Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT

FIRST SESSION

2016

LEGISLATIVE ASSEMBLY

Thursday, 20 October 2016

Legislative Assembly

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THE DEPUTY SPEAKER (Ms W.M. Duncan) took the chair at 9.00 am, and read prayers.

HELENA AND AURORA RANGE — PROTECTION

Petition

MR A.J. SIMPSON (Darling Range) [9.01 am]: I have a certified petition that conforms with the standing orders of the Legislative Assembly. It has been signed by 197 petitioners and reads —

> To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned wish to make known the outstanding conservation and heritage values of Helena and Aurora Range (Bungalbin) and our wish for this range to be fully protected for all future generations to experience and enjoy and that action be taken by governments to remove all mining leases and exploration tenements from Helena and Aurora Range (Bungalbin) and that there be an agreement between the mining industry, conservation agencies and Traditional Owners that this range be a "No go area for mining".
>
> Now we ask the Legislative Assembly to grant full and secure protection to the Helena Aurora Range (Bungalbin) through the gazettal of the area as a Class A Reserve and National Park.

[See petition 408.]

PAPERS TABLED

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

COMPULSORY ALCOHOL AND DRUG TREATMENT — EXPOSURE DRAFT BILL

Statement by Minister for Mental Health

MS A.R. MITCHELL (Kingsley — Minister for Mental Health) [9.02 am]: I would like to advise the house about a recent decision of cabinet to continue the Liberal–National government's efforts to reduce the negative impacts of methamphetamine use in Western Australia. In order to introduce compulsory alcohol and drug treatment in Western Australia, on Monday, 10 October, cabinet approved the drafting of an exposure draft bill to underpin this service. Voluntary treatment and support services remain a high priority for this government, but I have heard the cries of people who want more support. Compulsory alcohol and drug treatment is an option of last resort for a particularly vulnerable group of people in our community who have a severe drug or alcohol addiction and for whom the voluntary seeking of treatment is highly unlikely.

Members present will be aware of this government's commitment to reducing methamphetamine-related harm and our comprehensive $14.9 million "Western Australian Meth Strategy 2016". We are making a statewide investment in prevention, treatment and support services over two years. This includes 60 new withdrawal and rehabilitation beds, a meth helpline, a meth clinic, expanded counselling services, frontline clinical liaison in hospital emergency departments, expanded community education, and education for high school students, teachers and parents. The introduction of compulsory alcohol and drug treatment will expand the comprehensive continuum of treatment service options available to those with significant drug or alcohol addictions in Western Australia.

To assist the development of an appropriate model of service for Western Australia, the Mental Health Commission established a community advisory group and a steering committee, and last month released background and discussion papers for the community to have their say. There has been a positive response from Western Australians. The Mental Health Commission has received feedback from people who have experienced their own alcohol or drug problems, family members and service providers, as well as members of Aboriginal communities, culturally and linguistically diverse communities and the lesbian, gay, bisexual, transsexual, intersex, queer community. Members of the public can still provide feedback by visiting the Mental Health Commission website to make an online submission or by completing a hard copy submission. The exposure draft bill is expected to be released in December for public comment and will outline the proposed legislation for open discussion prior to its refinement, finalisation and introduction to Parliament. I commend this initiative to the house.

TAXIS — MULTIPURPOSE

Grievance

MS R. SAFFIOTI (West Swan) [9.05 am]: My grievance relates to the situation in the taxi industry and primarily to multipurpose taxis. I also want to touch upon taxi reform more generally. This issue with multipurpose taxis has been going alongside some of the other major changes in the taxi industry. I have been approached over a series of months by both operators and people who use the service with their concerns about the recent changes in the industry and the particular impact that those changes are having on people with disabilities and people in wheelchairs who are trying to catch a taxi service.

I will not go through the history too much, but I note that in 2012 previous ministers committed to some additional MPTs on the road and also to additional funding to that industry. In April this year, the former Minister for Transport announced that Black and White Cabs would be the dedicated multipurpose taxi dispatch service provider. At that time there was a lot of discussion about the movement towards a single provider. I received a number of concerns and complaints about removing choice, in a sense, from the people who require this service. That issue was raised with me constantly. We wrote to the former minister, but the process continued. Of course, there was a successful tenderer. I understand that since that time there has been a significant breakdown in the negotiations and a lot of uncertainty in the industry.

We asked a question about this issue earlier this week to try to ascertain how many people had signed the new agreement with the new operator. As of 18 October, 42 multipurpose taxi operators had signed the new operating agreement with Black and White Cabs while 67 had not. We are well down the path and still a lot of people have not moved onto the new agreement. I have been told that the new agreement creates a lot of obligations for the operators of the taxis—the drivers and the owners of the taxis—and that they have specific concerns about signing that agreement. A number of complicated issues relate to this. There is the issue of the lifting fee, which is being offered only to those using the Black and White service. There is also the equipment fee of $15 000 that is available for modifying a vehicle or upgrading equipment for wheelchairs.

I also want to highlight the issue more generally. The issue raised with me throughout the tender process was the relationship that people have with the drivers of multipurpose taxis. I know a lot of people in wheelchairs who had a very good relationship and agreements with particular drivers—they caught particular services and had that relationship of trust. When we are talking about the people who require this service, the issue of trust is really, really important—there has to be that trust between the driver and the user. Those are the specific issues.

My feedback from the industry is that people are very reluctant to sign the new agreement, the process has not worked smoothly to say the least, and there has been a request for the Department of Transport to get involved to try to facilitate a better outcome. I will read from a letter. One of the reasons these people have come to me is that they have tried to work with the department to try to facilitate a better outcome, but they were unsuccessful. A letter sent to a particular person about this issue said that the Department of Transport was not keen to get involved in those commercial negotiations and that the negotiations were now solely between the drivers and the new service. I think the government does have a role in actually stepping in and trying to facilitate a better outcome for everyone who requires the use of multipurpose taxis, because we cannot have a situation in which we do not have enough of these taxis available for people in need. I have heard stories about some of the unsafe practices that are now occurring, not about this current operator, but about people being forced to use vehicles that are not properly equipped. I do not think that is a situation that we want to be in. I ask that the government become more proactive and get involved and that the minister provide us with some advice today on what the department and the government will do to solve this problem that they have created.

Lastly, I want to touch upon the issue of taxi reform more generally. I want to get the minister on his feet to tell us whether he agrees with the previous minister's position on taxi compensation for private plate owners. The former minister said that by 30 November he would bring something out, not to the Parliament, but to the public, about what additional package would be offered to taxi plate owners. I am asking whether that is still the official government position and whether the new minister agrees to bring forward a plan for additional compensation for taxi plate owners and to bring it to the public's attention. I know that there have been some transitional payments and partial payments. Transitional payments have not been issued yet. Eleven people have applied for hardship payments, but I think the criteria are quite confusing, so I suspect it will take a while for people to apply for those hardship payments. On that point, I want to ask the minister what his position is on taxi compensation more generally, in particular for private plate owners.

MR W.R. MARMION (Nedlands — Minister for Transport) [9.12 am]: I thank the member for West Swan for the grievance. It is a very valid and topical grievance. I have learned a fair bit about multipurpose taxis over the last couple of days, so I will deal with that issue first.

We are in a transition period. I recognise that in a transition period it may take a while for the situation to settle down. The member for West Swan is right about that. The previous minister took a package to the industry. The idea of having this package is to make sure that users of the MPT service have more predictability about getting

a taxi when they want to—there was concern about peak periods—particularly those people who might have had their own personal drivers. I agree with the member for West Swan; I have friends who use taxis and they use the same driver all the time. The member for West Swan is right; a trust relationship is built up and those people would obviously prefer to use that particular taxi operator. However, that taxi operator cannot be available for them all the time. The philosophy was to have a dedicated dispatch service. Black and White Cabs won the tender for that before my time as minister; it is the dispatch service that is supported by the government. Part of that support by the government is that any operator who signs up, as the member said, can get $15 000 to fix their car to make it suitable for wheelchair access and lifting. On top of that, there is a $10 fee for every callout. That does not preclude those taxidrivers from still having private clients. The process is that they can still get the $10 if they log the call with Black and White. Users do not have to use Black and White; they can still use other taxi services. My understanding, from what I have been advised, is that Swan Taxis provides a $5 subsidy in order to maintain their multipurpose taxi drivers. Operators can also use Swan Taxis for other services; it is a smart thing to do. Drivers do not get $10, but they get $5, and if there is a lull period, they can use their MPT for other services.

The member for West Swan is right; to date, only 42 or 43 of the 109 MPT operators have signed up. I am happy to meet with them. I am new and I am meeting with taxidrivers—I will get on to that issue in a moment—but I have not met with MPT drivers. I will probably contact my friends who I know use the service to find out their feeling on how this early transition period is working. The government is very keen to make sure that those people who require MPT services get the same quality of service as everyone else in the industry. That is the aim. The view was that if we had a single dispatch service, that might provide a better service for people who had trouble getting an MPT service before. That is the aim. At least there is one operator. We have data that is purely related to the Black and White service, and because the calls are logged, we now have a lot of data on how that service is running. I can provide members with some of those figures, which are quite interesting. Based on the 42 or 43 drivers, we can work out what sort of fee they might be getting per day, per week and per year and whether that is enough. Since July 2016, the 13MAXI, which is the brand name, has averaged around 7 500 wheelchair jobs per month, with over 90 per cent of pre-booked off-peak jobs and almost 85 per cent of peak jobs being completed on time, with pick-up within five minutes of the booked time. That is a pretty good achievement. Over 95 per cent of peak and off-peak dispatch jobs have also been completed on time, within 15 to 20 minutes after receiving the call. That is the data on the Black and White 13MAXI service that has been picked up since July 2016. Obviously, we do not have the data on other services.

Ms R. Saffioti: How does that compare with previous data?

Mr W.R. MARMION: I have not been provided with the previous data. Maybe that is because that data is with the operators. This data is logged with 13MAXI. Obviously, that is a question of how it was before. Of course, this data applies only to Black and White. I can understand the Department of Transport not wanting to get involved in the commercial side of the system, but I think it has an obligation to make sure the service is working and, if there are problems with it, to work out what we can do to intervene if required. I am happy to have discussions with the department and personally meet with a group of MPT operators to find out how it is going.

I will make sure that I finish off on the other point that the member for West Swan raised about the general taxi industry. I have taxi operators in my electorate—quite prominent ones, actually—and I have been meeting with them for many years. One, who is almost a neighbour, has a number of plates. What is happening now is quite complicated because every taxi operator is different and faces unique situations depending on when they bought into the industry and how many plates they have et cetera. I am keen to look at a further taxi assistance package. We are looking at that now; there are a number of options. One that has been promulgated—it is only one option—is a levy. No decisions have been made yet. My department is still meeting with the taxi industry, and I will certainly be meeting with the taxi industry to make sure that we come up with a package that everyone will be happy with.

Ms R. Saffioti: What's your time frame?

Mr W.R. MARMION: The member for West Swan mentioned the previous minister's time frame of late November. That seems to me to be a reasonable time frame as well. That gives us another four or five weeks. I hope to have something in place by then.

SOUTH REGIONAL TAFE — ESPERANCE CAMPUS — INFRASTRUCTURE

Grievance

DR G.G. JACOBS (Eyre) [9.19 am]: I thank the Minister for Training and Workforce Development for taking my grievance today. The subject of my grievance is the technical and further education centre in my town of Esperance. To put it in context for members, there has been a restructure of management around the TAFE. Its evolution has a long history, but the restructure now brings the Goldfields Institute of Technology, which was a previous TAFE, into South Regional TAFE.

As you would know, Madam Deputy Speaker, the previous association with Kalgoorlie underwent a restructure with the Kalgoorlie campus coming under Central Institute of Technology and my TAFE, if you like, coming under South Regional TAFE, which includes the areas of Albany, Bunbury, Busselton, Collie, Denmark, Harvey, Katanning, Manjimup and Margaret River. The true nature of my grievance is not about governance and structure; rather, it is about the origins of the Esperance TAFE campus and its infrastructure.

The Minister for Training and Workforce Development is probably aware of the origins of Esperance TAFE, but I have been in Esperance for a long, long time and I advise that it goes back to 1982. It essentially started as a night study technical division of the Department of Education. At that time, the infrastructure comprised an administration building and two lecture rooms that were not necessarily of a high standard, but essentially it had to start somewhere. In 1984 workshops were added and in 1992 a donga library—excuse the expression—two donga classrooms and a couple of rooms at the back were added. By 1996 what we see today was all in place. In 1998 it became the community college that was Curtin and community funded. In 2003 a double-storey entrance reception hall was built, which, today, is the Goldfields Institute of Technology building. In summary, for eight years it was under the technical division of the education department; for 13 or more years it morphed into Kalgoorlie Curtin College; and, for the last four or five years, it was Goldfields Institute of Technology. There has been piecemeal development and essentially a mismatch of infrastructure and buildings.

During my last tour of the Esperance TAFE site, outside the donga in which the TAFE runs a very popular and amazing course in hair and beauty, I could see timber construction and a sign that reads, “Beware—nail gun in use”. There is a lack of room at the campus and essentially the model does not cope with three trades—electrical, welding and mechanical—in the one workshop. Building construction students have to go outside and are accommodated by a dome structure. They do construction work outside the hair and beauty centre. This is in no way critical of the training provided by TAFE in Esperance, which is now South Regional TAFE, Esperance. Forty courses are available at the campus and student contact numbers over the years have increased incredibly. In 2014, there were 60 000 hours of student contact; today, there are 125 000 hours of student contact. I commend Hammond Chitate and his staff for the work they do. However, the TAFE facility is in dire need of being brought into the twenty-first century. People talk about an upgrade versus a redevelopment. Minister, this facility cannot be upgraded; we need to start again with a redevelopment. As I explained in the time line, the Esperance facility morphed when we needed it to. However, we need to be a strategic area; indeed, we are a strategic area because of our geography. A brochure that I circulated to the community asking for suggestions states that TAFE is all about providing job opportunities and making people job ready, particularly in areas such as agriculture, tourism and hospitality. There is great innovation in Esperance and that innovation is no more evident than in the technology used by Davies Wear Plate Systems, which originated in Esperance and remains in Esperance. The company uses state-of-the-art technology to put in wear plates on hoppers and crushers for the mining industry. It has become an international company.

During my time on this redevelopment campaign, I have been through four ministers. It all started with STAMP—the strategic training asset management plan. I have received over time four letters from different ministers telling me about STAMP, that they would be finishing the asset training plan and that they would be with us shortly. I invite the minister to visit Esperance to look at the facility and to do something about its redevelopment.

MRS L.M. HARVEY (Scarborough — Minister for Training and Workforce Development) [9.26 am]: I thank the member for Eyre for his grievance. I acknowledge that the member has made numerous representations to a number of my predecessors and me about the requirement for a new training facility at Esperance. The member for Eyre’s passion and advocacy for his community is to be commended. I appreciate his dedication to the local issues that affect his community.

The member went through the history of TAFE in Esperance. It was formerly part of Curtin University’s vocational education and training centre and was transferred to the state in about 2012. Lecturers and administrative staff at the Esperance campus have been proactively dealing with the new managing director and the administrative team to get a seamless transfer as a result of TAFE reform. They have been doing a very good job to ensure that they continue to deliver a high level of training to the students enrolled at Esperance TAFE. The member for Eyre would be aware that the population of Esperance has grown significantly over the past 30 years from 9 863 residents in the 1981 census to 13 477 residents in the 2011 census. I expect the latest census will probably show a greater increase. That population growth is evident when we look at the growth in the number of students going through TAFE in Esperance. In 2014 there were 525 course enrolments; in 2015 that number increased to 870 course enrolments. There is certainly strong growth, and that growth has come from a range of different areas. There is a very high level of communication and cooperation between Esperance TAFE and the local Esperance business community. I am advised that there are 230 apprentices and trainees in training with employers in the Shire of Esperance. The top four areas are retail carpentry and joinery, engineering tradesperson mechanical, electrical mechanics and retail management. It is good to see businesses stepping up and taking on apprentices and trainees and using the expertise of the TAFE to ensure they get that very important classroom work around their craft to complement the skills they are learning in the workplace.

I have been to the Esperance facility with the member for Eyre and I acknowledge the failings of the very tired and old campus. I was shocked to learn that the campus regularly floods when there is high rainfall in the area. I put on the record my acknowledgment for the fantastic work that the lecturing and admin staff continue to deliver at the Esperance facility to ensure that the facility does not in any way detract from the quality of training being delivered to students.

That said, as the member is aware, the Department of Training and Workforce Development put some additional funds into the Esperance campus, which were designed to put some maintenance effort into the campus to keep it ticking along until the strategic asset management plan was completed. That plan is complete and the Esperance campus sits on our schedule of works as a very high priority for upgrades or replacements. The Try-A-Trade program is being delivered for the first time this year through the Esperance campus for school-aged students. A lecturer from South Regional TAFE's Albany campus is delivering that program and Esperance Senior High School students have been given a chance at trying a variety of construction trades. They come into the campus and experience plastering, bricklaying, carpentry, joinery and plumbing, to gain a feel for those trades and determine whether they are trades that might inspire them to a future career opportunity. A lecturer from the Albany campus is travelling to deliver high-level carpentry and joinery training to apprentices at the campus and a graphic design lecturer at the Esperance campus has developed an online graphic design program that has seen students from around the whole South Regional TAFE enrol to receive that program online. A lot of initiatives are coming out of Esperance TAFE to ensure that we are keeping the skill sets of the local community current and training them into jobs that will lead to employment opportunities.

I will continue to work with the member for Eyre on this campus; I understand the need for it. I have been to the Davies Wear Plate Systems technology factory with him—that is an amazing facility, and to see that kind of innovation come out of a town such as Esperance is truly inspiring. That technology is now being exported right around the world to mining sectors in other countries and is saving the mining industry millions of dollars in lost time by enabling them to replace worn equipment parts without having to interrupt their flow of work. I will be visiting Esperance on Wednesday, 23 November and I look forward to having another look at the Esperance campus at that time. I will also spend that time listening to some of the member's constituents and meeting the lecturing staff at the campus to understand a little more about that campus's needs. I acknowledge that a replacement facility is needed there, so I will continue to work with Treasury on the asset management plan to see what we can deliver for a new campus for Esperance TAFE.

DOG ATTACKS — BALLAJURA

Grievance

MS J.M. FREEMAN (Mirrabooka) [9.33 am]: My grievance is to the Minister for Local Government. In the last two weeks there have been at least two serious dog attacks in Ballajura in the City of Swan; one led to the death of a dog. On 18 September 2013, during debate on the Dog Amendment Bill 2013, I raised with the then Minister for Local Government the distressing state of affairs for dog owners who find themselves facing major costs, including vet bills, following a dog-on-dog attack. As a consequence of my concern, I moved an amendment to section 33 of the Dog Act 1976 to enable compensation to be given to the owner of a pet injured in an attack. My amendment came about because of a lady whose dog was attacked in a Balga park. Unfortunately her dog was killed. The person in control of the other dog was convicted and a penalty applied. A conviction was recorded but there was no compensation for the woman whose dog was killed; there was no remedy available to this lady unless she took civil action against the other person, who she did not know. I pursued that with the City of Stirling on the basis that the city should be able to use the penalty applied to and paid by the person in control of the dog to compensate this lady for the vet fees she incurred. I was told by the City of Stirling that that was not possible and that she needed to take civil action. The amendment I proposed would have provided for the magistrate to make an order that part of that amount, or the total amount, be paid to the person attacked or the owner of the animal that was attacked to cover the cost of, or as an alternative to, taking expensive civil action. In opposing the amendment the then minister stated that he understood what I was trying to achieve and he said that he understood that the intent of the proposal was to provide for compensation to be awarded to a person whose dog is injured in an attack. He argued that that was possible under section 117 of the Sentencing Act 1995—that a court may already make a compensation order in favour of the victim of the offence. However, he went on to state —

> I understand the member's intent and I undertake to raise the awareness of local governments to compensate under the Sentencing Act—I think that is probably where we need to go with this—and not under the Dog Act.

The government then voted against the amendment. The issue—I will go into that further—is that many local governments do not go into court action, preferring to impose a penalty, such as a fine or an infringement. In effect, the minister at the time gave an undertaking to raise the issue with local government with a view to having it apportion some of the fine as compensation; however, when only an infringement is issued, which is

what happens for the majority of the time, it is not available to the owner. It appears that nothing has been done to give some redress to dog owners who suffer financial loss and that only councils can gain payment for the attack. It has become clear that the local governments of Western Australia have no interest in ensuring residents receive any compensation for the costs of dog attacks.

A recent example of this is Ballajura resident Elyse Stonehill's dog, Toby—who will be 14 this January—who was attacked by a neighbourhood dog. Ms Stonehill is 71 years of age and suffering from motor neurone disease, which makes the $271.64 vet bill a further financial burden. Given her devotion to her long-term pet, she was happy to pay it, but it is unfair given that the injury was caused by another dog and she is already financially strapped. Ms Stonehill cannot be here today because of her illness. Payment of the vet fees by the owner of the offending dog was refused and the City of Swan stated that it will not make any of the $400 infringement available to Ms Stonehill for the vet fees.

I emailed the City of Swan on 7 October 2016, pointing out that the previous minister had stated that the local government could request compensation for the owner of the attacked dog through the Sentencing Act, noting that the City of Swan had issued enforcement notices with a $400 penalty. This course of compensation was obviously not available, so I requested that if this penalty of $400 was paid by the offending owner, the City of Swan should make part of the penalty available to Ms Stonehill as compensation for her vet bill incurred as a result of the attack. Further, I asked that if the matter was not resolved by payment of the infringement, that the City of Swan confirm that action would be taken against the offending owner in the Magistrates Court, enabling compensation under the Sentencing Act. In response, the City of Swan stated that in cases in which an infringement is issued, there is no option to compensate the victim with the financial penalty. It said that it was inappropriate for the city to directly reimburse any vet bills as it would blur the lines between compensation, a civil matter, and enforcement under the Dog Act 1976. Further, it stated that the City of Swan can only follow up on the offence that occurred under the Dog Act 1976, and recouping vet bills is a civil matter between residents.

Despite the fact that the previous minister indicated during the 2013 debate that local governments could provide assistance, the response was the same as the advice I had received from the City of Stirling in the case I highlighted in that debate. This results in the unfair and costly conclusion that the only recourse for the dog owner is to take civil action. Clearly, the cost of civil action is prohibitive for Ms Stonehill, given that her vet bill was $271, and she does not know the owner's name and details. The City of Swan concurred that if it pursued court action the court could apply compensation; however, the city also made it clear in its correspondence that the path to court action is not the preferred option.

It outlined that court action is protracted—six to nine months for a matter to be heard by a magistrate. During this time it says the animal is required to stay impounded and the City of Swan also stated that that delay caused by court action increases anxiety and stress for the injured dog's owner, given that the matter remains unresolved. On this basis the City of Swan issues infringement penalties, which, if not paid, will simply be referred to the Fines Enforcement Registry and could result in the offender's driver's licence being suspended, with no remedy for the dog owner.

In response to Ms Stonehill's plight a representative from the Department of Local Government and Communities was quoted in the *Eastern Suburbs Reporter* of 18 October as stating —

> "Local governments are responsible for administering and enforcing the Dog Act in their district," … "It is at the discretion of the local government as to what action may be taken."

That is a bold statement from the Department of Local Government and Communities of a "we don't care" attitude that is directly contrary to the sentiment of the last minister, who indicated in 2013 that the department would work with local governments on this issue. This is all in an environment that was outlined in an article that appeared recently in *The Sunday Times*, which states —

> The City of Swan received 474 reports of dog attacks, the highest of any council to respond to the survey, which resulted in 47 infringement notices and 92 warnings.

The City of Swan also covers Bassendean, where recently a young girl was attacked very seriously by a dog. The same article in *The Sunday Times* outlined that only two per cent of more than 2 000 dog attacks are prosecuted by local governments. If prosecution is the only possible chance for owners to gain any compensation—and that is really questionable—the government needs to address the compensation of owners through infringements. The minister needs to outline what the Department of Local Government and Communities has done to ensure that councils respond to the needs of the residents.

MR P.T. MILES (Wanneroo — Minister for Local Government) [9.40 am]: I thank the member for Mirrabooka for her grievance this morning. I also acknowledge that when a dog is attacked in a local park or street or even in a front yard, it is very emotional for not just the dog owner but also the person who may have been injured. The member is right. In 2013 she did move an amendment to the Dog Amendment Bill 2013, but, unfortunately, Parliament decided not to accept her amendment and it moved on with the rest of the bill. The

minister at the time explained, as the member said in her grievance, that it would be up to the local authorities to decide whether they wanted to prosecute. That is the appropriate level of interaction in that space. It is the responsibility of local governments to police, control and administer the act—we all understand that. Unfortunately, different local governments have different policies on how to do that. I have had a grievance about each council having too many policies surrounding the Dog Act, but that is something to look at another time. From the notes that I have been given about the act, the minister explained at the time that the best avenue to pursue compensation was through the Magistrates Court, as the member stated. The member also stated in her grievance that local governments have said that yes, they can go down that path, but under the act it clearly states that they must house and look after those dogs while that process is in place. I do not want to change that at all. It is right that a dog owner loses their dog for that period of time. I also note that in some instance dog owners then voluntarily decide to euthanase their dogs to, I guess, finalise the matter. That still does not provide compensation for people who may be out of pocket for any number of reasons, which is what the member is asking for.

When the Liberal–National government amended the act it made some significant changes to the act. I know that the member was part of discussions when that was happening. We made it a lot clearer, especially when it comes to the dangerous dog section of the act. If the police get involved because somebody has been killed by a dog, which has happened in the past, then an owner can be imprisoned for that. If a person is physically injured, which comes to the section referred to by the member, penalties of $10 000 to $20 000 can be imposed under the criminal courts, depending on whether the dog was already classified as a dangerous dog. Councils can seek a destruction order but the feedback that I, like the member, have had is that they seem to think that that is a very long and drawn out process. I do not think six months is too long, but the councils have to house those dogs and they do not want the cost. Councils need to smarten up that area without a doubt. I will take that matter further with the director general because it is an important area. I am not totally supportive of the councils having to shell out compensation because I do not think that that is their role. Quite often, if they are prosecuting and rangers and everything are involved, the councils will not recover their full costs either. I do not necessarily support the member's notion that the councils provide compensation. It needs to be done through the court system because that is the right system to deal with it.

It is very important to note that if a person's dog is declared a dangerous dog, they must remember to muzzle their dog every time it is outside its enclosed cage. At the moment there are some people around town who are going through that process. Their dogs are going to be declared dangerous, hopefully through the courts, which means their fencing and the dog's cage has to be 100 per cent secure and whenever their dog is outside that cage it must wear a muzzle. If that dog is declared dangerous and it gets out and bites a person, the owner will have a $10 000 or $20 000 fine imposed on them if the person is only injured, or, worse still, a jail term if somebody is severely injured or dies.

Another good provision in the act is that every dog has to be microchipped. That is a very important tool to enable people to track dogs. Over the last year we have seen stories about stolen dogs that have appeared on the east coast and ended up coming back here. The national microchipping service is provided by a couple of businesses around town. The other part I want to touch on is the fact that we were allowed to change the Dog Act to allow assistance dogs free rein around public transport to get people around the city in a timely manner when using taxis and all the rest of it. That is one of the great things that we were able to change in the Dog Act to modernise it. At the end of the day, local governments are responsible for policing and administrating the act as they see fit within their local authority, whether the member likes it or not. There are issues within that that need to be tidied up, without a doubt. As I said to the member before, I will take that issue up with my director general.

FORRESTFIELD–AIRPORT LINK

Grievance

MRS G.J. GODFREY (Belmont) [9.47 am]: My grievance to the Minister for Transport, Hon Bill Marmion, MLA, is about the Forrestfield–Airport Link project, which has one of its stations in Redcliffe and will greatly benefit my electorate. All members here know that one of this government's election commitments in 2013 was to connect the Perth CBD to Perth Airport through a new train line, which would spur from the Midland line at Bayswater train station. In the 2013–14 state budget, $2 billion was allocated to the Forrestfield–Airport Link project to deliver a rail service to the eastern suburbs with stations in Forrestfield, Perth Airport and Redcliffe, as I mentioned before. With completion due in 2020, this project will help relieve pressure on existing road networks and give Western Australians and tourists alike a convenient transport option to Perth Airport. It will connect Forrestfield to the city with a 20-minute train ride. From Redcliffe, the journey to the city will take only 15 minutes. This new train line will run through underground tunnels to ensure a minimal impact on the environment and existing land and road networks, and it will have newly expanded bus-feeder services, allowing for integrated transport options.

In April this year, the Public Transport Authority of Western Australia awarded the design, construct and maintenance contract worth $1.17 billion to Salini Impregilo–NRW Joint Venture. The area surrounding the future Belmont station will undergo considerable change due to not only the new station, but also development

area 6 plan, which is being implemented by the City of Belmont, as well as changes to road layouts being conducted by Main Roads WA. Since 2003, the City of Belmont has identified the pocket of Redcliffe surrounding the future train station as a significant redevelopment area called development area 6. The vision plan for DA6 has flagged the area for high-density development, which could eventually accommodate over 3 000 dwellings with 8.2 per cent of its area retained as public open space.

The vision plan also includes the closure of Brearley Avenue, which is a contentious issue for local residents. Earlier this year I presented a grievance on behalf of my constituents to the previous Minister for Transport, who agreed to maintain interim access for local traffic on Brearley Avenue between Great Eastern Highway and First Street while Main Roads Western Australia investigated alternative access options to this area. Responding to local residents' demands, Main Roads is also conducting upgrades to the intersections of Great Eastern Highway and Fauntleroy Avenue and Coolgardie Avenue in advance of the partial closure of Brearley Avenue.

As members can see, many agencies are involved in the changes occurring in this small pocket of Redcliffe: the Public Transport Authority, which is responsible for the new train line; SI-NRW as the joint venture chosen to design and construct the train line and the stations; the City of Belmont, which is responsible for the development area 6 plan and its implementation; and Main Roads, the agency investigating and conducting the changes to the road layouts. This creates a lot of confusion for local residents who sometimes feel they are being handballed from agency to agency when they need assistance on an issue. I was contacted by a number of constituents who would like a single point of contact to deal with issues relating to their area. With that in mind I wrote to the then Minister for Transport in March this year suggesting that a dedicated community liaison officer be appointed for the Forrestfield–Airport Link project and related activities conducted by Main Roads. In his response the minister advised that it would be prudent to look into the option once construction work commenced. With the SI-NRW joint venture now busy preparing detailed designs for the whole project, and the start of construction in 2017 imminent, I would appreciate it if the minister could provide information that I can share with my constituents about the systems being put in place to facilitate communication and consultation with local residents and stakeholders within the vicinity of the train line and the station's construction areas. I thank the minister.

MR W.R. MARMION (Nedlands — Minister for Transport) [9.52 am]: I thank the member for Belmont for raising this grievance on the Forrestfield–Airport Link and for providing me with some notice of the grievance and the issues she wished to raise today. I congratulate her on her involvement in this issue with her community. It is very difficult addressing the member with her seated right behind me! I know that she hosted a transport community information forum in her electorate late last year and it is fantastic to hear that her efforts to consult with her community have engaged residents in her electorate on this very important project.

As the member would be aware, this project has also been assessed by Infrastructure Australia and is listed as a priority project on Infrastructure Australia's national infrastructure priority list. The concerns and feedback of the member for Belmont's constituents are very important to her and I acknowledge the numerous representations she has made, to not only me but also the former Minister for Transport, on behalf of her local community and in particular the residents who are impacted by development area 6. I am advised that the Public Transport Authority has a dedicated communications team, which was set up around late 2013, to manage stakeholder and community engagement for the Forrestfield–Airport Link project, including construction of the Belmont station. The PTA has been actively promoting the project since late 2014 with a series of community information sessions, a dedicated website, which the member has probably accessed to obtain her information, and project factsheets to keep community members informed. All communication materials clearly provide the PTA's dedicated email address. In light of the issues that the member has raised today, I will ask the PTA to explore the possibility of providing a dedicated telephone number for this particular project so that the public can call the communications team and know that they can get through to that line should they have questions about this project, similarly to what was done for the very successful Gateway WA project. I am keen for that to happen.

I have an update: the PTA is currently carrying out forward works along Central Avenue in preparation for the Belmont station construction, and is in regular contact with residents, including site walks and letterbox drops and by responding to the individual concerns of residents. I understand that the member's office has helped to spread the word to the local community that the PTA was working to establish a Belmont station community reference group. As a result, the PTA received a strong response to the call for nominations and the first meeting of the group was held on Tuesday, 18 October with nine community representatives being members of the group—well done. The group is chaired and managed by the PTA with the purpose of discussing construction impacts surrounding the construction of Belmont station.

The contractors, Salini lmpregilo–NRW Joint Venture—SI-NRW for short—the communications team and senior project members will also participate in these community group meetings to provide detailed construction information to ensure a seamless approach to community and stakeholder engagement. There has been significant effort to engage the community on this project and keep them informed of project details and potential disruptions and I assure the member that these efforts will continue. I understand that a number of

different departments are involved, as the member mentioned, as it is a complex project, including the Public Transport Authority, the Department of Planning and Main Roads Western Australia from the state government side, and also local government and others, including Perth Airport. I acknowledge that this can sometimes cause confusion for residents who may not be familiar with dealing with multiple agencies. I appreciate the member raising this concern and I clarify that the PTA communications team is the first point of contact for the FAL project and it will coordinate inquiries and refer them to the relevant agency. The PTA is focussed on the delivery of the public transport infrastructure and it would not be appropriate for it to make detailed comment on the planned residential, commercial or retail development around the station; nevertheless, it should be the first port of call.

I can assure the member for Belmont that the FAL communications team for the project will maintain a close relationship with all stakeholders, including the member's office. I also understand that the FAL communications team has recently been in contact with her office to arrange a project update so that she has the most recent information to provide to her constituents who are interested in this project. I am incredibly pleased that this landmark project, which will revitalise transport to and from our eastern suburbs, has been of such interest to her constituents.

I would like to thank and congratulate the member for Belmont for her hard work in engaging with her constituents and for advocating on their behalf to ensure this word-class transport infrastructure is delivered with the least amount of impact to those who live in the area. When operational in 2020, the new Forrestfield line will bring Perth's already highly regarded public transport system into line with some of the best systems in the world, by linking the central business district with the recently redeveloped Perth Airport and beyond. It is a fantastic project that will benefit residents and visitors alike. I look forward to visiting the site soon with the member for Belmont to see how construction is progressing.

LIMITATION AMENDMENT (CHILD SEXUAL ABUSE ACTIONS) BILL 2015

Standing Orders Suspension — Motion

MR J.R. QUIGLEY (Butler) [9.57 am] — without notice: I move —

> That so much of the standing orders be suspended as is necessary to enable —
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> (1) debate on the question, "That the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 be read a second time", be resumed forthwith; and
>
> (2) if the debate is not concluded earlier, at the expiration of 60 minutes of such debate for the Chair to put the question without further debate or amendment.

In addressing the chamber on this important motion to suspend standing orders I am cognisant of the fact that I must not seek to traverse the subject matter of the Limitation Amendment (Child Sexual Abuse Actions) Bill itself, but to point out to the chamber why it is so urgent that standing orders be suspended to allow the debate on the bill to be brought forward now.

In setting out my case and so that members can follow my argument and know that I will not be straying off course, I sent out a precis of my argument. The first part of my argument to demonstrate why it is necessary to suspend standing orders and return to the debate of this bill will be to give a history of the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015. The second part of my argument will explain to the chamber how the bill came before the chamber on the last occasion and why the bill was closed down, and why there was no debate on it. The third part of my argument will deal with the serious consequences of this for the victims of child sexual abuse, nearly 20 of whom have gathered in the Speaker's gallery with your permission this morning, Madam Deputy Speaker. Finally, the fourth part of my argument will address individual members of the chamber on why they should support the suspension of standing orders this morning. So as not to traverse the subject matter of the bill, I have given members a precis of what has happened.

I turn to the first part of my argument this morning, which is to do with the history of the bill itself. Last year, in September, the Royal Commission into Institutional Responses to Child Sexual Abuse—I will pull up the findings on my iPad, if I may—handed down interim findings on redress. I now read recommendations 85 through to 88, which state —

> 85. State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.
>
> 86. State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.
>
> 87. State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.

88. State and territory governments should implement these recommendations to remove limitation periods —

I emphasise that in the Premier's presence —

> as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.

They were the strong recommendations of the royal commission on 14 September 2014.

Consequently, the Liberal member for Eyre prepared a private member's bill, the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015, and introduced it, firstly, into the Liberal party room and, secondly, into this Parliament, which he read in last year in September. That bill has been with the government for over 12 months. At the time he introduced this bill, the member for Eyre proudly—I do not say that in any disparaging way; I welcome the member for Eyre to the chamber—told the media that the bill received unanimous support in the Liberal party room and that there was no vote of dissent against it. The Liberal Party decided to support Dr Jacobs so that he could report back to his community in Eyre that the government was making serious headway on the bill.

What did the government do? Remember, this is not a private member's bill; this was done in government time and the bill was introduced to Parliament by the member that the government had delegated to introduce it. It then let the bill languish. I compliment Dr Jacobs, the to-be erstwhile member for Eyre, and I promise him that it will all eventually happen. I promise members that the first bill I will introduce as an incoming Attorney General will be this bill. This will happen. The people who will have the credit, the people who will carry the chalice of victory at the front of the column, will be Peter Watson, the member for Albany, who brought these dire circumstances to this chamber. This matter has bipartisan support. The person, like in the AFL grand final, who will have his hand on the other handle of the cup carrying the chalice of victory and justice high will be Dr Jacobs, the member for Eyre. We thank that member as well. Other members of this chamber will serve in the cause of justice, but those two members will lead the column.

The bill languished. The member for Eyre, Dr Jacobs, was not to be put off forever; he kept on agitating and he brought victims to this Parliament last week. Whilst we were on other business last week, with this matter having sat all week as the last item on the orders of the day, the opposition and the leader of opposition business were approached by the leader of government business and told right here that because victims were present the government would like to interrupt the business of the chamber and bring on the bill for debate and that because there had been a speech by Dr Jacobs, the government would allow me as the shadow Attorney General to make a speech. At that time, it was also explained to me that the handcuffs would be applied by the government, because the government said that after I spoke, it would adjourn the debate; this matter would not go to a vote. In other words, it was a stunt to try to demonstrate to the few victims—there are more here today in the back of the chamber—that the government was advancing this. I was told before the start that I would be the only speaker. I said to the Leader of the House when he was standing right here, "If I don't take up my full allocated time, can the member for Albany also have a few words?" It was not going to take up more time of the members of this august chamber because I was giving up some of my time to give it to the member for Albany to make some comments. But we were told, beyond that, the government would adjourn this debate.

The next reason this matter should be considered urgent enough this morning to suspend standing orders is that the Premier has been dishonest with the public of Western Australia. He was dishonest with the public of Western Australia again this morning on the Geoff Hutchison show, which was about to give me a right of reply but I had to come in here. I will go back out there, but this will all come out. We were told there was not going to be a vote. The Premier went on radio this morning and said that the debate had to be closed down because of the disgraceful conduct of John Quigley and the member for Hillarys, Rob Johnson. I now have the *Hansard* in front of me that will bear out the truthfulness of that which I say to the chamber. The debate was called on. Not once during the course of the debate—if any government member wants to challenge me on this, here it all is—did the Chair call me to order. Not once during the course of the debate did the Chair reprimand me or caution me on my comments. There it all is. However, as I explained to Mr Hutchison's producer, contrary to what the Premier said, the record shows that he was being dishonest on the radio this morning. He called me disgraceful during the debate. That was the only adverse comment I received, and it was from the Premier. Let me provide the context in which I was called disgraceful. I will read from page 2 of that morning's *Hansard*, or, in the consolidated index, page 7117b to 7124a. I said —

> The Attorney General's position —

That is, of objecting to this legislation —

> locks these victims out of the legal system because they did not commence their action within six years of attaining the age of majority. It is disgraceful conduct by the Attorney General. In every other state, this legislation has passed. Victoria has passed this legislation; New South Wales has passed this legislation. The Attorney General is victimising Western Australian children.
>
> **Mr C.J. Barnett**: That's absolutely disgraceful.

My disgraceful conduct was standing here telling the truth, and the response to that has been a totally dishonest response to the people of Western Australia, seeking to blame me for closing the debate down. Let me go further on, to page 2 of the daily *Hansard*, bearing in mind that we had been told in advance that we were going to be handcuffed, and there would not be a real debate that afternoon; this was just a display for the few victims who were here. During the debate I asked the Premier several times —

> **Mr J.R. QUIGLEY**: Will the Premier support this legislation?
>
> **Mr C.J. Barnett**: I will speak on this at some stage.
>
> **Mr J.R. QUIGLEY**: Will the Premier support this legislation?
>
> **Mr C.J. Barnett**: When I choose to speak, I will speak.

He was saying this knowing that he was not going to speak in the debate, because they had already whacked the handcuffs on me and put the muzzle in my mouth. We were told we would have limited time, and then the debate would be shut down. Is that an exaggeration? No, it is the honest truth, because on page 7 of the daily *Hansard*, during the debate, the Leader of the House stood up and moved the adjournment, as he told me he would do when he was standing here in front of me. He then went back to his seat and moved the adjournment.

Mr J.H.D. Day: I didn't say that at all; you're verballing me.

Mr J.R. QUIGLEY: We can recover the position today, Leader of the House, by dealing with this legislation in the next hour, and then we can all be friends again, before lunchtime. We can recover this. We know, when it is a question of money, not victims' rights, how swiftly the government can move. We know that during the High Court case to do with the Bell litigation, the government came in here on a Tuesday, during the hearing of a court case, and said that a bill needed to be passed urgently because of what was happening in the court case in Canberra. It gave us no time to think about it, and pushed it through the chamber in two hours. This was an attempt by the government to unlawfully seize creditors' assets. We know it was to unlawfully seize, because that is the judgement of the High Court. When the government was about the business of unlawfully seizing citizens' assets, it pushed a bill through this Parliament, as you recall, Mr Speaker, in less than two hours. It was passed by lunchtime, sent to the Legislative Council, and passed through the Legislative Council before sunset—this is all on the one day—because the government wanted to seize someone's money. When the sun came up the next day, the seven justices of the High Court laughed the government out of court. I only raise that to demonstrate that where there is a will there is a way. When the government has the will, it can do something, but it does not have the will to help the victims of child sexual abuse.

For the next reason for suspension of standing orders to deal with this matter urgently today, I want to take the chamber somewhat into my confidence. After this disgraceful performance—this stunt—by the government last week, of bringing this matter on and allowing only a limited debate, we were told the matter was to be adjourned. The manager of opposition business was in the chamber when the government said it would shut down debate, and when it did shut down the debate. The Attorney General then went out and said that he was opposed to this bill because, firstly, it would open up retrospective litigation and, secondly, the claims would be frivolous. How would the victims like that? Their claims and what they have endured are regarded by the Attorney General as frivolous.

If I may be permitted to speak metaphorically for a moment, the Attorney General has a particular penchant and predilection, metaphorically, for spitting in victims' faces. Let us go back to "no body, no parole". Margaret Dodd, whose dearly beloved daughter Hayley was murdered, started a public petition for no body, no parole laws. When she brought that petition to the department, the Attorney General would not see her, so she knocked on the door of the Leader of the Opposition, and we went and saw her. What did the Attorney General say about this grieving mother? She is just embarking on a political stunt; she is doing this at the behest of Labor as a political stunt. Mrs Dodd took great offence at that statement, and understandably so. Then we get to the matter of dangerous sex offenders legislation, in which the Attorney General refused to see the victims of dangerous sex offenders before the amendments came before this chamber. When the victims gathered to express their displeasure, he spat in their faces, metaphorically, by accusing them of embarking upon a Labor Party–organised stunt, and he was going to have no part of it. These are citizens who come to their Parliament. Finally, the government spits in the face of these victims by saying that the Attorney General is opposed to their cause, because all they have are frivolous matters.

I want to refer now to another reason why these matters are not frivolous, and why it is urgent that this Parliament deals with them today. I said in my opening, Mr Speaker, that I would take you through these headings. You were not in the chair at the time, but your erstwhile colleague was. Not all the perpetrators are churches or state institutions, although they figure very highly in it. I feel saddened that the church into which I was baptised at birth—the Catholic Church—was, according to Justice McClellan, responsible for comprising 25 per cent of the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. There are others as well. The issue goes beyond churches and state institutions, to private individuals. Let me tell the house

about one of these. It demonstrates the real impact and the real damage that the government is doing to these victims. There is a very serious person—not a serious person; he is scum. It is a very serious case in which a private person, not an institution, abused multiple young children.

He was a rich and powerful person in the community and the children were too scared to say anything. Last Christmas—40-something years after those events—one woman had an incredibly sad mental breakdown as those events came rushing back to her, probably precipitated by the royal commission. In part, these matters are before the court. However, I want members to consider what the government is doing. This person is very wealthy. The title deed searches have been done. We do not have Mareva injunctions any more, but under the rules of court, we have freezing orders. The Speaker would be well versed in Mareva injunctions from his legal practice. The lawyer acting for this woman is anxious to—as I am sure you would be, as a diligent lawyer, Mr Speaker—get a freezing order on the person's assets, which is reasonable, so that this wealthy person cannot move his assets around before the legislation eventually passes when we become the government. When writs are introduced, he will be a man of straw. We know that if this legislation passes the Parliament today, which it can, the lawyers can issue a writ tomorrow morning to immediately seek a freezing order. That is another pressing reason that this ought to be dealt with as a matter of urgency today.

