from the member for Swan Hills? It reads —

> Thank you for your email.
>
> I like the idea of the variable speed limit in the Mundaring Town Site ...
>
> Please make sure that as the instigator of these changes, I am given credit from any Press Release from the Minister.

If the member for Swan Hills wants to deal in reality, he should send out his own media releases and not simply go down the path of trying to get the odd statement into media releases from the Minister for Transport. As the Minister for Road Safety has pointed out, he likes his media releases to be accurate and truthful

Mr F.A. Alban: That was the option I was given instead of a pedestrian crossing.

Mr B.S. WYATT: The member for Swan Hills can line up and claim credit for Main Roads ideas, but he should be truthful about it and deal in the reality that he demands of the opposition. I have a couple of other emails here, but I will not go through them all. I will save them for another day.

Mr F.A. Alban: Come on, tell us! You're on a roll. Have you got one more?

Mr B.S. WYATT: All right; I will read just one more at the request of the member for Swan Hills.

Mrs M.H. Roberts: I ask the member to go a little bit easy on the member because he is competing with Hon Alyssa Hayden and she is getting more publicity from the Minister for Transport than he is.

Mr B.S. WYATT: I have heard that Hon Alyssa Hayden has her eye on a lower house seat out the member for Swan Hills' way! The member might be a bit worried about that. Funnily enough, I have another email, which may be from out the member for Midland's way. An email sent in January 2010 to the member for Swan Hills from Alan O'Brien, the policy adviser to the Minister for Transport, reads —

> Hi
>
> The Minister will be putting out a media statement to the local papers advising that Reid Highway extension is on target and expected to be open by the end of Feb.
>
> He has asked that the release also contain an attribution from the local member.
>
> Is it OK with you if I include the following:

Then the email contains a quote from the member for Swan Hills. The email back, which I can only assume is from a staffer of the member for Swan Hills, makes a couple of changes and then makes the point —

> Otherwise I am sure Frank will be pleased as punch to get a mention.

He was "as pleased as punch" to get a little mention in that media release!

Mrs M.H. Roberts: I can add some clarification.

Mr B.S. WYATT: Please do, member for Midland.

Mrs M.H. Roberts: The Reid Highway is the boundary between the Midland electorate and the Swan Hills electorate, and it was funded by money put on budget by the last Labor government. It was fully committed and paid for by the Labor government.

Mr B.S. WYATT: We have more reality!

Mrs M.H. Roberts: The contract was let before the last state election.

Mr B.S. WYATT: Either way, member for Midland, at least the member for Swan Hills "will be pleased as punch" to get a mention in the minister's media statement!

Mr F.A. Alban interjected.

The ACTING SPEAKER (Mr J.M. Francis): That is enough, member for Swan Hills.

Mr B.S. WYATT: The member for Swan Hills was "pleased as punch" to take credit for Main Roads' idea for changing some of the speed limits in his electorate. I know that the Minister for Road Safety wants his media releases to be accurate and truthful, so he may want to speak to the Minister for Transport and the member for Swan Hills about some of the untruthfulness contained in those media releases. I am referring to email exchanges between the office of the Minister for Transport and the member for Swan Hills.

I digress a bit, and I will come back to the point in some concluding remarks.

Mr F.A. Alban: I am scarred for life!

Mr B.S. WYATT: My friend the member for Swan Hills will have to do better than that.

As I said when I started my comments, the member for Girrawheen is absolutely correct: if the government starts to play with the transparency of the money going into the trust fund, we will have significant problems with transparency and accountability from this government. Road safety has been a bipartisan issue. This minister has done his very best to make it partisan. The minister's obsession with the member for Girrawheen's media statements borders on —

Ms M.M. Quirk: Creepy!

Mr B.S. WYATT: It is creepy! I thank the member for Girrawheen. In fact, I dare say that some of the Attorney General's most recent announcements on legislation may apply to the Minister for Road Safety. The Minister for Safety seems to sit in his office frantically waiting for the latest media release from the member for Girrawheen. I find it perplexing that at every single question time the Minister for Road Safety jumps to his feet anxiously reading out the latest media release from the member for Girrawheen. This makes me think that the member for Girrawheen is causing some concern for the Minister for Road Safety.

Mrs M.H. Roberts: It is just that dribbling that he does that puts me off.

Mr B.S. WYATT: It is always the answers to the dorothy dixers that go horribly wrong, but the member for Girrawheen is all over the minister like a rash. She has the minister completely and utterly sorted out. I dare say that tomorrow when we come into question time, there will be another dorothy dixer and the minister will jump to his feet all hot under the collar about the latest media release from the member for Girrawheen.

Mr R.F. Johnson: I have a duty to correct the member for Girrawheen's inaccurate and misleading press releases.

Mr B.S. WYATT: The minister has not corrected a thing in his life, and he wants to correct the record in respect of the member for Girrawheen!

Mr F.A. Alban interjected.

The ACTING SPEAKER: Order!

Mr B.S. WYATT: I have had so many emails from the member for Swan Hills; we should go through a few more—but the Acting Speaker has been very generous to me during this debate.

Mr F.A. Alban interjected.

The ACTING SPEAKER: Member for Swan Hills!

Mr B.S. WYATT: I thank you, Mr Acting Speaker. I am getting shouted down. I need protection from the member for Swan Hills—dramatic protection.

As I said, the member for Girrawheen will move some amendments that the opposition will support strongly. I cannot see what case the minister can make for why 100 per cent of funds from infringement notices from red-light offences are not going into that trust fund immediately. We know that road safety is an important issue. We know that too many people die on our roads. If the minister is interested in resolving this issue and ensuring that fewer people die and that we have the absolute best capacity to deal with road trauma—to eliminate road trauma—he will support the member for Girrawheen's amendments, as every member of the opposition will.

MRS M.H. ROBERTS (Midland) [9.17 pm]: I rise to speak on the Road Safety Council Amendment Bill 2011, which I initially thought would be a positive move, but I now have significant doubts about. I know that the Royal Automobile Club of WA and others have welcomed this move because they want to see more money spent on road safety. That is a sentiment that I agree with.

As many members of this house know, road safety is a matter that I have followed passionately for a number of years. I spent four years as the opposition spokesperson on police, and then I was the Minister for Police and Emergency Services and the minister with responsibility for road safety. It is a matter that I have followed very closely for a period of time; indeed, prior to being the shadow Minister for Police and Emergency Services, many years ago I was the shadow Minister for Transport. I shadowed Hon Eric Charlton when he introduced the first Road Safety Council Bill and established the Road Safety Council in the first instance. I remember that because it was a ground-breaking initiative, and I was there on the day that Minister Charlton made the announcement as the minister who was responsible for road safety. It was a groundbreaking decision to dedicate one-third of money from speed and red-light camera fines to road safety. I will dwell on that point for a moment. I know that the member for Balcatta, also a former police minister, has spoken at length on this legislation and has made some excellent and valid points tonight, as has the member for Girrawheen, the current opposition spokesperson on road safety and policing, and the member for Victoria Park has also made an excellent contribution. I want to go through that history because I am one of the few people in a rare position to do that.

Hon Eric Charlton had quite a reputation for speeding. He was in a long list of Ministers for Transport and members in this house who have had some trouble with their own foot on the accelerator. Hon Eric Charlton

used to often quip that he was a safer driver because he spent less time on the road by getting to places more quickly. He was known as the "Tammin Terror"—amongst other things. The Tammin Terror used to put his foot down because he said he was less likely to have an accident in the shorter period of time he was on the road, than in a longer period of time. But for all his bluff and bluster and larrikin ways, Hon Eric Charlton had a heart of gold. Some people in this house are aware of the personal tragedy that Hon Eric Charlton experienced when one of his own sons tragically passed away after a road crash, so I do not make light of those things. I know that Hon Eric Charlton, despite having admitted that he had received more than one or two speeding fines in his time, took the issue of road safety quite seriously. He established the Road Safety Council, which meant that for the first time one-third of funds from speed and red-light camera fines were dedicated to road safety. But the funds were not just dedicated to road safety, because a lot of money has always been allocated for the improvement of road safety by way of police patrols et cetera, and some people will remember the old days of the RTA, which was separate from the police. Can the member for Murray–Wellington remind me what that acronym stands for?

Mr M.J. Cowper: Road Traffic Authority. It was funded through different government departments as well.

