

# Legislative Council

Wednesday, 9 November 2005

**THE PRESIDENT (Hon Nick Griffiths)** took the chair at 2.00 pm, and read prayers.

## **SELECT COMMITTEE INTO PUBLIC OBSTETRIC SERVICES, ESTABLISHMENT**

### *Notice of Motion*

**Hon Helen Morton** gave notice that at the next sitting of the house she would move -

- (1) That a select committee of three members is appointed, any two of whom constitute a quorum, to inquire into and report on the adequacy of the decision-making process undertaken to determine that public obstetric services should be restricted in the metropolitan area to King Edward Memorial Hospital, the proposed Fiona Stanley hospital and four peripheral hospitals, as outlined in the "WA Health Clinical Services Framework 2005-2015" in September 2005.
- (2) The committee is required to inquire into and report on the extent to which -
  - (a) the community was appropriately consulted;
  - (b) the community view was incorporated into the decision-making process;
  - (c) the community received feedback about how its views were treated;
  - (d) the proposed model is based on evidence applicable to Western Australia in respect of -
    - (i) service quality,
    - (ii) economics,
    - (iii) service sustainability,
    - (iv) risk management; and
  - (e) alternative models were appropriately considered and the reasons they were discarded.
- (3) The committee, and the proceedings of the committee, are subject to chapter XXII of standing orders and it is to be regarded for all purposes as a committee appointed under that chapter.
- (4) The committee may present interim reports without a requirement for leave and is to report finally not later than 30 June 2006.

## **PARENTAL SUPPORT AND RESPONSIBILITY BILL 2005, DISCHARGE OF ORDER AND REFERRAL TO STANDING COMMITTEE ON LEGISLATION**

### *Notice of Motion*

**Hon Simon O'Brien** gave notice that at the next sitting of the house he would move -

That upon order of the day 121, the Parental Support and Responsibility Bill 2005, being called -

- (a) the bill be discharged and referred to the Standing Committee on Legislation for consideration and report; and
- (b) the committee have the power to consider the policy of the bill beyond that provided for in clause 4.4 of schedule 1.

## **MEMBERS OF PARLIAMENT, CONSTITUENTS' ACCESS AND REPRESENTATION**

### *Motion*

**HON PAUL LLEWELLYN (South West)** [2.06 pm]: On behalf of Hon Giz Watson, I move -

That following the widespread changes in political representation due to recent reforms in the Western Australian electoral system, this house -

- (1) Calls upon the government to initiate a review to be conducted by an independent body, such as the Salaries and Allowances Tribunal, to investigate methods of improving access to and representation by elected members, and to recommend methods of providing equitable services to electors and elected members regardless of proximity to population centres.
- (2) This review should include evidence collected throughout the state and consider but not be limited to -
  - (a) provision of telecommunication facilities such as teleconferencing and free telephone services to contact members;

- (b) extra electorate offices and extra staffing;
  - (c) travel allowances for staff to move throughout electorates; and
  - (d) the establishment in non-metropolitan regional centres of “electorate shared service centres” where constituents can contact all members representing that region and access information about parliamentary processes such as inquiries and proposed legislation. These would be in addition to a member’s own electorate office.
- (3) Requests a further independent review three years after the first election conducted on the basis of the Electoral Amendment and Repeal Act 2005 to determine whether regional and metropolitan electors have reasonable access to democratic processes.

I need some help with the procedure.

**The PRESIDENT:** The member has moved the motion and he may speak to it.

**Hon PAUL LLEWELLYN:** Thank you very much, Mr President. I have moved that motion on behalf of the Greens (WA) and, indeed, on behalf of all representatives of the state government and all members of this house who are charged with representing large regions in the state of Western Australia. The motion says that following the widespread changes in political representation due to recent reforms in the Western Australian electoral system, this house calls upon the government to initiate a review to be conducted by an independent body, such as the Salaries and Allowances Tribunal, to investigate methods of improving access to and representation by elected members, and to recommend methods of providing equitable services to electors and elected members, regardless of proximity to population centres. At this point I seek leave to table a number of items for the balance of the day, one of which is the fax machine that I have in front of me. The documents that I will seek leave to table are inside the fax machine. In fact, the fax machine is out of order, and I do not know what the procedure is for tabling a document that is actually caught in a fax machine that does not work.

**The PRESIDENT:** Perhaps the honourable member would resume his seat. He is proposing to seek leave to table a fax machine. It would be a historic event if leave were granted, and it is historic to seek leave to table a fax machine. However, before the member can do anything further, the house must give him leave. Perhaps if the member puts the fax machine down, he can seek leave, and I will ask the house whether leave is granted. It is a matter for the house. The honourable member seeks leave to table the fax machine that is in front of him.

**Hon PAUL LLEWELLYN:** In fact, I seek leave to table the documents that are trapped inside the fax machine because it is out of order.

**The PRESIDENT:** Very well. The honourable member is seeking the leave of the house to table the documents inside the fax machine, with the fax machine, because he cannot take the documents out of it.

**Hon PAUL LLEWELLYN:** Exactly.

**The PRESIDENT:** To do that, the member needs the leave of the house. The member may have other items he wishes to table, but I will put that proposition to the house.

*Point of Order*

**Hon GEORGE CASH:** Is it intended that the fax machine be tabled in the normal manner - that is, filed by the Parliament to be the property of the Parliament - or for the balance of the day?

**The PRESIDENT:** I think the member said that it would be for the balance of this sitting day. Is that the case, honourable member?

**Hon PAUL LLEWELLYN:** That is right, because I would like to see whether I can have it repaired so that I can get the documents out of it.

**The PRESIDENT:** I will put the question as well as I can at this historic moment. The honourable member seeks the leave of the house to table the fax machine and the documents inside the fax machine until the end of this day’s sitting.

**Hon SIMON O’BRIEN:** As a point of procedure, Mr President, I think it is the documents that are the key matter. If we do not have access to the documents, I wonder whether there is much point in doing this. I do not think we have the capacity to take apart the fax machine, particularly if the honourable member wants to get it repaired. We do not want to do further damage to it. Perhaps the member could be given leave to table the documents when they are recovered from the fax machine or at some later stage. I am raising this issue to try to help. However, I am perfectly happy to participate in the tabling of a fax machine, if that will help.

**The PRESIDENT:** The matter before the house is the proposition that a fax machine containing documents be tabled until the end of this sitting day. If leave is not granted and at some later stage the honourable member is able to get the documents out of his fax machine, he can at that later stage seek the leave of the house to table those documents. However, this is a matter for the house. I am just pointing out that it is a historic and somewhat unusual occasion.

*Debate Resumed*

**The PRESIDENT:** I will put the proposition. I ask the house whether leave is granted.

Leave denied.

**The PRESIDENT:** The member may continue his remarks.

**Hon PAUL LLEWELLYN:** Is there another way of doing this?

Several members interjected.

**The PRESIDENT:** Hon Paul Llewellyn has the call and he is speaking to the motion that he has moved.

**Hon PAUL LLEWELLYN:** Without wishing to distract the house from its important business, this fax machine of the Greens (WA), representatives of the Parliament of Western Australia, is out of order. This machine was bequeathed to the Greens, I believe, by the Premier of the state. Ever since we have had this fax machine, it has given us a lot of trouble.

Several members interjected.

**Hon PAUL LLEWELLYN:** Other matters relate to the symbolism of having been given a fax machine that is out of order or -

**Hon Ljiljanna Ravlich:** You're supposed to get it fixed when it breaks down. That's the whole idea.

**Hon PAUL LLEWELLYN:** I must tell the Minister for Education and Training that we have tried to fix this fax machine on a number of occasions. In fact, it has been dysfunctional. However, that is not the point I wish to make. This is an analogy for the way in which members of this house are resourced by the Parliament of Western Australia. I am conscious of the fact that the Minister for Education and Training would be highly resourced as a minister of the state and would have many staff members -

**Hon Ljiljanna Ravlich:** I actually don't have my own fax machine. I'd kill for that fax machine!

**The PRESIDENT:** That would be highly disorderly!

**Hon Simon O'Brien:** Sell her the fax machine!

**Hon PAUL LLEWELLYN:** I was just about to get to the point that this fax machine is the minister's -

Several members interjected.

**Hon PAUL LLEWELLYN:** The minister can have this fax machine if she guarantees me that any important documents that have been lost in its memory will remain the property of the Greens. In fact, faxes from our electorate offices are sent to this machine at Parliament House. I have spent many hours standing by the machine, at its mercy, waiting for it to transmit documents so that I can fulfil my obligations as a member of this house. However, it is out of order. For a hundred bucks, you can have it.

**The PRESIDENT:** The member should address his remarks through the Chair. I assure him that the President is not interested in purchasing a fax machine for a hundred bucks or anything else!

**Hon George Cash:** The danger in that is that it is converting public property and it is a criminal offence, so I would not do that.

**Hon PAUL LLEWELLYN:** We may well laugh about this metaphor for the way in which members in the regions of Western Australia have been resourced, but that is precisely the matter that I have raised in the house today. I will not seek leave to table some empty boxes, but, if you do not mind, Mr President, I have the boxes with me. These boxes are empty. They represent, in effect, the promises that have been made to the Greens about resourcing our offices and the important role that we play in the Parliament. The boxes remain empty. I keep them in my office in the hope that at some stage I can put some documents in them and move them into more appropriate accommodation for a member of Parliament. I have told members of this house previously that my temporary office in Denmark is full of empty boxes. The other day some important visitors came to meet a member of the Western Australian Parliament to discuss important matters, and I was able to offer them one of these boxes to sit on while we had the meeting. That is not a matter that I take very lightly as a representative of the Parliament of Western Australia. It is not a laughing matter.

I will return to the motion and to the metaphor. The motion states that we call upon the government to initiate a review to be conducted by an independent body, such as the Salaries and Allowances Tribunal, to investigate methods of improving access to and representation by elected members. The problem is that Western Australia's unfortunate demography and geography mean that members of this house represent very large geographic areas. We also represent very large and diverse populations in those electorates, yet we are given fewer resources to service those very large and populous electorates with diverse issues than are members of the other place, who may service only a small area but more people - actually, members of the other place do not; they service fewer people. This presents a serious dilemma

for representatives of the Western Australian Parliament. We are under-resourced to do the job that we have been paid to do, have been elected to do, are obliged to do at law and are obliged to do as a condition of our employment as servants of the people of Western Australia. It is scandalous in the extreme that members of this house get fewer resources to represent more people over larger areas than do members of the other house. It is scandalous in the extreme that a small party such as the Greens (WA), which holds the balance of power in this house, is obliged to deal with all of the government's parliamentary business with just two members while allocated exactly the same resources as any other member in this house. While that is a fair thing in some ways, any political party, particularly a minor party that holds the balance of power, should be given extra resources in order to discharge its responsibilities; that is, to not only represent its constituents, but also deal with the extraordinary large volume of legislation that comes its way.

The issue at stake here is the quality of democracy in Western Australia and the delivery of services by elected members of Parliament to their constituents across the state of Western Australia. I do not want to re-visit the tortuous debates in this house and the other place on the one vote, one value arrangements. I do not want to explicitly re-visit the merits of those debates. The line of argument that came out of those debates was that representatives of large regional electorates with large numbers of electors and complex issues should be resourced to reflect the size of their task. Their resources should reflect their capacity to not only service a lot of people and deal with a lot of issues, but also deal with a significant legislative load.

I can only speak cogently about the area I represent in the south west. Other members of this house represent even larger areas. However, the South West Region runs from Wellstead, some 30 kilometres east of Albany, all the way to the south of the Perth metropolitan region. That region of 170 000 electors produces much of the water for the Perth metropolitan region - it is a considerable amount of water resources. It also produces forestry, plantation, agricultural, fruit and vegetable, viticultural and dairy products. In addition, it has a burgeoning and vibrant mineral resource sector. It has 25 per cent of the world's alumina. Twenty per cent of the world's silica is exported from the south west region and a whole host of rare minerals are driving the high-tech sector of the global economy. This is all in an area between Albany and just south of Perth.

Just south of Perth are places such as Mandurah, which is clearly an urban area. There are places such as Wokalup on the Swan coastal plain that comprises a few households and a shop. Those constituents have varying and compelling needs. They have to deal with the tyranny of distance and complex environmental, social and economic matters. The small community of Yarloop featured on *Four Corners* recently because it was being poisoned by emissions from a very large alumina refinery. Those are complex matters that a member like me representing the South West Region has to deal with. We have to get a grip on complex chemical engineering and the consequences of such an industry. We have to get our heads around the medical impacts on the people of Wagerup and Yarloop so we can provide advice. There are complex planning issues to be dealt with as we try to resolve transportation problems, the movement of gas, the movement of water and all of the resource issues that go along with representing an electorate with these kinds of complex industries and settings.

We get to do that job with 1.4 staff members. The members in the other house who represent far less complex electorates have just been granted an extra 0.6 staff members because they apparently have more to do than members of this house. I do not know how anyone can construe that a member - I am not in any way picking on anyone - for an outer metropolitan suburb could possibly have more complex issues to deal with. I am sure that they have complex medical, health, community, transportation and social issues to deal with, but they simply would not have those social matters on top of very extensive and complex environmental and regional issues. They would certainly not have those social, economic and medical issues on top of a very large resource sector, all of which require a high level of expertise and a high level of analysis in order to get a reasonable grasp on the depth of those issues.

There is another thing that results from having a very large electorate that members of this house debated in the one vote, one value legislation; members spoke about ways to ensure that electors in very large areas get a fair go and get fair access to their democratically elected representatives. While my office happens to be at one end of my electorate, most of the people whom I represent in the Mandurah area live some two, four or five hours' drive away. It takes five hours to drive from one end of the electorate to the other. As we travel through that area, we go through a diverse range of communities that encompass a diverse range of regional activities, the likes of which no lower house member would ever see in his or her electorate. That is a fact. We are given out-of-order machinery. We are given a paltry number of electorate staff, including 0.4 researchers, which amounts to two days' work a week. That is two days a week for somebody to provide me, a member of Parliament, with advice on complex matters, let alone advice on very complex legislation.

I have another item that I had intended to table; it is these keys to the office that I am holding in my hand. I will not seek leave to table them for the balance of the day, as they do not contain documents. These keys are for an office over the road, which now contains a table and some chairs. We have never used the office; we do not have anybody to put in that office. I thought it was perhaps another symbol of the empty promises that this government has made, for example, about resourcing the Greens (WA). We had an agreement with the Premier that the Greens were in a unique situation. We previously had five members of Parliament, which was the same number of members as the National Party had, and its members had parliamentary status, but because our members were all in the upper house and we were holding the

balance of power, we did not get parliamentary status. The rules ostensibly suggest that parliamentary status requires membership of both houses of Parliament. In fact, our role in the governance of the state of Western Australia is crucial and deserves to be resourced adequately; yet, for the best part of eight years, the Premier of Western Australia and various other people have said that they will make good on that promise. I had intended to take these keys and tie my hands behind my back, as that is how it feels to be a member representing the South West Region. I will tie my hands behind my back - this is almost like a Schapelle Corby-type of thing. I have my hands firmly tied behind my back and now I will try to turn over the page and deliver this speech. I will give members an example. Do they see? It is difficult.

**The PRESIDENT:** Order, honourable member! It is reasonable to make points, but the Hansard staff would have difficulty transcribing what you are trying to do, notwithstanding Hansard's great talents. It is not the custom of this house to turn your back on the Chair.

**Hon PAUL LLEWELLYN:** I apologise for that. The point I am trying to make, Mr President, is that the way this lands for representatives of this house, particularly representatives of the Greens, is like having my hands tied firmly behind my back. I am having a great deal of difficulty doing my job as a representative of the South West Region. If members look, they can see that. I will turn over my notes - it simply does not work. I will not table the keys. I will not even seek leave to table them, but the symbolism is clear. An empty office that has no capacity -

**Hon Simon O'Brien:** Where is this office?

**Hon PAUL LLEWELLYN:** The office is in Harvest Terrace, just over the road.

**Hon Kim Chance:** Where is your electorate?

**Hon PAUL LLEWELLYN:** Hon Kim Chance does not know my electorate? Hon Kim Chance knows where my electorate is; it is in the South West Region. The bulk of my working life is dealing with parliamentary business, dealing with the bills of Parliament that Hon Kim Chance's government wishes to have passed through this Council. That is the bulk of my work.

**Hon Simon O'Brien:** How many seats are coming out of the South West Region the next time the boundaries are redrawn; these same people that you reckon you can't support adequately? How many seats are coming out of there? That is a lot of resources that won't be available to parliamentary members and your electors.

**Hon PAUL LLEWELLYN:** That is true, and there will be a rebalancing of that issue, of course, in the name of achieving some kind of fair and equitable representation in the Parliament of Western Australia. I will not go into that because I mentioned -

**Hon Murray Criddle:** You really should go into that, as that is the crux of the matter. The point, in fact, is that we are dropping from 11 to three. Admittedly, you go from seven to six as well.

**Hon PAUL LLEWELLYN:** Absolutely.

**Hon Murray Criddle:** So what will be taken out? Four members, with all that stuff? Perhaps that is a good argument to put to the government to get some more resources. You are just a year or two too late.

**Hon PAUL LLEWELLYN:** What we do not want is to collapse the two arguments, the one vote, one value argument and the matter of resourcing individual members. I am conscious that I was not present in this house when the one vote, one value legislation came into the house, but I am very clear that there were some unhappy campers when it did. That being the case, each member of this Council continues to have a significant task representing the people in his or her electorate. The substantive argument stands that we will be representing large and complex regions, regardless of whether we will have one or two more members. In any case, the question is whether there should be reasonable equity in resourcing members of the other place, who represent smaller and less complex areas, and resourcing members of this place. That is an important principle that we should stand for in this house. It is not just about wanting a bigger slice of the cake; it is about giving members who represent complex regions the capacity to fulfil their obligations more effectively.

I may have put out my shoulder when my hands were tied behind my back. Nevertheless, that issue is over.

Part of this motion states -

This review should include evidence collected throughout the state and consider but not be limited to . . . provision of telecommunication facilities such as teleconferencing and free telephone services . . .

To some extent those facilities are provided, but there is the capacity for us to use technology in remote and regional areas of Western Australia to more adequately service and represent our electorates. As a matter of fact, I spend approximately 60 per cent of my time in the Perth metropolitan region at Parliament House attending to the volume of legislation that comes my way. I do not have time to go out and service my electorate. I could choose not to deal with legislation. I could allow the government to come into this house and bring in whatever legislation it likes and I could not pay any attention to it.

**Hon Simon O'Brien:** Wouldn't that just make you a Labor backbencher though, if you were to do that?

**Hon PAUL LLEWELLYN:** Exactly. It would be a very unfortunate turn of events for democracy in the state of Western Australia to have the Greens asleep at the wheel. I think it is fair to say -

**Hon Ljiljanna Ravlich:** Of course, you would have to be dead to be a representative of the conservative party across there!

**Hon Simon O'Brien:** Wow! That's telling us.

**Hon Ljiljanna Ravlich:** Oh well!

**Hon Norman Moore:** You are so fast with your comments.

**Hon PAUL LLEWELLYN:** Let us not deal with personality matters here; let us deal with the substantive issues. This is the kind of behaviour that brings the Parliament into disrepute among the children whom we are trying to educate.

**The PRESIDENT:** Order, honourable member! Perhaps you could address your comments to the Chair, as I am sure you were a moment ago.

**Hon PAUL LLEWELLYN:** Mr President, it is the jeering and the juvenile behaviour that brings this Parliament into disrepute for the people whom we are trying to educate. We should not go "uurh" like that -

**The PRESIDENT:** The member will address his comments to the motion he has moved.

**Hon PAUL LLEWELLYN:** The point is that we need high-quality representation in this house. We need people and officers who can do the job responsibly and effectively to deal on their merits with the volume of legislation and the substantive issues that are coming before this house. In fact, we should give them proper regard so that this house can do its job. In order to do that responsibly and effectively, we need effective resourcing. Simple access to teleconferencing technology for people living in very remote areas - or even for people such as me who live 400 to 500 kilometres from the Perth metropolitan area - is necessary. Effective teleconferencing technology would be an extraordinarily important contribution to the quality of democracy in this state. We could bring together community leaders and their political representatives from different areas and communicate effectively across large distances. If we did that, we would not have to get into our cars, which cost the state an enormous amount of money in members driving from one end of the state to the other. That is not to mention the time involved. Dr Christine Sharp, whom I replaced in this house, spent between 20 and 25 per cent of her time driving between her home and Parliament. I am sure that members of the government would like other representatives to be ineffective by being in cars and not able to do their work. It is not a very productive use of our time. The use of innovative technology such as teleconferencing facilities, in conjunction with the education of members and the community in its effective use, could significantly improve the quality of democratic representation in the state of Western Australia. There are probably only a few other places in the world - I can think of North America, and Canada in particular - that would have anything like the type of issues that we have concerning representation of large, complex areas with sparse populations.

I have stated in this house previously that, as a member of Parliament, I am allocated 100 days of travel each year in my electorate. I would die to be able to spend 100 days a year travelling in my electorate. That would be absolutely fantastic. I would be able to connect with all the people in the far-flung regions and spend time attending their concerns and issues. In fact, that is fanciful. We should check the historical records to see whether there are any members of the Legislative Council who use anything like 100 days of travelling in their electorates each year. Most members are busy getting on with their legislative loads. In the case of the Greens (WA) and the balance of power, there is absolutely no way that we can spend 100 days travelling and staying in hotels to service our electorates. We cannot do that. Our 1.4 staff have absolutely no travel entitlements. I have hired highly competent and professional people to stand alongside me, one of which is in the gallery at the moment. They are quite capable of representing me at public meetings and meetings of interest, industry or community groups. In many cases, they are more qualified than I am technically or academically. Despite that, they have absolutely no travel entitlements. They have no ability to extend the capacity of my office to service and represent the electorate. Why be stingy? Maybe we should keep the 100 days of travel allowance.

The Minister for Education and Training is leaving the chamber; thank you, honourable minister.

**The PRESIDENT:** Order, Hon Paul Llewellyn. There are certain things that are not acceptable. Please address your comments to the Chair.

**Hon PAUL LLEWELLYN:** Thank you, Mr President. There will be many occasions on which my competent staff members could represent me quite effectively to expand the capacity of our office to service the electorate. Yet, there are no allocated resources for them to do that. That does not make any sense. It certainly does not make any sense in the context of a very large regional area. It certainly does not make any sense even in the context of a large metropolitan area. They might be able to catch a bus but they are not allowed to use taxis. In fact, they are not even paid their bus fares. Maybe that would be a small concession. It would be a sort of empty box concession; electorate staff might be able to use free public transport to service the electorate. That would be a good move. I am clearly speaking tongue in cheek because that is the kind of resource members get delivered. It is a paltry concession handed to

us, yet it is quite clearly not the kind of resourcing that is required to breathe life and capacity into our electorate teams. The proposition might be: why not allocate 50 days of travel a year to be rationed between electorate staff members so they can effectively extend the capacity and services delivered by the electorate office? Instead, they find themselves at the end of a telephone. They are pinned down by hours and hours spent on the end of the telephone. We know that face-to-face high-quality contact with the electorate would service industries and the community so much better - if we could go out and represent them. It is not a very complex proposition to suggest that, although a regional member of the Legislative Council receives 80 days of accommodation in Perth each year and 100 days of travel in his or her electorate, if we want to expand the capacity of representation we should give some physical legs - tangible, material legs - to staff members in the form of some type of allowance for travel and attendant expenses. The accountability would be the same as it would be for any government expenditure. I suggest that that would be a most cost-effective investment in democracy in the state of Western Australia. If we were given the capacity to expand the quality of representation of members of this house, we would choose our staff members very carefully. However, what we get are empty and hollow promises.

An innovative concept might be a clearing house in a large regional centre, such as Bunbury, Albany or Mandurah, that would serve as an office that represented all members of a region regardless of their political persuasion. A clearing house could be visited by members of the public who seek some direction. We receive hundreds of calls a week from people making inquiries. Some calls are made by people 500 kilometres away. Actually, I exaggerate; someone who called me was 400 kilometres away. An electorate centre could be staffed by one or two people and it could serve as a clearing house for constituents' inquiries. A clearing house for constituents' inquiries would mean that we could extend the capacity of every member of this house to deliver services to the electorate. That is an innovative concept that should be implemented. It would mean that when honourable members from one area undertake business in another area, they would have somewhere to go. For example, even though my home town is Denmark, I may want to hold meetings and conduct business in Bunbury. I could invite people from Bunbury to attend a well-serviced facility; indeed, they would not sit on boxes. I could tell people that I would meet them next month in the meeting room of the electorate service facility in Bunbury. Other members of Parliament might be interested in coming along and, in that way, we could seek to improve the quality of the decision making in this house.

I am not making an ambit claim for more travel allowances. As I have said in this house before, my travel allowance is far more than I could possibly use. This is not an ambit claim; this is about rethinking the way in which this house provides service delivery. Times have changed. However, the way we do business remains archaic. I am not for one minute suggesting that there are not good reasons for the standing orders and procedures of this house. I am not questioning those things. What I am saying is that we have not changed the way in which we organise parliamentary representation other than to reorganise the deckchairs on the *Titanic*. As I said, we have moved a few boundaries, but we have not changed the substantive service delivery. Service delivery is about knowing who our clients are, paying attention to the issues they raise and ensuring that we meet their needs. I do not see that happening in this institution. We are so busy doing work that rarely do we adequately represent the people who elected us. If there is any way that we can improve the capacity of our elected representatives to do their work responsibly, we must investigate it. Alternatively, we must invent a way. We owe it not to ourselves but to the people of Western Australia to invent a way of improving the capacity of elected members to deliver parliamentary or representative services to the electorate. This is not a complex issue.

There is also another matter. Physical and geographical issues take up the intellectual headspace of representatives of the Legislative Council and of the government. The capacity to move about and represent are complex issues. There is also the landscape of the legislative load - members must think in two or three dimensions - that we are expected to deal with to be responsible and effective members of this house. The notice paper reveals the complex legislation that is the brainchild of years of administrative and departmental staff beavering away and changing statutes with a bevy of lawyers and administrative policy advisers. The government and its ministers get access to all of that. The legislation lands in this house and the other place. With 1.4 staff - 1.0 of whom is responsible for answering the phone and dealing with constituents' inquiries - we are supposed to come to grips with complex legislation, which is a completely different landscape. It is a landscape of complex ideas and law. We are supposed to do it in a responsible and considered way. The house and parliamentary democracy fail to deliver a responsible outcome and certainly fail to deliver a responsible and well-informed review process, save for the commitment of some members of this house who work endlessly and tirelessly.

Not so long ago - in fact, on 29 June - there was a large rally in town. The government convened with the trade unions to talk about the conditions of workers and the attack on the conditions of workers. I wrote a press release on that day which reads, "Greens MPs to work to rule". Can members imagine what it would be like if the Greens MPs decided to work to rule in this house? Can members imagine how slowly legislation would pass through this place if we decided to walk out of the house because we had only a certain capacity? I particularly draw this scenario to the attention of the representatives of the government and the ministers who are present in the chamber. They should imagine what it would be like if we walked out and worked to rule. What would the government's legislative program look like then?

**Hon Murray Criddle:** It would barely make any difference.

**Hon PAUL LLEWELLYN:** Does the member think that if the Greens walked out, it would not make any difference? No, it would not make any difference to Hon Murray Criddle, but it would make a big difference to Western Australia because the Greens have played an extraordinary and important role in the democracy of this country.

**Hon Murray Criddle:** You only have a role while you are in here; you have no role out there.

**Hon PAUL LLEWELLYN:** I will not go into that debate.

**Hon Murray Criddle:** It is a fact.

**Hon Norman Moore:** If they walked out, it would be a good thing because the government would not get its legislation through.

**Hon Murray Criddle:** That is right.

**Hon PAUL LLEWELLYN:** We would leave the opposition and those members.

**Hon Norman Moore:** It would be a good thing. You should try it some time.

**Hon PAUL LLEWELLYN:** Walking out?

**Hon Norman Moore:** You should have done it on the one vote, one value legislation, and then we would not be having this argument now.

**Hon PAUL LLEWELLYN:** Absolutely. We would be having other arguments; that is the only problem.

**Hon Murray Criddle:** We would not be because you would not be here.

**Hon PAUL LLEWELLYN:** I am sure that Hon Murray Criddle adores the Greens and all that we have done for him.

**Hon Murray Criddle:** I'm trying to work that out.

**Hon PAUL LLEWELLYN:** I will go forward following the line of argument here. If the Greens threatened to work to rule, imagine what would happen to parliamentary democracy. Let us look at our wages and conditions.

