



# **Parliamentary Debates**

**(HANSARD)**

THIRTY-NINTH PARLIAMENT  
FIRST SESSION  
2016

LEGISLATIVE ASSEMBLY

Thursday, 12 May 2016

# **Legislative Assembly**

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**THE SPEAKER (Mr M.W. Sutherland)** took the chair at 9.00 am, and read prayers.

## **BUDGET PRESENTATION LEGISLATIVE ASSEMBLY CHAMBER — MEDIA ACCESS**

*Statement by Speaker*

**THE SPEAKER (Mr M.W. Sutherland):** I remind members that the budget will be presented at two o'clock this afternoon. Members' 90-second statements will occur at 12.20 pm. Questions without notice will be at 12.30 this afternoon, after which I will leave the chair at one o'clock for the lunchbreak. I have approved the presence of a television camera and photographers at the north door of the chamber from 2.00 pm to cover the handing down of the budget.

## **HOUSING AUTHORITY — TENANTS — INCOME ASSESSMENT**

*Petition*

**MS J.M. FREEMAN (Mirrabooka)** [9.01 am]: I have a petition with eight signatures that complies with the standing orders. 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 petitioners say that the recent decision by the National Party Minister for Housing to change the income assessment for Housing Authority tenants is a direct attack on the most vulnerable in our society. To now incorporate Centrelink and Veterans Affairs benefits and allowances as assessable income for the purposes of paying Housing Authority rent is effectively taking away tenant's concession payments that are paid to assist with a particular situation or disability.

Now we ask the Legislative Assembly to call on the Barnett government to immediately reverse this grossly unfair and financially debilitating rental decision that is pushing pensioners, war veterans and the disabled into absolute poverty.

[See petition 371.]

## **DEPARTMENT OF HOUSING — FERNHURST CRESCENT, BALGA**

*Petition*

**MS J.M. FREEMAN (Mirrabooka)** [9.02 am]: I have a petition with six signatures that complies with the standing orders. It reads —

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

We, the undersigned, say that we oppose the Department of Housing's move to have houses built on part of our local parkland on the corner of Fernhurst Crescent and Bepton Way Balga. The Department of Housing has 2.6567 hectares of vacant land in the Mirrabooka town centre, it is not necessary to build houses on our park when they have vacant land close to the bus station and Mirrabooka shops.

Now we ask the Legislative Assembly to call on the Barnett Government to accept the communities wishes that Lot 162 (43) Fernhurst Crescent, Balga remain as parkland ensuring that neither the Department of Housing, Minister for Housing, Minister for Planning overturn the City of Stirling's decision to reject the application.

[See petition 372.]

## **PAPER TABLED**

A paper was tabled and ordered to lie upon the table of the house.

## **SYNERGY — AUDITOR GENERAL'S REPORTS — SUBMISSION ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

*Removal of Notice — Statement by Speaker*

**THE SPEAKER (Mr M.W. Sutherland):** I advise members that private members' business notice of motion 2, "Role of the Auditor General", notice of which was given on 20 October 2015, will be removed from the next notice paper unless written notification is provided to the Clerk requiring that the notice be continued.

I also advise members that private members' business notice of motion 1, "RSPCA", notice of which was given on 7 May 2015 and renewed for a further 30 sitting days on 15 October 2015, will be removed and will not appear on the next notice paper.

## 2016 WESTERN AUSTRALIAN NURSING AND MIDWIFERY EXCELLENCE AWARDS

### *Statement by Minister for Health*

**MR J.H.D. DAY (Kalamunda — Minister for Health)** [9.04 am]: I rise to inform the house of the award winners in the 2016 Western Australian Nursing and Midwifery Excellence Awards. I was pleased to attend the awards celebration last Saturday, 7 May, and acknowledge not only the excellent achievements of this year's award winners, but also the dedication and hard work of all nurses and midwives generally in Western Australia. Today, 12 May, is International Nurses Day and last Thursday, 5 May, was International Day of the Midwife. I wish to acknowledge and thank all the wonderful nurses and midwives working in the WA health system and thank all those delivering much-valued health care to the Western Australian community. I also acknowledge the important work of nurses and midwives working in the fields of education and research.

With regard to this year's awards, I am pleased to advise that Dr Susan Slatyer, a researcher at Sir Charles Gairdner Hospital, was awarded Western Australia's 2016 Nurse/Midwife of the Year. Dr Slatyer is a highly respected and skilled nurse researcher who engages nurses in research to ensure quality, safe and patient-centred care. Through education, role modelling and mentoring, Dr Slatyer is helping fellow nurses to better understand the important role research plays in improving patient care. As well as being named WA's Nurse/Midwife of the Year, Dr Slatyer also took out the top honour in the Excellence in Research category of the awards.

The 2016 Lifetime Achievement Honour was presented to Adjunct Associate Professor Violet Platt from WA Health's Cancer and Palliative Care Network. Some of the other award winners included Belle Sexton from Armadale Health Service, who received the Excellence in Midwifery award; Jeannette Tai from St John of God Subiaco Hospital, who received the Excellence in Enrolled Nursing award; Elsie Joseph from Armadale Health Service, who received the Excellence in Registered Nursing award; Graeme Boardley from Women and Newborn Health Service, who received the Excellence in Leadership award; and Jemma Freegard from Peel Health Campus, who received the Excellence in Emerging Leadership award. I congratulate all the award winners and thank them for their constant commitment to driving innovation within their professions, while also doing their utmost to maintain high-quality health care to their patients. The awards are a fitting way to recognise and reward the commitment of our nurses and midwives in WA. These dedicated professionals are fundamental to our health system, and award winners serve as a source of inspiration for other nurses and midwives across the state.

## 2016 WESTERN AUSTRALIAN HERITAGE AWARDS

### *Statement by Minister for Heritage*

**MR A.P. JACOB (Ocean Reef — Minister for Heritage)** [9.07 am]: I am pleased to inform the house that on Thursday, 31 March, I presented awards to our state heritage champions at the Heritage Council's 2016 Western Australian Heritage Awards, which were held at the former Hale House which is now the beautifully converted and adapted office for the Premier and cabinet room. The 2016 event marked the twenty-fourth year of the Western Australian Heritage Awards. These awards recognise outstanding commitment and contribution by individuals and organisations to heritage conservation, adaptive re-use, interpretation, promotion and heritage tourism in Western Australia.

The prestigious Judge's Award went to Martin Colgan, founder of Colgan Industries, for his exceptional contribution to heritage over the past 40 years. From humble stonemasonry beginnings, Martin Colgan has built a highly respected and multidisciplinary family building company dedicated to conserving, restoring and adapting heritage buildings. His legacy can be witnessed in his work on many award-winning heritage conservation and adaptation projects across the state.

The other prestigious award for outstanding adaptive re-use was awarded to FJM Property for the transformation of the Central Government Offices into the exciting mixed-used development now known as the State Buildings. This large-scale conservation and adaptive re-use project has rejuvenated the historic precinct and has opened the doors of this collection of grand buildings to the public.

All projects that won awards will be shortlisted for nomination to the United Nations Educational, Scientific and Cultural Organization Asia-Pacific Awards for Cultural Heritage Conservation, with Heritage Council endorsement and the agreement of the project owners. I would like to congratulate all those who were recognised on the night and wish our WA conservation projects the best of luck for the UNESCO awards.

## SANDALWOOD HARVEST TENDER

### *Statement by Minister for Forestry*

**MS M.J. DAVIES (Central Wheatbelt — Minister for Forestry)** [9.10 am]: I rise to notify the house that contracts for the future harvesting of wild Western Australian sandalwood are open for tender. This competitive tender process is part of broader sandalwood industry reform and takes into account the recent reduction in Western Australia's annual harvest quota of wild sandalwood. Harvest contracts open for tender are in two components—primary services for larger contractors interested in harvesting more than 250 tonnes of resource per annum, and secondary services for smaller businesses looking to undertake smaller volumes of harvesting.

Briefings are being held this week by the Forest Products Commission for those seeking consideration in the tender process. A briefing in Kalgoorlie on Tuesday was attended by almost 50 people, and another is being held in Perth as I speak. The FPC is very encouraged by the early response to the briefings. Haulage tenders will also open soon following the outcome of a request for proposal process conducted earlier this year seeking respondents for the sales, marketing and processing of wild WA sandalwood.

As a high-value product, wild WA sandalwood continues to be an important component of the state's forestry strategy. The FPC and the Department of Parks and Wildlife have created a pathway towards better protecting the sandalwood resource and improving conservation and management outcomes for our native tree. The FPC is leading a sandalwood industry restructure that will develop social and economic opportunities for regional Western Australians. The restructures have been designed to assist in delivering benefits to our state, particularly those regional and remote communities in proximity to the resource. Encouraging new industry entrants, regional investment and job opportunities is the focus of this restructure.

Separately, investment in science is evolving our agencies' understanding of wild WA sandalwood and the natural relationships that assist its regeneration. Members may have heard of the mechanical woylie that FPC uses in its regeneration program. The machine mimics the sandalwood seed planting behaviour of the locally extinct woylie, which is critical to successful placement and planting depth sandalwood seeds need in order to maximise germination and survival rates. Legislative measures introduced by this government through the Biodiversity Conservation Bill will also vastly improve the legal verification process of tradeable sandalwood, and increase penalties for illegally taking the resource. As Western Australia transitions towards a mixed wild and plantation-based industry, it is important the right steps are taken to sustain sandalwood and the state government is leading the way in this area.

### NATIONAL VOLUNTEER WEEK

*Statement by Minister for Seniors and Volunteering*

**MR A.J. SIMPSON (Darling Range — Minister for Seniors and Volunteering)** [9.11 am]: I inform the house that this week we are celebrating National Volunteer Week, an annual event to acknowledge and celebrate the generous contribution of our nation's volunteers. This year marks the twenty-sixth year since National Volunteer Week began, and the theme for 2016 is Give Happy, Live Happy. The Liberal-National government has provided more than \$1.3 million to support the volunteering sector during 2015-16, with recurrent funding being provided to Volunteering WA and 15 volunteer development services right across the state.

On Monday, I visited and spoke to several volunteers at pop-up stalls erected in the city mall. I have to say that the theme, Give Happy, Live Happy, is very appropriate because the people I spoke to really love what they do. They told me that their contribution brings meaning to their lives, and if they can make a difference to someone else's life volunteering is all the more worthwhile. I attended volunteering community training workshops, which were held at the offices of the Department of Local Government and Communities, and last night I attended a gala dinner to recognise our wonderful volunteers and award Steven Gates with the Volunteer of the Year award.

I am proud that the state government, through the Department of Local Government and Communities, is providing over \$36 000 in grants to support more than 42 Thank a Volunteer Day community events. My department also works with WA Police and subsidises criminal record clearances for volunteers from eligible organisations. My department is in its sixth year of delivering the WA Volunteer Service Awards to recognise those volunteers who have dedicated 25 or 50 years of continuous service to the same organisation. I am pleased to say that, through this program, over 600 volunteers have been recognised for the incredible contribution they have made to Western Australia. Whether volunteers are young or old, they set a great example to all generations about the value of contributing and giving back to the community. I take this opportunity to commend them all.

### MITCHELL FREEWAY — EXTENSION — BUS ROUTE IMPACTS

*Grievance*

**MR J.R. QUIGLEY (Butler)** [9.13 am]: I wish to grieve to the Minister for Transport about changes to bus routes on Hester Avenue occasioned by the extension of the freeway, and the government's total failure to supply a set of traffic lights at the intersection of Baltimore Parade. When the freeway extension opens it will terminate at Hester Avenue, meaning masses of cars will pour onto Hester Avenue. At the moment that happens at Burns Beach Road, but there are not a lot of residences where the freeway ends at Burns Beach Road. Transperth has advised that there will be a temporary deviation of the route 484 bus stops on Walyunga Boulevard, Hidden Valley Retreat and Ridgewood Boulevard. Those stops will be withdrawn until a roundabout goes in at Ridgewood Boulevard, after which time route 484 will be reinstated with some different stops. However, of more concern is what is happening to route 483, which uses Hester Avenue to turn right and left into and out of Baltimore Parade. The Public Transport Authority has advised that buses that have to make

a right-hand turn from Hester Avenue into Baltimore Parade will be permanently cancelled until a set of traffic lights is built. The Public Transport Authority recognises that without a set of traffic lights at Baltimore Parade, it is far too dangerous for buses to turn from Hester Avenue into Baltimore Parade. What is the significance of that? Baltimore Parade is one of the main distributor roads through the southern part of my electorate, servicing Merriwa Plaza shopping centre, Merriwa Primary School and high schools situated further up my electorate. This is a very important and heavily used road. What did the Public Transport Authority say? It said that it is far too dangerous to turn from Hester Avenue into Baltimore Parade. It said, in inverted commas, that although it regrets the changes, they are necessary to continue to operate buses safely and that the route will be reinstated only after traffic lights are installed. It is not part of this mean government's program to install traffic lights there. Residents from that area will have to do what Transperth is not prepared to let its bus drivers do; that is, turn right into Baltimore Parade through the masses of cars that will be moving up and down Hester Avenue. That is the reason it has given. It will not have its buses turn right into Baltimore Parade until the installation of traffic lights. Hang the rest of the public that has to use this road! Might I add that on the corner of Baltimore Parade and Hester Avenue is the Dunbar residence, where Nate Dunbar was killed in his bedroom after a car careered into his bedroom. This government used Mrs Dunbar to promote road safety and the like, but now she is living on the corner of "death intersection". It is absolutely disgraceful.

I will read some comments contributed to the *North Coast Times* by local constituents. The first reads —

This is ridiculous as I don't have a car either and I'm an emergency contact for my dad who lives in Merriwa off Baltimore how am I supposed to get to him via bus if he needs me. Such a stupid idea, Merriwa has ALWAYS had a bus route going through it for the last 13 years since I've been back in the area. Shame on you Transperth this is going to disadvantage so many people especially the elderly and families that use the service to get to IGA and Merriwa primary school etc. And not to mention the 484 with High School through Ridgewood too. Not happy Jan. Pull your head in and fix the issue with the intersections before the freeway meets Hester.

The second comment reads —

Well gee thanks for the short notice and just where will people be catching public transport from then. The Journey planner isn't up to date yet either big help. Why weren't people advised earlier and why weren't closest stop flyers handed out with the stoppage flyers? BTW my daughter uses the bus everyday to get to Joondalup TAFE and has only today been given notice of this.

Another comment reads —

Great stop we have to go to now in the middle of nowhere near the Clarkson high school. Poor lighting and isolated. Criminals dream. If your going to take safe stops away at least make the other one safe. It might be OK during the day but at night it's pretty isolated. Think about the safety of your passengers.

Those comments refer to changes to the positioning of bus stops along route 484, but let us not forget the most important one, route 483, which will not go along Baltimore Parade until the government installs traffic lights at the intersection of Baltimore Parade and Hester Avenue.

We all know why the government has brought this freeway extension so far in under budget—I think it was \$164 million under budget—because government members are cheapskates. This community needs and deserves traffic lights. Down south in the Minister for Transport's electorate, so that the government can protect the community from traffic, it proposed to tunnel four kilometres under the residents' homes. We would only be so lucky to have a tunnel under Hester Avenue to take the freeway traffic. The government will spend \$1.9 billion building a tunnel to make the minister's constituents safe. All we are asking for is a lousy set of traffic lights on the corner of Baltimore Parade and Hester Avenue, on the very corner where young Nate Dunbar was killed in his bed. This is a critically dangerous intersection and deserves traffic lights. This government should be condemned for planning this freeway and denying the many requests for traffic lights. There is also Cambrai Village with all the elderly living there who also have to negotiate this intersection. The government is creating a deathtrap by not installing traffic lights at that corner.

**MR D.C. NALDER (Alfred Cove — Minister for Transport)** [9.21 am]: I thank the member and I admire his passion about the services in the area. I acknowledge that some members of the community may have been concerned about proposed bus route changes, but firstly I would like to correct a couple of things. I know the member for Butler would like to see a tunnel in his area. The tunnel is not under my constituency. It is actually under the member's colleagues' constituency, so he needs to check with the member for Fremantle and the member for Willagee, but they are actually protesting about that, so I am a bit confused now! I would also like to acknowledge that the issues the member raised were raised with my office over a month ago by the member for Wanneroo, Mr Paul Miles, MLA, on behalf of concerned residents.

As part of the Mitchell Freeway extension in the north of Perth, changes were made to route 484 bus services in the area. To update the member on the other affected bus route in his electorate, the route 484 bus service has

been removed from Hidden Valley Retreat and Walyunga Boulevard, and is unable to return to these streets due to the freeway extension until such time that the roundabout is complete at Ridgewood Boulevard and Hester Avenue.

*Point of Order*

**Mr J.R. QUIGLEY:** The minister is just reading word for word drivel that has been given to him by the Public Transport Authority.

**The DEPUTY SPEAKER:** Thank you, member for Butler; there is no point of order.

*Grievance Resumed*

**Mr D.C. NALDER:** I do not have anything written about the tunnel and I was just responding to it, but the member complained that he would like a tunnel up there and he was saying that it was under my constituency and I shared with the member that it is actually under his colleagues' constituencies. We are doing some great things for the constituents of Labor members of Parliament.

I want to ensure that I get right exactly what is happening with the routes, so I am referring to notes that have been provided to me by the department. I believe that is the appropriate thing to do, to ensure that I provide the member with an accurate update of exactly what is going on, on the basis that we are extending the freeway for the people of that community up there. The Mitchell Freeway extensions are for the communities in the member for Butler's electorate and I believe that a lot of people are extremely pleased.

Several members interjected.

**The DEPUTY SPEAKER:** Order, members!

**Mr D.C. NALDER:** I just want to say that the safety of bus passengers is of the highest priority. With the crossing of multiple lanes of traffic until the roundabout is established, it is not appropriate, hence we have this diversion going on at this time.

The route 483 bus service remains unchanged. In fact, at this stage no decision has been made and the advice on the Transperth website has been updated to reflect this. The Public Transport Authority and Main Roads Western Australia have had a number of meetings regarding forecast traffic volumes and traffic pattern changes that inevitably accompany a major change in the road network, such as a freeway extension. The two agencies are working together to assess the impact on the bus route when the freeway extension opens.

Following the opening, the intersection of Baltimore Parade and Hester Avenue will be reviewed to see whether there is a need to install traffic lights. This is something that traffic modelling can determine. One of the issues under discussion has been the potential need for traffic signals to be installed at the intersection of Hester Avenue and Baltimore Parade. At the time, modelling completed by the City of Wanneroo suggested that once the freeway was opened, increased traffic on Hester Avenue would result in significant delays for traffic on Baltimore Parade and, subsequently, delays to the PTA service from Baltimore Parade, Hester Avenue and Renshaw Boulevard. However, Main Roads' modelling suggested that the queuing and delay on Baltimore Parade would not be as significant as suggested by the City of Wanneroo's analysis and therefore traffic signals may not be required.

Obviously, we want to reduce the impact on passengers and keep safety at the forefront of our service. The route 483 bus service is one of the most successful routes in the northern suburbs and we want to ensure that those using it are not inconvenienced by any changes. As such, PTA and Main Roads have agreed to maintain the existing route 483 service on Baltimore Parade until the impact of the freeway extension can be further assessed and the need for traffic signals confirmed. When the freeway extension is opened, we will know the full extent of the traffic in the area and we can make a judgement on the future of the bus service.

**HALE ROAD-WOOLWORTHS DRIVE INTERSECTION, FORRESTFIELD**

*Grievance*

**MR N.W. MORTON (Forrestfield) [9.25 am]:** I rise this morning to grieve to the Minister for Transport on the intersection of Hale Road and Woolworths Drive in the heart of my electorate in Forrestfield. Although this may not be the world's longest grievance, do not let that be a measure of its importance to my local community. This is a troublesome intersection, as the minister can attest to, having visited it with me, and one that has become a blackspot in the community. Woolworths Drive services Forrestfield Forum and Marketplace shopping centre, and Hale Road is one of the busiest local roads in the suburb of Forrestfield. Getting out of the shops is the biggest danger for motorists and shoppers, especially for those wanting to turn right out of Woolworths Drive back onto Hale Road. It is an issue I have been working on for some time but for little return, which disappoints me. Woolworths Drive is privately owned by the owners of the shopping centre and Hale Road is a Shire of Kalamunda-controlled road.

Like the state government, I am acutely aware of the importance of delivering transport solutions to the public and we have been busy investing heavily in those roads in this area, achieving significant productivity gains and vastly improving safety for mums and dads and road users alike. Some of these projects include Gateway WA, which many members would be aware of, and the grade separation of Berkshire Road, which was a major blackspot within my electorate with a crash, on average, every 10 days. There have also been upgrades to other intersections in my electorate, such as Hale Road and Tonkin Highway.

Unfortunately, when it comes to this road, the Shire of Kalamunda has been unwilling to come to the party and do its bit. Instead, the shire president has been blaming everyone else for the intersection when the responsibility lies with him and the shire. When my office contacted the Shire of Kalamunda in November 2014, I was informed by the shire that “it was preparing plans for improvements to vehicle and pedestrian safety for Main Roads to consider and comment on”. Almost 18 months later, no action has been taken to improve this intersection. Subsequent to this, I have met with the owners of Woolworths Drive twice, I have met with their architects to discuss viable solutions for the intersection, I have written to the federal member, Hon Ken Wyatt, MP—who also, as an aside, has been working very hard to resolve this issue locally—and I have spoken to the minister and his advisers on a number of occasions about this particular issue. I am also aware that there is a \$170 million regional road fund available for local governments to apply for funding for improvements in their area. However, I am informed that Main Roads has never received an application from the Shire of Kalamunda. That is extremely disappointing to me, and it should be to the local community, that there is a pot of money to apply to —

#### *Point of Order*

**Dr A.D. BUTI:** It is a very interesting grievance and I know the area he is talking about, which does of course need some work, but I am just wondering whether this should be to the Minister for Local Government because it seems to be an issue about local government inactivity. We have not heard of any grievance in regard to the Minister for Transport, and I wonder whether the member is grieving to the right minister.

**Mr N.W. MORTON:** Further to that point of order, Madam Deputy Speaker, the local shire has done nothing, hence I am grieving to the minister.

**The DEPUTY SPEAKER:** Member for Forrestfield, resume your seat. I will seek advice on the point of order. You have the decision to decide who to direct your grievance to, so you may continue. There is no point of order.

#### *Grievance Resumed*

**Mr N.W. MORTON:** It is extremely disappointing that there is a pot of money that can be applied for and the shire has not even bothered to submit an application. This is very disappointing given that the shire president has been so vocal on the issue of late, yet the shire is not willing to contribute to the project. Furthermore, the shire president has not even written, emailed, phoned or sent a carrier pigeon, for that matter, to discuss this issue with either me or the federal member for Hasluck, Hon Ken Wyatt, MP. I appeal to the minister and his better nature. Although fixing this road is not his or the state’s responsibility, the responsibility for community safety lies with all elected officials. I ask the minister to consider whether there is any capacity for the state to fix this road or make a contribution towards fixing this important intersection in my electorate.

**MR D.C. NALDER (Alfred Cove — Minister for Transport)** [9.30 am]: I thank the member for Forrestfield for this grievance and also for providing me with the opportunity to visit the location with him. I also note that this intersection has been an ongoing safety concern for residents since the member first raised this issue with me on behalf of his community back in early 2015. Having seen for myself the potential conflicts that drivers have to deal with at this location on a daily basis, I certainly share the concerns raised by local residents. Over the past five years there have been seven accidents at this intersection, of which six were right-turn crashes.

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

**The DEPUTY SPEAKER:** Order, member for Albany!

**Mr D.C. NALDER:** Of those accidents, two required medical assistance to be sought. The risk of accidents at this location could be greatly reduced through a redesign of the intersection. I can well understand why the local community has sought the assistance of its state member for Forrestfield, Nathan Morton, and also his federal counterpart, Hon Ken Wyatt, to attempt to achieve a safe and effective outcome for all road users and pedestrians who try to negotiate this busy location. As the member has stated, Hale Road is a local road under the care and management of the Shire of Kalamunda. However, as the member has outlined, it would appear that the Shire of Kalamunda has done little to address the concerns of its ratepayers in this regard. I can confirm that the Liberal–National government has allocated \$150 million in the current financial year to assist local governments to undertake improvement works on their road networks. I can also confirm that this contribution will increase to \$170 million in 2016–17. Local governments can submit project proposals for funding from this source. But, as the member has stated, no such request has been forthcoming from the Shire of Kalamunda for any improvement proposals for this location. Councils also receive federal funds through programs such as Roads to Recovery; however, it is not known whether the shire has considered this avenue of funding.

I understand that the member for Forrestfield, apart from approaching me on this issue, has also had discussions with the shopping centre owners in an effort to achieve a positive outcome for his community. Indeed, the member seems to be doing the work that the shire should be doing, but it has failed to progress this matter with me or with Main Roads Western Australia. I sympathise with the member over the manner in which some of the council's elected members have approached this important issue. However, I note the good relationship at an officer level between Main Roads and its council colleagues. Notwithstanding, I can assure the member for Forrestfield that should the council provide an estimate of cost for an acceptable treatment at the Hale Road–Woolworths Drive intersection, the state will consider favourably a one-third funding contribution to enable the works to get underway.

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

**The DEPUTY SPEAKER:** Member for Armadale!

**Mr D.C. NALDER:** It is disappointing that some individually elected councillors have decided to play petty politics —

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

**The DEPUTY SPEAKER:** Member for Armadale! I call you to order for the first time.

**Mr D.C. NALDER:** It is disappointing that some individually elected councillors have decided to play petty politics instead of serving the needs of those they represent. However, it is also very fortunate that the Forrestfield community has fine and capable state and federal representatives in Nathan Morton and Hon Ken Wyatt to look after their concerns and issues.

### YANCHEP PINE PLANTATION

#### *Grievance*

**MR P.T. MILES (Wanneroo — Parliamentary Secretary)** [9.34 am]: My grievance is to the Minister for Environment, Hon Albert Jacob, whose electorate comes somewhat into what I want to talk about in my electorate of Wanneroo. As we have all discussed in this chamber, our electorate boundaries will change at the next election. Some of us will pick up new areas and other electorates will shrink and lose areas. I will lose part of east Wanneroo, but I will pick up more of the Gnangara pine plantation, as well as Carabooda and Gnarabup, right up through to Yanchep Beach Road and the back of the member for Butler's old area.

My grievance is about the Yanchep pines. The Yanchep pine plantation is widely used by the whole northern corridor, whether it is for horseriding or trail bikes. Even the dog walkers association out there uses it, as well the police department to train sniffer dogs to trace and find dead bodies and the like. The pines plantation is a great recreation facility. The issue is that some of the residents in my electorate and the wider community are concerned that the pines are being cut down. In some cases there was a need to cut down some of those pines because of European borer, fires and the like. However, the "Perth and Peel Green Growth Plan for 3.5 million" encompasses most or all of the pines in some form, and there is some concern about what might be planted in lieu of the pine plantation, whether it be natural vegetation or pines again but of a different species. Some of my constituents are members of BirdLife Western Australia and are concerned that the Carnaby's black-cockatoo will not be cared for in that environment. The electorates and the corridor as a whole are concerned because of the value that most people put on the pine plantations, whether they are in Yanchep or Gnangara. We are also all mindful that the whole area will expand and another 400 000 to 500 000 people will live in that corridor. With that in mind, we are looking at another 100 000 or so dwellings in the area that could be high-rise dwellings, normal housing or something else. I would like the minister to respond to the fact that we need to look after the environmental impacts of that increase in population while still looking after the need to use that area as a social area and an area in which the environment is safe. Clearly, it is also our water source, and we need to expand the horticultural area as well. This is the importance that we have placed on the outlying regional area before we move into the regions proper where the member for Moore's electorate starts. These are definitely concerns that my electors have and I am quite sympathetic towards them. I grew up in the area, as did the minister. I will not embarrass the minister but I have known him for many years—I did not get to change a nappy but I do know that he was in nappies at some point.

**Mr A.P. Jacob** interjected.

**Mr P.T. MILES:** Yes, very much so. Nevertheless, the minister's understanding of the area is there. I know that the government has a plan for this and is working through it because it is out for public consultation at the moment. Some people want to muddy the waters in any way they can. I have no idea what the Labor Party's position is on this plan because it just wants to throw mud at it without a proper outcome. Could the minister outline to me and to my electorate what he is planning to do with, especially, plantations to take them forward?

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [9.39 am]: I thank the member for Wanneroo for the grievance. I even appreciated the interjections from the member for Collie–Preston. In answering the

member for Wanneroo's grievance, the draft green growth plan, or the strategic assessment of the Perth–Peel region, is the largest city-focused environmental assessment that has ever been undertaken in Australia. This plan is one of the largest red tape reduction initiatives ever undertaken in Western Australia by government or the private sector. It seeks to secure up-front federal environmental approvals. The plan looks 30 years ahead and provides certainty regarding the protection of Perth–Peel's unique natural environment. It is a holistic approach to all of the environmental challenges that we currently face within the Perth–Peel region. It provides capacity for the Perth–Peel region to grow to 3.5 million people by 2050. Importantly, it accommodates the clearing of only a further three per cent of the Swan coastal plain for an extra 1.5 million people to move into the Perth–Peel region. That is an almost 70 per cent increase in our population, but only a three per cent further impact on the clearing of native vegetation. It is in stark contrast to the clearing, since settlement, of around 70 per cent of the Swan coastal plain, which has been cleared to accommodate our present population of about 2.1 million.

The plan also proposes a comprehensive conservation package that strengthens the protection, management and restoration of key environmental assets. It sets aside an additional 170 000 hectares of land for new conservation reserves in Perth–Peel and surrounding areas. It is one of the largest expansions ever undertaken to a reserve system surrounding a capital city. It also commits to a package of key measures to improve the water quality of the Swan and Canning Rivers system, as well as the Peel–Harvey estuary system. Coming back specifically to the member for Wanneroo's electorate, a key issue addressed within the plan is the harvesting of the Gngangara, Pinjar and Yanchep pine plantations. This is a class of action for the harvesting of 23 000 hectares of plantation, and is also in accordance with existing state agreement act obligations.

Significant work has been done on modelling groundwater levels of the Gngangara mound that have declined in response to not only a drying climate and increased abstraction for private and public water supply, but also, very significantly, mature pine plantations and a changed fire regime over native woodlands that sit on top of that mound. The continued drop in the water level within the Gngangara mound is threatening the sustainability of the Gngangara groundwater resource. The draft plan outlines a strategic and balanced approach to future land use for the Gngangara, Pinjar and Yanchep pine plantations. It does a number of things, including improving the groundwater recharge within the Gngangara mound, thereby enabling increased extraction into the future for drinking or horticulture—an important industry in the member for Wanneroo's electorate. The plan provides for ongoing food sources for Carnaby's cockatoos, and it allows the state to meet its timber supply state agreement act obligations. It delivers new urban and industrial land and provides access to strategic basic raw material resources—again, an important industry in the member for Wanneroo's electorate.

Critically, a balanced approach meets the competing needs of groundwater-dependent ecosystems. As the member for Wanneroo knows, many of these are stressed within his electorate. A good example of a stressed groundwater ecosystem is the Yanchep caves and conservation category wetlands throughout the region. To compensate for the loss of Carnaby's cockatoo feeding habitat—albeit this is not their natural feeding habitat, these are introduced species; they have shown themselves to be adaptive in moving into introduced pine plantations—the draft plan commits to a suite of actions aimed at supporting Carnaby's cockatoos that will also benefit other threatened species as opposed to the pine plantation that services only the Carnaby's cockatoo and is largely a threat to many other species. For the Carnaby's cockatoo, the plan proposes to replant 5 000 hectares of pines in the Yanchep area, primarily for foraging habitat into the future. As I said before, it expands the conservation reserve system by 170 000 hectares. I underline here that 116 000 hectares of 170 000 has to be for the Carnaby's cockatoo habitat. The plan includes revegetation and rehabilitation that will focus on improving existing habitat quality for Carnaby's cockatoo and other species, and restoring or improving habitat connectivity and ecological linkages across the landscape.

Replanting projects such as the urban forest project will increase the occurrence of plant species that can be used by Carnaby's cockatoos for foraging and roosting. Carnaby's cockatoos have shown themselves to be an adaptive species, and many other species can be used as substitute food sources. Improvements to the Carnaby's cockatoos' breeding and associated feeding habitat at known breeding sites will include fencing and protecting remaining habitats, breeding hollow repair, and control of nesting competitors such as corellas. Research and monitoring will be undertaken to improve knowledge about the species and inform conservation measures and adaptive management.

In finalising this plan, the state government is investigating further measures for the future management of the Gngangara, Pinjar and Yanchep pine plantation areas that are likely to reduce the impacts on Carnaby's cockatoos, including available food resources. I am proud to say that for the first time within a generation we have stimulated a dialogue on the need for a better plan for urban growth as well as groundwater protection, whilst providing a sustainable and liveable city where there is a future for a local environment including a range of threatened species such as Carnaby's cockatoos. Maintaining the status quo of past conservation management and ad hoc development is simply not an option for governments going forward. We continually tackle and overcome challenges to ensure that this great state's natural values are sustained well into the future. Member for Wanneroo, I highlight that the draft plan is open for public comment until 13 May, which is tomorrow. I know there has been a lot of community interest.

## YOUTH UNEMPLOYMENT — MIRRABOOKA

### *Grievance*

**MS J.M. FREEMAN (Mirrabooka)** [9.46 am]: My grievance is to the Minister for Youth. I have repeatedly raised in this house the impact of unemployment in the Mirrabooka–Balga area. I am particularly concerned about youth unemployment. The minister would be aware that I asked the Minister for Training and Workforce Development, in a question without notice, why, despite a Brotherhood of St Laurence report identifying the Perth–north west zone—which includes the electorate of Mirrabooka—as a youth unemployment hotspot, the government continues to fail young people. This Liberal government inherited an unemployment rate of 2.7 per cent, and now the environment is much worse for young people. This government has lost its way on unemployment, particularly youth unemployment.