The Premier went on radio today and said that the government supports this legislation. That is what the government said in September last year. It said that it supported the legislation but that it would not happen now; it would happen some time in the future. Three questions arise from that. Does that expose the victims to further injustice? Yes, because the wealthy paedophile can move his assets. This is a hot issue right now and if any members of the government benches think that I am misleading them on this and exaggerating, I am happy to step behind your chair in the traditional way, Mr Speaker, and confidentially give them the name, address and all the details of this person. I am telling the truth. The first question is whether delaying this legislation any longer will expose these people to further injustice. The second question is: can the Premier be believed? And the third question is: does it make any difference anyway because will he be the Premier after March? Can the Premier be believed? As I said, the Premier was on the radio this morning with Mr Hutchison, who will have me back on his program soon to reply to this. After going on the record of *Hansard* dishonestly telling the public that this debate was shut down because of my comments and the comments of Mr Johnson, that was clearly not the case; it is page 7. Can the Premier be believed or is he just fobbing off the public and kicking the legislation into the long grass by saying that the government will support it at some time in the future? Every day that these people are locked out of court is painful for them. Mr Speaker, might I quote a longstanding legal maxim: justice delayed is justice denied.

I now wish to go through why some members of this chamber, upon reflection, might want to and should vote for this suspension of standing orders. We know that everyone on this side of the house will vote for it. There will be a vote this morning and there will be a division—unless there is an indication that the government will support the bill, and then I will sit down and we can call it on, and get it out of here by midday. Any time that the Premier or the Deputy Premier want to close down this debate, they can just indicate that. Of course, the Deputy Premier is the Minister for Women's Interests and many of the victims up there are women. When we vote, names will be taken and they are put into two columns—the ayes and the noes. As I said to an opinion piece writer today who will take up this issue, when we disseminate this—this is a big issue for all electorates—we can argue about power poles, ports, the environment and bottles on the beach, but if we ask the public where they rate the suppression of paedophilia and action and justice for children who have suffered paedophilia in importance, it is number one. The government always talks about law and order. That is no more than a title. There is a book called *Law and Order*. If I open it to see what is in there, the first chapter in the Liberals' book of law and order is "How to keep our money in order by shutting victims out of the legal system." This can be remedied this morning as a result of this vote. As I said to the editorial writer today, those who vote yes to the suspension of standing orders—who vote for the discussion and debate on the bill proper today—will go in a column that will be renamed "Champions for victims". Those members who vote no will be in the column "Protectors of the paedophiles". The Deputy Premier, who is the Minister for Women's Interests, may sit there with a scowl —

Mr R.F. Johnson: And police minister.

Mr J.R. QUIGLEY: She is also the honourable police minister. She may sit there with a scowl but we do not get to write the theatre of our own lives. Things happen in our lives. I suggest that this is a seminal moment in this Parliament. Members have to make individual choices as to whether they will go down as members who use their votes to protect paedophiles or members who use their votes to champion the interests of the victims who have suffered at the hands of paedophiles. They are the two columns that will be distributed into every electorate and published, I understand, in an opinion piece.

As I said, I would now like to address and plead with individual members of the chamber, as I am entitled to with this debate, as to why they should vote for this motion. Of course, I address the member for Eyre who has brought this bill so far. Member, government members have had you on a slow cook; they have been doing you

slow. I suggest that by now you are alert to that—you must be. Not only did members opposite close down the debate last week, but they also refused to put it on the notice paper for this week, as the member knows. They have been pandering to you and giving you soft words—cooking you slow. They wanted you to be able to go back to Esperance and say that you and the Liberal Party are making headway, although their real agenda has been to close this down. I applaud what the member for Eyre has done so far, but now, as I said, you are at the crossroads—a seminal moment. The Premier has said often enough in this chamber that the difference between the Liberal Party and the Labor Party is that the Liberal Party is not bound by the Liberal party room. Liberal Party members can vote on matters of morality as they please. In fact, the Liberal party room voted unanimously for this bill. Is this a question of morality?

I now address the members for Morley, Wanneroo and Ocean Reef. I do not want to be pious and bible-bashing, but for those people who have sought guidance from time to time from the gospel—which I have, and failed to follow its instruction, to my deep regret, time and time again, but I tried—I recall the wonderful lessons in Matthew in which he recounts Jesus's teaching on children and our obligations to children. To paraphrase, at that sermon, those gathered were pushing the children aside and our Lord paused and said, "Bring the children closer to me. Bring my children here." Then he addressed the multitude and said, "It would be better to have a millstone tied around your neck and be cast into the ocean than offend against any one of these children." That was Jesus's teaching.

This is a question of morality. I do not hold this as a banner of Christianity, as I say with great sadness that the church into which I was baptised and which I follow is involved in 25 per cent of these cases. It is shameful. However, we in this secular Parliament have hit the crossroads this morning. Do we follow the teaching or not? Do we see the perpetrators with the millstone tied around their neck cast into the ocean or will the Deputy Premier and Minister for Women's Interests vote against this motion and have her name recorded in the list of protectors of paedophiles? Is the member for Scarborough, the Minister for Women's Interests, going to take the occasion, metaphorically speaking, as the gospel sometimes was because it was written 80 years after our Lord's teachings, to say, "Please pause, Jesus, before you cast that man with the millstone into the ocean. Do you realise that we are the establishment and we could get sued?", as she leans forward and uses her Liberal Party membership to cut the tether and allow the paedophile to avoid his just deserts? This is a seminal moment. We see these only in reflection. There will come the day when she will reflect on this and ask, "Why was it that on that day I decided to vote to protect the paedophiles and not champion the victims?" Members opposite are not going to be able to go out in any phoney law-and-order-sloganed debate and say that they are tough on law and order, when by then all of Western Australia will know that certain amongst them voted to protect paedophiles.

As I said, I have drawn that to the attention of those members. I have never said a critical word in any way by direct statement or implication against my friends at the Globalheart Church in Joondalup, but what are the representatives of the members of that congregation in this chamber going to say to their community—that they ignored the teachings of Jesus to protect the children at all costs and joined the column of people who were there to protect paedophiles? I have never said a word against the Globalheart Church, and nor will I, but I have said things against my own church, as I have this morning, because that is part of who I am. I do not criticise that church, but its congregation will know what their representatives did in this chamber this morning. Did they follow the Lord's teaching and tie the millstone around the neck of the person who damaged the children or did they vote to protect paedophiles?

This is a seminal moment. The Deputy Premier will be marked by which way she votes this morning—as either a protector of paedophiles or a champion of victims. She has an individual concern. I understand. I share something in common with the member for Scarborough. We understand something that the Attorney General does not understand. When people came to St John of God Hospital in 2000 to see my eldest child born, they told me that it would change me forever. I did not know what they meant. Did it mean that I could not go out to parties, that I would be changing nappies or that I would be getting up in the middle of the night to bottle-feed a baby? It is a seminal moment in a person's life when they become a parent, because from that moment on, they look at the world and at life through the prism of parenthood. When they look at life through the prism of parenthood—the member for Nedlands knows what I am saying because he was privileged not that many years ago to have this very experience—their obligation to children becomes sharper. It is no longer an academic exercise. I do not mark down, I do not criticise and I cast no judgement on the Attorney General because he does not have that prism of parenthood through which to gaze at this problem. His approach to this is more academic and legalistically driven. He said that this is going to open up old claims and is going to be frivolous. No; he is not looking at this through the prism of parenthood. I appeal to the Deputy Premier, who is a mother of young children, the member for Nedlands, who is the father of young children, the member for Perth, whose young daughter was recently wed and will hopefully deliver grandchildren to the member for Perth soon, and all parents in this chamber to look on this bill not as a political exercise but through the prism of parenthood and ask, "What are we going to do for these victims?" Bring this bill on this afternoon.

The National Party has self-interest in voting for this bill. The National Party sought to dislodge the member for Albany at the last election. There are a lot of Katanning victims down there and a deep well of sympathy for the child abuse victims in Albany, so all over Albany will be plastered the names of any people who vote to protect paedophiles this morning, and if those people are in the National Party, so be it. The National Party tried to dislodge the member for Eyre at the last election. If National Party members vote to protect paedophiles this morning, they will have absolutely no hope of dislodging the member for Eyre—absolutely zero.

Mr R.F. Johnson: That's where a lot of the abuse took place.

Mr J.R. QUIGLEY: That is right; a lot of the abuse took place in regional areas.

The Liberal party room may as well have the maintenance man come in and remove the doors, because everything that happens in there we are told out here, so it is just an inconvenience to have a door on the room! As has been accurately reported to us out here, the National Party—God bless it—in principle agrees with this bill. But then it said that it did not want to have another fight with the government. National Party members are having a fight with the government over their proposed mining tax and they cannot have another fight with it over this issue, and that is why they will have to support the government. If that is their reason, as pretty thin as it is, to go on the list of politicians who vote this morning to protect paedophiles, that is their call. I am not going to make the accusation. People will go onto either list—those who protect the paedophile or those who want justice for the victim—by what they do at the end of this debate.

Finally, it is normally the government's trite response that this is a political stunt organised by the member for Butler. I remind you, Mr Speaker, that I had no hand in this. It is not my bill; it is the member for Eyre's bill. It did not go through my party room; it went through the Liberal party room with full support. We welcome the member for Vasse, she is a mother too and she might want to decide whether she is going to vote to protect the paedophiles down there in Vasse or to champion victims. This is not a stunt; this was brought on by the government. When the bill came on last week, the only stunt was that the government was not bringing on a real debate; the government was telling us that we could have just one speaker and then it would return to the business of the house so it could fool the victims that it was doing something about this. The government then adjourned the debate and the Premier, unbelievably, went up to the victims and apologised for what they witnessed. The victims and the senior lawyer to whom the Premier offered his apology were not fooled. They were here watching. They saw that the Chair did not take any objection to anything I said during the debate—did not call me to order, did not name me, did not ask me to temper my remarks. I was blameless in the speech, as recorded by Hansard. The victims were not fooled by what the Premier told them. In fact, the victims went on radio afterwards and said that the only disgrace was the actions of the government in closing the bill down—that was the disgraceful part.

As I say, I did not set this up, but this is a seminal moment. If the Deputy Premier is going to come across the chamber and vote against this bill, I challenge her to stand up and explain to Western Australia why she is exercising her vote this morning to protect paedophiles. When she goes home and this is on the news tonight, her own children will ask, "Mummy, why did you vote to protect paedophiles?"

Several members interjected.

Point of Order

Mr C.J. BARNETT: I would ask that you ask the member for Butler to withdraw that comment. It is clearly unparliamentary.

Mr J.R. QUIGLEY: I have not made an unparliamentary comment.

Mrs M.H. ROBERTS: Clearly, the Premier does not like what the member for Butler is saying, but it does not make it unparliamentary. There is no point of order.

The SPEAKER: Carry on, member for Butler.

Debate Resumed

Mr J.R. QUIGLEY: Let the record show —

Several members interjected.

The SPEAKER: That is enough.

Mr J.R. QUIGLEY: Let the record show that the Speaker of this chamber had no quarrel or concern with my comment, but invited me to resume my comments. To other parents in this room—the member for Nedlands, the member for Perth, the member for Belmont—if you vote to protect paedophiles this morning, what are you telling your children? What are you telling your congregations from where you came when you vote to protect paedophiles? As much as we have business before the chamber of the house, the Premier said on radio this morning that he would support the legislation, but not now—he will kick it into the long grass—with the Premier's support, but more particularly, with the support of the Minister for Women's Interests. The

Deputy Premier is looking at women victims up there in the Speaker's gallery. The Deputy Premier is going to go into the election campaign spruiking law and order as the Minister for Police, and she will be branded as a protector of paedophiles should she vote against this motion this morning. Which column does she want to be in? Does she want to be in the column that champions victims or does she want to be in the column that protects paedophiles? We know that the Premier will not be in either column, because he is running out of the chamber now. He nodded to you, Mr Speaker. When he leaves, his name will not be —

The SPEAKER: Member for Butler, this has all to do with the urgency. You have had a long run now and you tend to be going back to points that you have covered.

Mr J.R. QUIGLEY: For those reasons, I am sitting down here in anxious anticipation to see who is going to join the line to protect paedophiles and who is going to vote here to —

Point of Order

Mr R.F. JOHNSON: I would ask that you rule that the Premier remain in his seat and not interfere with witnesses and victims of sexual assault.

The SPEAKER: That is not a point of order.

Debate Resumed

Mr J.R. QUIGLEY: Can I just make this observation: the Premier left his seat to approach the victims—and this is why this matter is urgent—and I witnessed the victims pushing him away. They were waving him away; they did not want to talk to him. At the end of this vote all of Western Australia is going to know who is voting to protect the paedophiles and who is voting to champion the interests of the victims, as urged by the royal commission of Australia.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [10.46 am]: I rise to support the motion moved by the member for Butler. In doing so I want to say to the people in the gallery here today that there is often a lot of talk in this place and a lot of it is difficult to understand. I want to explain to you what we are trying to do here today. By this motion we are trying to ensure that the bill introduced by the member for Eyre to allow for the removal of the limitation period for the victims of child sexual abuse can be debated today. We want to ensure it is debated, we want to ensure it is completed and we hope that it goes to the upper house quickly and expeditiously so that you can have comfort that you can take legal action outside the existing limitation period. That is all we are trying to do here today, Mr Speaker. I want to thank the victims at the back of the chamber for coming along, because I have had experience with some of the men who were involved in the events at the Katanning hostel and other people throughout my life who have been victims of child sexual abuse. It is difficult to face and confront, and sometimes some people find it embarrassing, so I thank you for coming along. If we do not deal with this issue today, the first issue on the agenda that we are going to deal with in the house today is the School Boarding Facilities Legislation Amendment and Repeal Bill 2015. To me, this issue, your issue, that of victims of child sexual abuse, is more important and I would hope that all members of this Parliament would see the wisdom of that and that this issue of making sure that people can take legal action outside the existing six-year limitation period is more important, because it is a fundamental issue of justice.

Members opposite, people who suffered child sexual abuse often have some difficulty coming to terms with what occurred to them. It is often done by people who are trusted by them and their families. Often when they brought it to the attention of their parents or to people in a position of authority, they were not believed. They were disparaged; their claims were not accepted. They were often treated as a person in the wrong and in their own minds they had trouble coming to terms with it. It was often people in authority who did it to them, whether it is in church organisations, the military, boarding facilities or community groups of various types—they were people in positions of authority who did it to them. We have seen some shocking examples, nationally and internationally, of that. So, the victims have had trouble coming to terms with it. Under existing law they are required to have taken their legal action by the age of 24. The evidence shows that most people do not come to terms with what happened to them for 22 years. If a young girl or boy is sexually abused at the age of 15 years, on average it takes 22 years before they come to terms with that and are prepared to do something about it, which is way outside the limitation period for them to take any sort of action against the organisation or the individual who did it. Is that fair? I understand the arguments being run by the Attorney General and the like, but I do not believe they are fair. The opposition is saying that it is important that justice and fairness prevail, and members in this place can send a demonstration of that today. The Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 could be passed by this house today. It can go to the upper house today and be passed there and everything can be resolved. That is what the Parliament has done on numerous occasions when matters are important and require urgent decision-making. The Parliament can do that. It is in the hands of the 59 people in this house to agree to that. There are 21 votes in favour of that. The question is what do the remaining votes say?

Dr G.G. Jacobs interjected.

Mr M. McGOWAN: There are 22 votes in favour of that. What do the remaining votes in this house say? The opposition says: let us deal with it today; let us ensure justice for the victims of child sexual abuse today. If this Parliament wants to be magnificent, decent and to set an example for everyone, let us deal with this today in both houses.

The issue of the limitation period for child sexual abuse actions has been around for a long time. Indeed, I committed to supporting this in July 2014 when the opposition acknowledged that this was a major issue confronting people and that Parliament should fix this problem. To his credit, the member for Eyre has brought in legislation that will allow us to do that today. That is what the opposition wants to happen.

I have been appalled by some of the examples that have come forward from the Royal Commission into Institutional Responses to Child Sexual Abuse; I think we all have. There was a drumbeat in the community of people coming forward with cases against a range of organisations. It happened in this country, the United States of America, Great Britain and the Republic of Ireland. People have come forward with cases in which authority figures in institutions and religious organisations have appeared to tolerate appalling and shocking things occurring. Eventually a royal commission was called and the floodgates are opening with examples of institutions in which this has happened.

I have met a few people who have been appallingly treated. I want to talk about the now men, former boys, from Katanning, who were the victims of Dennis McKenna. The member for Albany took up their case. I have met them in this building on a couple of occasions. They are now men of my age or slightly younger who were abused at St Andrew’s Hostel, Katanning. They told me that they were sent off to the hostel from regional communities to be educated; they were sent to school. The person running the hostel sexually abused them and their stories were not believed. They now have the courage to come forward, having come to terms with what occurred to them; however, they do not have the capacity to take legal action because the law is an ass in this instance. They should have that capacity. That is why the opposition stated in 2014 that they should have that capacity. We should let the courts decide whether the institutions that permitted this abuse will be held responsible financially. We should not let them escape their responsibilities. We should not let them hide behind a fictional or artificial creation of the law that prevents them from being held accountable. The Katanning boys deserve it.

I will give members another example. Members will have heard about HMAS *Leeuwin* naval base. I know a bit about HMAS *Leeuwin*, and I have met a number of the now men who went through HMAS *Leeuwin* as boys and into the care of men. Some of those men were harsh. These were boys who went to HMAS *Leeuwin* at the age of 14 or 15. We have heard some of the cases of abuse. Currently they cannot take any action, even though it may have taken them 30 years to come to terms with what occurred to them because of their shame and embarrassment—their unjustified shame and embarrassment. By the age of 24, their opportunity to take legal action had expired. Now, at the age of 50, they are excluded from taking legal action.

I want to talk about one other example. I was driving along one day a few years ago and I turned on ABC radio and I heard Eoin Cameron, who has now gone, unfortunately, tell his story. It was one of the most stunning pieces of radio I had ever heard. Eoin Cameron, former Liberal federal member of Parliament, respected radio announcer, quite an interesting personality and a Western Australian icon, was on radio telling the story of what happened to him in exacting detail when an authority figure from the church abused him. I remember him telling the story of being called to the office, his pants being taken down and the pain that he felt when he was being abused. It happened to Eoin Cameron, federal MP and respected radio presenter. If it happened to him, how many other people has it happened to across the community? I think it has been rife in some organisations. It is something that we are now coming to terms with. Individuals who have suffered as a consequence deserve the right to enforce their rights. Eoin Cameron was a boy when it happened to him. I do not know whether he ever expressed wanting to take action, but when I heard his story, I wondered how many people it had happened to and how many were only now coming to terms with it.

Why is this motion urgent? One example is the whole bunch of people in the public gallery today wanting it to happen. I think that 90 per cent of the public want it to happen. We have seen what happens when these matters are not dealt with quickly. We saw examples with victims of asbestos companies. For every day that the government delays, people pass away, give up the fight, lose hope or get more depressed. We saw the examples with the asbestos companies whereby people who were delayed in taking action died. We saw as people were delayed in taking action that the asbestos companies were able to avoid liability. Every day there is delay, justice is denied. We know that for a fact because we saw it with the asbestos companies. It is not imaginary. That is what happened. That is what could potentially happen here to victims of child sexual abuse. Other states have dealt with this. They have not had to fluff around talking about this.

I have read the bill put forward by the member for Eyre. I congratulate him. It is simple, straightforward and well drafted. Basically, it says that the court can determine what sexual abuse is and that any limitation period that applies to that is thereby abolished. It is straightforward, simple and it deals with the problem. We can deal with it today.

I will give the government this assurance: if it allows this bill to come on, we will support its passage today in this house and the other house—and it will be done. We will not hold the government up; we will have two speakers in each house. We will have quick efficient legislation dealing with the issue in the way the public wants it to be dealt with. I guarantee by five o'clock today that this bill will be passed in both houses. I give the government that rock-solid guarantee if it allows this bill to come on today. It is dealing with the fundamental issue of justice and it is solving it in the right way.

If the government does not allow it to come on today, and if it does not allow it to be dealt with today or in the next two weeks of sitting, April or May will be the first opportunity—perhaps beyond. Who knows what will happen in that time? Who knows what lobbying will go on? Who knows the actions that will go on by the organisations that might be subject to these legal actions? Who knows the pressure that will take place? The atmosphere, the mood and the capacity is here today. Let us deal with it today and we can do it today. As I said, we have had this policy position since July 2014—for nearly three years. We are fixed. This is our position. It is now up to the government as to what it wants to do. The ball is in its court. Will it allow the bill to be debated or does it want to deal with the School Boarding Facilities Legislation Amendment and Repeal Bill 2015 followed by the Oil Refinery (Kwinana) Agreement Amendment Bill 2016? I might add that the Oil Refinery (Kwinana) Agreement Amendment Bill expires in 2019, yet we are dealing with it now before such time as we deal with this.

All I would say to the Premier and to members of the government is that they have an assurance from Labor that we will pass this through both houses today. I urge the government not to do something tricky. I urge it to not vote this down and that if it allows the second reading debate, let all stages go through today—no trickiness here. Once the legislation has been through all stages today and gone through the upper house today, we can take it straight down to the Governor and get royal assent, and the right thing will have been done by the men and women who have been the victims in relation to these issues. Put yourselves in the victims' shoes for one moment. They are not members of Parliament. From their point of view, what goes on here is probably a bit of mystery and all a bit strange, so put yourselves in their shoes. If you were one of them sitting out there, what would you want us to do? You would say, "Why are they delaying on such an important issue?" That is what you would say if you were one of them. Why is the government listening to Michael Mischin of all people—the master of delay and the master of do-nothing? That is what they would say. I say to the government, let us pass it today and let us pass it through both houses. Let us be magnificent; let us do what is right.

DR G.G. JACOBS (Eyre) [11.03 am]: Thank you for the opportunity to address the private member's bill that I have put to this Parliament. I want to give an explanation to Parliament. Why me? Did I want my name on a private member's bill? Did I want to be seen as a reformist or did I want some political glory out of this? The origins of this and why it is me goes back to four sets of parents who walked into my electorate office. One of those sets of parents had two girls, now women, who were abused when they were at a primary school in an outlying area in my electorate. These parents implored me to find out whether there was any way we could change the legislation to allow these girls, now women, to bring a civil action for damages. I understand that money is not everything and I must say to members that it is not actually about the money—it is important in one way—but what is important is the ability to have a civil action in court if they desire. I often say, I have said it so many times and I have said it to the party room: it is not a privilege for them to have a successful civil action, but for the privilege and right to bring an action.

I woke this morning in some despondency, I must say. I know members might say, "He's got too close to it. He's got too emotional about it." With three of these girls, now women—this does not just apply to girls and women; it applies to boys as well—who it has affected, one of the women did not know how much this had affected her until she found out that her child going to school for the first time would have a male teacher. She was absolutely beside herself that her child, her girl, would have this male teacher. She moved heaven and earth to make sure that that girl did not join that class with the male teacher. It is important because although there is ability in the state of Western Australia for some redress—criminal injuries compensation or indeed ex-gratia payments under redress programs—there is still no ability in the state of Western Australia for individuals to have, if you like, their day in court.

I will deal with some of the political issues. My colleagues and friends in the Liberal Party may think that I put the Labor Party up to this. I tell members honestly from my heart that I was in a key seats meeting when this debate came on. I had no discussion with the Labor Party that it should bring this on because I can see that my bill, the private member's bill, is going out the door. The sad thing about that is it is not me; it is those parents sitting in my office. It even dawned on me that three of the girls, when they were 10 years old, and their family, were patients of mine in 1985. The memories flooded back to me of Kirsty having problems with school avoidance, and her grades falling away. She was a brilliant student and doing very well. One had anxiety; another had enuresis or bedwetting. What was all that about? There, 20-something years later, it all flooded back to me what was happening in the dynamics of those girls and their families. It was their not being able to say something. Years later this came out. I have heard, "Why the latency? Why does it take so long?" It takes so long because of guilt or fear of the perpetrator; fear that they will be considered part of the event, not even

realising in some cases until their girl was to go to school. As one person in the royal commission said, "Statutes of limitations are okay if you stub your toe in Kmart, but it doesn't work for child sexual abuse." It does not work for asbestosis, either. I keep saying this is the elephant in the room, and people say, no, it is not the elephant in the room. I will tell members about the despondency I had in the garage this morning. I said, "None of that despondency led to my putting them up to it." I was just reflecting on the attempt, and it is still an attempt, but if there is one thing, I am going to walk out of this place—I do not care whether I win or lose Katanning—knowing it is important to say, "Okay, what did I do, and did I stand up?"

[Interruption from the gallery.]

The SPEAKER: Members of the public are quite entitled to sit in the gallery and listen, but you are not entitled to clap or shout out. Member for Eyre, you have explained yourself well now for seven minutes. Can you tell us why this is now urgent?

Dr G.G. JACOBS: This is urgent, Mr Speaker, because it has been so long. Other jurisdictions in Australia have done it. The Royal Commission into Institutional Responses to Child Sexual Abuse's "Redress and Civil Litigation Report"—a report on foot—recommended that all jurisdictions in Australia remove the statute of limitations immediately. That does not mean that we will have exemptions, we will have a long stop or we will fiddle with it and say that 20 years is okay. Remove it completely! In my despondency in the garage while I was doing some sit-ups to try to stay reasonably fit and sane in this place, I was thinking, "Where is the opposition?" It came to me that the opposition was very big and I thought, "You idiot! You're never going to roll the insurance industry and insurance agencies. That's a big one!" I have heard all the arguments. I have worked for nine months. This is not some ill-conceived thing that I did on the back of an envelope. I worked with the State Solicitor's Office, Parliamentary Counsel, and private lawyers who act for victims. On the issue of liability, I have heard it all: "You're creating a situation here that adjusts the legislation so that the lawyers have a picnic. There will be a flood of retrospective claims that will break the bank. It will break the insurance industry. It will break government. The liability is too great." I have always said it and I say it again today: it is the elephant in the room. I thought to myself this morning that I have not done enough work actuarially. How do we get a handle on the magnitude of that liability and the impact on insurance? The royal commission has said that from what it has done and from the investigations it has made—understanding that it is not its core business—that the impact on the insurance industry is not great. The sky is not going to fall in.

Victoria introduced a removal of statute of limitations on child abuse totally. I have been around and around this, and what has been said to me is, "Graham, why isn't it child abuse? Why have you just picked on child sexual abuse?" There are two answers. One is that I can reflect on the parents and the girls before me in my office. As a medical practitioner, I understand the latency period. In an ideal world, yes, maybe we can change it to that definition as Victoria has done, but for me as a practitioner, child abuse, with bruising or serial fractures of bones or a story that does not fit, becomes evident much sooner. Child sexual abuse is inherently latent.

The other argument has been that the impact will be too great. What did we do when we faced as legislators both here and in other places asbestosis and the latency between the exposure—it can be a little bit of exposure or it can be a great bit of exposure, but it does not have to be much—and the advent and diagnosis of mesothelioma? It is a long latency period. What did we say then? Did we say, "This is going to break the bank. The insurance industry won't be able to cope with this. You've moved the goalposts. Actuarially, they won't be able to factor this in. This is not fair"? You have to do what is right, and if there is a relationship between an exposure and a poor event, we have to recognise it.

As I said, I did not just wake up and write this legislation on the back of an envelope by myself.

The SPEAKER: Sorry, member for Eyre, I want to bring you back again to the urgency of the matter. Why should it be dealt with today? Thank you.

Dr G.G. JACOBS: The reason it should be dealt with today is not only that this has been around in our consciousness for some time, but also that it has been a very long time for the victims—a very long time. For the girls who came to see me, it has been nearly 30 years. How long do we say, "Oh, well; we will do this next year"? I do not think it is a matter of if; it is just a matter of when. This will happen. This has to happen. Why do we not have the when now?

MR R.F. JOHNSON (Hillarys) [11.17 am]: I will not take too long on this because I do not want to subject the victims in the gallery to an undue amount of time in this place. I am sure they have probably had enough of a lot of the stuff that has been said. I know they agree with every part of it. I will come to why this is an urgent action that needs to be taken.

Some of the same people, the victims of child sex abuse, who saw the member for Eyre came and saw me. I know for a fact that they went and saw the member for Butler and, of course, the member for Albany. They may well have gone to see other members; I do not know. Those are the only members I know they went to see. I had a woman come into my electorate office on a completely different matter last Friday. When she heard

about what was going on on Friday and the disgraceful action that was taken in this place—she was not referring to mine; she was referring to someone else's, and I will come to that in a moment—she said, "I was actually sexually abused when I was a child." I said, "Really? You're telling me this now?" She said, "Well, yeah." I asked whether she wanted to join the other people who have been contacted? She said, "No. It happened a long time ago, but I have never, ever got over it. I have children of my own but it is something that you have for life." I am sure that the people in the gallery who have suffered this dreadful, wicked, vile act by paedophiles will suffer it for life. What I and other members want to do is give them some justice. That is what the Minister for Police should be doing. That is part of her duty—to give justice to people who have been sexually abused, in particular when they were children. That is also part of her duty as Minister for Women's Interests. Men who were sexually abused as children have contacted me as well. We should be doing it for them.

Why is it urgent that we need to deal with the bill today? I will tell you why, Mr Speaker. It is urgent because the government has no intention of bringing the bill on of its own volition. It wants to bury it; it wants it to go out into the ether and never come back, all the while its members are in government. Members opposite know they are probably going to lose government in March. That is what all the polls say, and they probably will. However, I want to encourage government backbenchers, because I know the Premier and Deputy Premier dictate what goes on in cabinet. I know that the Premier said last week that the bill had the full support of the party room, but it is not fully supported by the government. Members should read "Colin Barnett" for the government, because the government is a one-man band. I know for a fact that in the party room last week, members voted unanimously for the bill. I say "unanimously" because nobody voted against the bill being dealt with and the Liberal party room supported that the bill be brought on. I urge any decent member on the other side of the house to cross the floor; I know one or two of them will come across anyway. They have every right to cross the floor on this matter because the bill is party room policy.

I have just seen a tweet from Josh Jerga that says that the Premier is now saying it is Liberal Party policy. I think he is a bit under pressure and he has changed his mind, but he will not bring it in here. I do not believe for one minute that he will get up and support this motion, which is what he and the Deputy Premier who sits next to him should do. Frankly, that is a disgrace.

I urge members: you have the right to cross the floor. That is the beauty of being in the Liberal Party. I did it once or twice when I was a member of the Liberal Party. I urge you to use your consciences and cross the floor and come to this side of the house and vote for this bill to be dealt with so that the victims who are sitting in the Speaker's gallery today, and the many others who are not here, the dozens of others who are not here, receive justice in this state. They need to get the bill through this Parliament. The opposition is asking for the right to have it go through this house and the other place. I do not think the bill will get through the other house today, but if the government gives a commitment to get it through this house today, it can then be dealt with in the first week Parliament comes back in November. That would be the normal practice. Members opposite could deal with it in an hour if they wanted to.

The Premier is shaking his head; he knows what I am saying is true. I know this man. I have known him for 25 years, and I have no respect for him. Mr Speaker, I saw what the Premier said about the debacle last week, when I was excluded from the chamber for using unparliamentary language. I accept that, and I apologise that I used unparliamentary language—but I do not apologise to the Premier; I apologise to the chamber for using unparliamentary language. A story came out. This Premier went out and said that the debate was basically gagged because of my comments and disgraceful behaviour. I went off to speak to, I think, Rebecca at Australian Associated Press and said, "I've seen the stories you are putting out. The trouble is you're putting out an incorrect story. Your stories go to PerthNow and *The West* online and all the others." She asked me why I would say that. I said that I was thrown out after the debate was gagged and that it was not me who caused the debate to be gagged. As I spoke to her, she looked up *Hansard*. She said, "You're right, Rob. I do apologise to you." I said that I was not worried about an apology but I asked her to please correct it, because the Premier was saying that that was the reason debate was curtailed. He knows it was not true. He was untruthful to the people of Western Australia—not for the first time, I might add. She said that she would correct it immediately. I asked that she make sure that she sent the correction through to all the other news agencies so that they correct PerthNow and the other online agencies that had been running the wrong story. I do not mind taking the blame for anything. I have no regrets about what I did last week—none whatsoever. I have been inundated with emails and phone calls from some people in the gallery and other people for standing up for the rights of, and for justice for, the people in the gallery today. I will do so till my dying day. They deserve justice, and they will not get it from this government or while that Premier sits there.

I want to say to the National Party: please show some guts on this issue and show some compassion. A lot of these vile attacks, these sexual assaults, took place in their electorates. A lot of these people are the National Party's people. They are not all the member for Eyre's people—a lot of them are the National Party's people. The National Party does not have to worry about the other agreements it has with the Liberal Party. This is a matter of absolute conscience. I urge all Liberal members to stand up for the rights of the children, the

victims, who were abused by these vile people and to cross the floor on this one. That is because not only it is the right thing to do—that is the reason they should cross the floor—but also they have the right to do it as Liberal members. They know that they have the right to cross the floor anytime they wish if they think something is being done on this side of the house that needs their support. I urge Liberal members to do that. I know the bully boys have been going around trying to persuade them not to, and they are probably going to bring up stuff that the Labor Party did years ago. We are today trying to give the member for Eyre the right to progress his private member's bill, which everybody, not just me and the Labor Party on this side of the house, supports. I believe that there might be some people on the other side of the house who might actually come across here.

The Premier seems to have had a change of heart—or so Josh Jerga says. Josh, I hope you are right, mate. I do not know whether he is right, because the Premier flip-flops from one thing to the other. He tried to intimidate the public gallery a little while ago.

The SPEAKER: You are making an impassioned speech, but can you tell us about the urgency, member for Hillarys?

Mr R.F. JOHNSON: Mr Speaker, I will definitely tell you about the urgency of this bill. If this bill does not go through this house today, there are only six more sitting days for this house. That is two weeks, and we sit only three days a week. The government has loads of other business it wants to get through. If it wants to get this bill through, the urgency is to get the bill through today so that it has a chance of survival. It can go to the upper house today, and it could be dealt with in the first week it comes back, because the bill will have laid on the Legislative Council's table for long enough. I believe that if it is passed in this house, it will be passed in the other place. That is the urgency. It is time that the people in the gallery today and the dozens of other victims of sexual abuse as children get justice. That should be a priority for the government. That is why this matter is urgent. Everybody in this chamber knows it is urgent—not just me and members on this side; members on the other side know it is urgent. I know some of them are very angry that the debate was gagged last week.

Mr J.H.D. Day: It was not; it was adjourned.

Mr R.F. JOHNSON: It was gagged, and it was gagged by you, sunshine!

What happened in the party room this week? I know exactly what goes on in the party room because lots of people talk to me. The Premier does not, but lots of other people do. The poor old member for Eyre was berated by the Attorney General.

Dr G.G. Jacobs: Poor, but not old.

Mr R.F. JOHNSON: I am sorry—the poor. It is my very good friend—a true Christian. Anyone in this house who purports to be a Christian should vote with this side of the house for the suspension of standing orders so that the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 can be progressed.

The Attorney General accused the member for Eyre of telling untruths and criticised him in the media. The member for Eyre said the Attorney General has had his foot on the hose—and he has had his foot on the hose on this matter for ages and ages. The bill has been on the table of this house for the last year. Mr Speaker asks why it is urgent. I tell him why it is urgent. It is urgent because this bill needs be dealt with before everybody leaves this place after six more sitting days and before we say, "Happy Christmas, everybody. We wish you all a happy Christmas and a lovely new year and we will see you next year—we hope." Mr Speaker, the urgency is that some members may not be here after March next year. They need to stand up and be counted now. If they want a chance to do that now, they need to speak up for their electorates. It is the people who put members in this house. I am pretty sure we will find that no minister will speak on the bill. I think they have been gagged. It will be interesting to see whether any backbencher speaks on it. I hope they have the guts to do so because they have the right to; they have an absolute duty to. It is for those reasons that this matter is urgent. The people in the Speaker's gallery need justice. Good luck to them.

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [11.18 am]: I also have had contact with the same people who have spoken to the member for Eyre. As a member for Agricultural Region, I had a very harrowing time when I assisted a fellow who was at the Katanning hostel. What I am witnessing here today is one of the reasons I am retiring from this place. It breaks my heart to see people who are so wounded and so in need of bipartisan support being used as a political football. I implore the house not to force us down this path. We know that the Liberal Party supports the sentiment of the member for Eyre's Limitation Amendment (Child Sexual Abuse Actions) Bill 2015. We know that it is urgent.

I am reminded of the situation we found ourselves in when we debated the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. This is a similar situation. We really should not force the house to divide on the matter. This is a matter that is very important to the people in the Speaker's gallery and it is a matter we need to show some maturity about. This matter should not be about politics, but that is what is happening here this morning. It is outrageous that we should be forced into this position, because people on both

sides of this house absolutely support what the member for Eyre is endeavouring to achieve. I think that perhaps we should do a similar thing to what we did with the constitutional recognition bill and put a bipartisan committee together to make sure that this legislation —

Several members interjected.

The SPEAKER: Thank you, members.

Ms W.M. DUNCAN: I understand the need for time.

Several members interjected.

The SPEAKER: Members, this sheet of mine is empty because debate from people here has been heard in silence. Let us have the same courtesy extended the other way.

Ms W.M. DUNCAN: I understand the urgency, which is why I am speaking now. I am just a lowly backbencher; I cannot influence the outcome today, but I would just say that I find this morning's performance heartbreaking.

MR C.J. BARNETT (Cottesloe — Premier) [11.31 am]: This motion is to suspend standing orders as a matter of urgency. That is what the motion is about. The bill introduced by the member for Eyre is a private member's bill that he introduced into the Parliament over a year ago. Where has the urgency been? It is a private member's bill; it is not a government bill. Every single week that this Parliament sits, three hours of private members' business are allocated. Why did the bill not come on in one of those weeks? Why has the opposition, for a year, not allowed the member for Eyre's bill to be debated?

Several members interjected.

The SPEAKER: Members, let us hear the argument.

Mr C.J. BARNETT: Why has the opposition not offered some of that time to the member for Eyre? It has not done so, yet today it is a matter of urgency. The antics in the Parliament have been shameful, but that is Parliament. It is not the issue that should concern people sitting in the gallery.

I want to talk about the issue itself—that is, the abuse of young and vulnerable children, often by people in authority. I want to make some comments about that. The statute of limitations is unfair for those victims. It is true that often people will only later in life gather the courage or the time in their life to correct an injustice and seek the right to take civil action and have their day in court, and pursue the perpetrator or perhaps the institution that failed to protect them as children. That is proper. I commend the member for Eyre for bringing this bill before the house and bringing this issue to the public forum. It is long overdue. The member for Eyre chose to pursue this as a private member's bill, as is his right and entitlement as a member of Parliament. The position in the Liberal party room was to provide support for the member for Eyre to introduce the bill, although he did not need it. Indeed, I do not think there is a single person in the Liberal party room, and there would be very few people in the community, who would not support what the victims of crime are now seeking. It was discussed again following the events of last week, which I think were incredibly shameful and regrettable. It was probably the worst day I have witnessed in my long term in Parliament.

Mr P. Papalia: You think you are a victim as well.

The SPEAKER: Member for Warnbro.

Mr C.J. BARNETT: No, I am not a victim at all—in no sense at all. This is not the issue, but I am going to mention it. Unfortunately, today we heard again the member for Butler describe members on this side of the house as protectors of paedophiles. The Leader of the Opposition did not have the dignity to withdraw that comment or to apologise for it.

Mr M. McGowan: Is that what you're worried about?

Mr C.J. BARNETT: No, I am not. I am just making —

Mr P.B. Watson: Why are you worried about the words used?

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

Mr C.J. BARNETT: No, member for Albany, I am not worried about the words used. Insofar as I am concerned, I am not. To come into the Parliament and accuse people of being protectors of paedophiles is totally improper. I will not go back and talk about who did what over the years. That is not the issue, and it is not the issue for the people in the gallery, or indeed the many thousands of other people who may have been abused.

As I was about to say, following the events of last week, the Liberal party room had a long discussion about the issue and the bill. Again, I stress that it is a private member's bill that would normally have been debated in private members' time at any time over the past year. The member for Eyre chose to pursue the issue by introducing his own legislation, as he is entitled to do, but it is not a piece of government legislation. I moved a motion in the Liberal party room —

Ms M.M. Quirk interjected.

The SPEAKER: That is enough.

Mr C.J. BARNETT: Why is it that people will not treat this issue with respect?

The SPEAKER: Member for Girrawheen, I never heard exactly what you said, but give the Premier a chance.

Mr C.J. BARNETT: If nothing else, the victims of child sexual abuse deserve to be treated with respect by members of Parliament. Whatever the point of view and how an issue might be handled in a parliamentary or legal sense, they certainly deserve our respect, and they have not been given that, in my view.

I moved a motion in the party room, after a long discussion, that the government will adopt the correction of the statute of limitations as government policy and government legislation in due course, and that is what we will do.

Several members interjected.

Mr C.J. BARNETT: No, in due course; I am not talking about an extended period. The legislation needs to be drafted carefully. Affected people have the right to have input into the preparation of that legislation. Groups such as the Law Reform Commission should be consulted and should have an input.

Mr D.J. Kelly interjected.

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

Mr C.J. BARNETT: As the Premier of Western Australia, with my colleagues, we will treat the victims with respect. We will correct an injustice that has been there for decades. It is perhaps to the shame of all members of Parliament that we have not acted as a Parliament on this before. The government will adopt this as a policy.

Several members interjected.

Mr C.J. BARNETT: Members opposite snigger and continue to fail to show respect for the situation.

Mrs M.H. Roberts: Nobody is sniggering; you're making it up.

The SPEAKER: Member for Midland, I call you to order for the first time. Member for Albany, I do not want to hear from you.

Mr C.J. BARNETT: The government will adopt this as a policy. We will make a cabinet decision.

Mr P.B. Watson interjected.

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

Mr C.J. BARNETT: That is tantamount to the point I am making. When will there be respect in this chamber for these victims?

The Liberal party room has made a decision. It will go to cabinet, and I am sure that cabinet will make a decision to proceed to the drafting of government legislation to give people who have been victims of abuse as children the right to pursue justice through the legal system through civil action. We will draft that legislation, and we will consult with the various interested parties, such as the Law Reform Commission. It will not be a drawn-out, extended process, but it will not make passage through this Parliament before this Parliament adjourns.

Mr M.P. Murray: You're lying.

The SPEAKER: Member for Collie–Preston!

Mr C.J. BARNETT: Don't say that, mate; you know better.

Mr M.P. Murray: You're weak.

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

Mr C.J. BARNETT: Legislation will be drafted. If this government is returned following the election, it will bring legislation into Parliament for victims of child sexual abuse, and perhaps wider abuse, who knows; that is one of the issues to be looked at. I hope that the legislation will be passed and an injustice that has been there for decades will finally be corrected.

The SPEAKER: Further speakers—Member for Southern River.

[Interruption from the gallery.]

The SPEAKER: Sorry, just hold it; that person in the red tie there —

[Interruption from the gallery.]

The SPEAKER: Okay, thank you. Either you sit down and listen quietly, or else you can leave; all right? It is up to you.

MR P. ABETZ (Southern River) [11.40 am]: Many members would be aware that, prior to entering this place, I was involved in counselling people who had been sexually abused in childhood. Sexual abuse of children is one of the most horrendous crimes that anyone can commit.

Mr P.B. Watson interjected.

The SPEAKER: The member for Albany is pulling me up about you addressing the urgency of the matter. I will give you some lead-in time, but we now want to hear about the urgency, all right?

Mr P. ABETZ: Yes, absolutely. I will not speak for very long.

People who I have counselled have said to me in the counselling room things like, "I wish they'd chopped off my arm rather than sexually abusing me" because it is a lifelong thing that they carry with them. It is exceedingly difficult to recover from childhood sexual abuse. We need to recognise that, for a person who has been abused, they feel an ongoing sense of being abused when they feel they are not being heard. For people who have been abused, applying the six-year statute of limitation continues to convey to them the sense that the legal system does not understand the very nature of sexual abuse. For a child who is abused, it is often not until they are in their 30s, 40s or even 50s before they are actually able to grapple with what has happened to them and be able to talk about it. Therefore, by continuing to have this six-year statute of limitation, in a sense, the victims are very much feeling that the legal system still does not get it—does not get the nature of childhood sexual abuse. Every year longer that this statute of limitation stays on the statute book continues to be another year that the abuse victims will sense that the legal system does not get it. I believe that the sooner we can rectify the situation, the better it will be for the victims of childhood sexual abuse. Thank you.

MR J.R. QUIGLEY (Butler) [11.43 am] — in reply: Firstly, I would like to address the Premier's comments. Once again, he misled this Parliament. He said that I stood here and accused people of being friends of paedophiles or that I accused people of being protectors of paedophiles. *Hansard* will show that I did no such thing. I said that people would be judged by their actions. Those who vote against this motion and allow this to happen, by their actions, will cast themselves as protectors of paedophiles. The member for Scarborough —

Mr J.H.D. Day: That's not true.

Mr J.R. QUIGLEY: You will not be the one judging; it will be the people out in the electorate, member. The Leader of the House said that it is not true. I can assure members that victims will join the Labor Party in circulating third-party notices in all the electorates of those members who voted against this to point out that, by their vote —

Mr F.A. Alban interjected.

The SPEAKER: Member for Swan Hills!

Mr J.R. QUIGLEY: By their vote —

Mr F.A. Alban interjected.

The SPEAKER: Member for Swan Hills!

Mr J.R. QUIGLEY: You will not miss out, member for Swan Hills!

Mr F.A. Alban interjected.

The SPEAKER: Member for Swan Hills, I call you to order for the first time. Member for Butler, I will give you some lead-in time, but again, the urgency is the germane point here.

Mr J.R. QUIGLEY: I am doing it now. The actions of which vote members take will determine which column they will fit in—"Protectors of the paedophiles" or "Champions of the victims". That will go out—not by the Labor Party, but by the victims—to all the electorates of members who choose to protect paedophiles.

Mr J.H.D. Day: That's your opinion, not a matter of fact.

The SPEAKER: Thank you.

Mr J.R. QUIGLEY: It will be the electors' opinions, not my opinion, Leader of the House.

Several members interjected.

The SPEAKER: Okay; that is enough!

Mr J.R. QUIGLEY: The Premier said that this will pass in due course. The Premier has form —

Dr K.D. Hames interjected.