**Hon Barry House:** I am sure that the Labor Party members will understand that rhetoric.

**Hon PAUL LLEWELLYN:** I will not quibble about wages and conditions; however, I refer to the working hours of members of Parliament. Some members in the house are organising their Christmas parties, their book reviews or whatever they do, but we have much to do in this house if we are to be responsible representatives paying attention to each and every piece of legislation that comes our way. That is the role that the Greens play. We are talking about the quality of democracy and representation. Therefore, we are not strictly talking about the role of the Greens, but the role that we play is worth reflecting on. Imagine if we chose to work to rule. What would it look like?

I do not know what other business would expect its workers to work from 9.00 am to 11.00 pm and be on call 24 hours a day to deal with all these complex matters and these extraordinary responsibilities of representing many people. We are expected to do that with 1.4 full-time equivalents, a 100-day travel allowance and an allowance for 80 days in the city. I do not think it is reasonable to expect us, or any member of Parliament, to effectively do our job in those circumstances. To give members an example, the North Metropolitan Region has 14 Legislative Assembly seats in it and it has seven upper house members. Those 14 people represent small fragments of the population and the regional area. Those 14 members now have two staff members; they used to have 1.4 FTEs but now have two. They have an additional 0.6 of a staff member because, we are told, they have more to do than members of this house. Those 14 members represent an area in which there are seven members of the Legislative Council with fewer staff. The numbers simply do not add up.

The government is out there calling industrial relations rallies and arguing about the rights of workers. It is looking at the injustices in the system, counting off the hours and the penalties and arguing tooth and nail for every single penalty and allowance. However, in the very place, entity and institution from which all these noble ideas are being generated, there is this inequity between the two representative houses of Parliament. How has that come about? Who in the other place is constructing the logic about fairness and equity? Who is constructing the logic about what is right and proper to achieve representation and effective representative democracy in this state? I do not know. It does not make any sense to the Greens, except that there must be some compelling political reasons for nobbling the upper house and making it less effective. There must be compelling political reasons for wanting those pesky Greens, Nationals and Liberals, as a matter of fact, off the back of government - the peskies.

**The PRESIDENT:** Order! I think there are some limits to how we address our colleagues.

**Hon PAUL LLEWELLYN:** I want to relate to the house the kind of conversation that has taken place over the time that the Greens have been involved in representing the balance of power. I understand that it is at the discretion of the Premier to decide who has and who does not have parliamentary status. Of course, he is guided by an act, but the discretion is with the Premier. We have been negotiating with the government. We have said that we are in a unique role and that it would not matter whether it was the Greens, One Nation, the Nationals or even the Liberals who were in a minority balance of power position; whoever is in that role should have more resources allocated to them to do that

job effectively. We have had promises - mostly like these boxes beside me. The promises that the government would look into the matter have been made, but it has said it would need to change the law and it would need a separate bill to facilitate the changes. We have said that the government makes the laws and it should write them. I understand a bill has now been drafted that is intended to give life to the concept that there should be an independent review of the needs of members of Parliament and that there should be an allocation of resources to any minority group in Parliament that finds itself with the balance of power and that has an undue and onerous load upon it.

I am not telling tales out of school, but the government has said, okay, it would like to give the Greens one more staff member. There have been no deals behind the chair. This has been a negotiation about attempting to get some equity. It was not just for the Greens but any group or minority party that found itself with the balance of power. That is fair. Why should it not have more resources? What we needed was a legal officer. Various models have been discussed. In fact, we have found that the model does not match the law. The argument was that the problem was too complex for us to solve here. It has been difficult to help us resolve the issue of resources; that is, a legislative officer who could read through the legislation ahead of time, flag any issues, and read the legislation from the point of view of saying, "This is how we want to organise our response to this piece of legislation." We needed a legislative officer - someone who was dedicated to helping us do that. The argument that was put to me was that it was too complex; the law was not quite lined up and right. We are expected to deal with complex stuff every single day. If the law is not right, it is incumbent upon the government to change that law. If that law is not serving the purposes of representative democracy, and if it is not improving the capacity of our representatives to work effectively in the Parliament, that law needs to be changed, just like every other law that is not working for the state of Western Australia needs to be changed. We can go to sleep on this matter, or we can choose to be proactive about it. However, I believe that another agenda is running, and it is quite possibly an agenda that relates to the inconvenience of having an upper house of review - an effective house of review. It is inconvenient for a government of any persuasion to be accountable to two sets of thinking, or to another way of analysing and interpreting the laws that are proposed.

While there was an industrial relations rally on 29 June, an industrial relations storm was brewing on the hill when the Greens threatened to work to rule in the upper house. The press release dated 29 June 2005 states -

The move has the potential to thwart the Governments legislative program, because the Greens hold the balance of Power in the Upper House of State Parliament.

Greens member for the South West Region, Paul Llewellyn says that just two Green MP have to scrutinise every piece of legislation that comes before the Upper House without any additional staff or resources. That is on top of have to servicing large and complex electorates.

The Greens welcomed, to some extent, the announcement that the Premier made about providing additional resources to members representing large electorates, but we fail to see how he can justify doling out additional capacity to small Legislative Assembly electorates while leaving the upper house under-resourced. We fail to see how the Premier of this state can make the decision to provide more resources to members of the other house while leaving members of the Legislative Council under-resourced to do their job, let alone those people who hold the balance of power.

At present the Premier is effectively in charge of allocating staff and resources to members of Parliament. This is not a matter that should be left in the hands of the Premier, who has shown himself to be biased and unprofessional in this area. The matter of resourcing members of Parliament must be determined by an independent entity, such as the Salaries and Allowances Tribunal. The resourcing of members of Parliament should be undertaken by an independent entity, independent of political influence; yet the way in which the rules are written now, the government pulls the strings. That might serve the purposes of whoever is in government, but it does not serve the purposes of democracy and responsible representation. If laws are standing in the way of making parliamentary representation in this chamber equitable, we should change them. We should put it on the table: change those laws. We should put some distance between the people who make the decisions about resourcing members of Parliament and the government of the day. It makes sense. I do not know how governments have got away with it for so long. I do not know why the issue has not been raised - perhaps it has.

There are two quite clear issues. All upper house MPs must be treated equally with all other members of Parliament. There is also the special matter of the outrageous workload of members who find themselves holding the balance of power. There should be equity in resourcing. We should not run the risk of making the Legislative Council the poor cousin of the other house. It is a grave risk to the quality of democracy in the state of Western Australia. It is a grave risk to the quality of democracy in the state of Western Australia to have this house and its representatives under-resourced, which affects our capacity to adequately service our electorates and deal with the volume of legislation that comes our way.

In this context, I cannot avoid dealing with the historic debate about one vote, one value. I appeal to people to keep the matter clear and separate. There was a difficult debate relating to one vote, one value and representative democracy in this state. We have had that debate and we came to a conclusion. As I understand it, that conclusion was reached in this house after long debates and impassioned discussions about equity and fairness. We can leave that aside for one moment and move to what came alongside that legislation; what agreements there were, in other words, to build the

consensus, outside the numbers and the boundaries, about what was needed to improve the quality of democracy and representation.

**Hon Barry House:** Do you agree with the line that your predecessor Hon Christine Sharp took?

**Hon PAUL LLEWELLYN:** I do not really want to go into that. No, I will get trapped if I do that.

**Hon Murray Criddle:** You're already trapped.

**Hon PAUL LLEWELLYN:** I am trapped. It comes with the job. We are a new party with a new vision and with the capacity to make decisions and think them through, and we are often left in a very difficult situation.

I will go back to unpack the question of what came with the logical arguments about the quality of democratic representation in Western Australia. Outside the metropolitan region, 531 255 people live in the remaining space of 1.99 million square kilometres. What I understand came out of the one vote, one value conversations and discussions in this house was a clear agreement that there needed to be additional resourcing. Notwithstanding any of the vitriol and the difficulty in making that decision, there was a clear agreement, and the Greens sought a commitment from the government that there would be other clear mechanisms to ensure fair representation for remote and rural areas. This is not rocket science. We have already spoken about some of the mechanisms. One of them was initially to improve communication, administrative and staffing facilities for remote, regional and large electorates. I believe that was one of the understandings that came out of discussions on the one vote, one value legislation. Another mechanism was the concept of a regional electorate servicing facility; that is, an office in another area that all parliamentarians could use. The decision making for the resourcing should be taken from the government and given to an independent body, in this case the Salaries and Allowances Tribunal. I am not sure that that is necessarily the right body - I do not have enough administrative experience to know whether it is - but some kind of independent assessment is required. We want to ensure that Western Australians have reasonable access to their representatives in remote and regional areas. We know what that means. We in this house know more than anyone else does what it means to have fair and equitable access. We need some kind of facilitative process. I am thinking about a regional electorate centre that might facilitate contact with representatives and also the resourcing of their staff so that they can go into the electorate. It is not rocket science.

As members know, I did not construct this motion. It was on the notice paper before I arrived in this place. Rethinking the motion today, I would like to amend it, but it would take some time and negotiation to work out how to do that. That would be an exercise in parliamentary democracy to see whether there was a way to negotiate an appropriate amendment to this motion, so that the needs of the community of parliamentarians who represent their regions in this house can be met. As the mover of the motion, do I get another chance to speak to it? If I sit down now, is it all over, red rover? I do not know.

**The PRESIDENT:** I take it that the member is seeking some guidance. It all turns on what happens. If the member were to sit down now and other members were to speak, he would have a right of reply. However, I do not know whether another member will speak, and neither does Hon Paul Llewellyn, so we will just have to wait and see what happens.

**Hon PAUL LLEWELLYN:** I acknowledge that I took on responsibility for this motion at short notice, primarily because Hon Giz Watson has had a great deal on her plate. I am sure that every member of this house will have noticed that, over the past few months, Hon Giz Watson has been working tirelessly on a range of complex legislation. I have paid attention to those debates, and she has done a very honourable job of maintaining the quality of the debate in this house. Notwithstanding the antic with the out-of-order fax machine with the documents inside it, if this fax machine is a metaphor for the way in which our office and our parliamentary representation have been resourced, it is a sad statement about the commitment of the government to good governance. I will never call into question parliamentary services. I put on the record that the Hansard services, the parliamentary services and the library services have been absolutely extraordinary. They are not in question. However, I speak for myself in expressing the frustration that I have experienced at working in an office with wires gaffer-taped to the ground, cardboard boxes and technology that should have been repaired or replaced. I will hand this fax machine to the Minister for Education and Training - she probably needs it. Technology that needs to be serviced or replaced is hardly a good way to introduce a new member of Parliament to parliamentary democracy. In my first few weeks in this place, I thought that everybody had to do this -

**The PRESIDENT:** The member should address his comments to the Chair, rather than to the machine in front of him.

**Hon PAUL LLEWELLYN:** When I first arrived in this place, I thought that everyone's fax machine did not work and that it was par for the course. Having said that, parliamentary services staff were saintly in their delivery of help, but they could not help with this particular machine, which I believe came from the Premier out of order. I would like to donate this machine. Perhaps I should not sell it to Hon Ljiljanna Ravlich. I should donate it back to the Premier and cabinet for use in that office. Perhaps Hon Kim Chance could take this machine back to the Premier on my behalf. Perhaps he could use this machine. There might even be some documents from the Premier and cabinet trapped in the machine. Whatever the case may be, this machine is of absolutely no use to me. It would be of no use to the Minister for Agriculture and Forestry or the Minister for Education and Training. However, they can have it. I will deliver it free to their office after this debate. As we go past the offices of the journalists from ABC TV, *The West Australian*,

ABC radio and maybe a few other media outlets, I will say that I am delivering this dysfunctional fax machine to the minister's office because it is an example of the quality of democracy in Western Australia. I do not know how one gets an assurance that the government is listening. It is not fair, right, just or proper that new members of Parliament should walk into their offices with a hodgepodge of broken down machines, a computer sitting in the corner taking up space, a series of empty boxes and a series of empty promises. Those promises embody what is right and decent about democracy; that is, that members of Parliament should be adequately resourced to do their job. They should not have to waste their time opening and closing the drawer of their fax machine. We ought to calculate how much time I spend opening and closing the drawer trying to get this fax machine to work. It does work from time to time. Every time the drawer is closed, another document comes out and it has to be opened and closed again. We could calculate how much it costs the government and the state of Western Australia by using whatever rate of pay I am on.

My hope is that we continue this debate and amend this motion appropriately to the point at which we have a consensus, not a disagreement. I draw the attention of members to the previous debates about one vote, one value. Let us look past those debates to the point at which we have a consensus about where to go forward from here in terms of the resourcing of this place and the members.

**HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition)** [3.33 pm]: This is clearly a case of closing the door after the horse has bolted. I find it quite extraordinary that the Greens (WA) party has moved this motion and that the problem it relates to even exists. I can understand Hon Paul Llewellyn not wanting to talk about one vote, one value because, as I interjected, that legislation passed with the support of the Greens and that is why this motion is on the notice paper. That is not to say that I do not have a lot of enthusiasm and support for what the member seeks to achieve through the motion.

The actions of the WA Greens will contribute dramatically to the reduction in parliamentary representation in regional Western Australia after the next election. The Greens and the Labor Party will take seven seats out of the country and put them in the city. The natural consequence of that is that every electorate in the country will be much bigger. Because they will be so much bigger, the quality of representation will diminish for all the reasons Hon Paul Llewellyn has outlined. He talked about taking five hours to drive from one end of his electorate to the other, but if he drove from one end of my electorate to the other, it would take five weeks.

**Hon Paul Llewellyn:** What kind of car do you have?

**Hon NORMAN MOORE:** I have a very small car that goes very slowly. If I drove from Eucla to Wyndham, it would take me at least five days, if not five weeks.

**Hon Kim Chance:** Five hard days!

**Hon NORMAN MOORE:** That is exactly right. As we all know, fortunately we have an electoral system in Western Australia that pays attention to the particular needs of country Western Australia. We have a weighted voting system that has evolved over decades to look after the necessary interests of country Western Australia. As a result of the Greens and the Labor Party getting together, we will have a new electoral system that will significantly disadvantage country Western Australia. The Greens (WA) party caused the problem. However, I support some of the solutions that it is promoting today, albeit I believe that it is extraordinary that the people who caused the problem are now trying to solve it. The simple solution was not to cause it in the first place.

**Hon Paul Llewellyn:** We didn't cause the problem; it existed beforehand.

**Hon NORMAN MOORE:** There were problems before the WA Greens and the Labor Party gave us one vote, one value. A lot of issues raised in the motion moved today have been around for as long as there have been members of Parliament in Western Australia. For some strange reason - I do not know why this is the case - members of Parliament are their own worst enemies when it comes to looking after their own needs and getting the support and help they need to carry out their work.

One of the problems is very simple and I know it because I did it. When a member becomes a minister and is part of a government that makes decisions about how money is spent, he very quickly gets used to the notion of having 10 or 11 staff, having the best equipment and having people who can provide for his every need. Fundamentally, money in ministerial offices is no object. Whatever they need, they can have. Ministers very quickly forget what it is like to be in the backbench or a member of the opposition. They quickly forget that the fax machine does not work, the computer is about 10 years old and the photocopier has done four trillion copies and does not work any more. When members are ministers, they put up their hand and these things get fixed. I was as much at fault as anybody else with respect to this matter. At least this motion will remind the government that it has to look after the interests of all members of Parliament by providing them with the capacity to do their job properly and adequately.

Recently the government demonstrated significant generosity to itself by giving members of the Legislative Assembly an extra 0.6 staff members, giving them a total of two full-time staff members, and provided six Legislative Assembly members with two electorate offices. This is of significant benefit to the Labor Party because it has more members in the Legislative Assembly than any other party so, incrementally and proportionally, it gets more support staff than everybody else because it has more members. With respect to the two electorate offices, four of the six will go to the

Labor Party's lower house members. The generosity of the government to Assembly members was of significant benefit to the Labor Party compared with everybody else. That is the first thing that the Labor Party did. The non-government members of the Legislative Assembly were very pleased to get that additional support, so not much was said about it. However, for reasons that we still do not know - and I remind the house that we asked the Premier to provide an explanation - the Legislative Council was treated differently. Why were we ignored? Why were we not provided with additional staff in line with the Legislative Assembly? I am waiting for the Premier to say to me and to all members of this house that we are lesser members of Parliament, we have less to do and we have less need of support than an Assembly member, simply because we are in the upper house. I am waiting for the Premier, or his representative in this house, to say publicly that our needs are much less, and then try to explain that to us and the community. There is no doubt in my mind, as I have said before, that members of the Legislative Council have different needs from the needs of members of the Legislative Assembly. Increasingly, as the legislation that comes into this house is more and more complex, more and more badly drafted and more and more in need of amendment, there is more and more need for us to have additional research staff and capacity in this chamber. It is a fact of political life.

Let us consider the additional electorate offices that have been made available to six members; that is, the members for Kimberley, Central Kimberley-Pilbara, North West Coastal, Eyre, Roe and Merredin. All those members have been told by the Premier that their electorates are so big that to represent their constituents properly, they have the capacity to have two electorate offices and two electorate officers. I say to the government that all of those seats combined do not make up the size of my electorate, the Mining and Pastoral Region, which covers 2.2 million square kilometres; yet the members in those six seats are entitled to two electorate offices and I am entitled to one. I wish that the government would explain the rationale behind the decision that it has made so that we can once and for all know what is going through the Premier's mind. If he thinks that we should be treated as second-class citizens, he should say it. He should not let us continue to argue the case in this place and completely ignore us, as that is not acceptable.

Let us consider the motion in some detail. It is interesting that the preamble refers to "recent reforms". The word "reform" in this motion is a terrible word, as reform usually means to fix something that is broken and to make it better. I must say that the one vote, one value legislation is the complete opposite to reform. It has, in fact, created the sorts of problems that Hon Paul Llewellyn talked about today.

The motion calls for a review to be conducted by an independent body, such as the Salaries and Allowances Tribunal. I am quite happy with that proposition. The tribunal pretty well knows what members of Parliament do and do not do and it has conducted extensive studies into our working conditions and so on, albeit that it never gives us enough at the end of the day. As a matter of interest, to get some indication of how well the Salaries and Allowances Tribunal thinks about members of Parliament, the person running the Department of Health - a bureaucrat - gets a salary five times that of a member of Parliament. The lady who runs the Office of Energy gets three and a half times the salary of a member of Parliament. Let us go through the list of public servants and see how much they are paid compared with what we get. We underestimate and undersell ourselves. As I said a while ago, the people in charge of these decisions are ministers who are on quite a reasonable salary - not a good one but a reasonable one - and have all their needs looked after. They forget about the backbench and the opposition. As I said a while ago, I have been as guilty as everybody else has been on those decisions. The time has come to fix that and to give some reasonable recognition of what members of Parliament do. We actually do the most fundamental and basic thing in society; that is, we make the laws that affect everybody. If the laws in society are deficient, society is deficient. The sooner we are prepared to promote that recognition in the context of what we are in this place for, and the sooner the public understands that making laws is the most important job in Western Australia, the sooner we will start to deal with the issues contained in this motion.

The motion calls for an independent inquiry to investigate methods of improving access to and representation by elected members. If that inquiry is conducted after the next election, the first thing we will find is that people will not be properly represented as a result of the new legislation because the seats will be too big. That is the first thing that people will find. The motion suggests some initiatives to improve conditions for members of Parliament. It refers to better telecommunication facilities, which is obviously a good idea. However, they have improved dramatically over the years. Albeit we are still behind most private sector organisations, telecommunication facilities are better than they used to be, but there is always room for improvement in telecommunications as a result of the rapid improvements in technology.

The motion refers to extra electorate offices and extra staffing. It would be fair and reasonable if all members of Parliament were provided with the same level of support staff. It should not matter which house they are in; they should get the same support. The notion of travel allowances for staff in this motion indicates an extraordinarily ironic situation. The Greens (WA) are putting forward that we should get rid of seven or eight country members, put them in the city and then give staff to country members so that the staff can travel around the state and do the job.

**Hon Paul Llewellyn:** No, that's not what we are saying at all.

**Hon NORMAN MOORE:** That is exactly what the Greens are saying. They are saying that country members are having difficulty getting around their electorates and they want to employ staff who can travel. At the same time, the Greens are putting up their hands to get rid of seven members of Parliament from the country. Come on! Let us be real about this! I actually agree that members' staff should be able to travel, but I do not believe that staff should replace

members of Parliament. If the Greens believe that their staff can do a better job than they can, they had better swap over. I reckon it would be a good idea if members' staff could travel with them, but not in lieu of them. As every member would know, when we visit particular communities and attend meetings, functions and so on, it is always very helpful to have somebody taking notes, providing assistance, making sure that the plane is not running late and all that administrative stuff that is important when members are very busy and attending to many different matters in a short period. Having a staff member who could travel with them would be a very good idea. However, I have some concerns about the notion of staff members being able to travel to represent their members. I could foresee a situation developing in which political parties would employ endorsed candidates as staff who would fly around electioneering at taxpayers' expense.

**Hon Paul Llewellyn:** I can't imagine that!

**Hon NORMAN MOORE:** I know. It would not happen in our party but it might happen in Hon Paul Llewellyn's party. It certainly would happen in the Labor Party as it does it now, only through ministerial offices instead of members' electorate offices.

**Hon Simon O'Brien:** The "Hon Tom Stephens Airlines"!

**Hon NORMAN MOORE:** Yes, quite right.

Although I agree entirely with the notion of members' staff being able to travel with members, I do not necessarily go along with the notion that they should become de facto members of Parliament and use the office to profit and promote their own political careers. The member talked about the notion of electorate shared service centres. The notion of a service centre is something I find amusing because I do not know quite what would go on in a service centre. Imagine an office in Port Hedland with four different political parties representing the town who are trying to share the facilities. Imagine the staff members trying to share. It would be an absolute nightmare; the notion of any sort of confidentiality would go out the window. Members of Parliament should be given more electorate offices. The federal member for Kalgoorlie, whose electorate is about the same size as mine, has three electorate offices located in Kalgoorlie, Port Hedland and Canberra. I would not mind having three offices. I could probably just about get away with that. That would be almost adequate; as much as I could service. I think I know where the member is coming from concerning this part of the motion. However, vast problems would potentially arise if a member tried to have an office in a regional centre that was shared by every member of Parliament who might want to access that office. Despite that, the notion is worth looking at; it might be able to work. Maybe there is a potentiality for some sort of privacy for what members want to do in an office. If that could be arranged, it would be worth thinking about. It would certainly provide a place where people could go if they had a particular problem and hopefully get a member to look after their interests.

The motion also calls for a further independent review after three years. As I said, it is pretty much a foregone conclusion that after three years - which is after the next election - the review will come up with the view that representation in country Western Australia has severely diminished. That is because there are simply fewer members. If the Greens members cannot understand that, they cannot understand anything. Fewer members of Parliament means less representation; it is as simple as that. It does not matter how many staff members a member has, how many telephones he can get on to, how many aeroplanes he can access or how many miles he can drive in his car, because fewer members means less representation. That is what the whole argument about one vote, one value was all about. The review being suggested, if it ever comes to fruition, will simply tell everybody that what we said would happen has happened.

The member spent quite a lot of time telling us about the problems of the Greens in this chamber, and the fact that they have a broken fax machine as well as the balance of power. I am trying to work out which was the most important part of the speech - the broken fax machine or the balance of power! Most of the speech was about the fax machine but the most important part of his speech was about the fact that the Greens have the balance of power. I have significant sympathy for the problem. First of all, the main sympathy I have is for the people of Western Australia for whom the Greens have the balance of power! I would much rather that somebody who thought more like I did had the balance of power if anybody was going to have it. However, that is not to say that there have not been occasions when the Liberal Party and the Greens have been able to reach agreement on a number of issues in this chamber, which is good. Fundamentally, the Greens have had the balance of power over the past four to five years and have sided with the government. They have given us government legislation that we do not support. They have used their balance of power to allow the Labor Party to introduce its platforms and policies into law, one of which concerns the electoral system. I will not mention it again. That should be firmly and thoroughly entrenched between the ears of the Greens because that is the reason we are talking about this now. I recognise that it is very difficult for two members to have the balance of power. It was difficult enough when there were five Greens members. I could never work out why the government did not deal with this problem. It is in the government's interests to make sure that the party with the balance of power, upon whose support it relies to get its legislation through, is given some additional help. It seems to me that the government has a very narrow view of the way in which things should happen; in other words, it wants everything and is not prepared to provide anything to ensure that it gets what it wants. I know it sounds flippant but if I were the government and I needed the Greens to get legislation through, I would ask how I could help them to understand what it means and provide whatever assistance was necessary to get it through the chamber. Despite that,

and from what I can gather, the government has done nothing to assist them. That is unlike the Brian Burke government, which was a very pragmatic government, as Mr Deputy President (Hon Graham Giffard) may be aware. However, he may not even have been born then.

**The DEPUTY PRESIDENT (Hon Graham Giffard):** I am a young man!

**Hon NORMAN MOORE:** I do not want to be disrespectful to our sometime coalition colleagues on this matter but, after 1983, the Labor Party in government wanted some things to happen, one of which was electoral reform. I believe that the Salaries and Allowances Act specified that in order to be a recognised political party, there had to be seven members in the Assembly. The National Party had only five members. The legislation was changed to enable the National Party to become a recognised political party and, therefore, be provided with the additional support that comes from being a recognised party. It is interesting to read in the Salaries and Allowances Act that a party with seven or more members in the Legislative Council that is neither the government nor the opposition is given money to provide for a Whip. However, only five members are needed in the Assembly for there to be a recognised political party. In my view, this is where the Greens did not twist the government's arm hard enough. They should have said that what applied in the Assembly should apply in the Council. In other words, when they had five members in this house they should have asked for the Salaries and Allowances Act to be changed to allow them to become a recognised political party and be entitled to the benefits of office. As an aside to this matter, the way in which the government treats the opposition these days by saying that there is an opposition and a second party in opposition has, in my view, no relationship to any law in the state. There is one opposition and there are other political parties. The money that is provided to the opposition by the Treasury should go to the official opposition - all of it. However, the government in its wisdom has said no, there is a second party in opposition and it gets one-third of the money that goes to the opposition collectively. The Liberal Party therefore gets two-thirds of the money and the National Party gets one-third. I will suggest that, after the next election when the Labor Party is the opposition, it gets the same amount of money as the Liberal Party has received in opposition so that it knows exactly what the official opposition has to live with. Alternatively, the government should find some form of legislative basis for a second party in opposition because there is no such thing that I know of. The Salaries and Allowances Tribunal can provide support to a party in the Assembly that has five or more members. However, that is getting off track a bit.

The opposition is very happy to support this motion because it has provided a very good opportunity for us to - if I can use the word - whinge a bit about our conditions. It is a good opportunity and we should do it more often. As I said a while ago, we are our own worst enemies. We treat ourselves with contempt most of the time because we do not promote what we do hard enough. We are not prepared to look after our own interests because, for some reason or other, we think we will get done over in the press.

We are happy to go along with this proposition and we hope that the government will support it. As a result of the motion being passed - as I hope it will be - the government should do something about it. The motion does not state that anything has to happen. It is just the house making some recommendations to the government. The government can ignore them just as the Premier has ignored a resolution of this house recently, which called on him to explain to this chamber why Legislative Council members have only 1.4 staff each instead of two. We unanimously passed a motion calling on the Premier to provide an explanation, but it still has not turned up. That means two things. First, the Premier does not have to provide an explanation. That is right, because the chamber cannot make him provide an explanation. Second, it demonstrates the total contempt the Premier has for us as members of Parliament. I would love to be in the government's party room when this issue is discussed. Mr Whitely would not be the only one walking out with his tail between his legs yelling his head off; indeed, a few Legislative Councillors would be doing the same thing. I do not know whether government members in this chamber have the nerve and guts to tell the Premier what they think. If they have, nobody has heard about it. At least they could try to get him to tell us why he has done what he has done. That would be a good idea.

The motion is not binding on the government. However, if it is passed, I hope the government takes notice of it, recognises that something has to be done and uses it as a vehicle for improving the conditions of members of Parliament, something that is long overdue.