Mrs M.H. ROBERTS: It was a separate department from the police at that stage. A lot of people talk about the old RTA days quite fondly in that it was a dedicated group of people who dealt with road traffic issues, but we have moved on since then.

I think it was a good initiative—a similar kind of initiative was taken by other states around Australia at that time—to give an independent group of people some say in how money should be spent on road safety. It really was a groundbreaking initiative to appoint some independent people and give them a really significant amount of money that was quarantined from general departmental expenditure to dedicate to road safety. Main Roads Western Australia's job is to make our roads safe, to build roads to a standard that are safe to drive on and that cars are less likely to have crashes on, just as it is the police's job to patrol and enforce the law, including laws to do with driving. I had a lot of discussions with police officers over the nine years between opposition and government, and many regretted the demise of specialist police officers in every region who dedicated significant parts of their career to traffic matters. Under various police commissioners different regimes have been implemented, and at one point the superintendents of the various regions were given greater flexibility, let us call it euphemistically, to determine whether to have a specialised group of sworn police officers dedicated to road patrols and road safety matters or whether to have general officers do that work. I digress a little there.

I return to the establishment of the Road Safety Council, which really was a groundbreaking initiative at that time. At the time the government spent an awful lot of money on things that could be categorised as benefiting road safety, such as the black spot program, building safer roads, having police patrols and a range of other matters. The initiative was to give those funds to a group of people who were independent of government. When I say "independent of government", I of course mean independent of the cabinet and at least partly independent of the minister. As people in this place are aware, a degree of control has always remained in that there is a requirement for the minister's approval and sign-off of the budget recommendations of the Road Safety Council.

When we talk about one-third of the money, I think a lot of people in the general community think that is one-third of all fines the government receives from traffic infringements. That is not the case—there is a bit of sophistry here. It is one-third of the money that comes in from speed and red-light camera fines, which means that if a police officer is driving behind a person and finds that the person is doing 10, 20 or 30 kilometres over the speed limit and pulls the person aside and issues them with an infringement, that money is not counted. If a person goes through a stop sign or commits any one of a range of other road offences, the money from those infringements is also not counted. That money goes into general revenue. Of course, much of that money is reallocated through the budget process to the police portfolio, where it is no doubt spent employing police officers so that they can do road patrol duties.

I think what we have here is quite interesting. We know that if the government wants to, it does not need to put the Road Safety Council Amendment Bill 2011 in place; if the government wants to spend more money on road safety, it can do it tomorrow—it can do it today! It does not have to pass this legislation.

Mr R.F. Johnson: What—into the road trauma trust fund?

Mrs M.H. ROBERTS: When I was the minister the amount of money going into the road trauma trust fund had declined for a range of reasons, one of which was that we, unlike the current government, were not purchasing more and more Multanovas, so some Multanovas needed repairs and, therefore, were not on the roads. Decisions were also made about the deployment of those Multanovas, and we did not have a big regime of purchasing more Multanovas or purchasing more red-light cameras to increase government revenue.

Mr R.F. Johnson: Why not? Why not? Tell us why not. You wouldn't spend the money!

Mrs M.H. ROBERTS: Because we took advice from the independent Road Safety Council on the most important measures in reducing crashes on our roads. I will give the minister an example of some of the initiatives that I implemented that I am quite confident have saved lives on our roads. In 2001, I took the

initiative of introducing the default speed limit of 50 kilometres an hour. The previous Court government had considered a proposal to trial that in some parts of Western Australia, and I think a trial of it was carried out in Victoria because it was too nervous about making 50 kilometres an hour the speed limit. The Victorian government spent a couple of million dollars putting up lots of 50-kilometres signs, but I put the proposal to the Road Safety Council and others of making 50 kilometres an hour the default speed limit throughout Western Australia. Ultimately, we went with that.

Mr R.F. Johnson: Did you? So you put that to the Road Safety Council? You didn't wait for them to make a recommendation; you put that to the Road Safety Council? That's a very interesting comment!

Mrs M.H. ROBERTS: No, no; I had discussions with Iain Cameron and the Commissioner of Police—a variety of people. It was not a direction. They were discussions that I had with Iain Cameron, the Commissioner of Police, my colleagues in the ministry and the then Premier.

Mr R.F. Johnson: You told them you wanted it?

Mrs M.H. ROBERTS: Ultimately, it was a decision that I signed off on. I was the minister for road safety and I had responsibilities under the transport portfolio because I was assisting the Minister for Planning and Infrastructure at the time.

Mr R.F. Johnson: Yes, we know all about that!

Mrs M.H. ROBERTS: I signed off on the 50-kilometres-an-hour speed limit. In the year that followed the introduction of that speed limit, we certainly saw a significant reduction in the number of deaths on our roads. I also introduced double demerit points on public holiday weekends and a range of other initiatives.

Tonight I looked at the minister's second reading speech, the opening paragraph of which states —

> Each year in Western Australia, approximately 200 people are killed and a further 2 800 are seriously injured on our roads.

I remember that in 2002 or thereabouts the number of deaths on our roads was actually 180. There has been no real improvement over recent years in the number of people who are dying on our roads. I have been told that the number of people seriously injured on our roads has increased. We potentially anticipate that would happen because there has been a rise in population over that period. Given a greater population and more registered drivers on the roads and if the government does not do anything productive to decrease the number of deaths and serious injuries on the roads, we anticipate that all things being equal those numbers would go up. It appears to me that the numbers have gone up; they certainly have not improved. Therefore, there has been, as I see it, no real improvement in road safety outcomes in the past five years. I know that in one of those early years when I was minister, we got the number of deaths on the roads down to 180. No doubt the minister can talk for a very long time about what he says he is doing and the improvements that he has made, but we are just not seeing it in the outcomes or results.

Mr R.F. Johnson: When did I say the improvements I'm having? When did I say that?

Mrs M.H. ROBERTS: Does the minister admit that he has had no improvement?

Mr R.F. Johnson: No, when did I say that? You tell me where I said that. You've got a big habit, you guys —

Mrs M.H. ROBERTS: The minister has had no improvement. That is good; I am glad we have the minister on the record about that.

The explanatory memorandum to the Road Safety Council Amendment Bill 2011 states —

> Section 12 of the Act establishes the Road Trauma Trust Account ("the Account"). It provides for a proportion of specified fine revenue to be paid into the Account and empowers the Minister to determine how money credited to the Account should be spent, taking into consideration the recommendations made to the Minister by the Council.

The "specified fine revenue" is the speed and red-light camera revenue, not all revenue from all fines. That is one of many points that I have made. I also made the point that the government does not need this legislation to spend all the money that it gets from speed and red-light camera fines or, indeed, all the money it gets from people going through stop signs or a range of other infringements that are picked up by the police. The government could put all that money into the road trauma trust account now. Before I was rudely interrupted by the Minister for Road Safety, I was talking about how he could go about doing this, and about the decline in revenue to the road trauma trust fund. At one point, the Road Safety Council was concerned that it would get less money in the fund because the overall amount of money from speed and red-light camera fines was declining. I discussed that matter with the former Premier, Geoff Gallop, the member for Victoria Park. At one stage I think the total amount from speed and red-light camera fine revenue was more than $40 million a year, I think it was about $42 million, and there was a projected decline in the next year to about $30 million. One-third of that

would have been only $10 million. Therefore, the Road Safety Council was concerned that rather than having a budget of $12 million, $13 million, $14 million or $15 million, it might have only $10 million to expend on road safety initiatives.

[Member's time extended.]

Mrs M.H. ROBERTS: The Premier of the day, along with the Treasurer, cabinet and I, signed off on us committing as a government a minimum of $15 million to the road trauma trust fund irrespective of what the figure for one-third of speed and red-light camera fine revenue was. We said that one-third or at least $15 million, whichever is greater, would be provided to the road trauma trust fund. That can be done at the whim of government; that could be done with a cabinet decision here and now. We did that a few short years ago when we said that we were prepared to guarantee a minimum of $15 million to the road trauma trust fund to be disbursed by the Road Safety Council in accordance with the act. Therefore, this minister, this Premier and this government could do that here and now. If they wanted to, they could choose a figure; they could say $40 million, $50 million, $80 million or $90 million or, indeed, they can say, "We will put all the speed and red-light camera fine revenue into the road trauma trust fund". The government could do it tomorrow; it does not need this legislation to pass through Parliament for it to do that. The act, though, requires that the government places not one-third but at least one-third into the road trauma trust fund. There is nothing to stop the government from placing more money in that fund now.