The SPEAKER: Member for Dawesville, you are drowning people out.

Mr J.R. QUIGLEY: The Premier has said that this will happen in due course. He makes these promises before elections, such as that Metro Area Express light rail would happen in due course, to be dumped after the election.

Several members interjected.

The SPEAKER: That is enough!

Mr J.R. QUIGLEY: Due course is here in the people's Parliament today. As I have said, law and order is a slogan. Those members who espouse protection of victims will vote for this motion and bring the bill on. Those members who want to offer further protection, or if they do not intend to offer further protection but nevertheless do offer further protection to paedophiles, will vote against this motion. Members will be charged not by the words of the member for Butler, but by where they sit after you call for the vote, Mr Speaker. It will be written down and their names will go in the list of either "Protectors of the paedophiles" or "Champions of the victims". Let this be done now and let this legislation pass through the people's Parliament today.

The SPEAKER: As this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissentient voice, I will be required to divide the Assembly.

Division

Question put and a division taken with the following result —

Ayes (23)

Mr P. Abetz	Dr G.G. Jacobs	Mr M.P. Murray	Mr C.J. Tallentire
Mr I.M. Britza	Mr R.F. Johnson	Mr P. Papalia	Mr P.C. Tinley
Dr A.D. Buti	Mr W.J. Johnston	Mr J.R. Quigley	Mr P.B. Watson
Mr R.H. Cook	Mr D.J. Kelly	Ms M.M. Quirk	Mr B.S. Wyatt
Ms W.M. Duncan	Mr F.M. Logan	Mrs M.H. Roberts	Mr D.A. Templeman *(Teller)*
Ms J.M. Freeman	Mr M. McGowan	Ms R. Saffioti	

Noes (29)

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

Pairs

Ms J. Farrer	Ms E. Evangel
Ms L.L. Baker	Mr A. Krsticevic
Ms S.F. McGurk	Mrs G.J. Godfrey

Absolute majority not achieved; question thus negatived.

PUBLIC ACCOUNTS COMMITTEE

Sixteenth Report — "Annual Report 2015–16" — Tabling

DR K.D. HAMES (Dawesville) [11.52 am]: I present for tabling the sixteenth report of the Public Accounts Committee titled "Annual Report 2015–16".

[See paper 4799.]

Dr K.D. HAMES: This report details the activities of the Public Accounts Committee of the thirty-ninth Parliament for the 2015–16 financial year. The committee focused its work during this period on following up Auditor General reports, continuing with its inquiry into information and communications technology procurement and contract management, and investigating other areas of interest, including local government accountability.

The committee plays an important role in following up the performance audit reports of the Auditor General. This follow-up process helps ensure that public sector agencies give proper consideration to implementing the recommendations made by the Auditor General. With the volume of these reports steadily increasing, the committee modified the manner in which it conducts and reports on its follow-ups. This new method was used to follow up 16 performance audits, which were summarised in the committee's tenth report, "Review of Auditor General Reports No. 4", tabled on 24 September 2015.

The committee also tabled a report on the Housing Authority's failure to follow through on undertakings made to the committee in relation to a 2012 Auditor General report.

A considerable focus of the committee during the report period was its inquiry into information and communications technology procurement and contract management. By the end of the reporting period, the committee was finalising its deliberations and subsequently tabled its report to Parliament on 22 September 2016. In addition to this inquiry, the committee followed up on a 2006 Public Accounts Committee report titled "Local Government Accountability in Western Australia". In November 2015, the committee tabled a report on its findings from this investigation.

I thank my fellow committee members, deputy chair Ben Wyatt, Glenys Godfrey, Bill Johnston and Matt Taylor, and former committee chairman Hon Sean L'Estrange, for their work on the committee during the 2015–16 financial year. I also thank the committee secretariat, Tim Hughes and Michele Chiasson, for their work over the period.

MR B.S. WYATT (Victoria Park) [11.55 am]: I rise to make a couple of quick comments on the Public Accounts Committee's 2015–16 annual report. The chairman, the member for Dawesville, has already made a couple of comments and I think the member for Belmont might have something to say as well. Bearing in mind that we are coming to the end of the parliamentary term, I want to thank the principal research officer, Mr Tim Hughes, and the research officer, Michele Chiasson, and my committee colleagues. The committee has been disrupted, as we have had three committee chairs, starting with the member for Alfred Cove, then the member for Churchlands and now the member for Dawesville. Those transitioning roles have provided some short-term challenges, because, of course, as members know, the operations of committees tend to be very heavily reliant on the efforts of the chairman. Indeed, two of the most substantial investigations and reports of the Public Accounts Committee over this term had been effectively at the instigation of the chairman—both of whom then departed the committee to move into the ministry. The member for Dawesville has done an admirable job in picking up where the member for Churchlands left off when he moved into cabinet.

One of the main roles of the Public Accounts Committee in terms of time commitment is to deal with the reports of the Auditor General. When the Public Accounts Committee for this term started in 2013, there was a significant backlog of Auditor General reports from the previous term and it took some time for the committee to work its way through that backlog. Of course, the very good work of the Auditor General does not stop, so there is forever a requirement for the committee to do what we would call the bread-and-butter work of the Public Accounts Committee in dealing with Auditor General reports and following up on the recommendations with various departments and agencies to ensure that the departments and agencies that have accepted various recommendations are indeed doing what needs to be done to fulfil those recommendations.

We have adopted a new triaging approach to these reports simply because, effectively, the Public Accounts Committee did not have the opportunity to pursue inquiries in areas of public expenditure that committee members thought were appropriate. That triaging process has streamlined the efficiency of the committee and no doubt the research officers of that committee in the next Parliament will adopt a similar approach to Auditor General reports; otherwise, they will quickly find themselves being bogged down in the follow-up of those reports.

Interestingly, I referred to—I do not mean to demean the importance of the work—the bread-and-butter work of the Public Accounts Committee in ensuring that recommendations from the Auditor General reports are implemented by departments and agencies. At the occasional public hearing, we called agencies in to explain themselves. The member for Belmont might reflect on what am I about to raise in her contribution; she already has in our previous report. For example, it took some effort to get some information of use from the Department of Housing. The committee was not impressed by that in the slightest and reported accordingly. That emphasises the importance of a department accepting recommendations from the Auditor General and implementing them. Departments must treat the Public Accounts Committee, and indeed all parliamentary committees, with the respect they deserve when answering questions and providing information. The committee has pursued a range of public hearings following up on the work of the Auditor General over the last four years across a range of different areas. The report will potentially highlight some of the areas of interest pursued over the last 12 months. I think in the final sitting of Parliament the committee will table another report that really concludes a range of follow-ups that the committee has pursued with a number of different government agencies, and I will make some more specific comments at that time as well. Again, the work of the Public Accounts Committee is perhaps the most ill-defined of all committees, probably because it has a broad mandate to inquire into areas of public expenditure. When it is able to free itself from the ongoing and important burdens of dealing with Auditor General's reports and following up those agencies, it can conduct, and indeed has conducted, a range of different inquiries—the information and communications technology report has been the most substantial of the last 12 months. That was tabled recently and the member for Dawesville, the chairman, referred to our inquiry into local government, which was a pursuit of a 2006 report that I was involved in when I first was in the Public Accounts Committee after having been elected to Parliament. Although this is really a procedural report as such, being the annual report of the Public Accounts Committee, it is worth reflecting on the importance of ensuring that agencies and departments do what they say they will do in response to reports of the Auditor General.

MRS G.J. GODFREY (Belmont) [12.02 pm]: I refer to the annual report of the Public Accounts Committee dated October 2016. This year's annual report just about completes the work done by the Public Accounts Committee for the thirty-ninth Parliament. In 2013, the committee inherited a large backlog of Auditor General reports from the previous Public Accounts Committee. As default members of the Joint Standing Committee on Audit, committee members also had to complete an extensive amount of unfinished work relating to the statutory reviews of both the Financial Management Act and the Auditor General Act. These tasks have now been successfully completed. The inquiry into the state government's information and communications technology procurement and contract management, commenced in May 2015, has also now been completed. The annual report of 2015–16 includes the twelfth report entitled "Improving Local Government Accountability", which was tabled in November 2015. There were eight recommendations in this report. Recommendation 7 states —

> The Auditor General's scope of powers be broadened to include financial and performance auditing of local governments in order to raise the standard of accountability applicable to local governments to a level more consistent with public sector agencies.

It is this issue surrounding local government that I wish to bring to the house's attention. Let me say from the start that most local government authorities are well managed and provide great service to their ratepayers. I have served as a councillor for 16 years, of which six were as mayor. I have also been granted the title of Freeman of the City of Belmont. According to a report supplied by the Department of Local Government and Communities in 2014–15, the risk profile results of local councils are that 83—which is more than half—have no risk concerns; 31 are low risk; 18 are medium risk—of that 18, 17 are country councils and one is a metropolitan council; and six are high risk, and these are all country councils.

For me this journey started in 2006 with six recommendations from the Public Accounts Committee of the thirty-seventh Parliament. I wish to address only one of the six recommendations from the report today, recommendation 2, that deals with the auditing of local government. Recommendation 2 states —

> *The Public Accounts Committee strongly recommends that the Auditor General conduct the audit of the local government sector in Western Australia. The State Government should examine the benefits of involving the Auditor General in the audit of local government in line with the Queensland model.*

The Queensland Auditor-General is required to undertake a finance and compliance audit of all public sector entities, including local government. The results of these audits must be reported to Parliament. The Queensland Auditor-General is also empowered to conduct audits on performance management systems. This involves scrutiny of the systems in place for monitoring effectiveness and efficiency. Now that we have had the Corruption and Crime Commission "Report on a Matter of Governance at the Shire of Dowerin", we should ask why this recommendation was not implemented back in 2006. I shall tell members why. The government response to the 2006 Public Accounts Committee report was compiled by a Department of Local Government and Regional Development reference group. The reference group proposed that a peak audit advisory group be established to advise on local government audit. The audit advisory group comprised the Western Australian Local Government Association, Local Government Managers Australia, the Office of the Auditor General and the Department of Local Government and Regional Development. The reference group's concluding opinion was that it was not necessary to divide responsibility for local governments' financial, compliance and probity health between the Office of the Auditor General and the department in order to achieve the benefits inherent in the Queensland model. In other words, the Public Accounts Committee's strong recommendation was stymied by the industry representatives. The cost to local governments of their audits was raised and a comparison was provided. In 2014 a rural agricultural shire council in Queensland with an operating revenue of $5.1 million had an audit cost of $28 000, while in Western Australia, the same type of shire with an operating revenue of $5.3 million had audit fees of only $9 400. As with anything we buy, the price we pay determines the quality we get.

I now wish to go to the Public Accounts Committee report into local government of November 2015 referred to in this annual report. The committee's examination of the department was not conducted as a formal inquiry, but as an agency follow-up of the recommendations made to the 2006 Public Accounts Committee report. The committee requested to review all the audit reports and auditor management reports of all Western Australian local authorities. It took several attempts to get this information we were seeking. Once received and read, there were many red flags. The Shire of Dowerin was one of six local governments that had not submitted its 2013–14 audit report by the time of the committee's follow-up. Many others were not complying with providing financial ratios to the standards prescribed by the local government regulations. Many councils did not have their information ready for the auditors and this required them to come back. Others did not have accounts reconciled and reports were not completed. There were many other issues highlighted that I do not wish to go into at this time. It was shown time and again that the limited number of staff at some of the smaller local authorities created problems of getting staff to cover holidays, and training replacements to cover the operational work of councils, which includes a separation of duties to prevent fraud. A common comment in the Auditor General's reports was that the financial ratios were below target and trending downwards. This is a result of increased expenditure without a corresponding increase in revenue. In some local councils the auditors had highlighted this on previous

occasions to the council. However, it appears there has been no action. The Corruption and Crime Commission "Report on a Matter of Governance at the Shire of Dowerin" highlights the failures when there is inadequate oversight of a CEO by a complacent council. The evidence showed breathtaking levels of ignorance about the role and responsibility of councillors.

Since we saw the chief executive officer of the Shire of Dowerin steal $600 000 from the shire over a four-year period, the cost of proper audit fees pales into insignificance. What happened in Dowerin? Previous reported cases of fraud did not stop or change the behaviour of elected members—councillors who see themselves as volunteers and not company directors. Councillors had had no training, and no independent qualified person was on the audit committee—in fact, there was no audit committee. I urge councillors to take a serious look at their roles and responsibilities as a company director of public funds managed on behalf of their communities.

In conclusion, I sincerely thank Tim and Michele, who have managed the Public Accounts Committees for this term in a friendly and professional manner. I also thank members of the committee for their support.

MR W.J. JOHNSTON (Cannington) [12.10 pm]: I want to make some brief remarks about the operations of the Public Accounts Committee. I endorse the comments of the member for Belmont about the local government inquiry. When that report was tabled, I used as an example the Shire of Coolgardie. At the time, I made the point that I did not want to be seen to be picking on Coolgardie because, having read every single management letter for every single council in Western Australia, it was not the only council that had problems. The member for Belmont outlined the problems at Dowerin. I am, of course, married to Hon Kate Doust, who is a Coolgardie girl. She was born in Kalgoorlie but she grew up in Coolgardie. This year she visited Coolgardie and the councillors raised with her the comments that I had made in the Parliament about them. The point I make here is that I was not picking on them; nonetheless, the council had not followed the rules. That is the problem. What has developed in local government is an acceptance by the Department of Local Government and Communities that councils not complying with the rules will be ignored. That was literally what was happening. I remind the chamber that none of the councils that the department was working with were in the most at-risk category. The department was not providing its attention to the councils with the biggest problem, which was ridiculous. I am glad that the committee's report, which the member for Belmont explained was a follow-up to the 2006 report, has finally seen action and there will be improvements in local governments following those administrative changes. The information was always available; it was just that nothing had been done with it. The committee's follow-up report has led to improvements in accountability. I say again to the good burghers, councillors and employees of the Shire of Coolgardie that I was not trying to pick on them; it is just that if they do not follow the rules, they should not be surprised when somebody highlights that. I am saying that it was not their fault; it was the fault of the agency, which had all the information in front of it but chose not to do anything with it.

I will not go into detail on the information and communications technology inquiry that the committee just finished, but I will draw members' attention to pages 4 and 5 of the report that lays out briefings. A briefing is a part of the inquiry for which a transcript is not produced. The committee travelled outside this jurisdiction, which is obviously not protected by parliamentary privilege and therefore it cannot take formal evidence. I did not go on the Queensland leg of the trip, but the committee went to Canberra and Sydney and then over to Wellington. I found, in particular, the New South Wales and New Zealand experience was essential reading, and we made those recommendations. I look forward to the government's response because we found that the Office of the Government Chief Information Officer has only a very small staff compared with that allocated in the other states and New Zealand, and the committee made specific recommendations about that and, also, the Government Chief Information Officer is a temporary job but is starting on a permanent task, which is a real problem.

I thank members of the committee, including the former chair, the Minister for Small Business, for the good humour that generally applied in the last 12 months of the committee. As the member for Victoria Park outlined, it was a suboptimal outcome because each time we started an inquiry we had a new chair. The member for Churchlands would agree it was not the best to come into the inquiry into the Public Sector Commission after the inquiry had commenced and, equally, I know that the member for Dawesville outlined previously that it was not the best time to come into the ICT inquiry after it had commenced. Nonetheless, these things happen.

I compliment Tim Hughes and Michele Chiasson on their outstanding work. It is fair to say that the triage summaries that they provide to committee members is the only way we can cope with the volume of work that comes to us on reports of the Auditor General. I have spoken about this previously so I will not go into detail, but it is a difficult process and the only real follow-up is through the Public Accounts Committee. I have said before that there has to be another way to look at that, because what ends up happening is that we are really only reviewing less than a quarter of those reports in any sort of detail, so we probably miss out on a lot of things. The outcome in the Department of Housing is an example of what occurred after we called them in to review an audit report The department made undertakings but did not follow through on those. Members can imagine that perhaps the Department of Housing is not the only agency doing that. That will have to be looked at.

Finally, I want to say that one change of procedures that the Public Accounts Committee could make in the next Parliament is the question of the budget briefing. Without any change to standing orders or any other matter the budget briefing could become a much more valuable process. I referred in my inaugural speech to things that I think the Public Accounts Committee should do and I endorse the plan that it should take evidence from people beyond the public service in reviewing the budget. It would be a great improvement to the procedures of the Parliament if we were able to get more people engaged in the budget process. With those few remarks, I commend the report.

SCHOOL BOARDING FACILITIES LEGISLATION AMENDMENT AND REPEAL BILL 2016

Introduction and First Reading

Bill introduced, on motion by **Mr C.J. Barnett (Premier)**, and read a first time.

Explanatory memorandum presented by the Premier.

Second Reading

MR C.J. BARNETT (Cottesloe — Premier) [12.19 pm]: I move —

> That the bill be now read a second time.

The purpose of this bill is to repeal the County High School Hostels Authority Act 1960 and amend the School Education Act 1999 to provide for the functions of the Country High School Hostels to be undertaken by the Department of Education. The catalyst for this legislative change was the Blaxell inquiry. As members would be aware, in November 2011, retired Supreme Court judge Hon Peter Blaxell was appointed to undertake a special inquiry into the response of government agencies and officials to allegations of sexual abuse at St Andrew's Hostel, Katanning, between 1975 and 1990. At the time, the hostel was one of a number in regional Western Australia that operated under the auspices of the authority established under the authority act. The Blaxell inquiry report was submitted to the government on 3 August 2012 and subsequently tabled in the Legislative Assembly by myself, as Premier, on 19 September 2012. At that time, I, as the Premier, advised that the government endorsed the five recommendations in chapter 20 of the report. These recommendations have been implemented with the exception of recommendation 2, which was for a child-focused one-stop shop complaints system. On further examination a one-stop shop approach was not seen as practical. The government does not want to disrupt the established lines of reporting, in particular to the Department for Child Protection and Family Support and Western Australia Police.

In addition to the recommendations in the report, the government decided that hostels must have a more contemporary public sector governance structure. To achieve this, the authority and local boards will be abolished and the management of hostels will come under the control of the Department of Education. The authority has been physically co-located with the department since 2003 and consequently has been provided with some support from the department since that time. The director general of the Department of Education had been acting as the chief executive officer of the authority from August 2006 and was substantively appointed in October 2011. Following the release of the report, the support of the department has been strengthened.

Chapter 5 of the Blaxell report provides an instructive history about why the government is abolishing the authority and local boards in their current form. From the early 1900s, churches and the Country Women's Association established and managed individual hostels for country students to attend schools. In the 1950s and 1960s there was an increasing demand for government funding of hostel infrastructure run by these organisations. The vehicle for the funding of hostel infrastructure was the Country High School Hostels Authority Act 1960. After the commencement of the act there was an uneasy relationship between the authority and the bodies operating the existing hostels. In return for the funding of facilities, the authority gradually gained control until it was responsible for the operation of the hostels. During the 1970s the management of the hostels became subject to a letter of arrangement with the authority. The letter of arrangement provided that a local board would engage and dismiss staff, pay all accounts, and supervise the management and control of the hostel. This management arrangement was a significant contributor to what occurred at St Andrew's Hostel. The Blaxell report at appendix 1 on page 24 states —

> It is apparent from the records that McKenna maintained close control over the Board.

Chapter 19 of the Blaxell report considers what has changed at the hostels and considers the employment of staff, and the roles and responsibilities of local boards of management. Under the new legislation local boards will no longer be responsible for employing staff or for the finances of hostels. The bill provides for the operations of the colleges and, most importantly, that the focus of the colleges will remain the provision of accommodation to allow students to complete educational programs in schools.

The primary reason a parent chooses to have their child board at a college is to access the programs of a school. The incorporation of colleges into the Department of Education will reinforce the fact that the programs and the quality of the school are crucial to the attractiveness and viability of a college. As student residential colleges will be

administered under the School Education Act, the wording and ministerial powers used for the administration of the school system is relevant and, to a degree, relied on in the new part 6A to achieve internal consistency in the act. Notwithstanding this, there are also differences in part 6A that specifically cater for the operations of student residential colleges. The new part 6A will give the minister the authority to establish such colleges as necessary to provide residential accommodation and related services for students while they attend a school.

A "school" is defined in the act to mean a government school or a non-government school. As such, accommodation may be provided to government and non–government school students. Access to available accommodation places will be determined through criteria that will be prescribed in regulation.

The bill will provide the minister with a number of corporate powers that may be exercised for the purposes of operating a student residential college. These corporate powers are similar, but not identical, to those provided to the minister for the administration of government schools.

The bill provides for regulations to be made about an accommodation agreement that will refer to the student code of conduct, and the costs and charges for accommodation. The relationship between the college, students and their parents will be formed by the accommodation agreement. Adherence to the code of conduct will be a requirement of the accommodation agreement. A breach of the code may result in a breach of the accommodation agreement and, in particular circumstances, lead to a student no longer being accommodated at the college. The code of conduct will be issued by the minister.

The minister will have the power to grant licences for the use of college facilities when that use is for a joint arrangement as defined in the legislation; that is, an arrangement endorsed by the minister for the purposes that are complementary and beneficial to functions of the college that involve the use of property vested in the minister. This power is similar to a power the minister has for government schools. Joint arrangements will cater for circumstances in which a Catholic or independent school wishes to build, contribute to the building of a college or provide funding for the purposes of quarantining places for their students.

Each student residential college will have a local input, networking and communication committee that will: provide advice regarding the operation and management of the college; promote the interests of the college and foster community interest in the college; approve arrangements for advertising and sponsorship presented to it by the college manager; provide feedback about the code of conduct; and undertake other functions that may be prescribed in the regulations. However, a LINC committee will not be involved in the day-to-day administration of the college and, as such, will not exercise direct authority over any person employed at the college or the finances of a college.

The bill provides that the land and finances of the authority come under the control of the minister and will be administered by the Department of Education on behalf of the minister. Staff of the authority will be employed by the Department of Education in accordance with their existing industrial awards and agreements.

I commend the bill to the house.

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

OIL REFINERY (KWINANA) AGREEMENT AMENDMENT BILL 2016

Introduction and First Reading

Bill introduced, on motion by **Mr W.R. Marmion (Minister for State Development)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR W.R. MARMION (Nedlands — Minister for State Development) [12.27 pm]: I move —

> That the bill be now read a second time.

The purpose of the Oil Refinery (Kwinana) Agreement Amendment Bill 2016 is to ratify an agreement made on 5 October 2016 between the state and BP Refinery (Kwinana) Proprietary Limited, which I will refer to as the variation agreement. The bill is necessary in order to give effect to amendments to the Oil Refinery (Kwinana) Agreement Act 1952, which I will refer to as the state agreement. The main purpose of the variation agreement is to provide BP with a 30-year extension to the current state agreement, which is set to expire on 1 January 2020. To put this variation agreement in context, I will provide some background on BP's operations in Western Australia and the requirements to vary the state agreement.

BP Refinery (Kwinana)—current operations: BP has operated in Western Australia for almost 60 years under the state agreement. The Kwinana refinery was developed in the 1950s by BP under the state agreement and was the foundation industrial project in the Kwinana industrial area. The refinery has the capacity to refine six million tonnes of crude oil each year, which accounts for 80 per cent of Western Australia's current fuel requirements for road, marine and aviation fuels. The refinery supplies fuel to the mining, power, transport and agricultural industries and is currently the sole supplier to Tasmania and the largest supplier to South Australia. The

company's operations under the state agreement comprise: an oil refinery at Kwinana, located on a 250-hectare freehold site in the Kwinana industrial area; pipelines that transfer product to the Kewdale freight terminal, which carries fuel for use in the Perth metropolitan area, the wheatbelt and Kalgoorlie; aviation fuel which is piped from the refinery to Perth Airport; and three jetties and a tug haven that are used to receive the crude oil and export the refined products interstate and to Fremantle port.

The refinery produces the full suite of petroleum and associated products including diesel, bunker fuel, three grades of unleaded petrol, aviation fuels, auto gas, low aromatic fuel used in remote communities and barbeque fuel. The refinery also provides critical feedstock to other industrial processes within the Kwinana industrial area including sulphur to Coogee Chemicals, liquefied petroleum gas for Wesfarmers' Kleenheat, and fuel gas to Engie's Kwinana cogeneration plant which produces steam and power generation. The refinery directly employs 450 staff and another 350 contractors. BP's Western Australian downstream network also includes depots, truck stops and an extensive retail network of over 40 service stations across Western Australia, as well as wholesale, bulk and distributor businesses supplying the mining sector and other customers in rural regions. The Australian refining industry has undergone significant challenges and change, resulting in the closure of three refineries in Australia between 2013 and 2015 and leaving Australia more reliant on imported fuel. It is significant that BP continues to invest in the Kwinana refinery to support its ongoing operation.

In early 2017, BP intends to undertake a major scheduled shutdown for six to 10 weeks to undergo an $80 million maintenance program that will employ a peak workforce of 1 800 people. BP is also considering a further investment in its plant and pipelines to provide additional aviation fuel from the refinery to Perth Airport. As I have outlined, the BP refinery is a strategic industry for this state. In mid-2014, BP Refinery (Kwinana) Pty Ltd wrote to the Premier, the then Minister for State Development, requesting a variation to the state agreement, due to it expiring on 1 January 2020. The state government supported the need for a variation to the state agreement to support the refinery's long-term operational future, given the strategic importance of the refinery to Western Australia, as well as to adjacent manufacturing plants and other states, and for providing security for further investment in the plant.

I will outline the main provisions of the bill. Clause 4 provides that section 2 of the State Agreement Act be amended by inserting the new definition of the 2016 variation agreement—this current variation—a copy of which is set out in schedule 3 of the bill. The principal agreement is the Oil Refinery (Kwinana) Agreement 1952, as amended from time to time. Clause 6 will insert a new section 3D into the State Agreement Act which ratifies the 2016 variation agreement and authorises the implementation of the 2016 variation agreement. It also provides for the 2016 variation agreement to operate despite any other act or law, without limiting or affecting the application of the Government Agreements Act 1979. Clause 7 will insert, as the third schedule to the state agreement, the 2016 variation agreement.

I will outline the key provisions of the variation agreement. Clause 2(3)(a) and (b) will amend clause 5(e) and (f), which deal with pipeline-laying procedures, by replacing "Treasurer" with "Minister". This amendment will update the state agreement to provide for the minister responsible for the Government Agreements Act 1979 to be the minister responsible under these clauses. Clause 2(3)(c) will amend clause 5(n), relating to payment of rates on the refinery site by excluding from the unimproved value rating exemption provided by this clause improvements on the refinery site, being accommodation, recreation and administration facilities and associated buildings or maintenance workshops existing within 100 metres of those facilities. This clause will implement the state government's 2011 policy "Application of Gross Rental Valuation to Mining, Petroleum and Resource Interests", ensuring that BP pays the gross rental value on its site administration facilities and maintenance workshops. Clause 2(3)(e) will amend clause 5(t), "Agreement expiration", by removing the previous date of expiration and inserting the new date of 1 January 2050. The 30-year extension will support BP to continue its Kwinana refinery business and investment decisions into the future. Clause 2(3)(f) will amend clause 5(u), "Temporary premise licenced for liquor", by removing the clause, which is considered spent and no longer appropriate. Similarly, section 3A of the act is to be deleted by clause 5 of the bill.

Clause 2(3)(g) will insert the following new subclauses into clause 5 of the state agreement after clause 5(x). Subclause (ya), "Local industry participation plan", will require the company to prepare and implement a local industry participation plan to provide for local industry participation benefits as defined in this subclause to flow from the principal agreement. Subclause (yb), "Use of local labour professional services and materials", will require the company to utilise local labour, services and materials within Western Australia or, if not available within Australia, where it is reasonably and economically practicable to do so. This clause also requires the company to submit local content reports to the minister, outlining expenditure on contracts, research and development and community contributions.

The ratification of this bill by Parliament provides for the long-term operational future of BP's Kwinana refinery, increases certainty for Western Australia's fuel security and supports ongoing employment in Kwinana and the state. I commend the bill to the house.

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

LIMITATION AMENDMENT (CHILD SEXUAL ABUSE ACTIONS) BILL 2015

Order of Business — Motion

MRS M.H. ROBERTS (Midland) [12.36 pm] — without notice: I move —

> That private members' business order of the day 18, Limitation Amendment (Child Sexual Abuse Actions) Bill 2015, be now taken.

The opposition considers the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 to be the most important bill before the house and one that needs to be dealt with as a matter of priority and in a timely fashion. This morning we saw an attempt by the opposition to offer to bring that bill on and deal with it in an hour. The government, in its intransigence, decided to waste over an hour and a half on discussion about whether to bring the bill on and deal with it promptly in the course of an hour. The government should show the courage of its convictions and vote on this bill. We should have the debate once and for all.

We saw a contrivance in this house last week, which started before last Thursday, when the government listed the Limitation Amendment (Child Sexual Abuse Actions) Bill as one of seven bills it wanted to debate. When it got to Thursday, the government listed that bill at the end of the daily business program and listed ahead of it two bills that the house had not even commenced debate on—the house had not even commenced the second reading, let alone the consideration in detail stage. The government knew full well it was a con. It had really conned the member for Eyre, because he had been told that the bill that he sponsored would be dealt with that week. The government moved to be able to deal with the bill in government time, but then it relegated the bill to the end of the week. Indeed, it relegated it on the Thursday behind two bills that the house had not even commenced debate on.

Embarrassed by that, and embarrassed by the fact that the member for Eyre had advised victims that he was attempting to bring this bill forward, the Leader of the House said that he would allow for the opposition to have one speaker on the bill and would then adjourn it. Our lead speaker for that bill is the member for Butler, John Quigley. I advised the Leader of the House that the member for Butler would not want to delay the bill and that although he was entitled to speak for an hour as the lead speaker for the opposition, he would speak for only a brief amount of time, probably 10 or 15 minutes, and that if the government was willing to bring it on for one speaker, we would rather assist the smooth passage of the bill and have two speakers in a short amount of time. The other speaker I knew who was very keen to speak on the bill and assist its passage in this house was the member for Albany. That is what we did.

We then had, as the member for Hillarys has already said in this house today, the spectacle of the fib put forward by the Premier in which he suggested that it was because of the nature of the debate—in fact, no-one interjected or was more unruly than the Premier—that somehow the government had to adjourn debate on the bill. That was prearranged. The Leader of the House said the government was prepared to devote only a short amount of time and to have one speaker. He then conceded that if we had two very brief speeches, he would allow that and then move on and that the debate would then be adjourned for other business.

Another nonsense perpetrated by the Premier, or maybe the Premier's spin doctors, is that somehow the government had to adjourn debate on the bill because of the aggressive nature of the debate and the comments that were made. That is quite simply not true. The member for Kalamunda, as Leader of the House, is someone whose word I accept. He knows what occurred here, and I know he will verify what was outlined by me if he is questioned about it. The government said that, given that there were victims in the gallery, it would allow the debate to come on, initially for one speaker and, after some persuasion by me, it agreed to two speakers. That is why the member for Butler and the member for Albany spoke. The government then moved to shut the debate down. I am guessing that the member for Hillarys and others were not party to that. The member for Hillarys then sought and got the call to speak, because both those other members had spoken fairly briefly.

Other legislation is being delayed because the government will not bring this bill on. It can be dealt with promptly, and if we can get some agreement from members opposite, we can bring it on now. As the Leader of the Opposition outlined, we are prepared to allow just two opposition speakers, and we could hear from the government about why it does not support this bill. I can only assume the government does not support it, because it will not bring it on. The Premier now says that the government has adopted a policy. As the Leader of the Opposition said, we adopted a policy a couple of years ago. It is over a year since the member for Eyre brought the bill into the house. The government has had all the time in the world to suggest amendments to this bill, or indeed to come up with its own bill. What has been exposed here, and I am sure the government backbenchers all know it, is that the government does not actually support the bill.

In referring to the government, who are we talking about? We are talking about the Premier, because he made the call today, that we would spend over an hour and a half in this house debating the need to bring the bill on or not, and ultimately we had the vote that took place. In half that time, the bill could have been voted on. At no

point have we actually heard from the government about why the member for Eyre's bill is flawed. At no point have we heard what the flaws are. It is not sufficient for the government to simply put up a wall and say, "The bill is flawed; we have now adopted the policy. Watch this space—maybe it will be fixed in a year or two."

I am not going to turn to the substance of the issue here, because a number of people have spoken on that last week and again today—the plight of victims, the urgency and the need for this to be put in place at the earliest opportunity. In the meantime, there may well be deaths from a range of causes. As we know, many victims of sexual assault commit suicide, as the member for Albany said last week. Indeed some of the victims met at funerals and got together. This is a most serious matter, and the opposition will not let go of it. We want to see this bill passed this year. We do not think that it is acceptable that it wait another year. The government should step forward and, in my view, support the bill. If the government does not think it can support the bill because it is somehow flawed, it should explain what those flaws are, because on my reading it is a very simple bill. The other option the government has, and it is had it for over a year, is to amend the bill—put some amendments on the notice paper to fix these mysterious flaws that it does not actually outline.

I said a moment ago that the government is actually really opposed to this bill, but there is a contradiction here because we are also being told that the Liberal party room supports the bill put forward by the member for Eyre. We have this situation in which the party room—that is, most of the members of the party—allegedly, as has been reported, support the bill. What is going on here? I have dealt with the Premier. He has made the call today. He has made a very sad and wrong call today. However, the other person who is a big sticking point, as I am confident a lot of members opposite will know, is the Attorney General. The Attorney General does not support this bill. He does not support the victims, and he does not support the issues. We do not really have to be too clever to work that out. A good, caring Attorney General who gave a damn about the victims would have brought in a government bill. Similar legislation has been in place in Victoria and other places, as my colleagues have already outlined. It is just wrong.

We have had the case made over and over again. I would really like not to have to keep making the case for the victims, and not to have to keep making the case, as I am doing now, to move to this item of business. I consider private members' business item 18, the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015, to be the most important item on the notice paper. We should deal with it promptly; we should deal with it now. The opposition would have, at most, a couple of very brief speeches. When I say that we can deal with it in an hour, I am saying that the opposition time on this bill could be as little as 10 minutes. We could have two speakers allocated five minutes each. We could go into consideration in detail where we could find out whether there really are any flaws or issues, and what they are. It is not as though the government can claim that it has somehow been caught on the hop by bringing this forward. The government put in a letter to me last week that it was prepared to deal with the bill. When push came to shove the bill was not brought on for enough debate for it to be actually dealt with. It could have been dealt with in an hour or less.

I do not want to delay the business of the house, because there are other important pieces of legislation here. However, I want to yet again give the government this opportunity. If the government took as long as the opposition intends to take, the bill could be dealt with in 20 minutes. There is still that opportunity. I cannot believe that people on the other side of the house are prepared to see a further delay in this bill being brought forward for debate and dealt with. Let people vote on the issues. I heard the Premier on the radio this morning saying that euthanasia was a conscience matter and that members of Parliament should be able to vote according to their consciences. Why will he not afford members of his own party that same opportunity, when it comes to this legislation? I urge members to support this. Let us bring forward item 18 and let it be dealt with promptly. The government is often complaining that it wants to get through more legislation, and here is a bill that it can get through very quickly. Let us hear the government's explanation. What is the problem? The government listed the bill last week in its correspondence to me, and put it on the daily business program. It was too far down the list to actually get to it, but it showed a preparedness to bring the bill on if we got through all the other legislation. Do not use it as some tool to get through other legislation; assess it on its merits, and debate it on its merits. Do it quickly, and bring it on.

MR J.H.D. DAY (Kalamunda — Leader of the House) [12.49 pm]: The government will not be supporting this motion. The substance of the issue was well canvassed earlier this morning in the attempt by the opposition to suspend standing orders. All the issues were well canvassed. There was no opposition from the government to some time being used for that, although I cannot say that we welcomed it. There was a respectful approach by government members to the motion that was moved, and the issues were well and truly canvassed. The substance of the issue needs to be dealt with in a considered manner. The Premier indicated that that will occur. I suggest that members who are interested in this issue read his comments. The issue will be considered in a careful and respectful manner, so that appropriate legislation is prepared in consultation with the Law Reform Commission and others. We do not support this motion; it is an abuse of the processes of Parliament.

Division

Question put and a division taken with the following result —

Ayes (20)

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

Noes (34)

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

Pairs

Ms S.F. McGurk	Mr C.D. Hatton
Ms J. Farrer	Mr A. Krsticevic

Question thus negatived.

CHILDREN AND YOUNG PEOPLE — OUT-OF-HOME CARE

Statement by Member for Maylands

MS L.L. BAKER (Maylands) [12.55 pm]: Western Australian children and young people with experience of out-of-home care say that having people they trust in their lives who listen and respond when they express concerns is crucial to their safety and wellbeing. These findings are outlined in a report released this week based on a landmark consultation with 100 Western Australian children and young people with experience of out-of-home care. The report, "Speaking Out About Raising Concerns in Care", is the culmination of a partnership between the Commissioner for Children and Young People, the Department for Child Protection and Family Support and the CREATE Foundation that aims to provide children and young people in care with a voice to help them comment about improvements that are currently underway to the state's child protection system. The Commissioner for Children and Young People, Colin Pettit, said that the 100 children and young people who participated in the consultation exhibited a striking and prevailing resilience despite the significant adversity that they had experienced in their lives. The report found that children and young people experience barriers to their abilities and confidence to speak out when they are worried or scared. As half of all children and young people in care are Aboriginal, a strong mechanism must be in place to ensure that they have avenues to raise concerns that are linked to their culture. With more than 4 500 WA young people now in the care of the state, there is a growing urgency to ensure that we have highly effective systems to support and protect the welfare of this important group.

JOONDALUP HEALTH CAMPUS — EXPANSION

Statement by Member for Joondalup

MR J. NORBERGER (Joondalup — Parliamentary Secretary) [12.57 pm]: I would like to take this opportunity to update the house on my campaign to expand Joondalup Health Campus. It is a fantastic hospital. I distributed a petition card to my electorate asking for its support and I am delighted to advise the house that I have received many, many hundreds of replies from families in the Joondalup electorate who express their support for my desire to see our wonderful hospital grow to accommodate the increasing population in the northern suburbs. I have had conversations with the Minister for Health and extended an invitation for the minister to come and meet the executives of Joondalup Health Campus to not only look at the great work that the hospital is doing at the moment, but also talk about some of the desires that they have to see the hospital grow. I am delighted to advise that the minister has accepted the invitation and we are in the process of organising that visit.

I thank the constituents of Joondalup for their support and I look forward to keeping them updated as I fight hard to see that the hospital that we so dearly love, which is doing such a great job, is able to grow to accommodate the increasing population. I would also like to thank all the wonderful staff who work at the hospital for their outstanding work and the effort that they put in every day to keep our community healthy.

TELETHON — COLLIE, AUSTRALIND AND EATON

Statement by Member for Collie–Preston

MR M.P. MURRAY (Collie–Preston) [12.58 pm]: It is with great pride that I congratulate the Collie, Eaton and Australind communities in my electorate for their terrific efforts in taking out three of the top four positions for the most funds raised by towns at last weekend's Telethon. Collie topped the state, Australind came in second and Eaton was placed fourth on the list of towns—what an incredible showing from my constituents! The difficulties with unemployment, a slowing economy and a lack of any big, new industrial projects are being felt sharply throughout the region, certainly not the least in Collie. Our town is still reeling from the recent blows we have had out in the mines, so to have local people dust themselves off and raise this kind of money for sick kids throughout the state is a wonderful achievement. There were many, many examples of local groups, schools and individuals who came up with novel ways to fundraise. There certainly is not time to mention them all here, but I have picked out one young lady. Georgia Mumme from St Brigid's School in Collie decided to make 200 loom bands and sell them to Collie people, with all funds raised going to Telethon. What a great effort, Georgia; you have done us all proud!

As the shadow minister for south west, I would also like to congratulate the region as a whole on performing better than any other area in country WA. Times are a little tough in the south west at the moment, so it is pretty remarkable that, through all this, local people can still show such selflessness, and nobody is more proud of those fundraising efforts than I. What a magnificent effort from the people of Collie, Australind and Eaton to raise so much money for Telethon and what a privilege it is to be able to represent these communities.

BISHOP JUSTIN BIANCHINI AND BROTHER LEN NEWMAN

Statement by Member for Geraldton

MR I.C. BLAYNEY (Geraldton) [1.00 pm]: Today I would like to acknowledge two men who have touched the lives of many in the midwest. Bishop Justin Bianchini was brought up in New Norcia, the son of a stonemason. He served at Highgate parish, Perth Cathedral parish, Kalgoorlie, Nedlands and Guildford Seminary, and as Bishop of the Catholic Diocese of Geraldton since 1992—one of the largest in the world, stretching as far north as Port Hedland. The bishop speaks of the change in the pace of life and the many blessings from new technology, which also complicates and fills people's lives. Family life is very important, and the biggest challenge for the church now is to try to bring the gospel of Christ to the people. A much-loved leader, I wish Bishop Justin a long, peaceful and enjoyable retirement.

Brother Len Newman was born in Western Australia in 1937 and was educated at Spearwood Convent School and Christian Brothers College, Fremantle. At 19 years of age, Len had a beach accident and was expected to die. He recovered and had to learn to walk again. Len chose to become a non-teaching Christian brother and took his final vows on Christmas Day 1963. After starting at Bindoon, Len was transferred to St Mary's Agricultural School, Tardun, in 1970 as one of eight lay brothers, and became the farm manager in 1973. Founded in 1928, Tardun closed as a place of teaching and ministry in 2009. It was sold in 2014, 86 years after it was founded. In 2014, Len was the last brother to leave, having served there for 44 years. I acknowledge a good man who struggled physically and simply served others.

SHOREHAVEN ESTATE — ALKIMOS

Statement by Member for Butler

MR J.R. QUIGLEY (Butler) [1.02 pm]: I wish to acknowledge the efforts of the residents of the Shorehaven estate at Alkimos for their efforts in gathering together a community group to fight for their rights against the developer, Peet Ltd, which, as I have explained to this chamber before, is a delinquent developer. I want to acknowledge in particular—I will not mention their surnames because they are scared of retribution by the developer—Jeremy and Cody, Reg, Trudy, John, Trevor and Sue and many others who attended the initial community meeting at the Shorehaven cafe on Tuesday evening. They invited representatives of Peet and the City of Wanneroo to come along. Peet was the only group that refused to come. Let me give members an idea of the issues. Their estate is in a dreadful state. There is sand drift everywhere and the developer is not obeying the law. It is not building footpaths, so people have to walk on the roads. The render on the retaining walls that have been built is already falling off. Peet Ltd, led by chairman Tony Lennon, who lives in Peppermint Grove, has made $30 million and it is a delinquent developer. I am very heartened by the fact that I have seen officials from the City of Wanneroo in Parliament today. They have reassured me that they are preparing the prosecution notices against Peet, and not before time. I congratulate the residents for their actions and I promise to stand solidly with them.

EAST FREMANTLE FOOTBALL CLUB

Statement by Member for Bateman

MR M.H. TAYLOR (Bateman — Parliamentary Secretary) [1.03 pm]: Today I want to acknowledge an iconic local sporting club, the East Fremantle Football Club. I had the pleasure of attending some of its home games this season. The club has a long and proud history going back to 1897 and has enjoyed great success both

on and off the football field, setting plenty of records along the way for individuals and teams and for years of service by club officials.

It was an honour to attend the club's annual awards evening on Friday, 7 October 2016 and I would like to acknowledge some of the award winners. Congratulations to Liam Anthony on winning the club's best and fairest award, the Lynn Medal, and also to runner-up George Hampson. I would also like to congratulate the other league award winners: James Harrold, best first-year player; Jordan Dorotich, best clubman; Dylan Winton, patrons rising star; Brett Peake, leading goal kicker; and Tim Bristow, community award. Congratulations also to Jesse Adamini and Matthew Burton, who won best and fairest for the development league and colts respectively.

I was also highly impressed by the depth of talent in the women's league, with 10 players and one coach selected to join the AFL women's league for the history-making inaugural 2017 season. Congratulations to Emma Swanson, Alex Williams, Gabby O'Sullivan, Brianna Green, Jessica Wuetschner, Caitlyn Edwards, Melissa Caulfield, Cassie Davidson, Belinda Smith, Ruby Schleicher, and Nikki Harwood on their selection.

Congratulations to the new league head coach, Rob Wiley, for the significant, positive impact he has already had on the club's culture and performance. President Mark Stewart, CEO Todd Shimmon and all those involved in the club are doing an excellent job and I wish the Sharks every success and more premierships.

Sitting suspended from 1.04 to 2.00 pm

QUESTIONS WITHOUT NOTICE

ROE HIGHWAY STAGE 8 — CONSTRUCTION CONTRACT

832. Mr P.C. TINLEY to the Minister for Transport:

It has been more than a week since the Roe 8 contract was signed and the minister promised to seek advice on its release. When will the minister release the Roe 8 contract?

Mr W.R. MARMION replied:

I thank the member for Willagee for the question. Before I answer the question, I acknowledge student leaders from Mindarie Primary School in the gallery.

As everyone in this house knows, Roe 8 is a terrific project and the missing link in our freight network. It adds to the fantastic Gateway project that we delivered on. That is a wonderful project that everyone acknowledges is a great project for Western Australia and that is completed. At the moment, we are delivering on NorthLink.

Several members interjected.

The SPEAKER: Thank you!

Mr W.R. MARMION: With NorthLink completed, Gateway already done and Roe 8 completed, it will be a fantastic freight network in Western Australia. We all know that we cannot deliver freight only on rail. Labor has only the rail and there is no —

Several members interjected.

The SPEAKER: Member for Willagee, I call you to order for the first time. Minister, short question—short answer.

Mr W.R. MARMION: Just to finish that point, we have a comprehensive integrated policy on delivering freight, which is rail and road.

Mr P.C. Tinley interjected.

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

Mr W.R. MARMION: Hold your horses, member. Just my final point —

Point of Order

Mr P.C. TINLEY: My question was very specific.

Several members interjected.

The SPEAKER: Sit down. Member for Swan Hills, I call you to order for the first time.