**HON MURRAY CRIDDLE (Agricultural) [4.03 pm]:** It is somewhat ironic to talk to this motion after the debate on the Electoral Amendment and Repeal Bill earlier this year, particularly given the role played in that debate by the Greens (WA), an Independent and the government. The basis of the arguments advanced by the National Party was the issue of representation and the fact that regional and rural Western Australia would be dealt a tough hand if the legislation went through. That fact is now reflected in the motion before the house. My mind goes back to the third reading stage of the Electoral Amendment and Repeal Bill. Hon Giz Watson made a number of points, which I viewed as a deal that was done to get the legislation through, and stated that we would receive a number of the resources that are outlined in this particular motion. I refer to the provision of telecommunications facilities, including teleconferencing. I am not sure that I would support teleconferencing given that there would be quite a deal of competition among the parties for that facility. Certainly it was one of the things that was mentioned, as was a free telephone service and extra electoral staff and officers. During debates not only in this house but also at other opportunities, Hon Norman Moore and a few other members have put forward claims to the government about fairness

of parliamentary representation between the two houses. That is something that the Premier should take on board. The situation for members in the larger electorates is simply not reasonable. As Hon Norman Moore pointed out, the Mining and Pastoral Region is very large. The Agricultural Region - the area that I and the Leader of the House represent - has something like 65 shires. If people want to know how busy it is for a member representing that area, they should try to cover the distances. I live in the north of the electorate, and it is something like 1 400 kilometres to the south of my electorate. It takes quite some time to cover the whole electorate. Covering every shire in a year is an impossible task. There is an enormous requirement for representation in my area. One of the ways to do that would be to have a couple of electorate offices and staff to man those offices. That is something I support. I view travel allowances for staff in the same way as the Leader of the Opposition. When a member travels to various functions and meetings, it is very handy to have a staff member who can put the requirements of people in those areas on paper so that they can be taken back to the office and acted on. Not only that, when I was a minister I found it very useful having staff members look at the problems as they existed in the areas. They gained some understanding of what was required in the electorate. The education of electorate staff in that way - electorate staff do an excellent job; indeed, I very much recognise the work done by my electorate staff - would be of great value if they were on the spot when a certain issue is raised. From that point of view, it would be very beneficial to them to have some form of travel allowance.

Those of us who live in country areas - when I can get back there, my property in the north of Geraldton is my primary place of residence - believe that the opportunity to occasionally bring staff to Perth so that they can meet with the various people would give them an ideal understanding of the people with whom they talk. They would also have an opportunity to talk face-to-face with them during the year. Certainly, I am glad to have the opportunity to point out that there are needs. I am not all that sure that the Salaries and Allowances Tribunal would need to review the situation. It understands the situation pretty well and would be able to put the required measures in place very quickly. I can see us reviewing the legislation in three years and putting in place the changes that might be beneficial to not only members of Parliament but also our communities. I will leave it at that, bearing in mind that I strongly support the view expressed in the motion. This motion was brought about by a particular piece of legislation and because the government, the Greens and an Independent voted in a certain direction.

**HON KIM CHANCE (Agricultural - Leader of the House ) [4.08 pm]:** The points made by Hon Paul Llewellyn in moving the motion and by other speakers raise some interesting issues, some of which the government would be happy to consider supporting through the appropriate forum. The one that probably appealed to me the most was the capacity for electorate staff to be able to travel either with or without a member, because there are occasions, particularly in country electorates, on which it is necessary for a member to be represented while he or she is undertaking other duties or in Parliament. At the moment we do not have that option. I am consistently reminded of the quality of the people who work in our electorate offices. They are quite capable of representing us and meeting with our constituents on a face-to-face basis. We are limited in that regard - country members specifically - in having staff members move around the state and represent constituents' interests to government because there is no capacity for them to travel. I certainly think that is something we will need to consider in the future.

At the same time, I do not believe that the quality of democracy in Western Australia can be judged on the basis of a fax machine that, for some reason, Hon Paul Llewellyn has not been able to have repaired. Although I express some sympathy for what Hon Paul Llewellyn said, the services available to members are a vast improvement on those to which other members in this house are accustomed. Hon Norman Moore could tell Hon Paul Llewellyn some absolute horror stories about the quality of services that were available to him as a new member.

**Hon Norman Moore:** We didn't have typewriters in those days. Times have changed.

**Hon KIM CHANCE:** They have indeed. When I was a new member, the quality of the fax machines was absolutely superb. It was absolutely superb because the machines were brand new, and they were brand new because I bought them. I bought three new fax machines on becoming a member - one for my house, one for my office and one for my Parliament House office.

**Hon Paul Llewellyn:** The symbolism remains.

**Hon KIM CHANCE:** Yes, but they cost - I can recall this quite accurately - between \$1 420 and \$1 480 each. Fax machines were quite new and expensive in those days. That represented about half my annual electoral allowance.

**Hon Norman Moore:** And all the paper faded.

**Hon KIM CHANCE:** Exactly. We did not carry the messages around in our cars for very long unless we put them very carefully in a folder and then in the glove box, because by the time we got to where we were going we would not be able to read the message anyway. Things have changed and improved.

Even acknowledging most of the comments the Leader of the Opposition made about us being our own worst enemies, and I agree with him on that point, some not just incremental but quite fundamental changes and improvements have occurred over the years, even in the 12 or 14 years in which I have been a member, that have taken us to the point we are at. I could not quite ascertain from Hon Paul Llewellyn whether he has an office in Perth and also an office in his electorate.

**Hon Paul Llewellyn:** I use my office at room G1 -

**Hon KIM CHANCE:** The Parliament House office?

**Hon Paul Llewellyn:** I do not have another office.

**Hon KIM CHANCE:** I was assuming that the member was talking about an office across the road.

**Hon Paul Llewellyn:** You probably do not know but I live here for most of the time. The staff know. I am living on the premises because I do not get much of an allowance.

**Hon KIM CHANCE:** Members of the government are not unsympathetic about this. Although the Leader of the Opposition did make a point about the superior services that are provided to ministers, which is a fair comment, we do not forget. I spent eight years as an opposition member. I am well aware of the nature of the difficulties that we face. At one stage I was going through three cars in one year by travelling 120 000 kilometres a year. We bought our own faxes, drafted our own legislative amendments and did our own research on the bills we were dealing with. We certainly dealt with a narrower range of bills than the member and his colleague are required to do, but we thought that was our function as members of Parliament.

**Hon Norman Moore:** What has changed in respect of that and the fundamental research of a member of this chamber since you were sitting over here? Nothing.

**Hon KIM CHANCE:** That is a very good point. The government has considered that with the issues that have been raised, not just in the context of this motion but more generally this year. I am currently in discussion with the Leader of the Opposition, Hon Giz Watson and Hon Murray Criddle on how we might be able to provide additional services to members in their legislative role and also to a limited extent in their research role.

**Hon Norman Moore:** Limited? You cannot get any more limited than that. I told my colleagues and they all burst out laughing.

**Hon KIM CHANCE:** I am glad that we are able to cheer up their day.

**Hon Norman Moore:** They said that if you could find the meanest and most miserable thing that you could offer somebody, you would do it.

**Hon KIM CHANCE:** I cannot possibly comment on that. I have only a couple of minutes left, but I want to make this point. The Salaries and Allowances Tribunal makes an annual determination in relation to members of Parliament. This provides an opportunity for members to make submissions to the tribunal about the level of resourcing they receive to assist them in doing their job. Rather than a one-off, independent inquiry that is sought by the motion, the annual determination process of the tribunal does provide an opportunity for members to make a progressive and evolving case for additional resources.

**Hon Norman Moore:** Hang on! The tribunal is not responsible for electorate offices or officers. That has nothing to do with it at all. The tribunal deals with individual members' benefits, not extraneous support, which is what this motion is about.

**Hon KIM CHANCE:** Certainly, but there are issues about this that can be resolved at that level. That is why we have the tribunal to look at those issues and to make recommendations in respect of the way that a member does his or her job.

**Hon Norman Moore:** The tribunal is not able to talk about additional staff, equipment or officers for members, because that is part of the Premier's department.

**Hon KIM CHANCE:** Changes have already been made this year in respect of the Legislative Assembly. The government is also open to discussions about what we can do in respect of the Legislative Council. I have just touched on that.

**Hon Simon O'Brien:** I do not think so. We asked the Premier for his comment by unanimous resolution of this house. We have heard diddly-squat from him. He has not even had the courtesy to give us a reply.

**The DEPUTY PRESIDENT (Hon Graham Giffard):** Order! The Leader of the House was just about to finish a sentence. I will allow him to conclude.

**Hon KIM CHANCE:** The tribunal does provide an opportunity for members to develop their cases as they evolve and as members encounter new challenges in servicing their electorates. What this motion seeks is for the Salaries and Allowances Tribunal, or some similar body, to carry out an analysis of members' resourcing, which is the exact function that the Salaries and Allowances Tribunal carries out in any case. I think this was a good opportunity for members to make the points they wanted to make, and the government will certainly take very seriously those issues that have been raised, but we will not support this motion.

Debate interrupted, pursuant to sessional orders.

*Sitting suspended from 4.15 to 4.30 pm*

**QUESTIONS WITHOUT NOTICE****LOCAL GOVERNMENT ELECTIONS, ELECTORAL ACT BREACHES****835. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for Electoral Affairs:**

- (1) Who is responsible for investigating breaches of the Electoral Act in relation to local government elections?
- (2) Was any investigation undertaken by or for the Electoral Commission into matters exposed by the Corruption and Crime Commission concerning interference with the City of Stirling elections by Adam Spagnolo and others?
- (3) If not, why not?
- (4) If there was an investigation, will the minister table any reports stemming from it; and, if not, why not?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question.

- (1) Under section 4.96(1) and (2) of the Local Government Act 1995, the Electoral Commissioner or the returning officer may investigate whether misconduct, malpractice or maladministration have occurred in relation to an election.
- (2) No.
- (3) The returning officer for the City of Stirling election in 2003 did inquire into one complaint concerning possible interference in the postal voting process. Misconduct was not evident. Subsequently, in June 2003 the Anti-Corruption Commission requested election-related material for the City of Stirling as part of its inquiries.
- (4) Reports produced, if any, by the ACC, or later the Corruption and Crime Commission, are not known to the Electoral Commissioner. However, the Attorney General has been advised that the CCC intends to produce a report on the matter.

**DOME CAFE, ROTTNEST ISLAND****836. Hon NORMAN MOORE to the minister representing the Minister for Tourism:**

- (1) Why has the Rottnest Island Authority decided to demolish the building that currently houses the Dome Cafe? That is a very important question.
- (2) What will be the cost of -
  - (a) the construction of the replacement building; and
  - (b) the demolition of the existing building?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question.

- (1) In accordance with the Thomson Bay settlement, Rottnest Island conservation plan, structures within the settlement area should be low profile, have minimal visual impact and not detract from the scenic character of the bay. The plan states that if the opportunity arises, structures on the foreshore should be removed to a more suitable location. As the Dome coffee shop lease will expire in November 2006, this will provide the Rottnest Island Authority with the opportunity to meet conservation and heritage plans by removing the coffee shop to a more suitable location.
- (2)
  - (a) The construction costs for the replacement building will be borne by the successful tenderer.
  - (b) The Rottnest Island Authority will be responsible for the demolition of the existing building. This work will be subject to a tender process.

**PRIMARY SCHOOLS IN LYNWOOD-FERNDALE AREA, CONSULTATION****837. Hon SIMON O'BRIEN to the Minister for Education and Training:**

I refer to the Department of Education and Training's consultation about the future of primary schools in the Lynwood-Ferndale area.

- (1) Is it true that all participants in consultative meetings, including the people participating as representatives of existing school communities, were directed to treat all discussions as strictly confidential?
- (2) Which people involved in the consultation process gave the direction to treat all discussions as strictly confidential?
- (3) Were participants later reprimanded because of a breach of the confidentiality direction; and, if so, by whom?

- (4) Was the direction for confidentiality and/or the reprimand given in writing; and, if so, will the minister table a copy of that direction and/or reprimand?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The district director, Ross Albones, and the manager of local area education planning, Carol Scott, both made the request for confidentiality.
- (3) Participants were not reprimanded. The district director expressed disappointment that the Ferndale P&C had called a public meeting to discuss proposed options. This caused anxiety in the community, which may have impacted on the community consultation process.
- (4) The request for confidentiality was made verbally.

HILLARYS, SCHOOL LAND

**838. Hon BARRY HOUSE to the Minister for Education and Training:**

- (1) When and for how much did the government sell land previously allocated for a new school at Hillarys?
- (2) Were any of the proceeds of the sale set aside for maintenance of the present Hillarys Primary School?
- (3) If not, why not?
- (4) What are the maintenance priorities for the school and how much has been allocated to address these problems at the school in 2005, 2006 and 2007?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question.

- (1) On 7 January 2003 for \$4.78 million.
- (2)-(3) No. Maintenance is funded separately.
- (4) The maintenance priorities are -

Repairs to roof plumbing	\$1 500
Rectification of displaced and broken paving	\$1 000
Replacement of some floor coverings	\$4 500
Repairs to bitumen car park	\$3 000
Investigation and rectification of stormwater issues	\$2 500
Rectification of rusted veranda	\$2 000
Internal and external painting	\$30 000

It is not possible to provide information relating to specific budget allocations for maintenance, as district offices will determine priorities and allocate funding accordingly.

CABLE SANDS (WA) PTY LTD, TUTUNUP MINE SITE

**839. Hon PAUL LLEWELLYN to the minister representing the Minister for the Environment:**

I refer to question without notice 47 of the first session of the thirty-seventh Parliament, which was asked on 5 April 2005 and which related to vegetation deaths adjacent to Cable Sands (WA) Pty Ltd's Tutunup mine site.

- (1) Has the cause of the decline in vegetation health in the threatened ecological community known as Williamson Road, Busselton, ironstone occurrence adjacent to the Tutunup mine site been determined?
- (2) If not, why not and when will the determination be made?
- (3) If yes, what was the determined cause and what action will the minister take to remedy the situation?
- (4) Will the minister table all documentation relating to this issue, including the results of the Department of Conservation and Land Management's amelioration measures as set out in part (2) of the answer to the abovementioned question, including -
- (a) CALM's thorough investigation of all threatened flora species and their condition in the drought-affected area;
- (b) the expert hydrological advice sought by CALM on the interpretation of ground water monitoring and piezometer and neutron probe bores situated in and around the perimeters of the ecological community; and
- (c) the further condition monitoring in the area that was promised to be undertaken?
- (5) If not, why not?

**Hon LJILJANNA RAVLICH replied:**

This was the question that was asked by the honourable member yesterday. I thank him for asking the question again today. Yesterday we had some difficulties with the question that was asked and the response that I had. Today it is not technically 100 per cent correct on account of the fact that in question (4)(a), for example, the member has referred to "CALM's thorough investigation", whereas my question refers to a "thorough inventory". There is a bit of a problem with that, so it is not quite 100 per cent correct. However, I do not think that is fatal. I am happy to provide the response on behalf of the Minister for the Environment.

- (1) No.
- (2) The Department of Conservation and Land Management is assessing the full range of possible contributing factors to the decline, including the weather conditions experienced during the period of observed decline, before making a determination on the likely cause. The determination of the cause, if this is possible, will be made by 31 December 2005.
- (3) Not applicable.
- (4) (a)-(c) I hope the member likes this part of the answer: the minister will forward the appropriate documentation to the honourable member when it has been completed and collated.
- (5) Not applicable.

## STATE INFRASTRUCTURE BUDGET

**840. Hon MURRAY CRIDDLE to the Leader of the House representing the Premier:**

During question time in the Assembly on Tuesday, 8 November, the Premier stated that the government has committed \$15.8 billion over the next four years to infrastructure. Will he please table a copy of the budget that outlines these projects, indicating the time of commencement, the expected completion dates and the amounts for each project?

**Hon KIM CHANCE replied:**

I thank Hon Murray Criddle for some notice of the question. The budget papers contain a list of capital works programs by portfolio, and the honourable member should refer to the budget papers for that information.

## FORTESCUE WETLANDS AREA, PRESENCE OF ENDANGERED SPECIES

**841. Hon GEORGE CASH to the minister representing the Minister for the Environment:**

I refer to the sightings of a critically endangered species of night parrot and the active presence of endangered bilbies in the Fortescue marsh national wetlands area.

- (1) When did the minister first know of the April 2005 sightings of the critically endangered night parrots at Minga Well in the Fortescue marsh national wetlands area?
- (2) When did the minister first know of the April 2005 sightings of the active burrows of the endangered greater bilbies in the Fortescue marsh national wetlands area?
- (3) Is the minister aware of the level of disturbance in the area since these findings in April 2005; and what permission or clearances for exploration work and management programs have been put in place to protect these endangered species and their habitat from the extensive workings of the Fortescue Metals Group Ltd in this area, noting that these extensive workings include exploration roads that transgress the habitat areas and the adjacent Minga Well area where the critically endangered night parrots were sighted?
- (4) Is the minister aware that the works also include extensive drilling programs and heavy traffic in the habitat areas; the carting of ore through the habitat areas to crushing and testing facilities and to sample storage areas; the clearing of an area of land for a trial pit; the clearing of extensive areas, including in the habitat areas, for the Fortescue Metals Group workings; and the clearing of land to enable the extension of the airstrip and the creation of open rubbish sites?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question. The Minister for the Environment has provided the following response -

- (1) The reported night parrot sighting by consultants to Fortescue Metals Group was made on 12 April 2005. The Department of Conservation and Land Management was notified later that month and the executive director advised the minister personally on 5 May 2005.
- (2) The minister was not advised directly of the survey undertaken in May 2005 by consultants to FMG that located the active burrows at Kardarderrie Well on the Mulga Downs pastoral lease. The public release of this report was in the public environmental review for FMG's Cloud Break iron ore mine proposal. This PER was released for public comment on 12 September 2005.

- (3) Under the memorandum of understanding between the Department of Environment, the Environmental Protection Authority and the Department of Industry and Resources, exploration work is not generally referred to the EPA and is managed by the Department of Industry and Resources with input from other agencies as necessary. The EPA understands that although there is ongoing exploration, it is not having an impact within the known habitat areas for the night parrot and bilby.

I actually thought bilbies were extinct there.

- (4) The EPA is aware that extensive drilling programs, including trial mining, are under way within the exploration tenements, but it is not specifically aware of claims that ore is being carted through habitat areas, that the airstrip is being extended or that open rubbish sites are being created. These are claims that have been forwarded to CALM and the Department of Industry and Resources. The Department of Industry and Resources has responsibility for administering exploration tenement conditions. The Department of Environment is aware of two landfill sites and is considering licence applications.

#### WOODMAN POINT ODOUR BUFFER, DATA

**842. Hon BARBARA SCOTT to the minister representing the Minister Assisting the Minister for Water Resources:**

As a matter of urgency, will the minister table a CD-ROM of the Ausplume meteorological data and input files for every scenario, for every year and for every wind station, including the emission file if it is not included in the input files, that were used to produce the strategic environmental report for the proposed Woodman Point odour buffer released in September 2005?

**Hon JON FORD replied:**

I thank the member for some notice of this question. The Minister Assisting the Minister for Water Resources has supplied a CD-ROM, which I table.

[See paper 946.]

#### JAPANESE WHALING VESSELS REFUELLING IN WA PORTS

**843. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to the issue of Japanese whaling vessels refuelling in Western Australian ports.

- (1) Do Japanese whaling vessels refuel in WA ports?
- (2) If yes to (1), which ports do these vessels refuel in and when?
- (3) If yes to (1), will the minister prohibit this refuelling or sale of fuel?
- (4) If no to (1), are other Japanese ships, especially research or spotter vessels, monitored to see whether they obtain fuel to refuel Japanese whaling vessels?
- (5) What action will the minister take to stop whaling boats obtaining fuel through WA ports?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question. Given the complexity of the question, the member is requested to place the question on notice.

#### STUDENTS, PUBLIC TRANSPORT FARES

**844. Hon ANTHONY FELS to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

The government has recently implemented a system of 50c public transport fares for primary and secondary school students. Will the government also include tertiary students as recipients of these subsidised public transport fares?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question. I refer the member to question without notice 751.

#### MINISTER FOR PLANNING AND INFRASTRUCTURE, OFFICE SPACE

**845. Hon HELEN MORTON to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

- (1) Will the minister confirm that she is seeking about 500 square metres of office space in the south east metropolitan area?
- (2) If so, and if the proposed office space is to be used by a government organisation, will the minister outline the proposed use of the office space?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1)-(2) The ministerial office is located in West Perth and it is not proposed to move that office or to establish a subsidiary office in the south east corner or anywhere.

HOMESWEST RESIDENTIAL PROPERTIES, SEVEN-BEDROOM HOUSES

**846. Hon RAY HALLIGAN to the parliamentary secretary representing the Minister for Housing and Works:**

How many Homeswest residential properties containing seven or more bedrooms are -

- (a) currently available, and where;
- (b) under construction, and where; and
- (c) proposed to be built, and where?

**Hon KATE DOUST replied:**

I thank the member for some notice of this question. I am advised -

- (a) Homeswest has three seven-bedroom residential rental properties. They are located in Gosnells, Wilson and Brentwood. All three are currently occupied. Also, there is one seven-bedroom house in Midland, managed under the community housing program by the East Metropolitan Community Housing Association, and one in the Shire of Murchison, managed by the shire under the joint venture scheme. This does not include lodging houses, refuges, hostels and remote Aboriginal communities.
- (b) Nil.
- (c) This will be dependent on the future demand and is assessed annually.

SEATBELTS IN BUSES, MORRELL REPORT

**847. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to question without notice 824, which I asked on Tuesday, 8 November 2005 and submitted on 23 October 2005, about the Morrell report into seatbelts for buses. Does the parliamentary secretary now have a response?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question. The response to question without notice 824 is as follows -

- (1) The minister understands that the Morrell final recommendations report was presented to the former coalition government in January 1999. It made the following recommendations concerning seatbelts: that the current policy of requiring seatbelts in accordance with the Road Traffic Act requirements be maintained, which does not include contract school buses and buses used for public transport, unless the seat is unprotected; that the School Bus Safety Committee maintain, monitor and regularly review accident data on school bus accidents and at least every two years review research into seatbelts on school buses; that an independent body be engaged to construct, implement and evaluate an appropriate pilot study testing the effectiveness of seatbelts on a range of contract school buses over a 12 to 18-month period.
- (2) The minister understands that the previous government received the final recommendations report in January 1999.
- (3) The previous coalition government commissioned this report. Given the short notice, the minister is not aware whether the previous government tabled the report but assumes that the previous government would have made copies available. The minister can arrange for a copy of the final recommendations report to be sent to the member by the Public Transport Authority if this is desired.
- (4) No. However, based on the Morrell recommendations on seatbelts, the then Department of Transport contracted consultants ARRB Transport Research to undertake an assessment of all the issues which would impact on the fitment of seatbelts and which would influence any trial. It is understood that results of this report were forwarded to the Road Safety Council.

MOOKA PASTORAL LEASE, PURCHASE BY DEPARTMENT OF CONSERVATION AND LAND  
MANAGEMENT

**848. Hon KEN BASTON to the minister representing the Minister for the Environment:**

I refer to the proposal to attach the CALM-purchased Mooka pastoral lease to the Kennedy Range National Park.

- (1) Has it been confirmed that the present mining leases and exploration licences will be allowed to continue?

- (2) If not, why not?
- (3) Will future exploration on this existing lease be jeopardised by its becoming part of the national park?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question. The Minister for the Environment has provided the following response -

- (1)-(3) The proposed tenure and classification of the former Mooka pastoral lease have not been determined. There has been no impact on existing tenements as a result of the purchase of the former pastoral lease. The government will take existing entitlements and future exploration and mining interests into consideration, along with the biodiversity, conservation and nature-based tourism values of the area, when the final reserve tenure and classification of the former pastoral lease are determined.

PERRY LAKES REDEVELOPMENT BILL, AFFECTED LAND

**849. Hon DONNA TAYLOR to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

- (1) Will the minister table a large-scale plan clearly indicating the title particulars, location, area and any easements, burdens or other encumbrances for the specific land the subject of the Perry Lakes Redevelopment Bill 2005?
- (2) Is any of the land in deposited plan 40637 the subject of the Perry Lakes Redevelopment Bill 2005?
- (3) Is Perry Lakes Drive part of the proposed resumed land set out in schedule 1 of the bill?
- (4) Is Perry Lakes Drive a gazetted road; and if not, why not?
- (5) Are the entirety of both Stephenson Avenue and Underwood Avenue gazetted roads; and if not, which part of the respective avenues is not gazetted as a road and for what reason?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1) I table an extract from the metropolitan region scheme as at 11 October 2005 with basic cadastral information and land ownership details of the land affected by the Perry Lakes Redevelopment Bill 2005 and vicinity. A plan with more detailed information prepared by the Department of Land Information can be tabled at a later date if required. [See paper 947.]
- (2) Yes. Deposited plan 40637 has not been endorsed by the Western Australian Planning Commission. It is the result of a subdivision application to the Western Australian Planning Commission made by the Town of Cambridge and the state. Two new tenures are proposed in deposited plan 40637, and the land contained therein is the subject of the Perry Lakes Redevelopment Bill 2005. The first is proposed lot 101, which is the "AK Reserve land" for the purposes of the Perry Lakes Redevelopment Bill 2005. Proposed lot 101 comprises existing lots 711 and a part of portion of lot 25, both owned by the Town of Cambridge, and a 2 945 square metre portion of unconstructed dedicated public road owned by the state. The second is a proposed dedication as a public road of the arc of land that connects Stephenson Avenue to Underwood Avenue, which is the "Avenues land" for the purposes of the Perry Lakes Redevelopment Bill 2005. This is part of a portion of lot 25.
- (3) No.
- (4) The Department of Land Information's records indicate that it is a dedicated public road.
- (5) No. For the purposes of the Perry Lakes Redevelopment Bill 2005, the opportunity has been taken to dedicate as a public road the undedicated arc-shaped part of the portion of lot 25 that connects Stephenson Avenue to Underwood Avenue. This is owned by the Town of Cambridge and for some reason has never been dedicated as a public road. The Town of Cambridge proposed to dedicate this as a public road free of cost as part of the subdivision application from which deposited plan 40637 resulted. Metropolitan region scheme amendment 1058/33, which has only recently been finalised, established the exact land requirements for this section of Stephenson and Underwood Avenues. The boundaries shown in deposited plan 40637 and deposited plan 48234 contained in schedule 2 to the Perry Lakes Redevelopment Bill 2005 reflect the land requirement plans of metropolitan region scheme amendment 1058/33.

MULTIPURPOSE TAXI PLATES, GOVERNMENT BUYBACK

**850. Hon SIMON O'BRIEN to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to the government's proposals regarding the buyback of multipurpose taxi plates.

- (1) What will the government do if fewer than 50 of the 56 plate owners - or, if the benchmark is some other number, that number - accept the offer?
- (2) What will the government do if fewer than the benchmark number of plate owners accept by the prescribed date of 7 December 2005?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1) The offer has been made to the 50 owners of the 56 transferable multipurpose taxi plates. Proposed section 30C(2) of the Taxi Act, contained in the Taxi Amendment Bill, provides for the Minister for Planning and Infrastructure, at her discretion, to determine whether sufficient plate owners have accepted the offer to buy back their plates.
- (2) Proposed section 30C(2) of the Taxi Act contains provision for the Minister for Planning and Infrastructure, at her discretion, to determine whether sufficient plate owners have accepted the offer to buy back their plates.

THORNLIE TAFE, CLOSURE OF WATCH AND CLOCKMAKING COURSE

**851. Hon BARRY HOUSE to the Minister for Education and Training:**

I refer to the watch and clockmaking course conducted at the Thornlie TAFE, which catered for five apprentices and 14 other fee-paying students, with a waiting list of another 10.

- (1) What was the cost of conducting the course?
- (2) When was this course closed?
- (3) Why was it closed?
- (4) Why has the small amount of additional funding not been provided to move the old curriculum across to the new curriculum?
- (5) How will the minister ensure that these apprentices and other students have access to training from now on if the course remains closed?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question. The Department of Education and Training has advised that there is not a waiting list for the watch and clockmaking course.

- (1) The cost to the college of running Certificate II in Timepiece Servicing - the old accredited training program - was approximately \$51 000.
- (2)-(4) In 2005 the old accredited course, certificate II, was superseded by a new training package, Certificate III in Engineering Mechanical Trade MEM30298, as a result of the Training Accreditation Council requirements and in compliance with the Australian Quality Training Framework Standards. The college was prepared to offer the new training package; however, only two students indicated an interest. This resulted in a non-viable class. The college will offer the training package should numbers be viable in the future.
- (5) The two apprentices currently registered with the college have progressed through generic core competencies of the course and the college is working with industry representatives to assist with the validation of the remaining competencies.

EARLY DEVELOPMENT INDEX SURVEY

**852. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Health:**

I ask the minister to provide the following information -

- (1) How many Western Australian children have undergone the early development index survey?
- (2) Does the Minister for Health intend to extend this survey to all Western Australian five-year-old children?
- (3) If no to (2), why not?
- (4) Of the children who have been assessed using the early development index survey, how many have been shown to be vulnerable in the EDI domains?