I think that the member for Girrawheen has put an excellent amendment on notice to ask: If this is the government's intention, why the delay? If the government really believes that 100 per cent of speed and red-light camera fine revenue should go into the road trauma trust fund, why does it not do it now? Why wait for a year? Why have this convoluted proposal to increase it to two-thirds and then the whole lot when the government could do it now? If that is what the government believes, why does it not do it now? I suppose that begs the question: why have this bill at all? I think that the member for Victoria Park, the member for Girrawheen and certainly the member for Balcatta hinted at that. When one looks at the explanatory memorandum that goes with the bill, one sees that it is because this government wants to get political control of the money. This government wants to be able to direct the Road Safety Council.

The member for Girrawheen has signalled a further amendment to the legislation that would actually increase the transparency of the process. The member for Girrawheen and the member for Balcatta have already highlighted it, but this legislation will replace section 15 of the Road Safety Council Act. The explanatory memorandum states —

> Proposed section 6A(1) will empower the Minister to direct the Road Safety Council to:
>
> - consider a proposal relating to a measure, that will improve road safety or that will reduce road trauma, that the Minister has identified; and
> - make a recommendation regarding whether or not money in the Road Trauma Trust Account should be spent to implement that proposal.
>
> In order to maintain transparency, proposed section 6A(3) will require the Minister to lay a copy of any direction the Minister makes under proposed section 6A(1) before each House of Parliament within 14 days of the Minister giving the direction.

So far so good. The explanatory memorandum continues —

> This clause will insert a replacement section 15 in the Act.
>
> The replacement section 15 will set out the process that is to apply, in order to enable the Minister to fulfil his or her obligations under proposed section 6A(3), relating to the tabling of directions, where the Parliament is in recess …
>
> The section 15 that is to be replaced is now obsolete. It provided, at the time the *Road Safety Council Act 2002* was first passed, for the consequential amendment of a number of Acts.

The legislation does not state that the Road Safety Council's response should be tabled or made publicly available. If this government was about being transparent, it would have to agree to the amendment that the member for Girrawheen has already foreshadowed. That amendment provides that it is not good enough for the minister to just table his requests or his directions, or however we want to phrase it. What we want to know, not just as an opposition, but as members of the community, is how the independent Road Safety Council has responded to what the minister has put to it. It would appear to me that the minister does not necessarily need to take account of the response from the Road Safety Council. I stand to be corrected if this is not true, minister, because I do not know—the minister has had the briefings, and he has the advisers, and I do not—but if this legislation is passed, the minister could give the Road Safety Council a direction that it did not like, and it could say, "We do not think this is in the best interests of road safety; we do not want the money to be expended on that", and the minister would not need to take any notice of the council. I note the minister's silence —

Mr R.F. Johnson: You did not want me to interrupt you a minute ago; now you are inviting me! Make your mind up, for goodness sake!

Mrs M.H. ROBERTS: Is it correct or not?

Mr R.F. Johnson: I will answer you when I get up.

Mrs M.H. ROBERTS: I am quite happy to be interrupted.

Mr R.F. Johnson: You are not normally. You hate interruptions normally. I will wait until you finish, and I will then get up and respond.

Mrs M.H. ROBERTS: The minister has just made an incorrect allegation to the house. The minister said a moment ago that I did not want him interrupting me.

Mr R.F. Johnson: Read *Hansard* tomorrow. You will see it. You said that you were so rudely interrupted, or interjected on, by the minister. That is what you said.

Mrs M.H. ROBERTS: The minister probably was rude a short while ago. There is a difference between the minister being rude and providing clarification on his own bill.

Mr R.F. Johnson: I will give that clarification when I get up.

Mrs M.H. ROBERTS: I expect that the minister is going to wait until his advisers write the response for him.

The ACTING SPEAKER (Mr J.M. Francis): Members, it has come to my own attention that there is not a quorum present in the house.

[Quorum formed.]

Mrs M.H. ROBERTS: The point I am making—I think those present in the house can understand it quite clearly—is that this government can put all the money that is collected from speed and red-light cameras into that fund here and now. The government does not need this legislation to do that. In my view, this is a con. It sounds good, but it is a good trick.

I started my speech by talking about the origin of this legislation. Although this is a bill to amend the Road Safety Council Act 2002, and as much as I would like to take credit for that act, because it is a very good act, and it was legislation that I brought into this house, it is based on legislation that was originally put in place by Hon Eric Charlton, a National Party member who was at that time the Minister for Transport. The original legislation was about quarantining from the political process a significant amount of money for road safety—for many years, that amount fluctuated between about $10 million and $15 million—and giving independent people, whose first and only interest was road safety, the ability to decide how that money would be spent. I was appalled—I have made this point to people from the RAC and others—when I saw how money has been taken out of the road trauma trust account this year to fund police patrols. That was an idea that was put to me when I was Minister for Police, and I said, "Do not even bother talking to me about it, because as far as I am concerned, police patrols and road patrols are a core duty of the police. The police should not be putting out their hand for money from the road trauma trust fund to do their basic core duties". That does not mean that I did not want extra money to be given to the police for overtime to do extra patrols over the Easter weekend and during other dangerous periods. There were occasions when I took that request to cabinet, and Hon Geoff Gallop, the then Premier, and Hon Eric Ripper, the then Treasurer, listened at the then Expenditure Review Committee to my request for additional and special money for the police budget to be used for police patrols to increase road safety at various times. The suggestion was made to me that I could approach the Road Safety Council to see whether it wanted to provide money for that, and I said, "No. That is a core duty of the police. That is what the police should be doing. That money should not come out of the road trauma trust fund." As far as I can see, the government has been pretty clever so far and has conned a lot of people. Well, the government can con some of the people some of the time, but it cannot con all of the people all of the time.

I think that, over time, people will being to realise two realities. Firstly, this legislation is not required to enable the government to expend all the money from speed and red-light camera fines on road safety. Secondly, this legislation is not required to enable the government to place all of the money from speed and red-light camera fines into the road trauma trust fund. I have given the example of how our government placed a guaranteed amount of $15 million into the road trauma trust fund. That was despite the fact that the one-third of the money from speed and red-light camera fines that was required to be put into the road trauma trust fund was a much lesser figure. That was a commitment that I think we gave in the lead-up to the 2005 election. So, the government can do that here and now. This bill is about cabinet taking political control.

It is pretty interesting to look at the budget papers and at the bill itself. We will have the opportunity in consideration in detail to go through this in greater detail. But I want to make some reference to the budget papers before I sit down. Perhaps the minister can look this up too. I refer to page 661 of the *Budget Statements*. That lists fines from speed and red-light cameras for the out years. The government is anticipating that the

amount of money raised from fines will go up to $92.625 million by 2014–15. That is an astronomical increase. At page 662 of the budget papers, under the heading "Commissioner of Main Roads", we see, under "Major Spending Changes", a reduction in the budget estimate for the road trauma trust fund from $11.907 million in 2011–12 to $9.334 million in 2012–13, $6.761 million in 2013–14 and $6.761 million in 2014–15. That is a total of some $51 million. The real question here is how cabinet will be dealing with this funding in the future. The reality is that no extra money will be spent or road safety whatsoever.

MR A.P. O'GORMAN (Joondalup) [9.48 pm]: I want to make a short contribution to the Road Safety Council Amendment Bill 2011. As every member in this place knows, one of the greatest causes of death for young people is road trauma—fatalities on our roads. A lot of those outcomes come from bad driving instruction, I dare say, sometimes from parents and sometimes from driving schools. Those outcomes come from a whole group of people who teach our young people how to drive. Over the years in which I have been in this place, the Road Safety Council has put forward many suggestions about how we might reduce that trauma on our roads and reduce that trauma for our families. One of the suggestions that it put forward was the log book that learner drivers are now required to keep to verify that that have done 25 hours of supervised driving. I think the Road Safety Council has suggested that that be increased to about 120 hours. I am not here to vouch for that program. But it was a great program. It was brought in completely without political interference. It was brought in on the recommendation of the Road Safety Council. The Road Safety Council is one of those organisations that have managed to continually maintain political impartiality. What we now see in this bill is a change to that political impartiality in that it will hand over to the minister, and therefore to cabinet, control of the road trauma trust fund. Call me a cynic, but I have been on this side of the chamber for the past two and a half to three years and I have gotten very cynical, because I see continually on the other side of the house ministers and the Premier putting their hands on their heart and saying, "This is what we're going to do and this is why we're going to do it", and they go out and do the exact opposite.