I know what your point of order is, thank you. Minister for Transport, it was a short question: when will you release the contract? Just tell us what your answer is.

Questions without Notice Resumed

Mr W.R. MARMION: I will release the report shortly—very shortly, in fact.

Several members interjected.

The SPEAKER: Member for Willagee, I do not want to send you out early today. Just wait a minute. It was a short question on when you will release the contract. You said you would release the contract shortly. Do you have anything else to add?

Mr W.R. MARMION: Yes. I will release the report in 30 seconds.

Several members interjected.

Point of Order

Mr P.C. TINLEY: Mr Speaker, you specifically asked the minister to come back to the question about the contract and he completely ignored you.

Several members interjected.

Mr P.C. TINLEY: Look at the rabble. Members opposite call us rabble. Look at them. Is it a report or is it a contract?

The SPEAKER: Is it a report or is it a contract?

Mr W.R. Marmion: It is a contract.

The SPEAKER: Now, if you are going to release the contract, it is to do with only the release of the contract and then we are moving on. Now you obviously have a contract there, so carry on.

Questions without Notice Resumed

Mr W.R. MARMION: I will talk only about the contract, Mr Speaker. Before releasing it in what was going to be 30 seconds, but it is still another 30 seconds, I have to explain the conditions on which I am releasing it. It is right here in my hand, so just be patient. It is just about there!

Several members interjected.

Mr W.R. MARMION: It is nearly across there! I am trying to get it to members opposite, but they keep interjecting.

There are 113 pages, 34 clauses and 14 schedules. As I said I would, I sought the State Solicitor's advice. Very small passages have been redacted on the advice of the State Solicitor, so it is very important that I sought that advice and was not pressured by the opposition to just hand over the contract.

Several members interjected.

The SPEAKER: Just wait.

Mr W.R. MARMION: I have been careful. Individual names have been removed. I have reduced any potential compromise to the commercial interests of non-owner participants and protected the state's future negotiating position on similar contracts. The final point is that it protects the state's position on certain elements of the project. Members can read the termination clauses. They are all there for members to read. It is a great privilege to provide the "Project Alliance Agreement: Roe 8 Project" to the house.

[See paper 4800.]

Tabling of Paper

Mrs M.H. ROBERTS: In tabling that document, the minister also quoted from a typed piece of paper he had in his hand. Under the standing orders, if a member quotes from something, an official document, they are required to table that too.

Several members interjected.

The SPEAKER: Points of order are to be taken in silence. The minister quoted from something. What is it?

Mr W.R. MARMION: Hand notes, Mr Speaker.

The SPEAKER: Can I have a look at them, please.

Several members interjected.

The SPEAKER: Thank you! I am not interested in you. Thank you; just pass them up to me.

Questions without Notice Resumed

Several members interjected.

Withdrawal of Remark

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

Mr W.J. Johnston: Which statement?

The SPEAKER: You called him a moron.

Mr W.J. JOHNSTON: I withdraw.

The SPEAKER: Thank you. Minister, is there anything else that you quoted from?

Mr W.R. MARMION: You can have the whole lot. I do not care, Mr Speaker.

The SPEAKER: Thank you. That is enough. Somebody will be having a rest.

Those are notes. Thank you.

ROE HIGHWAY STAGE 8 — CONSTRUCTION CONTRACT

833. Mr P.C. TINLEY to the Minister for Transport:

I have a supplementary question. Does the contract that the minister just tabled include the variation for the Stock Road interchange?

Mr W.R. MARMION replied:

No.

Several members interjected.

The SPEAKER: Thank you! Member for Willagee, I call you to order for the third time, and if you keep bellowing out, you are going to have a rest.

ROE HIGHWAY STAGE 8 — TRAFFIC CONGESTION

834. Mr M.H. TAYLOR to the Minister for Transport:

Given that the minister has done such an outstanding job of answering the question about the contract, I wonder whether the minister could explain to the house how Roe 8 will improve safety and reduce traffic congestion for road users and result in more efficient freight movements.

Mr W.R. MARMION replied:

I would be delighted to expand on my previous answer about the benefits of Roe 8.

Several members interjected.

The SPEAKER: Now it is up to you, member for Willagee.

Mr W.R. MARMION: As everyone knows, the Roe 8 extension will take nearly 7 000 trucks off the network south of the river in the electorates of Bateman and Jandakot and in the member for Willagee's patch. It will redistribute about 74 000 other vehicle movements a day. That will reduce congestion and improve the safety of all the trucks on that road. On Leach Highway, 11 per cent of accidents are rear-end accidents involving trucks. The Roe 8 section will reduce 2 000 truck movements on Leach Highway between Kwinana Freeway and Stock Road. With 2 000 fewer trucks a day, there is less likelihood of a rear-end accident with a car, and we know who wins when a truck hits a car.

The other important aspect of Roe 8 is that it helps to connect the Murdoch specialised activity centre and Murdoch University so that students and young families taking their kids to hospital will get easier access to St John of God Murdoch Hospital and also that very important activity centre, where up to 15 000 people could be living. They will need to get in and out of that area and Roe 8 provides that access.

Importantly, Roe 8 will service not only the inner harbour, but also the outer harbour. It is an important freight network link for the state. As I said before, the Labor Party thinks that it will do the outer harbour. When is it going to do it? Has it got a plan? It should show us the drawings. What is the time line? Will it move all the freight by rail alone? Freight cannot be transported from the port by rail and be distributed through the network. At some stage, freight has to go on a truck. We are building roads for trucks because freight goes from rail onto trucks and is then distributed.

Roe 8 is a terrific project. I will not take up Parliament's time any further.

ENERGY — INFRASTRUCTURE — ONSLOW

835. Mr V.A. CATANIA to the Minister for Energy:

Can the minister please update the house on his recent visit to Onslow and the new approach to energy infrastructure in the region?

Dr M.D. NAHAN replied:

I thank the member for North West Central for the question, and thank him for going to Onslow and Karratha with me the other day. As members know, Horizon Power has a very large network—2.5 million square kilometres and 47 000 customers. It is probably the most extensive and sparsely populated energy network in the world. It covers an area with very high costs. I have directed Horizon Power to become one of the world's leading distributed energy firms in the world, and it is on the way to do that.

One of the key pieces of infrastructure is Onslow power station. As members know, Chevron committed to build a nine megawatt gas-fired power station. I think about $106 million was allocated to it. It was delayed for a while because of progress at the Wheatstone project. That gave Horizon Power and the government a chance to go back and try to optimise it using modern renewable energy technology. We renegotiated and we entered into an agreement with Chevron. I congratulate Chevron for committing to this power station and congratulate the various departments involved in overseeing the agreements. The old power station was a nine megawatt gas-fired power station. Chevron agreed to allocate the money to Horizon Power, and Horizon Power would guarantee the adequate amount of electricity. Horizon Power is building its 5.25 megawatt gas-fired power station and providing the rest by solar energy, through a solar farm and solar panels on the buildings, backed up by batteries. When finished, it will be the largest distributed energy system in the world. There are some complications with that because once we rely heavily on solar—we expect to get between 50 to 70 per cent of the energy from solar, including from batteries of course—we have to address all sorts of technological things. For instance, when it is cloudy, the frequency in the system changes. Algorithms are needed to predict it and then alter and adjust it. We also need various incentives for people who rent and do not own their own homes to take up solar energy. Our plan is to make sure that we have blanket coverage of solar panels across all the buildings in the township. There are a lot of complicated aspects of that measure. We will learn from this, and it will be cost effective from the get-go, which is very unique.

As members know, this is not all we are doing. We are planning a distributed energy system in Kalbarri to address the problems with that, particularly the long lines and large numbers of people who are periodically in that vacation spot. Both Western Power and Horizon Power are rolling out experiments, which have been successful to date, of standalone power to replace end-of-grid situations. We have it in Ravensthorpe, Jerramungup and Ongerup. We are also doing it in four to five different areas around Esperance. In high cost areas in Western Australia we are using renewable energy when it is cost effective. We are experimenting with it and learning how to use it, and when the technology changes and the price continues to come down, we will roll out that technology in the south west interconnected system. It is world leading and world beating. That is what this government does.

ROAD SAFETY COMMISSION ANNUAL REPORT — DATA COLLECTION

836. Mrs M.H. ROBERTS to the Minister for Police; Road Safety:

Mr Speaker —

Mr N.W. Morton interjected.

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

Mrs M.H. ROBERTS: I refer to the recently tabled inaugural Road Safety Commission annual report.

(1) When was the minister first advised of the failures with respect to the collection of crash data as outlined on page 24 of the report under the heading “Significant issues”?

(2) I note that the report states that data collections have lost the availability of causal and contributory factors in road safety data. What has been the practical implication of this and can the minister advise the house whether this issue has been fully remedied?

Mrs L.M. HARVEY replied:

I thank the member for the question.

(1)–(2) I think last year’s Road Safety Council section 13 report alluded to the issue that we had in data collection. There was an inconsistency in data collection around road safety statistics across different agencies. We flagged that as an issue last year, and it is certainly an issue this year. I was made aware of it some time ago.

Mrs M.H. Roberts interjected.

The SPEAKER: That is enough.

Mrs L.M. HARVEY: To rectify that, we have now funded the Road Safety Commission to be a central data collection source so that we can get consistent data collection with respect to road safety statistics and road safety reporting. That will also allow us to be comparable with other jurisdictions across Australia so that we can get that consistency in reporting. It is more around the serious injury statistics when there are different definitions of serious injury. There are certainly some discrepancies between the way health and police report those serious injury statistics. This new data collection component of the Road Safety Commission will go to address that.

ROAD SAFETY COMMISSION ANNUAL REPORT — DATA COLLECTION

837. Mrs M.H. ROBERTS to the Minister for Police; Road Safety:

I ask a supplementary question. Given that the Road Safety Commission report states that the government was notified in December 2013, how can the minister justify $95 million sitting in the road trauma trust account and not moving more quickly to fix this important issue?

Mrs L.M. HARVEY replied:

Just to correct what I said, this was not reported in the section 13 report; it was reported in the crash data report.

Every year, about 15 months —

Point of Order

Mrs M.H. ROBERTS: As I made very clear in my question, I was referring to page 24 of the Road Safety Commission's annual report and the heading "Significant Issues", not to another report that the minister is now referring to.

Questions without Notice Resumed

Mrs L.M. HARVEY: I was explaining when I was first made aware of this.

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland!

Mrs L.M. HARVEY: The first time this was mentioned was when the crash data for the 2013 year was reported. It has been flagged as part of that crash data report subsequently, and it has now been flagged also as a significant issue in the Road Safety Commission's inaugural report.

As members will no doubt be aware, the government collects swathes of data. Unfortunately, that data is not always classified consistently. The remedy for this is to have the Road Safety Commission define the data collection so that we have integrity to our data collection source and we can report appropriately. I expect it to be fixed for the next Road Safety Commission report that will be tabled in Parliament in due course.

FIONA STANLEY HOSPITAL — WAITING TIMES

838. Mr R.F. JOHNSON to the Minister for Health:

I was phoned by a former member of Parliament this morning whose 70-year-old wife had an accident in a local shopping centre in the south metropolitan area and broke her arm. She was taken to the flagship hospital, Fiona Stanley Hospital. Four days later, today, she is still waiting to have her arm seen to by a medical practitioner within the hospital. She has been in a luxurious room but had to pay to watch the television. The reason for the delay is that there are not enough staff there, apparently.

The SPEAKER: You are making a speech, member. Can you ask a question.

Mr R.F. JOHNSON: I am coming to it, Mr Speaker. What will the minister do about people like the former member of Parliament's wife who has waited four days to have some medical attention and is still waiting?

Mr J.H.D. DAY replied:

What I will do is if the former member of Parliament—or his wife, but presumably the former member of Parliament—would like to contact me or my office —

Mr R.F. Johnson interjected.

The SPEAKER: That is enough!

Mr J.H.D. DAY: — or if the member for Hillarys would like to give me the details, I will have the particular circumstances investigated. Obviously, if a particular patient who needs treatment has not had treatment after four days and that is actually the case and the whole story, that would be concerning, but I would be very surprised if no other factors are involved. However, if somebody would like to give me the details, I will obtain more information.

FIONA STANLEY HOSPITAL — WAITING TIMES

839. Mr R.F. JOHNSON to the Minister for Health:

I have a supplementary question. The former member of Parliament to whom I referred is Frank Hough. He emailed the Premier's office this morning to advise the Premier of the situation, which is very serious for him and his wife.

The SPEAKER: Just ask a question.

Mr R.F. JOHNSON: I will. I want to know exactly what the minister is going to do.

Several members interjected.

The SPEAKER: That is enough!

Mr R.F. JOHNSON: There are so many people in here who are experts. Will the minister liaise with the Premier's office to see the email and take some action?

Mr J.H.D. DAY replied:

Of course, every time a specific case is raised with me or my office, assistance is provided to find out the facts and ensure that an appropriate response is provided. If that is what Mr Hough, now that the member has identified him, would like to happen, I will certainly ensure that that occurs.

UTAH POINT — SUBSIDY

840. Mr M. McGOWAN to the Treasurer:

I refer to the government's decision to extend the $2.50 per tonne subsidy for junior iron ore miners to use Utah Point to 30 June 2017, and to his comments yesterday, and I quote —

> "It is not appropriate for WA taxpayers and electricity consumers to subsidise private companies …

What criteria does the Treasurer apply to determine which private companies will receive taxpayer-funded support and which will not?

Dr M.D. NAHAN replied:

I thank the Leader of the Opposition for the question, which highlights the issue. The issue is that yesterday the Leader of the Opposition heard that ABB is closing down the Malaga plant. He jumped on the issue without ascertaining the facts. He tweeted —

Mr M. McGowan: You misled.

Dr M.D. NAHAN: No.

Several members interjected.

The SPEAKER: That is enough!

Dr M.D. NAHAN: The Leader of the Opposition jumped on the issue and said that this would not happen under Labor. The Leader of the Opposition implied that ABB should have gotten the job no matter what.

Mr M. McGowan interjected.

Dr M.D. NAHAN: Yes, he did. He said that it would have got the contract and that it would not have lost those jobs under Labor. It was not 80 people. I have a letter, which I will table, from the head of ABB in Western Australia. He has moved on actually. According to him, the number of people is 56.

Ms R. Saffioti interjected.

Dr M.D. NAHAN: Fifty-six people lost their jobs because of the contract, not 80. The Leader of the Opposition did not inquire into the reason that ABB did not get the contract, which was that a firm, yet to be awarded the contract, was 40 per cent cheaper. Also, as I indicated, we were very concerned because we knew—ABB told us—that ABB has built a very large new plant in Vietnam and is servicing —

Several members interjected.

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

Mr M. McGowan interjected.

The SPEAKER: If you want to talk when I am on my feet, I will call you as well.

Dr M.D. NAHAN: We were very worried that if the contract was signed and Western Power was locked into ABB's gear that it might over time move the activities away from Malaga to Vietnam.

The Leader of the Opposition asked about yesterday —

Mr B.S. Wyatt interjected.

Dr M.D. NAHAN: I am getting there. The member for Victoria Park did not ask the question; just hold on. Importantly, we left the decision —

Several members interjected.

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

Dr M.D. NAHAN: We left the decision up to Western Power. Western Power is the proper agency to make the decision on the competitive tender. I stand by those figures. They came from Western Power.

Mr M. McGowan: It is $16 million a year.

Dr M.D. NAHAN: Yes.

Mr M. McGowan: A $16 million differential.

The SPEAKER: Thank you.

Dr M.D. NAHAN: Do you want me to move on or do you want to ask a supplementary question?

The SPEAKER: Through the Chair.

Dr M.D. NAHAN: The question was about the junior miners. We gave them a $2.50 per tonne discount on the use of Utah Point, which we also gave them the year before, on the basis of a cabinet decision.

Mr B.S. Wyatt interjected.

Dr M.D. NAHAN: Just hold on. If the member wants to ask a question, let me get to the point and I will answer them all.

It was a cabinet decision. There was analysis by Treasury that the most appropriate assistance to provide was a discount at throughput for the use of Utah Point, to allow the junior miners to continue to export. All the input providers to Atlas and Mineral Resources also took discounts in their charges for the junior miners to keep them going, particularly in 2014–15 when the price dropped and in 2015–16. All the input providers provided discounts, including Utah.

Several members interjected.

The SPEAKER: That is enough! Is there a supplementary question?

Dr M.D. Nahan: I am not finished.

The SPEAKER: Are you not finished?

Dr M.D. NAHAN: I thought you told me to sit down.

The SPEAKER: I do want you to sit down; quickly through the Chair, thank you.

Dr M.D. NAHAN: Treasury did analysis to keep the firms alive, to keep them exporting —

Several members interjected.

Dr M.D. NAHAN: They do export iron ore, you know. Members opposite are a bit backward.

Ms R. Saffioti: How much was the cost?

Dr M.D. NAHAN: It is all itemised.

The SPEAKER: Member for West Swan!

Dr M.D. NAHAN: It will keep them alive. But the difference is —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I call you to order for the second time. If you want to ask a question, put your name down.

Dr M.D. NAHAN: The difference is that ABB, a global multinational, submitted a contract to provide transformers to Western Power. It has been doing that for a while. It was 40 per cent out of the money. Western Power was going to somebody else and buying those transformers. In the case of Utah and the junior miners, if we had not provided that, they would have gone out of business and there would be nothing.

UTAH POINT — SUBSIDY

841. Mr M. McGOWAN to the Treasurer:

I have a supplementary question. Will the Treasurer table the tenders to prove his argument about the 40 per cent differential; and, can he again explain the criteria that make it different for manufacturing jobs versus mining exports?

Dr M.D. NAHAN replied:

Again, I know the Leader of the Opposition is unable to understand the fundamental difference. The issue with ABB was that it submitted a tender to provide transformers to Western Power on a competitive basis.

Mr M. McGowan interjected.

The SPEAKER: That is enough!

Dr M.D. NAHAN: It was 40 per cent or five years, $80 million, out of the money. The real problem is that the Leader of the Opposition jumped on to tweet and shallowly said that Labor would have forced Western Power to sign that contract, without knowing the data. In terms of Utah, we made a submission. We brought it to cabinet and we assessed the issue. We did not react just on Twitter; we analysed the data. The difference is that there are thousands of people working for Atlas and Mineral Resources and it was a temporary $2.50 discount for another year.

Mr B.S. Wyatt interjected.

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

Dr M.D. NAHAN: The Leader of the Opposition cannot complain when he hassles. He cannot complain about long answers when he asks many questions.

There was $2.50 for one year, with transparency, and other people committed to other reductions and it kept thousands of people going in exporting, with local jobs and local activity from mine sites.

Mr B.S. Wyatt interjected.

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

ORD STAGE 2 — STATE CONTRIBUTION

842. Mr W.J. JOHNSTON to the Treasurer:

I refer to the Premier's comments last month in *Hansard* about Ord stage 2 that —

> If all the sums, the cost benefits and the like are done, will the project stack up 100 per cent on economic grounds? No, it will not. It was never going to do that …

(1) How much of the $330 million state contribution will be recovered by the taxpayers?

(2) What is the level of subsidy being provided and how many full-time jobs have been created by this $330 million expenditure?

Dr M.D. NAHAN replied:

(1)–(2) The expansion of the Ord was the first time in probably 40 years that we saw any expansion of irrigated agriculture in Australia.

Mr B.S. Wyatt: Well done.

Dr M.D. NAHAN: Good. Every time in every case that I have ever heard about of expanding irrigated agriculture —

Several members interjected.

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

Dr M.D. NAHAN: Every time I have looked at the area—I might be wrong—most expansion of irrigated agriculture in Australia has always required a government subsidy in terms of capital works. The previous Ord project did, this Ord project did and the rest of them will. Many reports over the years have indicated that in order to make the Ord successful, it had to be expanded very dramatically. Economies of size were required and major investors were needed to expand it further and to invest private money into the business to get it going. It is the beginning of a new industry in that area. There is no doubt that it was a subsidy. We underwrote the investment of infrastructure, just like we do on a whole range of infrastructure. The Henderson facility in Cockburn Sound was underwritten and funded largely by government and we will never recover the full investment that we put into the Henderson estate. It has created many thousands of jobs. It is the same thing.

Several members interjected.

Dr M.D. NAHAN: Members opposite have no faith; they do not know regional Western Australia or indeed agriculture at all. They do not know anything about it and they do not care. It is strange that the member for Kimberley is one of your mob.

Mr P. Papalia interjected.

The SPEAKER: That is enough, member for Warnbro.

Dr M.D. NAHAN: Nonetheless, it is an investment that we made.

Mr B.J. Grylls interjected.

The SPEAKER: Member for Pilbara, I call you to order for the second time. Thanks for the help, member for West Swan.

Dr M.D. NAHAN: It is an investment that we made into the future of the Kimberley and it will pay off hugely over the years, particularly in the employment of Aboriginal people.

ORD STAGE 2 — STATE CONTRIBUTION

843. Mr W.J. JOHNSTON to the Treasurer:

I have a supplementary question. Exactly how many ongoing, permanent Indigenous jobs were created by the $330 million investment of taxpayers' money?

Dr M.D. NAHAN: The member would not know this, nor care, but the project is still very much in its development phase. The project venture is still buying land and adding to it. We are still looking at another expansion and still clearing the land. Agricultural processes take a while. We have to get the land ready, we have to do the planting and when it gets to that stage; do members know what it is called?

Point of Order

Mr W.J. JOHNSTON: It was a very simple question: how many ongoing, permanent Indigenous jobs were created? That is all I asked.

The SPEAKER: Has the Treasurer anything further to add?

Questions without Notice Resumed

Dr M.D. NAHAN: As usual, the question is not worth responding to.

Several members interjected.

The SPEAKER: That is enough; the question is finished.

OSBORNE PARK HOSPITAL — CAR PARK

844. Mr C.D. HATTON to the Minister for Health:

I have been getting quite a bit of exercise down the back here, but thank you for taking my question.

The minister reached a significant milestone today in the development of the Osborne Park Hospital car park. Can the minister please inform the house on the progress towards this very important election commitment in my electorate?

Several opposition members interjected.

Mr J.H.D. DAY replied:

I thank the member for the question. On behalf of the member for Dawesville, I acknowledge students in the gallery from the Living Waters Lutheran College, obviously situated in the electorate of Dawesville—welcome.

This is an issue that the member for Balcatta has been advocating for some years and it was a commitment that he made in the 2013 election campaign. He identified that insufficient parking was provided at Osborne Park Hospital because there were problems with excessive parking on the streets around the hospital that, in some cases, made it difficult for people to access their homes. A commitment was made and I am very pleased to have visited the hospital today to be involved in the early works for the construction of an additional 300 parking bays, bringing the total number of parking bays provided at Osborne Park Hospital to 800. This is a substantial increase. When the question was asked, the opposition ridiculed the fact that this was the subject of a question, but this government has put an enormous effort into redeveloping our hospital and health system right across Western Australia from very big to very small developments, all of which are important.

Mr R.H. Cook interjected.

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

Mr J.H.D. DAY: I am pleased that the works are now underway to provide the additional 300 parking bays, which will mean much easier access for people using Osborne Park Hospital. This hospital is a very important part of our metropolitan health system, particularly in the northern and inner northern metropolitan area. This is demonstrated by the fact that each year it admits 13 000 patients, it provides 6 000 people with elective surgery, it provides 91 000 outpatient appointments and 1 500 babies are delivered. This hospital focuses largely on rehabilitation, aged-care treatment, elective surgery and maternity services. The member for Kwinana was just asking about other developments at the hospital. About $22.4 million has been spent on capital works at the hospital in recent years during our time in government as a part of a National Partnership Agreement. That substantial allocation of funds has provided for new birthing suites, improvements to the lifts and also an expansion of the theatre complex. All these developments show the very strong commitment that this government has to Osborne Park Hospital. It has a strong future and the additional parking bays will provide for the long-term future of the hospital as it continues to grow and provide health services to people in that part of the Perth metropolitan area. I acknowledge the interest of the member for Dawesville in this project, having been the health minister when it was committed to.

ELIZABETH QUAY — FIT-OUT AND RENTAL COSTS

845. Ms R. SAFFIOTI to the Treasurer:

I refer to the fact that taxpayers have contributed to the fit-out of the food and beverage outlets at Elizabeth Quay while also giving the tenants a rent-free period.

(1) Can the Treasurer explain the subsidising of the fit-out and rental costs for some food and beverage outlets in the quay?

(2) What is the total amount of the subsidy?

Dr M.D. NAHAN replied:

(1)–(2) For details the member really should ask this question of the Minister for Transport; however, I will have a go at this answer. As the member knows, before Elizabeth Quay existed there were, adjacent to it, particularly on the wharf there, a range of businesses renting facilities from the Department of Transport. The one I go to is the Annalakshmi on the Swan restaurant. When EQ was being built, the throughput of the businesses collapsed.

Point of Order

Ms R. SAFFIOTI: I think the Treasurer is confused. This question is about the new businesses that the government has provided subsidies for in terms of fit-out and rental costs.

The SPEAKER: I will give the Treasurer a little lead-in and then he can answer that question.

Questions without Notice Resumed

Dr M.D. NAHAN: You have to be specific when you ask questions, so tough it out.

Several members interjected.

The SPEAKER: That is enough!

Dr M.D. NAHAN: Because they were tenants of the Department of Transport and because the government was redeveloping the site and blocking access to them, we gave them a rent-free period.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I call you to order.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler!

You are going into details about existing tenancies that were there before. I understood this question was to do with new tenancies that are being fitted out.

Dr M.D. NAHAN: She did not make that clear as usual. She mumbled a lot.

Several members interjected.

The SPEAKER: It is very clear in my mind that it is to do with new tenancies and fit-outs for new tenancies, so let us go there.

Mr B.S. Wyatt: Everyone gets it except you, Treasurer.

Dr M.D. NAHAN: Yes, yes.

We developed the beautiful Elizabeth Quay. I go there quite often. There is a very good exhibition called "Mahatma in me"—some sculptures there; take a look at them. We know that over three million people have visited EQ since its opening in January. The Metropolitan Redevelopment Authority, as the landlord for the facility, to encourage people to invest there and take out leases, gave assistance —

Several members interjected.

The SPEAKER: That is enough!

Dr M.D. NAHAN: It gave assistance in early times to draw in people. The mumblers over there are obviously from the Labor Party; they know nothing about business. When things are initially leased out, we make leases and other things to encourage people to come in. I can assure members, as the Premier indicated, we are way in front with the sale of land to fund EQ. More importantly, the demand for facilities both at the EQ site and the adjacent wharf area are booming. Annalakshmi says that —

Several members interjected.

The SPEAKER: Quick answer, so we can move on.

Dr M.D. NAHAN: Annalakshmi's business has increased tenfold due to EQ. I know members opposite do not like EQ, but it is a rip-roaring success. It indicates the leadership of this government in making a necessary investment to get activity there over the screaming and whingeing of people opposite.

ELIZABETH QUAY — FIT-OUT AND RENTAL COSTS

846. Ms R. SAFFIOTI to the Treasurer:

I have a supplementary question. Why is it okay, Treasurer, to subsidise ice-cream parlours and burger places but not manufacturing plants?

Dr M.D. NAHAN replied:

Again, you don't understand it.

Several members interjected.

Dr M.D. NAHAN: Again, the member does not understand it. The member wants us to, because members opposite are union members —

Ms R. Saffioti: You are subsidising nearly half the state.

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

Several members interjected.

The SPEAKER: That is enough.

Dr M.D. NAHAN: There is a difference —

Several members interjected.

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

Right—30 seconds.

Dr M.D. NAHAN: Because people opposite are members of the union, ask us —

Several members interjected.

The SPEAKER: Members!

Dr M.D. NAHAN: The mob over next door —

An opposition member: We're next door now, are we?

Dr M.D. NAHAN: — would impose a $90 tax on every electricity consumer in the state to subsidise people in Airbnbs. What do we do? We incentivise people to take out leases under the MRA. It is a rip-roaring success and they will go onto a commercial basis.

Several members interjected.

The SPEAKER: That is enough!

Dr M.D. Nahan Interjected.

The SPEAKER: Treasurer, I call you to order.

ROAD TRAFFIC AMENDMENT (IMPOUNDING AND CONFISCATION OF VEHICLES) BILL 2016

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mrs L.M. HARVEY: I move —

> Page 2, after line 10 — To insert —
>
> (2) Subsection (1)(b) is subject to section 54.

Mrs M.H. ROBERTS: I wonder whether the minister might put on record what has necessitated this amendment to her legislation.

Mrs L.M. HARVEY: The reason for all these amendments is that this amending legislation was on the notice paper in Parliament at the same time as other amendments to the Road Traffic Act. These are all consequential amendments to ensure that this amending legislation will marry appropriately with the other amending legislation to the same act, which has been passed subsequently in the council.

Mrs M.H. ROBERTS: Can the minister advise why the Road Traffic Legislation Amendment Bill 2016 and the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 were not brought to the Parliament as one bill and potentially dealt with a lot more promptly and expeditiously? What necessitated them being two separate bills?

Mrs L.M. HARVEY: They were drafted at different times. Rather than holding up the process with both amendments, as the Road Traffic Legislation Amendment Bill was ready to be introduced, we introduced it knowing that when this Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill came to Parliament, we would need to put consequential amendments on the notice paper, depending on which amending legislation was approved by Parliament first.

Mr R.F. JOHNSON: I notice there are basically four pages of amendments on the notice paper. I thought the minister might have said that there are some serious flaws in the original legislation which is why she has had to put four pages of amendments on the notice paper. Simple legislation that was recently introduced in Parliament had only eight clauses but the minister said that was seriously flawed, as was the legislation we tried to introduce again today. I think there are some inconsistencies. I would like to know why this bill is not seriously flawed but other legislation is. The same draftspeople draft the legislation.

Mrs L.M. HARVEY: I think I made it very clear that there were two amending bills in Parliament at the same time at different stages. These consequential amendments are a result of that. There is no flaw in either amendment bill. There is a requirement to update this amendment bill to ensure that it is consistent with the previously passed amendment legislation so that the legislation flows in the appropriate numbering system and that it makes sense. There is no flaw in either bill; it is just one of those anomalies that occur with the passage of time. With respect to the other legislation, I believe we debated that at the time.

Mr R.F. JOHNSON: No, we did not debate it at the time because the minister gave no reason. The minister simply said there were serious flaws in that legislation. She has never ever had the common courtesy to tell us what the flaws were; like the sexual abuse ones.

Mr J. Norberger interjected.

Mr R.F. JOHNSON: Why don't you be quiet! You're supposed to be a Christian but you voted for paedophiles today. You're supposed to be a Christian from Globalheart—you're a disgrace!

The ACTING SPEAKER (Ms L.L. Baker): Member for Hillarys and parliamentary secretary, that is not appropriate.

Mr R.F. JOHNSON: The point I wanted to make was simply this: this is quite a large bill and we have to cover four pages of amendments. Why did the minister not show common courtesy to this Parliament by taking these bills away and coming back with one bill that did not need amending, like the one we have in front of us today? Why did she not do that? The minister has different bills. We could have debated one bill rather than going backwards and forwards asking questions about all these amendments. I would say that that was flawed.

Mrs L.M. HARVEY: I realise that the member has not been here for the past two days, but I tabled the explanatory memorandum to explain why these amendments were here. I cannot make it any clearer. I have nothing further to add.

Mrs M.H. ROBERTS: The member for Hillarys made a very good point. The minister fails to point out to the house that she said there happened to be these two bills before the house at the same time. It was as though it was some kind of mystery or coincidence—that it just happened. This minister is the sponsor of both bills. Both bills are hers. If there is some little issue with coordination, she is in the perfect position to have done this and she would not have had to move this amendment. The Leader of the House is often critical of how long it takes to get some legislation through this house. This legislation exemplifies why it often takes so long—it is because of the muddle that the government is in. The Minister for Police made it quite clear in her second reading speech that this bill fulfilled an election commitment from 2013—that the provisions here reflected what was promised at the 2013 state election. That is why these tougher powers to impound and the other powers in connection to off-road bikes were part of this legislation. I pointed out during the second reading debate that it is rather poor to make a promise at an election to say that certain things will be done if the government is re-elected for the next four years but then wait until the death knell in Parliament to introduce the legislation. Any competent minister would have introduced the legislation a couple of years ago for starters and would have looked at all the various amendments she wanted to make to the Road Traffic Act. She could have had them in one substantial bill. It would all have been very clear. She would not have needed to move amendments.

I make the point, too, that this bill will not be able to pass through this house today because the government has amendments on the notice paper like the one currently under discussion. If that were not the case, we probably would not be pausing at clause 2 to have this debate. The government likes to complain pretty hard but it brings it all on itself. No-one brings it more on herself than the Minister for Police. Her handling of legislation is poor. There is one bill before one house and another bill before another even though the same act is being amended. The government realises there is an overlap and that things have not timed out as she thought they might. The government is in charge of the timing of legislation before each house and whether one bill overlaps with another. The ball is in its court. The government could have much better coordinated this. It would save a lot of parliamentary time if it simply got its act together. When two bills are brought to the house—as the Minister for Police has done—of course that gives her two sets of second reading speeches, two lots of consideration in detail stage and two lots of third reading stage. If the minister had been smart she would have brought one bill before the house, she would have had one second reading speech, one consideration in detail stage and one third reading stage. To find that duplicated in both houses exemplifies pretty poor management.

I pause on this amendment that the minister has moved to make a point, because there is a jumble here. Many members have read the commencement clause and it is really hard to follow. The minister has moved that the new subsection (2) is to be inserted to provide that —

> If the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation … before … section 3A of this Act … section 4 and Part 3 Division 2A of this Act —
>
> …
>
> (b) are repealed when section 3A … comes into operation.

I expect for most people that is about as clear as mud! It should not have been that way. We often ask to have compilation bills or a marked-up copy of bills. In this instance it would have been good to have a marked-up copy of both bills. All of this could have been avoided had we simply had one amending bill before the house and not two; or indeed if the minister and the government had got their act together at a much earlier time and introduced this impounding legislation two or three years ago rather than in the third-last sitting week of the year.

The ACTING SPEAKER: I will give the call to the member for Hillarys. I need to tell members that even though I have let this line of questioning continue, it is not strictly relevant to the specifics of that amendment; it is a more general debate. Could you please look specifically at the amendment.

Mr R.F. JOHNSON: Madam Acting Speaker, I always take great notice of your direction. I promise you I will do that.

Can the minister please explain in clear detail what this amendment is destined to achieve?

Mrs L.M. HARVEY: I will go to the explanatory memorandum, which details it very clearly. The new subsection (2) is inserted to provide that —

> If the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation … before … section 3A of this Act … section 4 and Part 3 Division 2A of this Act —
>
> …
>
> (b) are repealed when section 3A … comes into operation.

It is a consequential amendment as a result of the two amending bills going through Parliament simultaneously.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Act amended —

The ACTING SPEAKER: The question is that clause 3 stand as printed.

Mrs M.H. ROBERTS: Madam Acting Speaker —

The ACTING SPEAKER: We have to focus on new clause 3A. My advice is we move —

Mrs M.H. ROBERTS: Am I able to speak to clause 3?

The ACTING SPEAKER: If you would like to, yes, certainly. Clause 3A will follow.

Mrs M.H. ROBERTS: Clause 3 simply states —

> This Part amends the *Road Traffic Act 1974*.

I realise that other acts are amended in other parts of the bill. I note the flagged amendment on pages 10 and 11 of today's notice paper. I note that the minister intends to move that amendment. I signify that we would like a full explanation put on the record about why that is necessary. It seems to me quite clear that it would stand alone. Clause 3 states simply —

> This Part amends the *Road Traffic Act 1974*.

I do not see why that would need to be changed.

Mrs L.M. HARVEY: There is not a change to clause 3. Proposed new clause 3A is an alternative to clause 4, and we will come to that after clause 3 has been passed.

Clause put and passed.

New clause 3A —

Mrs L.M. HARVEY: I move the following amendment on the notice paper at page 10 —

> Page 3, after line 3 — To insert:
>
> **3A. Section 49AAA amended**
>
> (1) In section 49AAA insert in alphabetical order:
>
> ***above the speed limit***, in relation to the driving of a vehicle, means driving the vehicle at a speed that exceeds the speed limit applicable to the driver, the vehicle or the length of road where it is being driven;

confiscation zone means —

in relation to a vehicle, a length of road where the speed limit applicable to the vehicle, or the length of road, is 50 km/h or less; or

a school zone;

motor cycle means a motor vehicle that has 2 wheels and includes —

a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and

a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

school zone means a length of road designated as a school zone under a road law;

speed limit means a speed limit set under a road law.

(2) In section 49AAA in the definition of ***provide driving instruction*** delete "vehicle." and insert:

vehicle;

Note for this section:

This section is an alternative to section 4 and Part 3 Division 2A and applies if the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation on or before the day on which this section comes into operation. See section 54(1).

This amendment is quite extensive. The reason for this amendment is that new clause 3A is an alternative to clause 4 and part III division 2A and applies—as with the other amendments on the notice paper—to the Road Traffic Legislation Amendment Act 2016. Section 42 comes into operation on or before the day on which this provision comes into operation. It is basically to ensure that this legislation is amending the amended Road Traffic Act as a consequence of the Road Traffic Legislation Amendment Bill that has already been passed.

Mrs M.H. ROBERTS: The minister said that it is an alternative to clause 4. I note that the minister is not intending to delete clause 4. Therefore, can the minister explain how that would work?

Mrs L.M. HARVEY: When new clause 3A comes into operation, the road traffic amendment act will repeal clause 4. Basically, at the time it is proclaimed, clause 4, as we are reading it on this amending bill, is repealed and new clause 3A replaces it.

Mrs M.H. ROBERTS: When the minister refers to the road traffic amendment act, is the minister actually referring to the Road Traffic Legislation Amendment Act?

Mrs L.M. HARVEY: Yes.

Dr A.D. BUTI: The minister's answer to the member for Midland was that the reason she used the word "alternative" is that clause 4 will remain in operation until new clause 3A comes into existence. Is that what the minister is saying?

Mrs L.M. Harvey: Yes.

Dr A.D. BUTI: When will clause 4 come into operation?

The ACTING SPEAKER: We are now on new clause 3A.

Dr A.D. BUTI: I know, but I am seeking an explanation for the operation of clause 4.

Mrs L.M. HARVEY: Clause 4 would come into operation if this was proclaimed prior to the Road Traffic Amendment Legislation Bill that has already passed through the house. This is to ensure that we have the appropriate sections laid out, dependent on which piece of legislation is gazetted first.

Mrs M.H. ROBERTS: The minister is presenting this as though there is some kind of mystery about which bill could be proclaimed first. Again, this is legislation that the minister is responsible for. The minister is the person who sends forward the paperwork to get the proclamation of either one of these bills. The minister can presumably proclaim these bills in any order she would like. I am a bit mystified as to why the minister is presenting this case as, "If this bill is proclaimed before that bill". Surely the minister is the person who determines what is proclaimed first. The minister is responsible for both these pieces of legislation. Therefore, why are we having this type of weird and doubtful discussion? Both these pieces of legislation are under the minister's control. Surely the minister is able to determine which bill is proclaimed first and on what day.

Mrs L.M. HARVEY: I will make it clearer. The Road Traffic Legislation Amendment Bill that has been passed will come into effect prior to this legislation. Therefore, this amending legislation needs to have the insertion of new clause 3A so that it accurately reflects the amendments that have been made in the other piece of legislation that has gone through the Parliament.

Mr R.F. JOHNSON: I am a bit confused. Did I hear the minister say that the amendment is on page 10 of the notice paper?

Mrs L.M. Harvey: Yes.

Mr R.F. JOHNSON: Can the minister tell me where the amendment is on the notice paper, because it is not on page 10?

The ACTING SPEAKER: It is on page 12, minister.

Mr R.F. JOHNSON: The minister is not misleading the Parliament I hope.

Mrs L.M. HARVEY: I have an old notice paper. It is page 12.

Mr R.F. JOHNSON: It is flawed, is it? I have been looking at page 10 to try to find the amendment, and I cannot find it anywhere. It is nowhere to be found.

Mrs L.M. Harvey: You could not flick the page over?

Mr R.F. JOHNSON: No. I was looking for it. The minister said page 10. I took her at her word—big mistake; I realise that.

Mrs L.M. HARVEY: I think I need to clarify this for members' information. I do apologise. I was reading from yesterday's notice paper. Obviously there have been some changes to the notice paper today. For the clarity of all members, the amendment is not on page 10. If members flick the page over, it is on page 12.

Dr A.D. BUTI: I could deal with this when we get to the next clause, but I will deal with it now. The definition of "motor cycle" in new clause 3A reads —

> ***motor cycle*** means a motor vehicle that has 2 wheels and includes —
>
> > a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
> >
> > a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

That makes commonsense. However, I am wondering whether the minister is restricting this too much. With modern technology, a vehicle might have four wheels and be driven in the same way as a motor cycle is driven. However, that will not come under this description. Some golf carts have four wheels. They could be driven in a dangerous situation and cause a nuisance in the same way as a motor cycle might cause a nuisance. I am wondering whether the minister is being too restrictive in her definition.

Mrs L.M. HARVEY: Member, I am confident that this definition is consistent with the definition of "motor cycle" in the Road Traffic Act. That is why this definition has been used for the purposes of the legislation. I take the member's point that there could be changes in the future. However, at present this definition adequately and appropriately describes the type of vehicle that will be subject to the confiscation orders that the police will be able to implement should this legislation pass.

Mrs M.H. ROBERTS: Just to be clear, the new clause 3A that the minister is seeking to insert contains definitions for "above the speed limit", "confiscation zone", "motor cycle", "school zone" and "speed limit". Currently, those definitions are listed at clause 4 of the original bill that was presented to the house. The minister has advised that when the Road Traffic Legislation Amendment Act 2016 is proclaimed, clause 4 will be deleted and replaced with new clause 3A. I am wondering whether that will then be renumbered in the bill and how that will work. I am also wondering when the government intends to proclaim this legislation. The impression that I am getting from this discussion is that the Road Traffic Legislation Amendment Act 2016 is likely to be proclaimed relatively shortly, but there is no real intention to proclaim the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 any time particularly soon. Obviously, I am hopeful that this legislation, which the opposition supports, can go through this house, if not today, on the next day on which we sit. It cannot go through today because of the government's amendments, so we will have to have the third reading the next time we sit in any event, irrespective of what point we get to today.

I note that the upper house is sitting for another three weeks. I understand that my colleague in the upper house Hon Sue Ellery has asked the Liberal leader in the upper house, Hon Peter Collier, for a list of priority legislation. I would like to know from the Minister for Police; Road Safety whether this will be a priority bill to get through the upper house by the end of the year; and, if so, when is the earliest opportunity that this legislation could be proclaimed?

Mrs L.M. HARVEY: The answer is: yes, this bill is being given priority for passage through the Legislative Council. Obviously, it is a priority of government and we would like it to pass. Once it passes through both houses of Parliament—presuming it passes through the Legislative Council in the three-week sitting period that it has left—we envisage that this legislation will be proclaimed in mid to late December. I cannot see any reason not to progress with that once the legislation is through both houses.

Mrs M.H. ROBERTS: Turning to the definitions, under proposed section 49AAA, the definition for "confiscation zone" states —

> in relation to a vehicle, a length of road where the speed limit applicable to the vehicle, or the length of road, is 50 km/h or less;
>
> or a school zone;

I understand that this is a new definition that is not in any of the current road traffic legislation. As we said, we support the establishment of confiscation zones. As I read the proposed definition, it will apply to school zones. I note that school zones operate for set hours in the morning and afternoon. I wonder whether there should be some clarification that it means when the school zone is operative. School zones are designated lengths or areas of roads in the vicinity of schools, but they are operative for only certain hours, so my concern is that we might call this a confiscation zone, but it should be a confiscation zone only on days that school is on and during those set hours. For example, school zones are not operative in January, so I hope that people would not be unintentionally potentially caught out by this legislation because it is a confiscation zone. I cannot see any reference here or elsewhere to the actual hours in which those zones operate.

Mrs L.M. HARVEY: This defines "confiscation zone". As we get further into the legislation around the confiscation provisions, it specifies that a school zone needs to be active. I would note that not every school zone in the state is a 40-kilometre-an-hour zone. There are school zones that are 60-kilometre-an-hour zones. We have referred to it here as a "school zone. As we get further into the legislation, we will define that the school zone needs to be active for the confiscation to occur, dependent, of course, on whether the behaviour is under the definition of "confiscation zone" proposed paragraph (a), whereby it may be a 50-kilometre-an-hour zone in which the confiscation could apply regardless of whether the school zone was active.

Mrs M.H. ROBERTS: Thanks for that advice. The minister has not completely alleviated my concerns and I note that some school zones—indeed, I have some in my electorate—are 60 kilometres an hour. For example, the section of Great Eastern Highway in the vicinity of Governor Stirling Senior High School is a 60-kilometre-an-hour school zone. I gather the minister's clarification means that Great Eastern Highway in Woodbridge in the vicinity of Governor Stirling Senior High School will be included. The minister has also just advised that somewhere further in the legislation, there was a reference to school zones needing to be active. Could the minister point out that section to me so I can look through that while we have other debates?

Mrs L.M. HARVEY: Member, the advice I was given was not quite accurate. "School zone" is defined in the Road Traffic Code, which provides that a school zones needs to be signposted and active during the zone periods. It has not been cross-referenced here because the Road Traffic Code and the act are conjunctively considered.

Mrs M.H. ROBERTS: New clause 3A amends section 49AAA to read, in part —

> ***confiscation zone*** means —
>
> in relation to a vehicle, a length of road where the speed limit applicable to the vehicle, or the length of road, is 50 km/h or less; or
>
> a school zone;

My view is that it should state "or an active school zone" so that people do not have to consult another piece of legislation to work out what that means. Perhaps the minister may like to consider inserting the word "active" so that it states "or an active school zone" so that there is no unintended consequence.