**Hon SUE ELLERY replied:**

I thank the member for some notice of this question.

- (1) The Australian early development index has been administered to approximately 5 000 Western Australian children in 2004 and 2005. This is part of a demonstration project across Australia being conducted jointly by the TVW Telethon Institute for Child Health Research in Perth and the Centre for Community Child Health at the University of Melbourne. It is an Australian government initiative under the national agenda for early childhood.

- (2) There are no plans at present to extend the survey to all Western Australian five-year-old children.
- (3) The AEDI is an Australian modification of a Canadian index and it is being trialled as noted above. The final results of the demonstration project will be released in late 2006 and it is expected that recommendations about future directions for the use of the AEDI will be made in early 2007. At that time the Department of Health, together with other relevant agencies such as the Department of Education and Training, will give consideration to future use of the AEDI in Western Australia.
- (4) The first results of the demonstration project will be released on 24 November 2005 by Senator Hon Kay Patterson, the federal Minister for Family and Community Services. No results are available for release before that date. Information from specific communities participating in the demonstration project will be available from 8 December 2005 on the project's web site, [www.australianedi.org.au](http://www.australianedi.org.au).

OFFICE OF CRIME PREVENTION

**853. Hon GIZ WATSON to the Leader of the House representing the Premier:**

Given that the Office of Crime Prevention appears to focus on keeping the streets clean but fails to prevent corporate crime, I ask -

- (1) What are the objectives of the Office of Crime Prevention?
- (2) Does the office have a policy on the prevention of so-called white-collar crime, such as corporate crime, fraud and stealing as a servant?
- (3) What is the annual budget of the agency?
- (4) What percentage of the budget is used for the prevention of corporate crime?
- (5) How many full-time equivalent staff are employed, and at what level?
- (6) How many FTEs work on the prevention of corporate crime?
- (7) What is the professional background of the executive officer?

**Hon KIM CHANCE replied:**

I thank Hon Giz Watson for some notice of the question.

The Office of Crime Prevention is responsible for implementing the state community safety and crime prevention strategy and starts with a clear vision to make our community safer. The strategy's goals are to support families, children and young people; strengthen communities and revitalise neighbourhoods; target priority offences; reduce repeat offending; and design out crime using technology. State crime prevention functions are targeted at high-volume crime such as burglary, theft and community violence. The Office of Crime Prevention takes a leadership role in establishing programs and delivering services aimed at preventing these crimes. Reducing and preventing corporate crime has largely been the responsibility of the commonwealth since the transfer of corporate powers by the states during the 1990s. At the state level, the Corruption and Crime Commission has the prime responsibility for addressing corporate crime in the public sector.

- (1) The objectives of the Office of Crime Prevention are to reduce and prevent crime.
- (2) The Office of Crime Prevention has recently joined with police in an approach to the Chamber of Commerce and Industry of Western Australia and the Retail Traders Association of WA to explore strategies to reduce theft, including stealing as a servant.
- (3) The Office of Crime Prevention's budget for 2005-06 is \$12.752 million, which includes \$2.532 million for the responsible parenting initiative.
- (4) The Office of Crime Prevention is not funded to tackle corporate crime, as this is a police and commonwealth responsibility.
- (5) As at 8 November 2005, 40 FTEs; class 1, one; level 8, four; level 7, 11.4; level 6, one; level 5, 12; level 4, five; level 3, 1.6; level 2, three; and trainee, one.
- (6) Nil.
- (7) The director has lengthy experience in government and the public sector and a background in human services, management and community relations. The director also has private sector business expertise.

**QUESTION WITHOUT NOTICE 811**

*Answer Advice*

**HON SUE ELLERY (South Metropolitan - Parliamentary Secretary)** [5.09 pm]: I seek leave to have incorporated in *Hansard* the answer to Hon Barbara Scott's question without notice 811, asked on 20 October 2005.

Leave granted.

The following material was incorporated -

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In the preamble to your Question (782) of 19 October 2005, you stated that “*The West Australian reported that there have been 34 unexpected deaths in Western Australia’s mental health system in the past year*” and asked in (1) the Minister confirm whether the figure is correct.

In a note to the figure quoted in the *West Australian*, the Chief Psychiatrist stated in his report:

“*These figures do not represent the actual numbers of deaths or serious accidents occurring in each of the mental health areas, as they are reported numbers of deaths or serious accidents.*”

Consequently, the number of deaths (34) are reported deaths and not actual.

On 9 November 2005, The Chief Psychiatrist advised the Minister for Health that of the 34 reported deaths:

- 13 people died of causes, which may be associated with their mental health. Only 1 of these patients was an active inpatient at the time of death.
- 12 people were not active mental health patients at the time of death, but were reported to the Chief Psychiatrist for a variety of reasons including media interest which may have reflected on mental health standards in some way.
- 9 people, although active inpatients or community patients at the time of death, died from a probable medical or physical illness (eg cardiac arrest, lung cancer).

These figures represent deaths reported prior to any investigation as to their cause or any Coronial inquiry and findings being handed down.

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### QUESTION WITHOUT NOTICE 832

*Answer Advice*

**HON ADELE FARINA (South West - Parliamentary Secretary)** [5.09 pm]: I seek leave to incorporate in *Hansard* an answer to Hon Barry House’s question without notice 832, asked yesterday.

Leave granted.

The following material was incorporated -

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- 1 & 2 Staff both in the Minister’s office and in the Department of Planning and Infrastructure have been in constant contact with Mr Higginson over the Stakehill MRS process and during this time became aware that Mr Higginson had undertaken informal discussions with staff at the City of Rockingham about the possibility of constructing a house and had applied to the EPA for approval to clear the building site. It was found at that time that no formal building application had been submitted to the City of Rockingham. The advice given to Mr Higginson by DPI was that:

“*With regard to Lot 782 Jarvis Road, the WAPC or DPI are not involved in the [approval] process of the building of a house on the land. The City of Rockingham is responsible for the issuance of a building licence and they have recently advised [DPI] that you have not applied for a building licence and therefore a licence has not been issued. Any clearing of the land that you may be proposing would probably require the approval of the EPA as they are the responsible authority, not the WAPC or DPI. [DPI] suggest that you contact the EPA before you clear any land.*”

All building applications are assessed by the relevant local government in light of the current framework of planning and environmental policies, and may refer any applications to the other agencies during the consideration process.

- 3 Under clause 38 of the Metropolitan Region Scheme Text any development that is lawfully authorised prior to land being reserved, may continue to be undertaken. Upon the receipt of any future claim for “injurious affection” and/or acquisition of the reserved land, the development undertaken both before and after reservation shall be compensated.

If Mr Higginson already had the necessary approvals for the development they propose, they are lawfully entitled to proceed with such development irrespective of whether MRS Amendment 1050/33 becomes effective. However, if he should decide not to proceed with an approved development or has a development refused due to a change to the proposed reservation via the statutory processes of the MRS Amendment, the Western Australian Planning Commission would recoup received direct costs incurred for the abandoned development on top of the unaffected market value of the land disregarding the reservation, and valuation and legal costs in accordance with the Government’s policy.

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### CRIMINAL CODE AMENDMENT (CYBER PREDATORS) BILL 2005

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Parliamentary Secretary)**, read a first time.

*Second Reading*

**HON SUE ELLERY (South Metropolitan - Parliamentary Secretary)** [5.10 pm]: I move -

That the bill be now read a second time.

The sexual abuse and exploitation of children is one of the most insidious of crimes. It has tragic and long-term effects, upon not only vulnerable victims but also their families and, ultimately, society at large. The advent of freely available technologies of mass communication such as the Internet, digital cameras and mobile phones has changed the way we

live our lives. There is a rapidly increasing ease with which people can participate in this communications revolution, and the rate at which people are taking up these opportunities is increasing accordingly. Unfortunately, these technologies have been readily adopted by predators who use the anonymity of the Internet as a vehicle for their crimes. With alarming frequency, we are seeing the spread of these types of crimes. Police investigations continue to uncover international paedophile networks and to expose the trade in child pornography. Police units investigating child exploitation in Australia and around the world are also finding that Internet chat sites set up for communication between children are being used by predators seeking to meet and exploit children.

This bill seeks to update the law relating to crimes of child exploitation, by addressing the modern methods with which it is committed. It is based on Queensland legislation, which has placed Queensland at the forefront of online paedophile investigations in this country. There are three aspects to this bill. First, the bill creates an offence for using electronic communication to procure a child to engage in sexual activity, or to expose a child to indecent material. New section 204B in the Criminal Code will provide a means to target those who seek to exploit children through contact on the Internet and other types of electronic communication. Predators will frequently go to online Internet chat sites, often posing as children, and attempt to engage a child victim in a conversation, and to groom the child for planned sexual exploitation. After gaining the trust of a child, the predator may attempt to arrange an actual meeting with the child for the purpose of engaging in sexual acts with the child. Alternatively, the predator may sexually exploit a child by having the child digitally photograph herself or himself and send these images via e-mail or a mobile phone. The predator may convince the child to engage in indecent acts and describe these acts via text communication, or may move the communication off-line and conduct it via digital phone conversations and SMS - short message service - text.

Section 204B will provide a penalty of 10 years' imprisonment for an offender who is convicted of procuring a child that he or she believes to be under 13 years of age to engage in sexual or indecent activity. The offence will also occur in cases in which the offender has supplied a child with indecent material; a common method used in grooming to lower a child's inhibitions to the abuse. The term "sexual act" is left undefined in order that it may be interpreted as broadly as possible. The term "indecent act" is a well-known term in the common law. A penalty of five years' imprisonment applies if the offender reasonably believed the child was under 16 years of age, but not under 13.

A crucial aspect of this legislation is that it provides police with the ability to stop a child from being abused before it happens. Police will have the capacity to go online and conduct operations against offenders by posing as children. Offenders need only believe that they are communicating with a child and, unless the offenders can show otherwise, they will be held to have a belief that they are communicating with a child of the particular age that is communicated to them. The offender commits the offence even when the child victim turns out to be a police officer.

This legislation will provide a deterrent to those seeking to prey on children. If predators know that the children they intend to prey upon may be police officers, it is far more likely that children will be left alone.

Secondly, the bill provides for the issue of a court order requiring a suspect, or person controlling a data storage device used by a suspect, to provide police with access to evidence of child exploitation offences that is contained within the device. This provision will help overcome new methods of encrypting and hiding evidence that are being adopted by predators. It is becoming increasingly easy to obtain free software on the Internet that will encrypt evidence of child exploitation crimes and hide traces of an offence having occurred. The Western Australia Police have reported several cases in which prosecution has been thwarted by the encryption of evidence. This hiding of evidence is unique to crimes in which the evidence is in purely digital form, and traditional powers of search and seizure do not apply in this realm.

This bill will enact a new provision within section 711AA of the Criminal Code, that will enable a magistrate to issue an order to a suspect to assist the police to access data of any type that is reasonably suspected to be evidence of child abuse offences. These prescribed offences include the grooming offence, created by this bill, child pornography offences, or the more traditional types of child abuse crimes. The required assistance may, for example, come in the form of supplying a method for decrypting a file or supplying a password.

The penalty for failing to provide assistance if the person named in the order is a suspect is five years' imprisonment. As the penalties for child sex offences are substantial, a penalty lower than five years would encourage the use of evidence encryption, rather than discourage it, as a lower penalty and the avoidance of a conviction for a child exploitation offence would be expected. The penalty for a person who is not a suspect is 12 months' imprisonment and a fine of \$12 000.

Thirdly, the bill amends the Working With Children (Criminal Record Checking) Act 2004 by including in schedule 2 of that act the offences of using electronic communication to procure children for sexual activity or to expose children to indecent matter. In that way, persons who have been convicted of such offences will be kept from working with children.

This government is committed to preventing the abuse of our children in Western Australia, and has been proactive in creating new legislation to meet this goal, including the child sex offender reporting legislation and the working with children legislation. It is now recognised throughout this country and internationally that modern legislation is required to combat the abuse of children via the Internet and by other means. Enactment of this bill will enable Western

Australia to be among the leading jurisdictions in effectively protecting its children from online sexual abuse, and in prosecuting these crimes. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

## CONSUMER PROTECTION LEGISLATION AMENDMENT AND REPEAL BILL 2005

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Jon Ford (Minister for Fisheries)**, read a first time.

### *Second Reading*

**HON KIM CHANCE (Agricultural - Leader of the House)** [5.16 pm]: On behalf of the Minister for Fisheries, I move -

That the bill be now read a second time.

This bill seeks to make amendments to a number of acts within the consumer protection portfolio that of themselves do not justify separate bills. The amendments will correct anomalies, improve consumer protection, streamline administrative practices and remove unnecessary legislation. The bill was introduced in August last year but did not proceed due to the proroguing of Parliament for this year's election. As was previously outlined, the bill includes some important amendments to enable the Gallop government to implement further reforms stemming from the Temby royal commission and satisfy Western Australia's national competition policy obligations. Amendments increasing the penalties for breaches of the Land Valuers Licensing Act 1978 will complement the changes that the Finance Brokers Control Amendment Act 2004 will implement when it commences. The bill also satisfies Western Australia's obligations under the national competition policy package for agreements in relation to the Travel Agents Act 1985. The bill before the house repeals one act and amends 11 acts. I will briefly outline the main points for members.

The Builders' Registration Act 1939 is amended to correct a drafting oversight so that the building licence levy will apply throughout the state as was intended by the Building Legislation Amendment Act 2000.

Amendments to the Consumer Affairs Act 1971 will extend the term of membership of members of the Consumer Product Safety Committee from one to three years, reducing the administration involved in keeping the membership up to date. Other changes will enable the Commissioner for Fair Trading to make product safety orders in the interests of public safety that have been promulgated under product safety laws in other states and territories or by the commonwealth.

An amendment to the Credit (Administration) Act 1984 will establish a consumer credit fund for the Department of Consumer and Employment Protection to be able to distribute civil penalty amounts awarded against credit providers who have breached the Consumer Credit (Western Australia) Code. Payments from the fund will be used for purposes that include advancing consumer credit issues such as providing financial counselling services, providing legal advice and providing information and research on the use of consumer credit.

The Land Valuers Licensing Act 1978 is amended to increase all penalties under the act in line with the recommendations of the Temby royal commission. The penalty for a person convicted of unlicensed activity is increased to \$50 000. The bill amends the Motor Vehicle Dealers Act 1973 to correct a drafting oversight resulting from the Motor Vehicle Dealers Amendment Act 2002 in which the term "agent" was used instead of "dealer" in a trust account provision.

An amendment to the Real Estate and Business Agents Act 1978 will provide for persons booking holiday accommodation to be exempted from the licensing provisions of the act. Visitor centres, which are an integral part of the tourism industry in Western Australia, will benefit from this amendment. Arranging holiday accommodation plays a big part in the activities of many visitor centres. A nationally endorsed industry backed accreditation program is being revised to provide a self-regulatory framework for the holiday accommodation management industry.

Amendments to the Residential Tenancies Act 1987 and regulations will overcome inconsistencies by enabling decisions regarding tenancy disputes made by registrars in the Magistrates Court to be appealed. Landlords dealing with bond administration will benefit from an amendment to permit electronic lodgment of bond moneys.

The amendment to the Retirement Villages Act 1992 will exempt from the provisions of that act residential aged care facilities that achieve and maintain commonwealth certification or accreditation under the provisions of the commonwealth Aged Care Act 1997. That will reduce the confusion and the administrative burden on villages having to comply with state and commonwealth laws when providing commonwealth-funded residential care. The amendment to the Settlement Agents Act 1981 will clarify the confusion about the lawfulness of the vendor's settlement agent being able to withdraw trust moneys after settlement to pay the commission, or balance of the commission, of the real estate agent in accordance with the authorisation of the vendor. The Trading Stamp Act 1981 is repealed to overcome outmoded concepts that prohibit businesses from offering coupons that can be redeemed from a third party in connection with the sale of their goods or services. The interests of the public will be safeguarded by the amendments included in this bill to the Fair Trading Act 1987 that will provide for the minister to approve benign third party trading

schemes and prohibit others that are contrary to fair trading principles. Provision is also included to enable codes of practice to be prescribed for the promoters of third party schemes. Lastly, the bill will amend the Travel Agents Act 1985 to implement a national competition policy review recommendation to remove the Crown's exemption from compliance with the act, meaning that crown-owned business entities will have to comply with licensing and other provisions of the act.

The amendments in the bill are considered relatively minor and technical in nature. However, they provide reforms that are important to protect the interests of consumers and improve processes for business in Western Australia. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

## **BILLS**

### *Assembly's Messages*

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following bills -

1. Limitation Bill 2005.
2. Limitation Legislation Amendment and Repeal Bill 2005.
3. Standard Time Bill 2005.

### **CITY OF PERTH FENCING LOCAL LAW 2005, DISALLOWANCE**

#### *Discharge of Order*

**HON RAY HALLIGAN (North Metropolitan)** [5.25 pm]: I move without notice -

That order of the day 139, City of Perth Fencing Local Law 2005 - Disallowance, be discharged from the notice paper.

By way of explanation, I advise the house that the concerns of the Joint Standing Committee on Delegated Legislation have been satisfied.

Question put and passed.

### **TOWN OF VINCENT PARKING FACILITIES LOCAL LAW AMENDMENT NO 1 2005, DISALLOWANCE**

#### *Discharge of Order*

**HON RAY HALLIGAN (North Metropolitan)** [5.26 pm]: I move without notice -

That order of the day 155, Town of Vincent Parking Facilities Local Law Amendment No 1 2005 - Disallowance, be discharged from the notice paper.

By way of explanation, I advise the house that the concerns of the Joint Standing Committee on Delegated Legislation have been satisfied.

Question put and passed.

### **LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (NO. 4) 2005, DISALLOWANCE**

#### *Discharge of Order*

**HON RAY HALLIGAN (North Metropolitan)** [5.26 pm]: I move without notice -

That order of the day 156, Local Government (Administration) Amendment Regulations (No. 4) 2005 - Disallowance, be discharged from the notice paper.

By way of explanation, I advise the house that the concerns of the Joint Standing Committee on Delegated Legislation have been satisfied.

Question put and passed.

### **ACTS AMENDMENT (HIGHER SCHOOL LEAVING AGE AND RELATED PROVISIONS) BILL 2005**

#### *Second Reading*

Resumed from 8 November.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chairman of Committees (Hon Graham Giffard) in the chair; Hon Ljiljanna Ravlich (Minister for Education and Training) in charge of the bill.

**Clause 1: Short title -**

**Hon MURRAY CRIDDLE:** I have had a look through the bill and want some reassurance about the duty of care for students who go outside the school precinct to receive further tuition or to pursue opportunities in the work force. Where is the relevant information about workers' compensation - if that is applicable - or the occupational health and safety provisions that may need to apply to students when they are in the workplace? If detailed guidelines have been worked through, I would like a copy of them; otherwise, I would like an understanding of exactly what the situation will be when students go into workplaces.

**Hon LJILJANNA RAVLICH:** The honourable member would be aware that the Department of Education and Training has a comprehensive duty of care policy that outlines the responsibilities of schools for the welfare of students. The policy also covers excursions, and recently it was reviewed to include student attendance at TAFEWA colleges as a part of the school-based activities. The Catholic Education Office of Western Australia and independent schools have similar arrangements. As the bill introduces a range of options other than full-time schooling, responsibility for the duty of care will vary according to the provider. If the student were undertaking a combination of options, the duty of care would rest with the provider for the period of time that the child was undertaking an activity with that provider. A school program, such as structured workplace learning, would be covered by a comprehensive -

**Hon Murray Criddle:** What does "structured workplace learning" mean?

**Hon LJILJANNA RAVLICH:** That is when a student would perhaps do a combination of a day at school and a couple of days at TAFE, under the auspices of a school program. It could involve a range of different programs, but basically it is a combination of programs. For example, students might do one-day work placement once a week, but it would sit under a school program, so the students would be fundamentally enrolled in a school and then do a combination of things. Under those arrangements the school would have a duty of care obligation to the student. If, for example, a student was part-time at TAFE and some time at school, while he was at school he would be covered through the existing duty of care policies within the Department of Education and Training. The same would apply if he were at TAFE, because it is part of the same organisation.

**Hon MURRAY CRIDDLE:** I know I might sound as though I am being a little difficult to get on with, but this is a very serious issue as far as I am concerned. The suggestion in the example I raised earlier was that the student may well go to a farming property. We know the issues involved with occupational safety and health in a shearing shed or when a machine is being used. I want the minister to understand the situation I am explaining, because students will go onto properties and I do not want the farmer or the person to whose property they go to be responsible if something goes wrong and they are not covered. It is a very serious issue in a workplace. I am part owner of a farm, in conjunction with my wife. We are continually told that we must have guards on grinding wheels and wool-baling machines. All these matters are part of the learning curve that students go through as they develop into useful people in the work force. All those issues need to be covered. I am sure that the minister can understand that. I want students to be covered for all those issues from the minute they leave the school, when they travel to the workplace and when they get into the work force. If the minister can clearly outline that they will be covered, I will sit down and not say anything else.

**Hon LJILJANNA RAVLICH:** I can give the honourable member that assurance. For example, if the minister provided an exemption to a student for employment, so that the student was not technically part of the education system, as it were, and he went to work on the member's farm, the member would be covered by the normal provisions, such as occupational health and safety, common law, workers' compensation and so on. However, if a student was actually enrolled in the school and, as part of his school program, he took part in structured workplace learning, and part of that structured workplace learning was farm work, training, animal husbandry or whatever, he would be covered by the general policy of the Department of Education and Training.

**Hon MURRAY CRIDDLE:** The point I want to make is whether that particular student is covered for the whole time. From what the minister is saying, that is the situation.

**Hon Ljiljanna Ravlich:** Yes.

**Hon BARRY HOUSE:** Coverage and duty of care may not be the same thing. I am reassured by the minister's statement that there is coverage for workers' compensation, insurance and all the other aspects, but does the duty of care rest with the principal of the school at all times or is the duty of care shared between the principal and the TAFE college, or the principal and the place of employment, the owner of the property and so on? To complete that picture, could the minister indicate how the duty of care responsibilities are allocated when the student is moving between different aspects of education, whether that be the school, TAFE college, farm or employment?

**Hon LJILJANNA RAVLICH:** The member is quite right. When an activity is undertaken as part of structured workplace learning, there is joint responsibility. The school primarily has the duty of care, but obviously there is also a

duty at common law. If a student is working in a workshop, for example, and there is a clear case of negligence by the operator, obviously some legal implications will result from the activities of that person. The school cannot delegate its duty of care, so ultimately the school will have the duty of care because the student is enrolled at the school.

**Hon MURRAY CRIDDLE:** The minister said that the principal cannot delegate the duty of care. Does that mean that the person on the property picks up the duty of care or does the duty of care remain with the principal?

**Hon LJILJANNA RAVLICH:** As I understand it, the school has a responsibility to check that the environment that the student will be working in is a safe environment. If the student was going to the member's property, for example, the school would have a responsibility. If the student was going to somebody's workshop as part of a mechanics course, or whatever, as part of his structured learning, the school would be responsible for making sure that the workplace was deemed to be a safe working environment.

**Hon MURRAY CRIDDLE:** I know I am being difficult, but the minister has said that the school will be responsible. Nowadays there are occupational safety and health inspectors. For example, in Geraldton just the other day 11 inspectors inspected the fishing industry facilities. When the minister says that the school will be responsible, what role will occupational safety and health play with those inspectors? I know that this is a difficult area, but it is the area that we face in our businesses every day. We will have to address it here and now, so that everybody will know what is going on and so that some sort of instruction can go to those people who are taking that responsibility.

**Hon LJILJANNA RAVLICH:** Just for clarification, if the student is covered by the school program, the Department of Education and Training has a responsibility for the duty of care, and that can be delegated to the school, which then also has the responsibility. If the student is doing a work program for which he has been given an exemption by the minister, he is obviously covered by occupational safety and health and a range of other legal provisions that are in place to protect workers.

**Hon BARRY HOUSE:** It is vitally important that this is fully understood. The future of a lot of structured workplace learning could well be jeopardised if employers have a doubt about it and will not take on students. Is a clear program or a clear policy within the Department of Education and Training provided to people in a workplace to indicate where the lines are drawn?

**Hon LJILJANNA RAVLICH:** I assure the house that there is an existing policy. It is part of a regulatory framework. Nothing in the bill affects the policy that currently exists. There have not been any issues about this matter, even though there have been programs such as the ones I identified in my second reading response, and also the School Apprenticeship Link program under which 400 students are participating in a combination of school, employment and training. This has not been an issue because there is a clearly defined policy, and I do not see any problems in providing that policy to the member at the earliest opportunity.

**Hon MURRAY CRIDDLE:** The minister said that those guidelines would be available. Can we have a copy of those guidelines so that we clearly understand them? I am sure that some people who will be in this education field, whether it be at school or in the workplace, will want to know exactly where they stand.

**Hon LJILJANNA RAVLICH:** I will pick up on a very important point that has been made. At the end of the day, many of the changes that are proposed under this legislation will also rely on the goodwill of industry, whether it be the farming sector, the automotive industry or the building and construction industry etc. Ultimately, it will be industry, by and large, that will offer placements and opportunities for young people to acquire the practical skills. As I outlined earlier, this is really about a different way of doing things. We will not be making sure that every school has a hospitality, mechanics or building and construction sector, because it would be impossible. Obviously, it is in the department's interest to make sure that things do not go wrong, and that the checks and balances and the safeguards are in place. The worst thing that could happen, for example, would be for something to go wrong, for that to become an issue and, as a result, for the opportunities to not be provided for students. I can reassure the chamber that we take this issue very seriously. It is absolutely fundamental in offering students opportunities. I should also say that although we have the expanded program, the simple fact is that for the past 20 years students have been involved in a range of work experiences, which in some ways may not be different from what is proposed. Students might have done some work in the hospitality sector or undertaken work experience in a range of areas. This is not even a policy that needed to be put together for this purpose. It is a longstanding policy. It may well have been tweaked for this purpose; I am not sure. However, this is a longstanding policy, and I can assure members that the education system would be all the poorer if the opportunities were not provided for the students. Therefore, it is in our interests to make sure that this is right and does not become an issue.

**Hon MURRAY CRIDDLE:** I am not asking the minister to be defensive on this issue. Changes are taking place in the occupational safety and health area. It happened just recently with the machinery dealers. One need only go down the road to the first machinery dealer's place to find that there is a difficulty. I am just saying that these issues exist. If they are addressed, I will be happy; if they are not addressed, the government should make sure they are.

**Hon BARRY HOUSE:** I want to raise another issue, and I raise it under clause 1 because it is not formally mentioned anywhere in the bill. I am referring to mentors. Mentors were mentioned in the second reading debate yesterday.

Yesterday in the minister's summing-up, she mentioned that she had a mentor's job description. Will the minister tell us what that entails? That may clarify some of the parts that will come later.

**Hon LJILJANNA RAVLICH:** I thank the member for that question. First of all, whether they are called mentors or participation coordinators, the simple fact is that they will have a very -

**Hon Barry House:** They are one and same thing, are they?

**Hon LJILJANNA RAVLICH:** Yes. They will have a very important role. They will provide individualised case management and support services, including case brokerage. By "case brokerage" I mean referral services for 15 to 17-year-old students who are at risk of disengaging prematurely from school. We need to recognise that the \$24.6 million that has been allocated for 100 training mentors will be for those students who are at risk of disengaging prematurely from school. That is the first thing. Basically, I make the point to Hon Murray Criddle that there is no doubt that a section of the students returning to school - Hon Barry House would be aware of this - will probably have had difficulty in school. They may be the hard-core group of kids when it comes to trying to engage them. We recognise that. For example, some students do not engage easily. That is perhaps because they do not have parents who assist them in the engagement process. Perhaps they do not have a mum who wakes them up and says, "Breakfast time! Here are your clothes." The simple fact is that not everybody comes from the same environment, and not everybody has the same home opportunities. In the provision of the mentors, we have recognised that there will be a group of students who are at high risk of disengaging. The mentors will work with them to provide individualised intensive support and case coordination. The way it will work is that each of the 100 mentors might be responsible for 20 students. The mentors will work very closely with the students to make sure that they attend school, are on time, find an appropriate placement and have somebody to guide them.