The December 2015 unemployment figures illustrate this. One in four people are now unemployed in the Mirrabooka–Balga area. There are 2 445 people looking for work in those two suburbs. That is an increase of 848 from September 2014, when I began raising this issue. Alarm bells should have been ringing in September when the unemployment rate sat at 16.4 per cent; yet nothing has been done and now we have an appalling unemployment rate of 24.3 per cent. The Minister for Youth cannot and should not reject this figure as being of no consequence because the rate is overwhelmingly made up of young people he should be assisting to build a better future through employment. If it is not the Minister for Youth's role to address youth unemployment, I would have to ask whose it is. Based on 2016 figures from the Australian Bureau of Statistics, youth unemployment has now hit a high of 16.4 per cent in the Perth–north west zone—the highest in Western Australia. It is now higher than when the Brotherhood of St Laurence document “Australia's Youth Unemployment Hotspots Snapshot” reported it as being 14.5 per cent in the January 2016 figures, designating Perth–north west as WA's youth unemployment hotspot.

Youth unemployment data is compiled as a regional profile. The seat of Mirrabooka falls into the Perth–north west labour force regional area profile. That area starts at Yanchep and goes down to Osborne Park and across to a line along Alexander Drive. The make-up of the Perth–north west youth unemployment figure of 16.4 per cent gives a skewed view of the unemployment problem in certain areas because many of the suburbs in the north west have unemployment rates that sit below the unemployment average of 5.5 per cent. Effectively, it brings down the overall rate. For example, the north west area includes Duncraig, which has an overall unemployment rate of 2.3 per cent, as well as Hillarys at 2.4 per cent, Ocean Reef at 2.3 per cent, Kingsley at 3.1 per cent and Scarborough at 3.5 per cent. Out of the approximately 50 suburbs in the Perth–north west zone that make up this concerning rate of 16.4 per cent youth unemployment, the greatest impact of the lack of opportunities for young people in Western Australia is in the Mirrabooka–Balga area, which has a 24.3 per cent unemployment rate. The unemployment rate in Nollamara–Westminster is 12.5 per cent and it is 16.4 per cent in the Alexander Heights–Koondoola area. To add to this, the population of the Mirrabooka electorate has a mean age of 31 years; that is five years younger than the state's mean average of 36 years. The bulk of the unemployment rate in the area therefore affects young people. This means that young people like Luke James Manley, at 20 years of age living in Koondoola, face a daily struggle to gain employment. Having found casual employment with Red Rooster when he was 18, the position is now no longer available to him given his age. Having left school early due to medical issues, Luke was optimistic that he would receive further certificate II or certificate III training that would result in employment in security. Despite identifying the course at a private training provider to gain a certificate II in security operation that would best suit him given his educational background, the cost of the course was beyond his means and he was not offered advice on how to access the course. Instead, following advice from job network agencies and TAFE, he enrolled in an information technology course at TAFE. It was beyond his skill level and has undermined his confidence as he could not continue it. Currently, Luke is in receipt of sickness payments due to anxiety and depression as a result of his current situation but he is keen to seize the opportunity to be appropriately trained in security to become employed. Someone like Luke would have benefited from the very successful Youth Connections program that this government failed to fund subsequent to the federal Liberal government's abolition of its funding in 2014.

Youth are now left stranded between an argument over who takes responsibility and no agreement that both levels of government need to act. With an 80 per cent success rate of young people in employment or study after 18 months of finishing the Youth Connections program at an average cost of just \$2 750, this government should make Youth Connections or a similar program available to young people like Luke. Such a program that works with young people and companies to ensure placement would see Mubruk employed. On completion of his certificate III in hospitality, Mubruk has been so desperate for an opportunity for work that he actively volunteers in the community in Mirrabooka. But unpaid volunteering, although valuable, is not what he needs; he needs work. Odette and Modess are also keen to build their futures as a cabinet-maker and electrician respectively. They embarked on pre-apprenticeships but they are concerned, like many others in the community, that they will not be offered apprenticeships at the completion of their courses. How is this government assisting these young people to make the connections they need to get work experience and then an apprenticeship that

will lead to lifelong employment? In response to a question from the member for Belmont at one stage, the minister praised the services for youth in her area, yet the services in the area I represent report a continual battle to find ongoing funding to support young people in the community into employment. This support would lead them to feel confident to access education and employment and provide direct support to assist them to make links into employment.

I implore the minister to tell me, outside the cadets program, what his department and his government are doing to stem the growing youth unemployment problem. Do not handball the problem to the federal government and rely on political grandstanding around current policy debates; I want the minister to tell me what he is doing for the young people of WA, with his responsibility as the Minister for Youth. I conclude by reminding the minister that there are clear associations between high youth unemployment rates and antisocial behaviour that put young people, as well as other community members, at risk.

**MR A.J. SIMPSON (Darling Range — Minister for Youth)** [9.53 am]: I thank the member for Mirrabooka for her grievance. Rightly, she raised some very good concerns to do with youth unemployment not only throughout Western Australia but also in her electorate. I take on board the diversity of the electorate of Mirrabooka including linguistic, social and cultural changes that also have a big impact on unemployment. They are always hard struggles to overcome. I acknowledge the great work that has been done in the wider hemisphere of trying to bring down unemployment rates in general, but also youth unemployment. The member touched on Luke's story. Leaving school early and some other parameters that were out of his control is a classic example. From where people like Luke end up, it is always hard to get back into the job cycle, especially at the age of 20. As the member pointed out, as the Minister for Youth I know we run a number of programs to try to make sure that we can engage with youth. Future Skills WA provides a guaranteed subsidised training place and I take on board that eligible students enrol in courses there. The member pointed out that, through that process, Luke was taking a course that was possibly a little bit out of his range for what he was trying to achieve.

The government's building training policy aims to increase the overall numbers of apprentices and trainees in the building and construction industry. The last two years has been a really interesting time. The Minister for Housing tells me that nearly 30 000 houses were built each year. Of course, this year, with a bit of a downturn, that number will not be built and consequently, not as many cabinet-makers and electricians will be needed. As the Minister for Youth, I could stand here and go through a raft of things that I am doing to make sure that we engage with youth. Annually, my department funds over \$1.2 million in services but it is more around the cadets, scouts, guides, brigades and Duke of Edinburgh awards, which are fantastic programs. There are quite a few in the northern metropolitan region that are going a long way. The federal government has committed to the Youth Jobs PaTH program and an extension of that includes initiatives, new schemes and entrepreneurial stuff as well.

I take on board the member's issues with unemployment. I think it is important to look at how we can best possibly address that. As not only the Minister for Youth but also the Minister for Local Government, I took on board an interesting point that the member raised. She mentioned some facts about the average age and also the younger generation she has within her electorate. There is a similar role within Local Government, which has done a review of the average workforce of local government. We have identified that there is an ageing population and a lack of younger people taking up careers in local government. Through royalties for regions funding, just the other week we announced a program for traineeships and an initiative to promote younger people into local government jobs.

**Ms J.M. Freeman:** Will that only be in the regions, though, or will it be in Mirrabooka as well, in the City of Stirling and the City of Wanneroo?

**Mr A.J. SIMPSON:** No, we are trying to work through and identify where we can put more young people into regional Western Australia as well. My point is that we are looking at initiatives that are something a bit different, outside the square.

More importantly, I think that the government's training sector reform collaboration has done a fair bit of work. Since 2008, this government has put a huge amount—millions and millions of dollars—into infrastructure jobs and growth. I think it is fine to say all that but with the economy where it is today, the fact is that the slight downturn means growth in construction is down a bit. However, we are pushing to make—as members will see in the budget that is coming down at two o'clock this afternoon—a great commitment to more construction and job opportunities. We understand that, more than ever, the government has to make sure that it puts money into infrastructure to create jobs, which will have a ripple effect further out, including on youth unemployment. That is an issue we have right across the sector. I take on board the member's issues to do with some federal government funding of training and that partnership. We have to make sure we do that and it is also important for me as Minister for Community Services and Minister for Youth. The member touched on volunteering, which is one of the key issues I talk about with youth. If they can become involved in volunteering, it is certainly a good pathway. It looks good on people's résumés if they are doing volunteering work when they apply for jobs, so it is very important to make sure they do that.

I take on board the member's concerns about the youth unemployment rate in Mirrabooka. This government is fully committed to try to ensure that we combat not only youth unemployment where we can, but also unemployment in general throughout the state. I thank the member for her grievance.

**AQUATIC RESOURCES MANAGEMENT BILL 2015**  
**AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015**

*Second Reading — Cognate Debate*

Resumed from 11 May.

**MR D.A. TEMPLEMAN (Mandurah)** [9.59 am]: I was rudely cut off at 4.00 pm yesterday while I was in full flight giving my remarks on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015.

**Dr G.G. Jacobs:** It's on the program until four o'clock.

**Mr D.A. TEMPLEMAN:** I know, but I still think it was rude. The member for Eyre may not, but I do.

I was outlining the move by a number of parties in the Peel–Harvey catchment to progress Marine Stewardship Council accreditation of the Peel–Harvey fishery. I understand that that outcome was being progressed until as late as yesterday morning. Obviously, there is a process and the Minister for Fisheries has various responsibilities, but I can tell the minister that, from my perspective as one of the local members, I fully support this accreditation process.

**The DEPUTY SPEAKER:** Member for Warnbro! I am sorry, but you are interrupting the camera vision, so can you please move from where you are having your conversation and sit on the other side of the member for Cannington.

**Mr D.A. TEMPLEMAN:** I am very keen for this to be progressed. Even though the minister has been in the role of Minister for Fisheries for only a short time, I am sure that he has had a briefing on these bills; or, if he has not, I hope that he ensures that he obtains one.

This accreditation will do a number of things. Firstly, it will demonstrate cooperation between key stakeholders in the region—recreational fishers, professional or commercial fishers and, of course, other key stakeholders who understand the importance of the sustainability of the fishery in the Peel-Harvey system. It is important that it is sustainable, obviously, because we want people to enjoy the fishery in the Peel for generations to come. Historically, it is a wonderful fishery that has provided generations of Western Australians and visitors with a taste of our famous blue swimmer or blue manna crab in particular. Sustainability is important. Secondly, it will help enhance the tourism potential of the region. Fishing has, for a long time, been an important pursuit for people who live in or visit the Peel region. We want to enhance the tourism potential and the job-creating potential that I think this accreditation will bring. Thirdly, it will help to underpin the significance of the Peel region to not only the Western Australian economy, but also the lifestyle and livelihood of Western Australians in general. Our estuarine system is the largest estuarine system in Western Australia. The system has historically had a range of pressures on it. Many of the pressures, such as water quality issues and phosphates entering the estuarine system, were originally an outcome of agricultural pursuits.

[Member's time extended.]

**Mr D.A. TEMPLEMAN:** We know that due to population growth in the Peel in the last 20 years in particular, the effects of urbanisation are now also impacting on water quality and, ultimately, potentially on the sustainability of fishing in the region. It is important to use this opportunity to highlight how important the fishery is to us in the Peel.

Yesterday I received an email from Julia Kent, who is from SCS Global Services, which is a third party independent certification body. It evaluated the Peel-Harvey estuarine fishery under the Marine Stewardship Council's standards for sustainable seafood. My understanding is that that assessment analysed three key principles or components of the fishery—firstly, the population status; secondly, the ecosystem impacts and considerations; and, thirdly, the management system. The final report from the Marine Stewardship Council certification process has been finalised and released, and I have it here. I received this email because I was identified as a potentially interested party in the fishery. It does not say that it is confidential, so I do not think I have broken any confidentiality rules. I understand that the process now involves the final report being published. According to the table in the email—I am happy to give the minister a copy of this—publication of the final report commenced on 10 May, which was Tuesday. I understand that now there will be a period of 30 days of public comment during which parties can object—I would hope there is no objection—so objections need to be in by 1 June. I am interested in the final time line, and I am sure that the minister's department can do this between now and when we get to the third reading, or I can raise it during consideration in detail. I want an idea of when we might expect a final outcome in the certification process once the objection period concludes, because it is important to us.

When I commenced my comments on the bills yesterday, I acknowledged Damien Bell and other stakeholders. One of the things we have to understand when we look at this whole issue of a sustainable fishery for the Peel-Harvey region is that a number of families rely on commercial fishing there. In my experience, having lived in Mandurah for over 27 years, commercial fishing licence holders have always understood the importance of sustainability principles in the catch. I think we are in a historic position. Recreational fishers and commercial fishers have come together under this certification proposal to genuinely work towards making sure that we get maximum benefit from an economic perspective, a tourism perspective and, obviously, a sustainable future for the fishery perspective. That is a very positive move. The process goes back to the previous minister's stewardship. I acknowledge his stewardship of that process and his understanding of the importance of the process.

I hope that by the end of this year, if not sooner, we will have a gold standard seal, which I think is the term, that states that the Peel-Harvey fishery is fished in a sustainable way and that it is a quality product—and we know it is. We want to make sure that that quality product continues to deliver benefits economically to the fishing industry and to Western Australia. The other benefit is that the region continues to be seen by visitors as a wonderful, important and integral asset to the Peel region. The minister may be able to respond to some of my queries about the time line in his response to the second reading debate or, indeed, I am happy to pursue that at the consideration in detail stage to give our hardworking public servants in the fisheries department time to respond appropriately.

**MR P. PAPALIA (Warnbro)** [10.11 am]: It is a pleasure to contribute to the debate on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. At the outset I join the member for Mandurah in observing that it is good that we intend to enact a plan with supporting legislation to bring together commercial and recreational fishing in a managed fashion that will clearly benefit the state and not only enable reasonable and considered use of the resource but also defend it and prevent overfishing into the future. That is the first thing I would like to say.

The area I will focus on specifically with this legislation is biosecurity, and I might touch a bit on the pearling industry as well. Firstly, part 6 refers to aquatic biosecurity. At the consideration in detail stage I would like to put to the minister and advisers some very specific questions about inspectors responsible for biosecurity, marine biosecurity and quarantine. This subject probably crosses out of this field and legislation and into transport-related matters or port management or some other type of legislation. However, I am aware that the Department of Fisheries is responsible for setting qualification standards for inspectors of marine biosecurity and quarantine inspectors. In conjunction with TAFE, the department determines and sets the necessary qualifications and training specifications for inspectors. Under previous ministers, changes were made to the qualifications required for marine biosecurity inspectors. In my view, that lessened the extent of experience required for someone entering the field of marine biosecurity inspection to provide that service. The bar for that qualification was lowered substantially through the provision of a TAFE course and the assumption that anyone who completed that TAFE course was ordained as capable of performing the role. The justification at the time of the change under—I think, former member Hon Troy Buswell was minister at the time —

**Mr J.M. Francis:** When was this?

**Mr P. PAPALIA:** I am trying to recall. I remember the legislation coming through here and speaking about it. I was not researching this subject prior to getting up for more than five minutes, but I am aware of the debate and I asked the minister at the time about it. On advice from the Department of Fisheries and the TAFE, as I understand it, a new course was created. Prior to that people had essentially been engaged in this profession through historical experience and knowledge.

I am very aware of John Polglaze, who is a constituent of the member for Rockingham and who had been doing it for many years. He was an experienced naval officer who through a number of steps got himself into this profession and had experience going back over decades of providing the service of conducting marine hull inspections of ships and ensuring that we protected ourselves against a biosecurity threat coming in on hulls. He raised the issue with me and, as I understand it, a small number of people provided this service, but they more than provided the service. There was no inadequacy in the provision of the service, yet the change was made to create this qualification, which in my view was substantially less than the historical experience already possessed by these individuals providing the service; the qualification was just a TAFE course. When that was created, the intended effect—it may not have been; I do not know—was to enable a larger pool of people to be notionally qualified, because all they had to do was the TAFE course, to enter the market to lower the price of the provision of that service. It would not have raised the standard of service at all. In all likelihood it would have opened up the threat of individuals not in possession of the experience necessary to conduct the task to be out there in the market potentially delivering an inadequate service. I do not know whether that has come to pass, but I do know that the legislation was passed to enable the qualification to be established in TAFE and recognised in Western Australia as the qualification for marine biosecurity.

**Mr J.M. Francis:** I will find out for you.

**Mr P. PAPALIA:** Obviously, I have an interest. This is some years ago, so it has moved along and no doubt has resolved in terms of the critical nature of the impact on the people who are doing that business. They obviously had a vested interest in it because they provided the service. I researched that subject in response to the individual who came to me, because the Leader of the Opposition was a bit busy, and I looked at the argument conveyed at the time and it seemed legitimate and reasonable to me. The other people engaged in the provision of that very specific service had years and years of experience. The quality of the service could easily be eroded if individuals with far less experience were given a qualification through the provision of a relatively short TAFE course. At the time they also raised that they were not being given recognition of prior learning for having done the job for decades or in some cases —

**Mr J.M. Francis** interjected.

**Mr P. PAPALIA:** They were not being given recognition for prior learning. I thought that was pretty rough treatment. That aside, the more significant concern I had as a result of talking to them about the situation was that we might end up eroding the standard. I am looking at how biosecurity is addressed here and it appears to me more focused on aquaculture in many respects and how we can prevent the threat of someone illegally introducing an organism to an aquaculture practice. I understand that it is a real threat and as seen through the massive impact on some aquaculture activities in other states and around the world, it does not take much to decimate the industry. That is a legitimate and reasonable focus. I thought I would raise this issue even though it is not directly related. If some type of marine threat enters our waters via the hull of a visiting ship, it is not beyond conception that that could then be a threat to aquaculture practices.

**Mr J.M. Francis** interjected.

**Mr P. PAPALIA:** It is a very real threat, and very significant.

**Mr J.M. Francis:** Submarines!

**Mr P. PAPALIA:** No. Submarines probably have the cleanest hulls we will find anywhere. They do not like things growing on submarine hulls. However, merchant ships, particularly from flag of convenience nations, go for years and years without having any maintenance done. They are also very susceptible to having lower standards when it comes to the qualifications and experience of the crew. Probably the best way of putting it is that a culture of lack of respect for standards is pervasive on some flag of convenience ships and shipping lines. They often source their crew from Third World countries that have no respect for or adherence to the high standards of biosecurity that we expect in Western Australia. It is very easy to see how that could expose our aquaculture and commercial fishing industries to threat.

I want to make a quirky sort of observation —

**Ms M.M. Quirk:** Excuse me?

**Mr P. PAPALIA:** Oh!

**Ms M.M. Quirk:** It must be intelligent!

**Mr P. PAPALIA:** There is an interjection—for the purposes of *Hansard*—from the honourable Margaret Quirk, saying that a quirky observation must be an intelligent one. It is, actually. The member would probably appreciate it. The drafters of the bill have used the term “boat”. I find that interesting. I understand where that may have come from, because this legislation is generally associated with inshore threats to the biosecurity of aquaculture practices and the like, or it may be because Fisheries is often engaged in the boarding of foreign fishing boats and Australian fishing boats, and therefore there is a focus on the term “boat”. However, I would have expected that if the drafters were going to rewrite the legislation, they would have tried to replicate international norms and use the term “vessel”, because that encompasses both ships and boats. The term “boat” does not encompass ships, does it, minister? The term “boat” excludes ships. I note also that the drafters of the bill have gone out of their way to ensure that the term “boat” in the definitions clause covers ships. However, that is not consistent with other forms of regulation or governance, such as the international laws with respect to shipping, or the law of the sea and the like, which use the term “vessel”. That is why I think that is a bit odd. It is not a biggie; I am not going to die in a ditch over it. However, I would have thought we would just use the word “vessel”. We would then be consistent with other legislation and would not need to change the definition of “boat” to encompass a ship and all types and sizes of vessels, which is essentially what we have done in this bill. I cannot quickly find the definition, but I do not think our definition of “boat” would be consistent with anyone else’s definition.

Putting that aside, I want to take this opportunity to talk about another concern. It does not relate specifically to this legislation, although it can be covered by it. I have warned the advisers that I am seeking some advice on what has happened with the marine bio-fouling inspectors, or whatever the terminology is—marine biosecurity inspectors. I want to know whether the change went ahead; how many new inspectors qualified in that time; how many inspectors are operating in Western Australia in particular, and also from Western Australia around the

country; whether there is any oversight to ensure that the standard of inspections has not diminished in any way; the frequency of those inspections; and whether there has been any analysis of whether the cost to shipping operators has changed substantially as a consequence of the new qualification. I have an interest for two reasons. I have been representing a constituent of the member for Rockingham with regard to the impact on his business. I am also interested in whether the standard of inspections has been lowered by putting into the market a massive number of new inspectors with little experience. Beyond that, apart from changing the wording from “boat” to “vessel”—no, do not do that; that may too hard for the minister —

**Mr J.M. Francis:** Maybe if I had had responsibility for the drafting in the first place I would have picked that up.

**Mr P. PAPALIA:** If the minister had been there, I know that the reference to “boat” would have been with regard to submarines and there would have been a subtle ploy by the minister to ensure that submariners get a greater profile in state Parliament. However, beyond that, I am sure that the minister would have argued the case for the term “vessel” to be employed. Otherwise, I am happy to see this legislation. An all-encompassing response to commercial and recreational fishing is a good thing. Protecting our fish stocks for current operators and into the future for all of the Western Australian and Australian population is a wonderful thing. We have in the past set international standards for fisheries management. That is undeniable. However, I think that in recent times we may have slipped behind the kerb when it comes to the practices that are being undertaken elsewhere in the world. We were cutting edge. We had set the standards, and some of our research and the application of that research was acknowledged worldwide and people were following us. However, I am not sure that is still the case. That is not a criticism. I just think that maybe we were comfortable that we were achieving the objectives and did not need to do anything more. I will be interested to listen to the debate during consideration in detail for more information about how we are going in comparison with the rest of the world and whether there are any other initiatives that we may be able to pursue. I commend the legislation.

**MR C.J. TALLENTIRE** (Gosnells) [10.27 am]: I want to begin my comments on the Aquatic Resources Management Bill by addressing the concerns of those who have a passion and a dedication to the marine environment that is not of an extractive nature. Their passion and commitment to the marine environment is because they like to experience that environment and share it with others, and, indeed, they are in the process of creating a massive industry around the tourism advantages of the marine environment. A tangible example is people who are involved in the dive industry. They have told me that the dive industry in Western Australia contributes some \$400 million to the Western Australian economy. The dive industry is based on a healthy marine environment in which people can see large fish. That is what people want to see when they go diving. That is why people like to go diving on wrecks, because they provide the habitat for large fish. That generates employment opportunities for people involved in the dive industry.

I am concerned that the bill does not give explicit recognition to sectors other than the extractive sector. Clause 9 of the bill states —

The objects of this Act are —

- (a) to ensure the ecological sustainability of the State’s aquatic resources and aquatic ecosystems for the benefit of present and future generations; and
- (b) to ensure that the State’s aquatic resources are managed, developed and used having regard to the economic, social and other benefits that the aquatic resources may provide.

What I find concerning is the vagary of the term “other benefits”. Does that include conservation uses? Does that acknowledge that there are people who have a non-extractive interest in our aquatic resources? I do not think it is clear enough.

I go on, though, to clause 10 of the Aquatic Resources Management Bill 2015. Of course, we will be going into this in more detail during the next stage of deliberations on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. Clause 10 is headed “Means of achieving objects of Act” and paragraphs (c) and (d) read —

- (c) encouraging the sustainable development of fishing, aquaculture and other activities reliant on aquatic resources; and
- (d) encouraging members of the public to actively participate in decisions about the management and conservation of aquatic resources and aquatic ecosystems ...

That sounds promising, but I wonder whether the Department of Fisheries has envisaged through this legislation the processes that will bring those other views to bear. How will we do that—encourage the public to make submissions? How will we make sure that their submissions are heard? I want to cite an example that the dive industry sent to the previous Minister for Fisheries, Hon Ken Baston, referring to the implications of works at the Busselton Jetty. We all know that the Busselton Jetty is a very valuable tourism asset to Busselton; I am sure the member for Vasse would be able to back me up on that.

**Ms L. Mettam** interjected.

**Mr C.J. TALLENTIRE:** The member for Vasse has budgetary problems to look after it.

**Ms L. Mettam:** Sorry?

**Mr C.J. TALLENTIRE:** Budgetary problems looking after the —

**Ms L. Mettam:** No, but the Labor Party wanted to sell off the foreshore to pay for the upgrade of Busselton Jetty.

**Mr C.J. TALLENTIRE:** When?

**Ms L. Mettam:** Sorry?

**Mr C.J. TALLENTIRE:** When?

**Ms L. Mettam:** In 2008—prior to 2008.

**Mr C.J. TALLENTIRE:** Thanks for that, member.

I hope that the concerns of dive operators will be listened to in future, unlike what seems to have happened last year, when the dive industry wrote to the Minister for Fisheries and told him of the need for treatment of the Busselton Jetty for teredo worm; I guess that was having some structural impact on the jetty and treatment was needed, but, in doing that, marine life was removed from a number of jetty pylons. It seems that the dive industry was not consulted about it. I will quote from a letter from Perth Scuba to the minister. It states, in part —

We are not opposed to maintenance work at the jetty and appreciate its importance, but it is vital that there is greater transparency and full consideration of impacts on industry and recreational activities that are reliant on the marine life at the Jetty before works commence, and that works are planned to minimise economic and social impacts. Prior consultation with the dive industry and associated experts could have minimized the impact of the works, and certainly minimized the alarm that was caused by dive shop owners and divers hearing about the works as they happened through phone calls and social media.

There is an issue that the member for Vasse might like to pick up on, because it clearly did not work out on her watch in 2015. Some problems there have to be dealt with, and that is an example of why we need to have a process in place that does not hear from only those people who are engaged in extractive industries and who are making often big money from extracting fish from the marine environment and conveying them to the various markets around the world. We need to listen to people such as dive operators, who are, after all, involved in a \$400 million industry. I am advised that the fishing industry is worth \$1.5 billion to the WA economy, but we clearly have a major industry, just to nominate one—the dive industry—that relies on the thorough hearing of its concerns. It needs to be an integral part of how we look at our aquatic resources.

Of course, other people have an interest; it is not just the dive industry. Others have a serious interest in our aquatic resources. I have previously lamented that there was a time when one could swim around Rottnest Island and see big western blue groper. One had only to go snorkelling to see big blue groper, but we do not see them anymore; in fact, we are lucky to see the smaller blue groper. The biological life cycle of a groper is fascinating. While it is in its younger years—bearing in mind that this is a fish that lives to 80 years of age—it is of the female sex and is generally green in colour. If one is swimming around Rottnest and sees green groper, they will not be very big and they will be female. Then, as they get older, they become male. It is a fascinating biological process; that is when they become really big. Unfortunately, though, as much as people would pay any amount to go and see these fish—they are magnificent to see in the water—they cannot, because we have allowed recreational users to go and pull them out. Yes, I know we see fishing shows on TV in which people pull fish out of the water, kiss them and then let them go again, but demersal species coming up from the depths at a rapid speed often suffer from barotrauma, which bursts their swim bladder and they do not survive. It is fair to say that for pelagic species, which swim closer to the surface and are not as vulnerable to barotrauma, there is a better survival rate, although I would question that as well. If one were to capture a gazelle on the African savannah, lasso it and let it run around for a couple of hours or even half an hour, that animal would be very vulnerable to predation by the higher order predators in its environment. I think it might be the same situation when one has had a fish on the end of a hook and it has been traumatised and exhausted. When it is released it is perhaps also vulnerable to other predators that it otherwise would not be. The issue of catch and release needs to be constantly questioned and constantly challenged, especially in the case of the demersal species, which are so quickly hauled up after they have been located on fish radars and GPS locators that mark the spots where they are to be found. The amount of technology that goes into catching those fish is, unfortunately, not being backed up by an adequate maintenance of the fish stock. I cite again the example of blue groper around Rottnest Island. That is a very sad loss, and it is a tourism asset that we have lost.

I want to move on to some other areas. The tone of the debate so far has been overall fairly eulogistic of the management of our fisheries, and deservedly so, but I want to point out that in some fisheries there are clearly

some problems. I turn to a scientific paper that commented on a Pilbara fish trawl fishery, titled “Abridged comment on the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF)”. This work was done in December 2013 by Simon Allen, Neil Loneragan and Hugh Finn from Murdoch University. They looked at the issue of bycatch, and this is a big problem in a number of fisheries; there is far too much bycatch. It is all very well to talk about how sustainable a fishery is and that we still have plenty of fish, or that we are allowing fish stocks to regenerate and their numbers are not being depleted, but we are finding that there are large amounts of bycatch. I am sure that this is a question the new Minister for Fisheries will constantly challenge his department with: how much bycatch do we have? Minister, listen to this. The paper reads, in part —

***Bycatch:*** The PFTIMF continues to cause incidental capture and mortality to bottlenose dolphins at higher rates than any other wild capture fishery in Australia, to our knowledge. The fishery also continues to take two critically endangered sawfish species at increasing rates.

Critically endangered sawfish species are being taken at an increasing rate by this Pilbara fish trawl fishery. The paper continues —

This is unacceptable, given that: (1) the Dept. of Fisheries WA (DoF) has had a decade to implement appropriate mitigation measures; and, (2) it is an offence under Division 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to kill or injure a cetacean and a member of the listed marine species ...

The paper goes on to demonstrate just how many dolphins are caught per thousand hours of trawling, and makes it very clear. We were on a nice downward trajectory; in 2008 we had got it down to an average of just over one dolphin per thousand hours of trawling. But by 2012, the time of this study, we were back up to three dolphins per 1 000 hours of trawling. When we look at the number of sawfish caught, the number is higher and is on an upwards trajectory. In 2006, just over two sawfish were caught per 1 000 hours of trawling; in 2012, it was nearly eight sawfish.

Going back to the overview of that paper, sawfish—to remind everyone—are a critically endangered species.

**Mr J.M. Francis:** What is the paper called?

**Mr C.J. TALLENTIRE:** The paper is called “Abridged comment on the Pilbara Fish Trawl Interim Managed Fishery”.

**Mr J.M. Francis:** Can you chuck us a copy of it?

**Mr C.J. TALLENTIRE:** I would indeed be very happy to give the minister a copy. It is worth looking at the recommendations, because those scientists have not only identified the problem but also looked at proposed solutions. The recommendations include —

Trawl fishing should cease, with the two companies (three vessels) converting to trap fishing. If, however, the DoE is to grant a further WTO to the PFTIMF, we recommend this be strictly conditional upon the following:

1. Cap fishing effort for 2013–14 at 9,000 hr trawling for all vessels combined;

I am not sure that has happened, but the article is suggesting a cap of 9 000 hours. It continues —

2. Conduct a dedicated, **independent** bycatch research program ...
  - a. All trawl nets to have the ‘BRD forward’ design, with both top- and bottom-opening escape hatches;
  - b. An independent (human) observer program, combined with in-net video collection ...

These are standards that we see applied around the world when it comes to bycatch—independent human observers and in-net video cameras. The article continues —

- c. The retention of dolphin and sawfish carcasses for necropsy.

I note, of course, that its key recommendation is that trawl fishing should cease. The minister has clearly got a problem on his hands with the Pilbara fish trawl; it is definitely one for him to watch.

I draw the minister’s attention to another problematic fishery, and this time the information comes to me courtesy of an Australian Marine Conservation Society press release, which refers to the impact of the WA temperate shark fishery on sea lions. Its press release states —

“We are deeply concerned about the impact the WA Temperate Shark Fishery has on Australian sea lions ...

“This fishery operates around Australian sea lion colonies in Western Australia and uses invisible gillnets to catch sharks. It would appear that maintaining shark fishing trumps protecting vulnerable marine species.

Why do we allow fisheries to operate around the colonies of Australian sea lions, bearing in mind that their numbers have been brought to incredibly low levels? In fact, the media release points out —

Historically hunted for their fur, Australian sea lion numbers are at such low levels the species is vulnerable to extinction and protected under national environmental law.

This is another vulnerable species that has recognition at a national level, yet the WA temperate shark fishery is operating around Australian sea lion colonies. Surely the minister should be asking his department these questions as well. The AMCS press release goes on —

Alarming, recent reports show Australian sea lions now meet the criteria for being listed as endangered.

It goes on to suggest —

There has been a disturbing trend of the Australian Government taking a back seat approach to managing high-risk fisheries.

It states that, I think, because it believes that the state agency is able to manage these things, but it is clear that something is not working out there.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** The media release concludes —

Vulnerable species like the iconic Australian sea lion—which only occurs along Australia's southern and western coastlines—need to be better protected.

That is another important matter for the minister to look at.

I want to turn to the issue of marine sanctuary zones. Thankfully, there is an increasing awareness in fishing communities about the benefit of sanctuary zones, which provide fish a place in which to breed and which results in the populating of the areas beyond sanctuary zones. An important consideration is that sanctuary zones also act as scientific reference points. The surprise, though, is that when this current government talks about various marine parks, we find that the sanctuary zone, the no-take zone, within the marine park is often very small or, in the case of the proposed Roebuck Bay marine park, not a sanctuary zone. How can we have that sanctuary for breeding stock, bearing in mind also that older fish tend to be the biggest producers of offspring? They are the big ones, they lay the most eggs and they are the ones that have the greatest reproductive capacity. That is why we need that nurturing of the bigger fish. I am surprised when I look at some of the material—it may just be that I lack knowledge of some fish species biology—because I notice that there is always an emphasis on minimum catch size. I will check that, because it is important that there is a system in place to protect and not target bigger fish. They are the ones we want to leave in the water and not pull out because they are the breeders. We know that the baldchin groper and the famous demersals are suffering and that their numbers are way down, so we have to make sure that we are protecting them into the future—that is, some of the ones I have seen mentioned. The minimum legal size for a baldchin groper is 400 millimetres. When someone pulls up a baldchin groper that is 405 millimetres long, they are going to think that they can keep it. But that might be the breeding size that we need. I really think that needs to be clarified.

