



Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2015

LEGISLATIVE COUNCIL

Tuesday, 24 November 2015

Legislative Council

Tuesday, 24 November 2015

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

MENTAL HEALTH AMENDMENT BILL 2015

Assent

Message from the Governor received and read notifying assent to the bill.

AGED CARE — CITY OF SWAN

Petition

HON ALANNA CLOHESY (East Metropolitan) [2.02 pm]: I present a petition containing 169 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia note the results of research undertaken by City of Swan Community Care Services Committee (Inc) and confirmed in a major study commissioned by the City of Swan that shows an additional 1,050 new aged care places will be needed in the City of Swan alone by the year 2036.

Your petitioners therefore respectfully request the Legislative Council to call upon the State Government to work with the “Aged Care Sector” to encourage them to inspect the soon-to-be-decommissioned Swan Districts Hospital to determine if it would be commercially viable to (1) purchase part of the site, and (2) to convert the existing buildings on that part, to produce a much-needed ‘social dividend’ for the district in the form of a new Regional Residential Aged Care Facility.

And your petitioners as in duty bound, will ever pray.

[See paper 3645.]

PAPERS TABLED

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

CITY OF PERTH BILL 2015

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Helen Morton (Minister for Mental Health)**, read a first time.

Second Reading

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [2.06 pm]: I move —

That the bill be now read a second time.

An important focus of this Liberal–National government is the ongoing growth and development of Perth as the capital of Western Australia. This government envisions Perth as a thriving centre of business and as a focal point for all Western Australians, while maintaining and strengthening its local, national and international reputation as an innovative, sustainable and vibrant global city. The Elizabeth Quay development is just one practical example of how the state government is advancing this. Perth is the only mainland state capital that does not have capital city legislation. This bill, once enacted, will give Perth the special status it deserves as Western Australia’s capital and will highlight the special roles and responsibilities of the City of Perth that flow from this.

This bill contains a number of provisions to enhance the City of Perth’s status and the role it plays representing the broader metropolitan Perth area. Key among these are: providing for the objects of the City of Perth; setting out the constitution of the City of Perth Council, recognising the unique roles and responsibilities of the City of Perth Lord Mayor and councillors; establishing a City of Perth Committee as a means of facilitating collaboration between the state and the City of Perth; and specifying the boundaries of the enlarged City of Perth to include the University of Western Australia, Kings Park, the Queen Elizabeth II Medical Centre and the new Perth Children’s Hospital.

The bill sets out 10 objects of the City of Perth. These objects outline the responsibilities that should guide the City of Perth in its actions and decision-making. The objects recognise that those with a stake in the city include

the thousands who visit the city on a daily, weekly or an ad hoc basis. This may be to work, to shop or for restaurant and entertainment services. Some are tourists, but many others are Western Australians who reside in other districts.

The council will continue to comprise eight councillors, plus a popularly elected Lord Mayor. It will continue to be a district without wards. The roles and responsibilities of the City of Perth's Lord Mayor and councillors have, however, been enhanced. The bill recognises the Lord Mayor's role as an ambassador for the City of Perth. The Lord Mayor's role to develop and maintain intergovernmental relationships at regional, state, national and international levels is also highlighted. In addition to the general roles and responsibilities set out in the Local Government Act 1995, the councillors, including the Lord Mayor, must have regard to the objects of the City of Perth in making decisions and taking actions.

A City of Perth Committee will be established. Membership of this committee will include the Premier, the Minister for Local Government, the Lord Mayor, the deputy mayor and the chief executive officer of the City of Perth. The Premier or his nominee will be the chair of that committee. Ministers, parliamentary secretaries and other members of Parliament may be invited to attend when discussions are relevant to their portfolio or area of responsibility. The committee will be an advisory body that will facilitate collaboration between the state and the City of Perth to further the objects of the bill. The committee will identify and promote opportunities and strategies for strengthening the economic, cultural, social, physical and environmental development and growth of the Perth central business district and other residential and non-residential areas of the City of Perth. It will meet at least twice a year and will play a role in promoting greater collaboration on issues and projects of interest to both. The role and functions of the committee will be conducted in the context of state government planning, transport and other priorities.