I will tell members about something that is very interesting. When I went to see the School Link Apprenticeship program in action in the Pilbara, in Newman and Port Hedland, it was quite amazing. A lot of the disengaged students had actually disengaged because of the lack of relevance of the education to them. When I saw the School Apprenticeship Link program in action, I saw disengaged kids who were at school for a couple of days a week, at TAFE for one day, and maybe with BHP for two days a week. Those students were in school; they dressed in their overalls, with their BHP badges; they went into the workplace. Apart from anything else, it is a grown-up environment and they meet older men, and those older men take them under their wing and provide them with support and guidance. The result and the difference in those kids are absolutely phenomenal. The kids who were not engaged can see that if they do the right thing, they will have a brighter future. In some cases, with Aboriginal kids, they might be the first in their family to get a job if they do the right thing with BHP. The principals have told me that they cannot believe the change in the confidence and the maturity of the students involved. Obviously, that will not be the outcome for every student. However, if that is the outcome for half the students who have a history of disengagement, as education minister, I will be very pleased.

Yesterday I went through the role of the mentors quite extensively. It will be about a level 4 position. In terms of the selection criteria, the mentors will need to have an understanding of the factors affecting non-participation; in other words, they will need an understanding of why kids are alienated and do not want to participate. They will need to have knowledge of youth training services and what is available to support youth. They will need to be problem solvers and be able to develop strategies. At the end of the day, these people will need to be confident. They will need to be able to say that Tommy Smith has some real problems and they will need to find an employer in an area of interest to Tommy Smith who might give the kid a go and provide trade opportunities or whatever it might be. These mentors will need to be able to knock on a door and ask for that sort of assistance and opportunity for Tommy Smith. That is the sort of person I am interested in. Obviously, the mentors will also need to be able to relate to young people. Those people are out there. They will need to have strong personal networks and negotiation skills. The point I made yesterday was that I would find it most unsuitable if we undertook a selection process in Perth for a training mentor in the Kimberley. That is not on. The simple fact is that these people will need to be local people, particularly in regional and rural areas. They will need to know the people who will be in a position to offer opportunities to young people. They will also need to have the skills that I have outlined.

**Hon PETER COLLIER:** I am very interested in the mentoring system that will be implemented. I would like some clarification on a couple of issues. I endorse the system; I think it is a worthwhile initiative. The students whom the minister is talking about essentially have very few personal coping strategies, and being institutionalised in any school environment compounds the problems. I agree with the minister that their problems may be social, peer or family related. These problems exist. Yesterday in my contribution to the second reading debate I referred to how to deal with these students. Several institutions in Western Australia deal specifically with these students. I appreciate that those schools, such as Corridors Secondary Vocational College and Port Community High School, which I have mentioned specifically, comprise a minority of students. However, having said that, it would be naive to presume that they are the only students who are disengaged from the education system. I am sure that the minister acknowledges that. Although I applaud the notion of the 100 mentors, what role does the minister see them playing in the vast number of secondary schools throughout the state, particularly with the advent of the proposals in this bill? We are talking about hundreds and hundreds of schools. Can the minister give me a little insight into the allocation of mentors to the schools? Will

they be allocated to certain regions? The minister has said that each of these 100 mentors will have responsibility for potentially 20 or 30 students. I presume that that will be over a number of different schools. Of course, they will supplement the hard work that is already being done in a number of schools by counsellors and the like. The special responsibilities of school counsellors etc, which continue to expand at an alarming rate, will be compounded next year. I wonder about the worth of the mentors, if there are to be only 100 of them. I am not for a moment denigrating the initiative. Can the minister clarify the areas to which they will be allocated?

**Hon LJILJANNA RAVLICH:** I gave the ratio of 20 to one. It might be more; it might be less. Quite a lot of work has already been done in this area. I made the point yesterday that there will be an allocation of 280 additional staff, worth \$46.9 million, and the 100 mentors will be on top of that. Obviously, of those 280 extra staff, other people will provide additional services. An allocation has been earmarked to districts for the provisional rollout of training mentors. The provisional rollout figures for 2006 indicate that Albany will get two mentors; Bunbury, two; Canning, four; Esperance, two; Peel-Fremantle, four; goldfields, two; Kimberley, two; Midland, two; mid-west, two; Narrogin, two; Pilbara, two; Swan, four; Warren-Blackwood, two; and west coast, two. Thirty-six mentors will be rolled out by February next year. A few mentors may be added to that number; I do not know. None of this is cast in stone. There is a projected maximum total training mentor allocation for the following years. Next year the school leaving age will be increased only for those students in year 11. That is why the full contingent of the 100 training mentors will not be used. However, that is the proposal. Yesterday in my response to the second reading debate, I said that district plans have been put in place. As part of the district planning, a range of work for system readiness has been undertaken in the past year and a half. I am happy to share that information with the member.

**Hon PETER COLLIER:** I appreciate that information. Can the minister give me a breakdown of where the 280 additional staff who will be allocated next year will go? I presume that they will not be allocated to the pastoral care or the career guidance areas. The minister mentioned that two mentors will be allocated to Albany, four to Peel etc. That is fine. I presume that those mentors will be responsible for two or three dozen schools and that the schools will be responsible for identifying those students at risk or those students who need mentoring, and then they will feed into the pool for the regions. Can the minister clarify that? I support the notion, but I would like some more information on how the process will operate.

**Hon LJILJANNA RAVLICH:** The member is pretty right. The additional 280 staff will be allocated over four years, so it will not be 280 times four, which would be more than 1 000. They will be allocated through the district offices as additional teaching staff and/or TAFE lecturers and/or support staff. I am not in a position to be able to provide the member with the finer detail of that. I think I am doing fairly well, given where we are with this bill.

**Hon PETER COLLIER:** I also wondered about the students who the minister has said are disengaged. I do not have a problem with the term. How will those students who are disengaged be identified within each school environment?

**Hon LJILJANNA RAVLICH:** I would think they would be pretty well known. I am a bit amazed. The member is asking how the disengaged kids who are coming back to school will -

**Hon Peter Collier:** No.

**Hon LJILJANNA RAVLICH:** My understanding of the question the member has asked me is: how will the disengaged kids who might need the assistance of the mentors be identified at a district level?

**Hon Peter Collier:** I am well aware of students who are disengaged. However, students do not necessarily have to be truant or have behavioural problems to be disengaged.

**Hon LJILJANNA RAVLICH:** Obviously, they will be the students whom the schools have identified as requiring special assistance; they are not necessarily only the troublesome kids. The individual pathway plans will assist the schools to identify some of the issues that students might have. The sort of information that will be collected for a pathway plan is pretty comprehensive.

**Hon Peter Collier:** Will this be years 8 through 12?

**Hon LJILJANNA RAVLICH:** Yes. The Curriculum Council will also provide additional information on participation.

*Sitting suspended from 6.01 to 7.30 pm*

**Hon BARRY HOUSE:** I will not labour the point, but I just want to round out a little bit about the mentors because, as I have said, the term is not specifically mentioned in the bill. During the second reading debate I mentioned that in a past life, now seemingly very distant, I was a youth education officer in a high school in Busselton for five years. We did some of this sort of stuff then as part of our general job description. We did a lot of other things as well. I spent quite a bit of time working with disaffected kids and students who were challenging, one of whom happened to be Troy Buswell. He was challenging, not in the sense that he was disaffected or disconnected; he was over-connected, if anything! I have since lamented the demise of youth education officers in high schools throughout the state, because their roles have been split into different areas. I sense that what we are talking about now is the return of one of the roles that were played in those times both in the school and in the community. My questions relate to that. How does

the minister envisage the mentors will operate? Will they operate from a school base or from a district office base? How will they be resourced? They will need to be mobile. Will they be provided with cars or will they be provided with a travel allowance? I understand if the minister cannot answer the questions specifically, but I think generally it would be good to know now just how the government intends to make these people work.

**Hon LJILJANNA RAVLICH:** I am advised that they will operate from schools. They will be coordinated through district offices and they will be supplied with vehicles.

**Hon PETER COLLIER:** The minister does not need to respond to this, but I just wanted to clarify the point I was making prior to the dinner break. I am well aware of how those students who disengage can be identified. My point was that very frequently those students slip through the system. They do not have something on their forehead that reads "I am disengaged". I wonder if 100 mentors will be sufficient. That was my point. I assumed that the primary source of identification will come from the school itself and that the mentors will then pick up the pieces, as it were, in that they will take on board those students who are identified by the school as being disengaged. As I said, the minister does not need to respond, but I did want to clarify what I meant by that.

**Hon BARRY HOUSE:** Will the roles of the mentor be distinct from the roles currently performed in schools by counsellors, chaplains and other extra classroom staff members?

**Hon Ljiljanna Ravlich:** Yes.

**Hon RAY HALLIGAN:** Mentors can be wonderful people if we can find the right people to do the job that is required of them. I have had some involvement with mentors assisting unemployed people over many years. It is marvellous in theory but in practice unfortunately quite often it is completely different. I would like to know how the minister proposes to identify those who she or the department believes will be suitable, what form of training might be provided to them and whether any of that training will include some psychology. We are talking about children who have opted out of the system, which is not an easy group to deal with. I heard the minister mention that each of these mentors may - not necessarily will - be required to handle a considerable number of students. I suggest that to a great extent each and every one of those students will have his or her own individual needs, some of which may be generic. I am wondering how the minister's mentors will be able to identify those particular needs and how they will be able to develop a rapport with a diverse range of students and provide the outcomes that the minister is looking for.

**Hon LJILJANNA RAVLICH:** The honourable member may well have been out of the chamber on parliamentary business when I went through and provided some quite extensive detail relating to the identification of mentors and the sorts of qualities that we will be seeking in them. They will be drawn from youth workers and people with empathy with young people. I have given a more extensive overview of that. They will have a full induction. They will have ongoing professional development programs. Will they provide direct psychological services or will they be psychologists? No, they will not. However, the education system has psychological services that are offered to students. Obviously, they will be used to complement the work of mentors. There will be nothing to stop mentors advising the school that they think that somebody might need support services from a psychologist, and then they will dovetail together, as one would expect.

**Hon Ray Halligan:** Will all 100 mentors come on stream?

**Hon LJILJANNA RAVLICH:** No. We have gone through that. Some 36 will be brought on in February next year and the rest will be rolled out later.

**Hon RAY HALLIGAN:** I thought I heard the minister earlier make mention of the fact that she has been working on this for 18 months. What work has been done and what stage does the minister believe she has reached with the mentors? In other words, the minister has identified a profile of what she would dearly love those people to be able to provide and what shape they may take. Even with the minister's mentors, they will come from completely different backgrounds, have different sorts of empathy and, if the minister's experience is anything like mine, some of them will even try to direct some of the students, and the students may well rebel against that. If the minister has been working on this for 18 months, she might be able to tell us what other mentor systems she has looked at, what she has identified from those systems and relate to us anything new that the minister may be able to bring to the debate on what the government is proposing to create.

**Hon LJILJANNA RAVLICH:** There is a job description form for mentors. We are currently in the process of recruiting the mentors. Queensland and Victoria have had experience with the mentor system. We have based our model of mentors on research from the Dusseldorf Skills Forum.

**Hon PETER COLLIER:** I would like to move to another area - the pathways being offered to students. I will not necessarily refer to what will occur next year, but my question certainly relates to the medium term. I would like some clarification about what the education system will provide for students who would not normally undertake what is termed an "academic course". I very much appreciate and applaud that the courses of study are moving away from that direction. Offering a variety of 50 courses of study and different pathways for students is commendable. I am not convinced that the system is prepared for it at this stage, but that is another issue.

I would like some clarification on the students who take a vocational and educational focus. I mentioned this in the second reading debate. If a current student were to study English, work studies, structured workplace learning and two VET subjects in years 11 and 12, that student would graduate. As we move into the new system, if the same student studied English, career and enterprise in years 11 and 12, the endorsed unit of SWL, and two endorsed VET subjects, the student would not graduate. My concern is that the very students for which the system is trying to provide would necessarily be disadvantaged. I would like some clarification about that aspect. We are moving towards a broader curriculum to provide more opportunities for more students, which is good. I taught at the tertiary entrance examination level for more than 20 years and appreciate that in the past the education system has largely dealt with the minority of students who move on to university. If we are to provide a broader range of pathways for students, we must ensure that we do not provide a disincentive. I would like some clarification from the minister that the student who is currently undertaking a VET direction will not be disadvantaged and will graduate in the future.

**Hon LJILJANNA RAVLICH:** Students would be able to do a VET course as a Curriculum Council developed course. There are 17 courses available in this form, each of which would lead to graduation. Extensive research has been conducted into the programs. Very few of the courses would lead to a student not graduating.

**Hon PETER COLLIER:** Is SWL an endorsed unit?

**Hon Ljiljanna Ravlich:** Correct.

**Hon PETER COLLIER:** Therefore, is it correct that it will not contribute toward a level 4 standard?

**Hon Ljiljanna Ravlich:** That's correct.

**Hon PETER COLLIER:** Therefore, it will not contribute to whether a student will graduate.

**Hon LJILJANNA RAVLICH:** The student must attain up to eight council endorsed units to meet the graduation requirements. The student would structure the course through an individual plan. The individual plans would be very helpful in making sure that the students make the right selections to ensure graduation.

**Hon Peter Collier:** But do they need four courses of study for graduation?

**Hon LJILJANNA RAVLICH:** They will need four if they are doing eight council endorsed units.

**Hon RAY HALLIGAN:** I will hark back to the mentors. I was initially concerned about the type of person who would take on that role and how they would be found. I would now like to know how they will be kept in employment. Under what form of employment will they be engaged? Will they be engaged under an employment contract? Will the minister be in a position to be able to dismiss them should they no longer be able to provide what they are expected to provide? Will the district education office undertake the role of not only identifying where the mentor might work and with which students, but also the whole employment arrangement for the mentoring system? Who will be the employer? Under what form of contract will the mentor be employed? Who will be the mentor's supervisor and who is to be in a position to hire and fire the mentors?

**Hon LJILJANNA RAVLICH:** The Department of Education and Training will be the employer and the district office will be the supervisor. The mentors will be classified as public servants, level 4, and will be employed on fixed-term three-year contracts, after which the positions will be advertised and public service conditions will apply.

**Hon RAY HALLIGAN:** That is most interesting. They will become permanent public servants after three years.

**Hon Ljiljanna Ravlich:** On fixed-term contracts.

**Hon RAY HALLIGAN:** The minister said that they would be employed on a contract for three years.

**Hon Ljiljanna Ravlich:** That is right.

**Hon RAY HALLIGAN:** The minister can tell me; I am only asking the question. Will they become permanent public servants after the contract runs out? I need to tease this out. Will they initially be employed under a three-year contract and be paid at public service level 4?

**Hon Ljiljanna Ravlich:** Yes.

**Hon RAY HALLIGAN:** Is the minister in a position to dismiss the mentors within that three-year period or is it a fixed-term contract? If a mentor is not up to scratch during that period, must he be retained? What will happen at the end of the three-year contract? Will someone talk with the mentors and ask whether they wish to continue? Will they be put through a process of identifying whether they have reached the level that the Department of Education and Training expected of them? Will additional training be provided should they not have reached that level? These are very important questions. We are talking about enormous amounts of money. The government is proposing to increase the public service in an area in which I have had some experience with mentors. It is an area that is fraught with danger. The government is committing this state and the taxpayers to an enormous amount of money. I would like to know whether the minister has thought through these matters and has not committed the taxpayers to some unending amount of expense.

**Hon LJILJANNA RAVLICH:** They are public service contracts. Therefore, a rigorous performance management process applies to all public servants. When there is non-performance, the public servants will be managed. As part of that management, they might require additional training and professional development.

**Hon BARRY HOUSE:** I think I recall the minister mentioning that teaching qualifications were not necessarily a prerequisite for the employment of a mentor. Will there be any connection between the mentors and the WA College of Teaching in the area of registration, or moving towards permanency in the education system, like teachers?

**Hon LJILJANNA RAVLICH:** The working with children legislation will apply, so obviously they will need to be screened. They do not need to have educational qualifications. It is certainly not specified that they are required. Indeed, I do not think they are even specified as being desirable. The idea is not that we necessarily employ teachers. We are more interested in the mentors having a sense of connectedness with students and with the community, so as to be able to seek out special opportunities for student participation and options.

**Hon RAY HALLIGAN:** I thank the minister for that information. The mentors will be on contracts, and the minister mentioned a period of three years. I am not sure whether that now fits in view of the minister's last answer. They will be starting off at level 4. Will there be any salary increments? Will they be employed, even within this contract, under other public service terms and conditions?

**Hon LJILJANNA RAVLICH:** On three-year contracts they will start as level 4/1, then move to level 4/2 and level 4/3.

**Hon Ray Halligan:** What about other public service conditions, such as long service leave?

**Hon LJILJANNA RAVLICH:** Normal conditions will apply.

**Hon Ray Halligan:** Normal public service conditions?

**Hon LJILJANNA RAVLICH:** That is right.

**Hon PETER COLLIER:** I seek a point of clarification on the vocational education and training directions and pathways, and the assessment. I mentioned this yesterday, and I seek some clarification about what will occur with the registered training organisations. Currently, responsibility for the assessment rests with the RTO for some of the VET courses. At present they are usually stand-alone courses, although they will become endorsed units in the new post-compulsory levels. Because students must undertake more Curriculum Council-developed units in the new system, this VET may need to be done as part of a course of study, which means that much of the work may be assessed twice. I would like some clarification on that. Will the work need to be assessed twice? How will the system cover that?

**Hon LJILJANNA RAVLICH:** I am advised that the Curriculum Council and the lecturer will be in partnership in the delivery of the course. Information on the evidence of the progress of the student will be gathered only once, but two judgments will be made: one on the level and the other on the competencies.

**Hon Peter Collier:** Will the competencies be matched to the course of study?

**Hon LJILJANNA RAVLICH:** Yes. It will be done at the outset.

**Hon HELEN MORTON:** I want to ask some general questions about another aspect, which has to do with provisions for appeal, which I have not been able to find. There may be another way for appeals to be made that I am unaware of, or that I cannot see. I imagine that there would be a number of times throughout this process when there might be differences of opinion between the minister and the parent, the parent and the child, or the parent and the teacher. An example would be when the options are being considered, and the parent wants the child to move in a particular direction and a teacher wants the child to go in another direction. It may apply to the approvals required for employment, which the parents have to put in. There may be a difference of opinion between what the parents consider to be employment and what the minister may consider to be employment, or what constitutes participation. It is not covered under the area dealing with parents; that only covers the provisions for dealing with only one parent, not both parents. I see some problems there if one parent is not happy with what has been put in place by an estranged parent, if both parents have equal access to the children. In that situation, there does not seem to be any mechanism for one parent to appeal the other parent's decision. There will be problems with not having an appeal provision if the child is designated by the minister as an independent child, but the parents are very strongly not of the view that the child is independent. For example, a parent might not be happy with the mentor chosen for a child, for whatever reason, be it cultural considerations, the colour of his hair or anything else. However, there does not seem to be a mechanism by which a parent can say he or she is not happy and wants the situation reviewed. There is no structured process by which that can happen. The legislation is silent on all of these issues.

**Hon LJILJANNA RAVLICH:** I thank the member for the question. It is not a perfect world and there may be situations in which a child, for example, may not get on with the mentor for whatever reason. If that situation were to arise, the district office would be notified and some sort of alternative arrangement might be put in place. We think that a parent could be involved from fairly early in the process, because when the individual pathway plan is done for a

student the parent would, together with the student, have some input into that plan. The parents would be involved in assisting their son or daughter to make choices in the best interests of the educational outcome. Training mentors will be able to work with parents. Should any of the situations the member outlined arise, the best sort of arrangement would be one in which the parties can come together and, hopefully, reach a position of consensus about what is in the best interests of the child. It is not a perfect world, and I cannot say that there will be absolutely no problems. I cannot say that every child who is allocated to a training mentor will have a perfect life, and that every parent will want to be involved, and will be involved to a level that is desirable. I cannot give that commitment, but I can give a commitment that we will aim to achieve consensus between the parties and that, where parents do have concerns, structures will be in place to allow them to express those concerns and for the proper remedial action to be taken.

**Hon HELEN MORTON:** I fully concur with the hope that this will be a collaborative arrangement. I absolutely support that sort of approach. However, I also know that, as the minister said we are dealing with some people - young people as well as parents - who, even in the very best of worlds and with the very best intentions, probably will not be able to reach consensus on a number of matters. As it stands, the only way in which a parent could get a definitive outcome on some of these matters - that is, to have full control and to be in a situation in which that parent could make a decision that he or she believes would be in the best interests of his or her child who is aged 16 or so - would be to move interstate. Unless the minister can tell me what the structure is, and unless there is a mechanism by which, when consensus has not been able to be reached, a parent can undertake a parental role, the only option would be for a family to move interstate. I cannot see any other way of dealing with it. Once the parent has gone down the path of collaboration, put everything in place and tried to reach consensus, at the end of the day, if a parent feels strongly enough about it and is absolutely clear that he or she wants to have the responsibility for determining the outcome for his or her children, unless the minister can show me a structure, I can see no other option than for the parent to move interstate.

**Hon LJILJANNA RAVLICH:** Under section 223 of the School Education Act, if a parent continues to be aggrieved and is not satisfied, there is provision for the minister to conduct a review. A person who is aggrieved by a decision made by any person performing a function for the purposes of school education and concerning an individual student may, in addition to any other right under the act to have the decision reviewed, request the minister to review the procedure by which the decision was made. The procedure by which the decision was made will be assessed in terms of fairness, whether it was defective or whether it was adequate. If at the end of that process a parent is still aggrieved and thinks that he or she can get a better educational outcome by going to another state, it is the right of a parent to make that decision. Ultimately, the parents have rights. However, there is protection under the act. To all intents and purposes, we start with good intent; that is, to make sure that we provide the opportunities, provide the framework, provide the students with the options and work collaboratively. If in some ways that still does not meet the parents' expectations or the child's expectations, there is a clear review provision in section 223 of the School Education Act.

**Hon PETER COLLIER:** I have a question about the delivery of vocational education and training in schools. As I understand it, schools will be able to become fully registered training organisations through the Training Accreditation Council, and will not be limited to mainly certificate II or VET certificates approved by the Curriculum Council. That is my understanding, and I would like some clarification. I would like to know whether the Curriculum Council's school accreditation system will restrict this potential freeing up of VET in schools.

**Hon LJILJANNA RAVLICH:** In fact, I only recently endorsed the new policy for VET for school students in Western Australia, to take effect from 1 January 2006. This policy was to replace a previous joint ministerial policy statement on VET future directions. The new VET for school students policy is cross-sectorial, and it will enable a school to deliver VET programs either as an RTO or in partnership with another RTO. In other words, a school could, for example, subcontract to one of the TAFE colleges or, indeed, to a private training provider to a certificate level appropriate to the needs of both the students and the industry. We expect that schools will be able to participate only up to a level 2. However, having said that, if schools have adequate resources and expertise in selected subject areas, they will be able to apply for greater scope. In some areas - for example, in the information technology area - some of the schools can go up to a level 3. It would really depend upon how well the school is resourced with human expertise and available resources.

**Hon Peter Collier:** So it won't be restricted.

**Hon LJILJANNA RAVLICH:** No.

**Clause put and passed.**

**Clause 2: Commencement -**

**Hon BARRY HOUSE:** Because there will be a phased introduction of these changes, the gazettal will be phased in. Clause 4 refers to the transitional period. In view of the removal of the term "post-compulsory" from the act, will the minister step us through the commencement provisions, just for the record?

**Hon LJILJANNA RAVLICH:** First of all, year 12 will remain post-compulsory for the next two years. The term "post-compulsory" for years 11 and 12 will not disappear in its entirety until 1 January 2008. Quite clearly, clause 2(3)

provides that part 2, division 4 and part 3 will come into operation on 1 January 2006. The eleventh year will become compulsory at that time. However, the term “post-compulsory” will not disappear entirely until 1 January 2008.

**Clause put and passed.**

**Clauses 3 to 10 put and passed.**

**Clause 11: Section 97 amended -**

**Hon BARRY HOUSE:** Clause 11 deals with section 97 amended, and section 97 is amended in the definition of “adult student”. The terminology used in this bill appears to change. In this clause the term “adult student” appears. Throughout the rest of the bill, the word “child” is used, seemingly to describe students at any level. The term “independent child” is also mentioned a little further on in the bill. I am intrigued about why there is different terminology and how the term “adult student” is applied. What is its definition?

**Hon LJILJANNA RAVLICH:** The definition of “adult student” is contained in section 97 of the School Education Act, which states -

“**adult student**” means a person who enrolls at a government school in a year and whose post-compulsory education period has ended before January in that year;

The definition will be amended to read -

“**adult student**” means a person who enrolls at a government school in a year and whose compulsory education period has ended before January in that year;

This change will become effective from 2008.

**Hon BARRY HOUSE:** Subclause (2) replaces the current definition of “extra cost optional component” with the following -

“**extra cost optional component**” means an optional component of a government school’s educational programme having a cost that is not incorporated into the determination of the school’s charges or contributions under section 99 . . .

Section 99 of the School Education Act deals with school fees. There was some discussion of this matter in the second reading debate. What is the minister’s attitude to the payment of fees by this group of students? We need to bear in mind that these changes will involve 2 200 students who, primarily, are already disengaged from the school system. I suspect that they will come from a section of the community from which it will be very difficult to gather fees. Many of them may come from low-income families or families that do not really embrace an educational culture. Therefore, I envisage some resistance to and difficulty in paying school fees. If that occurs, will schools be faced with a shortfall? If that is the case, how does the government intend to meet that shortfall so that schools can operate their courses?

**Hon LJILJANNA RAVLICH:** I thank the honourable member. The government recognises that additional costs will be involved in the provision of courses. As I outlined in my second reading speech, the government has introduced a number of initiatives to assist parents, such as the provision of financial support. Our government has done more to contain schooling costs for parents than has any other government. In our first term we capped the cost of lower secondary education at \$235 and introduced the 100 good reasons initiatives. The government recognised that costs may increase. Therefore, it introduced the payment of \$200 a child per annum to defray the costs of keeping students at school, and \$400 per annum for students who undertake the training option.

**Clause put and passed.**

**Clause 12 put and passed.**

**Clause 13: Section 156 amended -**

**Hon BARRY HOUSE:** I seek clarification of proposed new subsection (3), which states -

A school is to be registered as providing educational programmes of a general or any specified kind for one or both of the following -

I ask the minister to enlarge on the registration process. With whom are the schools registered? Is it the Curriculum Council? What is the process for registration?

**Hon LJILJANNA RAVLICH:** A registration framework is already in place for non-government schools. Non-government schools do not just pop up; they apply to the minister for registration.

**Hon Barry House:** Is that done through the Department of Education and Training?

**Hon LJILJANNA RAVLICH:** No, the Department of Education Services. When a school seeks registration, the Department of Education Services checks on a range of issues relating to projected student growth, the impact of the registration on surrounding schools and the proposed educational program to be offered by the school, which must comply with the curriculum framework. A panel is convened to consider and determine those matters, and a

recommendation is then made to the minister. Based on the recommendation, the minister approves or rejects the registration of a school. It is a quite stringent process. The process is not being put in place by this bill; it has been in place for a number of years. I think it was introduced by the previous government, when the Department of Education Services came into being. Any registration would go through the normal registration process.

**Clause put and passed.**

**Clause 14: Long title amended -**

**Hon BARRY HOUSE:** This clause deals with home education.

**Hon Ljiljanna Ravlich:** No it doesn't. It makes an amendment to the long title of the School Education Act.

**Hon BARRY HOUSE:** Right. However, it adds a few words relating to home education.

**Hon Ljiljanna Ravlich:** Yes.

**Hon BARRY HOUSE:** I ask the minister to outline how the home education of 16 and 17-year-olds will be supervised. The minister will probably say that appropriate provisions on home education are already contained in the act, but we are dealing with a different group of people - 16 and 17-year-olds - who present some slightly different challenges to home education. Who will determine whether those students are working at home or just staying at home? Parents may say that a child is helping mum; however, that would technically not be a sufficient answer. A judgment will have to be made. Who will make that judgment? Will the parents' word be taken?

**Hon LJILJANNA RAVLICH:** That is a fair question. At the end of the day, people choose to home-educate. I will be a bit disappointed if young people who are home-schooled do not take up some of the broader opportunities that will be available, such as vocational education and training options. If they do take up those options, they will not be able to do so at home. They might be home-schooled for part of the week. If they take up some of the VET options, we obviously would like them to participate in the broader sense. Having said that, district office moderators have the responsibility under the act for checking the program and progress of home-schooled children. Students, even home-schooled students, would usually do Curriculum Council subjects as private candidates.