Mrs L.M. HARVEY: A school zone is a school zone only when it is active. When the school zone is not active, it reverts to the previously signposted speed limit. For example, some school zones become a 40-kilometre-an-hour zone in an area that is ordinarily signposted for 70 kilometres an hour. If the school zone is not active, it is no longer a school zone and it is speed limited to 70 kilometres an hour. The definition stands on its own. School zones by definition are school zones only when they are active.

Dr A.D. BUTI: Is the definition that the minister gave—that a school zone is a school zone only when it is active—in the Road Traffic Code? Is that what the code states?

Mrs L.M. Harvey: Yes.

Dr A.D. BUTI: I notice that in section 49AA, "grievous bodily harm" has the meaning given in the Criminal Code. If "school zone" has the meaning given in the Road Traffic Code, the legislation should mention that. The minister says that it is not mentioned because the legislation is read in conjunction. It is still a separate piece of legislation. The bill before us should state that the school zone has the definition or meaning that is given in the Road Traffic Code. That is what we should have instead of just "school zone". Without providing a definition, that is not clear. Therefore, the proposed section should state that "school zone" has the meaning given in the Road Traffic Code.

Mrs M.H. ROBERTS: Further to the point made by the member for Armadale, this is misleading because when one looks further, one sees that this amendment to the legislation defines "school zone". Rather than adopting the excellent suggestion of the member for Armadale that the legislation refer to the Road Traffic Code, as the minister referred us to when we asked the question, the proposed section goes to the bother of defining "school zone". I quote from the minister's own amendment —

> ***school zone*** means a length of road designated as a school zone under a road law;

A lot of lengths of road are designated as school zones. There is no reference in the bill of it being active. There is no reference to the Road Traffic Code. This is very misleading. I am wondering what on earth is added by defining "school zone" in the bill. It states —

> ***school zone*** means a length of road designated as a school zone under a road law;

Why would it say that? Presumably, it should have the same definition as the Road Traffic Code. That should be the reference. Presumably, in the absence of this definition, the minister has put to us that it would be the normal definition under the Road Traffic Code. If anything, the minister's amendment of a line and a half confuses rather than clarifies.

Mrs L.M. HARVEY: Just to clarify, the Road Traffic Code is the subsidiary legislation to the Road Traffic Act—the regulations, if you like. The reference in the act is to the school zone, meaning a length of road designated as a school zone under a road law. The subsidiary legislation that further defines "road law" that sits underneath the Road Traffic Act is the Road Traffic Code, which goes into further detail on what constitutes a school zone. The two have always been read in conjunction. The subsidiary legislation always goes on to further define the broad definitions in the Road Traffic Act. I understand that there are definitions of "grievous bodily harm" in the Criminal Code. Sometimes we need to cross-reference other legislation because the Criminal Code is not subsidiary legislation to the Road Traffic Act whereas the Road Traffic Code is.

Mrs M.H. ROBERTS: We have gone around in a lot of circles thanks to the advice the minister has been giving us this afternoon. Earlier I raised an issue about the definition of "confiscation zone" which states that a confiscation zone means a school zone. I then questioned whether it needed to be an active school zone and how people would be alerted to that. The minister advised me that that was further back in the legislation. Then we discovered that it is not defined in this bill or in the legislation that is currently before us. She then advised that it was in the Road Traffic Code. Now she is saying that the Road Traffic Code is subsidiary legislation or regulations. She should work out which of those two things it is and let us know. If it is subsidiary legislation that further defines things and, as I think she acknowledged, the Road Traffic Act is the main act—she then attempted to suggest that the code was somehow subsidiary legislation that further defines—presumably the definition would have precedence and that is what goes into the Road Traffic Act. Proposed new clause 3A inserts a definition of "school zone" into the Road Traffic Act. That definition states —

> means a length of road designated as a school zone under a road law;

I have been puzzled all along why we have those references to "a road law" rather than something more specific. My simple reading of this is that it is a length of road. It is a length of road that is designated as a school zone under a road law. I think this is about as clear as mud. I do not think inserting the definition of "school zone" at this point clarifies anything. I suggested earlier that it confuses it. The minister should tell us once and for all whether she considers the Road Traffic Code to be either subsidiary legislation or regulations since she has said that it is both. Which is it? She also claimed that it somehow further defines what is in the bill. This is the principal legislation. This definition will be inserted into the Road Traffic Act. I think this wording is highly misleading and confusing. The member for Armadale made the excellent point that in other circumstances, the government has referred to the Criminal Code or whatever. In this case, I think it would be logical to refer to the Road Traffic Code, so why does the definition not say that?

Mrs L.M. HARVEY: My advisers, who have been involved in the drafting of this bill and many other legislative instruments, tell me that this reference to a road law is consistent throughout the act and that the Road Traffic Code is subsidiary legislation to the Road Traffic Act and is defined as "under a road law". This definition is consistent with the way police are used to interpreting legislation and using the Road Traffic Code. I cannot explain it further other than to say that my advisers tell me that this is appropriate and consistent with the rest of the Road Traffic Act and the Road Traffic Code and with the understanding that police officers have operationally in enforcing it.

Dr A.D. BUTI: I do not think we need to worry about whether the police understand it. Obviously, they would understand. It is a case of whether the general public understands it. As the minister would know, ignorance of the law is no defence. We therefore have to make sure that the law is clear for the general public. It is just not clear. The member for Midland mentioned that there is a definition in the bill, but the minister said that that is really not the definition; the definition is in the Road Traffic Code. It is like we have half a definition and then the road law is bumped on the end. That drafting is very sloppy. Surely it should state "school zone has

a meaning given in the Road Traffic Code". It should be as simple as that. Why the minister does not agree that that is the most logical and clearest way to proceed is unclear to us. It is incredibly sloppy. I am sure the words "under a road law" are used consistently because the minister just mentioned that, but I would like the minister to point out where else in the act it states "under a road law". If it does, I think it is incredibly sloppy drafting.

Mrs L.M. HARVEY: As I said, there are a number of pieces of road traffic legislation. To define "road law" and to ensure that everyone understands that, we need to go back to the Road Traffic (Administration) Act 2008, which states —

> ***road law*** means any of the following enactments —
>
> (a) this Act;
>
> (b) the *Road Traffic Act 1974*;
>
> (c) the *Road Traffic (Authorisation to Drive) Act 2008*;
>
> (d) the *Road Traffic (Vehicles) Act 2012*;

That is the definition of "road law", which, as I said, is consistent through the road traffic legislation.

Mrs M.H. Roberts: It doesn't mention the code there, though.

Dr A.D. BUTI: The minister's answer does not make that point. She is saying that the public need to go to the Road Traffic (Administration) Act to find a list of four or five other pieces of legislation. They have to work their way through that until they get to the definition of "school zone", which is in the Road Traffic Code. As the member for Midland said, that is not even referred to. If they went to the act that the minister referred to, they would not find the Road Traffic Code, so how would they find the definition of "school zone"? Surely the legislation should just state "school zone has the meaning given in the Road Traffic Code". The minister's example means that people have to go through five pieces of legislation and even those five pieces of legislation will not have the definition of a school zone.

Mrs M.H. ROBERTS: Let us make it very clear that when I asked the minister where "school zone" was defined, she said that it was defined in the Road Traffic Code, yet her definition states that it means a length of road designated as a school zone under a road law. We are now advised by the minister that road laws are defined in the Road Traffic (Administration) Act, which lists four or five acts that pertain to road traffic laws. The only issue is that none of those are in the Road Traffic Code, which is where the minister told us to look for the definition. Does the minister really mean that it is defined under "road law", as it appears under the definitions, or does she mean it is defined in the Road Traffic Code, which is what she said in her initial answer?

Mr R.F. JOHNSON: I will carry on from where my two colleagues have left off. This is one of the most convoluted pieces of legislation I have seen for a long time. I mean no disrespect to the advisers at the table, whom I know from past experience. They are very competent and they understand this legislation absolutely backwards. But how on earth does the minister expect a member of the public to interpret what she has put before the house today when it is all over the place? The public will have to refer to so many pieces of legislation. The word "code" does not appear anywhere until we look at older legislation. How does the minister expect members of the public to understand what she is trying to achieve? In the past the legislation that both the member for Midland and I introduced when we were ministers was simple. If a person committed a hooning offence, they knew exactly what it was. It was clear and concise, and the penalties were clear and concise. There are so many amendments on the notice paper. I do not know who drafted the legislation, but the trouble is that it is two pieces of legislation, as the minister already said, that she is trying to juggle into one.

Mrs L.M. Harvey: No, we're not.

Mr R.F. JOHNSON: The legislation refers to two pieces of legislation; one that was passed previously and this one. I think the minister will do a terrible disservice to the general public if she asks it to understand what is before the house at the moment. I will be honest; I am having a job following it completely. If I want to follow it, I have to look at other acts and historic terms. To be honest, I cannot remember them all. How does the minister honestly expect a member of the public to interpret this legislation? The police will be able to do it; they will be concise. But members of the public will not have a clue until they are pinged and lose their vehicle. Is that fair? Is that honest? Is that the way to treat members of the public? If somebody is hooning or driving excessively and could possibly cause an accident, I am all in favour of taking away their cars. I am in favour of crushing them and all those sorts of things. But the legislation we are looking at today is really all over the place. It has some serious flaws that need looking at more carefully. I suggest that the minister take the bill away and come back with a consolidated bill that is easy to read and understand and with the references that need to be inserted, instead of having four pages of amendments on the notice paper. Even the minister is confused about what page we are on, and we are expected to follow the amendments. I have a marked-up copy of the Road Traffic Act 1974. I also have a copy of the explanatory memorandum, the notice paper with all the amendments and the bill before the house. It is okay for the minister, who has three very highly trained and professional advisers sitting at the table, but we on this side of the house do not have that luxury. We have to follow this as clearly as we can. It

is not easy to follow it, because it is all over the place. If we cannot follow it clearly, how can we expect members of the public to follow it? The average copper who goes out on the beat will have a hell of a job understanding all the implications of this legislation and the amendments before the house today.

I suggest that the minister take this legislation away and bring a consolidated bill before the house, a bill that is simple so that everybody can understand it—particularly the public, because it is the public who will be affected by what could be seen as draconian legislation. It is not that I do not support the bill; indeed, I support any measure that reduces death and serious injury on our roads. I support any legislation that adds to the penalty that already exist for hoon drivers, reckless drivers, drink-drivers and so on and so forth. The minister should redraft this bill in simple terms and bring it back to the house when we come back the week after the two-week recess. In that way, we will have a consolidated bill that everybody can understand but, most importantly, that the public can understand. If we asked a journalist what is going on, they would not have a clue.

Mrs L.M. HARVEY: I am sorry the member is confused, but the definition of "school zone" is consistent. I put it to the member that I could collar any licensed driver on the street and ask them what a school zone is and they would be able to tell me. A school zone is a zone outside a school with a sign that helps to reduce the speed limit of the particular section of road during the operation times of a school zone, which are 7.30 to 9.00 in the morning and 2.30 to 4.00 in the afternoon. We have put flashing signs in school zones to help motorists become more aware when those zones are operational. I put it to the member that every member of the community knows what a school zone is. These things are further defined for the purposes of the administration of these acts when we get into legislation, the Road Traffic Code and regulations et cetera. A school zone is a school zone. I think it is very clear. If the member thinks it is unclear and wants to move an amendment, I suggest that he do so, but I have nothing further to add. I think it is clear. I could ask my 16-year-old, who is currently going through driver training, what a school zone is and she would be able to tell me. I do not intend to offer an amendment on behalf of the government to the definition. I think it is clear enough.

Mrs M.H. ROBERTS: A short while ago, the minister suggested that the Road Traffic Code was like regulations for the Road Traffic Act. Can she clarify whether that is really the case? She also said that the Road Traffic Code is subsidiary legislation. Can she clarify whether the Road Traffic Code is subsidiary legislation?

Mrs L.M. HARVEY: I am not sure why it is necessary or essential to define this, but my advisers tell me that the Road Traffic Code is subsidiary legislation to the Road Traffic Act —

Mrs M.H. Roberts: Not regulations.

Mrs L.M. HARVEY: It operates like a regulation in that further regulations that would need to be relevant to the Road Traffic Act would be further defined in the code. That is the advice I have been given.

Mrs M.H. ROBERTS: I refer to one of the minister's amendments on today's notice paper—today being Thursday, 20 October—at the top of page 13, which reads —

> (2) In section 49AAA in the definition of ***provide driving instruction*** delete "vehicle." and insert:
>
> vehicle;

Can the minister explain why the word "vehicle" is being deleted to insert the word "vehicle"?

Mrs L.M. HARVEY: I understand that this will further highlight the word "vehicle" by changing the comma to a semicolon.

Mrs M.H. ROBERTS: Directly underneath that, it reads —

> Note for this section:
>
> This section is an alternative to section 4 and Part 3 Division 2A and applies if the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation on or before the day on which this section comes into operation. See section 54(1).

The minister advised the house this afternoon that the Road Traffic Legislation Amendment Act (No. 2) 2016 will come into operation before this bill. She said that that will happen. Why has the word "if" been used? Why not amend it rather than having "if this", "then that"?

Mrs L.M. HARVEY: Although it is our intention to have the Road Traffic Legislation Amendment Act (No. 2) come into operation prior to this legislation, the prudent way to draft is to allow for the alternative in the event that something unforeseen occurs in a different sequence. That is the advice I have been given.

New clause put and passed.

Clause 4: Section 49AA amended —

Mrs L.M. HARVEY: I move —

> Page 4, after line 7 — To insert:
>
> Note for this section:
>
> This section read with Part 3 Division 2A is an alternative to section 3A and applies if the *Road Traffic Legislation Amendment Act 2016* section 42 has not come into operation before this section and Part 3 Division 2A has come into operation. See section 54(2).

Mrs M.H. ROBERTS: I have a point of clarification. Is the minister moving the other three lines underneath that amendment that states "Part 3 Heading" and so forth?

The ACTING SPEAKER (Ms L.L. Baker): Would the minister like to seek leave to move those amendments?

Mrs L.M. HARVEY: I would like to seek leave to move the other amendments subject to clause 4 as well.

Mrs M.H. ROBERTS: Can I just have a point of clarification please, Madam Acting Speaker? The notice paper refers to clause 4 and then there are more amendments under clause 4. Are these all separate amendments or is there only one amendment to clause 4, or two amendments or three amendments—what is it? The minister has just read out the first little bit under the heading of clause 4 on the notice paper. Is that all that she has moved; and, if so, is that all that we are debating? The rest of what is written there —

The ACTING SPEAKER: I can clarify that for you, member. I am informed it is —

Mrs L.M. HARVEY: I thought I was correct in the first instance. Sorry, I am a bit tired and I am not well. The member had me somewhat confused. However, there is an amendment to clause 4 and the other amendments are to part 3, so we will deal with them later.

The ACTING SPEAKER: Correct. We are dealing with the amendment to clause 4 that the minister has moved, and not the other amendments, member for Midland.

Mrs M.H. ROBERTS: Again, just to get this clarified, I understand that the minister has moved the amendment that she read out to clause 4 and that that is all we are debating at the moment. Clause 4 has a number of lines to it. The minister has moved this necessary amendment because the Road Traffic Legislation Amendment Bill (No. 2) 2015 will potentially become law before this Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. After this amendment is agreed to, can you, Madam Acting Speaker, clarify for me that we will then get to examine the other components of clause 4?

Mrs L.M. HARVEY: Just to clarify things for the member, if the Road Traffic Legislation Amendment Bill (No.2) comes into effect prior to the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill, then clause 4 will come into effect and proposed new section 3A will be repealed. Should the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill come into effect prior to the Road Traffic Legislation Amendment Bill (No.2), then proposed new section 3A will come into effect and clause 4 will be repealed. It is an either/or scenario to ensure that the final legislation will make sense and follow an appropriate sequence.

Mrs M.H. ROBERTS: Is there any material difference between proposed new section 3A and clause 4?

Mrs L.M. HARVEY: No, not as I see it. It is really just about a numbering sequence.

Amendment put and passed.

Mrs M.H. ROBERTS: I note that the definition of "above the speed limit" refers to the speed limit applicable to the driver. Can the minister explain under what circumstances limitations apply to the driver rather than the road?

Mrs L.M. HARVEY: I am advised that there are certain categories of drivers who are speed limited generally to speed limits other than those that are posted. For example, truck drivers are speed limited to 100 kilometres an hour, and learners and probationary drivers have similar restrictions. Notwithstanding that they might be in a 110-kilometre-an-hour zone, they may be permitted under the rules to drive to a maximum of only 100 kilometres an hour.

Mrs M.H. ROBERTS: The minister's answer is a little confused because I asked about the speed limits applicable to the driver. I am interested in special speed limits that might be applicable to vehicles. I do not think the speed limit is applicable to the truck driver, but, rather, the vehicle, and, in this case, the minister has referred to a truck. Just to be clear, the definition in clause 4(1) states —

> means driving the vehicle at a speed that exceeds the speed limit applicable to the driver, …

I do not know but that may be a learner driver. I have asked for those categories in which drivers may have limitations put on them. After that provision the definition states "the vehicle". Clearly, speed limitations are placed on certain vehicles and the minister has alluded to the situation with a truck, and then there is the length of road that determines the speed limit, which is what most of us are more familiar with. Again, I ask the question with respect to the driver.

Mrs L.M. HARVEY: As we are moving forward with technology and we have driverless trucks, I accept that. If a person is the driver of a truck that is speed limited to 100 kilometres an hour, by definition the driver of that vehicle is restricted to 100 kilometres an hour while driving that vehicle, which is why I included truck drivers in that context. In the case of learner and probationary drivers, as I said, the individual is speed limited regardless of what vehicle they drive.

Mrs M.H. ROBERTS: Are there other circumstances in which there would be a limitation on a vehicle; and, if so, what are they?

Mrs L.M. HARVEY: I am advised that there are limitations on, for example, vehicles under tow and bus drivers carrying passengers. There are other restrictions and it is incumbent upon those drivers to be aware of whatever speed limited restriction might be upon them dependent on a licence restriction, a licence category or by virtue of the vehicle that they have carriage of.

Clause, as amended, put and passed.

Clause 5: Section 49AB amended —

Mrs M.H. ROBERTS: Clause 5 deletes section 49AB(1)(b) and inserts —

> (b) the person was driving the vehicle concerned on a road at 45 km/h or more above the speed limit; …

I think that relates to pages 3 and 4 of the Road Traffic Act. Page 3 of the Road Traffic Act contains a heading of "***grievous bodily harm***" that has the meaning given in the *Criminal Code* section 1(1). The bill states —

> ***motor cycle*** means a motor vehicle that has 2 wheels and includes —

That is part of the minister's amendment. Is grievous bodily harm defined in any other section of the Criminal Code? If so, why is there reference to section 1(1); if not, would the legislation not more likely stand the test of time if the words just said "given the meaning as defined in the Criminal Code" rather than specifying a particular section of the Criminal Code?

Mrs L.M. HARVEY: My advisers are looking that up, member, but the advice they have given me is that the definition of "grievous bodily harm" is in that section in the Criminal Code. This is just the drafting convention for where it is defined. "Grievous bodily harm" is defined only there.

Mrs M.H. ROBERTS: If that numbering ever changes, there will be an issue with this bill, which by then will be an act. I stand by my point that it may have made more sense to say, "as defined in the Criminal Code" without stating section numbers.

I refer to clause 5, "Section 49AB amended". On page 4 of the marked-up copy at paragraph (b) it states —

> the person was driving the vehicle concerned on a road at 45 km/h or more above the speed limit; or

The part the minister is deleting states —

> the person was driving the vehicle concerned on a road at a speed that exceeded the speed limit applicable to the vehicle, or the length of road where the driving occurred, by 45 km/h or more;

The minister is deleting one and replacing it with another. They look very similar to me. What is the real import of this change?

Mrs L.M. HARVEY: This change needs to be read in conjunction with the changes to the definition in section 49AA by which "above the speed limit" is to be defined as follows —

> … in relation to the driving of a vehicle, means driving the vehicle at a speed that exceeds the speed limit applicable to the driver, the vehicle or the length of road where it is being driven;

That allows for more clarity of the circumstance of aggravation when a person was driving the vehicle concerned on a road at 45 kilometres per hour or more above the speed limit. We have defined "above the speed limit" separately under definitions and clarified this circumstance of aggravation in the context of that definition.

Clause put and passed.

Clause 6: Section 60 amended —

Mrs M.H. ROBERTS: This clause amends section 60 with respect to "reckless manner". Amended section 60(1) will state —

> For the purposes of this section, a motor vehicle is driven in a ***reckless manner*** if it is driven in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.

How is that defined? Who determines whether an action is reckless? What might seem reckless to one person may not seem reckless to another.

Mrs L.M. HARVEY: The advice I have is that "reckless manner" has been defined by the court and is dependent on the circumstances of each case. When the manner in which the vehicle is being driven is documented, there is a test of recklessness; for example, if a vehicle is fishtailing or engaged in other such activity, it is deemed to be reckless. Obviously, a charge like this would be tested by the court for whether the officer's assessment that the vehicle was being driven in a reckless manner is consistent with the court precedent.

Mrs M.H. ROBERTS: If someone were driving a vehicle two or three blocks and sideswiped five or six cars, would that fit the definition of a reckless manner?

Mrs L.M. HARVEY: It would depend on the circumstances. Potentially, yes, but it would depend upon the circumstances and the ability to prosecute the argument for reckless driving that would fit the court test determined by precedent.

Mr R.F. JOHNSON: What if the person was also drunk? What would be the case if a lot of people said that they were driving in a reckless manner in sideswiping half a dozen cars on their way home from, let us say, a wedding reception, possibly at Kings Park, and carried out a demolition derby on the way home, smashing up some property, and did not report it to police and were as drunk as a skunk? Would the police class that as reckless driving? Should that person be prosecuted? It would not have been in a confiscation zone; it would be in "any other place". Surely "any other place" covers a confiscation zone. Surely it covers everything. Any other place means anywhere. Why are there two provisions—one is "a confiscation zone" and the other is "any other place"? Why not just say "anywhere"? If someone drives recklessly, gets drunk and smashes up half a dozen vehicles on the way home from a jolly good party after drinking too much and all the rest of it, and does not report it to the police, what should happen? Would the police say it was reckless driving together with drunk-driving and dangerous driving? All sorts of things come to mind that that person could be charged with. What does the minister think?

Mrs L.M. HARVEY: I will not give the member an opinion. I am not a police officer and I do not have experience in defining what people should be charged with given the time, place and circumstances of each individual offence.

Mr R.F. Johnson interjected.

Mrs L.M. HARVEY: However, if he will allow me to finish my answer, I have some information from my advisers. They say that this is dependent on the circumstances of any particular offence. A driver could be drunk, for example. If they were not proved to be drunk, they could be charged with reckless or dangerous driving. A range of offences could apply in the circumstances the member has described, but it would come down to police being able to put forward a case that they could then take to court that would satisfy the court around precedent on establishing whether the driving was dangerous, reckless or something else. That is the advice I am given. I am not prepared to offer an opinion; I merely pass on advice from the officers I have sitting with me, who are experienced in prosecuting charges.

Dr A.D. BUTI: I think the minister may be getting the issue of whether someone can be prosecuted mixed up with the definition. The definition of "reckless manner" is not relevant to the facts. Whether someone is going to be prosecuted, the evidence is important but what is a legal definition? The minister said that a long list of cases deal with it, so there must be a definition. What is the definition of "reckless manner"? Is it based on a standard test? What is it?

Mrs L.M. HARVEY: I will refer the member to the legislation. Proposed section 60(1) states —

> For the purposes of this section, a motor vehicle is driven in a ***reckless manner*** if it is driven in a manner (which expression includes speed) that is inherently dangerous —

Dr A.D. Buti: What does that mean?

Mrs L.M. HARVEY: "Inherently dangerous" is just a test of inherently dangerous, member —

> or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.

Dr A.D. Buti: But what is the test?

Mrs L.M. HARVEY: That is the definition.

Dr A.D. Buti: What is the actual test that determines whether something is inherently dangerous?

The ACTING SPEAKER: Member for Armadale.

Dr A.D. BUTI: Just reading out the definition in the bill is not telling me what it actually is. What does the minister mean by "inherently dangerous"? Is it determined by what the reasonable bystander would determine? What actually is it?

Mrs L.M. HARVEY: My advisers, who are experienced in these matters, tell me that they would look at the circumstances of an individual case. The officer would form a view whether the motor vehicle was being driven in a reckless manner. That would be reviewed, obviously. Charges will be laid consistent with the way this legislation will work. Ultimately, the test of whether that officer's assessment of the facts of that case in determining whether the vehicle was driven in a reckless manner was correct would be determined by a court. The officer who lays the charge ultimately makes the decision whether the motor vehicle was being driven in a reckless manner based on the circumstances and on whether it is inherently dangerous "having regard to all the circumstances of the case, dangerous to the public or to any person". That is the advice I have received.

Dr A.D. BUTI: The minister has just given me a response that would suggest that the police are the judiciary.

Mrs L.M. Harvey: No.

Dr A.D. BUTI: The police decide whether they will lay a charge, obviously.

Mrs L.M. Harvey: That is right—that is what I said.

Dr A.D. BUTI: No.

Then the matter goes to court. What is the yardstick for the court to decide? The police will form their own opinion and they will lay a charge, but it is up to the court to determine whether that charge is sustained. The minister said there is a long list of legal cases on this issue. I assume that long list of legal cases that the minister referred to will tell us the definition. If they do not contain a definition, what criteria or factors will be taken into consideration in determining whether a charge will be sustained?

Mrs L.M. HARVEY: Clause 6 obviously needs to be read in context. I have read proposed section 6(1) out before, but I will do it again because I think it makes sense if it is looked at together. It states —

> For the purposes of this section, a motor vehicle is driven in a ***reckless manner*** if it is driven in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.
>
> (1A) A person commits an offence if the person wilfully drives a motor vehicle in a reckless manner in —
>
> (a) a confiscation zone; or
>
> (b) any other place.

This needs to be read in context.

Dr A.D. Buti: That is not exhaustive, is it?

The ACTING SPEAKER: Yes, member for Armadale.

Dr A.D. BUTI: Proposed section 60(1A) states —

> A person commits an offence if the person wilfully drives a motor vehicle in a reckless manner in —
>
> (a) a confiscation zone; or
>
> (b) any other place.

There is a definition for "confiscation zone" but "any other place" could be anywhere. Surely there must be legal precedents on this. The minister could say that speed is one criterion. She has included that in the legislation. What other factors will the judge take into consideration in determining whether someone is driving in a reckless manner that is inherently dangerous et cetera?

Mrs L.M. HARVEY: Clause 6 will amend section 60. Section 60 was formerly reckless driving. That has been changed to driving in a reckless manner. Proposed section 60 (1) replaces the prior section 60(1). It really just redefines reckless driving in the context of driving in a reckless manner. It cross-references to this new offence that refers to confiscation zones. Precedent already exists under the Road Traffic Act. The court would make a determination based on all the circumstances of the case about whether the driving was dangerous to the public or to any person. The court would consider whatever was happening with the driver in that vehicle at that time the driver incurred the charge.

Dr A.D. BUTI: I will not labour that point. Does the member for Hillarys have a point on that?

Mr R.F. Johnson: Yes.

Dr A.D. BUTI: I will let the member speak and then I will raise another matter.

Mr R.F. JOHNSON: I want to come back to something that was brought up earlier. The minister is making such a thing about a confiscation zone being a school zone. That is the main criterion being used in the legislation. I know that we should not go backwards, but I want to refer to a previous clause. The definition of "confiscation zone" states —

> (a) in relation to a vehicle, a length of road where the speed limit applicable to the vehicle …

That is any road that has a speed limit! I think every road in Western Australia has a speed limit. What is the difference? What is the legal difference between a road that has a speed limit and one that is applicable to any vehicle? Sometimes trucks have different speed limits from motor cars—that is any road. If a confiscation area is only a small area, why does the definition state it is any length of road? Why are we bothering to highlight school zones, when it applies, as I see it, to any length of road? That is what is in the legislation. Why does it not just state "any length of road"? The definition of reckless driving is quite clear—it is 45 kays an hour over the limit, normally. In that case, confiscate the vehicle. The minister could do that if she wanted. Why does she not just say that instead of confusing members of the public with all this added hyperbole?

Mrs L.M. HARVEY: I know the member is confused but we actually canvassed the definition of "confiscation zone" earlier. In this legislation, the vehicle can be impounded if the motor vehicle has been driven in a reckless manner in a confiscation zone. The confiscation zone can either be a school zone or a built-up area of 50 kilometres an hour or another area signposted with a lower speed limit.

Mr R.F. Johnson: It says "or the length of road".

Mrs L.M. HARVEY: Member, we have covered clause 4(1). We are now on clause 6. I am not really quite sure what exactly the member is asking because we previously defined "confiscation zone" when we considered subclause (1).

Mr J.R. QUIGLEY: Clause 6 of course amends section 60. I am interested in the juxtapositioning of the definition of "driving in a reckless manner" in clause 60 with that of "dangerous driving". Dangerous driving is anyone who drives a vehicle dangerously. I will pick up the section. "Dangerous driving" means—

> Every person who wilfully drives a motor vehicle in a manner (which expression includes speed) … is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

That is in section 61 of the Road Traffic Act. Section 60 of the current act, which is what clause 6 is amending, provides that any person who wilfully drives in a dangerous manner is guilty of reckless driving. The new definition of driving in a reckless manner under proposed section 60(1) takes away the element of intent. The element of intent, which is the step-up element that takes "dangerous" to "reckless", is now not included in the definition of "reckless manner". Can the minister please explain to me what is the difference between section 60(1) as it will be amended by clause 6, and the definition of "dangerous driving"—that is, why has the minister seen fit to delete from the definition of "reckless manner" the element of intent? The minister should not take me to proposed section 60(1A). That is different. In the definition in proposed section 60(1), why has the element of wilfulness been deleted by the government?

Mrs L.M. HARVEY: The member has asked me to explain the difference in the definition between dangerous driving and driving in a reckless manner. The difference in the definition is that driving in a reckless manner means if the vehicle is driven in a manner, which expression includes speed, that is inherently dangerous. The operative word, which I think is the adjective in point, is "inherently". "Inherently" means that it is a permanent, if you like, or inseparable element of the action. When it comes to dangerous driving, it is driving a motor vehicle, which expression includes speed, that is having regard to all the circumstances of the case dangerous to the public. It goes more to the intent and to whether the inherent nature of the driving makes it fall into a recklessness category rather than a dangerous category.

Mr J.R. QUIGLEY: The minister has referred to a long list of cases that define "reckless" and "dangerous" driving. The High Court has said—as the minister's advisers will confirm—that the objective test for dangerous driving is whether, observed objectively from above, the manner of control of the vehicle was inherently dangerous to any person at all. The minister agrees with what the High Court has said, because she has referred to a long list of cases, and I am relying upon that unnamed long list of cases that the minister has relied upon. Therefore, why has the minister removed the element of intent from the definition of driving in a reckless manner? The minister has not explained why she has removed the element of intent. I will come back to the minister's long list of cases that provide the precedent that establishes the proposition that dangerous driving means anybody who is driving a vehicle that is inherently dangerous to any person on the road. The step-up point to reckless used to be that the person was doing it wilfully—as people do sometimes when they wilfully drive through my suburb and plant their foot at the S-bend. What is the government's intent in eliminating the element of intent?

Mrs L.M. HARVEY: Sorry, member, but what part of this amendment removes the element of intent?

Mr J.R. QUIGLEY: Certainly. If the minister goes to the blue bill, or the consolidated bill, she will notice that the current subclause (1) is marked in red to show that those are the words that will be struck out—it has red lines that strike out the words, "Every person who wilfully drives a motor vehicle". By that amendment, the minister is taking out the element of wilfulness or intent. I am seeking an explanation for the chamber, and for those who will be interpreting this act afterwards, of why the minister is striking out wilfulness. The minister said to me, "I am sorry, member, but what part of the legislation eliminates wilfulness from the definition?" I say to the minister that it is right in front of the minister's nose.

Mrs L.M. HARVEY: I fundamentally disagree with the member. Proposed section 60(1) states —

> For the purposes of this section, a motor vehicle is driven in a ***reckless manner*** if it is driven in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.

It goes on to state in proposed subsection (1A) —

> A person commits an offence if the person wilfully drives a motor vehicle in a reckless manner in —
>
> (a) a confiscation zone; or
>
> (b) any other place.

The element of intent is defined in proposed subsection (1A). All we have done is clarify the words "reckless manner" as in the actual driving as opposed to the intent, which is further defined in proposed subsection (1A). Therefore, I do not accept that we have removed the element of intent.

Mr J.R. QUIGLEY: Perhaps the minister could help the chamber with this, but in homicide cases there used to be, before Labor amended the laws, wilful murder. We used to have wilful murder, murder and manslaughter. Now we have only murder. That is because the Labor Party accepted the Law Reform Commission's report that said that having an offence of wilful murder enables people to escape that conviction by saying they were not able to form the intent—that is, they were affected by drugs to such a degree that they were incapable of forming the intent. The minister has now drawn the attention of the chamber to the fact that no-one can be convicted under this proposed new section unless there is an element of wilfulness or intent. Will it now be true, as in the case of murder, that if a person by reason of the ingestion of drugs or alcohol, or both, is incapable of forming an intent, they cannot be found guilty of the offence? Is that right?

Mrs L.M. HARVEY: Member, I have no experience and I have not had advice on wilful murder. To give an example, a driver could have a heart attack, and if we looked at the driving at that point in time, we could determine that the vehicle was being given in a reckless manner; however, the person would not be subject to the offence because they did not wilfully drive the motor vehicle in a reckless manner. So, there is an element of intent. That is just one example. All we have done here—if the member goes to the act that we are amending—is take the definition of "reckless driving" and divide it into a definition of a motor vehicle being driven in a reckless manner, and the other portion is around when that would constitute an offence. This is more a drafting convention to separate out those two elements and clarify the legislation.

Mr J.R. QUIGLEY: The minister has her advisers there. If a person is rendered incapable of forming an intention for any reason, does that provide a defence to this proposed new section?

Mrs L.M. HARVEY: Yes, potentially.

Mr J.R. QUIGLEY: If a person is so drunk as to be incapable of forming an intention, the minister's submission to the house is that that is a good defence to this charge. Is that correct?

Mrs L.M. HARVEY: No, absolutely not.

Mr J.R. QUIGLEY: The person is incapable of forming an intention. The minister said that to convict someone, intention would have to be shown. What if the person is so comatose by drugs or alcohol that they medically cannot form an intention? Under the provisions of the minister's amendments, does this not provide a complete defence to the charge; and, if not, why not?

Mr R.F. JOHNSON: I gave a scenario earlier of someone who might have attended a wedding reception and gets blind drunk—blotto drunk—then gets in their car. On the way home, they do not know what they are doing and they smash up half a dozen cars and some property. When they get home, they quickly go inside the house and lock the gate, lock up the house and turn off the lights so that they are not able to be seen. Is that intent? Can intent be proven for that scenario? Is that reckless driving or dangerous driving? We know that it is drunk-driving but unless the person can be breathalysed, they cannot be charged for drunk-driving.

Mrs M.H. Roberts: It would appear that there is some intent to avoid the consequences involved, doesn't it?

Mr R.F. JOHNSON: Indeed, particularly. Let me tell members of a classic case in which a particular person wants to avoid any police patrols, booze buses or breath-testing by police. A person may take a circuitous route—not the quickest way to get home—from, let us say, a wedding reception in Kings Park, for instance, to try to evade and avoid any police detection of the fact that they are blind drunk and have smashed up half a dozen cars. They do not report this to the police at all. They also smash up their own property. Let us say that they are driving a government vehicle and they also smash it up. They get home and lock the car, lock their house, turn off the lights and, to all intents and purposes, they are asleep. A breath test cannot be carried out. Is there intent? Can we prove that there is intent in that sort of situation? I wonder about that because this is a very important piece of legislation. I can assure members that they would have to go a long way to find somebody tougher on drink and drug–drivers than me. I cannot understand why we are going a bit soft here when I tried to get a lifetime ban on drunk and drug–drivers. The minister was more concerned about the perpetrator of the defence than she was about the family of the person who was killed. Was there intent in those cases? I think the minister is going a bit soft.

The ACTING SPEAKER: The question is that clause 6 stand as printed.

Mr R.F. Johnson: There is no answer!

Mrs L.M. Harvey: There was no question.

Several members interjected.

Mrs M.H. ROBERTS: We were waiting for the answer to some questions from the member for Butler. The minister appeared to be discussing the issues raised by the member for Butler with her advisers. In the meantime,

the member for Hillarys made a number of points and statements. It appeared to me that the minister was probably more engaged in talking to her advisers than she was in listening to the member for Hillarys. I think it would be helpful if perhaps the minister could start by answering some of the questions put to her by the member for Butler and then perhaps the member for Hillarys might want to re-state some of the questions that he raised so we can get an answer to them.

Mrs L.M. HARVEY: Member, a person cannot use the fact that they were drunk as a defence to get out of a charge of driving in a reckless-manner under this amending legislation.

Mr J.R. Quigley: Why?

Mrs L.M. HARVEY: Nothing has changed with respect to drunk-driving.

Mr J.R. QUIGLEY: With respect, Mr Acting Speaker, we are not dealing with the offence of drunk-driving. No-one is talking about the offence of drunk-driving. We are dealing with driving in a reckless manner. Driving in a reckless manner, of course, leads into confiscation laws and the like. The minister has already confirmed to the chamber that if a person is incapable of forming an intent, that could provide a complete defence to this charge. Have I misrepresented the minister's answer? It is in *Hansard*. I asked the minister clearly before: if a person is incapable of forming an intent, is that not a defence to the charge?

Mrs L.M. Harvey: I said "potentially, yes."

Mr J.R. QUIGLEY: With respect, you did not say "potentially".

Mrs L.M. Harvey: I said, "Yes" and then I said "potentially".

Mr J.R. QUIGLEY: Yes, all right.

Mrs L.M. Harvey: Yes, potentially.

Mr J.R. QUIGLEY: If there is mental incapacity to form the intent, and that mental incapacity is by way of drug or alcohol stupefaction, that will provide a defence to a charge that has an element of intent to it, does it not?

Mrs L.M. HARVEY: My advisers tell me that a person cannot use the fact that they were drunk or under the influence of drugs as a defence for any of these charges.

Mr J.R. QUIGLEY: On what do her advisers give the minister that advice? Upon what case law are they relying on? I want only the simple case citation. The minister has three advisers. The minister is saying that, at law, a person who is stupefied for whatever reason—by drugs or alcohol—cannot use that stupefaction to say that they were incapable of forming an intent. I ask only for the chamber's benefit that we take in that aspect of the law. If the minister does not know, she should say just that she does not know.

Mrs L.M. HARVEY: My advisers apologise but they do not have the case law with them. However, should we get through consideration in detail, I would be happy to provide some evidence of that in my third reading summing up, or provide it to the member under the cover of a written email or something like that in the interim.

Mr J.R. QUIGLEY: Could I offer the minister my white hanky and she could fly it now in capitulation? The minister does not have a clue about this defence, does she? That is the truth, is it not?

The ACTING SPEAKER: The question is that clause 6 stand as printed.

Mr J.R. QUIGLEY: No, I have not finished! Let the record show —

The ACTING SPEAKER (Mr P. Abetz): Member for Butler, you cannot get up again; you have to sit down. You are not allowed to get up again. I only raised the question. The member for Hillarys has the call.

Mr R.F. JOHNSON: The member can get up after I have spoken, but he cannot get up and down like a fiddler's elbow. I want to come back to intent and whether a person can be drunk as a skunk after attending a function and drive home in a 50-kilometre-per-hour speed limit area—suburban streets all have a 50-kilometre-per-hour limit. If a person comes from a wedding reception, say, and they use a circuitous route to get home, which is all in a 50-kilometre-per-hour zone, and they are drunk as a skunk, there must be the participation of intent because they know what they are doing. They are trying to avoid the police by going a much longer way around to get home. If a person smashes into half a dozen cars and totally wrecks them, and also wrecks a property, and then they go indoors and turn off the lights and shut the gates and try to make out that nothing has happened, surely, there must be intent in that action. Being drunk is simply not enough as a defence against reckless driving. It is more than reckless driving —

Mrs G.J. Godfrey: That's what the policeman just told us.

Mr R.F. JOHNSON: The policeman?

Mrs G.J. Godfrey: That man.

Mr R.F. JOHNSON: No, he did not tell us anything.

Point of Order

Mr J.R. QUIGLEY: If the member for Belmont wants to talk, she kept quiet during the protection of paedophiles debate —

THE ACTING SPEAKER (Mr P. Abetz): Member!

Mr J.R. QUIGLEY: — so if she wants to talk —

The ACTING SPEAKER: Member, that is not a point of order. Please take your seat.

Debate Resumed

Mr R.F. JOHNSON: I will conclude my remarks because I know that the member for Butler wants to carry on. I will reiterate again, again and again that I believe there must be intent and it should be shown in this legislation. If a person is as drunk as a skunk or high on drugs, there is intent to get drunk and intent to take drugs, and there is intent to try to avoid police detection by taking a circuitous route on their way home. There is also intent in not reporting to the police when they smashed up half a dozen cars and smashed up property, and then they ducked inside, turned off the lights, and hid from society. There are an enormous number of offences there.

This is very, very serious. I think we are dealing with that in this clause. We should be.

Question to be Put

Mr J.H.D. DAY: I move —

> That the question be now put.

Division

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

Ayes (31)

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

Noes (17)

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

Pairs

Ms M.J. Davies	Ms M.M. Quirk
Mr D.T. Redman	Ms J. Farrer

Question thus passed.

Division

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

Ayes (32)

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

Noes (18)

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

Pairs

Mr D.T. Redman	Ms J. Farrer
Ms M.J. Davies	Ms M.M. Quirk

Clause thus passed.

Several members interjected.

The ACTING SPEAKER (Mr P. Abetz): Member for Mandurah, I call you.

Several members interjected.

The ACTING SPEAKER: Members, I will be calling people. This is unacceptable conduct in the house.

Mr D.J. Kelly interjected.

The ACTING SPEAKER: Member for Bassendean, I call you for the second time. I am not accepting that conduct.

Clause 7: Sections 60A, 60B and 60C inserted —

Mr J.R. QUIGLEY: I would like to make a couple of comments about clause 7. Although we are dealing with driving at reckless speed and driving in a reckless manner in clause 7, nonetheless, it encompasses and traverses some of the principles that we were dealing with in clause 6. I was very disappointed with the conduct displayed while debating clause 6. The Acting Speaker sat me down, but I now have the opportunity to address the issue in clause 7. I asked the minister a question and she sat there mute. When I rose to say, "Let the record show that in relation to the question I asked—that is, whether stupefaction and the inability to form intention would offer a defence under the amendments to section 60 contained in clause 6", the minister sat there mute. During the division some pretty harsh comments were directed at me across the chamber by the Premier, which in all honesty I thought were unjustified because I had tried to be gentlemanly in my conduct. When the minister sat there dumbstruck and unable to answer the question, I was a gentleman and offered her my white hanky to fly in capitulation. I did not want to keep her here and embarrass her for her lack of knowledge about her bill that she brought forward.

I turn to my question relating to clause 7. It reflects on clause 6 as well, which has passed. The only reason I called the division was that I was very disappointed that we could not further debate clause 6. The minister was so at sea that she imprudently and injudiciously declined my offer of a white hanky to fly at masthead and instead —

The ACTING SPEAKER: Member, I ask you to get to the point of clause 7.

Mr J.R. QUIGLEY: Sure. The Leader of the House had to apply the gag to save the minister because she did not know the detail of her own bill.

I ask this question on clause 7. Clause 7—can I be so bold as to say that this is also in clause 6 but that is another matter—states —

> A person commits an offence if the person drives a motor vehicle at 45 km/h or more above the speed limit —
>
> (a) in a confiscation zone; or
>
> (b) on any other length of road.

Why is it necessary to include the words "in a confiscation zone"? Is it not the case that an offence is committed if a person drives at a reckless speed on any road? What is the necessity of proposed section 60A(1)(a) and (2)(a)? Why does it not just encompass the fact that anyone who drives recklessly anywhere on a road is guilty of an offence?

Mrs L.M. HARVEY: This clause needs to be read in conjunction with clause 30, which amends section 80A, and provides that the court in certain circumstances will be able to confiscate vehicles permanently for offences referred to in proposed section 60A.

Mr J.R. QUIGLEY: That is a bit of a circuitous answer. I understand clause 30 and the insertion of soon-to-be section 80A. Why is it necessary to have the differentiation in clause 7 between driving at a reckless speed in a confiscation zone or on any other length of road? Is the minister saying that if someone drives at a reckless speed on any other section of road, the vehicle cannot be confiscated?

Mrs L.M. HARVEY: The advice I am given is that this will assist the court in determining whether the offender could be considered to be on their second strike or their third strike for the impounding offences. Perhaps the member could further clarify his question. I do not understand what his problem is with this proposed section.

Mr J.R. QUIGLEY: I did not say I had a problem; I am seeking clarification. It falls upon me as a member of this Parliament and as a member of the opposition to test, probe and properly scrutinise legislation. What is the legislative advantage of including paragraph (a) in both subclauses (1) and (2) of proposed section 60A—that is, "in a confiscation zone"? Why is it not the case that a person who drives a vehicle at a reckless speed on any road will get their vehicle confiscated? I want clarification of the necessity for paragraph (a).

Mrs L.M. HARVEY: I now understand what the member is asking. Basically, several aspects can be considered as to whether a person can be charged with driving at reckless speed. A person commits an offence if they drive a motor vehicle at a speed of 155 kilometres an hour or more, and then it goes on to other provisions. However, we have introduced a new concept of a confiscation zone, which is a school zone or a built-up area or any other length of road. If the person is driving a motor vehicle at a speed of 155 kilometres an hour or more, their vehicle can be impounded on the first, second or third offence, depending on whether it is driven in a confiscation zone or on any other length of road. It is just to clarify that the elements of the previous reckless driving offence still exist, but we have separated them to ensure that they cover off on this newly defined confiscation zone that we will introduce with this legislation.