Mr C.J. Barnett: Give us an example.

Mr A.P. O'GORMAN: Yes—a very clear example. The Premier made a deal with the Leader of the Opposition —

Mr C.J. Barnett: Come on! Even you can do better than that.

Mr A.P. O'GORMAN: Does the Premier want to keep going? The Premier made a deal with the Leader of the Opposition and he backflipped on it. He lied.

Mr C.J. Barnett: Here we go! Off you go! Go home!

Withdrawal of Remark

Mr R.F. JOHNSON: Mr Acting Speaker —

The ACTING SPEAKER (Mr J.M. Francis) Thank you, Leader of the House. I presume what you are going to say —

Mr A.P. O'GORMAN: It is all right; I withdraw that, but the Premier knows that he is completely untruthful.

The ACTING SPEAKER: No. Member for Joondalup, when you withdraw something, you withdraw without further comment.

Mr A.P. O'GORMAN: I withdraw.

Debate Resumed

Mr A.P. O'GORMAN: What we continually see is —

Mr C.J. Barnett: Got another example?

Mr A.P. O'GORMAN: There is an example, and the Premier knows it. The Premier could not lie straight in bed, and he is doing the same again.

The ACTING SPEAKER: Okay, member for Joondalup!

Mr A.P. O'GORMAN: The Premier is doing the same again with this legislation. He is bringing it in, he is politicising an organisation, he is taking the decision making from a completely independent organisation and he is giving it to this man over here.

Mr R.F. Johnson: What do you mean by "this man over here"?

Mr A.P. O'GORMAN: You!

Mr R.F. Johnson: That is a very civil way of talking about me!

Mr A.P. O'GORMAN: The Premier is giving the decision making to this man over here—the minister.

Mr R.F. Johnson: I wouldn't say that to you.

Mr A.P. O'GORMAN: The minister is more political. He will direct these funds at his will to the areas and to the organisations that will benefit the Liberal government. That is what this is about. The minister goes out and says to the people that he will give 100 per cent of the funds to the road trauma trust fund eventually, but he has not actually told them that he can do it without legislation. The only thing in this legislation that is of importance to the government is the control it wants to take over that funding. That is the only thing that is important.

Mr R.F. Johnson: I could do that anyway. As a minister, I can direct any department of mine; I just have to table it in Parliament.

Mr A.P. O'GORMAN: The minister is pulling a smoke and mirrors trick. Come on, Arthur Daley—you know how it works! It is sleight of hand. In the east end of London he learnt it well. That is what the minister is trying to do here.

Mr R.F. Johnson: You're just a little leprechaun!

Mr A.P. O'GORMAN: He is out there telling the people that he will give 100 per cent of the speed and red-light camera fines to the road trauma trust fund.

Mr R.F. Johnson: Yes.

Mr A.P. O'GORMAN: We have noticed many hundreds of them going in around the metropolitan area.

Mr R.F. Johnson: Many hundreds?

Mr A.P. O'GORMAN: It seems like thousands to me. Many speed and red-light cameras are going in and the minister is saying that all the money from fines—we are talking about close to $100 million a year—will now go to the road trauma trust fund, but in fact the minister is doing what the government did with the $600 million it gave to the not-for-profit organisations: it gave them $600 million with one hand but will take it back with the other hand. The government is doing the same as it did with electricity charges.

Mr C.J. Barnett: Explain that.

Mr A.P. O'GORMAN: The Premier should watch it. Like the government did with electricity charges, it gives with one hand and takes back with the other. That is exactly what the government is doing here.

Several members interjected.

Mr A.P. O'GORMAN: Government members do not like being told they are crooks, do they?

Mr F.A. Alban interjected.

Mr A.P. O'GORMAN: The member for Swan Hills has been caught out. He was caught out in Ellenbrook. He wanted to get rid of Ellenbrook from his electorate. He said, "Get rid of it. Get rid of it quick"—and he has got rid of it.

This is this government through and through: it is all smoke and mirrors and sleight of hand. It says, "We tell you one thing; we do something else." That is what this government continually does. With this bill, it is giving the minister complete power.

Mr A. Krsticevic: That is a very harsh comment.

Mr A.P. O'GORMAN: Very harsh! Has the member for Carine fixed up Karrinyup Lakes Lifestyle Village yet?

Mr A. Krsticevic: It's moving forward slowly.

Mr A.P. O'GORMAN: It is moving forward slowly; yes, very slowly! The residents there keep telling me, too, how they love the member for Carine!

Really, the government needs to get some respect back into politics. It needs to stand up, put its hand on its heart and tell the truth for once and say, "We're not going to let the Road Safety Council independently make assessments and recommendations and work to those recommendations. We're actually going to take it back in and it will be just like consolidated revenue. We'll give a direction from cabinet and we'll give a direction from the minister on how this money should be spent in future." There are amendments on the notice paper, which I support, that state not only that the minister's recommendations should be tabled, but also that the responses from the Road Safety Council should be tabled so that we can understand what is going on and the people of Western Australia can understand the process so that this money is used fairly and reasonably.

Road accidents are one of the state's biggest killers. It is traumatic because it happens often to young people. Some of the crashes people come upon are pretty horrifying. The speed and red-light camera put in one place by the government has not done anything to reduce accidents. The minister keeps telling people that these cameras reduce accidents, but the camera on the corner of Shenton Avenue and Joondalup Drive has not done anything. The camera went in probably four months ago, yet the same number of accidents is happening. It has not done

anything to reduce the crash rate; it is purely a revenue-raising exercise. When the minister was on this side of the house, he used to carp at us all the time about revenue raising from speed and red-light cameras. Now he is putting them in—and putting in more! I do not care whether they raise $100 million or $500 million, as long as the minister puts it all back into the road trauma trust fund without his direction. Take direction from the Road Safety Council and accept its recommendations. If the minister is not prepared to do that, he should at least table both sides of the conversation; that is, not just what the minister has directed the council to do, but also the council's response. Be transparent for once in your life, minister!

Mr R.F. Johnson: That's not a very nice thing to say!

Mr A.P. O'GORMAN: Put the response out there.

Mr R.F. Johnson: You know, you really are nasty to me tonight. I usually go easy on you.

Mr A.P. O'GORMAN: I have been a member of this place for 10 years now and I have learnt a lot about the member for Hillarys. One thing I learnt is that there is no transparency—absolutely none! When the member for Hillarys was on this side, he used to call for the death penalty, floggings and all that sort of thing.

Mr R.F. Johnson: No, I didn't.

Mr A.P. O'GORMAN: Then he gets over to the other side of the house and he is completely the opposite! He stood in this place time and again carrying on at us about filibustering, but I remember sitting here for hour after hour listening to the member for Hillarys filibuster.

Mr R.F. Johnson: A very good speech I would have given, I am sure.

Mr A.P. O'GORMAN: He was not speaking; he was just filibustering and dragging out the debate at various times to hold up good legislation that we were trying to pass. This bill, again, is a sleight of hand exercise. I do not think it is fair on members of the Road Safety Council—an excellent group of people. I have been to many of their presentations. In fact, last Friday I went to the RAC and had a look at some of the things it was doing.

Mr R.F. Johnson: You didn't do so well there, did you?

Mr A.P. O'GORMAN: Why did I not do so well?

Mr R.F. Johnson: Your reversing wasn't up to scratch.

Mr A.P. O'GORMAN: I actually did not do the reversing. I did all right on the four-wheel-drive tracks—that was okay—and I did all right in the V8s, so I was happy.

Mr R.F. Johnson: You weren't driving V8s!

Mr A.P. O'GORMAN: I know; I did not need to. I saw the member for Hillarys hooning around there!

Really, politicising the Road Safety Council and taking its independence away without transparency in this place is serious stuff. On the notice paper are proposed amendments to the bill that will bring back some of that transparency, and we should have that transparency. When the Premier came into this place, he said he was going to be transparent. If he wants to be that transparent, he should accept the amendment standing on the notice paper in the name of the member for Girrawheen and then we will all be happy. If we can see what the government is doing and we can break a couple of those mirrors and disperse some of that smoke, we will be happy. But the way the government is going at the moment just tells us that it is going to shunt this money somewhere else and direct how the Road Safety Council addresses its budget in the future.