**Hon BARRY HOUSE:** I will pose a hypothesis to the minister to illustrate the sorts of judgments that might have to be made. An employment alternative is an option. If the system is told by a parent that his or her 17-year-old child is a self-employed investor who works from home playing the stock market, how will a judgment be made about whether that 17-year-old is a genuine self-employed investor playing the stock market, or whether he or she is simply at home playing computer games?

**Hon LJILJANNA RAVLICH:** Under the provisions of the legislation, all employment options must be approved by the minister. The minister will exercise discretion on the area in which he or she will approve a child to be employed. For example, if an application were made for a child to enter the sex industry or to be a door-to-door salesman, that judgment would need to be made by the minister. The member has cited an interesting proposition. As the minister, I would have some serious reservations about a 17-year-old girl or boy and his or her parents applying for an exemption for that child to undertake full-time employment as a home-based stockbroker or share trader.

**Clause put and passed.**

**Clauses 15 to 19 put and passed.**

**Clause 20: Part 2 Division 1 Subdivision 1A inserted -**

**Hon BARRY HOUSE:** Clause 20 is the major clause in this bill. In a sense, it canvasses all the alternatives that will be available for children. I will not make a meal of it, but I want a bit of an in-depth indication from the minister about the courses that include a program or activity. She has mentioned that the courses must be approved courses. I am trying to work out how this will fit into the model. It seems that students who are aligned to a school will still have to fit into a general course of study; otherwise, if we go to the ultimate and design a program for each student, there will be lots of little unmanageable bits and pieces left over in a school. If a student spends two days at school, two days at a workplace and one day at TAFE, for example, surely there will need to be some coordination so that the two days that the student spends at school are coordinated. The school will have to gear up to provide the program on those days, to have the staffing requirements and also to have the numbers to make the course viable. I am sure that there will be a threshold beyond which a course will not be viable; for example, if only three students are doing the course. Can the minister give us an indication of how that will fit into the model?

**Hon LJILJANNA RAVLICH:** What the member has said is correct; there will need to be better coordination. The member will be aware from his own experience that even now certain subjects sometimes cannot be offered because it is difficult to timetable them in the grid. As a result of that, virtually no school offers the full range of subjects. However, schools seem to have an ability to deal with these issues. The schools will address some of the issues with individual programs. The schools will be very individually focused to come up with a program. We need to recognise that there will be a range of options. For example, under one provision students can undertake a course of study at university. We do not expect many of them to do so. However, as I said to the member yesterday, one year 9 student -

which will not affect this - and 130-odd year 11 students are sitting a tertiary entrance examination. Students will be able to undertake a course of study through registered training providers, and there will be employment options etc. Obviously there will need to be a better level of coordination. The schools will be geared up for that. The training mentors will broker the programs between the providers, subject to course availability. We expect that the schools will be very much individually focused and, when possible, design the best educational program to meet the individual needs of the students.

**Hon PETER COLLIER:** This brings to light the point about the options that will be offered to district high schools. I am conscious of the special needs of district high schools, and particularly those in remote areas. Yesterday during my contribution I took an interjection from the minister about students who leave school at year 10 and move to boarding school. I acknowledge that. However, many students who go to boarding school do so in year 8. I suggest that very few students would leave school at year 10 and go to boarding school. I am interested in the preparations for district high schools in particular. What consultation has the government had with district high schools? Is the minister aware at this stage - with just over a month left in 2005 - which district high schools will be affected? Will any district high schools require additional staffing? What extra funding will be required? I presume that a number of the students who will continue on to the current post-compulsory level - that is, to year 11 - next year will need more of a vocational education and training focus or a structured workplace learning focus. I wonder how the schools will cope with those courses of study, particularly when there might be only two or three students doing the courses. Will there be sufficient qualified teachers in those schools to cope with the demand? More importantly, how many schools will be affected? Does the minister know how many schools will be affected and the implications this will have?

**Hon LJILJANNA RAVLICH:** Yes, we do know. There has been extensive consultation with district high schools. As I mentioned in my response to the second reading debate yesterday, each district has completed a planning process, indicating the present and future education and training opportunities available within each school or group of schools. There have been discussions about the viability of the schooling options, and the possibilities for joint provision have been considered. Yes, additional staffing requirements for specific schools and additional funding requirements for the readiness of district high schools have been identified as part of that stocktake. The support will include increased staffing allowances and the provision of extra staff to schools because of geographical isolation. Funds will be directed to small schools from the government's budget allocation to support this legislation. They will also receive the services of training mentors, who will be allocated to schools.

In saying that I must stress, though, that members need to move away from the mindset that this will all be done within schools. The more important issue here is: does the community have a good economic base? Does it have automotive shops, hairdressing salons and restaurants in which students can be placed for part of their work experience? We cannot replicate real life and put it all into a school, because that will not work. I will give members a classic example. A few weeks ago I was at Challenger TAFE. Traditionally everything used to be done within the TAFE site. Do members know what Challenger TAFE does now to train its people? Challenger TAFE now has a restaurant. That restaurant is not within the Challenger TAFE site. It is on a main street in Perth. Challenger TAFE trains its students in a restaurant that is owned by that training facility but has a commercial orientation and is part of the real world. When I go there to have my nails done, they say they will take me to where they conduct their beauticians' course. What - no comment?

**Hon Barry House:** I am not going to interject on this bit!

**Hon LJILJANNA RAVLICH:** That means that I do not actually go to some small part of Challenger TAFE at which they are conducting that particular course but I go to a main street in Fremantle at which they have set up a proper business enterprise. The real challenge is not to bring everything into the school but rather to look at the options in the community so that the students can gain real life experiences and training that is commensurate with community expectations for their skills development.

**Hon PETER COLLIER:** I thank the minister for that. I very much appreciate the minister's response. I now understand where the minister is coming from.

**Hon Ljiljanna Ravlich:** I thought it was rather powerful!

**Hon PETER COLLIER:** Yes. It was very theatrical and entertaining!

To get back to the point at hand, with regard to district high schools I am very conscious of the fact, as I have said previously, that we need to take a holistic approach whereby we engage students in the community so that they feel a degree of self-worth and will develop the resiliency skills that will enable them to cope with the challenges that face them when they are 16 and 17. I understand that. I acknowledge the fact that we need to engage the community to a larger degree. However, my concern is - I think the minister has now answered this - whether the district high schools are prepared. As I said yesterday, I have been led to believe that is not the case. However, if the minister says they are prepared, I will take her word for it.

**Hon HELEN MORTON:** The minister is talking to the converted when she talks about engaging with the community, because I do not think that the people who will be impacted upon the most by this legislation will be people who would automatically go to university or do a TAFE course, etc. We are really talking about people for whom that has not

already been determined as a way of going ahead. The definition of “course” in proposed section 11A is “includes a programme or activity”. I am interested in understanding whether an activity can include things that are not structured and not provided in any way, shape or form by a designated course or a registered training organisation. I recognise that under proposed section 11B(2) the minister may, by order published in the *Government Gazette*, prescribe a course or a class or description of courses. As a conscientious parent I may make the decision that my 16-year-old will be home-educated, and that that will involve a variety of activities that I believe will be in the best interests of my child. It may include some community work. It may include a variety of things. It may include attendance at some sort of physical education or sporting activity. I am not part of a registered training organisation and I do not fit into the category of provider. I am sure the minister will not publish in the *Government Gazette* the course or whatever that I am developing for my child. I am trying to understand whether this definition of “course”, and therefore the meaning of “program” or “activity”, is broad enough to encompass a course that my child and I might determine together to be in the best interests of his or her learning for the next couple of years, without it being a registered training organisation or a course that is gazetted.

**Hon LJILJANNA RAVLICH:** In principle, yes, but it is not intended to gazette every alternative program that a parent desires a child should undertake. For example, this provision will apply when a number of students have expressed an interest in being a jackaroo or a jillaroo, such as the case I cited yesterday, or participating in a pastoralist’s course or something that is not otherwise available. There is a process whereby the minister would have the authority to register a course with the approval of the Curriculum Council.

**Hon HELEN MORTON:** I need a bit more clarification about that aspect. Is the minister saying that it could possibly be registered as a course?

**Hon Ljiljanna Ravlich:** Yes.

**Hon HELEN MORTON:** Will the minister tell me then what would be entailed in registering a course like that? I am asking that because many of the people I am referring to are not used to developing registered courses. What I want to know is how informal or easy it would be for someone to participate like that on a one-on-one basis. The minister referred to the case of a jackaroo. I will refer to the example of some people I know who are living in the Mining and Pastoral Region whose parents have not had a formal education. The parents want to hand over their property to their sons or daughters through experiential learning and they regard that as an okay option for someone aged 16 years. They certainly will not enter into a registered structured course, or whatever. They just want the opportunity to make that happen. I want to know what would be involved in registering that sort of option.

**Hon LJILJANNA RAVLICH:** There is a rigorous process for registration. Obviously, the course would need to be quality endorsed and be able to contribute to the Certificate of Education.

**Progress reported and leave granted to sit again.**

## TERRORISM (EXTRAORDINARY POWERS) BILL 2005

### *Second Reading*

Resumed from 18 October.

**HON PETER COLLIER (North Metropolitan)** [8.40 pm]: The opposition supports this bill. Essentially, our only criticism is that it took so long to get into the government’s legislative program. I will go through a few issues and then make a comment on the necessity for the legislation.

Without a doubt, Australia is a target or a potential target for terrorist activity. This legislation should have been introduced several years ago, quite frankly. I am pleased that the legislation has been introduced and that it has bipartisan support. Having said that, I am delighted that the government has introduced a number of amendments to the bill in the other place which reflected and satisfied the concerns that the opposition had with several clauses.

The bill provides the opportunity for police to adequately respond to and investigate terrorist acts. Firstly, it provides for special police powers, more commonly referred to as commissioner’s warrants, with the scope and flexibility for police to respond to a terrorist act that has just occurred or is about to occur. It will authorise the Commissioner of Police to issue a commissioner’s warrant that will enable police to exercise a range of special powers designed to prevent the terrorist act from occurring or to apprehend those responsible for the terrorist act. For example, the police may request that people leave a train station or public place. Secondly, it provides for covert search warrant provisions that have been based on the Victorian and South Australian models. These covert search warrants will permit the entry and search of premises by police without the occupier’s knowledge in order to ascertain evidence that will detect or prevent terrorist activity. In addition, a judge can authorise entry into adjoining properties and seizure of goods. He can also authorise police to install and monitor cameras and listening devices and to apprehend computers and disk material. Before granting a covert search warrant, a judge must be satisfied of both the likelihood of a terrorist act occurring and that the police need to access a particular place without the occupier’s knowledge to gain information about the terrorist act.

Some within our community may question this bill in terms of the extraordinary powers that it gives to police. Quite frankly, I do not think this would be an issue with the vast majority of the population, particularly in view of what has occurred over the past 24 hours. The notion of protecting the community against a terrorist act would almost definitely find overwhelming community sympathy.

I am satisfied that the appropriate safeguards are in place to protect against arbitrary abuse of power by police in this regard. For example, clause 7(2) of the bill states -

The Commissioner must not issue such a warrant unless he or she is satisfied that there are reasonable grounds to believe -

- (a) that a terrorist act has been, is being or is about to be, committed, whether in or outside this State; and
- (b) that the exercise of the powers in Division 3 will substantially assist in achieving one or more of these purposes -
  - (i) to prevent the terrorist act;
  - (ii) to minimise the risk to the safety or health of the public, or any section of the public, in this State arising from the act;
  - (iii) to find a person in this State who is or may be connected with the terrorist act;
  - (iv) to find a vehicle in this State that is or may be connected with the terrorist act;
  - (v) to carry out investigations in this State into the terrorist act, and obtain evidence in this State relevant to the terrorist act.

As mentioned, I feel that this clause outlines appropriate guidelines pertaining to police powers. I am of the opinion that criticisms that have been raised relating to the necessity of such powers are without foundation. I am also pleased that in the other place several amendments were made to the bill in its original form. In particular, the opposition is pleased that in clause 7 the word "Minister" has been replaced with the word "judge" for the approval of a commissioner's warrant. We on this side of politics deem it an essential prerequisite of our system of government that there be a clear separation of powers between the executive and judicial levels of decision making. The amendment caters for this clarity in the authorisation of a commissioner's warrant. The opposition also supports the subsequent amendments to clauses 7 and 8, which are consequential to the previous amendment and allow for the minister of the day to be notified of a commissioner's warrant without approving such a warrant. In a similar vein we also support the amendment that removed the minister's capacity to cancel a commissioner's warrant at any time. The issue of the commissioner's functions under clause 31 is one that I will seek clarification on during the committee stage. I appreciate that the latitude of responsibility is quite broad given the fact that there are two deputy commissioners and eight assistant commissioners. However, given the unique breadth of the Western Australian landscape, it might be appropriate for the bill to include district officers. We sought clarification of this in the briefing we received and I will ask further questions during the committee stage. It would alleviate the potential communications problems in remote areas of the state, which are extremely vulnerable to a terrorist attack. Examples are the North West Shelf gas project and north west power supplies.

The opposition is also pleased that the government agreed to amend the bill to alleviate its concerns about confusion over which jurisdiction an interstate police officer would be answerable to. As a result of the amendment, a special officer from another jurisdiction would be under the command and control of the Western Australian Commissioner of Police. We are also pleased that the government has agreed with our recommendation on clause 21, which relates to reporting to the minister and Attorney General about a warrant. We felt that the original six-month provision was excessive and we are satisfied with the amended 60-day limit. Of course, the report can still be tabled before the 60-day limit. Similarly, we are pleased that the government listened to our concerns about clause 30, which concerns the annual report about covert search warrants. Accordingly, the government amended the time allowed for the minister to table the report to "within 30 days" as opposed to "as soon as practicable".

There remains some concern on this side of the house about clause 20 of the bill, "Warrant not open to challenge". The clause states -

- (1) Neither a Commissioner's warrant nor a judge's approval of such a warrant can be appealed against, reviewed, quashed, challenged, or called in question, before or by any person acting judicially or a court or tribunal on any account or by any means.
- (2) Subsection (1) does not affect the operation of the *Corruption and Crime Commission Act 2003*.

This clause appears to offer excessive power to a commissioner's warrant and we will seek clarification of its intent in the committee stage.

Finally, we support the amendment that inserts a sunset clause in the bill. In essence, the clause means that the provisions of the act and any relevant warrants expire on the tenth anniversary of the bill being assented to. Although I do not have a problem with this aspect of the bill, I am somewhat bemused that it was not a component of the original

legislation given that all the Labor Premiers and the two Labor territory leaders were insistent at the Council of Australian Governments meeting last week that it be a component of the federal legislation.

I thank Assistant Commissioner Dave Caporn, Mr Malcolm Penn from WA Police legal services and Senior Sergeant Peter Sawyer for providing the initial briefing on this bill. I also thank Hon Jon Ford and his staff for providing a further briefing with Malcolm Penn and Senior Sergeant Peter Sawyer. Both briefings were extremely beneficial to members of the opposition.

Having assessed the bill, I will make some comment on its necessity. I seriously doubt whether anyone in this chamber wants this bill introduced. As has been mentioned on numerous occasions in the other place and concerning similar legislation, this bill is draconian. Unfortunately, it is necessary and it is for that reason that the opposition will support it. The reason it is necessary is that terrorism has now become part of our lives. Of course, terrorism has been a component of human nature for centuries in one form or another. More often than not, it has been related to religion. Perhaps the most prolonged conflict has been that surrounding the Middle East: Jews versus Arabs or, more specifically, Jews versus Palestinians.

**Hon Giz Watson:** All the Crusades.

**Hon PETER COLLIER:** That is true - I apologise; that is my history gone.

After centuries of abandonment the Jewish people were finally given a homeland following World War II, being Israel. Conflict immediately broke out with the Palestinians and resulted in three short wars, culminating with the Six-Day War in 1967, which essentially rendered the Palestinian people homeless. Terrorism, in the sense with which we are familiar, was the end product. The Palestine Liberation Organisation, or the PLO, subsequently commenced what was to become the modern form of terrorism - plane hijackings, ship hijackings, bombs on buses and so on. For example, the 1970 Avivim school bus massacre by PLO members killed nine children and three adults and crippled 19 people.

In the late 1960s and early 1970s the Popular Front for the Liberation of Palestine, the second largest PLO faction after Al Fatah, carried out a number of attacks and plane hijackings mostly directed at Israel. The most infamous was the Dawson Field hijacking, which precipitated the Black September in Jordan crisis. The Munich massacre of Israeli athletes at the 1972 Olympics was carried out by the Black September group, which was allegedly affiliated with the PLO. This group also hijacked the plane flying from Belgium to Tel Aviv. In 1974, members of the Popular Front for the Liberation of Palestine carried out the Kiryat Shmona massacre in an apartment building in Israel, killing 18 people, nine of whom were children. In 1974, members of the Democratic Front for the Liberation of Palestine, the DFPLP, another faction affiliated with the PLO, seized a school in Israel and killed a total of 26 students and adults and wounded over 70 in the Ma'alot massacre. It significantly changed the rules of engagement and introduced a new element into violent negotiation; the element of surprise.

The Middle East conflict remains to the present, with only a minute semblance of hope for any foreseeable peace in the region. While the current Israeli government is intent on establishing a Palestinian homeland in Gaza, fundamentalists from both sides will simply not accept a solution that does not involve a complete retreat by the opposing side.

Similarly, the centuries-old conflict in Northern Ireland between the Catholics and the Protestants still exists, albeit now in a much more peaceful form. However, it has not always been this way. Like the Middle East conflict, the Northern Ireland divide over the past 40 years has been much more synonymous with what the modern world regards as terrorism; the element of surprise. According to the Cairn research project at the University of Ulster, the Provisional Irish Republican Army was responsible for the deaths of 1 706 people during the troubles up to 2001. This figure represents 48.4 per cent of the total fatalities in the conflict; 497 of these casualties were civilians and 638 casualties were from the British Army, 183 from the Ulster Defence Regiment and 455 from other regiments. Another 271 of the casualties were members of the Royal Ulster Constabulary. Of its victims, 340 were Northern Irish Catholics; 794 were Northern Irish Protestants; and 572 were not from Northern Ireland. The IRA was chiefly active in Northern Ireland, although it took its campaign to the Republic of Ireland and Britain and also carried out several attacks in the Netherlands and Germany.

The Provisional IRA's activities included bombings, assassinations, kidnappings, punishment beatings of civilians accused of criminal or antisocial behaviour, extortion and robberies. Previous targets have included the British military, the Royal Ulster Constabulary, the Loyalist militants, against all of whom IRA gunmen and bombers fought a guerilla war. The IRA also targeted certain British government officials, politicians and civilians in both Northern Ireland and Great Britain. Many civilians assisting or perceived to have been assisting the security forces were killed in Northern Ireland, while many British civilians were killed during the IRA bombing campaign in England, which was often directed at civilian targets; for example, pubs and public transport and targets of an economic significance such as shops and Canary Wharf.

As I said, the conflict in Northern Ireland has been going on for decades. In 1971, the first British soldier on security duties, Gunner Curtis, was killed by the Irish Republican Army in a campaign in northern Belfast. Three unarmed British soldiers were abducted while off duty in Belfast and subsequently shot. On 21 July 1972 - Bloody Friday - 22 bombs killed nine people and seriously injured 130. Thirty years later, the IRA officially apologised for that set of

attacks. On 4 February 1974, a bomb planted on a coach carrying British Army personnel and their wives and families exploded as it was travelling along the M62 Motorway at Birkenshaw. Twelve people were killed: nine soldiers and the wife and two young sons of one of the soldiers. In 1975, an off-duty police officer, Stephen Tibble, was shot dead as he joined in the chase of a suspect on his motorbike in Barons Court, London. The suspect had been spotted by a detective coming out of a house, which was later discovered to be an IRA bomb factory. In 1976, an IRA landmine killed Christopher Ewart-Biggs, the newly appointed British Ambassador to the Republic of Ireland, resulting in the declaration of a state of emergency in the republic. The IRA also threatened to kidnap and kill Irish cabinet ministers and the President of Ireland. In 1979, an IRA bomb killed Earl Mountbatten of Burma - the British Queen's first cousin - members of his family and a local child off the Irish coast. On the same day, the IRA killed 18 British soldiers at Narrowwater in Newry, County Down. The IRA planted one bomb, which killed six, and then began firing on soldiers with sniper rifles, driving them to cover at a nearby gate, where a second bomb exploded, killing 12 others. On 10 October 1981, a bomb blast at Edberry Bridge Road in London killed two people and injured 39. On 20 July 1982, a bomb in Hyde Park killed two members of the Household Cavalry Regiment who were performing ceremonial duties in the park. Seven of their horses were also killed. On the same day, another device killed seven bandmen of the Royal Green Jackets. The bomb exploded underneath the bandstand in Regents Park as music was played to spectators. I remember that very well because I went to England just after that incident. It was horrific. In 1984, a bomb at the Brighton Hotel killed five in a failed attempt to assassinate members of the British cabinet. British Prime Minister Margaret Thatcher narrowly escaped. Five people were killed and one woman was permanently disabled.

In 1989, 10 Royal Marines bandmen were killed and 22 were injured at the bombing of their base in Deal in Kent. In 1990, car bombings in Northern Ireland killed seven and wounded 37. On 27 May 1990, two Australian tourists were shot dead in the Netherlands after they were mistaken for off-duty British soldiers based across the German border. On 30 July 1990, Ian Gow, MP, was killed when a device under his car exploded as he was leaving for his home. On 18 February 1991, a bomb exploded at Victoria Station. One man was killed and 38 people were injured. On 10 April 1992, a large bomb exploded at 30 St Mary Axe in the City of London, killing three people and injuring 91. Many buildings were heavily damaged and the Baltic Exchange was completely destroyed. In 1992, eight builders on their way to work at an army base near Omagh were killed by an IRA bomb. In 1993, a bomb at a fish and chip shop underneath an Ulster Defence Association office in the Protestant Shankhill Road, Belfast, detonated prematurely, killing 10, including one of the bombers and two children. On the evening of 8 March 1994, four mortar shells were fired towards Heathrow Airport from a car following telephone warnings in the name of the IRA. The police said that none of the shells exploded and no injuries were reported. On 18 February 1996, an improvised high-explosive device detonated prematurely on a bus travelling along Aldwych in central London, killing Edward O'Brien, the IRA operative transporting the device, and injuring eight others. On 15 June 1996, the IRA detonated a 3 300-pound - or 1 500-kilogram - bomb in Manchester, injuring 206 people and damaging 70 square metres of retail and office space. As I have said, what happened here significantly changed the rules of engagement and introduced a new element into violent negotiation. Those activities show that terrorism has been with us for decades. From the Irish Republican Army's point of view that was then and this is now. How things have changed! Now Gerry Adams, the President of Sinn Fein, the political arm of the IRA, and other members of Sinn Fein are represented in the Parliament. The Independent International Commission on Decommissioning, on 26 September 2005, stated that the IRA has now placed all of its arms completely and verifiably beyond use. My point in highlighting these conflicts is to indicate that terrorism in its present form has been around for decades. The methodology of fanatics within some groups in our society, primarily religiously based groups, has been an established component of our society for a number of years. The claim to the legitimacy of the activities of these people is no less acceptable today than it was decades ago. The notion that one can obstruct legitimate decision making or force one's opinion on society through random and callous acts of violence is unpalatable to most members of the civilised world, yet, unfortunately, it is rapidly becoming the order of the day.

I refer to title 22 of the US Code, section 265(6)(f), which requires the Department of State to provide an annual report to Congress on terrorism. The report is required to include, inter alia, information on terrorist groups, and umbrella groups under which falls any terrorist group known to be responsible for the kidnapping or death of any US citizen during the preceding five years; groups known to be financed by state sponsors of terrorism about which Congress was notified during the past year in accordance with section 6J of the Export Administration Act; and any other known international terrorist group that the Secretary of State determines should be the subject of the report. In its most recent report the Department of State identified 80 such terrorist groups, which include the Armed Islamic Group, the Basque Fatherland and Liberty Group, Hezbollah, Al-Jihad, Libyan Islamic Fighting Front, the National Liberation Army, the Palestinian Islamic Jihad, al-Qaida, United Self Defence Forces of Columbia, East Turkistan Islamic Movement, Islamic Army of Aden, Loyalist Volunteer Force, the Moroccan Islamic Combatant Group, the Redhand Defenders, the Revolutionary Struggle, the Tunisian Combatant Group and the United Liberation Front of Assam. I could go on, but I am making a point that terrorist groups are not confined to one or two; there are numerous terrorist groups.

I also refer to the *Weekend Australian* of 8 and 9 October 2005. Under the headline "US Reveals ten foiled plots by al-Qua'ida" it reads in part -

The White House yesterday revealed the ten serious terrorist plots by al Qua'ida that the US and its allies have thwarted around the world over the past four years.

The move followed repeated demands by the Washington press corps for President George W. Bush to provide details of the 10 planned attacks and five scouting missions he had mentioned in passing in a major speech earlier in the day.

...

He used his strongest language to date in labelling Iraq as the central battleground in the war on terror. He said al-Qua'ida leader Osama bin Laden and other terrorists were trying to force the US out of the Middle East and to create a "totalitarian empire" from Spain to Indonesia.

"Some might be tempted to dismiss these goals as fanatical or extreme," Mr Bush said.

"Well, they are fanatical and extreme - and should not be dismissed. Our enemy is utterly committed. . . . And the civilised world knows very well that other fanatics in history, from Hitler to Stalin to Pol Pot, consumed whole nations in war and genocide before leaving the stage."

In an effort to show the seriousness of the terrorist threat and its potential impact on American soil, Mr Bush said that al-Qua'ida had unsuccessfully attempted 10 terrorist plots since September 11, 2001.

"We've stopped at least five more al-Qua'ida efforts to case targets in the United States or infiltrate operatives into our country," he said. "Because of this steady progress, the enemy is wounded - but the enemy is still capable of global operations.

I just mention a few of those foiled plots by al-Qaida to make my point -

#### BRITISH PLOT

In early 2004, the US and partners, using a combination of law enforcement and intelligence resources, stymied a plan to conduct large-scale bombings in Britain.

#### BRITISH URBAN TARGETS PLOT

In mid 2004, the US and partners disrupted attacks on urban targets in Britain. The plans involved using explosives against a variety of sites.

#### HEATHROW AIRPORT PLOT

In 2003, the US and several partners disrupted a plot to attack Heathrow airport using hijacked commercial airliners. The planning for this attack was undertaken by a major September 11 operational figure.

#### KARACHI PLOT

In early 2003, the US and a partner thwarted a scheme to attack Westerners at several targets in Karachi, Pakistan.

#### STRAITS OF HORMUZ PLOT

In 2002, the US and partners stopped a scheme to attack ships crossing the Straits of Hormuz, the entrance of The Gulf from the Indian Ocean.

#### US EAST COAST AIRLINER PLOT

In mid 2003, the US and a partner disrupted a plan to attack targets on the east coast of the US using hijacked commercial aircraft.

#### US WEST COAST AIRLINER PLOT

In mid 2002, the US busted a plot to attack targets on its west coast using hijacked airplanes. The plotters included at least one major operational strategist involved in planning the attacks of September 11, 2001.

Judging from that, I think it is quite evident that terrorism is very much a component of the modern world and very much a threat to our way of life. The existence of dozens of terrorist groups throughout the globe, as I have just mentioned; the discovery of numerous potential attacks, as I have also just mentioned; and the stark reality of numerous catastrophic attacks over recent years stand as testimony to this assertion. It is not some emotive claptrap; it is fact.

Personally, I vividly remember my first night in London on 25 January 1984, which was the day before Australia Day. I had gone to bed only to be woken up at 1.00 am to be evacuated because of a bomb threat at the tube station opposite to where I was staying in Camden Town. It was freezing cold. We stood on the footpath at the end of the street for three hours until they declared the area safe. As a naive country boy it was quite an eye-opener for me. It was my first night away from Australia and I was dragged out of my bed because of a bomb threat. A few days later I went to Harrods. My fears were reinforced as we were meticulously checked before entering, following a bomb a few months earlier. Even then I certainly did not appreciate the seriousness of the situation.

I also remember my second visit to London some five years later in 1989. I was coaching on the tennis tour. There was a tremendous feeling of goodwill in England and Europe at the time. I remember it quite vividly, particularly in Berlin,

as people power was dismantling the former autocratic Soviet system of government across the eastern section of the continent. Having just travelled through Europe, the anticipation was infectious as we watched country after country become liberated. Dare I say it? To borrow an old term from the 1950s and the 1960s, it was the domino effect, but this time communism was collapsing and not rising. That feeling was infectious because world peace may have been a real possibility. It really did exist. There was a great feeling of enthusiasm.