This bill sets out the boundaries to the City of Perth to come into effect on 1 July 2016. We currently have the ludicrous situation in which our oldest and most prestigious university is divided between three local government districts and the Queen Elizabeth II Medical Centre between two. The new boundaries will correct this and will include the key icons of the University of Western Australia, Kings Park, the Queen Elizabeth II Medical Centre and Perth Children's Hospital. These will provide an educational, health and recreational focus and will underpin the objects of the city. The operations of Kings Park will not be affected, with the Botanic Gardens and Parks Authority continuing to have authority over the park.

The bill provides that the district of Perth cannot be abolished, it cannot be divided into wards and the boundaries cannot be changed without legislative change being made by Parliament. The City of Perth will be able to use the process within the Local Government Act to make changes to councillor numbers in the future. The proposed City of Perth act will sit alongside the Local Government Act, the provisions of which will apply when they do not conflict with a provision of the proposed City of Perth act.

A number of provisions will assist in the transition following the passage of the bill. The City of Subiaco will be able to conduct a review of its ward structure and councillor numbers prior to 1 July 2016. Under the current legislative provisions, the City of Subiaco would not be able to undertake the review until after the new boundaries come into effect. The City of Perth Restructuring Act 1993 is no longer relevant and will be repealed. A provision relating to the City of Perth superannuation scheme has been included in this bill to preserve the rights of City of Perth superannuation scheme members.

The bill provides that regulations may be made where necessary or convenient for achieving the objects and giving effect to the purpose of this bill. This includes regulations that deal with transitional matters. This bill not only gives Perth the recognition it deserves, but also provides an important mechanism for the state and the City of Perth to work together to support the growth and development of this great capital city of Western Australia.

Importantly, this bill also amends the Local Government Act 1995 to provide for greater transparency and accountability of local government elected members to the community. All elected members will be required to disclose gifts and travel within 10 days of receipt, rather than on an annual basis as is currently the case. These disclosures are to be published on the local government's website so residents and ratepayers have better access to this information. This brings local governments into the modern age, both in the use of technology to make information more readily available and in meeting consumer expectations.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend this bill to the house and table the explanatory memorandum.

[See paper 3646.]

Debate adjourned, pursuant to standing orders.

NATURAL GAS (CANNING BASIN JOINT VENTURE) AGREEMENT AMENDMENT BILL 2015*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Leader of the House)**, read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Leader of the House) [2.15 pm]: I move —

That the bill be now read a second time.

The purpose of the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 is to ratify an agreement made on 1 July 2015 between Buru Energy Limited, Diamond Resources (Fitzroy) Pty Ltd and Diamond Resources (Canning) Pty Ltd as the joint venturers, Mitsubishi Corporation as the guarantor, and the state of Western Australia, which I will refer to as the 2015 variation agreement. The 2015 variation agreement varies the Natural Gas (Canning Basin Joint Venture) Agreement 2012, which I will refer to as the state agreement, to enable the extension of key dates within the state agreement by a period of two years.

In late 2012, the state agreement was executed between the joint venturers and the state of Western Australia. The joint venturers are the registered and beneficial holders of the petroleum exploration permits listed in the schedule to the state agreement and granted under the Petroleum and Geothermal Energy Resources Act 1967. The joint venturers are actively exploring the title areas for petroleum, for the purposes of evaluating the technical and economic viability of their natural gas resources. The title areas are located in Canning Basin, south of Derby. The joint venturers are also actively exploring to prove up sufficient reserves of natural gas to underpin the establishment and sustained operation of a domgas project, and potential production of liquefied natural gas for export to overseas purchasers. Buru Energy has completed stage 1 of its exploration program on the company's eastern well sites. Stage 2 is being undertaken during the 2015 dry season, with further work to evaluate the resources. Buru Energy also has an ongoing baseline groundwater monitoring program for its activities. The government encourages accelerated expenditure by the joint venturers in the continuing exploration and evaluation of natural gas resources within the title areas. The establishment of the domgas project will promote energy security for Western Australia, and a possible LNG project would also contribute to the state's capacity as a global LNG supplier.