Mr J.R. QUIGLEY: Am I given to understand from the minister's answer that if a person drives at a speed of 155 kilometres an hour or more on any length of road, that their vehicle is not liable to confiscation?

Mrs L.M. HARVEY: Not necessarily. It can be impounded, or if it is driven in a confiscation zone, it can be permanently confiscated on a first offence by application to the court, if this legislation goes through.

Mrs M.H. ROBERTS: I would like the minister to explain why 155 kilometres an hour has been chosen. Let us say, for example, that someone is driving at 155 kilometres an hour in a 40-kilometre-an-hour school zone, which is a confiscation zone. That means that they would be driving at 115 kilometres an hour above the speed limit. If a person is driving at that speed in one of these other 50-kilometre-an-hour zones, they would be driving at 105 kilometres an hour above the speed limit. What is the relevance of 155 kilometres an hour? That seems to be an awful lot. Why is 155 kilometres an hour a trigger? These are incredible amounts over the speed limit in a confiscation zone. My thinking is that surely the penalty should step in at a much lower speed than 155 kilometres an hour. Why has the minister chosen 155 kilometres an hour?

Mrs L.M. HARVEY: I did not choose the figure of 155 kilometres an hour; it was already in the legislation. I do not know who decided on that figure—I was not the minister at the time—but driving at a speed of 155 kilometres an hour or more was put in there, as I understand it, for areas of open road. If a person is driving a vehicle at that speed on an open road then that is the point at which their vehicle can be subject to impounding. We have introduced this confiscation zone in which people can be charged with driving in a reckless manner at speeds much less than that and have their vehicle permanently impounded, but should this offence happen on any other length of road, the individual is still subject to the impounding offence, which is consistent with the original legislation. We are not changing that component of the legislation except to ensure that we allow for permanent confiscation in a confiscation zone under those circumstances.

Mrs M.H. ROBERTS: I draw the minister's attention to her second reading speech. Just before I do that, I point out that this is the minister's bill. All these words now become hers. She has chosen these figures. She has changed some elements of the bill and she has chosen not to change others. These figures become the minister's figures. This is the bill that the minister has put before the house. This bill refers to 155 kilometres an hour. The minister could have put in a figure of 145, 135, 120 or some other figure in there but she has chosen to, as the minister has said, leave it at 155. In the minister's second reading speech, she said with respect to speed limits —

> First, following a conviction of a first hoon offence, a court will be empowered to order the confiscation of a vehicle used to commit the offence if the offence was committed in an active school zone; or the person drove the motor vehicle on a road at 90 kilometres an hour or more above the speed limit; …

The second reading speech can be used in the interpretation of legislation and the like. The minister put out a media statement to similar effect that, basically, if people were driving at 90 kilometres an hour or more above the speed limit they would be prosecuted under the legislation that the minister was putting before the house. That was the minister's promise. She told people this in her second reading speech and through the media. If a person is driving at 90 kilometres an hour or more above the speed limit, they are gone. That is the import of what the minister has been saying. The minister specifically mentioned a "confiscation zone"—these are her words—which has not appeared previously. Confiscation zones are principally, although not exclusively, areas with a 40-kilometre-an-hour speed limit. If we add 90 kilometres an hour to a 40-kilometre-an-hour school zone, we come up with 130 kilometres an hour. If we add 90 kilometres an hour to a 50-kilometre-an-hour residential zone, we come up with 140 kilometres an hour. The minister has given people the impression that she is

toughening up the legislation so that people who drive 90 kilometres an hour or more above the limit will lose their vehicle and have it impounded, yet we find that there is this figure of 155 kilometres an hour and the minister has made some reference to how that was in the legislation before and it applied to open roads. New section 60A under clause 7 specifically refers to confiscation zones. Although it keeps the figure of 155 kilometres an hour, the minister, in her second reading speech and in her various announcements, has said if a person drives at 90 kilometres an hour or more above the limit that their vehicle will be impounded. I again ask why the minister has left this figure of 155 kilometres an hour in here and why that particular number is relevant.

Mrs L.M. HARVEY: As I said previously, we are not changing all the elements of driving in a reckless manner. The current regime is that if a person is driving at 155 kilometres an hour or more on any open road, they are subject to the existing hoon laws, which means for a first offence their vehicle is impounded for 28 days. If a person drives at 155 kilometres an hour on any road and is charged with a second offence, their vehicle is impounded for 90 days. A person would have to get to a third offence before their vehicle is permanently confiscated. We are now saying that if a person drives at 155 kilometres an hour, as one aspect of reckless driving, in a confiscation zone, there is another element to this offence; if it happens to be 90 kilometres an hour or more over the speed limit, we can apply to the court to have that person's vehicle impounded permanently on the first offence. That is the difference. We have gone from 28 days for a first offence as the only option, to permanent confiscation for people who choose to drive at 155 kilometres an hour or any road, and if that occurs in a confiscation zone they can lose their vehicle forever on a first offence—that is what we are changing. We are not changing the elements of reckless driving, but if that occurs in certain circumstances, we will take the person's vehicle permanently on a first offence.

Mr R.F. JOHNSON: The only reason a person is going to get done for driving at 155 kilometres an hour is if they are driving on a road with a 110-kilometre-an-hour speed limit such as Bussell Highway, Forrest Highway or even on the freeway. Unless things have changed an awful lot, I thought that —

Mrs M.H. Roberts: Even then you have to drive at 265 kilometres an hour.

Mrs L.M. Harvey: No.

Mr R.F. JOHNSON: I do not think so. It used to be the case that reckless driving, which was a hoon offence, occurred if a person drove at 45 kilometres an hour over the speed limit, no matter where it happened. If it happened on a highway with a 110-kilometre-an-hour speed limit, and the person was driving at 155 kilometres an hour that would be 45 kilometres an hour over the speed limit. If a person drove in a 70-kilometre-an-hour zone at 45 kilometres an hour over the speed limit, then that was reckless driving and a serious hoon offence. From what I can gather from the minister and the member for Midland, a person has to be driving like a bat out of hell in a confiscation zone, which is a school zone—that is the main confiscation zone. What is the lowest speed limit that somebody can travel at through a confiscation zone—a school zone—before an application is made for their vehicle to be impounded or even confiscated? What is the trigger? The member for Midland said that they have to be driving at 90 kilometres an hour over the 40-kilometre-an-hour speed limit. That would be ridiculous if that were the case. As I understand it, the other confiscation zone in which to be driving at that excessive speed limit would be in a 50-kays-an-hour area, as is the case in most suburban roads. Can the minister explain exactly the cut-off figure for when reckless driving applies and when police can apply to have a vehicle confiscated rather than simply impounded? I am fully aware that a vehicle can be impounded on the first, second and third offences. Can the minister tell us at the same time how many vehicles have been confiscated on a third offence? How many people have committed a third offence for the hoon driving that the minister is talking about now?

Mrs L.M. HARVEY: Thank you, member. I am not sure I have information on how many vehicles have been confiscated on a third offence. I do not think there are very many. Generally, when people get to the second offence, they learn their lesson and they do not want their vehicle to be permanently confiscated. To clarify the member's question, I do not think the member is understanding how this will work. Firstly, there is a definition for driving in a reckless manner, which we have been through. It states —

> … if it is driven in a manner (which expression includes speed) —

We will come to that —

> that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.

That is driving in a reckless manner.

Mr R.F. Johnson interjected.

Mrs L.M. HARVEY: Let me finish. If that occurs in a confiscation zone or any other place, and it fits the criteria, we can apply to have the vehicle confiscated on the first offence. That is what this amending legislation does. There are other elements to reckless driving. "Driving at a reckless speed" is already defined in the legislation. We are not seeking to change all components of this. If someone in an active school zone where the

speed limit is 40 kilometres an hour is driving at 80 kilometres an hour or more, they will be driving recklessly and the vehicle will be subject to impoundment on the first offence. This legislation will enable that. If someone is driving at 155 kilometres an hour on any road—most of our roads are limited to 110 kilometres an hour—they will be 45 kilometres over the speed limit and their vehicle could be subject to an impoundment offence. Whatever the speed limit anywhere in our network, if someone is driving at 90 kilometres an hour over the posted speed limit, they will be subject to having their vehicle permanently confiscated on a first offence. We have added another element to it. We are leaving the existing provisions of reckless driving, and adding a component that allows for permanent confiscation on a first offence if it is in a built-up area or a school zone. We are also saying that if someone travels at 90 kilometres an hour or more over the speed limit, we will confiscate their vehicle permanently on the first offence.

Mr R.F. JOHNSON: How many people have been found guilty of or charged with driving at 90 kilometres an hour over the speed limit, not at 90 kilometres an hour, as the minister just said, in either a school zone or another built-up area, which has a 50-kay-an-hour limit? How many people have been caught doing at that reckless speed in a school zone? I think there would be very, very few. They might be doing 40 kays an hour more but I cannot see them doing 90 kays an hour more. If there are, please tell us how many.

Mrs L.M. HARVEY: I am happy to, member. I am thankful that this is a rare occurrence. In the 2013–14 financial year, I believe there were around 10, but I do not have the exact figure.

[Quorum formed.]

Mrs L.M. HARVEY: I am advised, member for Hillarys, that in the 2015–16 year, eight vehicles were permanently confiscated for a third hoon offence.

Mr R.F. Johnson: It was simply a third hoon offence; they were not necessarily driving at 90 kays an hour over the speed limit.

Mrs L.M. HARVEY: No, because this is new; we are introducing it with this legislation.

Mr R.F. JOHNSON: Yes; it is simply a hoon offence. If they were spinning the wheels and leaving some tyre marks on the road, screeching the tyres or doing doughnuts in someone's street, that would be a third hoon offence. They would not necessarily have their cars impounded for driving recklessly or dangerously in a school zone. They are losing cars already, I think, for hoon offences, which I do not have any problem with, but they are not exactly driving recklessly in the sense that they are doing 150 kays an hour over the limit on a highway or 90 kays an hour over the limit through a school zone. I believe hardly anyone would drive at 90 kays an hour in a school zone. If that has happened, please tell us how many times.

Mrs L.M. HARVEY: At I said, member, I do not have the figures for that, but I know, for example, in the school zone of one of my local primary schools, St John's Primary School on Scarborough Beach Road, in a 40-kilometre-an-hour school zone, a crossing guard had the flags up and an individual was clocked driving at 158 kilometres an hour. That is how fast they were driving through that zone when the crossing guard had the flags up. If this legislation had been in place at that point in time, we could have impounded that vehicle and confiscated it permanently on the first offence. That is what we are endeavouring to do. It is rare but when it happens, we want to be able to take the vehicle from the person permanently.

Mrs M.H. ROBERTS: That leads to the point I was making previously. The speed of 155 kilometres an hour in a school zone seems to be a very generous speed to trigger reckless driving in a school zone. I believe the member for Hillarys asked the minister what is the minimum speed someone can be travelling to trigger a confiscation in a school zone. For the purpose of the answer, she can give varying answers if she wants to, but I am interested in a 40-kay-an-hour school zone. Can the minister advise what speed in a 40-kay-an-hour school zone would trigger the confiscation of a vehicle under the legislation she has brought before this house? How many kilometres an hour above 40 kilometres an hour would the person have to do before triggering confiscation of the vehicle?

The next point I want to get to relates to section 60A at clause 7 concerning the figure of 155 kilometres an hour. The minister said that if this legislation had been in place when someone was driving through a school zone at 158 kilometres an hour, that would have triggered an offence and the car could have been confiscated. Does someone have to drive at 155 kilometres an hour to have their car confiscated? I certainly agree that someone who drives through a 40-kilometre-per-hour active school zone at 155 kilometres an hour should have their car confiscated. The question I put to the minister is: why should someone who drives through a 40-kilometre-an-hour active school zone at 110 or 120 kilometres an hour not have their car confiscated?

Mr R.F. Johnson: Or 90.

Mrs M.H. ROBERTS: Or a lower figure. I started by asking the minister why 155 kilometres an hour was chosen. The minister answered that it was in previous legislation and so forth, but this notion of a confiscation zone was not in previous legislation. One of the confiscation zones is a school zone. Proposed section 60A(1)(a)

is "in a confiscation zone; or". I would really like some clarification about that. How many kilometres an hour does one have to do in a 40-kilometre-an-hour active school zone in order to have one's car confiscated? How many kilometres an hour does one have to do in a 50-kilometre-an-hour zone to trigger one's car being confiscated? With respect to reckless driving, what is the minimum number of kilometres an hour one would need to travel at in a 40-kilometre-an-hour school zone in order to trigger the offence of driving at a reckless speed? What is the minimum number of kilometres an hour one would need to travel in a 50-kilometre-an-hour residential area to trigger the offence of driving at a reckless speed?

Mrs L.M. HARVEY: I reiterate that there are two components to this. Confiscation for a first offence can occur for speeding only or it can occur for driving in a manner that is inherently dangerous; that is, having regard to all the circumstances of the case, it is dangerous to the public or any person. We have put this around the activity of the driver. For example, if the driver was fishtailing or doing doughnuts or something —

Mrs M.H. Roberts: I am aware of all that. I am asking if the only factor is speed.

Mrs L.M. HARVEY: If the only factor is speed, for a permanent confiscation in a school zone the offender would need to have driven at 85 kilometres an hour. In a 50-kilometre zone, they would need to have driven at 95 kilometres an hour. That is for speed alone.

Mrs M.H. Roberts: Is that for confiscation or reckless driving?

Mrs L.M. HARVEY: That would be driving at a reckless speed in a confiscation zone. It would enable police to apply for permanent confiscation of the vehicle. I have some figures around the number of people who have infringed; that is, who have driven in excess of 45 kilometres an hour in a school zone. In 2014, that number was 170; in 2015 there were 156; and up until September this year, 128 people have been charged with driving at 45 kilometres an hour or more in a school zone. Our election commitment was to enable the permanent confiscation of vehicles in those circumstances. Should this legislation pass through this Parliament, we could be looking at upwards of 100 to 170 individuals' vehicles being permanently confiscated on a first offence as a result of their driving behaviour.

Mrs M.H. ROBERTS: What is the minimum reckless speed that a person can be convicted of; that is, for someone driving in a school zone?

Mrs L.M. Harvey: Eighty-five kilometres an hour.

Mrs M.H. ROBERTS: Is that irrespective of whether the school zone is a 40, 50, 60 or 70-kilometre-an-hour zone?

Mrs L.M. Harvey: It is 45 kilometres an hour or more above whatever the school zone limit is. For 40 kilometres an hour, it would be 85 kilometres an hour.

Mrs M.H. ROBERTS: Can the minister explain why proposed section 60A(1) states —

> A person commits an offence if the person drives a motor vehicle at a speed of 155 km/h or more —
>
> (a) in a confiscation zone; or
>
> (b) on any other length of road.

Why does it state 155?

Mrs L.M. HARVEY: In effect we have covered it twice. Proposed section 60A(2) clarifies it. It states —

> A person commits an offence if the person drives a motor vehicle at 45 km/h or more above the speed limit —
>
> (a) in a confiscation zone; or
>
> (b) on any other length of road.

The threshold for a 40-kilometre-an-hour school zone is 85 kilometres an hour or other driving that, by its nature, is inherently dangerous. So there are other criteria; it does not just have to be speed. It could be 85 kilometres an hour. Anything above 85 kilometres an hour in a school zone would result in permanent confiscation. However, if that driving is at 155 kilometres an hour or more on any other length of road, the vehicle could also be permanently confiscated on a first offence.

Mrs M.H. ROBERTS: I do not know; maybe the minister might have joined the dots. Either the member for Armadale or the member Butler asked the question in the first instance. I think it was the member for Butler. Proposed section 60A(1)(a) states —

> in a confiscation zone; or

It appears to me that confiscation zones are dealt with at subsection (2). If someone is driving at 45 kilometres an hour or more in a confiscation zone, surely that is all that is needed to trigger the offence of driving at a reckless

speed. It seems very confusing to insert paragraph (a) "in a confiscation zone". Whenever the minister provides an explanation about 155 kilometres an hour or more, she refers to something other than a school zone. I am not sure whether the minister has the point that we have been raising with her for 15 to 20 minutes. There does not seem to be any utility at all in saying that a person has to have driven at a speed of 155 kilometres an hour in a confiscation zone. It would seem that the relevant figure for a confiscation zone, as the minister said to me, is travelling at 45 kays or more above the speed limit. The minister can tell me if she knows of any, but I am not aware of any roads that would meet the criteria of "confiscation zone" that are posted above 70 kilometres an hour. Are there any confiscation zones posted at 70 kays an hour or more? Seventy plus 45 equals 115. The speed of 155 kilometres an hour seems very high. I do not want the same answer: "That applies to 110-kay zones or something." No—proposed section 60A(1)(a) specifies "in a confiscation zone". The minister cannot say that that was already in the legislation. It clearly was not already in the legislation because confiscation zones are new in this bill. I am hopeful that the minister may finally understand why we are questioning proposed paragraph (a). If there is a reason, please let us know; otherwise it needs to be deleted.

Mrs L.M. HARVEY: The member raises an important point. In actual fact, should a person drive at 45 kilometres an hour or more above the speed limit in a confiscation zone, their vehicle could potentially be impounded on a first offence. Proposed paragraph (a) is in fact not required because that offence will be covered under proposed section 60A(2)(a). I will seek advice about whether it would be appropriate to delete that proposed paragraph. It may be needed to cover off. In the event that a school zone in the future has a 110-kilometre-an-hour limit, we may leave it there. I will confer with my advisers. My advisers have said that the reason it is drafted in this way is for consistency in the act. That is why these two provisions have been put under the different components of the speed-related components of reckless driving. I am inclined to leave it as is, because it does not detract from the opportunity or the intent of the legislation, which is to allow for permanent confiscation of a vehicle on a first offence when it is in a school zone or a built-up area or under these other provisions. I do not propose to amend it. I believe the point the member is driving at is that proposed section 60A(1)(a) is not required at this point in time to be specified.

Mrs M.H. ROBERTS: In fact, I do not think the whole of proposed section 60A(1) is necessary. I have just conferred with the member for Armadale. Proposed section 60A(2) states —

> (2) A person commits an offence if the person drives a motor vehicle at 45 km/h or more above the speed limit —
>
> (a) in a confiscation zone; or
>
> (b) on any other length of road.

If we are talking about futureproofing, if the speed limit in the confiscation zone happened to be 110 kilometres an hour—which I think would be incredibly unlikely—it would be a simple matter of arithmetic to add 110 and 45. It would still be 45 kilometres an hour or more above the speed limit. Unless the minister can provide an argument as to any utility for proposed section 60A(1)(a) and (b), I will signal my intention to move the deletion of those words.

Mr R.F. JOHNSON: This is the point I was trying to make earlier. The existing legislation is that it is reckless driving and confiscation will occur if a person drives at 45 kilometres an hour, or more, over the posted speed limit. As I understand it, that would happen under this legislation whether in a confiscation zone or on any other road. Therefore, proposed section 60A(1)(a) and (b) is superfluous. It is covered adequately in proposed section 60A(2)(a) and (b). It is just a repetition of what is already there. We do not need the words "155 kilometres an hour or more". That is just confusing in my view. I think the minister appreciates that. The minister is saying that she wants to be consistent. It is quite simple. All the minister has to do is delete proposed section 60A(1)(a) and (b) and I think members on this side would be happy. It is there already. The words "45 kilometres an hour or more" in proposed section 60A(2) cover everything that is contained in proposed section 60A(1)—they really do. I can understand why the member for Midland has given notice that she would like to delete those words, and I do not blame her. The member for Armadale sees it as well. He is a lawyer. I listen very carefully to what he says. The minister says there is some consistency. There is no consistency at the moment between this bill and other bills. This is a standalone bill as I see it. This is something very new. I do not oppose this bill. I am more than happy to get tough on drivers who may cause death and serious injury on our roads—very much so. However, I do not want to see legislation that is not good legislation. I think this proposed section is seriously flawed. The minister should either move to delete those words or let the member for Midland do that.

Dr A.D. Buti: Would we not also get tougher legislation if we did delete those words?

Mr R.F. JOHNSON: Yes, I agree. The legislation would be much tougher if we deleted those words and had as the main part of this bill proposed section 60A(2), which is about driving recklessly. It has always been 45 kilometres an hour or more over the posted speed limit. Why are we seeking to change that and create confusion in the minds of motorists about what reckless driving is? I hope the minister will accept an amendment from the member for Midland to delete proposed section 60A(1)(a) and (b) and then renumber proposed subsection 60A(2), which covers all of what is needed in proposed section 60A(1)(a) and (b) at the moment.

Mrs L.M. HARVEY: I thank members. This demonstrates the importance of having legislation scrutinised by Parliament. I have sought advice from the Clerk, and I am having an amendment drafted to delete proposed section 60A(1)(a). That provision is not required, because that particular offence will be covered by proposed section 60A(2)(a). That is what I am proposing, and if members can be patient with me, I will get that advice.

Dr A.D. BUTI: I am wondering why the minister would not also delete proposed paragraph (b), because the same logic applies to that. The minister should just delete proposed section 60A(1) in total. It sees silly to leave with it with just proposed paragraph (b).

Mrs M.H. ROBERTS: I concur with the member for Armadale. I would suggest that lines 14 to 17 be deleted—that is, that all of proposed subsection (1)(a) and (b) be deleted—because that is virtually replicated by proposed subsection (2)(a) and (b). I make the point that we would better futureproof this legislation if we had only proposed subsection (2). I say that because from time to time the proposition is put that the maximum speed limit on Western Australian roads should be 100 kilometres an hour and not 110 kilometres an hour. Many other states have a maximum speed limit of just 100 kilometres an hour, whereas we have a maximum speed limit of 110 kilometres an hour. If, for example, a government in 10 years' time wanted to make the maximum speed limit 100 kilometres an hour, the 155 kilometres an hour would be illogical and it would need to be amended to 145 kilometres an hour. The words "45 kilometres an hour" in proposed subsection (2) are the relevant factor here. Therefore, minister, my suggestion is that is lines 14 to 17 can be and should be deleted.

Mrs L.M. HARVEY: I move the following amendment —

Page 5, line 16 — To delete the line.

This amendment will delete the words —

(a) in a confiscation zone; or

The reason for this amendment is that those words are well and truly covered under proposed subsection 2(a). However, my advisers have said that this other potential permanent impounding offence on any other length of road should remain. In their view, that would futureproof the legislation in the event that, for example, a future government were to lift the speed limit, as we have seen in the Northern Territory. That is not something that would ever happen on my watch. The road statistics in the Northern Territory pretty much prove that that would not be a sensible thing. However, the officers and my advisers have said that it would be prudent to leave proposed paragraph (b) in the bill. The confiscation zone is well and truly covered under proposed section 60A(2).

Mr R.F. JOHNSON: I am pleased that the minister has seen some sense and has moved this amendment to delete line 16. However, to be honest, the minister has not given any logical reason for why she will not accept the suggestion put by the member for Midland, the member for Armadale and me to also delete proposed paragraph (b). I cannot accept the argument that in 10 years' time, someone might be mad enough to increase the speed limit on some roads from 100 kilometres an hour to 110 kilometres an hour. We are talking about way in the future. We do not need to do that. We need to look at today and the near future, I would suggest. A lot of things can happen between now and then. This provision is completely superfluous.

Both of those provisions are under proposed section 60A(2); the minister is basically repeating it, except that she is taking away where it includes 155 kilometres an hour. That could be completely irrelevant. However, if 45 kilometres an hour over the posted speed limit is stated, at the moment, that covers what the minister is trying to get with the inclusion of 155 kilometres an hour. A confiscation zone is a confiscation zone. If someone travels at more than 45 kilometres an hour over the speed limit in a confiscation zone, they will lose their vehicle. That is fine; nobody has an objection to that. But, for goodness sake, if we are going to tidy up this legislation—that is the role of this house and its members—this is a flaw in the legislation, although some members may not like it. It is a flaw and I think that paragraph (b) on the second line should be deleted. I would like to move an amendment to the amendment to add —

Mrs L.M. Harvey: Can I just explain why I am not deleting the second line so that you can, perhaps, reconsider it?

Mr R.F. JOHNSON: The minister already has.

Mrs L.M. Harvey: I have some further information that might, perhaps, inform your —

Mr R.F. JOHNSON: I will sit down so that the minister can get up and give her reasons why she does not want to listen to what we are saying. If it sounds reasonable, perhaps members on this side of the house will go along with it. However, I have to tell the minister that she will have to be very convincing.

Mrs L.M. HARVEY: I think the member will agree that I have agreed to amend this legislation in response to the member for Midland's pick-up that the provision is not required. The reason my advisers have given me for leaving in the provision of an offence with a speed limit of 155 kilometres an hour or more on any other length of road is that, in certain parts of the state, there is some ambiguity in the speed limit. Although the default speed limit on any open road is 110 kilometres an hour, not every road is signposted. Having this provision of 155 kilometres an hour as a permanent impound offence makes it very, very clear that, on any road in

Western Australia, if a person is driving at that speed limit or above, their vehicle could be subject to permanent confiscation on the first offence. That is why my advisers have said to me that the provision should remain in the legislation, but that proposed section 60A(1)(a) is superfluous to requirements and can be deleted without altering the intent of the legislation and ensuring that there is still clarity right across the road network.

Mr R.F. Johnson: Okay, you've convinced me; that's fair enough.

Mrs M.H. ROBERTS: I want to signal that we will support the minister's amendment and I thank her for the explanation. I fully understand that there can be doubt with some roads. For example, some years ago within the Swan Valley, some roads were not signposted. Much to my surprise, I learnt that the speed limit was technically 110 kilometres an hour there because the roads were not signposted; that was the advice I was given. It surprised some people who lived in areas—including as near as Caversham—that there were roads with effectively a 110-kilometre-an-hour speed limit. I campaigned to have those roads signposted because it was inappropriate—a bit like the country catching up to the city—for them to retain a 110-kilometre-an-hour speed limit. It may have been appropriate 30 years ago when Caversham and the Swan Valley were in much more of a country-style area. I moved to have those roads signposted with appropriate speed limits so that it would be clear what speed was appropriate through the back areas of the Swan Valley. I fully appreciate that there may well be country towns with similar issues. There may not be clarity about whether the speed limit is the default 110 kilometres an hour or the default limit in a residential area, which is 50 kilometres an hour. I agree that it is probably better to take the cautious approach and leave in paragraph (b). I thank the minister for moving the amendment, which we will now support.

Amendment put and passed.

Mrs M.H. ROBERTS: Clause 7 has quite a number of other provisions that deal with penalty units. I wonder whether the minister can explain what increases there will be to any penalty units. She will note that there are references to 120 and 240 penalty units and the like. Are there any increases in the length of imprisonment or penalty units; and, if so, for what reason?

Mrs L.M. HARVEY: None of the penalty unit provisions is being increased with this legislation.

Mrs M.H. ROBERTS: I note that the minister is saying that the structure of the penalty provisions has changed. Can she advise why that structure has been changed and how we will benefit from that?

Mrs L.M. HARVEY: I am advised that during drafting, the drafter requested that we change it to this format for consistency with other legislative instruments. It is just that drafting preferences change from time to time.

Clause, as amended, put and passed.

Clause 8: Section 61 amended —

Mrs M.H. ROBERTS: On clause 8, the explanatory memorandum states —

> Section 61(4) provides that where a person is convicted of dangerous driving and had been previously convicted of dangerous driving causing death or grievous body harm, —

I think that should be bodily harm —

> dangerous driving causing bodily harm, or reckless driving (this includes reckless driving speeding), these offences are to be considered as a previous offence for sentencing purposes. The changes made by clause 6, necessitated inserting section 60A (reckless speeding) so that it will be considered as a previous conviction for the purposes of sentencing.

I would like to know whether persons who are convicted can apply for an extraordinary licence and in what circumstances.

Mrs L.M. HARVEY: I am advised that persons who are convicted and have their licences suspended or disqualified under these provisions can apply for an extraordinary licence under the Road Traffic (Administration) Act, but they would have to fit the criteria for extreme hardship—I think that is the terminology used. Yes—extreme hardship.

Mrs M.H. ROBERTS: The minister's answer disappoints me. The fact of the matter is that when people apply for an extraordinary licence, they have to prove extreme hardship and sometimes when they are granted an extraordinary licence, conditions are placed upon them. Although I am not totally against extraordinary licences—I understand that some people are and I understand their reasons for being totally against them—I have a view that if the person involved has not killed someone and has not committed an offence that results in grievous bodily harm to someone and it is a first offence, they should be given the benefit of the doubt and be allowed to apply for an extraordinary licence. I think we all know of circumstances in which young people in particular have lost their licence because they have accumulated points for speeding or other things, but they

have not killed or seriously maimed anyone or even had a drink-driving offence. People lose their licences and apply for extraordinary licences. Sometimes they are doing an apprenticeship or working as a bricklayer and they need to get to work at four or five o'clock in the morning when public transport is unavailable. I understand that there are some hardship cases. I also understand that some people have other people reliant on them, be they small children or elderly or disabled people. People can be given extraordinary licences, which should be able to be given for extreme cases of hardship when one of the offences described in proposed section 61 does not apply. Minister, I ask why we would not deny people who have been convicted of dangerous driving causing death or grievous bodily harm the right to apply for an extraordinary licence as an additional penalty.

Mrs L.M. HARVEY: Member, as I said previously, this is about achieving an election commitment to allow for permanent confiscation of a vehicle on a first hoon offence or on a second offence in certain circumstances. That is what we are debating. I did not propose to make any changes to the ability for offenders to apply for extraordinary drivers' licences. That legislation falls under the responsibility of the Minister for Transport. I take on board what the member says. We tightened up the provisions around the ability for individuals to apply and receive extraordinary drivers' licences, and we changed those hardship provisions, but this amending legislation does not propose to do that. I agree with the member that our heart often says that people should be permanently banned from driving, but our heads also know that in many circumstances people in Western Australia need a driver's licences if they are to work. That is the balancing act we need to achieve with legislation, but this amending legislation does not deal with the provisions of the Road Traffic (Authorisation to Drive) Act.

Mrs M.H. ROBERTS: I thank the minister for the explanation. Someone who is convicted of those relevant offences will effectively have that chalked up as a first offence under this impounding act. It would be commonsense to also deny such a person the right to an extraordinary licence. I know this issue has been properly raised with the Minister for Transport, and the Road Traffic (Authorisation to Drive) Act is presumably under his control. However, it is relevant to raise it with the Minister for Road Safety. I hope that this Parliament in the future will certainly toughen up on those who can get extraordinary licences. It is one thing to count it as a strike for the purposes of the impounding legislation, but we need to go much further than that. Those persons should not be able to get an extraordinary licence. I know that many family members of loved ones who have been killed or seriously injured as a result of drunk-drivers are totally and completely appalled when they see that the driver has been granted an extraordinary licence. From time to time, it is drawn to public attention that some people get those extraordinary licences over and again. I am hopeful that the minister will raise that with the Minister for Transport. I will certainly raise it with my colleagues on our side of the house.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 61B inserted —

Mrs M.H. ROBERTS: Proposed section 61B provides a defence for police, firemen, ambulance drivers and the like. I note that the headings and so forth have been changed. I cannot see that there is much practical import there. Why have these amendments been brought about?

Mrs L.M. HARVEY: I am advised that the drafters wanted to split these sections and define them in the legislation as they have been defined through this amendment bill.

Dr A.D. BUTI: Proposed section 61B, "Defence for certain officers driving at reckless speed", states —

> The driver of a motor vehicle is not guilty of an offence under section 60A if —
>
> (a) either —
>
> (i) the driver is on official duty ...
>
> (ii) the driver is on official duty responding to a fire or fire alarm; or
>
> (iii) the driver is on official duty responding to an emergency ...
>
> (iv) the motor vehicle is an ambulance ...

The first three paragraphs refer to the driver X, Y, Z. Paragraph (iv) refers to the motor vehicle, being an ambulance. Why is that drafted in such a manner?

Mrs L.M. HARVEY: I am advised that this is a direct copy and paste from what was previously reflected in the legislation around the defence for certain officers in order to put protections in place for police officers, ambulance drivers and firefighters, for example. It has been separated to reflect the new provisions in the legislation.

Dr A.D. Buti: I am not asking the minister to change it but would she at least concede that it is a bit clumsy?

Mrs L.M. HARVEY: It does seem unusual to refer to the vehicle rather than the driver.

Clause put and passed.

Clause 11: Section 62A replaced —

Mrs M.H. ROBERTS: Section 62A of the Road Traffic Act, "Causing excessive noise or smoke from vehicle's tyres", will be deleted. We are advised that the penalty for the offence will increase from 12 to 30 penalty units to better reflect the seriousness of the offence. What is the current value of a penalty unit and how was it determined that 30 was more relevant than 12?

Mrs L.M. HARVEY: One penalty unit is valued at $50. This penalty was changed to align it with the increased penalty for careless driving. That was part of the Road Traffic Legislation Amendment Bill.

Clause put and passed.

Clause 12: Section 74 deleted —

Mrs M.H. ROBERTS: This clause deletes section 74 of the Road Traffic Act and we are advised it is a drafting change and that the section will be reinserted at proposed section 78F in clause 18. Is there any other import of this change?

[Quorum formed.]

Mrs L.M. HARVEY: I am advised that this was done for consistency in drafting. We wanted to ensure that there was a right for the Commissioner of Police to be heard in proceedings under the impounding and confiscation of vehicles part of that legislation. The content of section 74 has been shifted to 78F so that it is more consistently reflected in these impounding provisions.

Clause put and passed.

Clause 13: Section 78A amended —

Mrs M.H. ROBERTS: Clause 13 is quite involved. It updates and inserts some new definitions, including the definition of "impound", which we are advised has been done to clarify that this means the storage of a vehicle in police custody after its seizure or surrender. I am just wondering about the definition of "police custody", because in many circumstances we know police officers do not actually hold the car in custody, but it is done by an independent provider or contractor. Someone gets contracted to impound the vehicles and police also use contractors to store the vehicles. There is a reference in the explanatory memorandum to sections 60(1a) and (1b) being deleted and replaced by section 60A in clause 6 and that this is a transitional provision to capture offences under the former provisions of the act. How will this transitional provision work and how long will the transition need to be there for? I also note that there are some other changes, but I might just wait for an answer to those first few questions.

Mrs L.M. HARVEY: I am advised that this provision is in the bill for the new section 60A offences. It is there so when a vehicle is to be impounded, consideration can be given to the new section 60A offences and the old section 60 offences can still also be considered for an impounding offence.

Mrs M.H. ROBERTS: This is a long clause with quite a lot of changes. Could the minister explain the offences under proposed new section 60A and give an assurance that people will get done for one or the other and not both? I note also the definition of "reasonable expenses", which is a new provision that the Commissioner of Police can claim only costs that are currently owed to him. Who determines those costs? Are the costs adjudicated or are they what the police commissioner claims?

Mrs L.M. HARVEY: The definition of "reasonable expenses" clarifies that the Commissioner of Police can claim only those costs incurred and that are currently owed to the commissioner. That term is used in other provisions and for drafting consistency has been inserted into proposed new section 78A. We have just debated proposed new section 60A offences, which include driving at a reckless speed in a confiscation zone, and which incur an impounding consequence. This will ensure that proposed new section 60A offences will also be considered in the context of existing section 60 offences when the impounding consequence is considered. I am also advised that there is an indefinite time period for impoundment when these offences are considered on second and third strikes.

Mrs M.H. ROBERTS: Could the minister explain in a little more detail how "reasonable expenses" are determined and what is and is not included, and whether those expenses exclude police time and administration, for example? Do they relate only to towage and storage of vehicles or are other things deemed to be reasonable expenses; and, if so, what is deemed to be a reasonable expense? Could the minister also explain whether there is a set towage fee or can the commissioner charge the actual towage cost? For example, someone's car might be impounded two kilometres from where it will be stored and another person's car impounded 42 kilometres from where it will be stored, so the towage cost would be different in each circumstance. Do the "reasonable expenses" for towage claimed by the commissioner comprise a standard fee or is it the real cost of towage in each instance? Again, is the storage cost a standard fee per day or is it determined somehow differently? Could "reasonable expenses" include other costs such as police time and perhaps administration? If the commissioner, for example, engaged someone with accountancy skills to work out the reasonable expenses, would there be a proportion of that person's time that could be claimed because it was a necessary part of the process?

Mrs L.M. HARVEY: Reasonable expenses would include towage costs. Western Australia Police has contracts with various companies to take these vehicles from the roadside to a storage area. Impoundment includes a storage cost and WA Police has contracts with people to manage those motor vehicles while they are impounded. A WA Police fee covers the administration costs of police.

Mrs M.H. Roberts: Is that a standard fee?

Mrs L.M. HARVEY: It is set by regulations and sits at $136 at present. There is also a contractor fee for the management of the vehicle, which is linked into the storage costs.

Mrs M.H. ROBERTS: I am still waiting for the answer to whether there is a standard towage fee or whether that differs depending on the number of kilometres involved.

Mrs L.M. HARVEY: I am told that we have varying arrangements with different contractors. That is organised by Western Australia Police depending on where the vehicle is. For example, we would have different arrangements in regional areas from what we would have in metropolitan areas. Some companies charge a set fee; some charge a per-kilometre rate. It is not consistent, but we try to limit these costs as much as we can. Obviously, part of the issue with vehicle retrieval from impound is when people cannot pay these costs and are unable to release the vehicle from impound, resulting in WA Police incurring further costs.

Mrs M.H. ROBERTS: Would people potentially be charged different towage fees depending on the contractor that is being used and whether they are charging a per-kilometre rate?

Mrs L.M. Harvey: Yes.

Mrs M.H. ROBERTS: There is a standard administration fee, but the towage fee may differ depending on other circumstances.

According to the explanatory memorandum, subclause 13(2) will insert in section 78A a new provision to address an anomaly in relation to alternative verdicts for an impounding offence driving. The explanatory memorandum states —

> Currently, if a person is charged with a particular impounding offence … but is convicted of an alternate impounding offence … , the Commissioner of Police pursuant to section 80IB is required to refund the impoundment costs. This was not the intent of section 80IB. This new clause resolves this anomaly and the Commissioner will no longer be required to refund the payment made for the release of the vehicle where the driver is convicted of an alternate impounding offence …

I fully understand that if the person is not convicted of any offence, that refund will still apply, but I wonder on how many occasions this so-called anomaly has occurred, in which a person has been charged on one offence and then convicted on another, and despite the fact they have been convicted on another, the commissioner has had to make a refund payment. On how many occasions has this occurred?

Mrs L.M. HARVEY: I am not sure that this has ever occurred. Through examination of this section, we found the anomaly exists. Potentially, if a person is charged with an impounding offence but the trial extends beyond 12 months, the commissioner would be required to refund the impound costs of that vehicle because the person had been charged with the offence but not convicted within the 12-month period. We are changing it to say that it is not the time between the person being charged and convicted that is relevant. We will refund the costs of impoundment and storage et cetera if the person who has been charged with the offence is subsequently acquitted. To my knowledge, this has not occurred; that is, we have not had to refund impounding costs because the period between charging for an offence and conviction had exceeded 12 months. However, the member would understand that once we found that anomaly, we saw this amending legislation as an opportunity to correct that so that we would only ever be refunding impounding costs if the person was acquitted.

Clause put and passed.

Clause 14: Section 78C amended —

Mrs M.H. ROBERTS: Clause 14 amends section 78C of the principal act and we are advised that police will now be permitted to seize an unlicensed motor vehicle in accordance with proposed sections 80O and 80Q, which are to be inserted by clause 44 of the bill.

Proposed section 78C has now become necessary. Was it not previously the case that police were permitted to seize the unlicensed motor vehicle in accordance with proposed sections 80O or 80Q, or does that relate to just bikes?

Mrs L.M. HARVEY: No, this is specifically for the new provision under which police can seize unlicensed motorcycles or trail bikes.

Mrs M.H. ROBERTS: Perhaps the minister can answer a couple more questions for me. The minister has said that any profitable balance from the seizure of those bikes will go to the road trauma trust account. Does that apply to other vehicles? With regard to this clause, I note that proposed section 78C(1) is amended to include an

unlicensed motorcycle seized in accordance with proposed section 80O(2), and that a police officer or agent may convey it to a place where it is to be stored. Is the word "agent" defined in any part of this legislation or other legislation?

Mrs L.M. HARVEY: An agent in this circumstance would be a contractor such as one of the towing contractors used for other impounding offences. This provision is about unlicensed motorcycles or trail bikes, so it is different in that although some of those motorbikes are eligible to be licensed to be driven on the road, many of them would not be licensed or fall under a licensing regime. It is somewhat different from a vehicle that would ordinarily be permitted to be licensed. Many of these bikes would never be permitted to be licensed and this allows police to seize that category of motorcycle or trail bike as we know them.

Mrs M.H. ROBERTS: On that point, the explanatory memorandum states —

> Police will now be permitted to seize an unlicensed motor vehicle in accordance with …

I can fully appreciate that the minister wants to be able to seize unlicensed bikes, but is she advising me that previously under the legislation police were not able to seize unlicensed motor vehicles?

Mrs L.M. Harvey: No. They could seize unlicensed motor vehicles but not trail bikes.

Mrs M.H. ROBERTS: The explanatory memorandum states —

> Police will now be permitted to seize an unlicensed motor vehicle in accordance with …

Perhaps the explanation should have been that they will now be able to seize an unlicensed motorcycle.

Mrs L.M. HARVEY: I am advised that that was a typo in the explanatory memorandum. Just to be clear, police have the power to seize an unlicensed motor vehicle under certain circumstances such as when it has been used in a hoon offence. With regard to generally unlicensed motor vehicles, police do not have the power of seizure unless the vehicle has been used in the commission of an offence under this act. Trail bikes would fall into that category because police currently have no power to seize trail bikes whether they are licensed or unlicensed. They fall under the other impounding provisions.

Clause put and passed.

Clause 15 put and passed.

Clause 16: Section 78E amended —

Mrs M.H. ROBERTS: Clause 16 will amend section 78E and provide that the Commissioner of Police may recover expenses for which a person is liable under sections 79E, 80H, 80I, 80K or 80LA from a court of competent jurisdiction. We are actually talking about recovering expenses from a court here, so it is different from what we have been talking about previously. It also includes provisions so that the commissioner may seize and dispose of a confiscated motorcycle, and that has necessitated that amendment to section 78E, to enable expenses incurred by the Commissioner of Police in dealing with a motorcycle to be recouped. I am interested in the point that states that the person might be liable under those particular sections and that the Commissioner of Police has the ability to recover expenses from a court. I presume that the commissioner has to make a claim and then the court will adjudicate whether to pay the expenses or potentially in one way or another adjudicate on the expenses. Can the minister provide some advice on that?

Mrs L.M. HARVEY: I am advised that when a vehicle is impounded and then police dispose of it, often an outstanding debt is owed against the storage costs et cetera. This provision allows for the commissioner to make an application to the court by way of a civil proceeding to recover those costs from the individual responsible for the vehicle.

Mr R.F. JOHNSON: When vehicles are impounded, there is a provision whereby the offender can simply write a note to give the vehicle over to the police. Rather than incur 30 days' impounding costs, they can sign a notice straightaway to state that the vehicle is not worth much money, they do not want it, and they do not have enough money to wait 30 days to get it out of the pound, so the police can have the vehicle and dispose of it as quickly as they can. Is that still in place; and, if so, how many people have taken advantage of signing the vehicle over to the police to dispose of, either by way of auction or crushing to use it for scrap metal or whatever?

Mrs L.M. HARVEY: We do not have the figures on the number of vehicle owners who have taken advantage of that, but there is still an opportunity for owners of vehicles when their vehicles are of low value to immediately surrender the vehicle to be disposed of for scrap metal or whatever so they do not incur the storage costs of that vehicle. That provision still sits there. My adviser has a whole iPad full of stats, but he does not have that particular stat with him. I can provide at a later time the number of individuals who have taken advantage of the opportunity to surrender the vehicle to police to dispose of prior to incurring storage costs. I would need to get that to the member at a later point.

Mr R.F. JOHNSON: I am grateful for that. I am very interested in this and I would appreciate it if the minister can get the stats to me at a later stage. There is no mad rush. I would like to know at some stage whether that

system is working. It was implemented five or six years ago and it started to work. I just want to know whether it is still working successfully, because it cuts down the cost to the police and the public in respect of storing those vehicles. Very often these people do not have the money anyway. Even if they hand the vehicle over to police, the police might try to send it to an auction. If the sale of the vehicle does not fetch the value of the towing charge—because it can literally go over a few hundred dollars—I note that under this clause, the Commissioner of Police can still claim from the offender any difference between what they actually get for that vehicle, whether it be for scrap or sale at auction. I hope that is still the case. If it is, perhaps the minister can incorporate that information with the other information.

Mrs L.M. HARVEY: With these provisions, we are expanding that opportunity to the owners of vehicles who have their vehicles impounded under a hoon offence. Currently the provision for an accused person to surrender a vehicle for disposal falls only with those who have their vehicle impounded for not having a motor driver's licence. Obviously, some people commit hoon offences in vehicles of low value. We are expanding the provision so that owners of vehicles who have had their vehicle impounded and the vehicle is of low value are also able to surrender them to police for disposal rather than incurring storage costs. We are expanding that provision. As to the number of individuals who have had their vehicles impounded for no authority to drive, I can make those figures available to the member on the next day's sitting.

Clause put and passed.

Clauses 17 and 18 put and passed.

Clause 19: Section 79 amended —

Mrs M.H. ROBERTS: This clause states, in part —

> … before "impound" insert:
>
> > seize and

so it will read "seize and impound". Why does the word "seize" need to be included here, minister?

Mrs L.M. HARVEY: It is more of a drafting correction. Obviously, a vehicle needs to be seized before it can be impounded, so it is basically clarifying that.

Clause put and passed.

Clause 20: Section 79A amended —

Mrs M.H. ROBERTS: This is a very similar amendment, so I am anticipating a similar explanation. We need to include the word "seize" so it will be "seize and impound". The minister said in her explanation that police officers are required to take physical possession of a vehicle. I assume the minister means a police officer or an agent is required to take that physical possession.