MR R.F. JOHNSON (Hillarys — Minister for Road Safety) [9.59 pm] — in reply: I have listened intently to the comments of members in the chamber tonight and they warrant a response. However, I know that members were hoping to go home at 10 o'clock tonight; we did not want a late night tonight. So that I can do justice to the comments that members have made, I seek leave to continue my remarks at a later stage.

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

Debate thus adjourned.

House adjourned at 10.00 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SCHOOLS — VOLUNTARY FEE CONTRIBUTIONS

5298. Mr B.S. Wyatt to the Minister for Education

(1) For government primary schools in Western Australia:

(a) what was the total of voluntary contributions collected in 2008;

(b) what was the total of voluntary contributions collected in 2009; and

(c) what was the total of voluntary contributions collected in 2010?

(2) For government secondary schools in Western Australia:

(a) what was the total of voluntary contributions collected in 2008;

(b) what was the total of voluntary contributions collected in 2009;

(c) what was the total of voluntary contributions collected in 2010?

(3) For each government primary school in Western Australia:

(a) what percentage of voluntary contributions was collected in 2008; and

(b) how much, in dollars, was collected in voluntary contributions in 2008?

(4) For each government secondary school in Western Australia:

(a) what percentage of voluntary contributions was collected in 2008;

(b) how much, in dollars, was collected in voluntary contributions in 2008;

(c) what percentage of voluntary contributions was collected in 2009; and

(d) how much, in dollars, was collected in voluntary contributions in 2009?

Dr E. CONSTABLE replied:

(1) The dollar amounts listed represent voluntary contributions from each primary school and exclude refunds, transfers to and from other schools and voluntary contributions received in advance.

(a) $3.9m was collected for voluntary contributions across all primary schools in 2008.

(b) $4.2m was collected for voluntary contributions across all primary schools in 2009.

(c) $4.5m was collected for voluntary contributions across all primary schools in 2010.

(2) The dollar amounts listed for each secondary school represent voluntary contributions received for the whole school, and exclude refunds, transfers to and from other schools and voluntary contributions received in advance. Where Kindergarten to Year 7 students are enrolled, such as in district high schools, the dollar amount will include the voluntary contributions received.

(a) $4.1m was collected for voluntary contributions across all secondary schools in 2008.

(b) $3.9m was collected for voluntary contributions across all secondary schools in 2009.

(c) $4.7m was collected for voluntary contributions across all secondary schools in 2010.

(3) (a) The percentage of voluntary contributions collected for each public primary school is not recorded centrally. Public primary schools are required to provide a full learning program with a maximum voluntary contribution of $60. The voluntary contribution is set at the local level and varies between schools.

(b) The total amount in dollars that was collected in voluntary contributions at each primary school in 2008 [See paper 3492.] If a primary school had students enrolled in Years 8 to 10 the dollar amount listed will include voluntary contributions received for these students.

(4) The percentage of voluntary contributions collected at each secondary school represents Years 8 to 10 only. Voluntary contributions do not apply to Years 11 and 12. The Education Program Allowance ($235) and the ABSTUDY Supplement ($79) paid directly to schools with eligible students enrolled in Years 8 to 10 are excluded.

(a)–(d) The percentage of voluntary contributions collected and the total amount in dollars collected at each secondary school in 2008 and 2009 [See paper 3492.] Please note that Darkan Primary School changed classification in 2010 from a District High School.

ONE MOVEMENT PTY LTD — FINANCIAL REPORT

5322. Mr J.N. Hyde to the Minister for Tourism

In relation to the Independent Audit Report for 2009 to the members of One Movement, received by Eventscorp, and the statement included under "Emphasis of Matter Regarding Going Concern" that One Movement Pty Ltd has a deficiency of working capital and a deficiency of net assets, I ask:

(a) when did Eventscorp and the Minister first become aware that One Movement was not trading as a going concern;

(b) why did the Minister and Eventscorp continue to fund the 2010 One Movement if One Movement was not trading as a going concern;

(c) how many events since the election of the Barnett Government has the Minister and Eventscorp funded which were operated by bodies which were not trading as a going concern;

(d) how many already funded events since the election of the Barnett Government has the Minister and Eventscorp stopped funding which were operated by bodies which were not trading as a going concern; and

(e) will the Minister now table the actual numeric dollar figures excluded in this document; and

(i) if not, why not?

Dr K.D. HAMES replied:

(a)–(b) The Minister and Eventscorp have not been made aware that One Movement Pty Ltd was not trading as a going concern. The Independent Audit of the 2009 Financial Reports did not state that One Movement Pty Ltd was not trading as a going concern.

(c) Eventscorp is not aware of any events, since the election of the Liberal-National Government, that were operated by bodies which were not trading as a going concern.

(d) Eventscorp is not aware of any already funded events, since the election of the Liberal-National Government, which were operated by bodies which were not trading as a going concern.

(e) Please refer to Legislative Assembly question on notice 5334.

(i) Not applicable.

ONE MOVEMENT PTY LTD — FINANCIAL REPORT

5323. Mr J.N. Hyde to the Minister for Tourism

In relation to the One Movement Pty Ltd Financial Report for the year ended 31 December 2010, I ask:

(a) is the Minister aware that the independent audit contains an adverse opinion that the financial report of the Company is not in accordance with the Corporations Act 2001;

(b) when did the Minister receive this information and what action did the Minister take upon receiving it;

(c) is the Minister aware that the independent audit refers to the negative equity of a person named on the balance sheet and states that this situation indicates the existence of a material uncertainty that may cast significant doubt on the company's ability to continue as a going concern and therefore the company may be unable to realise its assets and discharge its liabilities in the normal course of events.;

(d) as the Eventscorp sponsorship agreement with One Movement, undersigned by the Western Australian Tourism Commission on 10 March 2009, requires the Event Holder to promptly give written notice to Tourism Western Australia of any notice, advice or other communication received by or on its behalf which may adversely affect the conduct, or the financial viability, of the Event:

(i) what advice has Tourism Western Australia received; and

(ii) will the Minister table that advice; and

(A) if not, why not; and

(iii) what actions did the Minister or Tourism Western Australia take when it received such advice?

Dr K.D. HAMES replied:

(a) Yes.

(b) I was made aware on 25 May 2011. Tourism Western Australia received this information on 10 March 2011, and on 25 March 2011 the Board of Tourism Western Australia (which is the Accountable Authority) made a decision to decline funding for the 2011 event.

(c) I am aware of the information contained in the Auditor's "Basis for Adverse Opinion", although it is not clear who the Member is referring to in relation to the '...person named on the balance sheet".

(d) (i) The One Movement Pty Ltd Financial Report for the Year ending 31 December 2010 and accompanying Independent Audit Report were provided to Tourism Western Australia on 25 March 2011.

(ii) I have tabled this report in my response to Legislative Assembly question on notice 5334.

(A) Not applicable.

(iii) See (b)

ONE MOVEMENT PTY LTD — SASKIA DOHERTY — CONFLICT OF INTEREST ALLEGATION

5331. Mr J.N. Hyde to the Minister for Tourism

In relation to the 12 September 2008 memo from then-Eventscorp employee Saskia Doherty to then-Chief Executive Officer Richard Muirhead regarding the final draft of the One Movement Heads of Agreement, I ask:

(a) can the Minister confirm that the handwritten queries and concerns on the document about the generous terms offered to One Movement, in relation to A&R Worldwide were written by Richard Muirhead; and

(i) if not, by whom;

(b) will the Minister table any documentary responses to these handwritten queries; and

(i) if not, why not;

(c) did Ms Doherty declare any conflict of interest to anyone in preparing or delivering this memo regarding her intention to take up employment with One Movement officially in 14 November 2008; and

(d) is the Minister aware that Saskia Doherty's own linkedin.com website stated that since October 2008 she had been event director at the One Movement festival, as revealed in State Parliament on 25 November 2009?

Dr K.D. HAMES replied:

(a) Yes.

(i) Not applicable.

(b) No.

(i) No such documentary responses exist.

(c) No — as identified in The Public Sector Commissioner's "Report on Allegations of a Conflict of Interest Involving a Tourism WA Employee and the One Movement Music Festival" Ms Doherty had not been approached with a job offer from One Movement Pty Ltd until late September 2008.