It was a great time to be in Europe and in England. However, history, as we all know, does not necessarily follow a script. Before long we had a good dose of reality. Again, I remember the time quite vividly. One of the ladies I was coaching at the time was a Perth girl by the name of Jenny Byrne. She did particularly well that year at Wimbledon. She got to the final of the Wimbledon mixed doubles. It was the night before the big match. I was extremely nervous. It had been reported at the time - I am not sure if any member in the chamber remembers - that the people power phenomenon had reached China and that the communist government was about to collapse. There was a lot of unrest in the streets of Beijing at the time. I was quite nervous about the impending final that Jenny was playing with Mark Kratzman against Jim Pugh and Jana Novotna the next day in the final of the mixed doubles. It was great, but I could not sleep and I had the radio on. I vividly remember at about 2.00 am or 3.00 am hearing the first broadcast that came from China. It said that government tanks were in Tiananmen Square and that tens of thousands of students and protesters had been shot or run down by the tanks. Basically the great anticipation turned to despair. Although it was not strictly speaking an act of terrorism in the sense about which I have been speaking previously, it was symbolic that it represented the end of certainty. The concept of global peace about which I spoke earlier was diminished completely.

However, what emerged from 1989 was the seismic shift in the international power balance. Emerging from the ashes of the former Soviet block was a group of culturally rich and unique eastern block nations that had been deprived of their culture for 70 years. The formerly Soviet-occupied Afghanistan became the home to one of the most radical terrorist groups in existence, the Taliban. Regardless, there was an anticipation of a new era of international cooperation, excluding China at that stage. Basically the Communist Party had regained control and was in complete domination of that nation. However, as the traditional rivals I previously mentioned, such as the Jews and Arabs, and the Catholics and Protestants in Northern Ireland, progressed their negotiations in a more peaceful fashion, a plethora of other terrorist organisations emerged. I have mentioned a number of these previously. Perhaps the most lethal is al-Qaida.

Like every member in this chamber, I can vividly remember when the suicide bombers flew the jets into the twin towers on 11 September 2001. I remember teaching the following day. Virtually all the 16 and 17-year-old boys in my class sat in stunned silence. I had little inclination to teach and the students had little interest in learning about the Australian Constitution or the causes and effects of the Vietnam War. Rather, all our insecurities were exposed as we tried to come to grips with what we had witnessed the previous night, which was shown over and over again on television for the next three or four days. Our comfortable and secure existence had been seriously challenged. It signalled a momentous shift in the psyche of most Australians, and dare I say the world. The boys were very much affected by what they had witnessed and they were equally perplexed about why it had occurred.

I mentioned the term "suicide bombers" in relation to the twin towers attack. This basically put a new stamp on the whole terrorist equation. The activities of such groups as al-Qaida took terrorism to a whole new level. What we were now faced with more than ever before was the stark reality that we were dealing with people who had no respect for human life. How does one negotiate with people who intend to take their own lives in pursuit of their goals? We cannot. How does one negotiate with people who are willing to walk into a room crowded with men, women and children and detonate a bomb that will blow themselves up and potentially kill everyone else in the room? We have seen evidence of that. We simply cannot negotiate with those types of people. That is why this legislation is needed.

The events of September 11 changed everything. It changed our mind-set from "over there" to "over here". That was tragically reinforced on 12 October 2002 by the terrorist attack in Bali and the other attack in Bali just a month ago. If there remains any doubt about the reality of the situation, I will clear it up by quoting from *The West Australian* of 4 October 2005. The article is titled "No peace until west bows to Islamic law". It is an article about Abu Bakar Bashir. I am sure all members are familiar with that man. The article states -

Abu Bakar Bashir, the cleric regarded as the spiritual leader of Jemaah Islamiyah, has praised those who attack Western targets as "mujahid" - those who fight for God - and defended suicide bombings as noble.

He says Muslims would fight the West until it agreed to be ruled by Islam.

The 66-year-old cleric says Muslims will not stop the fight against America because America will not accept Islamic law.

If they (the West) want to have peace, they have to accept to be governed by Islam," he says. "America has to stop fighting Islam to make the world more peaceful. They will constantly be enemies. But they'll lose. That was what Prophet Muhammad has said. Islam must win and Westerners will be destroyed.

"But we don't have to make them enemies if they allow Islam to continue to grow so that in the end they will probably agree to be under Islam. If they refuse to be under Islam, it will be chaos. Full stop.

“If they want to have peace, they have to accept to be governed by Islam.”

Jemaah Islamiyah - which means ‘Islamic community’ - has staged more than 50 bombings or attempted bombings in Indonesia since April 1999.

These included bombings on Christmas Eve 2000 of 38 churches or priests which killed 19 people, a suicide attack on Jakarta’s Marriott Hotel in August 2003 which killed 12 and another suicide blast outside the Australian Embassy in Jakarta in September 2004, which killed 11 including a suicide bomber.

It is also suspected of involvement in bombings in the Philippines, where its followers have attended training camps, and bomb plots in Thailand and Singapore.

...

“Everywhere, infidels conspire to ruin Islam,” he says. “There is no infidel who wouldn’t destroy Islam if they were given even a small chance. Therefore, we have to be vigilant.

“The infidel country must be visited and spied upon. My argument is that if we don’t come to them, they will persecute Islam. They will prevent non-Muslims converting to Islam.

“To die in jihad is noble. According to Islam, to die is a necessity because everyone dies. But to seek the best death is what we call ‘Husn ul-Khatimah’, and the best way to die is to die as a shaheed (martyr).

...

“They (the bombers) shouldn’t be punished because they defended themselves,” he says. “In Bali where 200 people died, it was America’s bomb. That was a major attack and Amrozi (the Bali plotter who bought the explosives) doesn’t have the capability to do that.

“He was surprised to see the explosion. When he said that it was Allah’s help he was right but he didn’t make that bomb. America did. There is much evidence to this effect and so the police dare not continue their investigations. That bomb was a CIA Jewish bomb.”

The editorial of the same day - 4 October - in *The West Australian*, just after the recent bombings in Bali, is entitled “Australia must press urgent need to smash JI network”. It reads -

One of the most perplexing elements of terrorist attacks associated with some Muslim groups is that they do not seem to have specific, comprehensible motives. Innocent people are murdered and maimed at random but no cause is advanced - attacks such as those in Bali at the weekend are not only inhuman, but also evidently senseless.

And far from attracting support for the maniacal fundamentalism that lies behind the attacks, the perpetrators alienate members of communities in which they commit their crimes and blacken the name of their religion. The people of Bali are devastated by the deaths and injuries caused by suicide bombers and the damage to the tourism industry, on which their economy depends heavily.

To rational minds, this sort of attack is pointless. However, a chilling insight to the terrorist mind-set has been provided by a reported interview with jailed cleric Abu Bakar Bashir, spiritual leader of the terrorist organisation Jemaah Islamiyah.

In the interview published by the Washington-based Jamestown Foundation and reported by the London Daily Telegraph, Bashir is quoted as saying that those who attack Western targets fight for God. He is also quoted as defending suicide bombing as noble.

But his most revealing quote comes in response to a question on how to end the conflict with the West: “If they want to have peace, they have to accept to be governed by Islam.” Bashir seeks in the reported interview to justify his views by reference to the Koran, but what he says comes over as paranoid fantasy.

And this is a man who could be free by June, though he was convicted of conspiracy in the Bali nightclub bombings of 2002, which killed 202 people. He was sentenced to an outrageously inadequate 30 months in jail. Even this was cut by 4½ months in an Independence Day amnesty in August. Bashir sees Islam as being at war with the West, wants to impose Islamic rule everywhere and can see justification in random murder - yet he is to be set free after a token imprisonment in a country blighted by terrorist bombings by JI or its offshoots.

The soft treatment of Bashir is symptomatic of Indonesia’s official response to the wider issue of terrorism. There have been arrests of JI members, certainly, but the organisation persists and is far from being all but defunct, as has been suggested by some commentators. In fact, there are signs it is woven into elements of Indonesian society in which it could even be said to have some respectability. This may help to explain the ambiguity of Indonesian authorities towards it and the reluctance to ban it.

The Australian Government view that the terrorist attacks in Indonesia have brought the nations closer is partly true: there is genuine sympathy in Australia for Indonesians who have been harmed in terrorist attacks. But there is also well-founded suspicion here that Indonesia is not doing all it can to eradicate terrorist cells - that there is too much lip service and not enough effective action.

The mad views of people like Bashir will continue to find tragic expression in suicide bombings until the Indonesian Government makes an all-out effort to smash JI and similar organisations. Instead of pussyfooting around, Australia would be serving the best interests of both nations if it made this point forcefully to the Indonesians.

I must say that I am a proud advocate for religious tolerance. I am a committed Christian. Having said that, I am extremely tolerant and respectful of alternative faiths. I am confident that a vast majority of Australians share my tolerance in this regard. However, I have difficulty accepting the intolerance of people such as Abu Bakar Bashir and the like. How one can perform acts of atrocity in the name of a faith is beyond me. I just cannot understand it. It seems to be a contradiction in terms. Although it is not a new phenomenon - as previously identified, it has existed for years - as I said, it is basically a contradiction in terms to die on behalf of a faith. It does not gel in my eyes.

My most recent visit to London was in April this year. Since September 11, I have had great difficulty flying. Having travelled quite extensively, I always felt thoroughly comfortable on a plane, but not now. I stopped over in Sri Lanka on the way to Europe on a humanitarian mission. It turned out to be the most rewarding experience of my life. However, during our time in Colombo, a permanent feeling of anxiety existed. The hotel in which we stayed was a very nice hotel, and we were looked after very well. However, the hotel was surrounded by steel gates, sandbags and dozens of soldiers with submachine guns. The reality of a changed world certainly hit home. I then went on to Europe and London. It was just a couple of months prior to the most recent bombings in the underground and on the buses. Again, I felt an overwhelming sense of anxiety while I was in London. I cannot put it into words; it just existed.

I have always loved London. I have always held it up as a beacon of history, culture, democracy and beauty. It is probably one of the greatest cities in the world. Yet on this occasion the notion of fear was ever present - something to which I was unaccustomed. The constant warnings to be mindful of bags and cases at the tube stations, the strict security measures at Harrods and at most major shopping and cultural venues, and the almost absurd fortress that was once 10 Downing Street became really unsettling. The first time I went to 10 Downing Street, people could go right up to the door. I do not know whether anyone has been to London recently, but people cannot get anywhere near the place. There are massive fortresses all around it. All these things contributed to how I felt. I honestly did not want to feel that way, but I did, and it was beyond my control.

Over several decades, heartless fanatics have eroded the very fabric of what we hold as precious: an existence of tolerance and freedom. I am sure that many within our society have not been as affected by acts of terrorism as have I and others like me. However, I am equally certain that there are many more like me. The acts of terrorism have chipped away at our confidence and forced us to take preventive action. It is for this reason that this bill is necessary. Like all members in this chamber and, dare I say it, in our society as a whole, I wish that we did not need this bill. I would much prefer to be dealing with issues of a more productive nature. However, the reality of the situation cannot escape us. Terrorism is very much an ingredient of the modern world, and for that reason alone the opposition supports this bill.

To conclude, I will read from some comments of the federal Attorney-General, Hon Philip Ruddock, which were made in the federal Parliament last week about the terrorism legislation. He said -

I want to make it very clear that Australia is not alone in the fight on terrorism. All countries are meeting the same challenges that we are facing at this time. They recognise that the threat of terrorism is very real. We know that Australia and Australian interests have been targeted at least once every year in the past five years both here and abroad. The Director-General of ASIO informed a Senate estimates hearing last night that al-Qaeda and like-minded organisations have shown an intent to conduct attacks in Australia. An attack here is feasible and could well occur.

Last week I had the opportunity to meet with security chiefs in France, Spain, the Netherlands and Britain. The underlying theme in all of the discussions in which I was engaged was how we could stop terrorists before they carry out their evil deeds.

...

The London bombings, of course, highlighted the increasingly complex and difficult nature of modern terrorism investigations. They transcend international policing boundaries, they involve the need to establish identity, they involve intensive forensic work and access to data using new technologies, they often require investigations where you are dealing with many different languages and, as we saw in London, they can involve reviewing thousands of hours of CCTV footage. As the Deputy Commissioner of the London Metropolitan Police Service told me, it is a very different ball game now. That is why in all of these countries there has been a renewed focus on preventative measures.

In the United Kingdom suspects can be held in preventative detention for 14 days, and the UK is looking to extend that to 90 days because of the sorts of factors I have mentioned. In Spain they can hold people incommunicado for 13 days but for up to four years in pre-trial detention if required. In France, we know that terrorist suspect Willie Brigitte has been held without charge for two years with a maximum of three years available. It is in that context, when people look at what is being proposed here in Australia as against what is happening abroad in countries that are democratic and do accept the rule of law, that they have given their agencies, as I believe we should give our agencies, an opportunity to deal with consequences but also to stop terrorists before they strike. The measures that we are proposing are constrained with appropriate safeguards and are commensurate with the very significant level of threat that we face.

As I said, this bill is very unfortunate. However, it is very necessary. It is for that reason that the opposition will support it.

**HON GIZ WATSON (North Metropolitan)** [9.26 pm]: The Greens (WA) oppose the bill outright. Members will probably now hear a speech that could not be in greater contrast to the one we have just heard. Hon Peter Collier gave a completely one-sided view of history. However, I will save my time for what I want to say. It is fascinating that this is called the Terrorism (Extraordinary Powers) Bill. It might have been more appropriate to pretend that it is an anti-terrorism bill. However, the title perhaps indicates what it is really about. The bill will confer additional powers on all police officers, if that power is granted. It will enable the covert entry and search of premises as well as the declaration of target areas, target people and target vehicles. These powers must be used in relation to terrorist acts, as defined in the bill.

I will start with why it has been suggested that we need this bill. The second reading speech was full of the most appalling rhetoric that I have heard for a very long time. It outlined that we are all petrified in our beds, that the world has changed, that terrorism threatens our sense of security and well-being and that we realise that a new kind of terrorism now exists that threatens us directly. Quite frankly, the Greens do not support that. We do not agree with that proposition from the outset. I will make reference later in my speech to a paper produced by the Strategic and Defence Studies Centre of the Australian National University. I would rather refer to an academic institution than to the Murdoch press for an analysis of whether the alleged terrorist threat is a real and present threat in Australia.

The Greens do not resile from the fact that there is an increased level of terrorist activity around the world. As the previous speaker said, terrorism is nothing new; it has been around for a long time. It is carried out by people who could be viewed historically as either enemies of the state or freedom fighters, depending on a person's view of politics and history and on which side of the political fence he chooses to sit. The Greens oppose any violent act. We adhere fundamentally to non-violence and pacifism. We abhor all acts of terrorism, whether they are carried out directly or covertly by or on behalf of the state or by other organisations. Such acts are equally abhorrent.

The Greens reject the basis for this bill. I will set out the four points that I will cover. There is no need for this bill. First, sufficient powers already exist in both federal and state legislation. Approximately 26 new additional legislative measures have been introduced in Australia post-September 2001. Secondly, the introduction of these new powers will move Western Australia incrementally closer to becoming a police state and offend against numerous human rights liberties. Thirdly, the legislation will have a disproportionate effect on certain sections of the Western Australian community. In particular, it will affect, and is already affecting, Muslim Australians. Fourthly - this is probably one of the most abhorrent aspects - it will send the false message to the public that terrorism can somehow be defeated by legislative means. We know for a fact that in London, where the recent bombings occurred, anti-terrorism legislation has been in place for many years; in fact, since the IRA campaigns to which Hon Peter Collier referred.

Debate interrupted, pursuant to sessional orders.

## ROTTNEST ISLAND

### *Statement*

**HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition)** [9.30 pm]: Members may be aware that last weekend, members of the Parliamentary Liberal Party went to Rottnest Island to discuss a number of issues. It was interesting that on the day we left Rottnest the Minister for Tourism arrived at Rottnest to make a number of announcements. I do not know whether that was coincidental or whether he assumed that he had better try to get in first. Our meeting was not about Rottnest, although it was on Rottnest and we enjoyed being there very much, so the minister need not have rushed to Rottnest to try to pre-empt anything that might have been said by us.

I want to take a moment tonight to talk about two issues that the minister raised in his announcements and to indicate that I believe some serious problems are developing in respect of this iconic location in Western Australia. I was fortunate enough to be the minister responsible for Rottnest for five years. During that time our government spent some \$18 million to upgrade Rottnest. To give the Gallop government due credit, it is continuing that program of spending extra money on Rottnest, and that is very much needed and very much appreciated.

I took particular interest in two of the announcements that were made by the minister over the weekend. The first announcement was about the building that houses the Dome coffee shop. Those members who know Rottnest will

know that that is the first building that people confront when they arrive at Rottnest. It is a two-storey building with a shop that sells surfing and diving gear on the bottom floor and a coffee shop on the top floor. It overlooks the ocean and it is, therefore, a very special place, because people can enjoy a cup of coffee while they are looking at the ocean and at the boats coming into the jetty. The minister said in his announcement that that building will be knocked down and a new one will be built on the site of the old tearooms, which is behind the existing Dome coffee shop. Today during question time I asked why the Rottnest Island Authority had decided to demolish the building that currently houses the Dome Cafe. I assumed the answer would be that there was concrete cancer or white ants, or that the building was past its use-by date. However, the answer was, in part -

- (1) In accordance with the Thomson Bay settlement, Rottnest Island conservation plan, structures within the settlement area should be low profile, have minimal visual impact and not detract from the scenic character of the bay. The plan states that if the opportunity arises, structures on the foreshore should be removed to a more suitable location. As the Dome coffee shop lease will expire in November 2006, this will provide the Rottnest Island Authority with the opportunity to meet conservation and heritage plans by removing the coffee shop to a more suitable location.

I presume "more suitable" means that it cannot be near the ocean. There seems to be a strange notion in the mind of the Rottnest Island Authority with this particular plan that anything that is near the ocean should be shifted. Interestingly, the new tearooms were located near the ocean, at the specific direction of the previous government. Does that mean that when the lease expires on that building it will also be knocked down because it does not meet the heritage values of Rottnest? It is sheer unadulterated nonsense that the government is prepared to knock down a perfectly good building which most people regard as being quite attractive and which is very well located for people to enjoy Thomson Bay. The government will knock it down because it is too close to the beach, and it will get somebody else to build another building behind it, further away from the beach so that there is less relationship between people using that facility and the ocean itself.

The other day members of the Liberal Party sat on the veranda at the tearooms and watched the fish in the water. It was a very enjoyable experience. Under this government people will not even be able to see the water from any of those locations, because somehow or other doing so offends the conservation and heritage plans of the Rottnest Island Authority. This is simply environmental considerations dictating every other consideration. People go to Rottnest because they want to go to the beach. It is one of the great attractions of Rottnest. People can stay in accommodation on Rottnest and eat and drink coffee at locations alongside the beach. There are very few places in Western Australia where people can do that, and Rottnest is iconic because of that. People can rent a cottage at Rottnest and walk to the beach without going across a road or a footpath, because the cottages are right on the beach. Will the government knock down all those cottages in due course because they are too close to the water? This is environmentalism gone mad.

On top of that, the minister's second announcement was that the bituminised area on Mt Herschel that has been used as a collection area for water is no longer needed. The government will allow two hectares of that site to be developed into a hotel by the private sector. I applaud the private sector being allowed to build something on Rottnest. It is a great idea and is well overdue. As long as it looks like Rottnest on the outside and is five star on the inside, that is what Rottnest needs. However, why will it be built on the top of a mountain? When I say "mountain", I mean in Rottnest terms. It is not a high mountain; it is a hill. The beach is a few hundred metres down the hill. If people who stay at this brand-new, five-star hotel want to go to the beach on a nice hot day on Rottnest, they will have to walk 300 or 400 metres down the hill. It will not be so bad going down the hill on a hot day, but coming back up the hill on a hot day after they have been for a swim is just crazy. There are magnificent beaches at Rottnest and people want to have access to them. What will they do? They will stay in the swimming pool at the hotel on Mt Herschel. Again, it is sheer absolute nonsense. Everybody who has thought about this over the years knows that the best place to build a private hotel is probably on the south side of Kingston Barracks, near the beach.

The government has also announced that some ecotourism tents will be erected near south Thompson Bay. I have had a look at the site and it is down a hill and off the road. There is a large stack of trees, and the tents will have to be erected among the trees so that nobody will be able to see them. Again, the site is several hundred metres away from the water.

I plead with the government not to get carried away by the crazy environmental notion that anything people do on the beach is a bad thing. The government should look at other parts of the world, particularly Europe. Virtually every attractive tourist destination on the coast in Europe is right on the water. In fact, there are boardwalks, jetties and wharves so that people can get right near the water. For some strange reason, the government in Western Australia is saying that people must move right away from the water because they might disturb a part of some little sandhill or something. It is crazy stuff. It is like the policy the Labor Party had some years ago that there would be no development within a kilometre of the coast around Western Australia. In the north west it is removing from pastoral leases one or two kilometres of the coastal land because of some crazy notion that people must not go near the beach because they will destroy it. The reason that people go to Rottnest is to enjoy the beach, and they should be able to get there without having to ride a bike, catch a bus or whatever. The beauty of Rottnest is that people can stay there, walk to the beach or to the activities that they want to go to and enjoy being on the water's edge. The next thing we know,

the government will be saying that it wants to knock down Vincent Way because it is too close to the water. This is how stupid it has all become. I hope that the Rottnest Island Authority will revisit these two issues and that it will desist from this crazy environmental plan that it seems to be going to foist on the people of Western Australia.

I say to the Minister for Tourism, who makes silly political comments about Rottnest, that in my view he is a boy on a man's errand. He ought to understand that he must give credit to people who have done something worthwhile, and they will give him credit for the things he does. However, he seems to have a terrible memory blot about anything that happened five years ago. I therefore suggest to the minister and to the house that the time has come to get really serious about Rottnest, that he must recognise what it is there for and that people go there because they want to go to the beach; and that it is sheer and absolute nonsense to start building things well away from the beach and taking away buildings that are already there.

### **MOOKA PASTORAL LEASE, PURCHASE BY DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT**

#### *Statement*

**HON KEN BASTON (Mining and Pastoral)** [9.40 pm]: I, too, asked a question in the house today. My question was about the Mooka pastoral lease and the Kennedy Range National Park. For those members who do not know, the Kennedy Range National Park is some 150 kilometres east of Carnarvon and comprises 141 660 hectares of land. The Department of Conservation and Land Management recently purchased the Mooka pastoral lease, and in 2000-01 it also purchased parts of seven other pastoral leases. There is a proposal to attach those seven pastoral leases to the national park. I do not have a problem with that. It is a further area of 89 000 hectares. However, the Mooka lease is also 88 000 hectares. Once those areas are attached to the national park, although the Conservation and Land Management Act is not supposed to override the Minerals and Energy Research Act, it will depend on the government of the day as to whether it will allow mining in the national park. This area has had very little exploration and only recently have exploration licences been granted to companies, such as Herald Resources Ltd on 27 August 2004. A mining lease was granted in 2001 to someone who is mining mookaite. By the way, that area is the only place in the world where mookaite is found. It is a semi-precious gemstone used for jewellery and carving. There is also peanut wood there, which is a fossilised wood, again used by gem cutters. Peanut wood is found only on Mooka station. An exploration licence has also been granted to a company called Longreach Oil Ltd, which is exploring for oil and gas. Other mining leases were taken out by one company in 2000 and another in 2004. I believe Herald Resources is also looking for titanium there as well. The answer to my question today was that CALM was only considering what it would do with the Mooka lease. However, a web site, headed "Kennedy Range National Park and Proposed Additions: Draft Management Plan: 2005-2015", states that the recent purchases comprise the Mooka pastoral lease and seven other leases and that it is proposed to add them to the Kennedy Range National Park. If they became part of a national park, any application for future mining would have to go through both houses of Parliament; and we all know the delays involved in that. It is interesting to note that the web site states -

The CALM Act does not negate any of the powers of the *Mining Act 1978* or the *Petroleum Act 1967*.

However, it goes on to say that the government of the day does not allow mining in national parks. The point that I am making is that to continue to lock up areas that CALM has purchased is not the correct way to go. In this case it is convenient to tack that land on, and it continues some way from there. I believe this jeopardises the future flexibility of the area, which has had very little exploration carried out there up to this time.

I also believe that the Department of Conservation and Land Management has a problem with how it will handle all the pastoral lands that it has acquired. This is so if CALM includes this land as national park, as I believe that some of it recently became unallocated crown land and perhaps could be claimed back by anyone who wished to claim that land. If it is changed from unallocated crown land, it means a change of use under the future act provision for native title. Therefore, moving it from pastoral lease to national park could mean it would have to go through the Native Title Act.

I have raised this issue in the house because I believe that for the future of exploration alone, we need to keep this land flexible and not continue to lock it up.

*House adjourned at 9.46 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### GOVERNMENT VEHICLES, LIQUID PETROLEUM GAS-POWERED

248. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Police and Emergency Services  
Will the Minister please provide answers to the following in regards to LPG/gas powered cars within his office fleet -

- (1) What are the details of LPG/gas powered vehicles within the Minister's office fleet?
- (2) What percentage of vehicles within this fleet are LPG/gas powered?
- (3) Has this fleet of vehicles met the Premier's commitment in his 2001 election promise to convert Government vehicles to LPG/gas?
- (4) If not, why not?
- (5) Is the Minister's car LPG/gas powered?
- (6) If not, why not?

Hon JON FORD replied:

The Minister for Police and Emergency Services advises as follows:

- (1)-(3) I refer the Member to Parliamentary Question LC 454, which detailed the Government's current policy where eligible vehicles are replaced at the end of their lease terms by another six-cylinder vehicle, then 25% of such vehicles should be LPG- powered.

Vehicles allocated to the Minister's Office are part of the Department of the Premier and Cabinet's vehicle fleet, which has exceeded the 25% target with 28% of eligible vehicles LPG powered.

Across Government, the purchase of LPG-powered vehicles has, at 27%, slightly exceeded the target.

- (4) Not applicable.
- (5) No.
- (6) Personal Choice.

#### GOVERNMENT VEHICLES, LIQUID PETROLEUM GAS-POWERED

249. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Community Safety  
Will the Minister please provide answers to the following in regards to LPG/gas powered cars within her office fleet -

- (1) What are the details of LPG/gas powered vehicles within the Minister's office fleet?
- (2) What percentage of vehicles within this fleet are LPG/gas powered?
- (3) Has this fleet of vehicles met the Premier's commitment in his 2001 election promise to convert Government vehicles to LPG/gas?
- (4) If not, why not?
- (5) Is the Minister's car LPG/gas powered?
- (6) If not, why not?

Hon JON FORD replied:

Please refer to Question on notice 248.

#### GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

383. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Police and Emergency Services  
Will the Minister please provide the following information regarding her office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon JON FORD replied:

- (1) 4 (including the Minister) as at 30 June 2005.
- (2) Hon Michelle Roberts, Mr Emiliano Barzotto, Mr Mark Thompson and a pool vehicle.

- (3) The Minister's vehicle is allocated by way of entitlement and vehicles are allocated to Messrs Barzotto and Thompson in accordance with the Government Vehicle Scheme.
- (4) Actual expenditure for 2004/05 was \$47,362.90.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

391. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Disability Services

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon ADELE FARINA replied:

This information was correct as at 30 June 2005

- (1) 4 (including the Minister) as at 30 June 2005.
- (2) Hon Bob Kucera, Ms Sharryn Jackson, Mr Steve Manchee and Mr Jai Wilson.  
(A vehicle is also allocated to the Parliamentary Secretary, Ms Adele Farina, MLC, who supports three Ministers - the Minister for Planning and Infrastructure, the Minister for Disability Services; Sport and Recreation; Citizenship and Multicultural Interests; Seniors and the Minister for Tourism; Racing and Gaming, Youth; Peel and the South West, but is not recorded against this office.)
- (3) The Minister's vehicle is allocated by way of entitlement, vehicles are allocated to Ms Jackson and Mr Manchee in accordance with the Government Vehicle Scheme, and Mr Wilson home-garaged the remaining vehicle.
- (4) The actual expenditure for 2004/05 was \$53,731.31 including 1/3rd of the cost of the Parliamentary Secretary's vehicle.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

392. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Sport and Recreation

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon ADELE FARINA replied:

I refer the Honourable Member to the answer provided in Legislative Council Question on Notice # 391.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

393. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Citizenship and Multicultural Interests

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon ADELE FARINA replied:

I refer the Honourable Member to the answer provided in Legislative Council Question on Notice # 391.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

394. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Seniors

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?