Mrs L.M. HARVEY: This is exactly the same as clause 19 but for a different section. It basically inserts the word "seize" prior to "impound". Police officers are the ones who seize and impound vehicles. Contractors convey the vehicle from where it is impounded to a yard for storage.

Clause put and passed.

Clause 21: Section 79BA amended —

Mrs M.H. ROBERTS: This deals with the issuing of a surrender notice to a vehicle's driver or responsible person requiring the surrender of the vehicle that is reasonably suspected of being used in the commission of an impounding offence. The explanatory memorandum states —

> Pursuant to subsection (5)(b), this notice must include a statement as to the effect of section 79BB(5), which makes it an offence for a person to dispose of their interest in the vehicle after they have received a surrender notice.
>
> This clause amends the current subsection 5 to require a statement as to the effects of section 79BB(5) and (6) as a consequence of an amendment made to the offence provision at clause 22 of this Bill.

I note that the impounding offence that someone might be reasonably suspected of might be an impounding offence, driving, or an impounding offence, driver's licence. Can the minister just clarify this? Are we talking about a person who has maybe lost their driver's licence or, if a person is to lose their driver's licence, at what point in time they would lose their driver's licence?

Mrs L.M. HARVEY: In effect, offenders will be issued with a surrender notice for a vehicle when they are charged with an offence that has an impounding consequence. This amendment creates an offence for those individuals if they vandalise, devalue or sell the vehicle prior to the exercising of the surrender notice. They have been charged with an impounding offence and they have been told their vehicle needs to be surrendered. If they sell it, vandalise it or devalue it, it is now an offence under this legislation.

Mr R.F. JOHNSON: I was under the impression that it was an offence under the existing legislation to do all of those things that the minister has just listed. If that is the case, as I believe it is, this is nothing new. Can the minister confirm that it is, under existing legislation, an offence to devalue, damage, sell or dispose of a vehicle that is, if you like, part of an order of confiscation and impoundment?

Mrs L.M. HARVEY: There was always an offence for a person disposing of a vehicle, but we have expanded this provision to also cover a devaluation of the vehicle. The example I have been given is that some of these offenders have actually removed the motor of the vehicle prior to surrendering it to police, which significantly devalues the vehicle and obviously still leaves them with something of value, which circumvents the consequences. We have now created an offence for an individual who might engage in that kind of behaviour.

Mr R.F. JOHNSON: Is the minister saying that that is not already in the legislation? I seem to recall that being part of the legislation when I was Minister for Police. It was not just disposing of the vehicle; it was devaluing the vehicle, which could be done in all sorts of ways—damage to the vehicle, nicking all the good stuff out of it, or taking all the seats out of it or, as the minister said, the engine. That would devalue it enormously, and I was certainly under the impression that that was part of the existing legislation. If the minister is saying it is not, then fine, I will accept that, but I would be very surprised if that were the case. Can the minister tell us if that is true?

Mrs L.M. HARVEY: I am advised that, while this provision already existed in the legislation, we have clarified it. The difficulty that the police have is that it was not really clear in the previous legislation. With this amendment, we have sought to make abundantly clear the circumstances in which a person can incur a penalty for engaging in that behaviour. Although this offence did already exist, we have tightened it up and made it more workable for police to use.

Mrs M.H. ROBERTS: This provides that if a person who is given a surrender notice in relation to a vehicle commits an offence, or fails to comply with the notice, and does anything or permits another person to do anything that results in devaluation, et cetera, is subject to a fine of 50 penalty units. Is that a new provision, or is that the number of penalty units that currently applies?

Mrs L.M. HARVEY: No; it is the existing penalty.

Mrs M.H. ROBERTS: Obviously vehicles can be devalued in certain ways. Earlier, we discussed 50 penalty units. Each penalty unit is $50, so that is $2 500. On a high-value car it certainly may be possible to remove things from it that are worth well over $2 500. Although this would seem to be a stiff penalty for a low-value car, it seems that it may not be much of a deterrent for the owner of a high-value car. In the case of a very high-value car, components of it would be worth a lot more than $2 500. I wonder why it is not 50 penalty units or the amount that the vehicle has been devalued by.

Mrs L.M. HARVEY: That may be the case; however, this provision has not necessarily been changed. We have clarified it so that it is easier for police to prosecute people who do this. I am advised that drivers of lower value vehicles tend to display this kind of behaviour. Generally people with high-value vehicles are unwilling to devalue them. The member is right—for the driver of a Lamborghini, for example, a $2 500 fine will not necessarily deter them if they are looking at the permanent confiscation of that very high value-vehicle.

Clause put and passed.

Clause 22: Section 79BB amended —

Mrs M.H. ROBERTS: Can the minister clarify whether what is proposed will have very little real effect on the offences or the penalties?

Mrs L.M. HARVEY: Member, this reflects the previous amendment.

Clause put and passed.

Clause 23: Section 79BCA amended —

Mrs M.H. ROBERTS: This clause concerns the issue of a surrender substitute vehicle notice to a driver who has been charged with an impounding offence. Can the minister advise the house in what circumstances a substitute vehicle would be surrendered and how this scenario works?

Mrs L.M. HARVEY: Generally, a substitute vehicle will be surrendered if the driver who has been charged with the offence was driving someone else's vehicle; for instance, a work vehicle or a relative's vehicle or whatever it might be. In order to ensure that they can release their boss's vehicle or their employer's vehicle, if they own a vehicle, they can surrender it. The provisions around the devaluation of the vehicle they surrender will still apply; that is, devaluing it, damaging it or trying to dispose of it. Clause 23 brings some consistency into that.

Mrs M.H. ROBERTS: The minister gave the example of a person who is driving a work vehicle, and they want to be able to give that vehicle back to the employer, or the employer wants, no doubt, to get that vehicle back. I understand why this provision exists. However, I am seeking some clarity about what vehicle could be

substituted. For example, Mr Smith works for employer A, and he commits a hooning offence in employer A's vehicle. Employer A wants their car back, and because Mr Smith is generally driving the employer's vehicle, he does not own a vehicle; therefore, he does not have a substitute vehicle in his name. Can that person go out that day or the next day and purchase a cheap vehicle and surrender or substitute that vehicle? Can a person who owns two or three vehicles choose which vehicle they will surrender? If a person has no vehicle to surrender, can they pay a financial penalty instead of surrendering a vehicle?

Mr R.F. JOHNSON: Madam Deputy Speaker —

The DEPUTY SPEAKER: Member for Hillarys, do you have a point of order or do you want to ask a further question? I think the minister is going to respond to the member for Midland.

Mr R.F. JOHNSON: I did not know that.

Mrs L.M. Harvey: I am seeking advice.

The DEPUTY SPEAKER: Thank you. I will call you when the minister has responded.

Mrs L.M. HARVEY: I am advised that if the individual has a work vehicle and they want to purchase a vehicle to surrender as an alternative, that vehicle must be of similar value. A person cannot just buy an old bomb and say that is their vehicle and surrender that. It must be a vehicle of similar value. A person cannot circumvent the system.

Mr R.F. JOHNSON: The minister mentioned a Lamborghini. There was a very famous case of a Lamborghini —

Mr J.M. Francis: I can't believe you're asking about that!

Mr R.F. JOHNSON: Why?

Mr J.M. Francis: Come on! When you were the minister, you brought this legislation in. I raised this with you. I don't normally make contact with you, but I raised this with you on numerous occasions, and you had to bring an amendment bill back to this house to fix it.

The DEPUTY SPEAKER: Order, member!

Mr R.F. JOHNSON: We will correct history, then.

The DEPUTY SPEAKER: Member for Hillarys, ask the question, please, through the Chair.

Mr R.F. JOHNSON: I was, until I was rudely interrupted by the member.

The DEPUTY SPEAKER: I have told the member who is interrupting you to stop. Will you please direct your question.

Mr R.F. JOHNSON: I certainly will, Madam Deputy Speaker. I was reflecting on the time when an offence of hooning took place in a Lamborghini that did not belong to the person who was driving it. A mechanic was driving that vehicle, and that vehicle was impounded by the police for 30 days. There was a big hoo-ha about that because the owner of the Lamborghini, who was a doctor of some note—or he has become fairly famous—thought that was very unfair. I thought it was unfair, and that is why I changed the legislation.

The DEPUTY SPEAKER: What is your question, please, member for Hillarys?

Mr R.F. JOHNSON: I am getting to it, Madam Deputy Speaker. Am I not allowed to lead into the question? The minister has already mentioned the Lamborghini. We are talking about vehicles that are impounded but do not belong to the person who has committed the offence. That is what I am saying.

The DEPUTY SPEAKER: Thank you. The minister.

Mr R.F. JOHNSON: I have not finished.

The DEPUTY SPEAKER: Sorry; I thought you had.

Mrs L.M. Harvey: I have not heard a question yet.

Mr R.F. JOHNSON: It is coming. I am giving the minister a precis of the question so that she can understand it. I want to say that at that stage, the legislation was changed. What will happen now if we have a similar situation and a mechanic is driving a customer's vehicle? Under the existing legislation, as I understand it, there is the option for a vehicle that belongs to the mechanic to be substituted for the customer's vehicle. However, the mechanic may not own a vehicle. What will be the situation if the offender who was driving the vehicle does not own a vehicle—or, if they do, it is an old bomb?

Mrs L.M. HARVEY: In the case of the infamous yellow Lamborghini in which the mechanic had no authority or ownership over the vehicle—they provided a service to the owner of the vehicle—should that mechanic not own any vehicle, basically, police would do an investigation to ascertain whether that was correct. I am advised that a senior officer—for example, an inspector—could still authorise the release of the Lamborghini. Regarding

the individual having to go out and purchase a car of equal value to a Lamborghini, no, that would not apply in this case. The substitution of a vehicle would apply only if the service provider—the mechanic who was hooning—had a vehicle; then he would be required to surrender it in exchange for the Lamborghini. If he did not own a vehicle, he would be subject to the penalty that would arise out of the offence and the Lamborghini could still be released to the owner because the mechanic had no authority to drive the vehicle in that manner and he did not own it.

Mrs M.H. ROBERTS: The minister said that if a person did not own a vehicle, they would have to purchase a vehicle of equivalent value to the work vehicle in question and surrender it. My question is: let us say that the work vehicle was worth $20 000, but if the person owned a personal vehicle that was worth only $1 500, would it be acceptable for them to surrender their $1 500 vehicle?

[Quorum formed.]

Mrs L.M. HARVEY: In response to the member for Midland's question, if, for example, an employer had a later series LandCruiser and that was the work vehicle that the hoon drove, police would look to the individual who incurred the offence. Police would take the vehicle of the highest value that the individual owned or the vehicle of equivalent value to the LandCruiser. I have also been advised that, prior to the release of the employer's vehicle, police will currently compel an offender who has been charged with the offence to pay for the impound costs to that point before they surrender another vehicle in exchange. If the individual owned only a vehicle of very low value—a $1 500 vehicle—under the act, we would have to accept that; however, we would recover the impound costs to the point prior to its surrender. If the individual had a $70 000 or $100 000 vehicle that was of equivalent value to the work vehicle, we would take the highest value vehicle that the individual owned as a surrendered vehicle.

Clause put and passed.

Clause 24: Section 79BCB amended —

Mrs M.H. ROBERTS: This clause amends section 79BCB. There are some minor drafting amendments that we are told will have basically no substantial effect. However, there is a claim that a person commits an offence by disposing of an interest in a vehicle after receiving a surrender substitute vehicle notice. The explanatory memorandum advises that no offence is committed if the person fails to comply with a notice or, having received a notice, does something or allows another person to do something to the vehicle that results or will result in a reduction in the value of the vehicle. The minister can correct me if I am wrong, but I suppose we are talking about someone's spouse, child, father or someone else removing things from the vehicle, potentially independently of the person or potentially in cahoots with the person involved. It appears that that person would not be committing an offence. Let us say that there was a very expensive stereo system or some other things of value in the vehicle and a relative or friend of the person removed those things from the vehicle. Can the minister clarify that, as the law stands, no penalty would be imposed on that person? Can the minister clarify in addition whether the person who is subject to the order would be committing an offence by allowing someone to do that to the vehicle? There is also a claim in the explanatory memorandum that actions of this nature have resulted in a cost to the state. Can the minister advise what the cost to the state has been?

Mrs L.M. HARVEY: I am advised that we do not keep figures on the cost of the devaluation of these vehicles that has occurred. The person who has been charged with the hoon offence is responsible for ensuring that the surrendered vehicle is surrendered in the state it was in when the offence was committed and that it has not been devalued or disposed of between committing the offence and surrendering the vehicle.

Mrs M.H. ROBERTS: I am not sure that that answers all the components of the question, but I gather that, by not saying anything, the minister is agreeing that if a relative removed things of value from a vehicle, no penalty would be imposed on that relative under the existing legislation or the bill before the house.

Mrs L.M. Harvey: This does not apply to personal effects in the car; it applies only to actual components of the vehicle. It would have to be the removal of the motor, for example, or devaluing the vehicle in that way.

Mrs M.H. ROBERTS: I mentioned by way of example the car's stereo system or speakers or things of that nature. Although they are not necessary to make the vehicle driveable, they are certainly part of the vehicle when it comes out of the showroom.

Mrs L.M. HARVEY: If the sound system or a GPS system that was built into the vehicle was removed, or the person permitted a relative to do so, yes, that would be considered to be an offence under this legislation.

Mrs M.H. ROBERTS: Would the offence be against the person who committed the hooning offence and not the relative?

Mrs L.M. Harvey: Yes.

Mrs M.H. ROBERTS: By way of further clarification, if something is retrofitted to a vehicle, let us say a GPS as the minister mentioned, it can be removed. A lot of new vehicles come with GPSs these days, but a lot of

people use retrofitted GPSs, TomToms and the like, that are simply clipped onto the dash or other parts of the car. I understand from the minister's answer that those kinds of retrofitted things, such as a phone cradle or other objects of that nature, can still be removed under this legislation.

Mrs L.M. HARVEY: I am advised that anything that is connected to the vehicle by a wire, for example, would be considered part of the vehicle. If there were after-market modifications to the motor, for instance, at the time of the impounding offence, they would need to remain intact on the vehicle when it was surrendered, or else the person could be charged with this offence and receive a penalty. A phone cradle, for example, could probably be removed, but a GPS that is set and wired into the vehicle would have to remain with the vehicle, or the offender could be charged with the offence of devaluing the vehicle.

Mrs M.H. ROBERTS: I think using the words "by a wire" is probably quite misleading because these days some things are connected by wire and equivalent things can be connected wirelessly. That would apply to phone cradle systems, hands-free phone systems and GPS systems. Older technology sees these things hard-wired. Newer technology sees them being wireless. I am not confident that the minister has given a good answer about that. I fully understand that things such as seat covers can be removed if someone has expensive sheepskin covers or something of that nature, but I am questioning some of the technology that people might have in their vehicles.

I think the minister has clarified that the penalty for the offence—a fine of up to 50 penalty units, which equates to $2 500—is applicable only to the person who is the subject of the hooning offence. I note, however, that the fine is up to 50 penalty units, so I am again assuming that this will need to go to court. Otherwise, I do not know why it says "up to". If it is their first offence, would they potentially get a lesser fine? Maybe it would not be 50 penalty units. Why is there that explanation of "up to 50 penalty units"?

Mrs L.M. HARVEY: The court would determine the penalty for this offence. The penalty is up to 50 penalty units and it would depend on the nature of the devaluation. The advice I have been given is that anything that is plug-and-go could be removed and that would not constitute devaluing the vehicle, but anything that is wired in would be considered to be connected to the vehicle. For example, people often have a dash cam plugged into the cigarette lighter or other outlets and that could be removed and it would not be considered a devaluation of the vehicle for the purposes of this offence. However, the removal of something that is wired in could damage the vehicle—for example, the phone cradle in my vehicle is wired in—and would be considered subject to this offence.

Clause put and passed.

Clause 25 put and passed.

Clause 26: Section 79BCD amended —

Mrs M.H. ROBERTS: Clause 26 deals with the section that relates to the surrender of an alternative vehicle. I am not sure why it is proposed to change the heading of section 79BCD from "Notice to surrender alternative vehicle for impoundment, issue of etc." to "Surrender alternative vehicle notice". Why has the heading been changed? Is it a new provision, so the notice needs to include a statement to the effect of section 79BCE(5); and, if so, why has it been inserted?

Mrs L.M. HARVEY: I am advised that the title of this section was changed for consistency in drafting and that it just gives rise to this section of the act referring appropriately to the other amended sections.

Mrs M.H. ROBERTS: I am waiting for an answer to the second question I asked with respect to the requirement to include a statement as to the effect of section 79BCE(5). Is that a new provision or an update to an existing provision, and why has that change been made?

Mrs L.M. HARVEY: The statement existed previously. It refers to the subsequent sections that we are amending. The next clause amends section 79BCE, and basically gives rise for the surrender alternative vehicle notice to take into consideration the future amendments that we will discuss shortly in the next clause.

Clause put and passed.

Clause 27: Section 79BCE amended —

Mrs M.H. ROBERTS: Again, we see this change of heading, which appears to serve little purpose. It is proposed that the current heading, "Surrender alternative vehicle notice, consequences of", be changed to "Consequences of surrender alternative vehicle notice". It seems to me to be very much a matter of semantics which way that is worded. I note some other wording changes. Section 79BCE(1) and (2) both state, in part —

> … the alternative vehicle specified in the notice according to the notice, the vehicle

We are substituting the words "is impounded by operation of this subsection" after those words with "must be impounded". I am not sure why these changes have been made. Perhaps the minister can clarify why that is the case. I see that proposed subsections (5) and (6) appear to be new provisions, although an old subsection (5) is replaced. Why does the current subsection (5) need to be deleted?

Mrs L.M. HARVEY: We are basically inserting an offence for a person failing to comply with a notice to surrender an alternative vehicle. Basically, a person could have been given a surrender alternative vehicle notice but if they did not comply with that, there was no penalty. We have inserted a penalty for consistency to ensure that there is a consequence for people who do that.

Mrs M.H. ROBERTS: Am I correct in saying that although the penalty has been inserted, the penalty is only a penalty of up to 50 penalty units; that is, if somebody fails to comply with the order to provide the alternative vehicle, the maximum penalty they will get is a $2 500 fine? If that is the case, why would anyone surrender a $10 000, $20 000 or $50 000 vehicle if the penalty for not providing the vehicle is only a maximum fine of $2 500?

Mrs L.M. HARVEY: I understand that this allows them to be charged with an offence; however, if there is a notice given to surrender a vehicle, they cannot dispose of it, they cannot devalue it and they cannot license it, so basically they cannot effectively do anything with that vehicle except surrender it. That is the consequence. They still have to comply and if they do not, there are restrictions detailed in legislation on what they can do with the vehicle should they not surrender it.

Mrs M.H. ROBERTS: If a person does not surrender the vehicle and they, for example, continue to drive it, will there be other penalties that accrue to them?

Mrs L.M. HARVEY: There could be, because I am advised that a vehicle subject to a surrender notice is legally considered to be an unregistered vehicle, so should they drive it, it would be impounded.

Mrs M.H. ROBERTS: Flowing on from that, would they be charged with driving an unlicensed vehicle?

Mrs L.M. HARVEY: They would definitely be charged with driving an unlicensed vehicle and no doubt other offences if the person was of that calibre.

Clause put and passed.

Clause 28: Section 79C amended —

Mrs M.H. ROBERTS: Clause 28 amends section 79C, "Senior officer to be informed etc. if vehicle impounded". The advice in the explanatory memorandum is that a senior officer needs to be informed of the grounds on which a vehicle has been impounded so it can be ensured that there is sufficient evidence for it to be impounded. I understand that that is currently the provision, so I wonder why this section needs to be amended.

Mrs L.M. HARVEY: All this does is amend the legislation to reflect that an officer needs to seize a vehicle before they impound it. All that is being inserted is "seizes and" prior to "impounds". Further, "the date of the seizure and impounding" replaces "the impounding". It is just for consistency.

Mrs M.H. ROBERTS: Under section 79C, a police officer has to inform a senior officer of the grounds on which the vehicle has been taken. Assuming the police officer does that, the senior officer then reviews the grounds in order to ensure that there is sufficient evidence. What happens if the senior officer does not believe there is sufficient evidence? What process occurs? Is there any redress available to the person who has had their car seized?

Mrs L.M. HARVEY: If there were no grounds to impound in the first place, the senior officer would return the vehicle to its owner as quickly as possible. The owner of the vehicle would not be liable for any costs associated with impounding the vehicle. No provision exists for any claims or compensation; however, it is always open to any member of the community—for instance, if the vehicle had been wrongfully seized and had been impounded for a period of time and that had had an impact on that person's ability to conduct their affairs—to make an application to the commissioner for an ex gratia payment.

Mrs M.H. ROBERTS: A number of costs could be incurred by someone whose vehicle is seized and impounded. They will need to get home or back to work from wherever their vehicle is and they may need a taxi, which might cost $40 or $50; indeed, the person whose car has been seized could well be a taxidriver, a courier or some other person who uses a vehicle in the course of their living. They may have loss of earnings. If I put enough time into it, I could probably come up with a whole range of scenarios. Is the minister saying there is no automatic provision for them to claim their reasonable expenses; for example, a taxi fare home or loss of income for a certain number of days, if they were able to demonstrate how much income they generally earned per day using their vehicle? I gather from the minister's answer that no provision exists for them to be reimbursed and they would have to write to the Commissioner of Police to seek an ex gratia payment. Could the minister clarify for the record whether the Commissioner of Police is the correct person to write to to seek redress, or is it the minister, the Premier or someone else if they wanted to seek redress? While I am on the topic, could the minister advise whether any cars—I will not say wrongfully seized—have been seized with insufficient evidence and returned to people? On how many occasions has that occurred, if any; and have there been claims for compensation; and, if so, how many and for what amounts?

Mrs L.M. HARVEY: I am advised it is a rare occurrence and police do not collect the statistics on the number of impounded vehicles that are returned because they were deemed to be impounded inappropriately. I am

advised that the reviews of the impound notice happen in a very short time frame. Generally, advice is given on the spot to the officer through the operations centre or some other mechanism on whether the vehicle should be seized, and usually the decision to return the vehicle is made within hours of the vehicle being impounded. In the rare event that a vehicle might be impounded for a longer period of time, the correct person to write to and make a claim, should that impoundment be unlawful and if the owner of the vehicle incurred costs, will be the Commissioner of Police. Individuals write to me about these things from time to time but, as minister, I would refer that directly to the Commissioner of Police to deal with.

Clause put and passed.

Clause 29 put and passed.

Clause 30: Section 80A replaced —

Mrs M.H. ROBERTS: This clause inserts a new section 80A. Previously section 80A was very short and was headed "Impounding offence (driving) by previous offender, court may confiscate vehicle used in". That heading will be changed to "Confiscation of vehicles used in certain impounding offences (driving)". I gather that this is one of the key clauses that will capture people who commit offences in school zones. I note that proposed section 80A(2) states —

> (2) A court may make an order if it is satisfied that —
>
> (a) the offence was committed in a school zone; or
>
> (b) the offence was committed in a confiscation zone other than a school zone and the commission of the offence resulted in, or was likely to result in —
>
> (i) members of the public experiencing harassment, intimidation, fear or alarm; or
>
> (ii) damage to any property …

Then it states —

> or
>
> (c) the commission of the offence involved the driving of the vehicle at 90 km/h or more above the speed limit.

That is why I raised the point about the 155 kays during debate on an earlier clause. The proposed new section goes on to state —

> (3) The court may make the order if it is satisfied that —
>
> (a) the offence was committed in a confiscation zone; and
>
> (b) in the 5 years before the day …

One of my main questions here is, at proposed subsection 2(a) it states the court "may" make an order. Why is it "may" make an order and not "will" make an order, because it seems that discretion will be involved? Again it states "the offence was committed in a school zone". Earlier this afternoon we talked about how school zones are not operative all the time. Again, I ask why it would not say an "active school zone"? I note that when the second reading speech refers to "school zone" it is described as an "active school zone".

Mrs L.M. HARVEY: We went through the definition of "school zone" earlier. We have not referred to it as an "active school zone" because "school zone" is defined as a zone which is signposted and in which the speed limit is dropped during certain hours. With respect to the court "may" make an order, this is not a mandatory confiscation provision. The commitment that we made was that police could make an application to the court to allow for permanent confiscation of a vehicle on a first offence if the vehicle was driven in a way that we have prescribed in the legislation as exceeding the speed limit by 90 kilometres an hour or more, causing fear and harassment et cetera. We always said it would be an application to the court and the court would determine whether we could permanently confiscate the vehicle on the first offence. It was never intended to be a mandated confiscation.

Mrs M.H. ROBERTS: Is the minister advising me that proposed section 80A applies only to first offences and not subsequent offences?

Mrs L.M. HARVEY: No, member; the whole of proposed section 80A(3) refers to a secondary offence and whether there were two previous impounding offences under proposed section 80A(4).

Mrs M.H. ROBERTS: I note that the use of the word "may" rather than "will" is used in just about every clause here. In the first instance I referred to 80A(2) —

> A court may make an order if it is satisfied that —

I will not bother reading it out again. Subclause (3) states —

> The court may make the order if it is satisfied that -—

Subclause (4), which I think is the clause the minister just referred to, states —

> The court may make the order if it is satisfied that in the five years before the day on which the offence was committed the person was convicted of 2 previous impounding offences (driving).

I suggest, minister, that this is not just about first offences and giving the court discretion not to impound on a first offence but, in light of subclause (4), it continues a discretion for the court for a third offence. Why, if it is a third offence, should it not be mandatory? Why is it optional?

Mrs L.M. HARVEY: I am advised that this proposed section needs to be read in conjunction with clause 34, which, basically, covers hardship provisions in which, for a third offence, the court must impound a vehicle unless there are circumstances of extreme hardship referred to in further clauses.

Mrs M.H. ROBERTS: Why does the clause not provide that the court "will" impound subject to the provisions of clause 34 if it is not completely optional? Why does it not say "will impound" and still have the words subject to the provisions of clause 34?

Mrs L.M. HARVEY: I am advised that is a drafting convention, generally, to provide that the court "may" make an order unless there is a mandatory component to it.

Mrs M.H. ROBERTS: I think the minister is misleading when she says in the media that things will happen— that cars will be impounded if someone commits three offences. She has said in the media that a car will be impounded; she did not say it may be. Under the legislation it is just "may be". Perhaps the minister should be a little more temperate in the claims she makes in the media and in various statements she makes in this house about what she is implementing. She likes to talk tough but I am not sure the legislation is as tough as she has been making out because these provisions state that the "court may"; it is not even "the court will subject to", as a little out. It is just that it may do certain things. I think it frustrates members of the community when they hear politicians say one thing and they see the courts adjudicate in a different way and the offender gets a different result. The tendency then is to blame the courts. If the court does not make an order under section 80A(4), it will be because that is what was provided for in the legislation that the minister brought before the house. I do not think she can have it both ways. This does not mean that somebody who has committed three hooning offences will necessarily have their car confiscated. I suppose when we get to clause 34 we will have a look at those hardship provisions and how they will operate, but this really only gives a court an option rather than places a requirement to impound.

[Quorum formed.]

Mrs M.H. ROBERTS: How can the minister claim that hoons will have their cars confiscated after three offences, when her own legislation states only that they may?

Mrs L.M. HARVEY: This legislation states exactly what I said it would do in my election commitment. All the material stated that offenders would be subject to permanent confiscation of their vehicles on a first offence by application to the court. I have not misled anyone.

Mr R.F. JOHNSON: I want to take up the issue that the member for Midland has brought forward. Proposed new section 80A(4) states —

> The court may make the order if it is satisfied that in the 5 years before the day on which the offence was committed the person was convicted of 2 previous impounding offences (driving).

The member for Midland is quite right, that states the court may make the order, not shall or will or anything like that. To me, that has just left it as open slather about whether the court will want to do that, and some of us do not always have a lot of confidence in the courts. Existing section 80A(2) states —

> A court is not to make an order under subsection (1) unless it is satisfied that in the 5 years before the day on which the offence was committed the person was convicted of 2 previous impounding offences (driving).

Under the existing legislation, the inference is that if the court can be satisfied that there have been two previous convictions for those impounding offences, it must confiscate the vehicle. In clause 30 of the bill, under proposed section 80A(4), the court "may" make an order. Surely, if we are going to get tough on these people, it should be "shall" or "will". That would send a message to the courts quite clearly that this legislation is meant to confiscate those vehicles on a third offence. I thought we were not going to pussyfoot around leaving it up to the courts to decide whether to confiscate a vehicle. I thought it was going to be quite clear. The minister has said publicly that anybody who commits a third hooning offence will lose their vehicle. This bill does not say that. This bill before the Parliament simply says the court "may". I suggest the minister might want to change that to a "shall" or a "will" to make it a bit stronger.

Mrs L.M. HARVEY: The member is making the mistake of not considering all of this legislation in context. I refer the member to page 114 of the marked-up bill. The member said he had a copy of that. Proposed section 80G(6A) outlines the requirements when the court is required to make an order.

Mr R.F. Johnson: That "may" be made.

Mrs L.M. HARVEY: There are provisions in the legislation for impoundment on a third offence but they are not considered as part of this amending clause. This amending clause is in response to the new offence we have created.

Mrs M.H. ROBERTS: It is typical of the minister to make assertions that the member for Hillarys has not considered it all in context and whatever. The moment she went to read out the paragraph of the marked-up bill on page 144 that states "the court is required to make an order", she wanted to emphasise the word "required". She did not look at the words underneath that. Although it says the court is required to make an order, it goes on to say —

> … that may be made under section 80A(3) or (4) unless it is satisfied that the order would cause severe financial or physical hardship to a person, other than the driver of the vehicle, who has an interest in the vehicle or is the usual driver of the vehicle.

In essence, the minister has merely drawn the house's attention to the fact that the member for Hillarys was quite correct. She latched upon the word "required". She read out the first line but did not read out the word "may" immediately under that before she got to her feet and tried to make a point against the member for Hillarys.

Clause put and passed.

Clauses 31 to 33 put and passed.

Clause 34: Section 80G amended —

Mrs M.H. ROBERTS: The minister referred to this clause a moment ago. She said that some matters could be taken into consideration. I ask the minister to outline what those matters are.

Mrs L.M. HARVEY: I am not really clear what the member is asking.

Mrs M.H. ROBERTS: The minister can correct me if clause 34 was not the clause that she referred to, but she said there were hardship provisions that could be taken into consideration. I believe the minister made a reference to clause 34. If it was another clause, please let me know what clause that was.

Mrs L.M. HARVEY: No, member, it is clause 34, which amends section 80G. Hardship provisions are outlined on page 114 and it covers severe financial hardship, physical hardship to a person who has an interest in the vehicle et cetera, which are the options that the court may take into consideration should it deem that it would be manifestly unfair and cause severe hardship if the vehicle was impounded.

Mrs M.H. ROBERTS: Can the minister advise whether the changes that she is making in this bill to section 80G are just superficial changes to the wording or whether they change the substance of section 80G; and, if they do change the substance of section 80G, can the minister advise how section 80G is changed in any substantial way?

Mrs L.M. HARVEY: As I understand it, the changes in this amendment are to streamline processes for the police. When a person is convicted and found guilty of an impounding offence, the court may make a decision to impound the vehicle, taking into consideration hardship provisions et cetera; or, should the court determine that the vehicle should not be impounded as a consequence, there is an opportunity for the police to apply for that to occur. This will give the court the option to impound the vehicle, where previously the police had to make an application to the court in order for that impounding to occur.

Mrs M.H. ROBERTS: Can the minister clarify that this is dealing with instances in which a vehicle has not already been seized and impounded and it is as a result of a court process?

Mrs L.M. HARVEY: That is correct.

Clause put and passed.

Clause 35: Section 80H amended —

Mrs M.H. ROBERTS*:* Minister, is this just a minor drafting amendment or is there a change of substance here?

Mrs L.M. HARVEY: This is just a minor drafting amendment, once again, to change the wording of the title. It is consequential to the insertion of the definition of "reasonable expenses" in section 78A by clause 13 of the bill, and also the definition contained in section 78A applied to the terms used in division 4. It is just to make this section reflect currency with the amendments that we have already discussed.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Section 80IB amended —

Mrs M.H. ROBERTS: We are told that the amendment to section 80IB(5)(b) has been recommended to address an anomaly through which an offender can avoid paying the storage costs for the impounded vehicle. What is that anomaly and in how many circumstances has a court not been able to hear a matter within 12 months? Has the number of cases that have not been heard by a court in 12 months been increasing or decreasing?

Mrs L.M. HARVEY: As I have said previously with respect to this issue, it addresses an anomaly that has been found as we were looking at the legislation. I am not advised that this has actually ever occurred. What we are removing is the opportunity or the potential for it to occur. I will stand corrected if I am advised subsequent to this that there has been such a circumstance. However, my understanding and what I was advised when this was being drafted was that this anomaly has been found. We believe it needs to be corrected to ensure that the Commissioner of Police would not have to refund all the impounding costs and expenses incurred just because there has been a delay in a court process. We will now do that only, should this bill go through, in response to the offender being acquitted of the charges.

Mrs M.H. ROBERTS: It puzzles me that the explanatory memorandum does not state what the minister has outlined. It does not state that either there have been no instances of this or that police are not aware of any instances. The explanatory memorandum reads as though there have been instances of it. It states —

> In some instances, matters outside the control of the Commissioner of Police result in a charge not being heard within the required 12 months and although the person is subsequently convicted of the impounding offence, the Commissioner has to refund the impoundment costs that were paid on release of the vehicle from the impounding yard.

The explanatory memorandum reads as though this has happened. It states that in some instances, matters outside the control of the Commissioner of Police result in a charge being laid and so forth, and not being heard within 12 months and, in those instances, a refund has to be given. Despite this being what we read in the explanatory memorandum, the minister now tells us that she is not aware of any instances, and her learned advisers are obviously not able to tell her of any instances when this has occurred. The minister is now saying that, effectively, a loophole, a drafting error or whatever, has been picked up and it is being tightened up so that these instances do not occur. If that is the case, why did the explanatory memorandum not just state that the amendment is to tighten up the legislation because there is a concern that some people might use this loophole in the legislation?

Mrs L.M. HARVEY: I thank the member. Certainly from my time as Minister for Police, I am not aware of any of these instances occurring. However, it was brought to our attention that this anomaly needed correcting. My adviser from the statistics and post–impound process section of police, Mr Scott, who deals with these said that in the four years he has been there, he is not aware of any refunds being given. That said, I am advised that it may have happened once or twice. It has not happened in the last four years but it is certainly not a scenario that I would like to happen on my watch. That is why I took the advice of police to close that anomaly with this amendment.

Clause put and passed.

Clause 38: Section 80I amended —

Mrs M.H. ROBERTS: I have just a quick question by way of clarification in the first instance. The explanatory memorandum includes section 80I amended and when I look at the marked-up act with the bill's amendments, I can see section 80IA on page 115 and on page 116 it goes to 80IB. It is on page 117; there are sections 80IA and 80IB and then it goes to section 80I. Section 80I deals with storage expenses and the Commissioner of Police's ability to refuse to release an impounded vehicle until the commissioner is paid the expenses incurred in storing the vehicle after the end of the impounding period. Minister, does that replace an existing provision or is this a new provision for the Commissioner of Police to be able to refuse to release a vehicle? Also, do court processes impact on this provision or not? If a court states that a vehicle has to be released, I assume that the vehicle would need to be released. Does this provision mean that even if a court orders that a vehicle be released, until the expenses are paid, it cannot be released?

Mrs L.M. HARVEY: It makes it very clear that the commissioner is able to claw back the costs of the impoundment period. Previously, the legislation was ambiguous on whether the commissioner had the authority to do that.

Mrs M.H. ROBERTS: In the amendment to the Road Traffic Act, there is a reference to "post-impoundment expenses". Would the minister be able to outline what post-impoundment expenses are?

Mrs L.M. HARVEY: Post-impoundment expenses are the disposal costs of the vehicle.

Mrs M.H. ROBERTS: The explanation is that section 80I empowers the Commissioner of Police to refuse to release an impounded vehicle until the expenses are paid. The minister has said in her answer that the post-impoundment expenses that the commissioner can require are the costs of disposing of the vehicle, but presumably this provision is about the return of the vehicle. How can the commissioner return a vehicle that he has disposed of?

Mrs L.M. HARVEY: There are two components to this. First of all, once the period of impoundment ends, there is a period of notification prior to when the commissioner can dispose of the vehicle, and costs are still

being incurred for the impounded vehicle during that time. Should the vehicle then not be claimed and the commissioner disposes of the vehicle, there is the post-impoundment costs period, which is currently around 70 days. The cost for the storage of the vehicle currently rests with the Commissioner of Police because it is not clear that the commissioner can charge for those storage costs post the impoundment period prior to disposal. The legislation has not been clear to this point on whether the commissioner can claim for those disposal costs.

Clause put and passed.

Clause 39: Section 80JA amended —

Mrs M.H. ROBERTS: I note that under clause 39, the words "interest, in relation to a vehicle, means a legal or equitable interest, right or title in or to the ownership or possession of the vehicle" will be deleted. Why are those words being deleted from section 80JA(1)?

Mrs L.M. HARVEY: It is because the term "interest" has been defined in proposed section 78A. The term "interest", which means, in relation to a vehicle, a legal or equitable interest, right or title in or to the ownership or possession of the vehicle, has been defined in proposed section 78A through the amendment in clause 13. It is not required to be further defined under section 80JA.

Clause put and passed.

Clause 40: Section 80J amended —

Mrs M.H. ROBERTS: Clause 40 is a clause of some substance. I am advised that it will have significant benefit to WA Police. I note that some of the changes relate to a vehicle that is not collected within seven days rather than 28 days. I also note that there are some changes to when the commissioner can dispose of the vehicle. Can the minister advise the house what benefits will accrue to WA Police with the inclusion of the amendments in this clause?

Mrs L.M. HARVEY: This does two things. Under the existing process, once an impounding period is finished, there is a 28-day grace period in which the owner of the vehicle is given time to collect the vehicle. After 28 days the commissioner can take steps to dispose of the uncollected vehicle. Then there is a 14-day waiting period. We are reducing these periods. Clause 40(3) reduces the 28-day grace period following an impounding period to seven days, which reduces the entire process from 70 days to 49 days. Basically, the saving to WA Police is from reducing the 28 days for which it was previously incurring the storage costs of uncollected vehicles to 21 days.

Mrs M.H. ROBERTS: Can the minister advise what information is provided to those people who have their vehicles impounded about their responsibilities for collecting vehicles and what can happen to their uncollected vehicles and their disposal? Whilst the minister is explaining that, can the minister advise what changes the government will make in the future to the advice that is provided as a result of the passage of this legislation?

Mrs L.M. HARVEY: At present the process is that when a vehicle is impounded, the driver of the vehicle is given a copy of the impound notice, which details the impounding period. At that point, they know the date that the impounding of their vehicle ends, which is by definition the date on which they can make arrangements to collect the vehicle. Within the first seven days of the vehicle being impounded, an SMS and a letter are sent to the owner and driver of the vehicle to advise them of the date when the impounding period will end and they will be responsible for collecting their vehicle. On day 21 of the impounding period, an SMS is sent to advise that day 28 is coming and that the end of the impounding period is imminent. Seven days post the last day of the impounding period, a letter is sent advising the owner that the vehicle will be disposed of. Currently, we wait for 28 days after that advisory letter has been sent. Under the new process, we have not detailed our notification process, but I envisage that after seven days into the impounding period we would notify the owner and the driver of the vehicle being impounded that the vehicle will be disposed of within a shorter time should they not collect the vehicle on the date that that vehicle is technically released from the impounding period.

Mrs M.H. ROBERTS: I also refer to proposed section 80J(4). The government is proposing to delete paragraph (b), which states —

> a notice of the intention to sell or dispose of the vehicle or item is published, at least 14 days before the proposed sale or disposal, in a newspaper having State-wide circulation; and

I assume there will no longer be a notice of intention to sell or dispose of a vehicle. I understand that the words "sell or dispose" are used because in some circumstances vehicles are not of sufficient value to warrant sending them to auction. That notice of intention to sell or dispose is currently required to be published in a newspaper that has statewide circulation at least 14 days before the proposed sale or disposal. Those words will be deleted. It seems that the government is now proposing to put in its place the following words —

> The Commissioner is not to sell or otherwise dispose of an uncollected vehicle or an item —

Perhaps the minister could explain what an item is. Are we talking about a motorbike or something else? It continues —

> unless —
>
> (a) each responsible person is given at least 14 days' written notice of the Commissioner's intention to sell or dispose of the vehicle or item; and
>
> …
>
> (c) in the case of an item, reasonable steps have been taken to return the item to its owner; and
>
> (d) any proceedings under subsection (5) or (6) in relation to the vehicle or item and any appeal in respect of those proceedings are determined.

How will this be constituted in a written notice? What if that person has gone overseas or interstate, for example? What if the person has moved house? What if the person has gone to jail? What if, for one reason or another—administrative error, potentially—the notice is sent to the wrong address?

Mrs L.M. HARVEY: Police use their information management system as a tool for what they say is the truth of information. The information contained in that system would then be transcribed on the impoundment notice. That is where the letter is sent. Generally, I am advised that at that point, if there is a different address in the system from the owner's current address, that is often when notification occurs so we can ensure that we get the right telephone number and address to advise the owner of the imminent disposal of their vehicle. In addition, obviously when the vehicle is impounded, the driver of the vehicle is also given details of when the vehicle needs to be picked up from impoundment. It is not as though this is news to the individual. Most individuals who have cars that they value are ready to pick up their vehicle at midnight on the day the impoundment period ends.

With respect to the advertisements in a newspaper, I am advised that when this legislation was drafted, there had not been one inquiry as a result of a newspaper "intention to dispose motor vehicle" ad. That is just a wasted expense for taxpayers. We do not believe they should incur that cost given that the ads do not generate any inquiries.

Mrs M.H. ROBERTS: Can the minister clarify whom the onus is on to get the address right and make sure that the person is notified? Is the onus on the Commissioner of Police? I might just outline some circumstances of my constituents having issues being notified of things. For example, parents have come to my office when there have been relevant notices sent to their adult children. In some circumstances, those adult children have been in jail. In other circumstances, they have been mentally incapacitated in some way—potentially locked in a ward of a mental institution and unable to respond to those legal notices. Is it in order for someone on their behalf—a parent, for example—to respond and somehow collect the vehicle if permission cannot be gained from the owner of the vehicle? There have been circumstances of parents opening letters containing speeding fines and wanting to pay them. They have tried to pay and have been told that they are one day too late to pay the amount and that they have to wait until subsequent charges are incurred. No-one wants to talk to them about it. Then there is a further bill and they are told that they have to go to the Fines Enforcement Registry or something and that only the owner of the vehicle can pay the fine. What provisions are there when somebody, for whatever reason, is not able to properly receive the notice due to imprisonment or some mental health incapacitation or the like?

[Quorum formed.]

Mrs L.M. HARVEY: I draw members' attention to the fact that in the circumstances the member for Midland described, new section 80M details an opportunity for compensation when the vehicle has been disposed of and the person has been found not guilty. In circumstances in which the owner of the vehicle has not been appropriately notified, there is an opportunity for the owner of the vehicle, once again, to write to the Commissioner of Police should they feel they have been unfairly dealt with. It does not happen often, because generally police go to great lengths to ensure that they have the details of the owner of the vehicle—the appropriate mobile phone contact et cetera—so they can contact the owner of the vehicle once the period of impoundment is finished. Police make every effort to contact owners. If owners contact police and advise them there is a problem paying impound costs or there is some other issue—for instance, they might be working fly in, fly out; they might be overseas; they might be ill or whatever the circumstances might be—police can make arrangements with the people concerned. That can occur if those people inform police that there is an impediment to them coming to collect the vehicle from impoundment. That can happen somewhat frequently in certain circumstances because often these individuals cannot necessarily come up with the payments to cover the impoundment costs. We work as closely as we can with them, obviously. We are not really interested in disposing of vehicles; it is not really our core business. It is certainly an action of last resort.

Clause put and passed.

Clauses 41 and 42 put and passed.

Clause 43: Section 80M inserted —

Mrs M.H. ROBERTS: This is a substantially new area dealing with motorcycles and so forth. It inserts proposed section 80M, "Compensation for certain vehicles or items disposed of under s. 80J", which sets out a range of definitions and also deals with some of the issues that the minister referred to about the state's liability to pay compensation to the former owner of an uncollected vehicle. I refer to proposed section 80M(6), which I acknowledge the minister has said is likely to be used rarely given the diligent way police attempt to deal with these matters. I am trying to ascertain whether proposed section 80N is part of this clause or a subsequent clause.

Mrs L.M. Harvey: It is part of clause 44.

Mrs M.H. ROBERTS: Proposed section 80N defines terms such as "immediate family", "surrender notice" and "suspected use".

Mrs L.M. Harvey: That is clause 44. Clause 43 deals only with proposed section 80M.

Mrs M.H. ROBERTS: I will wait for clause 44 for the rest.

Clause put and passed.

Clause 44: Part V Division 4 Subdivision 5 inserted —

Mrs M.H. ROBERTS: Proposed subdivision 5 will allow a police officer to impound an unlicensed motorcycle being used on a road. This is long overdue. Could the minister explain why we need a definition for "immediate family" and how does that relate to these new provisions?

Mrs L.M. HARVEY: "Immediate family" is defined in proposed section 80N because proposed section 80S, "Claims of right to possession", states —

> (1) A person may, within 10 days after the day on which a motor cycle is impounded under section 80O(2) or 80Q(1) or (2), give to the Commissioner a claim that —
>
> (a) the person —
>
> (i) is a responsible person for the motor cycle; and
>
> (ii) is not a member of the driver's immediate family; and
>
> (iii) was not the driver of the motor cycle at the time of the suspected use;

Trail bikes are not licensed or registered to an individual. For example, if a family with a couple of young people owns a number of trail bikes, which are unregistered vehicles, and they are ridden on a gazetted road, this clause will not absolve any of the immediate family members and allow them to, if you like, get the trail bike back. We are basically saying that the family who owns the trail bikes will be subject to forfeiture of the trail bike if any member of that family is caught riding that trail bike on a gazetted road or illegally. That is what this clause will clarify.