The Department of Fisheries information then goes on to talk about bag limits and what have you. That is pretty concerning when we think about the number of fish on the list of demersal-finned fish. They are the iconic species; they are the ones that people really want to see in the water, yet a lot of people just want to catch them for a feed. Studies have proven conclusively that a coral trout in the waters of Ningaloo Reef is worth far more in the water than on someone's dinner plate. There is no question about that. That is the thing that the government has to apply with this legislation. We have to be sure that this legislation accommodates the reality that often for small areas of our marine environment the highest value use is one that is related to non-extractive industries. It is very important that the minister understands that fully. In a way, the title of "Minister for Fisheries" is an anachronism, just as the old legislation is anachronistic. We are in the process of changing the legislation's title from the Fish Resources Management Act to the Aquatic Resources Management Act. I believe that is why the minister's title needs to change as well. Why are we still talking about this old-fashioned notion of fisheries? It should be that the minister becomes the "Minister for Aquatic Resources". That would be a far more apt description of his role. That is something that I will leave with the minister.

I return to the issue of marine parks. I know the current government likes to talk about the number of marine parks it has been involved in and how it claims to be the champion of marine parks. I did some analysis to see which governments have been most successful at creating marine parks. When I looked at the Gallop government's achievements, I saw that from 2001 to 2006 Jurien Bay Marine Park, Montebello Islands Marine Park, Barrow Island Marine Park, Barrow Island Marine Management Area, Ningaloo Marine Park, Muiron Islands Marine Management Area and Rowley Shoals Marine Park were created. Under the Carpenter government, most of the planning and consultation was conducted for a host of marine parks, including 80 Mile Beach, Ngari Capes Marine Park and Walpole and Nornalup Inlets Marine Park, and the Walpole and

Nornalup Inlets and Ngari Capes indicative management plans were released. Bear in mind that a very lengthy consultation process is undertaken on these marine parks, and that is what is going on with Roebuck Bay right now. It has been a lengthy consultation process. I think it is at least 12 months since the minister released the draft Roebuck Bay marine park proposal. During that time, the Minister for Environment has received advice from about 32 scientists, who said we had to have a sanctuary zone within Roebuck Bay marine park. The scientists took the time to write to the minister and the Premier about that. I am sure they would have been sharing that information with the Minister for Fisheries. Many tourism operators from the Roebuck Bay area also wrote to the Premier about the need for marine sanctuaries in that area. They talked about the importance of sanctuaries for the protection of sea life such as the snubfin dolphins. The Minister for Fisheries, as he is currently known, needs to talk to the Minister for Environment about some very important issues to make sure he has all the policy settings correctly focused.

I turn now to some other issues around the so-called ecosystem management approach to fisheries. It makes sense and it is in the legislation; it is a great step forward. We are not looking just at maintaining fish numbers; we are looking at the impact of a fishery on an ecosystem. We need to hear some detail from the minister on how it will work. We need to know the other species being monitored. It is about looking at other aspects. Some fish species require cleaner fish to be in abundance to keep them in good health. Members have probably seen on TV how fish arrive at so-called cleaning stations where smaller fish come and clean a fish of its parasites. Are we undertaking ecosystem management that looks at the number of those other fish that may live in some harmony with the species that we are perhaps targeting for a fishery? How detailed is ecosystem management these days? That is something the minister needs to be in tune with and to understand so that there is greater clarity of the breadth of ecosystem management. It is all very well to say that it is in place, but when it comes down to it I get the impression that we are looking at the old-fashioned approach of what the fish stocks look like rather than asking about the impact of the fishery on the ecosystem as a whole. I go back to my example from the Pilbara trawl fishery and point out that there is clearly a problem there. If that fishery is depleting the number of critically endangered sawfish, clearly it cannot be deemed a sustainable fishery. That has to be dealt with by the current government.

Whether they are the Minister for Fisheries or a minister for aquatic resources management, probably one of their biggest concerns would be the impact of climate change on the marine environment. The impact on coral reef systems is readily observable but what about the impact on various fisheries and other marine species? The shifting of their range is becoming more and more apparent. There is a partial solution or a way to perhaps mitigate the very serious damage that could happen from the onset of climate change, the changing water temperatures or the change in acidity levels of seawater. To some extent we can do something about those changes by creating sanctuary zones. This was pointed out in an article on The Conversation website. People from the Australian Institute of Marine Science penned an article that states —

One often-used way of protecting marine ecosystems is to close parts of the ocean to fishing, in no-take marine reserves. From research, we know that by reducing fishing you end up with (and other harvested species such as lobsters).

That is another important article for the minister to acquaint himself with to background himself on the seriousness of the threat of climate change to the marine environment and the coral bleaching events we are seeing on the Great Barrier Reef and now on our Western Australian reef systems. It is absolutely terrible. With that, we will lose reef systems that are often the nursery to many fish species. The minister must tackle that and ensure that his agency can champion action on climate change. That is what it gets down to. There are ministers whose industries are being hit by climate change. The Minister for Fisheries and the Minister for Agriculture and Food are two cases in point. Around the cabinet table they represent industries that are suffering the consequences of climate change. Yet, what action do we see from the Barnett Liberal–National government on climate change? We see the most muted responses. We saw opposition to action on climate change under the Gillard and Rudd governments and the jingoistic sloganeering of people opposite around great big new taxes and carbon taxes and things. There was no constructive desire to ensure that Western Australia does its fair share to reduce greenhouse gas emissions so that we can call on the rest of the world to reduce its output. We should stand strong and firm in calling on the rest of the world to reduce greenhouse gas emissions so that we can look at protecting industries like the \$1.8 billion fishery industry and all our other industries that are so vulnerable to climate change.

**MS L.L. BAKER (Maylands)** [10.57 am]: I will probably not make a long contribution to this debate but I want to put on the record some of my initial reactions when I read the second reading speech, the Aquatic Resources Management Bill and the briefing notes that accompany it. Mainly because I do not want to lose this quote off my screen and then have to bumble through and find it again, I want to start by quoting the United Kingdom's agricultural economist Professor John McInerney, who has written extensively on what he terms the welfare productivity frontier. He states —

Since animal welfare is in the nature of a nonmarket good ('externality') it carries no evident price and so farmers inevitably focus on the animals' productivity, which does provide commercial reward.

Economic optimising theory demonstrates that market signals will tend to cause welfare standards to fall below the socially desirable norm.

An agency that is committed to promoting sustainable profitable primary industries such as the fishing industry can argue that animal welfare is embraced within its commitment to socially sustainable agriculture. I think the problem with that is that unlike, for instance, environmental interests, there is no authoritative counterbalance to some of the conflicts that arise when primary industry agribusiness is attempting to balance its interests in productivity and profitability against welfare standards in the community. I refer to the second reading speech on the Aquatic Resources Management Bill 2015, which reads —

Western Australia's aquatic biological resources comprise over 5 000 identified species of fish and other aquatic organisms. These valuable resources are distributed across a highly diverse range of marine and freshwater ecosystems ...

The next paragraph continues —

Under the offshore constitutional settlement between Western Australia and the commonwealth government, Western Australia's responsibility for ensuring the sustainability of aquatic resources extends beyond the limit of state waters. It reaches out 200 nautical miles to the western boundaries of Australia's exclusive economic zone. These resources support over 40 commercial fisheries and a range of aquaculture ventures, which include pearl, finfish, abalone and algae production. They also support a range of world-class recreational fishing experiences, for not only the state's 700 000 recreational fishers, but also national and international visitors. The continuing quality of these experiences makes an important contribution to the value of Western Australia's regional outdoor leisure and tourism industries.

The next paragraph starts with this sentence —

Collectively, the state's aquatic resources support activities that have an estimated economic impact of more than \$1.5 billion per year.

I have referred to those comments to give context to what I referred to at the start of my contribution this morning, which is the balance between welfare and agricultural interests. It is clear from the second reading speech that what is referred to in the bill is the agribusiness component of aquaculture and the economic outcomes that will flow from the bill. That is absolutely okay; I do not have a problem with any of that. However, the absence of any reference to the welfare of the creatures—the “aquatic resources” as they are called—is what concerns me most and what I want to talk about in my contribution today.

I will quote from Pentti O. Haikonen, who is a professor in the department of philosophy at the University of Illinois, Springfield. It is a fairly heavy quote, but I will read it anyway —

The moralistic fallacy is a faulty form of reasoning where conclusions about natural conditions are drawn not from research and experiment, but from subjective moral views on how things ought to be. A well-known example is the denial of the heliocentric model. “The earth cannot orbit the sun, because this would undermine religion and morals.” It should be clear that in this day and age there is no place for this kind of reasoning in scientific research even when the moral conclusions are valid.

I have specifically referred to that quote because not only is that gentleman, as I said, from the department of philosophy at Illinois University, but also his expertise is in neurological cognitive approaches to sentience to consciousness and robot sentience. He has written prolifically on animal sentience. He is at the cutting edge of an academic movement that recognises, investigates and researches sentience, which is directly relevant to my comments today. Sometimes we think for whatever moral or ethical reasons that fish do not feel pain, that they are not sentient. There are competing theories about this and many tomes of research that point both ways, but the most recent research I have been able to find clearly states that fish are sentient—they can feel pain.

Fish are one of the vertebrate taxa most highly used by humans. They are harvested from wild stock as part of global fishing industries, are grown under intensive aquaculture conditions, are the most common pet and are widely used for scientific research. I am sure that the Minister for Fisheries will relate to this; I know he is a fish lover. But fish are seldom afforded the same level of compassion or welfare as warm-blooded vertebrates. This is an important issue because public perception guides government policy. The perception of an animal's intelligence often drives our decision about whether to include them in our moral circle—to hold them close to us, care for them and protect them. From a welfare perspective, most researchers would suggest that if an animal is sentient, it can most likely suffer and should therefore be offered some form of formal protection. For decades there has been a debate about fish welfare that centres on the question of whether they are sentient or conscious. The implications of affording the same level of protection to fish as to other vertebrates are enormous, not the least of which is due to the fishing-related industries that I referred to in the second reading of the bill that I read earlier. At the moment, any review of fish cognition starts with sensory perception and moves on to cognition, and reveals that fish perception and cognitive abilities often match or exceed those of other vertebrates.

Both Professor Brown and Victoria Braithwaite have written a great deal about this issue. The points that they have raised are that fish develop cultural traditions, they recognise themselves and others and they show signs of what they call Machiavellian intelligence, such as cooperation, teamwork and reconciliation. Professor Brown says that the primary senses of fish are just as good, and in some cases better, than that of humans, and the level of mental complexity that fish display is on a par with that of most other vertebrates, while there is mounting evidence that they can feel pain in a manner similar to that of humans. Professor Brown states —

Although scientists cannot provide a definitive answer on the level of consciousness for any non-human vertebrate, the extensive evidence of fish behavioural and cognitive sophistication and pain perception suggests that best practice would be to lend fish the same level of protection as any other vertebrate ...We should therefore include fish in our “moral circle” and afford them the protection they deserve.”

Victoria Braithwaite stated that it is high time that we use what we know on behalf of fish and other animals that are used and abused in the countless billions. She said that fish clearly are not things nor disposable objects; rather, they are sentients and have feelings, a point stressed in a number of academic papers that I was able to locate in order to talk today.

The World Organisation for Animal Health sets global standards and codes in this area. I looked for aquatic animal health codes and what was written in those pages. I refer to chapter 7.1, “Introduction to recommendations for the welfare of farmed fish”—this does not apply to wild fish stock—and the guiding principle in article 7.1.1, which reads —

1. Considering that:
  - a) the use of fish in harvest or capture fisheries, in research and for recreation (e.g. ornamentals and aquaria), makes a major contribution to the wellbeing of people; and
  - b) there is a critical relationship between fish health and fish welfare; and
  - c) improvements in farmed fish welfare can often improve productivity and hence lead to economic benefits.
2. The OIE will develop recommendations for the welfare of farmed fish (excluding ornamental species) during transport, slaughter, and destruction for disease control purposes. In developing these, the following principles will apply:
  - a) The use of fish carries with it an ethical responsibility to ensure the welfare of such animals to the greatest extent practicable.
  - b) The scientific assessment of fish welfare involves both scientifically derived data and value-based assumptions that need to be considered together, and the process of making these assessments should be made as explicit as possible.

There is plenty of evidence and international research in this field. I am sorry that the second reading speech makes no reference to the legislation attempting to balance welfare issues with economic issues. I am hoping that the minister will address that when he responds; I am sure that he will. Having grown up as a gal and being taken fishing by my dad, I enjoyed the sport immensely and spent a lot of time running up and down the beach in the sand, tangling lines and hooking the tree behind me and the like. It is a great sport, it is good fun and I enjoyed it immensely as a child growing up. One of the things that I learnt from my dad is that we do not have to be cruel and torture fish when we catch them. That is certainly a relevant point that I want to make in the house today while discussing this legislation. Although I understand that recreational fishing is a huge sport and attracts people from all walks of life, as with anything to do with sentient creatures, when we work with these creatures, there is no need to be cruel or to torture them. Hooking a fish is probably painful enough at the beginning, which reminds me of a decision that I understand recently came down on a case that the RSPCA took against a station owner up north. I was talking about this just yesterday with my colleague from the Kimberley. The magistrate has just brought down a decision that has eliminated a couple of the charges that the RSPCA and police laid against this station owner for cruelty when he dehorned bulls. It will become clear why I have mentioned this case in a minute. There are Australian codes and standards for the dehorning of cattle. The problem for this industry, as with many agribusinesses in Western Australia, is that this government has not adopted those standards. This station owner was able to use the state’s failure to adopt those standards for welfare as a defence against cruelty. I should point out that long ago the industry itself came out with codes that most states adopted stating that there is a certain level to which the horn of a cow can be cut down. I will not go into the horrific details of this case—they are truly horrific. There is footage showing some of the horrors perpetrated on these animals. In one specific case the charges were dropped and I will tell members about the magistrate’s rationale. The magistrate determined that because the animal had already suffered a degree of pain and cruelty due to the dehorning process that had been done in an incorrect fashion, according to Australian standards—but not accepted by WA—and the lawyers were unable to prove to the magistrate that that level of pain and suffering could be added to by the animal being beaten in the head with an iron bar until it was dead, the charge had to be dropped.

When we talk about animals we sometimes forget that the level of cruelty we are capable of bringing into these situations is truly profound. When you hook a fish, do not think for one minute that it is not painful. It is painful, but when you hook a fish there is no need to prolong that pain. It should be killed quickly and not left to die by suffocation on the beach or however else. My dad, in all his wisdom, used to put them in a bucket of seawater, which was probably not the smartest move but it was his attempt not to be cruel. Having caught dinner that night, he would leave the fish in a bucket of saltwater.

[Member's time extended.]

**Ms L.L. BAKER:** I want to talk briefly about the issue of bycatch, which I have heard others mention before me. We know that more than 300 000 whales, dolphins and porpoises are killed worldwide each year due to fishing gear and nets. We know that it is the single biggest killer of whales, dolphins and porpoises in oceans across the world and that it causes horrific injuries. I did not understand how that related to me until some time ago when I saw a report in a newspaper on something that was relevant to my electorate. The report was about Gizmo, the Swan River dolphin that had frequented the area through my electorate and all the way down to the ocean, and how he had died as a young six-year-old dolphin. Members probably do not remember that this was the dolphin calf that survived a dramatic entanglement rescue three years ago and was eventually called Gizmo. In 2012, Gizmo became the talk of the town after being rescued by Water Police freeing him from the fishing line he had been dragging for two months. Back in 2009, members may remember that six dolphins died but that was proven to be due to a naturally occurring virus. However, Gizmo was a baby that found himself entangled in fishing line. I read through this article and found that the autopsy results showed that he did not die from water contamination but from a deep, chronic and longstanding infection. The article states —

“Gizmo had a tough life surviving from a bad entanglement that cut his dorsal fin in 2012.

It is clear that when a creature like a dolphin has had that level of injury perpetrated on it by fishing equipment, if that little creature does not die then, it might die afterwards through a deep chronic infection like the one this wee dolphin Gizmo sustained. So we lost Gizmo from our river, which is very sad.

The Department of Parks and Wildlife and River Guardians have in place some really productive programs. Back in 2009, a program called Dolphin Watch was launched. It is a good development for my interest in the river because it focuses on the Swan Canning Riverpark's bottlenose dolphin—the Indo-Pacific bottlenose dolphin. It is a partnership between the Department of Parks and Wildlife, River Guardians and Murdoch and Curtin Universities to learn more about the community of bottlenose dolphins that live in the Swan and Canning Rivers. Back in 2010, Dolphin Watch Day was announced, an annual event to acknowledge the contribution that public volunteers have made through our river dolphin monitoring in the Swan and Canning Riverpark, and to increase our knowledge and inform our research into the bottlenose dolphin. Parks and Wildlife together with Murdoch and Curtin Universities has developed Dolphin Watch as a collaborative citizen science research and education project. It recognises the importance of dolphins as potential indicators of the health of the river and it aims to provide a better understanding of their ecology and interactions with humans to better understand our Riverpark.

In relation to bycatch, there are places in the world where entire species such as the tiny vaquita, Maui's dolphin and the North Atlantic right whale are being pushed to the brink of extinction by certain fishing practices. We should aim to reduce and stop entirely the impact of these fishing practices and try to create, such as we do with marine parks, protected areas where these practices are banned or limited; to do that we would have to work with fishermen in the long term to bring about those changes.

In summary, it is really important that when we see these kinds of bills that recognise sentience in what is otherwise being referred to as an economic resource, we should do just that.

I think this bill is a missed opportunity. Any bill we bring into this house that deals with animals and our interaction with them should acknowledge that there is always a risk of cruelty. We should always give a context to those bills to try to balance an animal's interaction with humanity with its level of sentience as an individual creature with his own life and its own feelings, experiencing its own pain. To miss that opportunity is very sad. I would like the minister to give me some assurance of that, although it might not be written into the Aquatic Resources Management Bill 2015 in the definitions for aquatic resource management in clause 4, titled “Meaning of aquatic resource”. The definition of an aquatic organism is similar to the definition of fish. An aquatic organism is defined in clause 3 as —

... an organism of any species that lives in or adjacent to waters and —

(a) includes —

- (i) the eggs, spat, spawn, seeds, spores, fry, larva and other source of reproduction or offspring of an aquatic organism; and
- (ii) a dead aquatic organism; and

(iii) a part only of an aquatic organism ...

(iv) live rock and live sand;

but

(b) does not include —

(i) an aquatic mammal; or

(ii) an aquatic reptile; or

(iii) an aquatic bird; or

(iv) an amphibian;

The definition goes on and it is quite exhaustive but it never once refers to the fact that these are sentient creatures that should be cared for and protected within our moral circle in order for us to be able to continue to exploit them the way that we have in the past, and manage that exploitation in a fashion that is not cruel and minimises the impact on the aquatic creatures that are referred to in this bill.

**MR W.J. JOHNSTON (Cannington)** [11.21 am]: I rise to make a brief contribution to the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. The explanatory memorandum sets out, in its overview, the purposes that we are dealing with here. To read from it briefly, it states —

*The Aquatic Resources Management Bill* has been designed to replace the *Fish Resources Management Act 1994* ... and the *Pearling Act 1990* ... as the primary legislation for the management of Western Australia's fisheries and aquatic biological resources.

The focus of the Bill is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems by protecting these resources from over-exploitation and the threats posed by diseases and harmful imported organisms, while encouraging the development of the industries and activities associated with their use.

Clearly, we are dealing with the question of the management of these resources on a sustainable basis. When I say sustainable, I am talking particularly about the ecological sustainability of these resources. It is a well-known fact, not information that others in this chamber would find new, that fish stocks are declining around the world and that this has led to conflicts over time. The one that everybody knows—I am not telling anybody anything secret—are the so-called cod wars between England and Iceland about access to declining fish stocks in the northern hemisphere. As people might understand, as the North Sea was being fished out and as technology improved, English fishermen went further and further from their shores to start harvesting fish that were then closer and closer to Iceland. The so-called cod wars were between September 1958 and March 1961; again between September 1972 and November 1973; and the third one was between November 1975 and June 1976. I remember, as a teenager, the television footage of Icelandic gunships ramming English trawlers; it was quite dramatic. The gunships, of course, were not full destroyers or anything; I imagine the proper term would be a corvette. They rammed into the English fishing boats, which were probably a third of the corvettes' size. It was very, very dramatic. England and Iceland were two North Atlantic Treaty Organisation members coming to the literal blows, if not actual armed conflict, over fish resources. The minister would very strongly remember that Iceland was key to NATO defences because of the so-called Greenland–Iceland–United Kingdom gap where all the Soviet navies had to transit. There were listening posts et cetera and there was also a major refuelling base for the United States air force in Iceland, which was used by its long-range maritime patrol aircraft. During the height of the Cold War, as it was in the 1960s and 70s, it was deeply embarrassing that two key NATO members were literally coming to blows over fish resources.

Australia is recognised around the world as one of the few countries that has sustainably managed fisheries. Looking at the back of the chamber, one of the officials from the agency is there who was involved with the former Labor government's activity at the time to put even more of the aquaculture industry in Western Australia onto a sustainable footing. That sustainable footing has to take into account not just the environmental needs, but also the overall economic interests of the community. There are great contrasts in the way Australia manages its fish stocks—I was going to say fishing industry.

I urge members to read a series of articles in *The New York Times* called "The Outlaw Ocean". It is a series of articles that started in July 2015, written by a journalist by the name of Ian Urbina. I think he is now up to eight articles in "The Outlaw Ocean" series. I want to draw attention to some of the issues that Mr Urbina highlights in these articles. As I say, it is a series of articles that he continues to write. I must compliment the *The New York Times* for allowing a journalist to write such a long series of articles that is a genuine investigation. It is the sort of thing—we have seen it with the Panama papers—where journalists go deep into an issue over a long period. As I say, these articles have been going for over a year now and Mr Urbina continues to be allowed to write

them, and they continue to be compelling reading. I want to read from one of his pieces published on 20 July 2015 under the title, “Murder at Sea: Captured on Video, but Killers Go Free”. It states —

The man bobbing in the sea raises his arms in a seeming sign of surrender before he is shot in the head. He floats face down as his blood stains the blue water.

A slow-motion slaughter unfolds over the next 6 minutes and 58 seconds. Three other men floating in the ocean, some clinging to what looks like the wreckage of an overturned wooden boat, are surrounded by several large white tuna longliners. The sky above is clear and blue; the sea below, dark and choppy. As the ships’ engines idle loudly, at least 40 rounds are fired as the unarmed men are methodically picked off.

“Shoot, shoot, shoot!” commands a voice over one of the ship’s loudspeakers as the final man is killed. ...

Despite dozens of witnesses on at least four ships, those killings remain a mystery. No one even reported the incident—there is no requirement to do so under maritime law nor any clear method for mariners, who move from port to port, to volunteer what they know.

Law enforcement officials learned of the deaths only after a video of the killings was found on a cellphone left in a taxi in Fiji last year, then posted on the Internet.

With no bodies, no identified victims and no exact location of where the shootings occurred, it is unclear which, if any, government will take responsibility for leading an investigation. Taiwanese fishing authorities, who based on the video connected a fishing boat from Taiwan to the scene but learned little from the captain, say they believe the dead men were part of a failed pirate attack. But maritime security experts, warning that piracy has become a convenient cover for sometimes fatal score-settling, said it is just as likely that the men were local fishermen in disputed waters, mutinied crew, castoff stowaways or thieves caught stealing fish or bait.

The article quotes a gentleman from the International Organization of Masters, Mates and Pilots. He said —

“Summary execution, vigilantism, overzealous defense, call it what you will ... this boils down just the same to a case of murder at sea and a question of why it’s allowed to happen.”

One of the global problems with the fishing industry is that there is no accountability for the activities on these vessels. It is therefore not a surprise that the unions involved in that industry take a very strong stance on these matters. If we do not have proper regulation not only are the fish resources not properly managed, also but people are killed.

I will quote from another article in the same series. This one, titled “‘Sea Slaves’: The human misery that feeds pets and livestock”, was published on 27 July 2015 in the same series in *The New York Times*. This article traces the history of an individual from Cambodia who was enslaved to fishermen in the Gulf of Thailand. I will read a couple of extracts. The article reads —

The harsh practices have intensified in recent years, a review of hundreds of accounts from escaped deckhands provided to police, immigration and human rights workers shows. That is because of lax maritime labor laws and an insatiable global demand for seafood even as fishing stocks are depleted.

The article continues —

While forced labor exists throughout the world, nowhere is the problem more pronounced than here in the South China Sea, especially in the Thai fishing fleet, which faces an annual shortage of about 50,000 mariners, based on United Nations estimates. The shortfall is primarily filled by using migrants, mostly from Cambodia and Myanmar.

The article then refers to this individual, Mr Long.

Mr. Long did not know where the fish he caught ended up. He did learn, however, that most of the forage fish on the final boat where he was held in bondage was destined for a cannery called the Songkla Canning Public Company, which is a subsidiary of Thai Union Frozen Products, the country’s largest seafood company. In the past year, Thai Union has shipped more than 28 million pounds of seafood-based cat and dog food for some of the top brands sold in America including Iams, Meow Mix and Fancy Feast, according to United States Customs documents.

The article continues. One of the most extraordinary issues is that because of the low value of pet food, the worst conditions are experienced by those harvesting food that never even gets into the mouth of a human. I will read more extracts from Mr Urbina’s excellent article, which states —

Skippers never lacked for amphetamines so laborers could work longer, but rarely stocked antibiotics for infected wounds. Former deckhands described “prison islands”—most often uninhabited atolls, of

which there are hundreds in the South China Sea. Fishing captains sometimes maroon their captive crews on those islands, sometimes for weeks, while their vessels are taken to port for dry docking and repair.

Other islands, inhabited but desolate, are also used to hold crew members. Fishing boat workers on an Indonesian island called Benjina were kept in cages to prevent them from fleeing ...

Further on the article states —

San Oo, 35, a soft-spoken Burmese man with weather-beaten skin, predicted that until ship captains are prosecuted, little will improve. He described how on his first day of two and a half years in captivity, his captain warned that he had killed the seaman Mr. Oo was replacing. “If you disobey or run or get sick I will do it again,” he recalled his captain saying.

Pak, a 38-year-old Cambodian who fled a Thai trawler last year, ended up on the Kei Islands, in Indonesia’s eastern Banda Sea.

I stop to make the point that the Kei Islands are closer to Darwin than Jakarta. The article then states —

“You belong to the captain,” Pak said, recounting watching a man so desperate that he jumped overboard and drowned. “So he can sell you if he wants.”

The article also points out —

Checking boats for human rights abuses is difficult. Most fishing vessels are exempt from international rules requiring the onboard tracking systems used by law enforcement. Marine officials in Thailand, Malaysia and Indonesia said that their navies rarely inspect for labor and immigration violations. Authorities in those countries added that they lack boats and fuel needed to reach the ships farthest from shore that are most prone to using captive labor.

...

For instance, a contract from a manpower agency in Singapore, provided to The New York Times, committed deckhands to a three-year tour during which the agency retained the full \$200 per month for the first six months and \$150 per month thereafter.

Then it quotes the contract —

“Daily working hours will be around 18 hours,” the contract stipulates, adding that there is no overtime pay. Boats may remain at sea for longer than a year per trip. Only seawater may be used for bathing and laundry. Mariners can be traded from boat to boat at the captain’s discretion.

Again quoting the contract —

“All biscuits, noodles, soft drinks and cigarettes” are to be purchased by the sailor, the contract says. “Any crew who breaches the contract (own sickness, lazy or rejected by the Captain, etc.) must bear all the expenses incurred in going back home.”

And then the article goes on —

But once a load of fish is transferred to a mothership, which keeps the cargo below deck in cavernous refrigerators, there is almost no way for port-side authorities to determine its provenance. It becomes virtually impossible to know whether it was caught legally by paid fishermen or poached illegally by shackled migrants.

Bar codes on pet food in some European countries enable far-flung consumers to track Thai-exported seafood to its onshore processing facilities, where it was canned or otherwise packaged. But the supply chain for the 28 million tons of forage fish caught annually around the globe, about a third of all fish caught at sea and much of it used for pet and animal feed, is invisible before that.

The article quotes people from Nestlé and Mars, which are obviously very large pet food companies, and makes a point about how those companies are endeavouring to get away from the appalling behaviours of these suppliers. I make a note that Mars makes a great effort in that part.

[Member’s time extended.]

**Mr W.J. JOHNSTON:** As I said, this article focused on Mr Long, an individual Cambodian, and I will go back to Mr Urbina’s description of Mr Long’s story —

When Som Nang’s —

The man who rescued the Cambodian gentleman —

boat showed up, Mr. Long had been wearing the shackle on and off for about nine months.

It is made clear that the shackle was around his neck —

The captain typically put it on him once a week, Mr. Long said, whenever other boats approached.

After offloading fish for about 10 minutes, Som Nang said he asked the captain why Mr. Long was chained. “Because he keeps trying to escape,” the captain replied, according to Som Nang. Based on the looks he got from the crew on his mothership, Som Nang said he figured it best to stop asking questions. But after returning to port, he contacted Stella Maris, which began raising the 25,000 baht, roughly \$750, needed to buy Mr. Long’s freedom.

Over the next several months, Som Nang resupplied the fishing boat twice. Each time, Mr. Long was shackled. Som Nang said he discreetly tried to reassure him that he was working to free him.

In April 2014, Mr. Long’s captivity ended in the most undramatic of ways. Som Nang carried a brown paper bag full of Thai currency from Stella Maris to a meeting point in the middle of the South China Sea, roughly a week’s travel from shore. With few words exchanged, the money was handed to Mr. Long’s captain. His debt paid, Mr. Long, rail-thin, stepped onto Som Nang’s boat and began his journey back to solid ground and a hope for home.

That is what happening in the fishing industry around the world, and then people wonder why the Maritime Union of Australia is a tough union that demands respect. These articles go on to show that people are being thrown overboard from vessels that are visiting Australian ports. That is what is happening. There was the famous case about 10 years ago of a seaman who was thrown overboard from a Russian ship when it was visiting east coast ports.

It would be tragic to think that we are pointing the finger only at others. I want to point out something else. I want to quote from an ABC online news article dated 20 October 2015. The article is headed “Pearling company Paspaley admits workplace safety breach after diver Jarrod Hampton’s death”. It states —

One of Australia’s leading pearl companies has been fined \$60,000 for failing to provide a safe workplace, following an investigation prompted by the death of a young diver.

The article goes on to quote a statement from the company —

“The company wishes to make clear, however, that no charges were laid to the effect that the company caused or was responsible for the death of the diver,” ...

“The court noted that the company had a good safety record ...

I also want to quote from that same article a summary of evidence provided to the court by WorkSafe WA —

Worksafe said at the time of the death, Paspaley Pearling Company “did not have a written emergency procedure for the rescue and retrieval of an incapacitated diver from the water, and the crew on board the vessel had not practised any emergency drills in preparation for such an event”.

An investigation found the company could have put in place measures for the retrieval of an incapacitated diver, including:

- a procedure which identified the roles of each crew member and steps to be taken by the crew, the divers and the skipper in an emergency
- a procedure which treated as an emergency any instance where a diver resurfaced during a dive and did not immediately make a positive signal
- a crew member to be positioned at the back of boat, near emergency equipment, who has the task of keeping watch over the divers and to enter the water to provide assistance to an incapacitated diver
- providing employees with training and information in the use of the emergency procedures and conducting regular practice drills
- providing and maintaining resuscitation equipment, such as defibrillator

Let me make this clear. Paspaley was saying that it is a good safety record to have none of these issues dealt with. In the last Parliament, the Economics and Industry Standing Committee did an investigation into the Kimberley Ultramarathon. Every member on both sides of the chamber supported that inquiry and supported the findings of that inquiry. It was a tremendous bipartisan effort to hold to account the organisers of that race, yet a pearling company has been fined just \$60 000 for killing a 20-something-year-old guy on the second occasion on which he had ever dived, and the company says that is a good safety procedure. If that is what is a good safety procedure in Western Australia, that is appalling. However, then imagine what is happening to people in the same industry elsewhere in the world. There is a major problem here.

When I was a union official, as just a young bloke, not long in the job, I visited a steel warehouse in Bibra Lake. It was pretty new. Two companies had amalgamated and had moved into brand-new premises. The guys said to me that there were no cleats on the racks. I did not know what they were talking about. What they were getting at is that at the bottom of the steel racks where the steel plating was held, there should have been welded cleats so that the steel plates could never be stood up vertically. The plates had to be stood up over-vertical, because if they were on the vertical and a forklift or whatever bumped into the rack, the steel plate could fall down, and if someone was hooking a dog onto a plate, they could be crushed and killed. However, if the plate was past the vertical and a forklift hit the rack, the plate would not be able to move up or down because gravity would hold it in place. That is what we call inherent safety. Everybody knows that human beings make errors. Therefore, we design the safety system in the knowledge that humans will make errors. That is the question I have in respect of the death of that pearling diver in Western Australia in April 2012. Was it an inherently safe system? The investigation by WorkSafe showed that there were failings in the system. However, despite that, the company says that is a good safety record. I do not agree. If that is a good safety record, it shows how appalling the safety systems are in this area. There needs to be a higher standard of safety in the maritime industry.

**Mr I.C. Blayney:** Member, did you see the *Four Corners* program about that specific case—the Paspaley death?

**Mr W.J. JOHNSTON:** No.

**Mr I.C. Blayney:** If you get a chance, you should have a look at it.

**Mr W.J. JOHNSTON:** I make the point that I am not the flavour of the month for the MUA. I am not sure that I am on top of their Christmas card list. However, it is understandable that a union in that type of industry has to work hard. I often have the pleasure of meeting people from the International Transport Federation when they visit Perth. What is the name of the MUA guy who used to be in Perth and has gone to Sydney?