By entering into the state agreement, the state committed to providing improved certainty of tenure, initially over the five exploration permits comprising the title areas, by suspending the obligation for the joint venturers to relinquish ground under the Petroleum and Geothermal Energy Resources Act 1967. This is facilitating the orderly evaluation of the resources. The state agreement also provides, with the approval of the minister, for other permits to be brought under the agreement that are solely held by one or more of the joint venturers. The minister must be satisfied that the land is prospective for natural gas and that such approval would more efficiently facilitate the objectives of the agreement.

In order to meet the obligations of the state agreement, the joint venturers are required to meet a number of milestones by certain key dates. As part of the obligations towards exploratory activities within the title areas, the joint venturers are required to conduct comprehensive consultation with the appropriate traditional owners to ensure they are well informed about the activities involved. The joint venturers have provided funding to the three native title parties to engage independent specialists for advice regarding the environmental aspects of the joint venturers' activities. Based on this independent advice, the joint venturers have received support from the Noonkanbah people and are in continuing discussions with the Yawuru people and KRED Enterprises acting on behalf of the Nyikina and Mangala people. The joint venturers have also advised that evaluation of the natural gas resources in the Canning Basin is taking longer than was originally contemplated in the state agreement. In order for the joint venturers to continue exploratory activities and meet obligations within the time frames specified in the state agreement, a variation to the state agreement is required.

Advantages of the variation: I would like to remind members of the importance of the Canning Basin project to the state. The project is the first natural gas exploratory project under a state agreement in Western Australia, providing improved certainty of tenure to maintain attraction in the Canning Basin for major development capital. It is also important in helping secure domestic gas for Western Australia. Should the resource in the Canning Basin be proved up, the state agreement provides a common aspiration for a total of 1 500 petajoules of natural gas to be sold into the domestic gas market over the first 25 years of the project. A domgas project will also include a great northern pipeline of approximately 600 kilometres in length to connect into the domgas network. The Canning Basin project provides investment into this geographically remote region. The joint venturers have worked with local people to provide considerable local opportunities and community benefits such as training, education and employment, and sponsoring of local events. The continuation of this project is important to the overall future development of industry and community in the remote regions of our state's north. This bill will provide extended certainty to this project and continued investment into the state by the joint venturers.

On-site investigation activities: Buru Energy Ltd's tight gas exploration program was conditionally approved on 20 June 2014 by the Department of Mines and Petroleum after an assessment process that included environmental, safety and operations assessments. This approval followed the Environmental Protection Authority's review of Buru's exploration program and the chairman's decision of "Not Assessed—Public Advice Given" on 13 January 2014. A decision of "Not Assessed—Public Advice Given" means the program was assessed by the EPA but deemed as not requiring a part IV approval under the Environmental Protection Act 1986. The EPA considered the exploration activity could be evaluated, regulated and mitigated by the DMP and the Department of Water. The EPA considered Buru's program to be a small-scale proof-of-concept exploration drilling program and unlikely to have a significant effect on the environment. Buru has ongoing obligations throughout the life of the project to monitor and report on its exploration activities to the DMP.

Provisions of the bill: The main provisions of the bill are as follows: section 4 amends section 3 of the principal act by amending the definition of "the Agreement" and inserting the new definition of "the 2015 variation agreement", a copy of which is set out in schedule 2 of the principal act. The principal act is the Natural Gas (Canning Basin Joint Venture) Agreement Act 2013, as amended from time to time. Section 5 inserts a new subsection (2A) into section 4 of the principal act, which ratifies the 2015 variation agreement and authorises its implementation. Section 7 inserts as schedule 2 into the principal act the 2015 variation agreement.

Provisions of the 2015 variation agreement: The key provision of the 2015 variation agreement is clause 2, which extends a number of key dates within the state agreement by a period of two years. The most noteworthy concerns the date at which suspension of relinquishment obligations under the Petroleum and Geothermal Energy Resources Act 1967 expires. This has been extended from 31 January 2020 to 31 January 2022. Another key date to be amended is the go/no-go decision date whereby the joint venturers are required to inform the state if they intend to proceed with the project. The deadline for this decision will now be between 31 December 2017 and 31 March 2018.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental agreement or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws through the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 3647.]