Mrs M.H. ROBERTS: Proposed section 80S explains that. It states —

> (1) A person may, within 10 days after the day on which a motor cycle is impounded under section 80O(2) or 80Q(1) or (2), give to the Commissioner a claim that —
>
> (a) the person —
>
> (i) is a responsible person for the motor cycle; and
>
> (ii) is not a member of the driver's immediate family; and
>
> (iii) was not the driver of the motor cycle at the time of the suspected use;

I take it that means that if a boy grabs his brother's bike and uses it for an offence, the brother does not get the bike back?

Mrs L.M. Harvey: That is correct.

Clause put and passed.

Clause 45 put and passed.

Clause 46: Section 109 inserted —

Mrs M.H. ROBERTS: This clause inserts new section 109. Can the minister advise the chamber what are the key elements of this insertion?

Mrs L.M. HARVEY: These are transitional provisions from the old act to have currency with the amending legislation.

Mrs M.H. ROBERTS: There is no doubt that when this legislation is proclaimed, there will be some impoundments already in process. For the ones that are in process, will they proceed fully under the existing law

and only new cases will be subject to the current provisions? For example, especially with respect to the sale provisions, the commissioner will now be able to dispose of a vehicle after a shorter period; will that apply only to vehicles seized after the date that this legislation becomes law?

Mrs L.M. HARVEY: These transitional arrangements allow us to deal with any impounded or seized vehicle in our possession under the new provisions of the amendment.

Mrs M.H. ROBERTS: I am not sure the minister answered my question fully. I asked the minister a question about this during the second reading debate. I think it was mentioned in the second reading speech that some 1 700 vehicles were currently impounded. Back in May I asked how many vehicles were currently impounded and how many of those vehicles would be disposed of once this legislation became law. They are matters I am still waiting for answers on. With respect to the transitional period, will the passage of this legislation allow for the commissioner or the state to proceed forthwith to sell some number of vehicles and dispose of them? If so, how many vehicles will that be?

Mrs L.M. HARVEY: I am advised that at present 1 329 vehicles are in police possession. If the act is proclaimed at midnight tonight, we will be able to dispose of them 14 days from then.

Mrs M.H. ROBERTS: On one level that is clearly a good thing. The minister explained the process that occurs when a vehicle is impounded now; that is, people get certain advice through text messages and so forth. Clearly, whenever this becomes law, those rules will change. One assumes that people whose cars are impounded will need to be provided with some updated advice. They may or may not be able to dispose of them all as swiftly as in 14 days because of that.

Mrs L.M. HARVEY: I am advised that arrangements are being made at present to advise owners of the new disposal arrangements, which could be in place to ensure that they understand they will need to make arrangements to collect their vehicle as close as they can to the last date of the impoundment.

Clause put and passed.

Heading: Part 3 — Consequential amendments to other Acts —

Mrs L.M. HARVEY: I move —

Page 41, line 1 — To insert after "**other Acts**" —

and repeals

Amendment put and passed.

Heading, as amended, put and passed.

Clauses 47 to 50 put and passed.

Clause 51: Section 12 amended —

Mrs M.H. ROBERTS: This clause allows for the balance of the proceeds from the sale of a confiscated motorcycle to be credited to the road trauma trust account, which is clearly a worthy thing to occur. I want the minister to clarify whether the proceeds from the sale of any of the other vehicles are also credited to the road trauma trust account; and, if not, why not?

Mrs L.M. HARVEY: The proceeds from the disposal of other vehicles will go first to realising any debt incurred against the vehicle. If anything is left over after that, it will go into the road trauma trust account.

Mrs M.H. ROBERTS: Is that currently the case or is it a new provision? If it is currently the case, how much money has accrued to the road trauma trust account as a result of the proceeds of vehicle sales?

Mrs L.M. HARVEY: Currently, the proceeds from the disposal of confiscated vehicles go to the road trauma trust account but not the proceeds from vehicles impounded under this legislation.

Mrs M.H. ROBERTS: How much money goes into the road trauma trust account annually as a result of those confiscated vehicle proceeds?

Mrs L.M. HARVEY: I do not have the actual figures, but it is not a lot. Generally, the vehicles that remain uncollected are of low value. Often the reason they are uncollected is that the debt against the vehicle exceeds the value of the vehicle, and the owner of the vehicle will often make the decision to leave the vehicle there, rather than take responsibility for it and the debt. We have brought this legislation forward to allow us to try to release the vehicles earlier and drive down the costs that taxpayers are currently bearing, and to try to provide some kind of incentive, if you like, for owners of these vehicles to collect them at an earlier point.

Mr D.A. TEMPLEMAN: Mr Acting Speaker, this matter has now been debated for quite some time, and the advisers in particular have not had the opportunity for a comfort break, if that was required. I am asking what the function of the house is to allow that to happen, if necessary.

The ACTING SPEAKER (Mr P. Abetz): My understanding is that they can request a break if they require one.

Mrs L.M. Harvey: We are all fine.

The ACTING SPEAKER: You are all fine? Good. Thank you for your interest in their wellbeing, member for Mandurah.

Mrs M.H. ROBERTS: The minister has advised that currently proceeds from the sale of confiscated vehicles go into the road trauma trust account. Like the minister, I understand that most of those confiscated vehicles that are not collected are of little or no value, and indeed what value we do get back for them is largely consumed, if not more than consumed, by the cost of impounding. I am asking a couple of questions. Firstly, is that determined on a case-by-case basis? I imagine that for every 100 cars in that circumstance that are worth very little, we have incurred a big cost. Is it done as a global amount of the proceeds or is it done on an individual car basis? The police might be owed $500 or $1 500 for some cars, or some amount of money in impounding and other costs, whereas the next car arguably might have a small amount of proceeds. Is that amount that accrues to the road trauma trust account determined on a case-by-case basis, or is it a global amount of proceeds over the course of a financial year or the like? That is one question.

Mrs L.M. Harvey: It is done on a case-by-case basis.

Mrs M.H. ROBERTS: The other matter is that it appears to me that any substantial amount goes into the road trauma trust account from this provision. I note that the minister has advised that she does not have to hand the figure for how much money goes in. I am wondering whether the minister can provide that amount to the house when we do the third reading of this bill.

Mrs L.M. Harvey: If I can obtain it, I will provide it.

Clause put and passed.

New Part 3 Division 2A —

Mrs L.M. HARVEY: I move —

Page 41, after line 26 — To insert —

Division 2A — *Road Traffic Legislation Amendment Act 2016* amended

51A. Act amended

This Division amends the *Road Traffic Legislation Amendment Act 2016*.

51B. Section 42 amended

(1) In section 42 in inserted section 49AAA insert in alphabetical order:

above the speed limit, in relation to the driving of a vehicle, means driving the vehicle at a speed that exceeds the speed limit applicable to the driver, the vehicle or the length of road where it is being driven;

confiscation zone means —

(a) in relation to a vehicle, a length of road where the speed limit applicable to the vehicle, or the length of road, is 50 km/h or less; or

(b) a school zone;

motor cycle means a motor vehicle that has 2 wheels and includes —

(a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and

(b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

school zone means a length of road designated as a school zone under a road law;

speed limit means a speed limit set under a road law.

(2) In section 42 in inserted section 49AAA in the definition of ***provide driving instruction*** delete “vehicle.” and insert:

vehicle;

Note for this Division:

See the note to Section 4.

New part put and passed.

Clauses 52 and 53 put and passed.

New Part 3 Division 4 —

Mrs L.M. HARVEY: I move —

Page 42, after line 8 — To insert —

Division 4 — Repeals

54. Certain provisions of this Act repealed if not commenced

(1) If the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation on or before the day on which section 3A of this Act comes into operation, section 4 and Part 3 Division 2A of this Act —

(a) do not come into operation; and

(b) are repealed when section 3A of this Act comes into operation.

(2) If the *Road Traffic Legislation Amendment Act 2016* section 42 has not come into operation before the day on which section 4 and Part 3 Division 2A of this Act have come into operation, section 3A of this Act —

(a) does not come into operation; and

(b) is repealed when section 4 and Part 3 Division 2A of this Act come into operation.

Mrs M.H. ROBERTS: Why has it been necessary to move this amendment to the minister's own legislation?

Mrs L.M. HARVEY: This relates to the issue we had with the two amending pieces of legislation to the Road Traffic Act moving simultaneously through both houses of Parliament. It basically ensures that the provisions of the act are repealed, if they have not commenced, dependent on the order in which the legislation is proclaimed.

New part put and passed.

Title —

Mrs L.M. HARVEY: I move —

Page 1 — To delete "***2002***" and substitute —

2002*, the *Road Traffic Legislation Amendment Act 2016

Amendment put and passed.

Title, as amended, put and passed.

CONSTRUCTION CONTRACTS AMENDMENT BILL 2016

Third Reading

Resumed from 19 October.

MR S.K. L'ESTRANGE (Churchlands — Minister for Small Business) [8.18 pm]: I move —

That the bill be now read a third time.

MS J.M. FREEMAN (Mirrabooka) [8.18 pm]: It is late and I know that everyone would like the Construction Contracts Amendment Bill 2016 to pass. I would like to raise a few important things during this third reading stage. I thank the Minister for Small Business for the discussions during consideration in detail. I note we are here this late because this bill has been a long time in the making.

Dr G.G. Jacobs interjected.

Ms J.M. FREEMAN: Yes, it took a long time to construct—there you go!

As the member for Cannington pointed out in his second reading contribution, there were many reports and many times that this matter could have proceeded before Parliament. One of the reasons there is urgency to pass this bill is that the commencement dates are quite specific. The minister and the Leader of the House said very pointedly that there was urgency to pass this bill, so we are here tonight to pass it. We could have third read this bill after consideration in detail but there was an amendment that changed 30 days to 42. It was a small amendment but we had to adjourn it until this evening.

I want to point out a few things. I noted that during consideration in detail, the minister explained that the changes before us were forced by a statutory review that was to take place as soon as possible after the fifth anniversary of the commencement of the act. Given the tardiness of the government in getting this legislation to

this place, and given that the issue with payments to subcontractors has been around since 2012 and there has been a litany of reports around that, it is concerning that during consideration in detail, the minister advised the house that there are no more statutory requirements for review, but the government intends to bring in a second package of amendments. It seems to me that without some statutory requirement for amendments, and based on past performance with these delays, we are pretty much doomed to not see a second package of amendments in this term of government, because it is coming to an end. I believe it is a missed opportunity that those further statutory requirements have not been included in this amending bill so that there is always some immediacy and imperative. Without that statutory requirement, I believe there will be more of the obfuscation and delay that has plagued this bill. It is, therefore, a disappointment that the government has not required that.

The other thing that happened during consideration in detail and that I believe it is important to note is that the Minister for Small Business stated that the Small Business Commissioner has no role under the Construction Contracts Act as amended by this bill. The minister made it very clear, because I asked him the question, that the responsible minister for this act is the Minister for Commerce, and the Building Commissioner will have administration and oversight of the act. However, the minister said in his second reading reply, "As Minister for Small Business, on 12 August I made an announcement on behalf of the government". Therefore, it is clear that although this act is the responsibility of the Minister for Commerce and one of his departments, another minister has had to do the work of the Minister for Commerce. The clear reason that the Minister for Small Business has had to act is that the Minister for Commerce does not act.

If we were being impolite, we could say many things about the lack of capacity of the Minister for Commerce; Attorney General to deliver anything to the community under his portfolio. Although I want to be a bit polite about that, it is pretty clear that the Minister for Commerce is a minister who does not have a full grasp on of how to move forward on areas that fall within his responsibility. I say again that the Minister for Commerce sat on these reports. It was only because of Hon Kate Doust in the other house, who pushed and pushed and asked questions and constantly held the Minister for Commerce to account, that the review and the many reports that sat on his desk have come to fruition in this bill. We now find that this bill has come to fruition only because the Minister for Small Business has taken things into his own hands and is able to deliver to the people in this industry. We therefore have to ask ourselves: what has the Minister for Commerce been doing?

Mr W.J. Johnston: Good question!

Ms J.M. FREEMAN: The member for Cannington has talked about how the Minister for Commerce is a lazy minister and how this government is a lazy government. That is a perfect summary. We have a lazy and a tired government. We have a lazy minister who has to rely on another minister to put forward what is needed to respond to a situation in which subcontractors have not been paid and have been left out in the cold and without protection from this government.

During the consideration in detail stage, the minister himself said that the Minister for Commerce is the responsible minister. However, the minister also said in his reply —

> As Minister for Small Business, on 12 August I made an announcement on behalf of the government …

I think it is really important to recognise that that came out in consideration in detail.

Other than that in the consideration in detail stage, the Leader of the House made it clear that this legislation had to be expedited to the other place and that it was a priority. This is because the operation of the act means that the rest of the act—other than sections 7 and 20—will come into effect on 15 December 2016, and sections 7 and 20 will come into effect on 3 April 2017. I questioned that and said that the government had given itself a pretty short time line to be able to get that in, which also meant that the bill would have to pass the Legislative Council. I asked the Leader of the House what agreement he had made to ensure that this bill would be expedited in the other place. I am sure that, particularly regarding this area, Hon Kate Doust, the shadow Minister for Commerce, would be very keen to see the commitment that has been shown by us to get this legislation through in a very short time. The Minister for Small Business and the Leader of the House showed a commitment to bring the bill before this house and proceed with it in a short time to get this bill expedited. I think it is very important that the other house does the same. In consideration in detail, I asked whether the minister could perhaps take advice from the Leader of the House on what agreement he had made to ensure that this bill would be expedited in the other place. Unfortunately, all the Leader of the House decided to do was give me direction instead of saying what his direction had been to ensure that this legislation would successfully proceed in the other house. That would mean communities that were crying out for a response to their plight in getting payments from their head contractors would be heard and action would be taken. Given that commitment, I will not delay the house any longer. I think that it is very important for us to understand that the bill is before us today not because of action by the responsible minister—it is clearly not because of that—but because of the actions of Hon Kate Doust and her capacity to ensure that it was pursued. The government was embarrassed that it had to send in another minister to announce and pursue the changes, and we are here tonight to make sure that the communities' concerns, plight, difficulties and distress have been responded to.

MR W.J. JOHNSTON (Cannington) [8.28 pm]: I would like to make some brief remarks on the Construction Contracts Amendment Bill 2016 at the third reading stage. I thank my good friend the member for Mirrabooka for pointing out the role that was played by Hon Kate Doust, MLC.

[Quorum formed.]

Mr W.J. JOHNSTON: Obviously, in disclosing the simple fact that I am married to Kate Doust, I know how hard she has worked on this issue.

Mr V.A. Catania: Do you guys carpool?

Mr W.J. JOHNSTON: No, we do not carpool, because we have our own lives. She has her things to do and I have what I need to do. I do not understand why people think that just because we are married, we therefore do not live our own lives. That is a bit of an arrogant and old-fashioned approach to things. No, we do not carpool, because we both have our own duties to perform. I make the point also, member, that we do not get government cars. We have our own cars that we pay for out of our allowances. We do not get government cars.

Mr V.A. Catania: You take the money.

Mr W.J. JOHNSTON: Yes, we take the money. We get the allowance; that is right.

The ACTING SPEAKER (Mr P. Abetz): Members, I encourage you not to interject with non-relevant things and allow the member for Cannington to continue.

Mr W.J. JOHNSTON: Unlike parliamentary secretaries, we do not get additional luxury cars and those sorts of things.

Mr P.T. Miles: No.

Mr W.J. JOHNSTON: That goes with a parliamentary secretary. Yes, they get a higher standard of vehicle.

Mr P.T. Miles: No, you don't.

Mr W.J. JOHNSTON: They do; of course they do. Everybody knows that.

The ACTING SPEAKER: Members, I am not sure that this is relevant to the third reading.

Mr W.J. JOHNSTON: He started this. I had no interest in this tactic.

The ACTING SPEAKER: I am not saying it to you; I am saying it to everybody.

Mr W.J. JOHNSTON: I was replying to the silly interjections; I was not seeking to talk about that.

Mrs L.M. Harvey interjected.

Mr W.J. JOHNSTON: I am sorry, minister; what was that?

Mrs L.M. Harvey interjected.

Mr W.J. JOHNSTON: I cannot hear the minister. She is mumbling again.

The ACTING SPEAKER: It is not relevant. Just continue, member for Cannington.

Mr W.J. JOHNSTON: I was interested in the interjection from the minister. I am sure it was very important.

Mrs L.M. Harvey: I was saying that that discourse sounded like the discourse that I usually intervene in between my teenage children, and usually in response to that kind of interaction, I send them both to their rooms.

Mr W.J. JOHNSTON: Fair enough.

Mrs L.M. Harvey: That is what I was saying. I amused myself, member.

Mr W.J. JOHNSTON: Excellent. I am pleased that the minister has delayed my speech with that interjection. I am very glad. I bet her colleagues are very happy that she kept me on my feet for an extended period with her interjection!

The only reason we are here today is that Hon Kate Doust, MLC, and the Labor Party have kept the government honest. I again want to make the point that was made by the member for Mirrabooka: a lazy minister did nothing. During the government's four years in office, what happened? It was the Minister for Small Business who had to take on this matter and only then did anything happen. Even now, as was highlighted during the consideration in detail stage, there are still holes in the legislation. This is not a complete outcome for the subcontractors in this state. There is still more to be done. Even with the passage of this legislation, it will not be adequate for the interests of these small business operators in this state. I will not go into all the details; I talked about it extensively in my contribution to the second reading debate. But all one has to do is look at the Labor Party's proposal to see how we can ensure that subcontractors in this state can get better than has been presented to us in this bill.

I also again draw attention to the fact that although we are dealing with some issues on behalf of subcontractors, issues around health and safety have not been dealt with properly and there are issues around security of payments. These provisions do not protect people who subcontract in the private sector. These arrangements need to be addressed but have not been properly addressed in this legislation.

There is no demerit system. There is no opportunity to look at the rules that apply in Queensland. It is a shallow response to a deep problem. As I said, a drowning man will grab hold of anything he has. Of course, subcontractors support the Construction Contracts Amendment Bill 2016, which is why the Labor Party does. However, as was detailed at the consideration in detail stage, there is still a lot of room for improvement in this legislation. We look forward to having a minister who is interested in the outcomes for subcontractors in this area and is prepared to do a bit of work reading and responding to the reports that end up on his or her desk and taking action on behalf of small business people.

As I said previously, I have sat in lounge rooms and kitchens with subcontractors who have lost hundreds of thousands of dollars through lack of action by this government. Its lack of action comes after years of having warnings about these issues and the Evans inquiry three and a half years ago and the Building the Education Revolution travesty over four years ago. This is not the first time we have had to deal with these issues. The government has had all these opportunities to fix these issues and it took to the dying days of the Barnett government before any action was taken. Members might wonder why the Premier is the most unpopular Premier in the state's history, but it is the lack of action on things such as this that has led to the Premier being so unpopular.

Point of Order

Mr M.P. MURRAY: Under section 22, chapter 4 —

The ACTING SPEAKER (Mr P. Abetz): Do you mean the standing orders?

Mr M.P. MURRAY: Yes, sorry. I would like to bring to the attention of the house that it has now been six and a half hours since the staff have had a break. I move that at the end of this speech, we suspend so that the staff can have a break. We are now, I think, in a world where we must think of our staff.

The ACTING SPEAKER: Which standing order did you refer to?

Mr M.P. MURRAY: The adjournment one—standing order 22.

The ACTING SPEAKER: Standing order 22 in this book is rather different.

Mr M.P. MURRAY: Standing order 22 or 24—whichever one you want to use.

Mr J.H.D. Day: You're being frivolous. If you want to go home, go home.

Several members interjected.

Mrs M.H. ROBERTS: The Leader of the House has interjected that the member for Collie–Preston is being frivolous. He is not being frivolous. He is expressing a genuine concern. The management of this house today has been abysmal for us to be sitting here so many hours straight. We started at nine o'clock this morning. This is a 12-hour shift for people. It is chronic and the government should be ashamed of itself.

The ACTING SPEAKER: That is not a point of order. Member for Cannington, have you completed your speech? It is back to you.

Debate Resumed

Mr W.J. JOHNSTON: Sorry; I sat down because there was a point of order.

The ACTING SPEAKER: Back to you.

Mr W.J. JOHNSTON: Have you ruled on the point of order, Mr Acting Speaker?

The ACTING SPEAKER: I do not believe that is a point of order.

Mr M.P. Murray interjected.

The ACTING SPEAKER: Member for Collie–Preston —

Mr M.P. Murray interjected.

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

Mr M.P. Murray interjected.

The SPEAKER: Member for Cannington.

Several members interjected.

The SPEAKER: Right! I am not happy with that, member for Collie–Preston. I am not happy. Do not answer me back. Member for Southern River, come back into the chair, please.

Mr M.P. Murray interjected.

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

Point of Order

Mr D.A. TEMPLEMAN: With all due respect, Mr Speaker, you were not in the chair when the member for Collie–Preston raised the issue of the staff.

The SPEAKER: I was standing at the back.

Mr D.A. TEMPLEMAN: With due concern, you were not in the chair. The member for Collie–Preston said he intended to move a motion for a half-hour adjournment at the end of the member for Cannington's speech.

The SPEAKER: I was here.

Mr D.A. TEMPLEMAN: I think it is a fair thing to speak on.

The SPEAKER: Member for Collie–Preston, I was standing at the back of the chamber. There is no need for these outbursts. I have called you three times. Let us get back to business. Member for Cannington.

Debate Resumed

Mr W.J. JOHNSTON: Thank you very much, Mr Speaker; and I am pleased to see you in the chair.

I am just trying to regather my thoughts about where I was because I want to make sure that I —

Mr J.M. Francis interjected.

Mr W.J. JOHNSTON: Yes, indeed. The minister is quite right. I was referring to the fact that the government had taken no action on behalf of small business people over four years. It is not like the minister had a lack of understanding or knowledge that these were serious problems for small business people. I was saying that I had sat in kitchens and lounge rooms with small business people who had lost hundreds of thousands of dollars. Now the government is boasting that it has solved the problem. Mr Acting Speaker (Mr P. Abetz), I turn around and see a new person in the chair.

The government should take no credit at all for passing this legislation. A party that pretends to be interested in small business should hang its head in shame. On its watch it has hundreds of thousands of dollars of losses to individual business people and, indeed, suicides.

The ACTING SPEAKER: Member for Cannington, I draw your attention to the fact that we are on the third reading. You need to make reference to the content of the bill.

Mr W.J. JOHNSTON: That is exactly right, Mr Acting Speaker.

Point of Order

Mr J.R. QUIGLEY: Mr Acting Speaker, while you are drawing attention to things, I draw your attention to the state of the chamber.

The ACTING SPEAKER (Mr P. Abetz): It is too soon to call for a quorum as we called for one earlier.

Several members interjected.

The ACTING SPEAKER: Let us give the member for Cannington our undivided attention and he will turn his attention to the third reading, which is focusing on the provisions of the bill.

Debate Resumed

Mr W.J. JOHNSTON: As I said, when we examine the individual clauses in the bill, such as clause 7 and clause 8, the government runs around claiming credit for having improved the situation for small business people in this state. The point I make about reviewing clauses 7 and 8 is that the government should take no credit because it has taken such a long time to act. It has witnessed millions of dollars of losses to small businesses in this state, and this legislation is the paltry answer to that. We saw the breathless media release from the minister when he announced this legislation as if he had achieved something, following in the wake of the Labor Party. I was very amused when I looked at clause 9, for example. I listened to the then Minister for Finance, the member for Nedlands, on the radio criticising the Labor Party for our approach to small business operations. How ridiculous! The minister had allowed small business to lose hundreds of thousands of dollars and then claimed credit for actions that had not happened. Here we are in the dying days of a dying government and it finally does something like the provisions in clauses 11 and 12, which are just paltry steps along a proper path that a future Labor government will take.

I do not know what the outcome of the next election will be but apparently the Liberal Party does because it is already writing off some seats around the chamber. This is part of the sandbagging act. Looking at the provisions of clause 16, which amends section 42 of the principal act, this is the sort of sandbagging activity it has engaged in for those last couple of seats. Basically, the Liberal Party has already written off anybody in a seat with a margin of fewer than eight per cent; it is only worried about the seats with a margin higher than that.

The ACTING SPEAKER (Mr P. Abetz): Member for Cannington, I remind you this is a third reading debate. I will need to sit you down if you persist in heading in that sort of direction. That is not relevant.

Mr W.J. JOHNSTON: As I say, clause 16 of the bill, which amends section 42 and deals with the determination of a payment dispute, is not an adequate provision, and the future Labor government will go further than that. This current Liberal government is happy to introduce such ineffective legislation as is contained in clause 16 so it can put out a media release—not to solve a problem—and that is a disgrace. The Liberal Party once used to be a proud organisation that looked after small business people, but as can be seen by the provisions in clause 16, it no longer cares for that. We are looking forward to the passage of this legislation through the other chamber, because even baby steps are to be encouraged, but the idea that the provisions of clause 16—or clause 19, which inserts part 6—is adequate is wrong. We look forward to the media release from the minister, because we know that in the dying days of a dying government, a government that is tired and has run out of ideas, the community is rejecting these tired approaches to serious issues. We on this side of the chamber look forward to a future with a minister who is prepared to do some work and look at the interests of working people and subcontractors through proper legislation that deals with the real matters that confront this community.

Question to be Put

MR J.H.D. DAY (Kalamunda — Leader of the House) [8.46 pm]: I move —

That the question be now put.

Question put and passed.

Third Reading Resumed

Question put and passed.

Bill read a third time and transmitted to the Council.

GENETICALLY MODIFIED CROPS FREE AREAS REPEAL BILL 2015

Third Reading

MR J.M. FRANCIS (Jandakot — Minister for Emergency Services) [8.47 pm]: I move —

That the bill be now read a third time.

MR M.P. MURRAY (Collie–Preston) [8.47 pm]: Mr Acting Speaker, you may be surprised, but I wish to move a motion if that is okay by you, along the lines that we now break for 30 minutes to give staff a short break away from what they have been doing now for six and a half hours. I move that motion.

The ACTING SPEAKER (Mr P. Abetz): Member for Collie–Preston, that is out of order. I cannot accept that motion. The question is that the bill be read a third time.

Mr M.P. MURRAY: No, it is different altogether.

Several members interjected.

The ACTING SPEAKER: Order, members. We are on to the third reading of the bill, so the member for Collie–Preston has the call.

Mr M.P. MURRAY: Even the farming industry gives workers a break after six and a half hours; no matter whether they are ploughing fields or digging post holes, people are entitled to a break. I think that shows where we sit.

Mr S.K. L'Estrange: Sit down and give them a break!

Mr M.P. MURRAY: I did not even think that was funny.

The ACTING SPEAKER: Member for Churchlands, please desist. Member for Collie–Preston, you have the call. Please proceed.

Mr M.P. MURRAY: As we know, to put in a crop, whether it be genetically modified or non-genetically modified takes a very long time on some farms. I was alerted to the fact that people should have a break when I went and had a look at GM seed being put into the ground. There was a Kiwi guy who had flown over especially to do the job, a specialised job, and the seeder was 30 metres wide. But guess what? After six and a half hours, he stopped and he had his lunch. He had a toilet break. He was allowed to get out of the tractor and walk around regardless of what seed was in the seeder. He was allowed a toilet break. The unfortunate part was —

The ACTING SPEAKER (Mr P. Abetz): You are on a third reading debate and you must refer to the clauses of the bill and the content of the bill. This is not a wide-ranging debate about when someone should take a break when they are sitting on a header; that is just not relevant.

Mr M.P. MURRAY: In clause 2 "Commencement", under part 1 "Preliminary", the commencement of a break before the seed is sown is always a contentious issue.

The ACTING SPEAKER: Member for member for Collie–Preston, I will sit you down if you persist in that direction. What you are giving us here is not a third reading debate.

Mr M.P. MURRAY: How do I refer to the clauses if you will not allow me, sir?

The ACTING SPEAKER: It has got to be relevant to the clause. I will give you a few more minutes. If you keep heading in that direction, I will sit you down.

Mr M.P. MURRAY: A lot of people will be happy about that.

The ACTING SPEAKER: I appreciate your humour, member for Collie–Preston.

Mr M.P. MURRAY: This bill is being forced through the house, gagged and pushed through for the benefit of a minority of farmers. We know who backs up the Liberal Party. Genetically modified crops are under discussion worldwide. What concerns me immensely about this bill and its clauses is that it provides no protection for the farmer who does not want GM crops on his property. The issue has always been: it is my right to grow what I want on my property, and what I am entitled to grow. On the other side of that is the entitlement not to be contaminated by a GM crop, but the Genetically Modified Crops Free Areas Act 2003 does not provide penalties for that. That is a shortfall. This bill repeals the Genetically Modified Crops Free Areas Act 2003, leaving the federal government and the Gene Technology Regulator to have their say. There are shortfalls in every part of this bill, ranging from the short title, commencement, Genetically Modified Crops Free Areas Act 2003 repealed, and Biosecurity and Agriculture Management Act 2007 amended.

The shortfalls in this bill do not give anyone the confidence to plant non-GM crops next to a field that has GM crops. I am very serious about this. I believe there should have been penalties of up to $100 000 for contaminating someone's crop. If that had been done, we would not have seen these issues being fought out in the courts costing one person something to the tune of $800 000. If this had been a proper bill and not just a bill to withdraw an act and replace it with a federal government regulator, it would have given people confidence that their property could remain GMO free. At the moment that does not happen. The bill is very short and it repeals an act introduced in this place by the Liberal–National government under the Minister for Agriculture and Food at the time, Mr Redman. We debated those shortcomings in this place on many occasions and for many hours previously. It was a shortfall in the act not to give non-GM growers any confidence in their GM-free status. A group in the midwest comprising 115 farmers asked me to represent them and to oppose this bill. Problems will come out of this bill, because GM crops will have open slather. It will allow people to say, "I am sorry about that, mate, but they are the rules. The bill that gave you some protection before has been withdrawn, and now there is no protection." The contamination issue will go on and I have no doubt there will be further court cases.

Only last week a major people's tribunal in The Hague considered this issue. Based on reports from that tribunal, I understand there will be a lot more talk about GM foods and crops in the future. The International Monsanto Tribunal is a powerful people's court and people from all over Australia and the world attended those hearings. Mr Marsh from the Marsh v Baxter case was even called as a witness. When we look at the matter from that point of view, we see that there is a lot more work to be done, although it is probably lost at this moment because of what is happening here. It looks as though the government has been lazy and did not want to draw up another bill with the safeguards that are needed.

Along those lines, we see the wishy-washy movements of government. In saying that, I mean wishy-washy people who say "Support GM halt call". Who is featured in that article that states —

> Consumers are right to be suspicious about claims from GM companies that the foods are safe to eat.

Guess who said that? It was State President of the Nationals WA, Wendy Duncan.

The ACTING SPEAKER (Mr P. Abetz): Member for Collie–Preston, please remember that this is the third reading.

Mr M.P. MURRAY: That is what I am trying to say. Even members in this house have changed their opinion about this matter because they are not sure exactly what will happen after the act has been repealed. I would like to show that article to members, especially National Party members. I am sure they would be happy to see it. If anyone wants a copy of it, I have some more if they want them.

This matter is a bit like the fracking issue down south. There are many different opinions, but again the government of the day does not have a position. That is what we are saying here. All we have done is take away

some of the safeguards on what can be grown and what cannot be grown under the Genetically Modified Crops Free Areas Act 2003, which is now about to be repealed. When we look at it from that point of view, it is not about canola or cotton, which are the only two GM crops grown in Western Australia; it is about what can be grown in the future.

If the Australian government allows a plant, vegetable or seed crop to come into Australia under the GM technology rules, Western Australia has lost its ability to say no. That will cost us dearly in the future. Our green, clean image has now been tarnished. I have spoken to the Premier about this. I heard the Premier make a speech on this in which he said be wary of this because it will impact on the Japanese market. That is what the Premier said. It is of course very hard to back up. As he said, he does not release a written speech or his speech notes, but that is what he said to the people assembled from WA Farmers. Now we have gone down the line of doing something that even the Premier had doubts about. Although the rights and wrongs of this bill will be argued for many years, it is our actions that we will be judged on in the future—actions that I am sure will play out in many varied ways because safeguards have been removed by this bill. With the repeal of the act through the Genetically Modified Crops Free Areas Repeal Bill 2015, we need to also remember farmers' rights. It has been argued that seeds should be allowed to be 0.9 per cent genetically modified and still be called organic. Those arguments are ongoing. The Organic Association of Western Australia has said no to that, yet many other countries allow 0.9 per cent contamination. Already there are problems such as roadside verges being sprayed with herbicides and the only plant that has stood up on the verges is GM canola. We have the problem of how to control those plants in the future. I note, Mr Acting Speaker, that at one stage, your opinion on this bill was quite different. I remember discussions in earlier times when you voiced concerns about that. The member for South Perth was another one and there are probably four or five others in this room, who, if they had not been constrained by party politics, would have come across to our side of the chamber to vote. I give the member for South Perth his due because he sat out of the vote and sat at the top of the table so that his vote was not counted, thereby making a very clear statement of his position. We can see that probably the majority of people in this chamber are not comfortable with this bill.

As I was saying, the problems along roadside verges and in other people's properties will continue. How do we rid weeds that are tolerant to sprays? We cannot, so then there is cross breeding between wild radish, one of the curses of the farming industry—little yellow and white flowers with very long stalks. They are very weedy and block all the machines when they go to harvest. It can be crossbred with canola and whatever the crossbreed is it will end up being GM contaminated, so it cannot be sprayed.

Dr G.G. Jacobs interjected.

Mr M.P. MURRAY: No it has not; not all of it. I can argue that because it is growing along the roadside verges now. I have my notes here but I will not talk to them because I probably will not get enough time. If the member for Eyre wants to argue that he can argue with many people on the east coast and groups of farmers in Western Australia who have taken samples of weeds from roadside verges through a very simple sampling procedure. Ninety per cent of GMC seeds alongside the road can be found where we know traffic with GM crops are going, although not mainstream roads. Certainly those areas have tested positive for GM seeds or GM plants.

As I was about to say before the wrong information came from behind me, in future there is a chance of crossbreeding.

A government member interjected.

Mr M.P. MURRAY: I am letting her have a spell. I do not want to rush the lady if she has a sore leg. I was going to show her a photo but I am a bit too early.

In saying that, when we consider what could happen—probably will—in the future, we have a very serious problem in front of us. It may be surprising to some in here but weeds very quickly adapt and become tolerant to sprays. Each year something that is quite unique in country areas are the different sprays advertised on television. When people come down from the city and see the TV ads on our country tellies for sprays, sheep and all that goes on, they ask why there are five or six different make-ups of sprays to knock out weeds. It is because weeds very quickly become tolerant to the various make-ups of the brands. Even now there is a major problem with rye-grass and farmers are trying to get a spray that has not been allowed in Western Australia—I do not think even Australia at this stage—to control it. We have those problems, but if the crops are genetically modified, as I said about the bill, and they are allowed in, and they have resistance to those sprays, it could end up anywhere.

The real issue here is also part 3 of the bill, which amends the Biosecurity and Agriculture Management Act 2007. Biosecurity is a huge problem in Western Australia because of what has happened to the Department of Agriculture and Food over time, where people have been removed from their jobs. Scientists who were doing a lot of work have been removed.

The DEPUTY SPEAKER: Member for Collie–Preston, can you confine yourself to the content of the bill please?

Mr M.P. MURRAY: Madam Deputy Speaker, I am talking, with all sincerity, about the Biosecurity and Agriculture Management Act 2007, as amended by this bill. I am wondering what part I was doing wrong.

The DEPUTY SPEAKER: I want you to focus on the GM bill that we are discussing here tonight.

Point of Order

Mrs M.H. ROBERTS: I have been listening quite intently to the member for Collie–Preston, and that is exactly what he has been doing. These are all issues that were raised during consideration in detail, and I do not think he is straying from the topic at hand at all.

Debate Resumed

Mr M.P. MURRAY: Thank you for that support, because I did not think I had strayed at all, because now we are talking about biosecurity, which is not necessarily GM. That was the point I was trying to make about biosecurity in Western Australia. We have had so many different problems, from cane toads through to weeds. Even in your area, Madam Deputy Speaker, there is the problem of buffel grass, which came into the country in saddles. It was used to pack the saddles out, and now it is in areas where we do not want buffel grass. I do not know whether it is genetically modified or not; I am not quite sure, but maybe with a test we could find out about that. We could go on forever about what those plants are, and about biosecurity, if there is a mutated plant that will not be able to be sprayed out, and whether that is a GM cross, or two GM crosses. We talk about the farming industry in a wider sense and how we breed naturally to get resistance to ticks on cattle. All those things happen over many years, and we did not need to change the Biosecurity and Agriculture Management Act 2007, as has been done in this repeal bill. We have to be very careful about that.

I talk again about your area, Madam Deputy Speaker, where we have only one person on the biosecurity check gate at any time, where 1 500 trucks come across with cattle in one year. I will get back to the biosecurity act. I can see heads starting to nod. It is a true issue. We are now going to allow a change through this bill. I noticed, Madam Deputy Speaker, now that you are here, your photograph in this news article. I am sure it is one of your better ones—smiling in support for a GMO halt call. Under the biosecurity act, why did you not ask when you were asked for that call —

The DEPUTY SPEAKER: Do not draw the Chair into the debate, member for Collie–Preston.

Mr M.P. MURRAY: I wonder why the National Party did not ask for these things to be tidied up in the first round of the bill, not the second round.

I had better turn that photograph over, because you are smiling at me in that one, Madam Deputy Speaker, and you are not in the other one!

Through the Chair, I believe that it is a wrong move about biosecurity and the GM repeal bill itself, that has been pushed through for political purposes. That is always a dangerous issue, regardless on which side of politics one sits. A minority of farmers are getting their way against the majority. I will ask a question now: how many seed-growing farms are there in Western Australia? Does anyone know the answer?

Mr J.M. Francis: Fewer than 4 000.

Mr M.P. MURRAY: No, it is 4 100. So wrong again!

Mr J.M. Francis: That was an old estimate.

Mr M.P. MURRAY: Four thousand is a lot of farms. I would agree that with that number of farms, we will not get total agreement. It does not matter what we do. Whether it is genetically modified crops, this bill or any other thing that pertains to farming, we will never get total consensus. When only 30 per cent of farmers grow GM canola, it begs the question why the other 70 per cent have been left behind. Their opinions have been discarded or not canvassed.

A question was asked during consideration in detail about how we will notify people that this bill has been repealed. It is very important. Whether it be the Biodiversity and Agriculture Management Act 2007 as amended or the Genetically Modified Crops Free Areas Repeal Bill 2015, people will not be told that it has been repealed. The government would have to put news flashes on TV or publish it in journals such as the *Countryman* or *Farm Weekly* and many others, but the government itself will not put out a spread to say that the bill has been repealed. That is my understanding. That in itself is a letdown. If I post a letter today, if this bill passes tonight, there is no guarantee that Australia Post will get it there. Now we have to pay $1 and say it only goes there —

The DEPUTY SPEAKER: Order, member for Collie–Preston. This bill is not about Australia Post!

Mr M.P. MURRAY: If this bill was posted using Australia Post, there is no guarantee anyone would get it.

Mr J.H.D. Day: Are you going to use carrier pigeons?

Mr M.P. MURRAY: Only your side uses carrier pigeons! The old mail truck postie sat on the back and threw it out from there.

We understand the government has won this debate, but if it thinks it is finished, it has got a long, long way to go. It will be fought farmer against farmer and brothers against sisters on adjoining farms, which has already happened. Sally Wylie from Margaret River wrote to me and said, "Please don't let this bill go through." Kelly Newton-Wordsworth also wrote to me. She holds a great position in the breeding of cattle. I think her dad might have been a member of Parliament at one stage. They have certainly been in to see me to say "please don't" because it will jeopardise their niche market in what they sell off their farm. They will be able to get more than the going rate because there is no GM contamination on their property. They are very worried about that. I could go on. I have quite a few here, including one from Graham Wearne, an old soldier of the farming community, if he does not mind me calling him that. The member for Wagin would know Graham Wearne. The member is not allowed to speak because he is not in his seat. Graham has been out on the steps of this Parliament to protest loudly and strongly about this issue. People who are not young and who farm in a traditional way are concerned that they will lose that. The reason they are concerned is because this bill, which has been introduced and will go through Parliament, will give them no control. I am sure those people would have loved to have a bill brought in that was not a repeal bill, or that was a bill that would amend the existing bill that we are going to repeal, to reflect what the issue really is. That is control—control of what comes into farming communities in Australia and Western Australia. That control will now be lost. I have three minutes. I am not sure if there are any other speakers on this bill.

Mr D.A. Templeman: There could be.

Mr M.P. MURRAY: There could be. We might get a couple more minutes in.

If this bill goes through, that control will be lost. That control was ever so flimsy, to say the least, because of what happened under the former Minister for Agriculture and Food. I think we need to go back four ministers. How many Ministers for Agriculture have we had in the last couple of years? Was it four, five or six? I am not quite sure. I think it might have been the first of four Ministers for Agriculture. It certainly was some time ago. When this act came in, the promises that were made were not honoured. If they had been honoured, there would be some control of things like where GM crops can be grown, and whether we can have GM-free areas, which the Shire of Williams was talking about at one stage but changed its mind. Now it does not have to worry about that because this bill will override that anyway. We would have had some sort of control over our destiny in Western Australia. That will now be lost. Anything from here on in will be played out in the courts. We need to remember that if we have a white bull on one side of the paddock and black cows on the other side of the paddock, and we put a black bull in with the black cows, but when the calves are born they are white, it is obvious that someone has jumped the fence. That is the sort of thing that will happen under this gene technology bill.

Question to be Put

MR J.H.D. DAY (Kalamunda — Leader of the House) [9.17 pm]: I move —

> That the question be now put.

Question thus passed.

Third Reading Resumed

Question put and passed.

Bill read a third time and passed.

UNIVERSITIES LEGISLATION AMENDMENT BILL 2016

Assent

Message from the Governor received and read notifying assent to the bill.

"DEPARTMENT OF ENVIRONMENT REGULATION — ANNUAL REPORT 2015–16"

Correction — Statement by Deputy Speaker

THE DEPUTY SPEAKER (Ms W.M. Duncan): I received advice dated 20 October 2016 from the Minister for Environment indicating an error in the Department of Environment Regulation's annual report 2015–16, which was tabled on 22 September 2016. The minister has an attached an erratum to correct errors on page 6 and page 59 of that report, in which incorrect information was included in a table and in the key performance indicators. I advise that under standing order 156, I have authorised that the necessary corrections be attached to the tabled papers.

[See paper 4801.]

"DEPARTMENT OF HEALTH — ANNUAL REPORT 2015–16"

Correction — Statement by Deputy Speaker

THE DEPUTY SPEAKER (Ms W.M. Duncan): I received advice dated 19 October 2016 from the Minister for Health indicating an error in the Department of Health's annual report 2015–16, which was tabled on 22 September 2016. The minister has attached an erratum to correct page 69, which incorrectly duplicated the information contained on page 38. The erratum inserts the correct page 69, which contains notes 26 to 30 of the financial statement, and a further note to clarify that pages 84 to 87 were intentionally left blank. I have authorised that the erratum be attached to the tabled papers.

[See paper 4802.]

LOAN BILL 2016

Returned

Bill returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE

Special

On motion without notice by **Mr J.H.D. Day (Leader of the House)**, resolved —

> That the house at its rising adjourn until Tuesday, 8 November 2016 at 2.00 pm.

House adjourned at 9.20 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

CHILD PROTECTION — HOMELESS ACCOMMODATION

5871. Mr F.M. Logan to the Minister for Child Protection:

In relation to the Department of Child Protection, can the Minister please detail:

(a) what recurrent funding, if any, has been allocated in each of the last three financial years to:

(i) Foyer Oxford Project in Leederville; and

(ii) St. Bartholomew's House in East Perth; and

(b) what grant's, if any, have been allocated in each of the last three financial years to:

(i) Foyer Oxford Project in Leederville; and

(ii) St. Bartholomew's House in East Perth?

Ms A.R. Mitchell replied:

(a) (i) Foyer Oxford

2014–15 $928,753 AFL

2015–16 $946,399 AFL

2016–17 $991,542 AFL

In addition to the annual funding levels outlined an additional $130,000 is allocated to Foyer Oxford over 2014–15, 2015–16 and 2016–17.

(ii) Homeless and Transitional Support Services, East Perth

2014–15 $796,525 AFL

2015–16 $808,074 AFL

2016–17 $814,539 AFL

Street to Home Supportive Housing Services, East Perth

2014–15 $592,567 AFL

2015–16 $648,921 AFL

2016–17 $686,641 AFL

Barts Plus – 193–195 Waterloo Street, Tuart Hill

2014–15 $368,219 AFL

2015–16 $373,558 AFL

2016–17 $376,546 AFL

(b) (i)–(ii) None.

HEALTH — MEDICAL CENTRES — UPGRADES — GREAT SOUTHERN REGION

5872. Mr P.B. Watson to the Minister for Health:

I refer to the upgrades of the medical centres at Bremer Bay and Jerramungup, and ask:

(a) what is the status of the upgrades;

(b) what is the total amount of funding that has been allocated for each of these centres;

(c) what will be upgraded in each of these centres; and

(d) when will work commence on the upgrades for each of these centres?

Mr J.H.D. Day replied:

Answer as at 20 September 2016:

(a) The Jerramungup Bremer Bay Business Case (the Business Case) is currently being finalised.

(b) The total project funding for each site will be confirmed as part of the Business Case approval process.

(c) The Business Case includes construction of new health clinics in Jerramungup and Bremer Bay as well as new staff accommodation at Bremer Bay.

(d) Project timeframes will be determined following approval of the Business Case.