**Ms J.M. Freeman:** Dean?

**Mr W.J. JOHNSTON:** Yes, Dean Summers. He is one of their organisers in Sydney. He is a great bloke.

**Ms J.M. Freeman:** I thought you were talking about Paddy.

**Mr W.J. JOHNSTON:** No; I am talking about Dean. These people have a tough job. I make the point that in the maritime industry, the expanded use of foreign-flagged vessels on the Australian coast will cause a decline in the health and safety standards in the maritime industry. That is not a good idea. This is an important industry. A large amount of the protein consumed by humans and animals is extracted from the ocean. That needs to be done in a manner that is both ecologically and economically sustainable. If we have a situation in which 28 000 tonnes of forage fish is being extracted from all corners of the globe, principally for use in pet food, under the sorts of conditions that I have read about in *The New York Times*, we have a serious problem. We need to make sure that we do not have a race to the bottom where Australian standards and Australians conditions are being undermined by those types of practices. I look forward to further debate on this bill. However, I thought it was very important to make these points.

**MS J.M. FREEMAN (Mirrabooka)** [11.49 am]: I, too, rise to speak to the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. The advisers will be pleased to know that I will actually make a few more comments outside of fees because the advisers and the current Minister for Fisheries know that —

**Mr J.M. Francis** interjected.

**Ms J.M. FREEMAN:** Sorry?

**Mr J.M. Francis:** Your mic's not on.

**Ms J.M. FREEMAN:** My mic is not on? Maybe I am not speaking loud enough! The member for Girrawheen is fine; she is telling me I have a loud enough voice.

I was just saying that I can assure the advisers that I will not just be talking about fees, although I will go to fees. The minister and I have a good understanding of the fishing fees in terms of delegated legislation. My understanding of these bills and of fisheries and aquatic resources management has been enhanced by debate in the house. Can I say that I actually went back and had a look at the member for Geraldton's speech, even though I heard it the first time, and his contribution —

**Mr I.C. Blayney:** That's a first, I think!

**Ms J.M. FREEMAN:** Yes. I also went back to look at the member for Bateman's speech. I have been very impressed by the contributions made by the Labor opposition, particularly in talking about the issues surrounding management of the aquatic resource. I note the member for Gosnells' contribution with respect to the cost-benefit analysis. Nowadays there is an emphasis on tourism as one of the major areas within which we want to grow jobs in our community and it is important to work out whether there is more value in leaving fish resources in the ocean than in harvesting them. I also note a point from the member for Geraldton's comments.

He talked about the fact that whilst we have this wide coastline, we do not actually have a rich fishing harvest as such. It is a bit like the whole of the Western Australian country, really. Because there is so much of it, we can afford to share it out, but in the remote regions it is quite sparse and scarce. If we continuously take from that resource, it may not be to the benefit of our economic prosperity in terms of fishing. I acknowledge that it is a major contributor to the economy; I understand that about \$1.5 billion comes into the economy from fisheries.

I was really impressed with the member for Cannington's contribution in terms of pointing out some of the issues that go into the fishing industry and some of the exploitation that can occur, in particular. I also note *The New York Times*' capacity for the sort of investigative journalism that the member for Cannington responded to. It was recently acknowledged for its investigation into the human slavery that occurs in Cambodia and areas like that. It just won a major award around that, and that was certainly a well-deserved award. It just goes to show in this time of quick internet and the Twitter feeds that we get from journalists, the investment that *The New York Times* and other quality journals, publications and papers make in enhancing our knowledge of global issues and concerns in terms of our human experience in the case of what the member for Cannington was outlining with regard to the exploitation of workers in the fishing industry, particularly the international fishing industry, and the indenture and slavery of workers by some industries that we then find on our tables. I think it may have actually been this particular area that he was reporting about, because these journalists actually tracked it back from what was on the tables of ordinary, everyday citizens, that we were eating or feeding our animals, to quite extreme exploitation of people and, probably, the fishing waters of this world that we have a responsibility to ensure we do not plunder for future generations. I just want to also note the member for Maylands' contribution.

I agree that we have to be mindful of the impact we have on any sentient being, and the pain and suffering that any catch or market or area that we live on, we have to take into account. I say that with great regard and respect but I live in the seat of Mirrabooka. It is a landlocked seat, apart from the few large boats that may be in the Alexander Heights area, although in all the time I have doorknocked, I have not been aware of that. I am aware that koi—the big orange fish—is a big industry in the Mirrabooka area because of the large Vietnamese community. It is a very important thing to have in their gardens and areas like that. It is not uncommon for me to walk into the backyard of someone who is breeding lots of them in lots of big pools in their back garden, because it is quite a big industry. I am not sure how that goes in terms of the fishing management industry, but it is an issue that we probably need to be aware of—that there are many koi in the community because of the significance of having koi in one's garden or in a pond around one's home. As I understand it, they are not the most favoured fish with regard to fish management. Sometimes, when we think of fish management, we just think of the coastline, but we might want to think about cultural aspects of fishing and how we make sure that we understand that different communities have brought different heritages with them, and that they maintain that heritage because it brings richness to their own lives and their own communities, and that they understand how to keep our waterways and fisheries safe. That is what they would like to do, because, frankly, they come here because there is a great benefit in living in Australia and they recognise that. That goes, obviously, to large parts of the community that I represent who go abalone fishing—I love abalone; I do not get it myself, but I am happy to eat it—and how their safety and resources are managed.

In saying that to the advisers, do not forget the landlocked electorates. We do have an impact on the management of fish resources, some good and sometimes some not so good. Just in finishing, I also have a love of fish; they are my only pets. I think that —

**Mr J.M. Francis:** Can we get their names in *Hansard*?

**Ms J.M. FREEMAN:** No, I do not have names for my fish! They do not live long enough to get names!

**Mr J.M. Francis:** I am going to name mine; every single one of them.

**Ms J.M. FREEMAN:** That was tongue in cheek—they do live long enough.

I have to tell this story so that it is in *Hansard*. We have a fish tank in our office and I often say that the Chinese are right about the feng shui of fish tanks. I live in a low socioeconomic area; it is not a leafy green suburb and it has a reasonably high distribution of mental health issues. The first thing that people see when they walk into my office is the fish tank. We have never had aggro—we have, but people seem to calm down very quickly when they come into the office and see the fish tank. I want to tell the story about the time my office staff got excited because one of the fish had had a baby. We all gathered around the fish tank and were going, “Oh, look, a baby fish”, when suddenly another fish came across and went chomp. The baby fish was gone and a whole bunch of staff were saying, “Oh my God!” However, I digress. I have not even begun my second reading contribution, so I had better begin.

Western Australia has more than 35 per cent of Australia's coastline but we produce less than two per cent of Australian farmed seafood. I understand that from a fisheries management point of view there is a feeling that WA has an untapped resource. The member for Bateman talked about aquaculture. The Aquatic Resources Management Bill 2015 replaces the Fish Resources Management Act 1994 and the Pearling Act 1990 as the

primary legislation for the management of Western Australia's fisheries and aquatic biological resources. I note that the focus of the bill is to ensure the ecologically sustainable development of Western Australia's fish resources. However, I want to talk about some of the issues around fishing. In Western Australia fishing has been an important resource for tens of thousands of years, particularly for Western Australia's Indigenous community. In particular I note that the customary fishing aspect is lacking in this bill is lacking and that the minister would do well in his response to talk about how we are going to encourage and allow for customary fishing.

In August 2015, Hon Robin Chapple asked a question in the other place about whether customary fishing legislation allows for traditional owners to use gillnets, dragnets, throw nets or any kind of nets. Hon Ken Baston, the Minister for Fisheries at the time, replied —

There is no specific customary fishing legislation under the Fish Resources Management Act 1994. The FRMA exempts an Aboriginal person from the requirement to hold a recreational fishing licence only to the extent that the person takes fish from any waters in accordance with continuing Aboriginal tradition.

The really interesting thing about the concept of traditional and customary fishing, as I understand it, is that an essential part of Aboriginal culture is about sharing and providing. That means that if Aboriginal people go fishing, they do not go out fishing for themselves—they fish for their family and extended family. Our concept of family and extended family is completely different from the Aboriginal concept of extended family. I just experienced that with the member for Kimberley. We went to Alice Springs and, my goodness, she has a lot of children, grandchildren, nephews and nieces, because she is aunty, grandma and mother to many people there. Our ideas when framing this legislation have to take that into account. I understand there is a wide debate in Australia as a whole about how we look at customary fishing, particularly in marine parks.

Something that has given me a treasured understanding of Aboriginal culture and the importance of fishing is Kim Scott's fantastic piece of literature *That Deadman Dance*. He has written about the Albany whaling industry and he based that novel on historical records and the cultural history of whaling by the first people of this nation. Aboriginal people were fishing, whaling and using the abundance of the ocean for tens of thousands of years before Western Australia was ever colonised. I want to tell members about some of the information I have. Because Aboriginal people were taken on board whaling boats, there are some great historical records of Aboriginal people in that area. Kim Scott used those records and historical data to build his story in his very well-respected and awarded book. However, something that is on the records but not included in his book—it certainly came from that period of time—was a traditional fishing song about whaling by Daisy Bates. I am not going to try to say it in Noongar, although I have got it written down in Noongar, but basically the song sings of a sadness of the disappearing home fires as they go out on the boats to search for whales, the excitement of the chase, the risk of being swamped from a harpooned whale, and coming back with the catch. It is worthwhile reading his book because he encapsulates that feeling well.

[Member's time extended.]

**Ms J.M. FREEMAN:** What is also really important about whaling is that the coming of the whales determines the start of the Noongar winter—makuru. In an ABC interview with Albany Noongar man Larry Blight, he says that when they start to see the whales come in they wear the booka. I am pretty closely associated with the booka, being the member for Mirrabooka. The booka is the kangaroo coat that is thrown around the shoulders to keep warm. If anyone wants to know, the mirra is the stick that might be used to knock a fish on the head so that it can be eaten. I point out that we are standing here today debating this legislation, yet fishery management has been a big part of Noongar and Aboriginal first nation people's trade and culture for a long time. I know that the Whadjuk Noongars I work with at Balga's WADJUK Northside Aboriginal Community Group, Len Yarran and Shane Garlett, take young people out to some of the traditional fishing holes around Watermans Bay and tell the kids about that. What I found interesting about the conference that I recently attended with the members for Kimberley and Murray–Wellington, which was looking into the issues of the prevention of youth suicide, is that fishing is considered to be not just an activity for Aboriginal people, but a grounding connection to the earth. It is also seen as contemplative. In central Australia they call it dadirri, which is contemplation and reflection. It is a form of mindfulness, meditation, focus and identification of a person's place in the world. When we look at the Aquatic Resources Management Bill, unfortunately we are still looking at it purely from colonial history point of view. Perhaps in years to come we will take into account the many different aspects of how fishing has been a major resource management for at least 40 000 years in Western Australia.

I will talk also about pearling, which began well before European settlement. Do members know that the Aboriginal people in that region, the Bardi Jarwee and Yawuru people, collected and traded pearls with fishermen from Sulawesi? It was an international trade even before this place was settled by white colonists. That has been traced because pieces of pearl have been found throughout the area. However, they worked out that those people were not necessarily to be trusted. Is that not what happens with trade everywhere in the world? The people involved were canny in their dealings in it. The European pearling industry began at Shark Bay in the 1850s and moved to other areas around Nickol Bay and became a major source of income for the new colony,

but money was made off the back of indentured labour and death and danger in the industry for many years. The pearl shell and the mother of pearl to make buttons were mostly exported, more from the Torres Strait Islands than from Western Australia. It is important to know that the Broome community is a great demonstration of a co-existing multicultural community in which there were many contributors over a long time. That came through the pearling industry and created some wealth there.

I want to talk briefly about the tax introduced to fund the development and better interest fund. I will not go into it in great detail because the minister and I both know about it. The Fish Resources Management Amendment Bill 2011 was passed not only to ensure that costs could be recovered but also to enhance the resource. My understanding is that the development and better interest fund goes to the Western Australian Fishing Industry Council, Recfishwest and other organisations. However, under section 238(5) of the Fish Resources Management Act, the development and better interest fund stopped funding organisations that dealt with conservation and is now limited to funding organisations that exploit the fishing resource. When the minister is making his response to this debate, or perhaps during the consideration in detail stage, I will ask his advisers to elucidate to the house and me whether that section has been amended so that the development and better interest fund is no longer restricted to funding organisations that exploit the fishing resource and is directed towards funding organisations concerned about the conservation of our fishing resources. I understand it is covered in section 238(5) of the act, and that is where the funding was originally targeted, but someone from the State Solicitor's Office said that that section was being wrongly interpreted and funding the Conservation Council of Western Australia and other areas had to stop. I want to know whether the government has righted that wrong.

I also want to know why this bill removes the precautionary principle. I understand the precautionary principle is a reference rule for public action and policies. It is in section 4A, "Precautionary principle, effect of", of the Fish Resources Management Act and not in this Aquatic Resources Management Bill. In the other house, former member Hon Jon Ford asked the then Minister for Fisheries, Hon Norman Moore, whether he understood the precautionary principle as it applied to fisheries management. Hon Norman Moore said that he did and then went on to explain it—not well I should say, so I had to look up what the precautionary principle means. I understand that two concepts co-exist under this principle. The first is based on strengthening the concept of environmental protection and aims at prevention proportional to the potential risks. The second principle looks to the eradication of risks and it may require proof to man of innocuousness. I understand it is saying that if action is needed on something that is seen as a risk, we should not have to wait for full scientific certainty to do that. We should say, "Look, we're about to lose all the rock lobsters; we're not fully certain that will happen but we need to close the fishery for that time." Why is the precautionary principle not in this legislation? I have a corporate document from the FAO —

**Ms M.M. Quirk:** Food and Agriculture Organization of the United Nations.

**Ms J.M. FREEMAN:** Thank you, member for Girrawheen. Google does wonderful things sometimes.

This documents describes the precautionary approach as follows —

Management according to the precautionary approach exercises prudent foresight to avoid unacceptable or undesirable situations, taking account that changes in fisheries systems are slowly reversible, difficult to control, not well understood, and subject to change in the environment and human values.

Further on it states —

The ... approach gives due concern to long-term effects in the specification of management objectives and in the development of management frameworks, procedures, and measures.

I would like to know why that has not been left in the legislation.

In closing, I will talk about the member for Bassendean's contribution about plastics in the ocean. In particular, I ask the minister in his role of fisheries management: what representations have been made to the federal government to get rid of the little plastic balls that come in our face wash solutions?

**Mr F.A. Alban:** They're going to be banned.

**Ms J.M. FREEMAN:** I do not know that. I would appreciate a bit more knowledge about when and how they will be banned.

**Mr J.M. Francis:** *Today Tonight.*

**Ms J.M. FREEMAN:** Yes, one of those programs. It has been banned in the US. When I bought what I thought was my usual face wash, I must have picked up the wrong one because it contained clarifying beads. I thought, "What do I do with this now? I can't use it because it can get into the waterways and end up in fish's tummies. It's not a good product."

**Mr J.M. Francis:** You can't throw it out.

**Ms J.M. FREEMAN:** We cannot throw it out because it will end up in the waterways. I would like to know whether it is to be banned. The minister may not be able to tell me, but it is a fishery management issue because the micro beads in the solution to exfoliate our skin so we can look much younger —

**Mr R.H. Cook:** Looking younger all the time!

Several members interjected.

**Ms J.M. FREEMAN:** Okay, I asked for that!

The point is that most consumers do not expect that if they buy something off the shelf, it will have a major impact on not only the health of the oceans but also what we consume. The micro beads go into the food chain. The issue is that we are putting this into the sea and then eating the fish. Consumers have an expectation. Those solutions are banned in the US, so, similarly, it should be banned here. Can I just say that it is a major problem. We in this Parliament should look at banning plastic bags. I am a big believer in giving the people we represent the power to make changes in their communities. It is one of the most powerful things they can do to make themselves feel included.

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

**MS E. EVANGEL (Perth)** [12.19 pm]: I would like to congratulate the Rotary Club of North Perth for presenting —

**The SPEAKER:** What are you doing? Member for Perth, please!

**Ms E. EVANGEL:** Sorry.

Several members interjected.

**The SPEAKER:** The member for Albany.

Several members interjected.

**The SPEAKER:** This is outrageous!

**MR P.B. WATSON (Albany)** [12.20 pm]: Mr Speaker, this is outrageous, and I wish to take a point of order on the member for Perth. I know she wants to talk.

Several members interjected.

**Mr P.B. WATSON:** The only reason I am standing up now is so that I can make the first 90-second statement straight after this debate!

It gives me great pleasure to talk today about the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. Albany is renowned —

**The SPEAKER:** Thank you, member. Because of all this disruption, in accordance with standing order 61, this business is interrupted and adjourned until a later stage of this day's sitting.

Debate interrupted, pursuant to standing orders.

[Continued on page 2920.]

### **ALBANY SURF LIFE SAVING CLUB — AWARDS NIGHT**

*Statement by Member for Albany*

**MR P.B. WATSON (Albany)** [12.20 pm]: It gave me great pleasure the other night to go to the Albany Surf Life Saving Club wind-up and awards night. The winner of the 25-year club towel was Sarah Hearle. The encouragement award went to Andrew Duffield, the most improved award went to Alex Wells and the Ray and Doreen Kelly Patrol Person of the Year went to Jo Lucas. We all know that Jo Lucas rescued the gentleman from a great white in Albany. The Hadn and Jann Hood champion lifesaver was Jim Morcom, a Collingwood supporter. The Terry Engledow endeavour award went to Gavin Shepherd. The Tony Bush boat perpetual trophy went to Jeff Medcalf, the youth club person of the year was Larissa McLean and the David Smith memorial trophy for club person of the year went to Rowena Kendall.

I congratulate Rob Mason and his committee at the Albany Surf Life Saving Club. Our region's coastline is very challenging and not only does the surf club patrol the beach, but every time there is an emergency at the gap or Salmon Holes, a couple of surf life savers attend on jetskis in rather mountainous conditions. To everyone at the Albany Surf Life Saving Club, you are a credit to our community, and I congratulate you all.

### **HYDE PARK COMMUNITY FAIR — ROTARY CLUB OF NORTH PERTH**

*Statement by Member for Perth*

**MS E. EVANGEL (Perth)** [12.22 pm]: Mr Speaker, I congratulate the Rotary Club of North Perth for presenting an exceptional twenty-eighth annual Hyde Park Community Fair earlier in the year. The fair, which is traditionally held during the March Labour Day long weekend, is one of Perth's longest-running community events and now attracts over 40 000 visitors. Every year there is so much to do and see, including live entertainment, markets, arts and craft and children's rides. There is something for everyone at this much-loved

and anticipated inner-city community fair. The North Perth rotary team works year round to present this much-loved community fair, which has become an integral and much looked forward to festival. The state government supports the fair through Lotterywest grant presentations, and, on behalf of the government, I was happy to make the presentation again this year. It was also nice of the Premier to pop in to say hello!

The fair provided plenty of opportunities for Western Australians to promote local produce, wines and beers and arts and crafts. Additionally, there was an extensive entertainment program throughout the weekend, providing plenty of opportunities for local artists to showcase their performances. I am proud of my longstanding support of the Hyde Park fair and must say that this year I enjoyed sharing my market stall with you, Mr Speaker.

The North Perth rotary team, with its many volunteers, leads a massive community effort to present the Hyde Park fair. The president and the committee work year round to bring this event to fruition. I take this opportunity to thank the current North Perth rotary president, Mr Alan Dungey, for his outstanding work, and acknowledge the long-serving past president, Mr Bruno Fic. I also give very special thanks to the fair coordinator, Ms Miranda Woodhouse, and the fair director, Ms Stacey James, and their dedicated team of volunteers for their year-round commitment and hard work. Well done! I look forward to participating again next year.

### **KATHLEEN MARGARET GALLOP**

*Statement by Member for Kwinana*

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [12.23 pm]: Today, I pay my respects on the passing of Kathleen Margaret Gallop. Born in Subiaco on 2 May 1929, Kath was raised with her brother, Brian, and sister in the United Kingdom. At the outbreak of World War II, 11-year-old Kath and her siblings travelled to Western Australia. She eventually returned to England after the war.

Kath joined the Royal Air Force, where she met her future husband, Joseph Grundy. This marriage welcomed four children, Stephen—who is deceased—Jane, Nich and Mark. Sadly, the marriage did not survive, and in 1966 Kathleen bravely relocated with her children to Western Australia.

Kath worked hard for her family. She first worked in a laundry in North Fremantle and then in a dry-cleaning business. Kath worked two, and sometimes three, jobs and later for the Department of Social Security. A keen sportswoman in her youth and throughout her life, Kath was a cricket fanatic and a supporter of the Swan Districts Football Club.

Kath had a strong sense of social justice and equality. A stalwart of the labour movement, Kath served as president of the clothing union and held positions in the Labor Party throughout the 1970s and 1980s. She married Dick Gallop, whom she met through the Labor Party.

Kath worked for Labor members of Parliament Hon Garry Kelly, MLC, and George Gear, MP. She volunteered at the Returned and Services League of Australia and the Citizens Advice Bureau in Kwinana. Kath provided great service to the Kwinana community assisting people with their tax returns for many years. In 2005 she was awarded an outstanding service award from the Labor Party and in 2011 Kath was awarded life membership.

Our thoughts are with Kath's family, her daughter Jane and her surviving sons Nich and Mark and their partners, her three grandchildren, Jessica, Mandy and Jeff, and her sister Win and her family. On behalf of the Labor Party of Western Australia, we farewell our dear friend and colleague Kath Gallop.

### **VIETNAMESE COMMUNITY — YARLOOP FUNDRAISER**

*Statement by Member for Wanneroo*

**MR P.T. MILES (Wanneroo — Parliamentary Secretary)** [12.25 pm]: I rise today to commend the Vietnamese Seniors Association WA and the Vietnamese community at large who dug deep over the Labour Day long weekend in March to host a fundraising concert for the Perth Lord Mayor's Distress Relief Fund. It was heartwarming to know that the community was so willing to support those who found themselves in such a tragedy by hosting events such as this concert. On the night, \$27 000 was raised, the proceeds of which will go to the victims of the recent Yarloop fire. It is kind, selfless gestures like this one from the Vietnamese community that prove to me that our diverse multicultural society will unite in solidarity when tragedy strikes the people of our great state. To illustrate the idea, I will read out a paragraph of the invitation to the concert —

This concert is a goodwill gesture from the Vietnamese people to show our appreciation to the Australian public, who have opened arm to welcome us into this beautiful multicultural society since the post 1975 exodus.

This paragraph showed me that the Vietnamese community has still not forgotten what was done by our nation when its community was in dire need. It is enlightening to know that this attitude has not been forgotten within the Vietnamese community. It was a privilege to attend the well-organised event and all up it was a fantastic night of song and dance.

**MAX OSBORNE***Statement by Member for Girrawheen*

**MS M.M. QUIRK (Girrawheen)** [12.26 pm]: I mark the retirement of Max Osborne, AFSM, a long-serving secretary of the Volunteer Fire and Rescue Service, and his contribution to emergency services and the community for over fifty years. Max commenced as a firefighter in 1965, retiring in 1998. During those 33 years Max worked in many positions including station officer, retiring with the rank of district officer. Max's strong social conscience is reflected in his pursuit for improved working conditions and welfare of his workmates. His goals have always been to improve the service to the community while also making conditions safer for firefighters. Both as a committee member and president of the United Firefighters Union West Australian Branch, Max pursued these goals and secured the road crash rescue role for firefighters, increased the emphasis on health and safety, and was at the vanguard of the formation of the first national union of firefighters. In recognition, Max was awarded life membership of the United Firefighters Union of Australia. In his role for the last 17 years at the VFRS, Max advocated and got a new training program for VFRS volunteers, established a welfare fund for volunteers, fought for presumptive cancer laws and has had an ongoing interest in firefighter post-traumatic stress disorder and its impact on retired firefighters both career and volunteer. Max has been married to Yvonne for 45 years and has two extremely supportive children and three grandchildren. Max was involved in various sporting clubs including the South Suburban Murray Football League and he was the inaugural president of the Foothills Netball Association. With humour, loyalty, forthright honesty and dedication Max has truly made our community a better and safer place. Thank you, Max.

**GOLDFIELDS CHILDREN CHARITY BALL***Statement by Member for Kalgoorlie*

**MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker)** [12.28pm]: On 19 March I went along to the much anticipated annual Goldfields Children Charity Ball in Kalgoorlie-Boulder. This mind-blowing event, with this year's theme of "After Dark", just seems to get better every year. Nearly 1 000 people frocked up in their finest to enjoy the amazing "Rocky Horror" decorations, exquisite food, music and magicians, and lots of opportunities to donate to very worthy charities. The Goldfields Children Charity Inc is locally based and run and aims to improve the lives of local people by supporting families with seriously ill children. This is achieved through grants to community organisations that benefit the health of children and by giving annual donations to the Royal Flying Doctor Service and Ronald McDonald House. The primary fundraising activity is the annual gala ball. This event is now in its eleventh year and over that time it has raised over \$1.8 million. This year \$300 000 was raised, an incredible testament to the generosity and dedication of goldfields people, from those who buy a raffle ticket or make a cash donation on the street, to the individuals and companies that donate or purchase items at silent auction and the amazing volunteers who dedicate their time and energy on the night. Thank you to the fundraisers from Inspired Life and Kalgoorlie City Football Club, who contributed almost \$100 000 before the night. Darren McBride has been on the committee for the entire 11 years and Phil van Oyen for nine years. To them and the chair, Scott Gunson, and committee members Martin Cable, Tanya Boyd, Sharon Clynk, Denise Brown, Jacqui Tinkler, Melissa Hall, Kylie Lampros, Emma Woodcock and Jessica Bickley, you are amazing. I thank you and I cannot wait until 21 March 2017 for the next Goldfields Children Charity Ball.

**QUESTIONS WITHOUT NOTICE — PARLIAMENTARY SECRETARIES***Statement by Speaker*

**THE SPEAKER (Mr M.W. Sutherland)**: Members, I have two statements. The first one is about questions to parliamentary secretaries.

Before we commence question time today, I wish to advise members about asking questions without notice of parliamentary secretaries. Standing order 75 states, in part —

Questions may be asked of —

- (1) Ministers regarding matters under the Minister's administrative responsibility;

When a parliamentary secretary is representing a minister in the other place, it is in order for members to ask the parliamentary secretary questions regarding that minister's portfolio responsibilities. I remind members, however, that on previous occasions some notice of a question has been given ahead of question time to enable parliamentary secretaries to consult with their minister. This has enabled the parliamentary secretary to better respond to the question.

**JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION**

*Inquiry into the efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC — Terms of Reference — Statement by Speaker*

**THE SPEAKER (Mr M.W. Sutherland)**: I have received a letter dated 12 May 2016 from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission advising that the committee has resolved to

conduct an inquiry with the following terms of reference. The committee will inquire into the efficiency and timeliness of the current appointment process for commissioners and parliamentary inspectors of the Corruption and Crime Commission, including inquiring into —

- (a) the current operation of sections 9, 14, 28 and 193 of the Corruption, Crime and Misconduct Act 2003;
- (b) the role played by each of the agencies in discharging their responsibilities under sections 9, 14, 28 and 193 of the Corruption, Crime and Misconduct Act 2003; and
- (c) any alternative models used for similar appointments in other jurisdictions.

The committee proposes to report to the house by 17 November 2016.

### QUESTIONS WITHOUT NOTICE

#### BENTLEY HOSPITAL — CHILDREN'S SURGICAL SERVICES

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

I refer to the minister's decision to close children's surgical services at Bentley Hospital, which comes hot on the heels of the minister's humiliating backflip on a previous attempt to close maternity services at this hospital.

- (1) Is it not the case that the minister is now just trying to close Bentley Hospital by stealth?
- (2) Will the minister guarantee that no children's operations will be cancelled as a result of his decisions to axe these services at the hospital?

##### Mr J.H.D. DAY replied:

- (1)–(2) I actually do not feel humiliated about anything at the moment, in particular in relation to Bentley Hospital. I discussed this issue with the director general of the Department of Health the other day and was informed that paediatric surgery has essentially never been undertaken, or certainly not in recent times, at Bentley Hospital.

**Mr R.H. Cook:** There are 13 on the books already at the moment.

**Mr J.H.D. DAY:** If some surgery has been undertaken there in recent times, from what I was advised, that is an unusual situation. Princess Margaret Hospital for Children is the primary hospital for the provision of surgical services for children in Western Australia. That will be changing at the end of this year when the \$1.2 billion new Perth Children's Hospital is opened, but, as I am advised, there has been little, if any, change to the normal arrangements at Bentley.

#### BENTLEY HOSPITAL — CHILDREN'S SURGICAL SERVICES

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

I have a supplementary question. Minister, is it not true that some 19 children are already waiting to have surgery at that hospital now, putting paid to the minister's current assertion that there are no children's surgeries going on at that hospital? I ask again: will the minister guarantee that no kids' operations will be cancelled as a result of the minister closing these services at Bentley Hospital?

##### Mr J.H.D. DAY replied:

As I said, what I have been advised is that paediatric surgical services at Bentley Hospital have not been routinely provided, so it is not a matter of closing a service at all. If there are, as the member suggests, apparently some on a list at the moment that I have not otherwise been advised about, I will seek further information about it.

#### METHAMPHETAMINE

##### 277. Ms E. EVANGEL to the Minister for Mental Health:

Can the minister please advise the house what this government is doing to reduce the scourge of meth in our community?

##### Ms A.R. MITCHELL replied:

I thank the member for Perth for the question and I appreciate her support. The Minister for Police and I were very pleased to be in the member's electorate this morning to launch the meth strategy. It is an important strategy because it is a total package that comes together with Police, Corrective Services and Education to make sure that we are all working together to get the best outcome for people in Western Australia. This strategy supports people throughout Western Australia; it is not a metropolitan strategy. We were at the Next Step alcohol and drug clinic this morning—a very effective service. We are making that also a specialised meth service where people can go and get assessed and treated at the one spot. We will use that as a pilot to see how it can be progressed at later stages. Another important thing about meth, of course, is that it is a frightening drug. People

are saying at the moment that this government has been in office for eight years. In fact, drug use has gone down, amphetamine use has gone down, but methamphetamine is the stronger and more potent drug. Fewer people are using it, but they are using it more often and they are using a stronger component of it. That has gone up and that is what this strategy is addressing.

In my section of it—there are a few parts to it—the part that I think most people are interested in is \$9.8 million for treatment services. That is community-based treatment services as well as additional beds for withdrawal and treatment. People say that another 60 beds is not enough. Let me assure members that 365 beds are already in the system. We are talking about a 20 per cent increase in the number of beds in this area. That does make a difference. It is not the only form of treatment. Those are there. We will also be having work done with nurses in emergency departments. We have \$2.2 million for that. We have also got a \$1.6 million expansion in initiatives for prevention. A lot of that will be done through education. We have seen the campaigns go out. Once again, the opposition says, “What have you done?” Amphetamine campaigns started in 2011. We have moved on—we are on to meth campaigns now. They are different. They started rolling out late last year and they have been rolled out again. We will do two a year. Those things are happening and there are specialised education programs as well going through in that very effective School Drug Education and Road Aware campaign.

Those things, including treatments, are important. I would say that very few people in this chamber do not know some family or somebody who is affected by meth. It is a frightening drug and it is one that needs to be addressed. I am very happy to say that this government’s investment is an 83.1 per cent increase, member for Warnbro. The Labor government did not do anywhere near that. This government is. It is tackling it and it will make a difference.

#### ELIZABETH QUAY — CHEVRON BUILDING — AMENDING DEED

##### **278. Ms R. SAFFIOTI to the parliamentary secretary representing the Minister for Planning:**

My question without notice of which some notice has been given is to the parliamentary secretary representing the Minister for Planning. I refer to the two-year construction deferral of the Chevron Australia building at Elizabeth Quay.

- (1) Have negotiations commenced or been finalised in relation to the preparation of an amending deed?
- (2) Has the amending deed been presented to the Metropolitan Redevelopment Authority board; and, if so, when was it presented?
- (3) What, if any, are the new key milestones in relation to construction commencement?

##### **Mr J. NORBERGER replied:**

I thank the member for the question. I note that she did indeed give notice of it.

- (1)–(3) Members would be aware that the Minister for Planning had made known a potential or perceived conflict of interest in relation to Chevron and the planning portfolio, and that any issues at a ministerial level to do with Chevron and planning would be dealt with by the Minister for Health. As such, in relation to this question, I have conferred with my minister and at this point we would suggest that the member put this question on notice, addressed to either the Minister for Health or the Premier.

Several members interjected.

#### *Point of Order*

**Ms R. SAFFIOTI:** Can I seek some clarification in relation to who can answer this question? I was advised that the Minister for Health could not answer this question because in this house he has no official acting capacity in relation to the planning portfolio. Who can actually answer this question?

**The SPEAKER:** That is not a point of order and I cannot answer that question.

#### ELIZABETH QUAY — CHEVRON BUILDING — AMENDING DEED

##### **279. Ms R. SAFFIOTI to the parliamentary secretary representing the Minister for Planning:**

I have a supplementary question. Can the parliamentary secretary please advise how I can get an answer to this question?

##### **Mr J. NORBERGER replied:**

I thank the member for the question. To clarify for the member yet again, if she would like an answer to this question, as opposed to just doing a political stunt, I suggest she put it on notice in writing to the Minister for Health or the Premier.

Several members interjected.

**The SPEAKER:** Thank you; that is finished. Thank you, member for Warnbro.

**Mr P. Papalia** interjected.

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

**Mr D.J. Kelly** interjected.

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

**Mr C.J. Barnett** interjected.

**The SPEAKER:** I call the Premier for the first time.

**Ms R. Saffioti** interjected.

**The SPEAKER:** I call the member for West Swan for the first time. I do not want to hear anymore.

#### WA POLICE — BODY-WORN CAMERAS

**280. Mrs G.J. GODFREY to the Minister for Police:**

Can the minister please advise the house on any new —

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

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

**Mrs G.J. GODFREY:** Thank you. My question is to the Minister for Police —

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

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

**Mrs G.J. GODFREY:** Thank you. My question is to the Minister for Police. Can the minister please advise the house on any new initiatives that will help protect our police officers?

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

I thank the member for Belmont for her question and her continued interest in this government's initiatives to protect our police officers.