- (3) Under what scheme or arrangement are they allocated to the staff member?  
 (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon ADELE FARINA replied:

I refer the Honourable Member to the answer provided in Legislative Council Question on Notice # 391.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

399. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Housing and Works

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?  
 (2) The names of the staff to which they are allocated?  
 (3) Under what scheme or arrangement are they allocated to the staff member?  
 (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon KATE DOUST replied:

I am advised:

- (1) 5 (including the Minister) as at 30 June 2005.  
 (2) Hon Fran Logan MLA, Mr Malcolm Bradshaw, Mr Kent Acott, Mr John Thompson and a pool car. (A vehicle is allocated to myself, as Parliamentary Secretary, supporting three Ministers - the Deputy Premier; Treasurer; Minister for Government Enterprises; Minister Assisting the Minister for Public Sector Management, the Minister for Community Development; Culture and the Arts; Women's Interests, and the Minister for Housing and Works; Heritage; Minister Assisting the Minister for Planning and Infrastructure, but is not recorded against this office).  
 (3) The Minister and my vehicles are allocated by way of entitlement and vehicles are allocated to Messrs Bradshaw, Acott and Thompson in accordance with the Government Vehicle Scheme. The remaining vehicle is garaged overnight at London House unless required by an officer.  
 (4) Actual expenditure for 2004/05 was \$6,460.84, including 1/3rd of the cost of my vehicle as Parliamentary Secretary, but excluding the expense for Mr Thompson's vehicle which is incurred by the Department of Housing and Works.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

400. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Heritage

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?  
 (2) The names of the staff to which they are allocated?  
 (3) Under what scheme or arrangement are they allocated to the staff member?  
 (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon KATE DOUST replied:

Please refer to the response provided to question on notice 399.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

401. Hon Ray Halligan to the Parliamentary Secretary representing the Minister Assisting the Minister for Planning and Infrastructure

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?  
 (2) The names of the staff to which they are allocated?  
 (3) Under what scheme or arrangement are they allocated to the staff member?  
 (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon KATE DOUST replied:

Please refer to the response provided to question on notice 399.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

402. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Local Government and Regional Development

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon JON FORD replied:

- (1) 4 (including the Minister) as at 30 June 2005.
- (2) Hon J Bowler, Mr Tim Walster, Ms Paula Hickey and Mr Stuart McLagan.
- (3) The Minister's vehicle is allocated by way of entitlement and vehicles are allocated to Messrs Walster and McLagan in accordance with the Government Vehicle Scheme. The remaining vehicle is home-garaged by Ms Hickey.
- (4) The actual expenditure for 2004/05 was \$10,272.16.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

403. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Land Information

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon JON FORD replied:

- (1) 4 (including the Minister) as at 30 June 2005.
- (2) Hon J Bowler, Mr Tim Walster, Ms Paula Hickey and Mr Stuart Mc Lagan.
- (3) The Minister's vehicle is allocated by way of entitlement and vehicles are allocated to Messrs Walster and McLagan in accordance with the Government Vehicle Scheme. The remaining vehicle is home-garaged by Ms Hickey.
- (4) The actual expenditure for 2004/05 was \$10,272.16.

GOVERNMENT VEHICLES, LEASED, NUMBER, ALLOCATION AND COST

404. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Goldfields-Esperance and Great Southern

Will the Minister please provide the following information regarding his office -

- (1) The total number of Government vehicles attached to the office?
- (2) The names of the staff to which they are allocated?
- (3) Under what scheme or arrangement are they allocated to the staff member?
- (4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon JON FORD replied:

- (1) 4 (including the Minister) as at 30 June 2005.
- (2) Hon J Bowler, Mr Tim Walster, Ms Paula Hickey and Mr Stuart Mc Lagan.
- (3) The Minister's vehicle is allocated by way of entitlement and vehicles are allocated to Messrs Walster and McLagan in accordance with the Government Vehicle Scheme. The remaining vehicle is home-garaged by Ms Hickey.
- (4) The actual expenditure for 2004/05 was \$10,272.16.

## MINISTERIAL OFFICES, PLANTS AND FLOWERS, COST OF HIRING AND/OR PURCHASE

1217. Hon Ray Halligan to the Minister for Fisheries

With respect to the Minister's office, will the Minister advise -

- (1) What amount has been paid for the hiring and/or purchase of plants since the February State Election in 2001?
- (2) What amount has been paid for the hiring and/or purchase of flowers since the February State Election in 2001?

Hon JON FORD replied:

Although I have only been Minister for Fisheries since March 2005 -

- (1) Accounting records indicate total expenditure of NIL for the hiring and/or purchase of plants since the February State Election in 2001.

It is worth noting that those same records show that the Gallop Government in its first term spent \$6304.34 less on the hiring and purchase of plants than the Court Government in its last term.

- (2) Accounting records indicate expenditure of NIL for the hiring and/or purchase of flowers since the February State Election in 2001.

As in Part 1 of this answer it is also worthy of note that the Gallop Government in its first term spent \$24,994.05 less on the hiring and purchase of flowers than the Court Government in its last term.

## MINISTERIAL OFFICES, PLANTS AND FLOWERS, COST OF HIRING AND/OR PURCHASE

1218. Hon Ray Halligan to the Minister for the Kimberley, Pilbara and Gascoyne

With respect to the Minister's office, will the Minister advise -

- (1) What amount has been paid for the hiring and/or purchase of plants since the February State Election in 2001?
- (2) What amount has been paid for the hiring and/or purchase of flowers since the February State Election in 2001?

Hon JON FORD replied:

Although I have only been the Minister for the Kimberley, Pilbara and Gascoyne since March 2005 -

- (1) Accounting records indicate total expenditure of NIL for the hiring and/or purchase of plants since the February State Election in 2001.

It is worth noting that those same records show that the Gallop Government in its first term spent \$6304.34 less on the hiring and purchase of plants than the Court Government in its last term.

- (2) Accounting records indicate expenditure of NIL for the hiring and/or purchase of flowers since the February State Election in 2001.

As in Part 1 of this answer it is also worthy of note that the Gallop Government in its first term spent \$24,994.05 less on the hiring and purchase of flowers than the Court Government in its last term.

## MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2219. Hon Peter Collier to the Parliamentary Secretary representing the Minister for Housing and Works

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Minister complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Minister table the document?
- (5) If not, why not?

Hon KATE DOUST replied:

I am advised:

- (1) Yes.
- (2) Not applicable.

- (3) Not applicable.
- (4) Yes. [See paper 950.]
- (5) Not applicable.

MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2220. Hon Peter Collier to the Parliamentary Secretary representing the Minister for Heritage

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Minister complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Minister table the document?
- (5) If not, why not?

Hon KATE DOUST replied:

I am advised:

- (1) Yes.
- (2)-(3) Not applicable.
- (4) Yes. [See paper 951.]
- (5) Not applicable.

MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2221. Hon Peter Collier to the Parliamentary Secretary representing the Minister Assisting the Minister for Planning and Infrastructure

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Minister complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Minister table the document?
- (5) If not, why not?

Hon KATE DOUST replied:

I am advised:

- (1) Yes.
- (2)-(3) Not applicable.
- (4) Yes. [See paper 949.]
- (5) Not applicable.

DEPARTMENT FOR COMMUNITY DEVELOPMENT, CASE LOAD STATISTICS

2592. Hon Robyn McSweeney to the Parliamentary Secretary representing the Minister for Community Development

I refer to active cases within the Department, and ask -

- (1) How many active cases does each of these offices have -
- (a) Mirrabooka;
  - (b) Cannington;
  - (c) Armadale; and
  - (d) Rockingham?
- (2) What is the average monthly intake for each of these offices -
- (a) Mirrabooka;
  - (b) Cannington;
  - (c) Armadale; and
  - (d) Rockingham?

Hon KATE DOUST replied:

As at 4 November 2005 -

Part 1

(a)	Mirrabooka	490
(b)	Cannington	424
(c)	Armadale	539
(d)	Rockingham	237

It is important to note that caseload statistics are not a precise measurement of actual workload. Furthermore, reporting methods have been changed recently to provide better management and a more accurate assessment of caseload levels. The answer to this question is based on this new methodology. "Cases" now better reflect the number of individual wards or children in care, eg. a family with two children who have been taken into care is counted as "three cases."

Part 2

Answering this part of the question would require an allocation of resources which is not justifiable in view of other demands on the District offices.

#### NORTHBRIDGE CURFEW, CHILDREN APPREHENDED

2606. Hon Giz Watson to the Parliamentary Secretary representing the Minister for Community Development

- (1) How many children, aged 12 and younger, have been apprehended in Northbridge under the Northbridge curfew policy annually since its inception on June 28, 2003?
- (2) How many young people between 13 and 15 were apprehended under that policy in the same period of time?
- (3) How many children per year were apprehended more than once?
- (4) How many children per year were apprehended more than 10 times?
- (5) How are children informed about their options to complain about the apprehension?

Hon KATE DOUST replied:

Data information for 2005-06 is current to 30 September 2005.

The answers to parts 1 and 2 relate to the number of apprehensions; it needs to be noted that a number of children have been apprehended more than once. Every contact is an "apprehension" by Police under Section 138B of the Child Welfare Act.

- 1. Number of apprehensions of children aged 12 and under (ie. number of contacts, not actual number of young people) -
  - 2003/04 - 131
  - 2004/05 - 47
  - 2005/06 - 11
- 2. Number of apprehensions of children aged 13 - 15 (ie. number of contacts, not actual number of young people) -
  - 2003/04 - 637
  - 2004/05 - 502
  - 2005/06 - 111
- 3. Number of children apprehended more than once (actual number of children, not contacts) -
  - 2003/04 - 192
  - 2004/05 - 137
  - 2005/06 - 23

4. Number of children apprehended more than 10 times (actual number of children, not contacts) -  
 2003/04 - 8  
 2004/05 - 2  
 2005/06 - 0

5. Staff from Mission Australia and the Department for Community Development will advise young people of their avenues for complaint if there are concerns regarding the way they have been treated by Police.

#### STAKEHILL WETLAND, BALDIVIS, REZONING

2607. Hon Giz Watson to the Parliamentary Secretary representing the Minister for Planning and Infrastructure  
 Regarding the Stakehill Wetland, I ask -

- (1) Is the Minister aware of the rezoning of the Stakehill Wetland at Baldivis?
- (2) Can the Minister advise which properties or part of properties have been purchased back by DPI for conservation?
- (3) How will the properties be managed and by whom?
- (4) Will these properties be managed by CALM?
- (5) If yes to (4), when?
- (6) What fencing, cleanups, weed spraying and firebreaks are being undertaken and by whom?
- (7) Has this work gone out to tender?
- (8) Who won the tender for this work?
- (9) Was the successful tenderer an ex-employee of the Department of Planning and Infrastructure?
- (10) Was this person retired and paid out with a disability from the Department?
- (11) Did the successful contractor sub-contract the work to third parties?
- (12) If yes to (11), does the Minister support this practice?
- (13) What is the total value of works put out for tender for 2004-2005 and to which commercial enterprises for -
  - (a) Stakehill; and
  - (b) Southern Metro area?
- (14) Is the same tender process used throughout the metropolitan area?
- (15) Is the spraying contractor licensed under the *Health Act*?
- (16) What environmental impact effect is this spraying having on the wetland?
- (17) Was any environmental impact assessment on frogs and aquatic life carried out before spraying?
- (18) If yes to (17), what are the results of the assessment?
- (19) Are works involving land clearing carried out in accordance with environmental clearing regulations?
- (20) If no to (19), why not?
- (21) Was the wetland damaged by fire last summer?
- (22) If yes, did the fire start from a property rented out by the Department?
- (23) If yes, did the DPI receive complaints about lack of firebreaks beforehand?
- (24) How are the DPI properties managed for fire prevention?

Hon ADELE FARINA replied:

1. Yes.
2. The Western Australian Planning Commission (WAPC) has purchased Lot 779 Eighty Rd; Lot 599 Stakehill Road; Lots 593-596inc, 760, Pt Lots 733,759,101 Jarvis Road and Pt Lots 7,8,9,732 Sixty Eight Road. In addition Lots 156 and Pt lot 763 are under contract to settle in due course.
3. Interim management will be undertaken by the Department for Planning and Infrastructure.
4. Stakehill Swamp will be eventually managed by CALM as part of the Rockingham Lakes Regional Park.
5. This land will be transferred to CALM once the MRS amendment is finalised.

6. Currently works at Stakehill Swamp are limited to removal of some internal fencing and demolition of improvements from acquired lots together with fire control measures and weed control until works associated with the Southern Suburbs Railway and the final boundaries of MRS amendment 1050/33 are finalised. Small fencing repairs have been carried out by Eco- Hire. Areas damaged by fire have been subject to a minor clean-up by Neil Rynikers Bobcat Hire. Weed control has been performed in fire damaged areas and upland firebreaks by Eco Firebreaks - Bob's Mowing, Graeme Deane.
7. No. Current scopes of works other than demolition and contract mowing/slashing are too small to require written tender. As additional lands are purchased and scope of future works is identified tenders will be called for specific works. As required under the Supply Commission/DPI guidelines, verbal quotes were obtained for the job at Stakehill Swamp. Eco-Hire was selected as the lowest quote.
- 8-12. Not applicable.
13. (a) Stakehill Swamp \$17,800 - Bobs Mowing, Brajkovich Demolitions.  
(b) Southern Area \$72,500 - Vic Park Salvage, Urban Earthmoving and Brajkovich Demolitions.
14. Yes.
15. All spraying contractors used by DPI are licensed and have appropriate qualifications.
16. None. Spot spraying was undertaken after the fire earlier this year to reduce the spread of numerous weeds that germinated after the fire. Other spraying has been limited to firebreaks in upland areas.
17. Not applicable as spraying has not been undertaken in the main Stakehill Swamp area. Hand pulling of cotton bush will be undertaken as a follow-up.
18. Not applicable.
19. The only land clearing works being undertaken on WAPC land at Stakehill are associated with the construction of the railway and adjoining road relocation works by the Public Transport Authority in accordance with their environmental and development approvals.
20. Not applicable.
21. Yes.
22. The fire allegedly started on WAPC owned land behind a rented property.
23. No complaints were received as firebreaks had already been completed prior to the fire.
24. All WAPC properties are firebreaked and/or slashed unless environmental conditions preclude same. As properties are purchased, comprehensive fire management plans are prepared.

#### KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD, COMPLAINT

2617. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to a letter of complaint dated January 5, 2005, addressed to the Minister for State Development requesting urgent regulatory enforcement action from the Department of Industry and Resources (DoIR) in relation to section 20(5) of the *Mining Act 1978* -

- (1) Can the Minister state the specific date on which this complaint of January 5, 2005 was received by the DoIR?
- (2) If no to (1), why not?
- (3) Can the Minister explain why it took nearly one month from January 5, 2005 till February 3, 2005, for DoIR to write to the resident with a view to arranging a meeting between him and a DoIR officer, when the resident had specifically stated in his letter 'request for urgent enforcement'?
- (4) If no to (3), why not?
- (5) Is it correct that part of the letter dated January 5, 2005, from the resident states 'If your Department is not of the view that any of the above referred to activities fall within the definition of section 20(5), and do not require my written consent, can you please advise me with a clear and definitive explanation, as on the evidence that I have, and according to my interpretation of your Ministerial statement, all of the above five named activities require my written consent'?
- (6) If no to (5), will the Minister quote the specific text of the letter dated January 5, 2005?
- (7) Will the Minister ensure that the Department writes to the resident giving a clear and definitive explanation for all the five named activities in his letter dated January 5, 2005, as to whether they require his written consent under section 20(5) of the *Mining Act 1978*?
- (8) If no to (7), why not?

- (9) Will DoIR direct or request that KCGM cease usage and discontinuance of the concrete/shed/fencing known as the KCGM Williamstown switchboard, given that the occupier has not given written consent as is required under section 20(5) for the usage?
- (10) If no to (9), why not?
- (11) Will DoIR direct or request that KCGM cease usage and discontinuance of the large gates and fencing constructed across the haul road, used by employees and contractors all times of the day/night, given that the occupier has not given written consent as is required under section 20(5)?
- (12) If no to (11), why not?

Hon KIM CHANCE replied:

- (1) 18 January 2005.
- (2) N/A.
- (3) The Department of Industry and Resources (DoIR) received the resident's letter on 18 January 2005 and wrote to the resident 16 days later on 3 February 2005. Such a response time is considered reasonable, given DoIR's normal workloads and the nature of the matters complained of by the resident.
- (4) N/A.
- (5) Yes.
- (6) N/A.
- (7)-(8) I am advised that DoIR, rather than myself, has the authority and responsibility to enforce the provisions of the Mining Act 1978 and, further, that I have no authority to direct or insist that DoIR take a particular course of action in relation to enforcement of the Mining Act 1978 or associated matters. I am, however, informed that DoIR intends to respond to the resident's queries concerning section 20(5) of the Mining Act 1978 following the completion of its investigation into his complaints.
- (9) Whilst DoIR's investigation into the resident's complaints is nearing completion, DoIR will need to await the outcome of the investigation before it is in a position to initiate any action considered appropriate and necessary in the circumstances of this case.
- (10) N/A
- (11) Refer to answer (9) above.
- (12) N/A.

#### KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD, COMPLAINT

2618. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to Question on Notice No. 2542, of August 25, 2005, and a letter of complaint dated January 5, 2005, requesting urgent regulatory enforcement action from the Department of Industry and Resources (DoIR) in relation to section 20(5) of the *Mining Act 1978* -

- (1) Can the Minister state which specific officers, and their position within the DoIR, who in the following weeks held discussions with relevant KCGM personnel in order to clarify matters relating to the resident's complaint?
- (2) If no to (1), why not?
- (3) Can the Minister state at what specific location these discussions with relevant KCGM personnel took place and the duration of these discussions?
- (4) If no to (3), why not?
- (5) Can the Minister explain why it took from June 21, 2005 till August 15, 2005, for DoIR to consider the legal advice before the Department wrote to KCGM on the August 15, 2005 to request its formal response to the allegations made by the resident against the company?
- (6) If no to (5), why not?
- (7) Can the Minister explain why did DoIR not write to KCGM earlier than August 15, 2005 to obtain its formal response to the allegations made by the resident against the company?
- (8) If no to (7), why not?
- (9) Can the Minister explain why DoIR has conveniently and cleverly delayed the finalisation of this investigation to accommodate KCGM over the entire period of time breaching section 20(5) of the *Mining Act 1978*?
- (10) If no to (9), why not?

- (11) Will the Minister quote the specific text of the letter dated August 15, 2005 written to KCGM?  
 (12) If no to (11), why not?

Hon KIM CHANCE replied:

- (1-2) I am advised that the Department of Industry and Resources (DoIR), rather than myself, has the authority and responsibility to investigate allegations received from the public of non-compliance by mining tenement holders with the provisions of the Mining Act 1978, and to enforce those provisions. Accordingly, I consider that it would be inappropriate for me to ask DoIR to provide the specific names and positions of its officers involved in investigating the matters raised in the resident's letter of 5 January 2005.
- (3) I am informed that these discussions consisted of a number of telephone conversations, each of some 20 minutes duration, between DoIR's Head Office staff in Perth and KCGM personnel.
- (4) N/A.
- (5) I am informed that, given the demands imposed by DoIR's normal daily workloads involving numerous issues and the length and complexity of the legal advice received from the State Solicitor's Office (SSO) concerning the resident's complaints, DoIR required some weeks to properly consider that advice and its ramifications, and to decide on an appropriate course of action to follow in this matter.
- (6) N/A.
- (7) It was necessary for DoIR to fully consider the SSO's advice prior to writing to KCGM to request its response to the resident's allegations.
- (8) N/A.
- (9) I rebut the Hon Member's assertion that DoIR has "conveniently and cleverly delayed" its investigation into these matters in order to accommodate KCGM, particularly in view of the paramount need for DoIR to ensure that its investigation is conducted in a proper manner and in compliance with the rules of natural justice.
- (10) N/A.
- (11-12) As indicated in answer (2) above, carriage of this matter properly rests with DoIR. It has been DoIR's long-established practice to treat correspondence exchanged between it and its clients as being confidential and accessible by other parties only via the provisions of the Freedom of Information Act 1992.

#### FITZROY CROSSING SCHOOL, COMMENCEMENT OF CONSTRUCTION

2622. Hon Norman Moore to the Minister for Education and Training

I refer to news reports that the Fitzroy Crossing School will not be rebuilt until 2010, and ask -

- (1) Which schools are listed to be built ahead of the Fitzroy Crossing School, in each of the forward estimate out years until 2010?  
 (2) Will building commence in 2010 or be completed in 2010?

Hon LJILJANNA RAVLICH replied:

- 1-2. Building of the new Fitzroy Crossing District High School will commence in 2006 and be completed in 2009. The following new or redeveloped public schools will be built to open in the period 2006 to 2010:

To open in 2006:

Coolbellup Community School  
 Manjimup Primary School  
 Secret Harbour (South) Primary School  
 Shark Bay Primary School  
 Mount Lawley Senior High School

To open in 2007:

Bertram Primary School  
 Bushy Grove Primary School (Canning Vale)  
 East Butler Primary School  
 Hopetoun Primary School  
 Mount Barker Primary School  
 Neerabup Primary School (Banksia Grove)  
 Two Rocks Primary School  
 Tapping Primary School  
 Comet Bay College  
 Ellenbrook Middle School

To open in 2008:

Atwell High School  
Cape Naturaliste College (Vasse)  
Dalyellup Middle School  
Karratha Secondary School  
Kwinana Senior High School  
Manea College (Bunbury)

To open in 2009:

Fitzroy Crossing District High School  
Landsdale High School

To open in 2010:

Butler High School

Additional new primary schools will also be constructed to open in 2008, 2009 and 2010 to respond to demographic pressure. No decisions regarding the locations of these schools have been taken yet.

#### HOSPITALS, EMERGENCY DEPARTMENTS, WAITING TIMES

2637. Hon Robyn McSweeney to the Parliamentary Secretary representing the Minister for Health

- (1) For the following hospitals, please state the average waiting times for medical assessments in Emergency Departments for -
- (a) Royal Perth Hospital;
  - (b) Sir Charles Gairdner Hospital;
  - (c) Fremantle Hospital;
  - (d) Princess Margaret Hospital;
  - (e) Swan Districts Hospital;
  - (f) Rockingham Hospital; and
  - (g) Joondalup Health Campus?
- (2) For the following hospitals, please state the longest waiting time for medical assessments in Emergency Departments for -
- (a) Royal Perth Hospital;
  - (b) Sir Charles Gairdner Hospital;
  - (c) Fremantle Hospital;
  - (d) Princess Margaret Hospital;
  - (e) Swan Districts Hospital;
  - (f) Rockingham Hospital; and
  - (g) Joondalup Health Campus?
- (3) Please state the date/s for which the above information is provided.

Hon SUE ELLERY replied:

All times are in minutes.

- |     |     |                               |    |
|-----|-----|-------------------------------|----|
| (1) | (a) | Royal Perth Hospital          | 26 |
|     | (b) | Sir Charles Gairdner Hospital | 34 |
|     | (c) | Fremantle Hospital            | 40 |
|     | (d) | Princess Margaret Hospital    | 35 |
|     | (e) | Swan Districts Hospital       | 30 |
|     | (f) | Rockingham Hospital           | 43 |
|     | (g) | Joondalup Health Campus       | 44 |

The average of the median daily waiting times for all categories of patients for the January - September period have been used for this calculation.

- |     |     |                               |     |
|-----|-----|-------------------------------|-----|
| (2) | (a) | Royal Perth Hospital          | 198 |
|     | (b) | Sir Charles Gairdner Hospital | 127 |
|     | (c) | Fremantle Hospital            | 173 |
|     | (d) | Princess Margaret Hospital    | 143 |
|     | (e) | Swan Districts Hospital       | 173 |
|     | (f) | Rockingham Hospital           | 259 |
|     | (g) | Joondalup Health Campus       | 161 |

It is not possible to accurately identify the single waiting time for an individual patient due to data entry and work practice considerations. This response is based upon the longest median waiting time in each hospital during the period 1 June 2005 through 30 September 2005.

- |     |     |                               |              |
|-----|-----|-------------------------------|--------------|
| (3) | (a) | Royal Perth Hospital          | 30/8/05      |
|     | (b) | Sir Charles Gairdner Hospital | 11/9/05      |
|     | (c) | Fremantle Hospital            | 9/9/05       |
|     | (d) | Princess Margaret Hospital    | 31/7/05      |
|     | (e) | Swan Districts Hospital       | 18 & 19/7/05 |
|     | (f) | Rockingham Hospital           | 17/7/05      |
|     | (g) | Joondalup Health Campus       | 12/9/05      |

These dates apply to the responses to question 2 only.

#### GOVERNMENT VEHICLES, DAMAGE STATISTICS

2638. Hon Robyn McSweeney to the Leader of the House representing the Minister for Public Sector Management For Ministers and Term of Government (TOG) officers (where TOG includes TOGs in Ministerial offices, the Government Media Office, Cabinet Services, Policy Division, Government Whip Office, Office of Crime Prevention), since March 1, 2005 -

- (1) How many vehicles assigned to Ministers and all TOG officers have incurred damage since March 2005?
- (2) Of the damage incurred, how many incidents totalled more than \$1 000 damage?
- (3) Of the incidents with more than \$1 000 total damage, which Minister, Ministerial office or other office (please state) was the TOG responsible for the assigned vehicle?
- (4) For each incident with more than \$1 000 total damage -
  - (a) what was the total cost of the damage; and
  - (b) how many of these incidents were reported to police?
- (5) If not reported to the police, why not?
- (6) Of the incidents with less than \$1 000 total damage, which Minister, Ministerial office or other office (please state) was the TOG responsible for the vehicle assigned?
- (7) For each incident, if the TOG was not the driver, who was driving the vehicle at the time the damage was incurred?

Hon KIM CHANCE replied:

- (1) 12
- (2) 10
- (3) Premier and Minister for Public Sector Management; Water Resources; Federal Affairs - 2 (Claims 4 & 8)  
Minister for Agriculture and Forestry; the Midwest and Wheatbelt - 2 (Claims 6 & 7)  
Minister for the Environment; Science - 1 (Claim 1)  
Minister for Community Development; Culture and the Arts; Women's Interests - 1 (Claim 3)  
Minister for Local Government and Regional Development; Land Information; Goldfields-Esperance and Great Southern - 1 (Claim 5)  
Minister for Justice; Small Business - 1 (Claim 9)  
Minister Fisheries; the Kimberley, Pilbara and Gascoyne - 1 (Claim 2)  
Government Media Office - 1 (Claim 10)
- (4)-(5) Claim 1 - \$3,285 (estimated cost). Not reported to Police - damage was a result of a tree falling on to car park roof.  
Claim 2 - \$2,100 (estimated cost). Not reported to Police - damage observed on inspection of vehicle, third party unknown.  
Claim 3 - \$2,781 (estimated cost). Not reported to Police- damage observed on inspection of vehicle, third party unknown.  
Claim 4 - \$1,494. Not reported to police - driver hit safety bumper, no third party involved.  
Claim 5 - \$1,927 (estimated cost). Not reported to Police - malicious damage to vehicle whilst unattended.

Claim 6 - \$2,100 (estimated cost). Not reported to Police - driver reversed into fence, no third party involved.

Claim 7 - \$2,455 (estimated cost). Not reported to Police - driver hit pillar in car park, no third party involved.

Claim 8 - \$1,100 (estimated cost). Not reported to Police - driver forced to swerve to avoid a vehicle and collided with another vehicle, minimal damage to third party's vehicle.

Claim 9 - \$2,321. Not reported to Police - driver contacted wall whilst reversing, no third party involved.

Claim 10 - \$4,100 (estimated cost). Reported to Police - reversed into vehicle driven by third party.

(6) Minister for State Development - 1

Minister for Disability Services; Sport and Recreation; Citizenship and Multicultural Interests; Seniors - 1

(7) In accordance with Departmental policy, all vehicles were driven by authorised drivers, holding valid driver's licences.

#### POLICE OFFICERS, NUMBER

2648. Hon Nigel Hallett to the Minister for Fisheries representing the Minister for Police and Emergency Services

Can the Minister advise the actual number, not full-time equivalents, of sworn police officers employed by the Western Australia Police, as at -

(a) January 31 2001;

(b) July 1 2001; and

(c) May 31 2005?

Hon JON FORD replied:

The Western Australia Police advise as follows:

(a) 31 January 2001 - 4770

(b) 30 June 2001 - 4884

(c) 31 May 2005 - 5077

(Note: information is provided at 30 June 2001 rather than 1 July 2001 as police reports are run at the end of each calendar month)

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