(d) Ms Doherty has acknowledged that she may have made reference on her linkedin.com website to her impending position as One Movement event director over the six day period she took leave from 26 to 31 October 2008 to travel to London to visit the MUSEXPO event. I remind the Member that the Public Sector Commissioner's investigation into this matter found that Ms Doherty genuinely sought to manage the situation in a way that did not advantage any party or compromise overall business outcomes.

ONE MOVEMENT PTY LTD — SASKIA DOHERTY — CONFLICT OF INTEREST ALLEGATION

5334. Mr J.N. Hyde to the Minister for Tourism

In relation to the 9 September 2008 Eventscorp letter regarding changes to the conditions for funding the One Movement Festival from future One Movement employee Saskia Doherty in her then role as Eventscorp Manager Event Development, I ask:

(a) will the Minister table the information referred to in condition (k) of that letter, which states that the information will be protected as commercial in confidence by Tourism Western Australia; and

(i) if not, why not; and

(b) has the Minister or his agencies sought advice on the ramifications or validity of (k); and

(i) if not, why not; and

(ii) if so, please table that advice; and

(A) if not, why not?

Dr K.D. HAMES replied:

(a) I table the 2009 and 2010 event Financial Reports which include Independent Audits. [See paper 3489.] This is the information referred to in condition (k) of Eventcorp's letter dated 9 September 2008.

(i) Not applicable.

(b) No.

(i) The information contained in the letter of 9 September 2008 has been superseded by the Sponsorship Agreement between One Movement for Music Pty Ltd and Tourism Western Australia dated 10 March 2009. The confidentiality conditions contained in the Sponsorship Agreement are compliant with Section 81 of the Financial Management Act 2006.

(ii) Not applicable.

ONE MOVEMENT PTY LTD — FINANCIAL REPORT

5335. Mr J.N. Hyde to the Minister for Tourism

In relation to the One Movement Pty Ltd Financial Report for the Year ended 31 December 2010, I ask:

(a) does the document on page three state that there are three shareholders (including Chitty Pty Ltd but not including Sunset Events Pty Ltd) with one share each in One Movement;

(b) does the Eventscorp statement of conditions listed in their letter of 9 September 2008 to Sunset Events regarding One Movement state at (d) that there is to be a guarantee that Sunset Events will retain a minimum shareholding in the entity formed to hold the intellectual property in the Event and to own and operate the Event and will not own less than 51 per cent without Tourism Western Australia's prior consent;

(c) has Tourism Western Australia given its approval for Sunset Events to own less than 51 per cent; and

(i) if not, why not; and

(d) has the Minister's officers or agencies provided any advice on who actually owns One Movement and will he table that advice; and

(i) if not, why not?

Dr K.D. HAMES replied:

(a)–(b) Yes.

(c) No.

(i) There has been no reason to do so as the information contained in the letter dated 9 September 2008 has been superseded by the Sponsorship Agreement between One Movement Pty Ltd and Tourism Western Australia dated 10 March 2009.

(d) I have been advised by Tourism Western Australia that the owners of One Movement Pty Ltd are Mr Andrew Chernov, Mr David Chitty and Mr James Legge. One Movement Pty Ltd (ABN: 49 133 518 760) is an incorporated company specifically set up by Sunset Events, the original event proponent, [Chitty Pty Ltd (ACN: 102 589 873), Chernov Pty Ltd (ACN: 102 589 855) and Legge Pty Ltd (ACN: 107 740 018)] to own and operate the One Movement for Music Festival.

(i) Not applicable.

COLLIE SENIOR HIGH SCHOOL — STUDENT TRAVEL TO BUNBURY

5341. Mr M.P. Murray to the Minister for Education

In relation to Collie Senior High School, I ask:

(a) how many students travel from Collie to Bunbury by bus to attend classes;

(b) what subjects are they enrolled for in Bunbury; and

(c) are any of these subjects that they travel to Bunbury for available in Collie?

Dr E. CONSTABLE replied:

I am advised by the Department of Education as follows -

(a) Ten students are currently enrolled and attending the South West Institute of Technology (SWIT) School Based Apprenticeship Link program two days per week and eleven Vocational Education and Training students attend SWIT one day per week.

(b) School Based Apprenticeship link (SAL) and other courses as provided by SWIT.

(c) None of the courses covered at the SWIT campus in Bunbury are available in Collie.

WELLINGTON DAM — WALKWAYS

5342. Mr M.P. Murray to the Minister for Water

In relation to Wellington Dam walkways, I ask:

(a) will pedestrians be allowed to walk across the Wellington Dam wall;

(b) is the Minister aware that the Department of Environment and Conservation have put in a walk trail connected to the dam wall;

(c) if pedestrians are not permitted to walk across the dam wall, what would need to be done to allow it;

(d) is the Minister aware that the dam had a walkway a third of the way across before the recent upgrade; and

(e) what other dams have a walkway or a drive over in this State?

Mr W.R. MARMION replied:

(a) No.

(b) Yes.

(c) The bridge across the Wellington Dam provides the working platform for inspection, operations and maintenance work on the dam. An initial security assessment determined that the public should be excluded from operational areas, and the dam has been designed to meet this parameter. Considerable additional work would need to be undertaken before unaccompanied public access on the dam could be permitted at the Wellington Dam.

(d) Yes.

(e) Public walking access is permitted on most Water Corporation dams. Public vehicle access across the dam crest is also allowed on many Corporation dams.

GENETICALLY MODIFIED CANOLA — CONTAMINATION PENALTIES

5343. Mr M.P. Murray to the Minister for Agriculture and Food

In relation to the clean-up of a farm site contaminated with unwanted genetically modified (GM) seed, I ask:

(a) does the Minister or his departments have the authority to order a person responsible for unwanted contamination to clean up the affected area;

(b) if the answer to (a) is yes, what penalties would the person incur if they refused; and

(c) if the answer to (a) is no, does the Minister intend to introduce such regulations or penalties?

Mr D.T. REDMAN replied:

(a) No. I have no legislated power to order any person to do anything in relation to the presence of legally permitted canola material, GM or non GM, on a grower's property.

(b) Not applicable.

(c) No. Growers usually resolve matters related to the movement of plant material, animals, water, or soil by discussion with their neighbours. If discussion fails to resolve the matter, occasionally growers may resort to common law.

COLLIE SENIOR HIGH SCHOOL — STAFF ON STRESS LEAVE

5344. Mr M.P. Murray to the Minister for Education

In relation to the Collie Senior High School staff, I ask:

(a) how many teaching and support staff are on stress leave;

(b) how many positions of those on stress leave are currently being filled;

(c) what assistance is being provided to the stressed staff;

(d) what is the required number of full time equivalents (FTEs) for Collie Senior High School; and

(e) how many FTEs are there currently at Collie Senior High School?

Dr E. CONSTABLE replied:

As advised by the Department of Education, please see below —

(a) None currently.

(b)–(c) Not applicable.

(d) Teaching FTE is allocated is 41.06.

(e) Teaching FTE currently employed is 41.06.

METROPOLITAN HOSPITALS — CATERING STAFF

5345. Mr R.H. Cook to the Minister for Health

Since 31 March 2011, will the Minister provide the number, positions, and qualifications (including apprenticeship or certificate standard) of all catering staff at the following hospitals:

(a) Sir Charles Gairdner;

(b) Royal Perth;

(c) Fremantle;

(d) Rockingham-Kwinana;

(e) Swan District;

(f) Armadale Kelmscott; and

(g) Joondalup?