Over the seven or so years that we have been in government, we have gained a very strong reputation for putting initiatives in place to protect our police officers. I was really pleased to be in Northbridge recently with the member for Perth and Deputy Commissioner Steve Brown to announce a trial of body-worn video cameras that will commence in Perth —

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

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

**Mrs L.M. HARVEY:** The body-worn camera trial—as I was saying before I was so rudely interrupted—will be conducted in Perth and Bunbury. This is the first trial of this sort of initiative in Western Australia. Approximately 300 cameras will be deployed to frontline officers in the Perth local policing and response teams. In addition, our regional operations group officers will be wearing body-worn cameras as part of a trial, and officers at Bunbury Police Station will, too, member for Bunbury. I am sure that the member for Bunbury's local constituency will welcome this initiative.

Several members interjected.

**The SPEAKER:** Members!

**Mrs L.M. HARVEY:** Members opposite cannot bear to hear how well this government looks after police officers, can they? They just have to interject. We on this side of the house know our police officers do an exceptional job in very challenging circumstances. We are hopeful—we will be assessing it—that the wearing of body-worn video cameras as part of this trial will result in more early guilty pleas as those offenders intervened on by police will see themselves on video and obviously see how they behaved. It may lead to an early guilty plea, which is a better result for victims of crime because they get some swift justice. This will add to our tremendous record as a government. We are the government that introduced mandatory minimum terms for people who assault police officers. We are the government that introduced the mandatory taking of blood from people who bit or spat at our police officers. Our officers in Western Australia know that the Liberal–National government supports them against people who assault them. We make sure those people go to jail, unlike the Labor opposition. It endorses candidates who assault police officers, and then it goes to the media —

Several members interjected.

**Mrs L.M. HARVEY:** The Leader of the Opposition says, “He’s a really decent bloke.” People who assault police officers in Western Australia are not decent blokes; they go to jail under this government.

Several members interjected.

**The SPEAKER:** Thank you.

**Mrs M.H. Roberts** interjected.

**The SPEAKER:** Member for Midland, it is finished.

## TAB PRIVATISATION — PREMIER'S COMMENTS

**281. Mr M.P. MURRAY to the Leader of the National Party:**

The Leader of the National Party has graced us with his presence at least. I refer to the Premier's comments regarding the racing industry's involvement in the sale of the TAB that said it would not be party to its privatisation.

- (1) Will the Leader of the National Party support the sale of the TAB if the racing industry is excluded from the privatisation process?
- (2) Will the Leader of the National Party once again exclude himself from cabinet when the sale of the TAB is discussed?

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

- (1)–(2) I thank the member for Collie–Preston for the question. I will put the question back to the member: will the member support the sale of the TAB if industry supports it?

Several members interjected.

**The SPEAKER:** Leader of the National Party, this is not “I’ll ask one question” and then “I’ll ask another question back”. Through the Chair, please.

**Mr D.T. REDMAN:** I think it is a good point to note. If industry supports the sale of the TAB, will the Labor Party support it? I have heard its commentary has become awful, awful wobbly on this issue. Labor Party members are sitting over there thinking, “Crikey, we would like to oppose this, but it’s going to be awful hard if industry supports the position.” Hon Col Holt has been doing a fantastic job engaging with industry and setting up a pathway for the choices of industry.

Several members interjected.

**The SPEAKER:** Member for Girrawheen, calm down.

**Mr D.T. REDMAN:** Thank you, Mr Speaker. Hon Col Holt has done a fantastic job with that, following on from the member for Wagin —

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

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

**Mr D.T. REDMAN:** I have absolute confidence in the minister's progression of the issue. The real question for the Labor Party is: what is it going to do if industry supports the sale of the TAB? The Labor Party is getting awful wobbly.

## TAB PRIVATISATION — PREMIER'S COMMENTS

**282. Mr M.P. MURRAY to the Leader of the National Party:**

I have a supplementary question. What a pathetic answer! I ask again whether the minister will support the racing industry having a say in the sale process?

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

I think that I have been pretty clear.

Several members interjected.

**Mr D.T. REDMAN:** The Minister for Racing and Gaming is doing his job —

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

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

**Mr D.T. REDMAN:** The Minister for Racing and Gaming is doing his job, and he will pursue the outcome that is in the best interests of the sector. The pressure is really on the Labor Party on this one.

Several members interjected.

## HBF ARENA REDEVELOPMENT — JOONDALUP

**283. Mr J. NORBERGER to the Minister for Sport and Recreation:**

I understand that the state government is investing an extra \$4.3 million into HBF Arena in Joondalup as part of the 2016–17 state budget. How will this investment benefit the arena and the community that uses it?

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

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

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

Thank you, Mr Speaker.

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

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

**Ms M.J. DAVIES:** I thank the member for the question and for his advocacy in this space, because there have been many conversations between my office and the member.

**Mr D.J. Kelly:** Can you give an answer without saying the word “space”?

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

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Member for Bassendean, I call you to order for the second time. Member for Bassendean, you will have an empty space on your chair if you carry on!

**Ms M.J. DAVIES:** The Liberal–National government has delivered on another election commitment. I and the member for Joondalup were out at HBF Arena yesterday to announce a further \$4.3 million commitment to finalise the redevelopment of that very significant arena and space. It is a fantastic space up there for sport and recreation for the very fast-growing northern suburbs! That is part of a \$20 million investment, and the funds allocated in the state budget for this year bring that up to the full \$20 million we committed for this project. HBF Arena houses a multitude of community sporting and recreation facilities, including hockey, soccer, rugby, netball, basketball, swimming and tennis clubs and West Perth Football Club. It is truly a significant community facility and precinct in the northern suburbs.

The earlier works funded through the state government included upgrades to the netball courts and rugby fields. Three additional netball courts were put in as well as game day administration and medical centres, which I visited with the local member. A second rugby field was also put in. This funding will complete the works for basketball. A new four-court basketball stadium at the front of HBF Arena and new administration and play area amenities will be constructed. They were incredibly grateful when we were out there yesterday and were really looking forward to work starting.

Importantly, the West Perth Football Club, one of our West Australian Football League clubs, will have new function areas, player amenities, football development services and administration and member facilities. Anyone who has been there knows that it operates out of a shoebox, and it is also very much looking forward to these new facilities and the opportunities that will afford it as a football club and the heart of the community.

It is really important that we have been able to support the additional infrastructure required. A raft of ancillary infrastructure has been supported in addition to new parking bays at each end of the precinct. HBF Arena will continue to be a very important facility for the northern suburbs. It is a significant investment from the state government in sport and recreation. We are on track with work commencing very shortly. The building company has been appointed and it should be completed by September 2017.

#### PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION — STRATEGIC ASSESSMENT

**284. Mr C.J. TALLENTIRE to the Minister for Environment:**

I refer to the Perth and Peel Green Growth Plan for 3.5 million and the strategic assessment that is to be conducted under the Environmental Protection Act. Is it the minister’s intention to use the Environmental Protection Act part IV environmental impact assessment provisions to conduct the assessment of the plan; and, if not, why not?

**Mr A.P. JACOB replied:**

I thank the member for Gosnells for the question. In beginning my answer, I acknowledge representatives from Quinns Mindarie Surf Life Saving Club who have joined us in the Speaker’s gallery today.

It is good to know that emails from my office to Mr Verstegen make it to the member for Gosnells within the first 24 hours. That is nice for me to be well aware of, but anyway I take the point. The green growth plan is an ambitious program from this government and something that we have put —

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Member for Bassendean, I call you to order for the third time. I think that you would like to be here at two o’clock so I advise you to relax for the next seven minutes.

**Mr A.P. JACOB:** The strategic assessment of the Perth and Peel region or the green growth plan is a plan into which this government has put five years of work. The plan seeks to address the environmental challenges that the Perth and Peel region face at a high-level end right across the region and creates some 170 000 hectares of

extra conservation estate within the Perth and Peel region. This plan will create the largest metropolitan conservation estate of any city anywhere in the world and although I am happy to cop criticism from members opposite, I have not yet heard a single alternative. This government is taking seriously the environmental challenges of the Perth and Peel region.

I will get into the nuts and bolts of how it works. It is not only a bold conservation plan, but it is in the first instance. This is the boldest ever conservation plan of any government in any capital city in Australia. The functional side of it is the vehicle of environmental impact assessment. In the first instance, that is being followed through the Environment Protection and Biodiversity Conservation Act. Yes, it is a strategic assessment through the EPBC act. The Environmental Protection Authority has released section 16(e) advice that pertains to the green growth plan, but the strategic assessment is through part 10 of the EPBC act.

#### PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION — STRATEGIC ASSESSMENT

##### **285. Mr C.J. TALLENTIRE to the Minister for Environment:**

I have a supplementary question. I take it from the minister's answer that he is saying no. Given that the last time the minister played fast and loose with environmental approvals on Roe 8, the Chief Justice sent him back to the drawing board, why is the minister trying to cut corners again?

##### **Mr A.P. JACOB replied:**

Fast and loose? This government from day one set out with an ambitious plan for conservation right across this state and more than five years of work has gone into the first attempt from any government to address the environmental challenges across the Perth and Peel region. It has been done across government in partnership with planning, land use planning and the need for infrastructure corridors. Years and years of work have gone into this program. We have just extended public consultation for another two months. We are running roadshows right around the state to inform all stakeholders, be they conservation, industry or community groups in general. An incredible amount of work has gone into this program. I object entirely to the "fast and loose" question.

#### SHARK HAZARD MITIGATION STRATEGIES

##### **286. Mr A. KRSTICEVIC to the Minister for Fisheries:**

I read with interest the opposition spokesman for fisheries' comments regarding the announcement of the government's ongoing commitment to shark hazard mitigation strategies. Can the minister please provide the house with an update on what this government is doing to mitigate the hazard posed by sharks in our waters?

##### **Mr J.M. FRANCIS replied:**

I thank the member for the question. This is an important issue for a number of different reasons. But, firstly, as everyone here knows, we value the use of our wonderful beaches and resources by everyone, from swimmers to divers to surfers to all those people who use our water, and it is important that they can feel as safe as possible when they do so. It is also very important because this wonderful coastline along the length of Western Australia is very important for attracting tourists, and one of the reasons tourists come to Western Australia is to see our wonderful beaches and swim. It is important that we get correct our shark risk reduction strategy and it is important that as part of that we look at all the different options that we can do as a government to help reduce the risk of shark attacks. Obviously, no-one wants to lose a loved one in that way, but from time to time it happens.

On different parts of the coastline we can do different things. I note the presence of the surf lifesaving club from Quinns Rocks in the gallery today. We were up there last week announcing another shark barrier, which will go out from that beach. It will be the fifth one up and down the coast. Shark barriers are great for people who want to swim along the coast, but of course it is no good at helping people who want to surf or dive. Therefore, we have to look at different technologies.

As part of our ongoing commitment to try to reduce the risk of shark attacks, we are also investing in the development of new technologies. I know the member for Bassendean said we were not doing that. I want to put on the record some of the things that we have been investing taxpayers' money in on behalf of the people of Western Australia —

Several members interjected.

**Mr J.M. FRANCIS:** This is an important issue and the best that members opposite can do is talk about the colour of my tie—seriously!

Several members interjected.

**The SPEAKER:** Members!

**Mr J.M. FRANCIS:** It is worth noting some of these things. An amount of \$300 000 is going to the development of Shark Shield; \$220 000 —

Several members interjected.

**The SPEAKER:** Member for Midland, member for Cannington and member for Kwinana!

**Mr J.M. FRANCIS:** We have invested \$300 000 to develop Shark Shield. There is \$220 000 to the University of Western Australia for testing and improving existing shark deterrents, including Shark Shield. That is over \$500 000 for Shark Shield. An amount of \$222 000 will also go to UWA to develop and test —

Several members interjected.

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

**Mr J.M. FRANCIS:** An amount of \$222 000 will also go to UWA for the development and testing of innovative deterrence and underwater sound curtains; \$273 000 will go to Curtin University for sonar imaging and detection research —

**Mrs M.H. Roberts** interjected.

**The SPEAKER:** Member for Midland, I think you have gone down that path now; just leave it alone. I call you to order for the first time.

**Mr J.M. FRANCIS:** An amount of \$203 000 will also go to UWA to develop computer algorithms for real-time automatic shark detection; \$130 000 to Curtin for research into masking noises made by swimmers that might attract sharks; \$252 000 to the University of Western Australia to develop acoustic systems to detect sharks along the coast separate from the tagging program; and \$284 000 to Associate Professor Hart to examine the actual visual, electronic and other sensory cues that sharks look at before they attack someone so that we can understand and get a better comprehension of the risk and what sharks look for. We are investing in alternative technologies. We are getting on with the job. We are looking at all the options as should any good government. It is just not right for the member for Bassendean not to be honest with the people of Western Australia about these strategies.

*Sitting suspended from 1.00 to 2.00 pm*

#### **APPROPRIATION (RECURRENT 2016–17) BILL 2016**

##### *Introduction and First Reading*

Bill introduced, on motion by **Dr M.D. Nahan (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

##### *Second Reading*

**DR M.D. NAHAN (Riverton — Treasurer)** [2.01 pm]: I move —

That the bill be now read a second time.

[The Treasurer read the following speech.]

#### **INTRODUCTION**

Eight years ago Western Australia's population stood at 2.2 million. Today it stands at over 2.6 million. In eight years, the population of this State has grown by 450,000 people, or more than the population of the ACT, and most of that growth has been in Perth.

I just want to give Members a snapshot of the impact this people boom has had on Government services over the last eight years.

In this period an extra 42,500 children have enrolled in the State school system alone—an increase of 17%. This does not include the private sector which has experienced similar growth in students.

The number of registered cars in Western Australia increased by 23% between 2008 and 2016, from 2.3 million vehicles in 2008 to 2.8 million in March 2016. There's your congestion issue right there, an extra 500,000 vehicles coming onto our roads.

It is estimated that there will be 156,000 more inpatients admitted to hospital as public patients in 2016 than there were in 2008.

And there will be 233,000 more presentations in Western Australia's publicly funded Emergency Departments in 2016 than there were in 2008.

There will be 3,000 more births in Western Australia's public hospitals in 2016 than there were in 2008.

The number of children in care has grown by over 40%, from 3,195 as at 30 June 2009 to 4,503 as at 30 June 2015.

In this same period the population of seniors, that is people over 60, has grown by 126,000, and I am one of them.

Mr Speaker, I am very proud of how this Government has met the demand created by this population boom. It has not been easy, we have had to spend a lot of money and quite frankly we have had to borrow a lot of money to do it, but I would argue that has been entirely appropriate given the exceptional circumstances of the times.

And it was entirely appropriate for this Government to take advantage of the times and use the revenues that were coming in from royalties and the buoyant economic activity to build the infrastructure for the future. We were in great need of new schools, hospitals, roads, sporting and tourism facilities and we grasped the opportunity to build them. We do not apologise for that.

Since 2008, we have opened 37 new primary schools, 11 new secondary schools, three new metropolitan hospitals, including Fiona Stanley Hospital, and by the end of the year we will also be opening the new Perth Children's Hospital—institutions that make us the envy of Australia.

In this eight year period we have increased the size of the road network by 627 kilometres, spent \$9.3 billion on improving the State's electricity-related infrastructure, and \$1.7 billion to develop a climate-resistant water supply. We have provided over 34,000 affordable housing opportunities, provided a net increase of 183 specialised mental health beds and yes, 2,668 additional prison beds, because not all the effects of the boom are positive.

To get teachers in front of classrooms, nurses into our hospitals and police on the beat we offered the best wages in Australia. Again that was entirely appropriate given the competition for labour from a rampant resources sector and the demand flooding into the system through the population explosion.

At the last election, we promised to hire an extra 550 police officers in this term of Government and we are delivering on that promise.

During this time, as everybody knows, we have transformed the regions and the city to make them vibrant, energetic and attractive places to live. And Perth is a vastly different place to the one we inherited in 2008. Never again will we be known as Dullsville.

After 40 years of talk and no action, this Government has delivered on a riverside precinct that has already transformed how people interact with the city. Elizabeth Quay is a resounding success, attracting over 1.6 million visitors since it opened in January 2016.

Several members interjected.

**The SPEAKER:** Member for Butler, that is enough.

**Dr M.D. NAHAN:** To continue —

With festivals and events already having been staged at Elizabeth Quay, it is a wonderful achievement and a sparkling addition to the life of the city.

The Gateway Project has greatly improved access to and from Perth Airport. Perth City Link and Yagan and King's Square are well under way, as is the new Perth Stadium, and these projects will add to the excitement of living in this modern city.

These projects have not only made Perth a more attractive city for its residents but transformed our capital into a world class travel destination. Demand for hotel rooms in Perth continues to grow and investment in hospitality is providing new jobs and business opportunities.

Mr Speaker, tourism was worth an estimated \$9 billion to the State's economy in 2015 and supported 94,000 jobs. Tourism will continue to be vitally important to our economy going forward and the State is now seen as a more desirable destination due to many important reforms this Government has overseen, such as extending trading hours, and streamlined liquor licencing and planning approvals.

To ensure the industry continues to grow, the Government has committed \$46.6 million for tourism related initiatives, including an additional \$16.9 million over four years to market Western Australia as a highly desirable holiday destination, a further \$19 million over three years to 2018–19 to secure major events, and an additional \$10.7 million over four years to enable the Perth Convention Bureau to continue securing national and international business events by marketing Western Australia as a preferred convention, exhibition and incentive travel destination. This sort of investment would not be possible if not for the courageous decisions of Liberal–National governments to build tourism infrastructure like the Convention and Exhibition Centre, Elizabeth Quay and Perth Stadium.

An unprecedented peak in commodity prices and the accompanying population boom provided the impetus for significant growth in the public sector asset base. At 30 June 2008, the value of publicly

owned assets stood at \$123.7 billion. The value of the State's public sector asset base is now estimated to be \$191.8 billion at 30 June 2016. This is an increase of \$68 billion, or 55%, in the value of the State's public sector asset base in eight years—an incredible feat given that this includes the impact of the Global Financial Crisis, during which asset values and State revenue came under significant pressure.

At the same time the private sector has invested \$480 billion in productive assets in the State which have created tens of thousands of jobs, and there are now more than 6,500 additional businesses.

Western Australia is adapting to a new phase of the business cycle as some major mining projects move from construction to production and increase their focus on driving efficiencies, while a lower oil price, a more competitive exchange rate, lower rents and greater labour availability are supportive of growth in agriculture, education, tourism and health.

For example, a lower exchange rate has contributed to the value of agricultural exports increasing by almost 33% (or \$1.65 billion) between 2012 and 2015. Similarly, the number of international tourist arrivals increased by almost 100,000 persons or 13.3%.

Despite softer domestic activity as the economy transitions from this period of unprecedented growth, it is important to remember that the long term fundamentals of the Western Australian economy are strong.

The mining sector, in which we have a comparative advantage, will continue to drive growth, through a substantial expansion in exports. Exports are already the key driver of economic growth, with merchandise exports lifting by 8.6% in 2014–15.

From 2015–16 to 2019–20, iron ore exports are expected to increase by around 50 million dry tonnes, which reflects most notably the ramp-up of production at the Roy Hill project. LNG production capacity is projected to more than double—from over 20 million tonnes to nearly 50 million tonnes.

Based on current producing projects and those under construction, Western Australia is expected to have the third largest liquefaction capacity in the world (after Qatar and the United States) by the end of the decade, with Australia as a whole being ranked number one.

The resources boom and the accompanying population boom have left us with greatly elevated wealth and productivity.

Between 2008 and 2015, the number of people employed in Western Australia increased by more than 184,000, equivalent to 26,000 jobs per year. Average gross household incomes have gone from roughly \$110,000 in 2008 to an estimated \$135,000 in 2015—an increase of almost 25%. This Government has not wasted the boom and anyone who claims it has will have a hard time explaining where all this extra capital, both physical and human, has come from in just eight years.

Faced with the explosion in demand from the huge population increase, this Government had no choice but to borrow to build the infrastructure to meet that demand. We make no apologies for meeting that challenge.

We make no apologies for transforming the city, for transforming the regions, for lifting the whole State up with the rising tide of the resources boom and the opportunities it presented.

Right now, however, we have a different challenge. The dramatic fall in commodity prices, coupled with declining business investment and the flow through effect on the rest of the economy, including the labour market, is resulting in greatly reduced returns to the Government. This has caused a sudden uplift in State debt and that has to be addressed.

The downturn in commodity prices hit harder and more dramatically than anyone expected. We know that. At the same time the perverse GST system delivered the lowest ever return in our tax dollar—with just 30 cents for every dollar raised in Western Australia staying in this State. Disgraceful.

This equates to a \$4.7 billion loss relative to Western Australia's per capita share and effectively means that all of Western Australia's royalty income of \$3.8 billion, plus a further \$900 million, is expected to be redistributed as GST grants to other States in 2016–17.

Since 2014–15 when I became Treasurer, we have seen our forecast revenues drop by almost \$15 billion. An example is the 2016–17 financial year that we are about to enter. In 2014–15, Treasury forecast revenue of \$31.2 billion for 2016–17. It is now expected to be \$25.7 billion and this is despite a well-publicised increase in land tax.

The Government recognises that some property owners experienced significant increases in their land tax assessment last year. There will be no increases to land tax rates in this Budget and while we are not in a position to immediately reduce these rates, we will examine options to reduce the financial impacts on property owners going forward, including the impacts of aggregation.

Over the last three years, the Government has implemented major corrective measures to control growth in spending. We have achieved some amazing results, cutting expenditure growth from 13.5% at its peak in 2008–09 to an estimated 2.5% in 2015–16. This follows 2.2% growth achieved in 2014–15, the lowest rate of increase in 20 years.

We have introduced measures that have not always been popular—workforce renewal, recruitment freezes, procurement cuts and agency expenditure reviews, and our revised wages policy announced in February 2016 which pegs wage rises to 1.5%, a policy that will save an estimated \$826 million in salaries expenditure over the next four years.

Mr Speaker, I announce that as of today, the Government's recruitment freeze is over. The recruitment freeze and our strong stance on wages policy has enabled us to avoid the large scale redundancy programs that have occurred in other jurisdictions. Salaries growth of just 3% is now forecast for 2015–16, which is the lowest rate in 17 years.

Significantly, we have announced \$25.4 billion in general government sector revenue and recurrent savings measures since coming to office in 2008. This is almost equivalent to total forecast general government revenue in 2016–17.

And yet the impact of the revenue collapse and the GST perversion is that we must borrow more to fund our capital works program. Net debt is therefore forecast to rise to an estimated \$33.8 billion by 30 June 2017.

Mr Speaker, in last year's Budget, we forecast an expected operating deficit of \$1.3 billion for 2014–15 and it came in at \$431 million. For the current financial year, we were forecasting an operating deficit of \$3.1 billion at Mid-year Review and it is now expected to come in at \$2 billion. The forecast deficit for 2016–17 is now \$3.9 billion but we are confident that with continued due diligence around spending we will come in under that as well. And it must be noted that the GST loss of \$4.7 billion relative to our population share is driving us into deficit. Otherwise we would be in surplus.

These deficits will add substantially to our debt levels. I would say here that without the impact of the \$15 billion revenue collapse since the 2014–15 Budget, which is, I might add, unprecedented in the State's history, the debt levels would be below \$25 billion by the end of the forward estimates period, and the net debt to revenue ratio would be below the 55% target level.

I am pleased to advise the House that despite the issues we face, net debt at 30 June 2016 is now estimated to be \$1.7 billion lower than forecast in December's Mid-year Review. This much better than expected outcome reflects both higher revenue (predominantly from the Commonwealth's GST top-up funding and higher iron ore prices) and lower spending, proof of our ability to control expenditure.

A lot of people have become experts after the fact on iron ore and oil prices. Treasury adjusted its forecasting methodology last year to provide a more market-based outlook, but it is an inexact science and anyone who tells you otherwise is having you on.

### **THE PLAN TO SECURE OUR ECONOMIC FUTURE**

Mr Speaker, this Government has said it will address the debt issue with a plan to sell mature assets in order to pay down debt as well as fund key capital works going forward.

And improve our credit rating —

We are not retreating from that plan. Any sensible economic manager, be it a householder, business person, investor or multi-national mining giant knows that when debt gets too high, or when they reach their appropriate borrowing limits and still need fresh capital for investment, then it is time to review your asset base.

Indeed it is the same plan being pursued by Governments around the country.

Liberal or Labor —

When you have increased the size of your asset base by over 50% in eight years it makes even more sense and that is what we have done and intend to do again in this 2016–17 State Budget.

Asset sales are the only sensible way of ensuring that the Government of Western Australia continues to invest in the capital of the future.

While our level of borrowings is manageable, the overall level is higher than we would like. We do not want debt to get higher, but we still have schools, roads and railways to build to meet the demands of a growing population.

As I have already shown, Western Australia has a huge asset base. It is sound economic sense to sell mature assets that can be run just as well by the private sector in order to fund the infrastructure of the future.

Mr Speaker, as Members are aware, the Government recently completed the successful sale of the Perth Market Authority, and is continuing to progress the divestment, via long term lease, of the Utah Point bulk handling facility at Port Hedland and Fremantle Port. We are also progressing the partial divestment of Keystart's loan book. The Government is also engaged in productive discussions with the racing industry to progress the sale of the TAB.

### ***Funding Future Infrastructure***

In addition, Mr Speaker, I am announcing today that the Government proposes the sale of:

- Western Power; and
- Horizon Power's transmission and distribution assets in the Pilbara.

The proceeds will be used to reduce debt and to fund future infrastructure. A final decision to sell these assets will not be made until after the next election.

A decision to sell the assets will only be made following confirmation that divestment is in the best interests of both taxpayers and electricity consumers.

Several members interjected.

**The SPEAKER:** Member for Warnbro, I call you for the third time. Member for West Swan, I call you for the second time. I have been here for seven years and I have not seen anybody asked to leave the chamber during the budget speech. If anybody wants to make it a first, I will oblige them. Let us carry on.

**Dr M.D. NAHAN:** I continue —

The decision will also be dependent on an effective regulatory regime, which ensures electricity consumers are no worse off.

Combined with the current asset sales program, this would result in estimated proceeds of around \$16 billion. These proceeds will reduce debt to manageable levels and fund future capital expenditure. It will improve our operating balance, even after accounting for forgone dividends and taxes.

The Government will use the proceeds to:

- retire up to \$11 billion of State debt; and
- create a \$5 billion Infrastructure Fund, to provide the capacity to finance key infrastructure projects that meet the needs of Western Australia into the next decade.

This is a real game changer, Mr Speaker. The repayment of \$11 billion in debt will represent around a 30% reduction in net debt by the end of the forward estimates, and will reduce the State's annual interest bill by hundreds of millions of dollars. And the \$5 billion Infrastructure Fund will provide a ready source of non-debt funding for essential infrastructure, which may include new public transport infrastructure, new roads, new schools and other economic and social infrastructure to facilitate the continued growth of Western Australia.

This represents a small portion of the State's asset base which is worth over \$190 billion. While there will be a loss in yearly dividend payments to the general government sector of around \$300 million, this will be more than offset by public sector interest costs, which are estimated to be almost \$600 million a year lower. That is prudent economic management, not a fire sale.

Mr Speaker, as I said earlier, the people boom and the Government's response to it has left Western Australia in excellent shape to meet the challenges of the future.

The Liberal-National Government wants to help Western Australian business to leverage off the skills we have developed in the mining and oil and gas sectors.

As well, we want to build on our comparative advantages in agriculture, fisheries, tourism, science and education. We will not be competing with India or China to build rail cars for our limited market. That, quite frankly, is a ridiculous suggestion, but we will capitalise on the expertise we have grown in shipbuilding and software development.

### ***Creating New Opportunities***

Mr Speaker, while economic growth in the State will continue to be supported by the resources sector, we have long recognised that other sectors are strategically important in terms of growth in employment opportunities and developing the State's economic base. This is why we are spending an additional \$46.6 million on tourism initiatives in this Budget.

It is also why we will spend \$20 million over the next four years for government departments to work with relevant industries to support the researchers, innovators and start-up businesses that have the

greatest potential to strengthen, broaden and build the Western Australian economy. This is on top of \$30 million we are already spending on defence industries, shipbuilding, and science, and it does not include the tens of millions being spent in health, such as the Harry Perkins Institute, the Telethon Kids Institute and the Sarich Neuroscience Research Institute.

Consistent with our commitment to strengthen, broaden and build the economy, Mr Speaker, the Government will also be assisting small businesses with a further increase in the payroll tax-free threshold from 1 July 2016. The threshold will increase to \$850,000, up from the current \$800,000, which will benefit an estimated 11,500 businesses across the State.

We also recognise that the Western Australian agriculture and food industry sector is facing unprecedented opportunities and challenges. This is why we are building on our commitment to the Seizing the Opportunity Agriculture initiative that we commenced in 2013–14, which now totals \$350 million and focuses on a range of activities to support agriculture and food industry development. This initiative aims to remove barriers to the sector in order to capture opportunities in emerging markets and is supported through a range of programs that are designed and delivered across a number of government agencies in partnership with industry.

The program is made up of new and continuing projects such as WA Open for Business, Strengthening Western Australia's Agricultural Biosecurity Defences, the Water for Food initiative, the Agricultural Sciences Research and Development Fund, the Infrastructure Audit and Investment Fund, Boosting Grains Research and Development Support, and the Northern Beef Industry Strategy.

The Government is also providing \$2.3 million over the forward estimates period to the Department of Fisheries for a multi-species shellfish hatchery in Albany, plus a further \$1.3 million for the establishment of additional aquaculture development zones.

### ***Methamphetamine Strategy***

Mr Speaker, Perth has grown up over the past eight years and we have not been without growing pains.

We have not been able to escape the scourge of drug abuse and in particular the devastating effects of the methamphetamine epidemic. The use of methamphetamines in people aged over 14 is higher in Western Australia at 3.8% of the population than the national average of 2.1%.

Our police and courts testify on a daily basis to the impact this drug is having on crime and mental health within our community and we have to stop it.

Today the Liberal–National Government announces that it will set aside \$15 million to fight the scourge of methamphetamines through a comprehensive strategy led by Mental Health, in addition to resources and support provided by other agencies including Corrective Services and Police.

The strategy will include the establishment of:

- a pilot specialist methamphetamine clinic;
- eight low-medical withdrawal beds in the North Metropolitan and South Metropolitan areas;
- 52 residential rehabilitation beds in the South Metropolitan and Northern and remote regions; and
- 13 additional fixed term full-time employees for the Community Alcohol and Drug Service and extra clinical nurses in hospital emergency wards.

The Western Australia Police will continue their fight in targeting methamphetamine supply as part of their enforcement action plan that includes measures such as the dedicated Meth Transport Team to target supply routes into the State.

Corrective Services will combat the high number of inmates with substance abuse problems, including methamphetamines, through their drug and alcohol intervention and treatment services.

And we will provide an additional \$19.2 million for ongoing funding for the North West Drug and Alcohol Support Program.

## **MEETING DEMAND WHILE EFFICIENTLY DELIVERING QUALITY SERVICES**

### ***Health***

Mr Speaker, this Government remains committed to strengthening the public healthcare system, as well as ensuring it is run as efficiently as possible.

The 2016–17 Budget for WA Health totals \$8.6 billion, representing a 4.8% or \$395.4 million increase in overall expenditure relative to 2015–16. This is a very strong outcome in a tight fiscal and economic environment and represents an 80% increase in health expenditure since 2008–09.

Our commitment includes a continued focus on clinical investment, with the Budget providing for an increase of \$265.6 million for hospital services for 2016–17 (a 4.8% increase relative to 2015–16). From 2017–18 to 2019–20, we will redirect \$148.3 million from non-hospital expenditure to support front line service delivery in our public hospitals. We are also providing a \$10 million capital grant to PlusLife—Western Australia’s only bone bank to develop a purpose built processing and laboratory facility adjacent to the Midland Public Hospital.

### ***Mental Health***

Mr Speaker, it is estimated that at least 30–50% of people with an alcohol or other drug problem also have a co-occurring mental illness. The amalgamation of the former Drug and Alcohol Office and the Mental Health Commission on 1 July 2015 will assist to enhance the integration of mental health, alcohol and other drug services.

To ensure that Western Australians have access to safe and high quality services, the Government will be investing more than \$645 million into public hospital mental health activity in 2016–17.

I am also pleased to announce that we are providing additional funding of \$13.1 million to continue the Mental Health Court Diversion Program, which has been operating on a pilot basis since 2013. Eligible participants are supervised by a court while they receive treatment and support that addresses the underlying causes of their offending behaviour. Since this program was launched, the courts have referred 934 adults and 898 children for treatment, highlighting the need for this facility.

We have also committed \$2 million over two years to establish an additional 10 long stay community beds in the metropolitan area for older adults with a mental illness. This is on top of the 22 beds already available and will enable older people with severe mental illness to access appropriate and ongoing mental health support while living in a home-like community based setting. I will also mention further mental health beds when touching on our capital expenditure slightly down the track.

### ***Education***

Now, Mr Speaker, I have already mentioned the large increase in public school enrolments we have experienced in the past eight years. Over this period, the Government has increased expenditure on education, training and workforce development by over 40%. This equates to expenditure over the period of almost \$43 billion, including \$5.5 billion in 2016–17 alone.

Western Australian public schools remain among the best resourced in Australia, with this Budget providing a 3.3% increase in spending by schools to continue to provide high quality education services for all students.

Reforms in the education sector continue to drive school improvement and increase engagement of school communities. The success of our Independent Public Schools program can be seen by the fact we currently have 445 Independent Public Schools, representing 57% of all government schools. Furthermore, representatives from over 130 government schools recently took part in the first step of the selection program to become one of a further 50 independent schools in 2017.

To make sure all children get the best possible start to life, we have established 21 Child and Parent Centres across Western Australia since 2013. These centres are for parents with children up to eight years old, with a focus on pre-birth to four year olds, and are conveniently located at or near schools in communities with the greatest need. The centres allow for parents to get advice to help with their children’s development.