Debate adjourned, pursuant to standing orders.

QUESTION WITHOUT NOTICE 1155

Paper Tabled

A paper relating to an answer to question without notice 1155 was tabled by **Hon Peter Collier (Minister for Education)**.

TERRORISM (EXTRAORDINARY POWERS) AMENDMENT BILL 2015

Second Reading

Resumed from 19 November.

HON KEN TRAVERS (North Metropolitan) [2.23 pm]: We are dealing with the Terrorism (Extraordinary Powers) Amendment Bill 2015 and as we were discussing before we broke for the weekend the first and most important provision in this bill is to extend for another 10 years the Terrorism (Extraordinary Powers) Act 2005, otherwise it would expire at the end of this year. It is interesting that when we last debated this bill, I started to talk about the concerns raised by members in this place in 2005 when the substantive legislation was moved in this house. I might add at this point that the bill seeks to do a number of other things and I will comment briefly on those at a later stage of my contribution, but I see the fundamental issue as the continuation of the Terrorism (Extraordinary Powers) Act.

A number of interesting contributions were made in 2005 when the act was originally considered. One of those contributions was made by Hon George Cash. On page 7070 of *Hansard* of 10 November 2005, Hon George Cash stated —

There is no doubt that, as members of the Legislative Council, we need to be aware of the danger of the threat of terrorism. However, we must be equally aware of the threat of unbridled authoritarian power.

They were very genuine concerns at the time that the act was originally debated in the house, and they continue to be concerns that each and every one of us should share. One of the reasons we need to consider those two questions when we are dealing with these matters is that the very people whom we are seeking to prevent getting a hold in our community—the terrorists—and changing the fabric of our life would be the first people

who would use unbridled authoritarian power to oppress their community. In part, that is one of the reasons that we need this bill. We need to be careful that we do not destroy the fabric of our society in trying to prevent the threat to the fabric of our society, because in that way they would win. We also need to be careful that we do not set up a system that, ultimately, will come back to haunt generations to come, because if we continue to weaken those powers that is what will happen.

There is no doubt that part of the aim of terrorists is to create fear in our community. When we last debated the bill, I said that one of the things I have personally resolved to do is to make sure that I never allow terrorists to create fear in me. I will personally oppose that fear and go out and stand up and say, “You are not going to win. You are not going to make me fearful of going about my ordinary everyday life.” That is not an irrational decision to make. We can go through the many examples of causes of death in the community. Acts of terrorism have increased in recent years, although now that I think about it, in trying to find a quantum, terrorist acts have been pretty consistent in my lifetime.

I remember as a 13-year-old catching a plane to the United Kingdom with my mother to visit my grandmother. This was at the time of the shuttle diplomacy of Henry Kissinger. We landed at Bahrain airport, which was surrounded by tanks and there were armed guards everywhere. Our plane broke down and we spent 24 hours in this environment. We watched Henry Kissinger arrive at Bahrain airport, and there was certainly fear about terrorism then. We flew on to Rome airport and were delayed again at Rome airport for about eight hours. Immediately after we left Rome airport, the plane that was next door to where we had been at Rome airport was blown up by terrorists. I remember at the time that the rest of our family were all sitting back in Perth—telecommunications were not as good as they are today and we did not have mobile phones—thinking all was good because we were scheduled to have left Rome airport a day before that plane blew up, yet we had literally pulled out of that spot and taken off half an hour before.

In that sense, terrorism has been very much a part of our community, probably forever, in various forms. There have been some notable terrorist events, which does not in any way diminish the tragedies that have occurred. I know that the thoughts of all members in this chamber go out to those who have been impacted or have lost loved ones over the last few weeks as a result of acts of terrorism around the world. We have to consistently fight the fear of terrorism.