Dr K.D. HAMES replied:

(a) Sir Charles Gairdner Hospital total catering staff: 161
Catering staff with qualification to Certificate standard 11 or above: 87
Catering Staff with no formal qualifications: 74

Number: Title: Qualifications

1: Manager: Diploma in Hotel Management, Certificate IV in Business.
1: Assistant Manager Patient Meals: Diploma in Hotel Management.
1: Assistant Manager Retail: No formal qualification.
3: Clerical: 1 Certificate III in Health Support Services.
4: Food Service Supervisor: 4 Certificate III in Health Support Services (Client/Patient Support Services) plus 1 with Certificate IV in Training and Assessment.
3: Trade Cooks: 2 trade certificates plus Certificate III in Health Support Services and 1 no trade certificate but significant industry experience plus Certificate II in Health Support Services (Client/Patient Support Services).
4: Store persons: 1 Certificate II in Health Support Services (Client/Patient Support Services). 3 HRW licenses.
4: Kitchen Attendants: None have formal qualifications.
11: Menu Assistants: 6 Certificate III in Health Support Services (Client/Patient Support Services).
129: Food Service Attendants: 1 Bachelor of Science in Nursing, 1 trade cook certificate, 2 Diplomas I in Business Studies and 1 in Hotel Services.
1: Certificate IV Training and Assessment, 49 Certificate III in Health Support Services (Client/Patient Support Services), 10 Certificate II in Health Support Services (Client/Patient Support Services), 6 Health Training Australia Trainees 2 undertaking Certificate III in Health Support Services (Client/Patient Support Services) and 4 undertaking Certificate II in Health Support Services (Client/Patient Support Services)

(b) Royal Perth Hospital — Retail Catering Wellington Street & Shenton Park:

Number: Title

1: Manager (Chef).
1: Finance Officer.
4: Supervisors.
7: Tradesperson Cooks.
22: Food Service Attendants.
17: Food Service Attendants (Casuals).

Royal Perth Hospital — Patient Catering Wellington Street & Shenton Park:

Number: Title

1: Manager.
4: Supervisors.
15: Supervisors.

44: Full time Food Service Attendants.
23: Part time Food Service Attendants.
42: Part time Food Service Attendants.

Qualifications

1: Diploma Catering and Hotel Management.
4: Diploma Catering and Hotel Management.
All: Food Safe Certificate or equivalent.

(c) Fremantle Hospital:

Number: Title

1: Catering Manager.
4: Catering Team Leaders.
3: Store Persons.
2: Delivery Persons.
36: Food Service Attendants.

Qualifications

1: Diploma in Catering Services.
4: Food Safe Certificate and an H.A.C.C.P Certificate.
All: Food Safe Certificate or equivalent.

(d) Rockingham Peel Group:

Number: Title

1: Catering Coordinator
3: Senior Food Service Attendants
30: Food Service Attendants

Qualifications

2: Certificate 3 Commercial Cookery
3: Certificate in Commercial Cookery (UK equivalent)
1: Certificate 3 Health Support Services (Cleaning)
All: Food Safe Certificate or equivalent

(e) Swan District

Number: Title: Qualifications

1: Catering Manager: RAAF Cooking Trade Training.
5: Cook: Trade Certificate Cooking.
4: Menu Attendant: Cert III Health Support Services.
21: Food Service Attendants: Cert IV Commercial Cookery.

(f) Armadale Kelmscott:

Number: Title

1: Catering Supervisor.
5: Trades Person Cooks.
3: Menu Assistants.
21: Food Service Attendants.

Qualifications

1: Diploma in Catering & Hotel Management.
5: Certificate 3 Commercial Cookery.
14: Food Safe training in safe food handling.

(g) Joondalup Health Campus is a Private Hospital that provides public patient services under contract with the State. The State does not hold information on catering staff at the Campus and this is not a reportable requirement under the Health Service Agreement with the Campus.

TEACHERS — STRESS ASSISTANCE

5346. Mrs M.H. Roberts to the Minister for Education

(1) Do teachers who resign from the Education Department due to stress or trauma receive any form of assistance or follow up in regard to their situation from the Education Department once they have left the Education System; and

(a) if not, why not; and

(b) if yes, what assistance is given or follow up occurs?

(2) Is there any assistance given for qualified teachers that have resigned from the Education Department due to stress or trauma to re-enter the education system once they have recovered from their stress and or trauma; and

(a) if yes, what assistance is given; and

(b) if not, why not?

Dr E. CONSTABLE replied:

(1) I am advised that teachers with approved Workers' Compensation claims at the time of their resignation continue to receive their legal entitlements such as weekly payments, rehabilitation and medical costs subject to provision of supporting medical certificates. They are under the care of their general practitioner through this process.

The Department has systems and processes in place to support teachers in its employ who report stress and trauma. This includes referral to the Department's occupational physician to clarify any support and workplace adjustments required. Free counselling sessions are also available through the employee assistance program.

(2)–(2) (a) The Department does not provide any specific assistance to teachers to re-enter the Department. If a teacher has resigned due to a known stress or trauma they are referred to the Department's contracted Occupational Physician to determine their fitness for work.

If the Occupational Physician indicates that support is required to enable a successful return to work this is considered by the staffing branch in determining a suitable placement.

(b) Not applicable.

HOSPITAL CAR PARKING — HIGHVIEW PARK PROPOSAL

5347. Mr R.H. Cook to the Minister for Health

I refer to the Government's attempt to create a temporary hospital parking facility at Highview Park, Shenton Park, and I ask:

(a) can the Minister confirm that the Government has offered $4 million as part of a proposal to use Highview Park;

(b) is the $4 million a lease payment, compensation, or ex gratia payment; and

(i) if none of the above, what is the nature of the payment to the City of Nedlands and from which budget or fund is the payment being made;

(c) when did the Minister or his staff or the Department of Health approach the City of Nedlands to discuss the proposal;

(d) was there any consultation with the Principal of Hollywood Primary School or any other stakeholders prior to or since the proposal was put to the City of Nedlands; and

(i) if yes, which stakeholders were consulted and when were they consulted?

(e) what response has been forthcoming from the City of Nedlands; and

(f) does the status of Highview Park as a Class A Reserve require approval from the Minister for Environment before a temporary car park can be established?

Dr K.D. HAMES replied:

(a) Yes.

(b) The payment is a form of compensation to the City of Nedlands.

(c) The Department of Health staff began negotiations with the surrounding councils in late 2010. The specific proposal for Highview Park was discussed in early 2011.

(d) The consultation process was undertaken by the City of Nedlands. As such the Minister for Health is unable to comment on timing and breadth and inclusion requirements of the consultation process.

(e) The City of Nedlands was keen to pursue the proposal subject to community feedback received. As a result of this feedback, it has been mutually decided to withdraw the proposal.

(f) The use of Highview Park land for any other purpose other than "Recreation" would require Parliamentary approval.

COLLIE — RACING RADIO

5348. Mr M.P. Murray to the Minister for Racing and Gaming

Can the Minister please advise the current status of the transmission of racing radio in Collie?

Mr T.K. WALDRON replied:

In October 2010 Australian Communications and Media Authority made available a new high power open narrowcasting service at Collie (on 1593 kHz) as part of the variation to the Bunbury licence area plan.

Australian Communications and Media Authority has not set the date for the allocation of the Collie high power open narrowcasting which is to be auctioned by Australian Communications and Media Authority in Canberra.

COLLIE HOSPITAL — DIALYSIS MACHINE

5349. Mr M.P. Murray to the Minister for Health

(1) How many kidney dialysis machines are there at the Collie Hospital?

(2) What is the Minister's policy on accepting a donated kidney dialysis machine for the Collie Hospital?

Dr K.D. HAMES replied:

(1) Nil.

(2) Dialysis is a complex service that requires specialist medical and nursing staff trained in renal dialysis care. The practicality of installing a unit in Collie is significantly impacted by the ability to recruit and train specialist staff to manage and maintain the unit for the small number of dialysis patients from Collie. There are currently two people travelling to Bunbury for dialysis from Collie.

The nearest dialysis unit is within 50 km (40 minutes travel) of Collie at the South West Health Campus in Bunbury. Access to this specialist unit is within acceptable standards of time and distance. The unit is managed by St John of God Health Care on behalf of the Department of Health. It has recently been announced that this unit will be expanding to include an additional five chairs taking the total number of dialysis chairs at Bunbury to 12 along with 6 chairs at Busselton. This will meet the demand for dialysis in the South West into the future.

NEWMAN — ELECTRICITY SUPPLY

5353. Mr T.G. Stephens to the Minister representing the Minister for Energy

With reference to reports that power supply fluctuations in the township of Newman are continuing to cause destructive impacts on local people's household computers and appliances:

(a) what steps will the State Government take to monitor the situation in Newman so that power consumers and family households are not being financially penalised by fluctuations in the private power supplier's power distribution; and

(b) will the Minister detail what role the State Government has in monitoring the situation in Newman and protecting the interests of householders?