We have also implemented the new KindiLink program in 2016, which is running at 37 schools. This program is for three-year old Aboriginal children and provides play and learn sessions for both children and their parents to help these children start their school years with a good foundation.

### ***Sport***

Mr Speaker, an active community is generally a healthier community.

As such I am pleased to announce that the Government is providing \$10 million over four years from 2016–17 to the Town of Victoria Park for the redevelopment of the Lathlain Park Precinct. This project will comprise the construction of a second oval, refurbishment of the existing oval, lighting, running track and other community facilities. It will also facilitate the relocation of the West Coast Eagles Football Club.

The Government will also provide an additional \$8.7 million over 2017–18 to 2019–20 for the Community Sporting and Recreation Facilities Fund, which will increase base funding to \$12 million per annum —

**Mr P.B. Watson:** It used to be \$20 million; you took money out of there! You’re still \$8 million short.

**The SPEAKER:** Member for Albany, we do not want interjections.

**Dr M.D. NAHAN:** I continue —

and mean the Government has committed more than \$143 million through this program since 2008.

We will also continue to provide \$5 million per annum from 2017–18 for the Sport 4 All program, which includes KidSport. I would like to highlight that since its inception, KidSport has helped over 54,000 Western Australian children to participate in community sport and recreation activities.

The Government will trial a new program in Northam, Kalgoorlie, Belmont and Kwinana to encourage seniors' participation in sport and recreation clubs. The trial will provide vouchers for low-income seniors to access sporting clubs and local recreation centres.

### **SUPPORTING AND PROTECTING OUR COMMUNITY**

Mr Speaker, this Government remains committed to enhancing the quality of life and wellbeing of all people throughout the State.

#### ***Police and Corrective Services***

This includes ensuring that criminals are punished appropriately and kept off our streets. This Government's expenditure on the Western Australia Police has increased by 51% since 2008–09, and totals \$1.4 billion in 2016–17.

To meet our election commitment to recruit an additional 550 officers by the end of 2016–17, the Government will spend \$32.2 million throughout the year to recruit 100 police officers and 56 police auxiliary officers.

Since 2008–09, we have increased expenditure on corrective services by 65%, which includes almost \$1 billion being spent in 2016–17.

Mr Speaker, the State's daily average prisoner population has been growing more rapidly than previously projected, with recent growth being attributed to the number of unsentenced or remand prisoners being received into the prison estate. To meet increased costs from these higher prisoner numbers, we will provide additional funding of \$146.8 million for the period 2015–16 to 2019–20.

#### ***Disability Services***

Mr Speaker, the Disability Services Commission's budget for 2016–17 will be \$944.9 million. This is a massive 118% increase since 2008–09.

In 2016–17 we will allocate \$26 million to support the extension and expansion of the National Disability Insurance Scheme (or NDIS) trial sites to 30 June 2017. This will allow greater numbers of Western Australians with disability to be supported and will inform arrangements for a full transition to a NDIS in Western Australia.

Outside of the NDIS, the budget for disability services delivery in the State has been increased by \$50 million to meet growth in demand for existing services where NDIS trial sites are not operating.

#### ***Shark Safety***

I am also pleased to announce that we will be providing \$4.9 million over the forward estimates to continue to provide shark hazard mitigation strategies, so people can feel safe when swimming at our glorious beaches. We are also providing \$600,000 towards the cost of additional beach enclosures at Quinns Rocks and Sorrento and will spend \$3.1 million in 2016–17 on aerial surveillance and beach patrols.

#### ***Fees and Charges and Essential Services***

Mr Speaker, the Government has made a concerted effort to ensure that household fees and charges are kept as low as possible.

Increases in residential electricity tariffs, water charges and public transport fares have been kept to modest increases of 3%, 4.5% and 1.5% respectively for a representative household. Despite these increases, the provision of these essential services remains significantly below cost recovery and will be subsidised by \$1.8 billion in 2016–17 alone once all rebates and concessions are taken into account.

Compulsory third party (or CTP) insurance premiums and motor vehicle licence fees will increase by 2.5% in 2016–17 and the Emergency Services Levy will increase by just \$11 for the average household.

In total, tariffs, fees and charges for a representative household will rise by an average of 4.8%, or \$257. Mr Speaker, this falls to just a 2.9% or \$158 increase when the \$99 impact on CTP premiums associated with the introduction of the catastrophic injuries support scheme is excluded.

## INVESTING IN INFRASTRUCTURE

Mr Speaker, as I mentioned earlier, this Government has invested a considerable amount on significant infrastructure projects—projects that have modernised the city and transformed the regions and made Western Australia more attractive for locals and tourists alike.

Our investment continues in the 2016–17 Budget with a \$22.9 billion capital investment program across the forward estimates.

This includes \$378.5 million over the budget period towards construction of the \$428.3 million New Perth Museum, which will incorporate the four existing heritage buildings into an exciting new facility and will act as a gateway to Western Australia for national and international audiences, providing a contemporary and engaging museum experience. It will arguably be the State's most important science institution.

Mr Speaker, the Perth CBD is stretching to the north, changing the traditional east–west orientation. Strong new linkages are connecting the revitalised and ever popular Perth Cultural Centre to Perth City Link and now to Elizabeth Quay. The physical barriers between Northbridge, the city and the river are being removed as key developments work together to deliver a better connected city.

### *Education*

We have not lost focus on the need for other essential infrastructure. We are investing an additional \$284.3 million on education infrastructure over the forward estimates. On new and existing schools, we will spend:

- \$52.4 million over 2016–17 to 2019–20 for the construction of Stage 1 of North Butler Senior High School, with a further \$15 million for the acquisition of required land;
- a total of \$49.5 million over 2016–17 to 2018–19 for the construction of additional accommodation facilities at Shenton College;
- \$32.1 million over the forward estimates for additional accommodation at Cape Naturaliste College;
- an additional \$17.9 million over the forward estimates period for the continuing redevelopment of Carnarvon Community College, with \$11.9 million to be funded from Royalties for Regions;
- \$10.5 million over 2016–17 to 2018–19 to increase the permanent capacity at Inglewood, Wembley and West Leederville primary schools;
- \$2 million in 2016–17 to purchase land for the improvement of the Highgate Primary School; and
- \$1 million in 2016–17 to plan the construction of a new secondary school in the western suburbs.

### *Health*

Mr Speaker, we have invested approximately \$7 billion since 2008 in state-of-the-art health infrastructure to meet the growing needs of the State. This Budget delivers capital investment of \$526.3 million in 2016–17 to continue to provide high quality health services into the future, including a further \$91.8 million on the Perth Children's Hospital, opening later this year.

The main construction works are scheduled to commence later this year on the \$206.9 million Karratha Health Campus site which is located in Karratha City Centre. This new facility will replace the existing Nickol Bay Hospital, with a modern, state of the art 40-bed facility which will include expanded and enhanced Emergency and Ambulatory Care Departments.

Additionally, I am pleased to announce the replacement of WA Health's radiology archiving and information system at a total investment of up to \$52.6 million.

The 2016–17 Budget also provides \$500,000 to commence planning work around the proposed redevelopment of the State's Quadriplegic Centre. The redevelopment will support contemporary models of care that assist people with spinal cord injuries to live to their maximum potential and closer to the community. We remain committed to the development of a world class facility to support people with spinal cord injuries. Following development of a business case we will fund the Centre.

Significantly, a number of new mental health inpatient services have recently commenced at Fiona Stanley Hospital and Sir Charles Gairdner Hospital. The completed construction of the Midland Public Hospital will now provide 56 new beds in mental health facilities to replace those at Swan District Hospital and Graylands Hospital.

At Joondalup Health Campus, we will construct a \$7.1 million, 10-bed Mental Health Observation Area, and we will develop an \$8 million six-bed sub-acute mental health facility in Broome. In addition,

Perth Children's Hospital will add 20 mental health beds in 2016–17, and a further six beds will be opened at Fiona Stanley Hospital for adolescents.

The Government is also progressing the development of new step-up step-down facilities in Karratha, Rockingham and Bunbury as part of our commitment to provide support and appropriate health services for people with mental illness in the regions.

### ***Transport***

The State's Asset Investment Program is evolving from one being dominated by investment in new and upgraded hospitals, electricity and water infrastructure, to one being dominated by transport.

Mr Speaker, as Perth continues to expand, the need for transport infrastructure continues to grow. Effective public transport reduces congestion and can have positive effects for the whole community. In light of this, the Government has provided significant investment in transport infrastructure in the 2016–17 Budget.

All up, a massive \$1.8 billion—or 31% of the total Asset Investment Program—will be invested in roads and public transport infrastructure in 2016–17, and over the remainder of the forward estimates period a further \$5.9 billion is budgeted for transport infrastructure.

I am pleased to announce that our investment in public transport includes State funding for the construction of the \$49 million Ellenbrook Bus Rapid Transit project. This project offers a cost-effective way to provide Perth's northern suburbs with access to fast public transport. This investment adds to our important bus network, which will be further improved with the opening of the \$217 million Perth Busport in mid-2016.

Additional investment in important public transport projects includes:

- \$13.7 million for Future Urban Railcar Procurement, primarily for infrastructure works to accommodate additional railcars;

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Member for Bassendean, you are on three calls—you are now on three and a half calls. If you shout out again, you are having a rest.

**Dr M.D. NAHAN:** I continue —

- significant investments totalling \$60.2 million in Western Australia's cycling network, with \$5.9 million going towards the Principal Shared Path program in 2016–17;
- funding of \$5.3 million across 2016–17 and 2017–18 for the Public Transport Authority to construct the Northbridge Bus Layover; and
- \$1.2 million in 2016–17 for development of the Jurien Bay to Cervantes Trail.

Significantly, the Forrestfield–Airport Link, a new train line to connect Forrestfield and the Airport to the city, is moving ahead. This project will open up a new rail corridor to Perth's eastern suburbs, with \$104 million to be spent in 2016–17.

In recognition of the fiscal challenges facing the State as a result of the inequitable GST allocation by the Commonwealth Grants Commission, the Commonwealth Government has provided \$490 million to help fund the Forrestfield–Airport Link project.

### ***Roads***

Mr Speaker, the Government has invested over \$5 billion in road infrastructure since 2008–09, successfully completing several key projects including the \$908.6 million Gateway WA project; the \$705 million Kwinana Freeway Extension and Forrest Highway project; and other upgrades to ease congestion on the city's freeways.

One of our current priorities is the \$1.9 billion Perth Freight Link project, which will provide a dedicated, east–west connection for the people of Perth. Beginning with Roe 8, it will deliver a key strategic freight link in the Perth Urban Transport Corridor while reducing congestion for all road users. It is estimated that this important project will have 2,400 direct employed workers while creating an estimated 10,000 additional employment opportunities indirectly. At the same time, it will enable safe and efficient transport links to be formed between our industrial centres, the Fremantle Port inner harbour and the future outer harbour.

I am also pleased to confirm the Perth Freight Link tunnel construction. This \$326 million enhancement includes \$260.8 million of Commonwealth Government funding and will further reduce congestion. Importantly, the works will now minimise impacts on community members and deliver additional road safety benefits.

In 2016–17, the Government will spend \$1.2 billion on Western Australia's road system. This expenditure will be allocated across a number of projects including:

- \$192.6 million on the Swan Valley Bypass Section of the \$1.1 billion NorthLink WA Project;
- \$172.4 million on local government roads via the State Roads Funds to Local Government Agreement, as well as \$28 million in 2016–17 to replace the Old Mandurah Bridge;
- \$95 million on the \$261 million Mitchell Freeway Extension Project, which will continue from Burns Beach Road to Hester Avenue providing improved access to new developments and reduced travel time;
- \$93 million on the Great Northern Highway—Muchea to Wubin Stage 2 upgrade, for reconstructing and widening sections of the highway; and
- \$20 million for the construction of a dual carriageway on Armadale Road between Anstey Road and Tapper Road.

### ***Road Safety***

Mr Speaker, too many Western Australians are losing their lives or experiencing injuries on our roads. This is why we have established a Road Safety Commission as a stand-alone agency. We have also approved total expenditure from the Road Trauma Trust Account of \$145.7 million in 2016–17 for various road safety strategies, which is a 5.8% increase on 2015–16 expenditure and will result in a \$35 million reduction in the balance of the Road Trauma Trust Account.

This includes expenditure of \$12 million in 2016–17 to contribute to the Goldfields Great Eastern Highway Passing Lanes project and \$7.8 million in 2016–17 for projects recommended from the Wheatbelt Highway Safety Review.

As part of the Government's commitment to road safety, we are providing \$30 million for a Safer Roads and Bridges Program and \$22.5 million to the State Black Spot Program.

In line with our road safety commitment and the Enhanced Automated Traffic Enforcement Strategy, \$6.8 million will be spent in 2016–17 on the purchase and installation of new speed and red light cameras. A further \$7.2 million will be spent in 2016–17 to replace ageing speed cameras.

### ***Water and Electricity***

Mr Speaker, in relation to essential services, as part of its 10-year water supply plan for Perth, this Government will invest \$7 million in 2016–17 to complete the commissioning of Australia's first Groundwater Replenishment Scheme which includes an Advanced Water Treatment Plant.

We will also spend \$3.2 billion across the forward estimates through the Water Corporation's asset investment and renewal program, including \$782 million in 2016–17. The projects will include major upgrades to wastewater treatment plants, and country water sources and distribution. An additional \$520,000 has also been allocated in 2016–17 for scoping works for Kenwick Infill Sewerage.

In relation to power, I am also pleased to announce we will be spending \$15.3 million to upgrade the transmission network in the Pilbara to support the greater electricity load from the new South Hedland Pilbara Power station.

### ***Other Key Infrastructure***

Mr Speaker, the Government is also committed to transforming Scarborough into a world class contemporary destination. This is why we are providing an additional \$18 million in 2016–17 to the redevelopment of the Scarborough foreshore, bringing our total investment in the project to \$48 million.

As a key component of the Government's vision to develop the eastern end of Perth's CBD, \$27.2 million will be spent in 2016–17 on works at the flagship Waterbank precinct in East Perth including a man-made beach, boardwalks, public art, parks and associated amenities and to progress site preparation works at the Western Australia Police site on Hay Street.

Waterbank will be a mixed use precinct, with residential, entertainment, retail and commercial elements that combine to make up a vibrant community of up to 1,500 residents and a workforce of more than 1,700. Thousands of people are expected to visit every year.

We are also transforming Bunbury's waterfront, with recurrent funding of \$12.6 million to be spent on revitalising the Koombana Bay foreshore, and \$12.3 million in capital to be invested over 2015–16 to 2017–18 to redevelop the Dolphin Discovery Centre.

**CONCLUSION**

Mr Speaker, in short, this Government is spending on initiatives that will broaden and grow the Western Australian economy. They will create new job opportunities and increase the attractiveness of our State for business and as a tourist destination. They will support the community, improve their safety and ensure delivery of essential services.

In a challenging economic environment, we have outlined a firm debt reduction plan and kept household fees and charges to a minimum.

This is a Budget that provides a firm footing for the future.

I commend this Budget to the House.

I would now like to proceed with the formal purposes of the two Appropriation Bills, which seek the sums required for services in the coming financial year.

Several members interjected.

**The SPEAKER:** Thank you.

**Dr M.D. NAHAN:** I continue —

Appropriation (Recurrent 2016–17) Bill 2016 is for recurrent services, which comprise the delivery of services and administered grants, subsidies and other transfer payments.

Appropriation (Capital 2016–17) Bill 2016 is for capital purposes, providing for asset purchases and payment of liabilities of agencies.

Recurrent service estimates of \$21,891,201,000 include a sum of \$2,497,234,000 permanently appropriated under Special Acts, leaving an amount of \$19,393,967,000 that is to be appropriated in the manner shown in the Schedule to Appropriation (Recurrent 2016–17) Bill 2016.

Capital purposes and financing transactions estimates of \$2,482,014,000 comprise a sum of \$340,052,000 permanently appropriated under Special Acts and an amount of \$2,141,962,000 that is to be appropriated in the manner shown in the Schedule to Appropriation (Capital 2016–17) Bill 2016.

Mr Speaker, I commend the Bills to the House and seek leave to table:

Budget Speech—Budget Paper Number 1;

Budget Statements—Budget Paper Number 2; and

Economic and Fiscal Outlook—Budget Paper Number 3.

[See papers 4160 to 4163.]

Several members interjected.

**The SPEAKER:** Member for Churchlands! I call you to order for the first time.

Debate adjourned, on motion by **Mr D.A. Templeman**.

### **APPROPRIATION (CAPITAL 2016–17) BILL 2016**

#### *Introduction and First Reading*

Bill introduced, on motion by **Dr M.D. Nahan (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

#### *Second Reading*

**DR M.D. NAHAN (Riverton — Treasurer)** [2.59 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for capital purposes during the 2016–17 financial year as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2016–17 *Budget Statements*. Included in the capital expenditure and financing transactions estimates of \$2 482 014 000 is an amount of \$340 052 000 authorised by other statutes, leaving an amount of \$2 141 962 000, which is to be appropriated in the manner shown in the schedule to the Appropriation (Capital 2016–17) Bill 2016. I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.

**AQUATIC RESOURCES MANAGEMENT BILL 2015**  
**AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015**

*Second Reading — Cognate Debate*

Resumed from an earlier stage of the sitting.

**MR P.B. WATSON (Albany)** [3.01 pm]: I have great pleasure in continuing my speech on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015.

**The ACTING SPEAKER (Mr P. Abetz)**: Members, there are too many conversations taking place. I think the member for Albany has something really important to tell the house, so let us give him our attention.

**Mr P.B. WATSON**: Firstly, I would like to welcome to the public gallery the students from Great Southern Grammar. I give a big round of applause to Gavin Riches and the very astute young students from Great Southern Grammar.

Fishing has been a really big industry in Albany for a long time. We have had the salmon and herring industries and other different fishing industries over a long period. Over the years, they have slowly gone away. We cannot get much work in the salmon industry. People fish at Salmon Holes, and I will speak about Salmon Holes in a moment. Salmon used to be a really big industry in Albany but, unfortunately, there is no market for it now, so the salmon just keep swimming back and forth and we do not see much of them. It is the same with herring. Herring was a very big industry. We had lots of small industries but, unfortunately, the bait companies slowly folded. It is another big issue.

We now have a shark barrier in Albany, which I congratulate the Premier for. It is amazing that we are seeing more and more sharks. Some of the old fishermen in Albany say that previously with the salmon run, there would be a couple of hammerhead sharks or maybe a bronze whaler, but now the big boys—the big white pointers—come along with the schools of salmon. Obviously, with the overseas boats taking our fish from further out and the different water temperatures, the sharks are coming in a lot closer to shore. I congratulate the government for installing the shark net, but I would also like it to follow it up. There is a shark patrol plane in Perth and there is a shark patrol plane in the south west, but there is none in Albany and Denmark in the great southern region. As I say, a lot more sharks are seen in our region than are seen in Perth and the south west. I hope it is not a political decision. I hope it can be looked at, because a lot of people come to Albany at Easter, Christmas and the school holidays. Albany is not always the best place to swim, so we need something that makes people feel secure. The only place in Albany I will swim is within the shark net.

I was there the morning that young Jason was attacked by the shark and I saw how big the shark was. I saw how brave Jo Lucas was when she went out. I told people not to go in the water, because I saw Jason lying there with his Achilles hanging out and blood everywhere. I saw the fin of the big shark go past the surf club and I saw how quickly it swam from the surf club to Ellen Cove, with three flicks of its tail. I said that I would never go back in the water, but, thanks to the Premier and the shark net, I have been back in. It is something that we have to look at and encourage. Going to the beach and fishing is a big part of Albany's tourism industry.

It was great to see the Minister for Fisheries the other day when he got the multispecies shellfish hatchery going. That will be great for the region, because there are very good waters in Princess Royal Harbour. It has been tried before, but it was not necessarily successful. I had a meeting the other day with the group that has put money into it and it is very confident that it can make it work.

A bit further around from there is Bremer Bay, which is a new part of the electorate of Albany. I was out there the other day and I saw the tremendous resource in Bremer Bay canyon. I have a friend who takes people out on boats so they can take photos of orcas and other whales and octopus and giant squid within close proximity to the shore. However, we have to make sure that we protect that area. It is not in the protection zone now; it is just to the left of the protection zone. Even though it will be a tremendous tourism acquisition, we have to make sure that it is done properly. There are probably only one or two areas in the world that produce the same amount of sea life and fish. We just have to make sure that it is done properly. I am sure that people in Bremer Bay are quite happy for the business to go ahead, but they want to keep their community and they do not want 10 000 people to come in at a time.

I will get on to Salmon Holes. We spoke about this the other day. On average, one or two people a year go off Salmon Holes. We discussed the other day what can be done. We could put up a fence, but then everyone would climb the fence. We have put up signs in different languages. We have done everything, but we cannot account for the stupidity factor or the ignorance factor in people. I was near the water on the day that that unfortunate young person went off the rocks. I struggled to walk along the beach as the waves were pounding in. People on the beach were catching salmon; they did not have to go out onto the rocks. If people go out onto the rocks, they will not necessarily catch a salmon, because they have to pull it in over the rocks. People do not understand that a king wave is not a wave that comes at them; a king wave is a wave that comes around the side and washes them into the water. Most people think that the wave will come up, they will see it and they will be able to get out of the way.

I used to live in Denmark quite a few years ago and I used to go fishing just off the beach at Skippy Rock. I was standing there one night and this old guy said to me “Watto, come in and get a rock in front of you so there’s something there.” About 15 minutes later, a wave came in, smashed against me and broke my nose—as members can see, it has healed really well! All my gear and my car keys went in the water. People go out onto the rock and they tie themselves to it and that is great, but the force of a wave will break any rope. I do not know how we can educate them, but we cannot afford to keep losing people. We cannot take access to the beach away from people who do the right thing when they go out there to catch salmon. Everyone loves to catch salmon. They are the best fighting fish I have ever seen, not that I have caught many. It is something that we have to look at.

Minister, I know we want to get on to the next bill. I fully support the bill. As I say, Albany has always been a fishing community. Maybe with this new industry that has come we can make it better. Congratulations to the government for the new shark net. I am glad it has not broken open like one did.

**Mr J.M. Francis:** Is it fairly popular?

**Mr P.B. WATSON:** Yes, it is. People are quite confident to go there. I went there and had a swim with the wife, and the next day they said there was a hole in it, so I swam under false pretences! I am sure the Premier went down and put a hole there and said, “Watto’s going through”, and in comes the shark! Anyway, I fully support this bill.

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

## LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2014

### *Consideration in Detail*

Resumed from 25 November 2015.

#### **Clause 9: Sections 3.69 to 3.72 inserted —**

Debate was adjourned after the clause had been partly considered.

**Mr D.A. TEMPLEMAN:** I am just clarifying: I think the last time we debated this bill was in November last year, is that right?

**Mr A.J. Simpson:** Yes.

**Mr D.A. TEMPLEMAN:** As was highlighted in my contribution to the second reading debate and the issues raised by the member for Moore, I strongly support the establishment of regional subsidiaries. One of the questions we have about clause 9 is essentially about the insertion of the detail of the regional subsidiaries—the detail of what happens in terms of a regional subsidiary. I am interested in clause 9(2), which states —

If the Minister approves the formation of a regional subsidiary, the Minister must, by notice in the *Gazette*, declare that the regional subsidiary is established —

(a) on the date set out in the notice ...

If two or more local governments have made arrangements to register, if you like, their interest to form a regional subsidiary and the minister has approved it and has given notice in the *Government Gazette*, when is the regional subsidiary essentially operational? Is it when it has been declared established in the *Government Gazette*? The regional subsidiary may say that it wishes to formally commence the entity on 1 July 2017. Is there capacity within the minister’s notification and establishment of the regional subsidiary to make it very clear exactly when the subsidiary comes to be a legal entity? Is it a legal entity once the minister has approved it?

**Mr A.J. SIMPSON:** The member is right about the point regarding the establishment of a regional subsidiary group. Obviously, first the minister must sign off on that charter. Consequently, first things first, we need to check that we have the operation all right. As I have said before, the subsidiary group cannot borrow money, if relying on each local government to put it together. Once that paperwork has been put together and signed off, it will be like most Governor’s orders. I will use the analogy of the two bodies in Narrogin that came together under the Governor’s orders, and it was the same with the City of Perth Act. The legislation states that as of 1 July 2016 the shire and town will become one. Normally when something starts will be in the charter itself and the process will kick off on the day listed in the paperwork put together in the charter.

**Mr D.A. TEMPLEMAN:** That has clarified that. I now go to proposed section 3.69(3) on line 26, page 4. It determines that a regional subsidiary is a body corporate with perpetual succession and the common seal. Proposed section 3.69(3)(b) states that the regional subsidiary is to have a governing body consisting of members appointed in accordance with the regional subsidiary’s charter. The charter obviously refers to all subsidiaries, so it is not specific to one; it is a general charter.

**Mr A.J. Simpson:** It is specific to one.

**Mr D.A. TEMPLEMAN:** Yes, but I mean the template; in other words, will a charter for the regional subsidiary of Dandaragan, Badgingarra and Three Springs look any different from a regional subsidiary charter for the City of Perth and the City of Subiaco, for example?

**Mr A.J. SIMPSON:** Yes, it would look different. Basically if we were to take the example of bringing together Dandaragan and Three Springs, the charter would have a specific purpose, so obviously it would not be the same. But if the member is talking about the basic frameworks, yes, they would be similar. They would have a purpose and meaning and there would be a process to go through, but it is not a template for all of them to be the same. There will be some variation on them of course. The interesting part regarding the analogy of putting three or four local government bodies together is that the purpose of the charter is to share library or payroll services, so the charter would be quite specific to the reasons for it and the parameters of what it can be used for. Consequently, before things get to that stage, I, as minister, have to sign off on the charter to make sure the checks have been done. Let us take payroll, for instance. If the payrolls of four regional councils are to be combined and they are to share that resource in order to gain a cost saving, the detail of superannuation or any long service leave would have to be clear. That would be part of that process as well. That charter would look quite different from that of regional councils sharing rubbish services, for example. But the basis of the charter is to bring things together so regional councils have the capacity to share resources. As we all know, the idea of the subsidiary legislation is to get the regional councils to work together and share muscle in order to save costs, which can go back to the ratepayers. The only other tool I have as the Minister for Local Government is to form another local government called a regional local government, and of course with that comes all the incumbency of local government reporting. The regional subsidiary can be quite a simple process, and vice versa, to wind up the charter is a simple process as well.

**Mr D.A. TEMPLEMAN:** Can I just pursue that issue with regards to when an established regional subsidiary may cease to exist or be wound up. There is a process that the minister mentioned in his response just then, I think under proposed section 3.70(1)(g), to wind up a regional charter. I want to use a hypothetical situation. Let us say that three councils in the wheatbelt decide to establish a regional subsidiary. They create that subsidiary, it is approved by the minister and he approves the charter. The charter includes all the aspects mentioned in proposed section 3.70; however, one council decides it would like to embark on a takeover or an amalgamation, which causes some friction between the council entities, and they seek to use the regional subsidiary as a mechanism and say they will walk away from it. If one or more of the entities decides they want out, what is the process that triggers that? If there were, let us say, three entities, and one wanted to pull out and the other two wished to continue the regional subsidiary with all the same purposes, but with one of three having said it is out, what is the process there? Does a whole new subsidiary have to be created with the two entities now or does the minister simply make a ministerial decision or jurisdiction that states that the regional subsidiary no longer includes council X and now only constitutes councils Y and Z?

**Mr A.J. SIMPSON:** As part of the process of writing a charter they have to put that eventuality into it. If three or more local councils want to get together to share a resource, in the case of the resource coming together, and as the member highlighted, if one or two local governments decided to jump out of this waste charter and go somewhere else, provision would be made in the charter for how that would happen, and they can go through a process of withdrawing from it. The other councils could choose—it may be in their charter—to let the other councils go and carry on with the current model, or to start again and broaden their charter. The charter, in effect, is quite flexible on what they can do, but it must be very specific about what they want to do. The local governments must explore all avenues in that case where one local government may wish to withdraw, to choose the process for that withdrawal. Obviously, if a charter has come together to sign up for five years to get a rubbish contract tender, and then one council withdraws in the first year, there will be some costs involved. All those options have to be explored upfront in the charter before I will sign off on it, to make sure that it explores all avenues to make sure they have it right. The most important thing about the charter is not to leave the liability back with any local government. That is one of the key areas for me as minister and it goes across to the department to make sure we have covered all those possible eventualities. The identity itself, or the charter itself, cannot borrow the money, so each local government must bear the cost and the liability must come back to the elected body of the council, which will make the decision as to whether it wishes to enter into the charter. From then the charter will be developed, but if one council wants to withdraw, that would be in the current charter as to how it can work through to exit from it. Obviously, all those other costs and operational factors will have to be worked out as well.

**Mr D.A. TEMPLEMAN:** Further to that, one of the things I do not see in proposed section 3.70 is the minimum number of members. It may appear somewhere else, but I would like the minister to comment on the reason there is not a minimum number or even a maximum number of members that can be constituted as a regional subsidiary. With that in mind, the setting of fees is provided for in proposed section 3.70(d), which provides for the administration of the regional subsidiary, including the membership. I understand that that is where a number may be included, but the minister has not indicated in the legislation that a minimum number is required. This paragraph includes reference to fees, allowances and expenses. Aspects of the Local Government Act, from memory, may provide for sitting fees and such like. I would assume that part of these allowances and fees would apply to an elected member who is appointed by one of the council entities to be its representative on the regional subsidiary, and there may be a provision for setting the fees. Who will set the fee? Will it be the

regional subsidiary saying that its members are going to pay themselves \$20 000 each every time they meet, or is it going to be something that is proposed by the charter, which would then go back to each council for ratification, because they are going to be paying the fee, I am assuming? Can the minister clarify about the number of members, and his thinking about why a minimum number was not specified? I know, for example, that this regional subsidiary proposal allows people with certain expertise to be brought in. They do not have to be elected; they could be somebody who has expertise in waste management, so that person is procured as a member of the regional subsidiary because of their expert capacity or advice. Can the minister just tidy up, or explain to me that aspect of the number of members, and also clarify the setting of fees, and the payment of fees and/or expenses?

**Mr A.J. SIMPSON:** The minimum number of local governments is two, obviously. The maximum number is up to the local governments themselves to choose. Currently, in the metropolitan area, the five regional councils have an average of around six members each, although it could be more. I think the East Metropolitan Regional Council has six members, the Western Metropolitan Regional Council has about six as well, and the Rivers Regional Council has about probably five. There can be more. Looking at the north west, in the Kimberley and Pilbara zones, there would probably be four or five. There is no maximum number. It is limited by what they can do, but the minimum is two, of course. With regard to the sitting fees and whatever other fees are involved, this is where the charter comes in, deciding how it will be put together. Each local government will decide that perhaps the shire president and one other person will be included in the new charter for the business that is to be put together—let us use waste management as a classic example—to form that charter, so they will make the decisions on behalf of their councils and bring those minutes back to their council meetings.

In the charter they will decide whether they want to be remunerated; it is up to them. Currently, the Local Government Act is quite specific that the Salary and Allowances Tribunal will set the fees through the structure of a bandwidth for councillors. That is pretty much how it is, but it is up to them. I would imagine that if councils just put together a small working group to look at a tourism project, it would not be a huge amount of work. I should not imagine they would be looking for remuneration, but they may do. It is up to the council itself; it will have to vote on that charter. A charter will include the broad structure, what its purpose is, how it will operate and also whether the members wish to receive a payment from the councils for sitting on that chartered organisation. It will be up to them to work out how they would do that.

The interesting part here about the whole idea of regional subsidiaries and the charter process is that we have this flexibility for local governments to work together on the broader issues around the table. We may end up with possibly more than half a dozen charters working out of one local government trying to deal with certain issues, so I think that is the important part, and some of them, such as the waste disposal example, will generate a bit more of a workload, to get them up and running. Down my way, in the Peel region, the Rivers Regional Council has been trying to work on a waste-to-energy project and doing a lot of work, and I have seen a fair amount of work go into that over a number of years, but it can be imagined that once the scheme is operating the work of the individual councils will be less than what it was in trying to set it up.

The fee structure is individual to them. The charter will define whether they need to be remunerated or not, but that is in the hands of the councils. If they want to do that, they are finally responsible to their ratepayers, and they will make the decision at their council level, based what is in the charter.

**Mr C.J. TALLENTIRE:** On this clause, I am keen to know about the rules that we are setting up for the regional councils. I am hearing reports that some regional councils include councillors from individual local governments who represent those local governments on the council but are then not able to go back to the next council meeting and report on the deliberations of the regional council. We have a situation in which people are quite often new to the regional councils. They are involved in making big business decisions and they are not even able to go back to communicate with other councillors about the deliberations, and get advice from others who might know the financial implications of a particular decision. I am keen to know how transparency is enshrined in the legislation, so that we can see councillors being much more open about what is discussed at those regional council meetings.

**Mr A.J. SIMPSON:** The member is exactly right. The metropolitan area now has five regional councils. The majority deal with waste, so that is how they possibly could be set up. The process that they went through involves a membership of five or six local governments that have applied to the Minister for Local Government to start a completely new local government, which is called a regional local government, and so they are brought together. It operates under the structure of the Local Government Act 1995. Consequently, a council is elected from the ratepayers, who are the councils included in the regional council. Of course, another sitting fee comes in, because the Local Government Act is all there. But it is an actual identity on its own. It must report through exactly the same process as every other local government, so it is quite cumbersome and very heavy. It is actually designed to run a local government, but it is running a regional local government. That has been one of the issues that has been talked about for a number of years. I think Max Trenorden was the first to propose this in the upper house a number of years ago, when the reform process started. He went off to South Australia to look

at how it was working, and brought this model back. This is a little different from the regional council that the member just touched on. It is a classic issue of a complete new local government and a regional local government, and the power that it has. Consequently, because it is a local government, and the local government works over here, the two are actually separate. This binds the local governments through the charter. Once the charter is written and brought together, the actual machinery operates from the council, so each one must sit at the table and make the decisions that are in the charter, but then the decision-making must come back to that council.

The charter cannot operate unless the council has voted and moved on that, which is cumbersome. Under this bill, the process is quite simple and, pretty much, they pull a document together stating what they want to do with their charter. They may want to look at waste management and they put out a contract that gets all five people together so they get a larger contract with the possibility of savings. That is what the charter will do, but at all times the council of the day, as the elected body, will make the decision on the charter. There is no possibility at all here of having a free range. The point the member raised about local government—in this case, it is a regional subsidiary—having very little input from members down below, will not happen because it is a local government on its own. Even though it represents local government, which is the issue the member came across, it has a very heavy, clunky and big machine up top to deliver on waste and in other areas. The member is correct; he is spot-on. This is the reason that the regional subsidiary has a great opportunity with a charter, which can be something very simple and small or very large, if that is what they want in that process.

**Mr D.A. TEMPLEMAN:** I do not want to get into the hypotheticals, but I want to make sure I am clear. I am interested in any potential legal challenges to any actions of the regional subsidiary once it enters into existence and commences operation under its charter. I will give an example, which might be a naive one, but the regional subsidiary, comprising four councils, gets together and bids for Main Roads Western Australia work. Roadworks need to be done and they cross two or three councils. The regional subsidiary for those councils, as an entity, decides to tender for those roadworks, which is good because that is local employment. It wins the tender to construct a road to Main Roads specifications. After the work is done, Main Roads, as the authority issuing the contract, says it is not happy with the work as it is substandard and it will take action against them. It might be that, to remedy the problem and render the road to the specification of Main Roads, another \$50 000, \$100 000 or \$500 000 is required to bring it up to standard. Main Roads could issue legal action against the regional subsidiary. What is the risk, if you like, for individual councils and, ultimately, their ratepayers? In that situation, who has to pay to have that rectified? Who is liable? The project could have gone to the council because it was bidding for it. Things have turned putrid, and I want to know, in that situation, the legal status of the regional subsidiary and also the liability for, ultimately, the ratepayers of those entities that have representation on the subsidiary.

**Mr A.J. SIMPSON:** The member raises a very good point. It is a classic example that occurs even today when a local government tenders for a contract to do anything. We see quite regularly that when a contract has gone sour and the developer or the road builder has not completed the works, the council is left with the mess to clean up. That is a classic example of what can happen when works go out to tender. The majority of local governments take out indemnity insurance for the work they are doing, and the same would occur with a charter. As part of going through the due diligence process, the council needs to make sure it has covered every base. Obviously, one of the things it would do is make sure it has insurance on board so it did not leave its ratepayers exposed to any future claim. It is similar to that which occurs now when one local government authority tenders for a Main Roads contract and, hypothetically, it goes wrong, the authority would be liable. Under this bill, it is exactly the same with the charter. I would hope that a bit of DD would be done around the table with each of the local governments affected to make sure indemnity insurance was in place to cover all bases and scenarios in case something goes wrong. It would be exactly the same in the case of local government insurance indemnity.

**Mr D.A. TEMPLEMAN:** Would there be a requirement in the charter for the subsidiary itself to take out indemnity insurance or other insurances or are we leaving it up to individual council entities that are part of the regional subsidiary?

**Mr A.J. SIMPSON:** It will be up to them to decide. It could be in the charter, but the example the member just identified was a charter that came together to build a road or had something to do with a rubbish contract or was expanding into waste, which is the part that has gone sour. The interesting part is that it is up to individual councils to decide that. They will make sure they do their DD. As I said before, it is bread and butter for local governments when they go out to tender to make sure they have their insurance in place so the ratepayers are protected at all cost from any losses in a contract.

**Mr D.A. TEMPLEMAN:** Could the minister clarify that the regional subsidiary has powers to employ?

**Mr A.J. Simpson:** Yes, it can.

**Mr D.A. TEMPLEMAN:** Let us use the example of roadworks.

**Mr A.J. Simpson:** Through the Chair, while the member is on his feet, when the member says “employ”, obviously if it is a charter, they will be looking for a contract to deliver services. The charter would not have

a wages bill; that is, the regional subsidiary would not put in wages connected to the charter. I would imagine that they would need to get expert advice, so the charter group would go out to get expert advice, and that would be a contract for the employee.

**Mr D.A. TEMPLEMAN:** They may contract somebody to draw up the bid or the tender documents for the roadworks. Have there been any other circumstances in which the minister envisages the entity known as the regional subsidiary does not contract but has employed staff? In other words, we have the constituted board, or the corporate body as we know it, which has fees and allowance. Would they be able to employ staff, for example, depending on the nature of the business they might be doing?

**Mr A.J. Simpson:** Child care?

**Mr D.A. TEMPLEMAN:** Yes, child care might be one example. They might say that child care is an issue in Buntine and surrounding areas, so they will have a service in Buntine that will deliver for the surrounding councils. The minister knows the childcare regulations, so he knows they will need X number of staff. In that case, who is the employer? Would it be the subsidiary or does it devolve to the councils, which have the responsibility to sign off on that? With that in mind, I would assume, as we would expect, that the relevant industrial relations legislation that might govern the enterprise bargaining agreement or pay rates or whatever for those particular employees was kosher. I would not like to find out this was a way of getting a cheap service by exploiting a couple of people in the local community who might be happy to take a pay cut and get paid half the normal rate for a childcare worker, and we know they are paid very poorly. I want some clarity about the capacity to employ and who is governed in that respect?

**Mr A.J. SIMPSON:** The member raises a very good point. I will explain who is the employing authority. A person who is employed to assist a regional subsidiary in carrying out its activities and services would be an employee of that regional subsidiary. The recruitment, selection process and employment condition for the employees will be determined by the governing body of the regional subsidiary. The general purpose and conditions applying to the employees may be outlined in the regional subsidiaries charter and then further details of individual employment contracts will be negotiated between the regional subsidiary and its employee.

**Mr C.J. TALLENTIRE:** Just on the composition of the regional subsidiaries, I note that proposed subsection (4) on page 5 of the bill states —

Without limiting subsection 3(b), a governing body may consist of or include members who are not council members or employees.

I am keen to receive clarification on what the balance of the regional subsidiary would be, what the actual composition of it would be and where the weight of numbers is likely to go. Would it go to those elected representatives or could it be with people who were appointed to a governing board of a regional subsidiary by some other means?

**Mr A.J. SIMPSON:** Proposed subsection (4) allows a governing body to include non-local government members. One may be able to get some expert advice. Enabling non-local government participants to be members of the governing body will ensure that the subsidiary board of management can include independent people with skills and expertise relevant to the activities of the regional subsidiary group. Again, we have that elected body of more than two people; maybe three or four. That council will vote on everything that the charter has in it. If we want to go down that road of getting someone with expertise and skills, we can do that. The member for Mandurah was just talking about a charter in a childcare centre. Employees under that charter would be able to put together a budget for each local government to set up a childcare centre, showing that it needs some workers and how it would share the rent, power, phone and building costs and each local government would work through it. Each year the budget would come back to the council from the regional subsidiary. It would be their third or fourth, and that is how they work through it. The employment process will be at the regional subsidiary level.

**Mr C.J. TALLENTIRE:** I find this area really interesting. If I understand correctly, we are getting into a situation that could be similar to that of the development assessment panels in which people will always ask about that balance between the voting power of the elected representatives versus the voting power of the appointed experts. I can see that there are definitely advantages in having numbers go with the experts. At the same time, I can see that local communities feel disenfranchised when that is the case. What are we setting out here? Will the voting weight be with the elected representatives or with the experts?

**Mr A.J. SIMPSON:** It can be with either. It depends on what the local government wants. It is up to the local government what it wants to do in that charter. It may want the charter to be operational in that process or it can say no, and it will have to go back to the elected body to make that decision. The charter only exists through the members of that charter. They will always have a say in how the charter comes together and how it operates. The power always goes back to the local government that is in that charter. It sets it and operates it and that is the way the operation will work.

**Clause put and passed.**

**Clause 10: Section 4.88 amended —**

**Mr D.A. Templeman:** This is an interesting clause. It effectively addresses the issue that has been around for a while of distribution of information that might or might not be seen to be deceptive et cetera. I ask the minister to refresh my memory or my understanding of what we are doing here and why. We are effectively deleting a section of the existing Local Government Act and inserting this proposed new subsection 4.88(1). Could the minister give me the background again and clarify it for us. I may have only one more question on this clause.

**Mr A.J. Simpson:** This clause relates to defamatory statements made during an election period. A provision relating to the offence of making defamatory statements is in the Local Government Act. As the member would be aware, the Local Government Act was reviewed in 1995. Since 1995, the world has moved on and we have a Defamation Act 2005 and a current version of the Criminal Code as a result. It is no longer necessary for the provision to be in the Local Government Act 1995 because those powers relating to committing a defamatory offence during an election under the Criminal Code are taken care of under the current act of Parliament. We are just tidying up the Local Government Act to bring it into line with changes that have occurred since 2005. Quite clearly, the Defamation Act is now taking care of anything to do with those types of offences. Again, we are forever amending the Local Government Act 1995. Here we are again taking out a little bit that has been changed.

**Mr D.A. Templeman:** When talking about deceptive material, in a federal election context, we can point to the seat of Lindsay in 2010, I think, when the then Liberal member, who was subsequently defeated —

**Mr C.J. Tallentire:** Jackie Kelly.

**Mr D.A. Templeman:** In the middle of the night she distributed material in letterboxes that would have come under this clause as being deceptive. I suppose it is all about the timing. Essentially, there is still nothing to stop somebody delivering material in the dead of night before an election when the postal ballot papers are arriving. Not all councils have postal voting though most of them do. Someone can time their election material to arrive in the letterbox when the postal ballot papers come. My experience in Mandurah is that lots of people vote within a few days of the postal ballot papers being delivered to their letterbox, if they vote. A piece of election material that might attack another candidate or be deceptive or misleading et cetera could be delivered into letterboxes. That was the context of the experience involving that member. What was her name again, member for Gosnells?

**Mr C.J. Tallentire:** Jackie Kelly.

**Mr D.A. Templeman:** Fortunately, that did not help her cause. It is certainly possible that somebody could spread lies about somebody and be elected on the distribution of that information. Whilst this offence incurs a penalty of \$5 000, if an aggrieved candidate believes they are a victim of deceptive material, what would be their recourse? Can they seek some legal action under this clause? The clause seeks to delete the provision that currently exists and inserts this new section. I just want a bit of clarity. If I am the aggrieved candidate and the minister has sent an awful thing out saying that I voted for something I did not vote for and people say, “What a terrible man; I am not voting for him”, what is the process for engaging the outcome of this clause, particularly the process leading to a penalty?

**Mr A.J. Simpson:** Section 4.88 of the Local Government Act states, in part —

A person who, during the relevant period in relation to an election —

- (a) prints, publishes or distributes deceptive material or causes deceptive material to be printed, published or distributed;

...

Penalty: \$5 000 or imprisonment for one year.

That still stays in the Local Government Act 1995. The part that we have taken out is more to do with the Defamation Act 2005, which is used when someone makes defamatory comments about somebody. That is taken care of in that act. The part relating to deceptive material is still in the Local Government Act. The penalty for committing that offence is \$5 000.

**Mr D.A. Templeman:** If I put out a thing saying Tony Simpson is corrupt, which is clearly defamatory if proven, what would happen?

**Mr A.J. Simpson:** I can take action against the member under the Defamation Act because he made —

**Mr D.A. Templeman:** Not under this?

**Mr A.J. Simpson:** No. That is correct. If the member made a defamatory statement—something that was not true—I would use the Defamation Act 2005 to prosecute the member. This offence would apply to a person who

printed or published deceptive material. We have to keep in mind that it gets a bit technical in legal terms. We would have to ask a lawyer the question asked by the member relating to which act the offence comes under. If someone makes a defamatory statement, it comes under the Defamation Act 2005.

There is still the possibility of an offence under the Local Government Act, but for defamation one needs to go to the Defamation Act. If a person prints, publishes or distributes deceptive material or causes deceptive material to be printed or published, there is a penalty under the Local Government Act. If a person ended up in court over a defamatory comment, the court would currently refer to that part and the \$5 000 fine.

**Mr D.A. Templeman:** And that includes online comment?

**Mr A.J. SIMPSON:** I think it does. We have watched election campaigns being run more and more through social media. We all see stuff on social media. The interesting part is that these things have to be proved in a court of law. Consequently, for comments made on social media a person would need a screenshot to prove something was said, as it could be taken down an hour after it was posted. That is the evidence something has been said online, such as on Facebook. It can be used, but I caution that it is a new world in terms of printed material versus online stuff. It is a different world out there.

**Mr C.J. TALLENTIRE:** I am curious to know about the timeliness of these processes. I accept what the minister said in that defamation cases can be dealt with by the defamation laws. I am interested in when it is of this more deceptive nature. I have observed that local government elections get very personal, perhaps more so than the level of personal attack we face. They get very personal and people can be quite deceptive. Yes, it is good that that has been recognised in what is proposed, but it all comes down to timeliness. If an election has taken place, people are inclined to think: oh, well, that is all over now; what does it really matter? What are the chances of a re-count being part of it? In fact, I do not see in the bill any mention of the voiding of an election as a result. Sure, there is the potential for a \$5 000 fine, but that does not necessarily help the victim of some deceptive comment. It might be something like, “So and so supported the sell-off of the war memorial”, when they were just not around to vote for the issue. It might be something quite mild, but, nevertheless, it could be presented in a way that put someone in a very negative light. If that were the case, how timely would it be dealt with? Is there a way of perhaps postponing an election day because of some deceptive behaviour that has taken place?

**Mr A.J. SIMPSON:** This is getting to the point of needing some legal advice. I will give the best advice I can as Minister for Local Government. There are a couple of things. The Local Government Act contains a definition of “relevant period”, which means —

... the period commencing when notice calling for nominations for the election is published and ending at 6 p.m. on election day.

That relates to the \$5 000 fine. On the member’s question about somebody making comments about somebody being corrupt, the victim could take out an injunction against that person, but, again, as the member pointed out, once the flyer has been distributed, an injunction is possibly not going to change people’s minds. I take on board the member’s comments at the start that local government elections have become quite heated and that people are more exposed than we are in the election cycles that we go through. That is something about the modern world; everyone is looking to move up to the next ladder and worries whether they are going to get there. What we are trying to do in this part of the Local Government Act is to follow the recommendation to take out the defamatory part. The State Solicitor has advised that that does not belong in the Local Government Act, because defamation is covered by its own act. However, we should leave in the \$5 000 fine for printing and so forth. How long it will take is always an interesting question. I cannot comment on how long it would take. That is always interesting to work through. What is more important from my perspective is that we are tidying up and trying to get to the bottom of streamlining the Local Government Act, and the word “defamatory” does not belong in this act anymore.

**Clause put and passed.**

**Clause 11 put and passed.**

**Clause 12: Section 5.63 amended —**

**Mr D.A. TEMPLEMAN:** I cannot let this go without seeking clarification regarding proposed paragraph (ii), which relates to a gift. Does the minister think that the Lord Mayor should resign?

**THE ACTING SPEAKER (Mr P. Abetz):** I am not sure that is relevant.

**Mr D.A. TEMPLEMAN:** I ask honestly, in terms of what is going on. Does the minister think she should resign?

**Mr A.J. SIMPSON:** This has been a very interesting case. For the record, I received the report from the Corruption and Crime Commission in November last year. It is quite interesting that every time I have seen a CCC report it has always had a recommendation in it, but in reality it goes down to the next level. That CCC

report came up with the conclusion that, under the Local Government Act, the Department of Local Government and Communities can take the Lord Mayor through a certain process. It is also interesting to put on the record that once the CCC has done an investigation, we are not allowed to use its evidence; we have to collect our own evidence. That is why the department had to go through that process to get to that level. I think the recommendation from the director general is quite right.

**Mr D.A. Templeman:** It is a clumsy process, though.

**Mr A.J. SIMPSON:** It is a bit clumsy. If any other person had gone to the CCC, there would have been an outcome and it would have moved on. The CCC said to the Department of Local Government and Communities, “You’ve got an act; you can take care of that”, and dropped the baby on it.

**Mr D.A. Templeman:** Do you think that there is a need for amendment of the act?

**Mr A.J. SIMPSON:** One would wonder about that. After going through this matter to the point I am at today, I do wonder what the point of the CCC investigation was. The CCC could have just said to me on the second day that there was quite a bit of work to do and that we had our own act that covered it, and it could have sent it to the department to do that. The CCC wasted six months of its own time to come back with a recommendation to me—in fact, no recommendation—that the Department of Local Government and Communities has its own act and can deal with it. Yes, I agree, but at the end of the day the report speaks for itself. The director general has now instructed the State Solicitor’s Office to prosecute the case. I hope we can soon get to the bottom of this, because I acknowledge that it is taking a bit of time.

**Mr D.A. TEMPLEMAN:** I would hate for the minister to divert! Let us be very clear about this: the Labor Party supported the transparency measures in the City of Perth Act because we believe there should be transparency in the acceptance of gifts, contributions towards travel and all those things. I am referring to the proposed paragraph under this clause about gifts, Mr Acting Speaker. This has caused some confusion. Maybe from the Western Australian Local Government Association’s perspective, the department’s bulletin created more questions than answers in many respects. I am sure the minister has had emails from people, including from elected members and CEOs, who have said that the situation is now ludicrous. If a person’s cousin presents them with a birthday cake for their birthday just before a council meeting, they then have to decide how much the cake is worth and whether it should be declared. The minister’s statements to questions I have asked have been a little confusing in terms of whether the new transparency measures are being reviewed in the context of the new act that has been gazetted and is now law, or as part of the previous process of reviewing entitlements and whatever of councillors. Could the minister clarify what he or his department is doing to address the concerns that WALGA and a number of councils and elected members have raised about gifts? We are referring in this clause to gifts, so I think it is a relevant question to ask for some clarification of that.

**Mr A.J. SIMPSON:** The interesting part for us to note, member, is that when the City of Perth Bill came through this place, the member, as the shadow minister, and I, as the minister, put in place that transparency measure. Every time I receive another email or letter about the laws that we changed, I have to stop them and say that there are no new laws in this regard. It is within the current Local Government Act 1995. We did not change anything in the act about gifts through the City of Perth Bill. The information is taken from an annual report and entered into an online system within 10 days of receiving the gift; that is all we changed. This is a black and white matter. I got some State Solicitor’s Office advice and test cases on what is a gift. The member just raised the obvious point about a cousin. The notification that went out from the department contained a couple of examples that raised some eyebrows. The basic rule is that if the gift is worth over \$200, it must be declared. The interesting part there is what comprises \$200. The analogy was given of an employee’s fortieth birthday party at which he received a number of gifts for his wife, his family and his daughter, but then it involved his cousin. The notification said that because the cousin is not immediate family, it is not determined to be a gift. I think that really draws a long bow. Everyone asks why staff are caught up in it and not elected members, but I must point to the Local Government Act 1995. If a lawyer is asked whether it is a gift, the lawyer will say that it is a gift and must be declared. It is very similar to the charter issue. I really do push it with councillors who write me those emails and letters. One thing is very clear: councillor training is very important to understand obligations and responsibilities as councillors, and to determine what is a gift.

In summing up, we have identified some issues that we need to work through. More importantly, local government councils need to do the work that they are employed to do. This may involve representing the city or the shire in which they live at functions. The gift value may be over a certain amount of money. I always tell them that if they are ever in doubt, just declare the gift. That is the important part. When a councillor attends a function, they can work up that gift and say that they attended the function on behalf of the shire. If the value of the gift was over a certain amount, a media statement can be put out explaining that they were attending representing their council. To sum up, we are working with the Western Australian Local Government Association, Local Government Managers Australia and a working group to look at gift provisions in a modern world. The member for Mandurah and I have a threshold of \$500 on our annual return, but it is \$300 for local government. There is a little bit of “Why is it one, and not the other?” but the world has moved on. We need to

clarify between someone talking at a conference and receiving a bottle of wine and someone receiving gifts when travelling overseas. We have all been with the Speaker on overseas travel and seen gifts going back and forth, and then we come back and declare the gifts. It is more important that we work to try to resolve the issue. Hopefully, after next year's election, we can come back to review and neaten up the Local Government Act to be more specific about what is a gift. Hopefully, we can come up with a solution to get it back to where it needs to be. I cannot argue with the member. The interesting part is that it has been in the act since 1995. The member and I did not change anything to do with gift provisions. It is just a lawyer's interpretation of what is a gift.

**Mr D.A. TEMPLEMAN:** Does the minister support the Lord Mayor? I thank the minister for his answer to that last question—or lack thereof. In relation to the register, the City of Perth Act has been operational effectively for two months. Are all councils complying with the legislation and posting the register online?

**Mr A.J. Simpson:** That is a good question.

**Mr D.A. TEMPLEMAN:** I am not in the estimates committee hearings, but I was hoping I could get the answer as supplementary information.

**Mr A.J. Simpson:** It all depends if they actually received gifts. First things first; they have to receive gifts to put it online, but it is part of that process. The last time I checked, only one council did not have a webpage, and that was about a year ago. At least 99 per cent of them should have it online by now, but I can get that information for the member.

**Mr D.A. TEMPLEMAN:** Perhaps the minister could respond at the third reading. I have sort of given an undertaking to the Leader of the House that we are happy to move this bill through to conclude consideration in detail by 5.00 pm —

**Mr J.H.D. Day:** And the third reading hopefully.

**Mr D.A. TEMPLEMAN:** No, not the third reading because I would like a response on some questions, which I hope the minister can do at the third reading tomorrow —

**Mr A.J. Simpson:** Do you want us to come back tomorrow?

**Mr D.A. TEMPLEMAN:** I have previously adjourned the house. I might have control to be able to reconstitute the house tomorrow morning! I have great powers—apparently. I thank the minister for that answer. Proposed subparagraph (iii) states —

reimbursement of an expense that is the subject of regulations made under section 5.101A;

Can the minister give an example of what that expense might be?

**Mr A.J. SIMPSON:** A reimbursement could be to do with fuel, photocopying or any other type of incidental that comes along. This provision in clause 12 includes a reference to a section on gifts in which council members can be reimbursed for expenses. A tax invoice will need to be supplied to the council to receive that reimbursement for fuel, photocopying and perhaps other expenses picked up along the way. It allows council members to claim for any additional expenses.

**Mr R.F. JOHNSON:** I will be very brief because I have not taken part in the second reading debate on this bill, but I have a general interest at the moment in what has been going on in the City of Perth. Being a former mayor in both hemispheres, including the largest city as it was at the time before it was split into two, the City of Wanneroo. I find the behaviour of the Lord Mayor and certain councillors deplorable in not declaring gifts and travel that they have received. I have a simple question for the minister. Why on earth does the minister not do what previous local government ministers have had the courage to do—that is, to sack the council and put in an administrator until things are running properly and a fresh election can be held? That is what has happened with many other councils. Why are we treating the City of Perth so differently from other councils in Western Australia?

**Mr A.J. SIMPSON:** I cannot sack a council. I cannot sack an individual member. The important part here is that we are following due process under the Local Government Act. To go through a process of suspending a council, I have to provide a notice to show cause and I have to give a certain number of days, but, in all honesty, we are dealing with the suspension of one person in the council, not the whole council. At this stage, the director general has directed the State Solicitor's Office to prosecute the case. We are now at the level where it is going off to the State Administrative Tribunal.

**Clause put and passed.**

**Clause 13: Section 5.99A amended —**

**Mr D.A. TEMPLEMAN:** This provision relates to the current regime of council members and their annual allowance as per the legislation and regulations that set out the payment made to councillors depending upon the band in which their council lies. Again, I am happy for the minister to provide these figures at the third reading if

he is able to do so. I am interested in the current practices in councils regarding the payment of fees. What is the general practice of councils in paying council members their allowance? I would like a rough figure. Do the majority pay it quarterly or twice a year, and how many pay it annually? I would like the minister's view of what he thinks is the best option because this clause is about annual allowances being paid in advance, and then clause 14 provides for the apportionment of annual payments because a person might hold an office for part of the year that attracts an additional allowance. In that respect it might be a deputy mayor who gets an additional allowance—usually it is a percentage of the mayor's allowance or a figure that is arrived at by the council, and he or she may hold that position for only a few months.

I understand that the next clause allows for the apportionment of that additional allowance pro rata, effectively. Can the minister clarify that? I do not expect him to have the figures and to be able to tell me that of the more than 100 councils, 25 do this. Can the minister tell us what he would prefer to see? Is there an ideal thing that he thinks works best? Can he make a comment on that?

**Mr A.J. SIMPSON:** The member may remember—it was probably the same in the member for Mandurah's day as it was in mine—when the fee in council was \$6 000 a year. In my day, it was \$40 for a committee meeting and \$50 for a council meeting and that was paid on a monthly basis. I remember the annualised fee of \$6 000 came in in about 2002 or 2003. The interesting point is whether the fee is payable weekly, monthly or yearly. It is up to individual councils. When the Salaries and Allowances Tribunal took over and gave councillors a pay rise on 1 July 2013, councils had to move a motion to give themselves a pay rise. Each local government has a different process. The majority of local governments pay the fees monthly, because most accounts run monthly. They pay their debtors and creditors monthly and that process normally washes out with the councillors' fees and allowances. They are also reimbursed for mileage, as that is also an entitlement. There is no set rule on whether they are paid weekly, monthly or yearly; it is up to individual councils. I would have to trawl through 139 local government council minutes to find out what they voted to do. I would guess that, for good accounting, they would probably work on a monthly process whereby they do a payment and credit washout. They would definitely look to do it monthly to keep it simple and also to keep the books in line. I do not know when they would get paid. Individual local governments are autonomous bodies and they can decide to pay it yearly, monthly or weekly; it is up to them.

**Clause put and passed.**

**Clause 14 put and passed.**

**Clause 15: Section 5.110A inserted —**

**Mr D.A. TEMPLEMAN:** Clause 15 deals with the standards panel. I understand the reason for clause 15. I understand that, currently, once a complaint process is commenced, even if someone wishes to ultimately withdraw that complaint, they cannot. This clause allows a complaint to be withdrawn, thus ceasing further progress of the complaint. Proposed section 5.110A(3) deals with the withdrawal of a complaint. Can the minister clarify that? I support what this provision seeks to do. It will mean that the department and the standards panel do not have to deal with a complaint that might have a long history. This will simply tidy up the process so that a complaint cannot drag on forever.

Proposed section 5.110(4)(c) states —

a further complaint about the matter that is the subject of the withdrawn complaint cannot be made (whether by the original complainant or anyone else) unless the member of the primary standards panel who is appointed ... is satisfied that it is appropriate to do so in the circumstances.

Again, I do not want to talk about hypotheticals, but, essentially, that still will require a value judgement to be made by the standards panel member. The minister and I could name a number of what we might consider to be vexatious complaints, for example, by aggrieved former councillors from various areas of the state. Some people might draw the conclusion that they use the standards panel process to tie up the department and, indeed, create a long, laborious investigation process. Can the minister make some comments on the logistics of proposed paragraph (c)? A complaint should not just be dismissed out of hand, because people have genuine concerns, but we also need to have a process that deals with the capacity to withdraw a complaint if that is what someone wishes to do. I am trying to think of a hypothetical situation in which someone might seek to withdraw a complaint but then new evidence comes to light and they want to resubmit the complaint. Can the minister clarify proposed paragraph (c)? I am really concerned that we are not denying natural justice.

**Mr A.J. SIMPSON:** I think the member is right. The standards panel is the instrument by which we try to resolve conflict between councillors or to do with a council. The standards panel is an independent statutory authority formed under the Local Government Act to investigate complaints regarding the conduct of elected council members. The majority of these complaints relate to compliance with the rules of conduct and regulations that relate to the conduct at council meetings. Other changes to the act will allow complaints to be withdrawn, which is currently not possible. The specified new section provides that the withdrawal of

a complaint must be in writing and must be sent to the appointed member of the primary standards panel. If the complaint is withdrawn, a written acknowledgement must be sent to the person withdrawing the complaint and the council member to whom the complaint relates. The withdrawal of the complaint will release the panel from any legislative obligation to investigate the matter to which the complaint relates. The withdrawal of the complaint will prevent the making of any further complaints regarding the same subject, unless the appointed member is satisfied that it is appropriate to do so. When a complaint has been withdrawn, the appointed member has the discretion to have the standards panel deal with the complaint as though it had not been withdrawn. In the event that the panel continues to deal with the withdrawn complaint, an appointed member must notify the parties and the complaints officer. Prior to this amendment, the panel was required to fully investigate the complaint, even when it had been subsequently withdrawn, and this led to significant strain on the panel's resources and time. As a result of the amendment, the panel will have the discretion not to investigate complaints after they have been withdrawn. The panel will retain the discretion to investigate such complaints if circumstances deem it appropriate. The amendment will allow the standards panel to investigate the allegations if it feels they may have substance, regardless of whether the complaint has been withdrawn. Basically, this will tidy up some loose ends for the standards panel and will streamline some of those decision-making processes. As the member pointed out, sometimes people can clog up the system. The standards panel has a large backlog and it is trying to do the work it needs to do to resolve conflicts between elected members most importantly so that the council can operate again. The quicker a complaint to the standards panel can be dealt with, the better. This amendment will streamline it a bit and hopefully it will get those complaints sorted out a lot quicker.

**Clause put and passed.**

**Clause 16: Section 5.110 amended —**

**Mr A.J. SIMPSON:** I move —

Page 13, line 13 — To insert after “frivolous,” —  
trivial,

**Mr D.A. TEMPLEMAN:** This amendment means that proposed section 5.110(3A) will read “frivolous, trivial, vexatious, misconceived or without substance”. We are happy to support the amendment. At the end of the day, citizen Y or former councillor X still might think that their complaint is not frivolous, vexatious, trivial or misconceived and has substance. It still comes down to a value judgement that is made, essentially, by a standards panel. I want to know clearly, again, how the decision is made. The standards panel can at any stage of its proceedings refuse to deal with a complaint. How is that to be officially communicated to the complainant or complainants? Is it by letter? We still have newspaper notices that say, “The standards panel investigated Councillor X and finds he or she was blah.” Can the minister clarify how that decision to not proceed, or refuse to deal with a complaint, will be officially communicated?

**Mr A.J. SIMPSON:** The standards panel must give each party written notice of the reasons for any findings it makes under proposed subsection (2), or any refusal under proposed subsection (3A) to deal with the complaint. The amendment bill inserts a clause that allows the standards panel to refuse to deal with a complaint if it is satisfied it is vexatious, misconceived or without substance. The State Solicitor's Office has advised that “trivial” should be added, because frivolous or vexatious allegations may be difficult to make a decision on, depending on inference and motive. Showing a complaint to be trivial, so as not to cause harm, is a more objective assessment. It would allow a decision to be made on the basis of the resources involved in a potential outcome. Other legislation in which “trivial” is defined includes the Disability Services Act 1993, the Defamation Act 2005 and the Public Interest Disclosure Act 2003.

**Mr D.A. TEMPLEMAN:** The little thing in that response that concerns me is if the resources are not there. A little alarm bell just goes off in that being an excuse for not dealing with a complaint, and saying that a reason for not dealing with it is that we are not prepared to put the resources into it. I will give an example. Members in this place sometimes receive answers to questions on notice in which the minister—I do not think the minister has done it to me yet—has said, “The requirements of the question will require us to spend too much office time to do it, so I am dismissing it.” I am a bit concerned that that will be used as an out by the standards panel. It should not be able to say, “To really investigate this in great detail, we will need to get some legal advice, or it will be too costly et cetera, and the opportunity for natural justice may or may not be delivered.” I flag a little bit of a concern about the language the minister used.

**Mr A.J. SIMPSON:** That is a good point to raise, member. We have done a fair bit of work around why we should implement these changes, and this is an important part. Since the establishment of the panel, approximately 30 per cent of all complaints investigated have eventually been dismissed due to lack of substance. After an angry debate or a heated discussion, the complainant will have written to the standards panel without any substance or the reason for the complaint. Of 100 complaints that may come in, 30 may have no substance and the panel has to dismiss them. We are trying to streamline that process. As I said, a number of those complaints come in and have to be sent back again. We are trying to find a better way for the standards panel to work. Given that over 30 per cent of complaints do not have substance, the decision to complain must

be made when people are angry. They put pen to paper and write to the standards panel to complain about that elected member, but do not add any substance to their complaint. Under the current process, the standards panel has to deal with every one of those submissions. Whether the complaint is withdrawn or has no substance, the panel has to go through the same process. We are trying to streamline that.

**Amendment put and passed.**

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

**Clauses 17 to 22 put and passed.**

**Clause 23: Schedule 2.1 clause 11 amended —**

**Mr D.A. Templeman:** I would like the minister to affirm my understanding of this clause. It is related to a contract of employment and the value of compensation that may be required to be made, and that would relate to that person's employment contract. This clause, effectively, outlines the framework under which the termination of that person's employment may be undertaken. Can the minister give me a very quick clarification to reassure me?

**Mr A.J. Simpson:** The member may remember that there have been a lot of changes around the CEOs' pays. We brought in bands to put some parameters around the amount of money being paid. Unfortunately, for people who had a contract before the band came in—quite a few still do—their contracts are quite open and there can be quite a separation between the two. However, the ratepayer is more important to us. Our liability is to the ratepayer, and the use of ratepayer money is our main concern.

**Mr D.A. Templeman:** I think important information to know is how many CEOs are currently under that, if you like, the old system? I do not expect the minister to answer now, but it might be something that —

**Mr A.J. Simpson:** That is hard to find out. This is where it gets a little funny, because the Local Government Act 1995 states that the contract of the CEO must be available to the public between nine and five. I have to walk in the front door of the council and say, "Can I see the CEO's contract?" and that is how I will find out whether he is on the old or the new system. This is where it gets a little bit grey. In the 1995 act, it says that document must be available from nine to five; what we are saying in today's world is, "Put it on the net. Put it out there as part of your public documents, part of your town planning and scheme reviews. That is where it should be." I have to physically walk in the front door, and they have to produce it. Under the act they said it must be available to the public, so if the member asks me how many there is, as contracts roll out and new ones start, of course the new ones are coming under that new scheme, so they have got the bandwidth to operate under, but honestly, it would be hard to tell, because I would have to physically walk in their front door to see how they are travelling.