Mr J.H.D. DAY replied:

(a) Horizon Power does not service the Newman township and therefore it is not within its purview to monitor power quality in towns outside its service area. That said, the State Government will liaise with Newman's electricity supplier to ensure it is compliant with the electricity licence exemption under which it operates.

(b) Newman is supplied electricity under the Electricity Industry Exemption Order 2005 (the Order). The Order exempts Newman's electricity supplier from the requirement to hold a licence and is subject to the condition that the supplier's electricity distribution system comply with the Electricity Industry (Network Quality and Reliability of Supply) Code 2005. The State Government considers complaints of failure to comply with a licence exemption and liaises with relevant parties to ensure compliance.

ROYAL PERTH HOSPITAL — WARD AAAA

5354. Mr R.H. Cook to the Minister for Health

(1) Can the Minister please provide details on the number of patients admitted to Ward AAAA at Royal Perth Hospital for each day for the following months:

(a) January 2010;
(b) February 2010;
(c) March 2010;
(d) April 2010;

(e) May 2010;
(f) June 2010;
(g) July 2010;
(h) August 2010;
(i) September 2010;
(j) October 2010;
(k) November 2010;
(l) December 2010;
(m) January 2011;
(n) February 2011;
(o) March 2011; and
(p) April 2011?

(2) Is Ward AAAA subject to the 85 per cent four hour rule target?

(3) Please outline, for each day, the average time period that patients were seen, admitted, discharged or transferred within Ward AAAA for the following months:

(a) January 2010;
(b) February 2010;
(c) March 2010;
(d) April 2010;
(e) May 2010;
(f) June 2010;
(g) July 2010;
(h) August 2010;
(i) September 2010;
(j) October 2010;
(k) November 2010;
(l) December 2010;
(m) January 2011;
(n) February 2011;
(o) March 2011; and
(p) April 2011?

Dr K.D. HAMES replied:

1. [See paper 3490.]

2. The patients in Ward AAAA are subject to the 85 per cent Four Hour Rule target.

3. [See paper 3490.]

REGIONAL HOSPITALS — THERAPIST VACANCIES AND WAIT TIMES

5611. Mr R.H. Cook to the Minister for Health

As at 31 December 2010, for each regional hospital:

(a) how many unfilled vacancies existed for:

(i) speech pathologists;

(ii) occupational therapists; and

(iii) speech therapists;

(b) how long has each vacancy existed;

(c) what action is being taken to fill these positions; and

(d) what was the average waiting time to see a:

(i) speech pathologist;

(ii) occupational therapist; and

(iii) speech therapist?

Dr K.D. HAMES replied:

(a)–(d) As at the 31 December 2010 there were no vacancies in either Speech Pathology/Therapy or Occupational Therapy in the regional hospitals located in Broome, Port Hedland, Geraldton, Bunbury, Kalgoorlie and Albany. With the exception of Bunbury where there is a separate, hospital based allied

health team, the allied health services provide services in the inpatient, outpatient and community settings. Hospital services are generally given the highest priority with patients seen usually within one working day of receiving the referral.

REGIONAL HOSPITALS — THERAPIST VACANCIES AND WAIT TIMES

5613. Mr R.H. Cook to the Minister for Health

As at 31 March 2011, for each regional hospital:

(a) how many unfilled vacancies existed for:

(i) speech pathologists;

(ii) occupational therapists; and

(iii) speech therapists;

(b) how long has each vacancy existed;

(c) what action is being taken to fill these positions; and

(d) what was the average waiting time to see a:

(i) speech pathologist;

(ii) occupational therapist; and

(iii) speech therapist?

Dr K.D. HAMES replied:

(a)–(d) As at 31 March 2011 there were no vacancies in either Speech Pathology/Therapy or Occupational Therapy in the regional hospitals located in Broome, Port Hedland, Geraldton, Bunbury, Kalgoorlie and Albany. With the exception of Bunbury where there is a separate, hospital based allied health team, the allied health services provide services in the inpatient, outpatient and community settings. Hospital services are generally given the highest priority with patients seen usually within one working day of receiving the referral.

CENTENNIAL OVAL — FUNDING

5618. Mr P.B. Watson to the Minister for Sport and Recreation

In relation to the Government's $10 million Centennial Oval redevelopment election commitment, I ask:

(a) how much funding has been approved for the project so far;

(b) what has this money been approved for;

(c) what is the source of this funding;

(d) what is the current cost estimate for the redevelopment; and

(e) what is the time frame for completion of the redevelopment?

Mr T.K. WALDRON replied:

(a) The commitment to Centennial Oval is for $8million. $3,265,997 has been approved so far.

(b) Construction of three courts at Albany Leisure and Aquatic Centre; deep sewage, drainage and reticulation at Railways Football and Sporting Club; floodlighting at Centennial Oval; redevelopment of one grass soccer pitch at Centennial Oval and a feasibility study for the Centennial Park Precinct.

(c) All funds are from the Community Sporting and Recreation Facilities Fund except $50,000 from reallocated Consolidated Funds.

(d) The cost estimate is subject to the scope of work and the timing of it. The City was recently approved funding to undertake a new feasibility study that will outline the scope, cost estimates and priorities.

(e) This information will be clearer after the feasibility study is completed.

METROPOLITAN HOSPITALS — ADMISSION, DISCHARGE AND TRANSFER TIMES

5623. Mr R.H. Cook to the Minister for Health

Please outline for each day from 1 November 2010 to 30 April 2011, the average time period that patients are seen, admitted, discharged or transferred within the following hospitals:

(a) Sir Charles Gairdner;

(b) Royal Perth;

(c) Fremantle;

(d) Rockingham-Kwinana;

(e) Swan District;

(f) Armadale Kelmscott; and

(g) Joondalup?

Dr K.D. HAMES replied:

(a)–(g) [See paper 3491.]

The response to the question consists of six tables. Each table has data for each of the dates requested, presented in monthly blocks as follows:

Patients Seen: Table 1

Patients Admitted: Table 2

Patients Discharged: Table 3

Patients Transferred: Tables 4, 5 and 6 [There are three tables about transfers as transferred patients can either have been admitted before transfer (Table 5) or not admitted (Table 6). Data for all transfers is in table 4.]

As is customary for data requested about waiting times and episode duration, median figures are presented rather than average (mean).

Notes:

- ED waiting time is the length of time (in minutes) from presentation at the ED to the time the patient is seen by a doctor (for metropolitan hospitals).

- Total ED Attendances includes all patients arriving at an ED.

- Admitted patients include patients who attended an ED and were subsequently admitted to an ED Observation ward or an inpatient ward (excluding any patients who were then transferred to another hospital).

- Discharged patients include patients who attended an ED and were subsequently discharged home (including any patients who did not wait to be seen by a doctor). That is, those patients who were not admitted to an ED Observation ward or an inpatient ward or transferred to another hospital.

- Total transferred patients includes all patients who attended an ED and were subsequently transferred to another hospital (includes both those who were and were not admitted at the first hospital).

- Transferred patients (with admission) includes patients who attended an ED, were subsequently admitted at the first hospital, and were then transferred to another hospital.

- Transfers Departures includes patients who attended an ED and were subsequently transferred to another hospital without being admitted to the first hospital prior to transfer.

- ED length of episode is the length of time (in minutes) from presentation at the ED until the patient is discharged home, admitted to an ED Observation area, admitted to an inpatient ward or transferred to another hospital.

- 'Admitted', 'Discharged' and 'Transferred' patients were defined according to Four Hour Rule Program reporting definitions.

- N/A = Not Applicable. That is, no patients were recorded at the site with the particular characteristics on that date.

SPEED CAMERAS — CAMOUFLAGE POLICY

5659. Mr A.J. Waddell to the Minister for Police; Emergency Services; Road Safety

In relation to speed cameras, I ask:

(a) are all speed cameras now camouflaged; and

  (i) if yes, is it new police policy that speed cameras are camouflaged; and

  (ii) if no, what proportion of speed cameras are now camouflaged;

(b) do police still notify drivers (via signs) that they have just passed a speed camera; and

  (i) if no, has there been a change to speed camera policy; and

(c) if the policy has changed and drivers are no longer advised of the passing of a speed camera, could the Minister please outline the new policy?

Mr R.F. JOHNSON replied:

(a) No.

(i) Not applicable.

(ii) Nil camouflaged.

(b) Where possible a sign is deployed.

(i) Not applicable.

(c) Not applicable.

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