**Mr D.A. Templeman:** So that is an anomaly, isn't it?

**Mr A.J. Simpson:** It is a bit of an anomaly, hence why we tried to bring those bandwidths in, to put some parameters around it. A little bit before my time we tried to get some parameters around the increase, based on the size of the council and the bandwidth. Of course the region ones have some disability factors in there. There was definitely no comparison when one was getting paid more than the other. Consequently, this part of the bill ensures that CEOs have their contract terminated as a result. If in any case they wish to terminate that payment, the value of the CEO or a single employee is entitled to have a contract terminated. But it fixed it, so there will be no more than a 12 months payout in line with their pay. The interesting part here is that we are trying to tidy up some loose ends where we have brought in the bandwidths. This is just a final bit to say that if the termination agreement happens, it is a maximum of 12 months payout of the pay. At the moment, it can be a contract, which is quite open ended to say everything to do with their allowances, car and so forth can be part of that payout as well. We are tightening this up. This is far more in line with the market and the free world out there, that local governments are now in line with that. It has caused a little bit of grief with some of my CEOs out there who are on that process, but it is no different from the member or me going to an election next March and losing our seat; there is no 12 months' payout for us. I think the important part to understand is that this brings us in line with what I call —

**Mr D.A. Templeman:** There is for us. Nine months.

**Mr A.J. Simpson:** Sorry; only if you go less than two terms?

**Mr D.A. Templeman:** Anyway, the member will be all right.

**Mr A.J. Simpson:** I will be all right for the first nine months, evidently. But this is what this is about.

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

**Mr A.J. Simpson:** I have; that made me feel a bit better. I think the important part here is that currently some contracts out there could be up to two years or even longer. This brings things in line with the modern world regarding that payout in a maximum of 12 months.

**Clause put and passed.**

**Clause 24: Schedule 2.1 clause 12 inserted —**

**Mr D.A. Templeman:** I am prepared to let these clauses go through the vote, but just for the record, clause 24 and the following clause 25 are provisions that need to be amended because of the intention of this legislation. Proposed clause 12 of schedule 2.1 relates to clarifying the relevant official in relation to some of the acts in force now. I am happy for that to go through. I will next want to speak on clause 26.

**Mr A.J. Simpson:** This clause has been included to simplify the process of transferring a property from one local government to another. That is what that has been written for.

**Mr D.A. Templeman:** In relation to the City of Perth Act passed in the Parliament, a section of the City of Subiaco was transferred to the City of Perth. This is relevant, because land that would be registered under the title or deeds would need to be transferred; is that correct?

**Mr A.J. Simpson:** If it was a park, yes, it would be.

**Mr D.A. Templeman:** There are some.

**Mr A.J. Simpson:** There are some; yes, they are assets. The Department of Lands requested this amendment. It is a matter of making it simpler and easier for property to be transferred. It has to be property owned by the local government, so in the case the member just mentioned of Subiaco and Perth, it applies if there is any physical asset that has been transferred.

**Mr D.A. Templeman:** Say there is a City of Subiaco hall in the southern ward of Subiaco that is now going to the City of Perth. There would need to be a formal transfer of land title, because that land was formerly owned by the City of Subiaco and now it would be owned by the City of Perth. That would be relevant to this clause, would it not?

**Mr A.J. Simpson:** Correct.

**Clause put and passed.****Clause 25 put and passed.****Clause 26: Act amended —**

**Mr D.A. Templeman:** Can I just get some clarification? I assume this is in relation to the City of Perth Act, and we are not amending the Botanic Gardens and Parks Authority Act, because that has already been covered. Is that correct?

**Mr A.J. Simpson:** Yes, the member is right. The Botanic Gardens and Parks Authority Act 1998 was amended in the City of Perth Act to allow the Executive Director of Public Health to exercise his powers and perform his duty over Kings Park under the Local Government Act. The amendment was made to the Local Government Act 1995 by the City of Perth Act 2015. Consequently, this amendment will be removed from this bill, because it was done in the City of Perth Act.

**Clause put and negated.****Clause 27: Section 44A inserted —**

**Mr D.A. Templeman:** Is this the same thing?

**Mr A.J. Simpson:** Yes.

**Clause put and negated.****Clause 28: Section 53A inserted —**

**Mr D.A. Templeman:** Is the minister opposing this clause for the same reason?

**Mr A.J. Simpson:** Yes.

**Mr D.A. Templeman:** I seek a quick clarification, because I remember this issue was discussed in the debate on the City of Perth Bill. There was obviously this issue about local laws not applying. Although this clause will not be inserted, because we will support the minister in opposing the clause, was it addressed in the City of Perth Act?

**Mr A.J. Simpson:** Yes, that is correct. Clause 28 refers to Kings Park, but we will delete that clause because we took care of that issue in the City of Perth Act earlier this year.

**Clause put and negated.****Clauses 29 to 31 put and passed.****Clause 32: Section 45 replaced —**

**Mr D.A. Templeman:** Do you see how cooperative I am, minister?

**Mrs G.J. Godfrey:** You want to go home early!

**Mr D.A. TEMPLEMAN:** No, I am very keen continue to legislate here. It is very important business.

This clause defines “Executive Director, Public Health”, which is defined in the City of Perth Act. It also defines “public health” and goes through the purposes of that. Proposed section 45(2) relates to the island, of course, because this whole division relates to Rottnest Island. Can the minister give me a very quick clarification of the context of the Rottnest Island elements of this bill?

**Mr A.J. SIMPSON:** Clause 32 of the bill deletes section 45 of the Rottnest Island Authority Act and replaces it with a new section. The purpose of this amendment is to allow the Executive Director of Public Health and all persons authorised by him to exercise and perform any of the powers and duties of the local government over land designated under the Rottnest Island Authority Act for the purpose of protecting, promoting and improving public health. The executive director will have the power to make and enforce local laws under the Local Government Act, and prior to the making of local laws, the executive director must consult with the Rottnest Island Authority and must consider advice provided. The local law will be published in the *Government Gazette* as well as the public information about the local law. This new section also provides that the executive director can repeal local laws, and if there is any conflict or inconsistency between local laws made by the executive director and one made by the local government under the Local Government Act or any other act, the local law made by the Executive Director of Public Health will prevail to resolve the conflict of inconsistency.

**Clause put and passed.**

**Clause 33: Act amended —**

**Mr D.A. TEMPLEMAN:** I will speak to clause 33, but I am happy for the minister to give me a general answer because, essentially, a number of divisions in this bill, from my understanding, are simply there in the context of the bill amending other legislation to accommodate the regional subsidiaries component of this bill. Clause 33 relates to the Biosecurity and Agriculture Management Act 2007, and then we move through the Building Act 2011, the Building Services (Registration) Act 2011, the Business Names (Commonwealth Powers) Act 2012, the Child Care Services Act 2007 and so on. That is my assumption. If the minister will just clarify whether that is correct, I am happy to go through to clause 62 as my next point of debate.

**Mr A.J. SIMPSON:** Part 4 of the bill contains clauses 33 to 97, which list the consequential amendments required to other pieces of legislation as a result of regional subsidiaries being introduced in this bill. The bill provides for 31 other acts to be amended, so that regional subsidiaries are treated in those acts in the same way as local governments and regional local governments are currently treated. Clauses 33 to 97 amend other acts.

**Clause put and passed.**

**Clauses 34 and 35 put and passed.**

**Clause 36: Section 125 amended —**

**Mr A.J. SIMPSON:** I move —

Page 25, line 19 — To insert after “section 125(2)” —  
in the definition of *public body*

Clause 36 amends the Building Act 2011 to include regional subsidiaries. This is a minor amendment to add “in the definition of public body.” after “section 125(2)”. This clarifies where the amendment is to occur.

**Amendment put and passed.**

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

**Clauses 37 to 52 put and passed.**

**Clause 53: Section 3 amended —**

**Mr A.J. SIMPSON:** I move —

Page 29, lines 20 to 23 — To delete the lines.

Clause 53 amends the Community Protection (Offender Reporting) Act 2004 to include regional subsidiaries. The Parliamentary Counsel’s Office advised that a minor amendment to insert “or” in paragraph (a), which defines “public authority”, is no longer necessary as the amendment has been effected through other legislation since the bill was drafted.

**Amendment put and passed.**

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

**Clause 54 put and negatived.**

**New clause 54 —**

**Mr A.J. SIMPSON:** I move —

Page 30, after line 6 — To insert —

**Division 11 — *Corruption, Crime and Misconduct Act 2003* amended**

**54. Act amended**

This Division amends the *Corruption, Crime and Misconduct Act 2003*.

Since the bill was drafted the title of the Corruption and Crime Commission Act 2003 has been amended, and the act is now known as the Corruption, Crime and Misconduct Act 2003. This amendment corrects the title of the act in this bill.

**New clause put and passed.**

**Clause 55 put and negatived.**

**New clause 55 —**

**Mr A.J. SIMPSON:** I move —

Page 30, after line 6 — To insert —

**55. Section 3 amended**

- (1) In section 3(1) in the definition of *minor misconduct* delete paragraph (c) and insert:
  - (c) conduct engaged in by —
    - (i) a member of a local government or council of a local government; or
    - (ii) a member of a council of a regional local government;
- (2) In section 3(1) in the definition of *public authority* paragraph (c) delete “regional local government” and insert:
 

regional local government, regional subsidiary

**Mr D.A. TEMPLEMAN:** Basically, this amends the current minor misconduct arrangements. We are just saying regional subsidiaries are relevant to those, too.

**Mr A.J. SIMPSON:** Consequential amendments are required to the Corruption, Crime and Misconduct Act 2003 as a result of the regional subsidiary being introduced by this bill. These amendments amend the definition of “minor misconduct” and “public authority” in the Corruption, Crime and Misconduct Act 2003 so that the regional subsidiaries are treated in the same way as local governments and regional local governments.

**New clause put and passed.**

**Clauses 56 to 71 put and passed.**

**Clause 72: Act amended —**

**Mr D.A. TEMPLEMAN:** My understanding of this amendment is that a regional subsidiary will now be able to make application to Lotterywest for funding of a project that it may be undertaking.

**Mr A.J. SIMPSON:** Under the current Local Government Act, a local government can do that, so we are saying that it can continue to do that as part of a regional subsidiary group, as the charter allows.

**Clause put and passed.**

**Clauses 73 to 75 put and passed.**

**New part 4, division 21A —**

**Mr A.J. SIMPSON:** I move —

Page 34, after line 16 – To insert:

**Division 21A — *Medicines and Poisons Act 2014* amended**

**75A. Act amended**

This Division amends the *Medicines and Poisons Act 2014*.

**75B. Section 95 amended**

Delete section 95(1)(c) and insert:

- (c) a person employed by —
  - (i) a local government or regional local government under the *Local Government Act 1995* section 5.36; or
  - (ii) a regional subsidiary.

This division amends the Medicine and Poisons Act 2014.

**New division put and passed.**

**New part 4, division 21B —****Mr A.J. SIMPSON:** I move —

Page 34, after line 16 — To insert —

**Division 21B — *Mental Health Act 2014* amended****75C. Act amended**This Division amends the *Mental Health Act 2014*.**75D. Section 572 amended**In section 572(1) in the definition of *State authority* delete paragraph (d) and insert:

(d) a local government, regional local government or regional subsidiary;

**New division put and passed.****Clauses 76 to 86 put and passed.****Clause 87: Act amended —****Mr D.A. TEMPLEMAN:** If the minister wants to see an archer, this could be a very long bow! I refer to amendments to the Road Traffic (Administration) Act. This was before my time, but there was a time in Western Australia when policing of roads was a jurisdiction of local government.**Mr A.J. Simpson:** The roads boards.**Mr D.A. TEMPLEMAN:** I am not sure when that was, but this is in all seriousness, given the tragedies on the roads, particularly in regional Western Australia this year with a number of people killed on regional roads. I think the great southern has the highest road death statistic and the wheatbelt is not far behind. This clause amends the Road Traffic (Administration) Act. Is it at all feasible that we will see a regional subsidiary come together with a proposal to contract out regional road policing, if you like? I know it is a long bow, but would this bill allow a group of councils that want to see more patrol vehicles on regional roads—say, in the wheatbelt or great southern—come up with a proposal under the regional subsidiary process to undertake its own traffic policing? It might sound a little airy-fairy, but we know that some local councils in Western Australia already have security entities—the City of Rockingham, and the City of Stirling I think. They have limited powers; they do not have policing powers, but they are certainly badged as eyes on the street and as security. I am interested in how far an inventive, innovative regional subsidiary might go with that, or does the Police Act state that it is only police who can police roads? There is some thinking out there that we may need to think differently about how we address the trauma on regional roads. I am interested in that in relation to this clause.

In addition, this amendment to the Road Traffic (Administration) Act might have nothing to do with what I have just spoken about, but are there other elements of the Road Traffic Act that this might relate to?

**Mr A.J. SIMPSON:** This amendment relates to vehicle parking outside the premises owned or occupied by a regional subsidiary and other residential premises under the Road Traffic (Administration) Act. The member referred to a regional subsidiary setting up its own traffic policing, because councils are trying to combat the tragic number of road deaths in the wheatbelt. That would be under state legislation, so the regional subsidiary would have to go to the Minister for Police and work out with the Commissioner of Police how that would operate. I would not say no, if councils said they wanted to form a regional subsidiary to address the issue. Yes, they could do that.**Mr D.A. Templeman:** And they may seek funding.**Mr A.J. SIMPSON:** That is correct. Councils could approach an outside source and then work with the police to do that, but the Police Act would be quite clear on that. It could be done, but I do not think they could set up their own police force.**Mr D.A. Templeman:** It's a good idea.**Mr A.J. SIMPSON:** They could work with the police on that.**Clause put and passed.****Clauses 88 to 97 put and passed.****Title —****Mr A.J. SIMPSON:** I move —Page 1, in the 3<sup>rd</sup> bullet point — To delete —**the *Botanic Gardens and Parks Authority Act 1998*,**

**Mr D.A. TEMPLEMAN:** The opposition supports the amendment. However, I want to highlight that when the minister and I had a discussion at a Local Government Managers Australia or engineering function, I said that if he brought on this bill, the opposition would deal with it in a prompt manner. We have done that today. The bill that we will be passing to the other place is really important, and I will mention this in the third reading, which I think we will do tomorrow.

**Mr A.J. Simpson:** I'm not coming back tomorrow!

**Mr D.A. TEMPLEMAN:** We cannot—I keep thinking that we are coming back tomorrow. I am so keen! I love this place. Members can imagine why when I go home to my screaming children!

We would not be doing the third reading today anyway because we have just passed amendments, so I want to take this opportunity to reinforce that this bill has had a long gestation that commenced when the member for Moore introduced similar legislation, certainly with regard to the subsidiary aspect, a subject that was usurped by this bill, which included some additional and important amendments to the Local Government Act itself. It is important for members to understand, particularly with the regional subsidiary component, that this is a very important piece of legislation that enables local government to work cooperatively with neighbours and/or other councils that do not necessarily share a border but that may look at sharing resources, expertise and all those sorts of things. We know that many councils already do that. We know that councils in the metropolitan area support, through a memorandum of understanding or agreement, the delivery of planning services. I think that the City of Nedlands supports some councils in the south west or the great southern in a planning context, because the reality is that a council in the south west with 500 or 600 ratepayers cannot afford to pay a full-time planning officer; nor should they, quite frankly, as the demand for work is not there. This legislation formalises that, which is a good thing.

I honestly hope that this bill passes the other place quickly. I hope the minister will give instruction to his members. Certainly, the instruction to our members is that we do not want this legislation to be delayed any further. It is sensible and enabling, and we want the opportunity delivered to local government. When we jettison this bill to the upper house, I hope that those in the other place do not waste time delaying its passage because I think it is important that we get it in place as soon as possible. It is a beneficial piece of legislation.

**Amendment put and passed.**

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

## BILLS

### *Appropriations*

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

1. Appropriation (Recurrent 2016–17) Bill 2016.
2. Appropriation (Capital 2016–17) Bill 2016.

*House adjourned at 5.01 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MAIN ROADS WESTERN AUSTRALIA — BRIERTY TENDER — COMPENSATION

**5146. Ms R. Saffioti to the Minister for Transport:**

I refer to Main Roads Tender MRWA008913, and ask:

- (a) has any compensation, recompense or reparation payment to Brierty as a result of a contractual dispute or disagreement associated with the above tender been made as at 15 March 2016;
- (b) if yes to (a):
  - (i) what is the amount of any payment; and
  - (ii) what was the basis of the dispute for which any payment was made;
- (c) are there any outstanding claims in relation to any dispute or disagreement associated with the tender;
- (d) if yes to , what is the amount of any outstanding claim;
- (e) what is the current cost of any State Solicitor's Office advice in relation to any contractual dispute or disagreement with Brierty;
- (f) what is the cost of all independent legal advice in relation to any contractual dispute or disagreement with Brierty;
- (g) how many submissions were received for the above tender; and
- (h) what was the highest and lowest tender price submitted?

**Mr D.C. Nalder replied:**

- (a) No.
- (b) (i)–(ii) Not applicable.
- (c) Yes.
- (d) \$9.55 million and \$0.64 million.
- (e) As at 24 March \$24 954.
- (f) Nil.
- (g) Seven submissions.
- (h) \$51.4 million and \$27.0 million respectively and before any proposal assessment adjustments (base price).

#### MINISTER FOR TRANSPORT — PORTFOLIOS — RECRUITMENT FREEZE EXEMPTIONS

**5182. Mr M. McGowan to the Minister for Transport:**

I refer to exemptions sought from the Treasurer during the current recruitment “freeze” beginning on 21 December 2015, and ask for each agency and department within the Minister's portfolio of responsibilities:

- (a) on how many occasions have exemptions been sought by each organisation since 21 December 2015;
- (b) on what date was each exemption application submitted;
- (c) what was the title and salary of each position for which an exemption was sought;
- (d) for which positions outlined in where exemptions approved; and
- (e) on what date was approval for each position conveyed to the organisation?

**Mr D.C. Nalder replied:**

- (a) Nil.
- (b)–(e) Not applicable.

#### MINISTER FOR AGRICULTURE AND FOOD — PORTFOLIOS — RECRUITMENT FREEZE EXEMPTIONS

**5188. Mr M. McGowan to the Minister for Agriculture and Food; Fisheries:**

I refer to exemptions sought from the Treasurer during the current recruitment “freeze” beginning on 21 December 2015, and ask for each agency and department within the Minister's portfolio of responsibilities:

- (a) on how many occasions have exemptions been sought by each organisation since 21 December 2015;
- (b) on what date was each exemption application submitted;

- (c) what was the title and salary of each position for which an exemption was sought;
- (d) for which positions outlined in where exemptions approved; and
- (e) on what date was approval for each position conveyed to the organisation?

**Mr D.C. Nalder replied:**

For period 21 December 2015–15 March 2016

Agriculture and Food —

- (a) Once.
- (b) Letter from Minister to Treasurer dated 11 February 2016
- (c) Veterinary Officers; Chief Veterinary Officer; Grains Research and Development Corporation (GRDC) – Research and Development Officers; Various – Research and Development Officers; Technical Officer and Casual Assistants.  
\$23,869 – \$146, 283 per annum – depending on classification.
- (d) None.
- (e) Not applicable.

Fisheries —

- (a) Nil.
- (b)–(d) Not applicable.

MINISTER FOR HEALTH — PORTFOLIOS — RECRUITMENT FREEZE EXEMPTIONS

**5195. Mr M. McGowan to the Minister for Health; Tourism:**

I refer to exemptions sought from the Treasurer during the current recruitment “freeze” beginning on 21 December 2015, and ask for each agency and department within the Minister’s portfolio of responsibilities:

- (a) on how many occasions have exemptions been sought by each organisation since 21 December 2015;
- (b) on what date was each exemption application submitted;
- (c) what was the title and salary of each position for which an exemption was sought;
- (d) for which positions outlined in where exemptions approved; and
- (e) on what date was approval for each position conveyed to the organisation?

**Mr J.H.D. Day replied:**

Department of Health

- (a) As at 15 March 2016, 39 exemption requests have been sought by the Department of Health.
- (b)–(e) [See tabled paper no 4159.]

Healthway

- (a) None.
- (b)–(e) Not applicable.

Health and Disability Services Complaints Office

- (a) One.
- (b) 15 February 2016.
- (c) Director, Health and Disability Services Complaints Office, \$232,058
- (d) Director, Health and Disability Services Complaints Office
- (e) 16 March 2016.

Tourism Western Australia

As at 15 March 2016

- (a) 1.
- (b) 1 March 2016.
- (c) Project Manager – Food and Wine, \$96,522 (excluding superannuation) per annum.
- (d) Response from Treasurer not yet received.
- (e) Not applicable.

With respect to the Rottnest Island Authority

- (a) Nil.
- (b)–(e) Not applicable.

## MINISTER FOR TRANSPORT — PORTFOLIOS — BIGGER PICTURE CAMPAIGN EXPENDITURE

**5200. Mr M. McGowan to the Minister for Transport:**

I refer to expenditure on advertising, campaigns and promotions, branding, research, printing and other forms of communication associated with the State Government's Bigger "Picture campaign", and ask for each department and agency under the Minister's control:

- (a) has the department or agency expended any money as part of, or associated with, the Bigger Picture campaign; and
- (b) if yes to (a), what is the total amount expended in each of the financial years, 2012–13, 2013–14, 2014–15 and 1 July 2015 to date?

**Mr D.C. Nalder replied:**

- (a) Yes. The Transport Portfolio is a contributor to the Major Projects Awareness Campaign, coordinated by the Metropolitan Redevelopment Authority (MRA). The portfolio is an equal one third contributor.
- (b) The MRA is responsible for expenditure of the funds in question; accordingly, the question should be directed to that agency.

AGRICULTURE AND FOOD — AUSTRALIAN NATIONAL APPLE BREEDING PROGRAM —  
ANABP 01 — FRUIT WEST

**5268. Mr M.P. Murray to the Minister for Agriculture and Food:**

I refer to the commercialisation of ANABP 01 (the Black Apple) and the Minister's decision to appoint the Fruit West cooperative to carry out this action, and I ask:

- (a) why was Fruit West given this responsibility;
- (b) what prior experience did Fruit West have in commercialising new varieties of fruit;
- (c) were expressions of interest formally called for by the State Government to assess whether other entities had an interest in carrying out the commercialisation;
- (d) was the Department of Agriculture and Food considered for the responsibility, and if not, why not;
- (e) was Fruit West determined at the time of the decision to have appropriate financial resources to undertake the commercialisation;
- (f) at the time of choosing Fruit West for this responsibility, how many staff were employed at Fruit West and did any of those staff have experience in commercialising new varieties of fruit;
- (g) how did Fruit West propose it would ensure that the intellectual property rights associated with ANABP 01 would be secured, and could the Minister provide documentation of this proposal; and
- (h) when did Fruit West apply for the commercialisation responsibility, to which entity or individual was the application made, which individual or entity assessed the application, and will the Minister provide documentary evidence of this application?

**Mr D.C. Nalder replied:**

- (a) Fruit West Co-operative Ltd (FWCL) expressed an interest in managing ANABP 01 in correspondence to DAFWA in 2012. DAFWA deemed, based upon information it received from FWCL, that FWCL was both capable of managing the commercialisation process in Australia, and sufficiently representative of the Western Australian Industry to justify appointment as the exclusive licensee in Australia. This was approved by Horticulture Australia Ltd (now Horticulture Innovation Australia Ltd).
- (b) In assessing FWCL's request for the opportunity to commercialise ANABP 01, DAFWA sought, and received, information from FWCL that FWCL had direct access to the skills and expertise required for successful commercialisation.
- (c) No.
- (d) No. It is neither Government policy, nor a core function of DAFWA, to directly commercialise intellectual property including plant varieties.
- (e) Yes.
- (f) The WA Government does not keep employment records on behalf of FWCL. In assessing FWCL's request for the opportunity to commercialise ANABP 01, DAFWA sought, and received, information from FWCL that FWCL had direct access to the skills and expertise required for successful commercialisation.

- (g) The intellectual property in the variety is owned by the Western Australian Agriculture Authority (WAAA), not FWCL.
- (h) FWCL expressed an interest in managing ANABP 01 in correspondence to DAFWA in September 2012. DAFWA sought additional information from FWCL, which was assessed by DAFWA. In January 2013, FWCL was informed that they were considered a suitable licensee for the variety. The application documentation is Commercial-in-Confidence.

MAIN ROADS WESTERN AUSTRALIA — BRIERTY TENDER DISPUTE — COMPENSATION

**5296. Ms R. Saffioti to the Minister for Transport:**

I refer to Main Roads Tender MRWA008913 (Great Eastern Highway), and ask:

- (a) has any compensation, recompense or reparation payment to Brierty as a result of a contractual dispute or disagreement associated with the above tender been made as of 16 February 2016;
- (b) if yes, what is the amount of any payment, and what was the basis for the dispute for which any payment was made;
- (c) are there any outstanding claims in relation to any dispute or disagreement associated with the tender, and if yes, what is the amount of any outstanding claim;
- (d) what is the cost of all State Solicitor's Office advice in relation to any contractual dispute or disagreement with Brierty;
- (e) what is the cost of all independent legal advice in relation to any contractual dispute or disagreement with Brierty;
- (f) how many submissions were received for the above tender; and
- (g) what was the highest and lowest tender price submitted?

**Mr D.C. Nalder replied:**

Please refer to Legislative Assembly Question on notice 5146.

MAIN ROADS WESTERN AUSTRALIA — BRIERTY TENDER DISPUTE — COMPENSATION

**5299. Ms R. Saffioti to the Minister for Transport:**

I refer to Main Roads Tender MRWA01114 (Coalfields Highway Upgrade), and ask:

- (a) has any compensation, recompense or reparation payment to Brierty as a result of a contractual dispute or disagreement associated with the above tender been made as of 16 February 2016;
- (b) if yes, what is the amount of any payment, and what was the basis of the dispute for which any payment was made;
- (c) are there any outstanding claims in relation to any dispute or disagreement associated with the tender;
- (d) if yes, what is the amount of any outstanding claim;
- (e) what is the cost of all State Solicitor's Office advice in relation to any contractual dispute or disagreement with Brierty;
- (f) what is the cost of all independent legal advice in relation to any contractual dispute or disagreement with Brierty;
- (g) how many submissions were received for the above tender; and
- (h) what was the highest and lowest tender price submitted?

**Mr D.C. Nalder replied:**

Please note that the Contract number is MRWA 0111/14 and not MRWA 011/14.

- (a) No.
- (b) Not applicable
- (c) No.
- (d)–(f) Not applicable
- (g) 8 conforming tenders and 3 alternative tenders were received.
- (h) \$11 729 528.42 and \$8 540 585.89 respectively.

## ROADS — FEDERAL FUNDING

**5307. Ms R. Saffioti to the Minister for Transport:**

I refer to Federal funding for road projects in WA for the 2015–16; 2016–17; 2017–18 and 2018–19 financial years and ask:

- (a) what is the total amount of Federal funding allocated to Western Australia for each of the financial years listed; and
- (b) can the Minister breakdown the funding allocations to specific projects and programs for each of the financial years listed?

**Mr D.C. Nalder replied:**

As at 21 April 2016:

- (a) The total amount of Federal Funding allocated to Western Australia for road projects, as per the 2015/16 Budget, for each of the financial years is:

2015/16 – \$563.0 million

2016/17 – \$851.8 million

2017/18 – \$883.3 million

2018/19 – \$231.2 million

- (b) The breakdown of the funding allocations to specific projects and programs for each of the Financial Years is:

Commonwealth Funding	2015/16	2016/17	2017/18	2018/19
	\$'Million	\$'Million	\$'Million	\$'Million
Black Spot Program	20.6	17.6	6.6	6.6
Heavy Vehicle Safety & Productivity Program	6.2	4.5	4.5	4.5
Maintenance (National Network)	50.7	49.3	49.3	49.3
Gateway WA	109.6	24.1	0.0	0.0
Great Eastern Highway	23.3	4.1	0.0	0.0
Great Northern Highway	90.5	93.8	68.0	25.3
Kwinana Freeway	14.0	0.0	0.0	0.0
Nation Building Program	6.9	0.0	0.0	0.0
National Highway Upgrade Program	10.5	10.5	11.2	0.0
North West Coastal Highway	47.7	20.0	78.3	0.0
NorthLink WA	30.9	220.7	303.3	145.5
Perth Freight Link	143.9	407.2	362.1	0.0
Roe Highway	8.2	0.0	0.0	0.0

## MINISTER FOR TRANSPORT — PORTFOLIO — SENIOR EXECUTIVE STAFF

**5324. Mr B.S. Wyatt to the Minister for Transport:**

In relation to each Government agency within the Minister's portfolio, I ask:

- (a) how many Senior Executive Staff (SES) staff are there currently in the agency;
- (b) how many SES staff were there in the agency in each of 2010, 2011, 2012, 2013, 2014 and 2015;
- (c) what is the title of each SES staff member and the salary paid to each SES staff member;
- (d) what is the total cost of non-salary benefits to be paid to the agency's SES staff members in 2016;
- (e) what was the total cost of non-salary benefits paid to the agency's SES staff members in each of 2010, 2011, 2012, 2013, 2014 and 2015;
- (f) what is the assumed increase in the SES salary costs over each year of 2016/17, 2017/18 and 2018/19; and
- (g) what is the assumed increase in the SES non-salary costs over each year of 2016/17, 2017/18 and 2018/19?

**Mr D.C. Nalder replied:**

Please refer to the response to Question on Notice number 5339

## MINISTER FOR AGRICULTURE AND FOOD — PORTFOLIOS — SENIOR EXECUTIVE STAFF

**5330. Mr B.S. Wyatt to the Minister for Agriculture and Food; Fisheries:**

In relation to each Government agency within the Minister's portfolio, I ask:

- (a) how many Senior Executive Staff (SES) staff are there currently in the agency;
- (b) how many SES staff were there in the agency in each of 2010, 2011, 2012, 2013, 2014 and 2015;
- (c) what is the title of each SES staff member and the salary paid to each SES staff member;
- (d) what is the total cost of non-salary benefits to be paid to the agency's SES staff members in 2016;
- (e) what was the total cost of non-salary benefits paid to the agency's SES staff members in each of 2010, 2011, 2012, 2013, 2014 and 2015;
- (f) what is the assumed increase in the SES salary costs over each year of 2016/17, 2017/18 and 2018/19; and
- (g) what is the assumed increase in the SES non-salary costs over each year of 2016/17, 2017/18 and 2018/19?

**Mr D.C. Nalder replied:**

Please refer to the response to Question on Notice number 5339.

## ATTORNEY GENERAL — PORTFOLIOS — SENIOR EXECUTIVE STAFF

**5332. Mr B.S. Wyatt to the minister representing the Attorney General; Minister for Commerce:**

In relation to each Government agency within the Minister's portfolio, I ask:

- (a) how many Senior Executive Staff (SES) staff are there currently in the agency;
- (b) how many SES staff were there in the agency in each of 2010, 2011, 2012, 2013, 2014 and 2015;
- (c) what is the title of each SES staff member and the salary paid to each SES staff member;
- (d) what is the total cost of non-salary benefits to be paid to the agency's SES staff members in 2016;
- (e) what was the total cost of non-salary benefits paid to the agency's SES staff members in each of 2010, 2011, 2012, 2013, 2014 and 2015;
- (f) what is the assumed increase in the SES salary costs over each year of 2016/17, 2017/18 and 2018/19; and
- (g) what is the assumed increase in the SES non-salary costs over each year of 2016/17, 2017/18 and 2018/19?

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

Please refer to the response to Question on Notice number 5339

## AGRICULTURE AND FOOD — COTTON BUSH — WESTERN AUSTRALIAN ORGANISM LIST

**5351. Mr M.P. Murray to the Minister for Agriculture and Food:**

- (1) Does the Minister support the Department of Agriculture and Food's preliminary recommendation – made in the initial stages of the review into cotton bush's declared pest status under the Western Australian Organism List (WAOL) – that cotton bush be removed from the declared pest list?
- (2) If cotton bush is removed from the declared pest list:
  - (a) does the Minister concede that Recognised Biosecurity Groups (RBGs) would be precluded from accessing declared pest rate funding and matching State Government contributions to address the presence of cotton bush in their communities;
  - (b) does the Minister concede that the Department of Agriculture and Food would have no authority to require landowners to manage the presence of cotton bush on their properties;
  - (c) does the Minister concede that cotton bush would be allowed to spread and entrench itself unchecked throughout already-affected areas and beyond;
  - (d) does the Minister concede that the Department of Agriculture and Food would no longer give any support to cotton bush mitigation activities through RBGs and the *Biosecurity and Agricultural Management Act 2007*;
  - (e) what supplementary funding will the State Government provide for RBGs to access for cotton bush management in lieu of declared pest rate funding and matching State Government contributions;

- (f) will those landowners and local governments, which engaged in the process of developing and formalising RBGs for the primary purpose of combating cotton bush, be compensated by the State Government for their time and effort; and
  - (g) will inspections such as those described in the Department of Agriculture and Food media release dated 14 September 2014 ‘ Cotton bush inspections part of community-led response to weed’ still occur?
- (3) Is the Minister aware of the significant opposition from landholder and farming stakeholders to removing cotton bush from the declared pest list under the WAOL and their frustration at the lack of consultation and engagement as part of this process?
- (4) Will the Minister commit to not removing cotton bush from the declared pest list under the WAOL until in-depth consultation is undertaken with local stakeholders and strong scientific and statistical evidence supports any such move?

**Mr D.C. Nalder replied:**

- (1)–(2) I will consider the recommendations and advice received from the declaration review following full review processes, including technical assessment, Stakeholder Reference Group review and public consultation.
- (3) Yes.
- (4) Refer to part (1).
-