The other thing we need to do, as Hon George Cash stated, is to balance protecting ourselves from the threat of terrorism while being aware of the threat of unbridled power. Hon George Cash went on to say —

One issue is the requirement to maintain the checks and balances of a democratic, accountable system of government in Western Australia. In theory, the bill is designed to protect the rights of law-abiding citizens from the actions of terrorists. I obviously support that policy. However, we must also recognise that it will give extraordinary powers to the bureaucracy; in this case, the Commissioner of Police. It is therefore not strange that the title of the bill should include the words “extraordinary powers”.

Although as a Parliament we are seeking to protect the rights and liberties of citizens, we must be careful to not set aside or suspend the basic rights and liberties of citizens by removing their access to the independent courts of law. As a Parliament, we cannot be coerced into rubber-stamping legislation for fear of challenging the legislation that is before us. There is no doubt that this legislation is controversial, because it seeks to remove some fundamental civil liberties and human rights that we as a Parliament claim to maintain and protect day after day.

As we seek to extend this legislation for another 10 years, it is quite fascinating to note that, in the second reading speech, the Attorney General said —

Although it is true that we have not yet had to use these powers in Western Australia, we cannot afford to be complacent. The need for these powers is continuing, as the terrorism threat, unfortunately, has intensified rather than abated.

Leaving aside my earlier comment that I am not sure that the threat of terrorism has changed that much, it has been ever present over many years. It is interesting to note that, as we seek to extend this legislation for another 10 years, the extraordinary powers that were talked about 10 years ago have never been used. That is a useful concern amongst those that were raised by members at the time. In fact, one of the concerns raised by members to the greatest degree was that there was unbridled power. When the original bill was debated, the Leader of the House, Hon Simon O’Brien and members in the other place raised the issue of judicial review. Hon Nick Goiran, who was not here at the time, will be interested in this issue in light of the bill that we debated last week when he was unfortunately away on urgent parliamentary business. Section 20(1) of the Terrorism (Extraordinary Powers) Act provides that the warrant is not open to challenge. In fact, Hon Peter Collier mentioned in great detail that neither the commissioner’s warrant nor a judge’s approval of such a warrant can be appealed against, reviewed, quashed, challenged or called into question before or by any person acting judicially or a court or tribunal on any account or by any means.

Subsection (2) obviously exempts the Corruption and Crime Commission from looking into those matters. Last week we dealt with the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill, and one of the key questions was whether that legislation would be subject to judicial review. Again, we are dealing with the extension of legislation that seeks to remove the capacity for judicial review. In light of some of the issues that I learnt about with the Bell bill, it will be interesting to know how that clause will stand up. The provision that removed the capacity for judicial review was debated significantly when the original legislation was passed through this place. Again, I return to the speech of Hon George Cash on that occasion, when he said —

... I am interested in ensuring that we maintain a truly democratic and functioning state that defends and safeguards the political and economic freedom and liberties of the people from unbridled authoritarian power.

Members who have studied political philosophy, or perhaps history in general, will know of an eighteenth century publication called *The Spirit of Laws*, which was published by the French philosopher and theorist Baron ... Montesquieu. That publication set out the principles necessary for the establishment and maintenance of a truly democratic state. The principle that Montesquieu championed at that time later became known as the doctrine of the separation of powers.

I will not read all the learned comments that were made at the time about the separation of powers. Suffice it to say that I think most members in this place would understand the importance of the separation of powers—Parliament passes legislation and the executive and, through it, the Commissioner of Police on this occasion will operate under those powers, but it is always subject to the review of the courts. However, of course, it will be different on this occasion, as we are not providing for that review.

I want to touch on that issue because a number of people talked about it. Hon Rob Johnson, who was the lead speaker on the bill in the other place at the time, went through some of the events. It is worth remembering that in 2005, when this legislation was originally put in place, we had already had the events of 9/11 and the bombings in New York. I am afraid to say that I cannot remember what I was doing on the night that Elvis died, but I remember very clearly the night of 9/11. It is one of those occasions that I can remember very clearly. I had escaped from Parliament and had been to a function. I had gone home and switched on the television and started to watch the broadcast. As members will recall, it went live around the world. I think all the television stations started broadcasting live and I was spellbound by it.

Hon Alanna Clohesy interjected.

Hon KEN TRAVERS: Yes. I remember that I was home on my own and I watched it for an hour or so and then felt the need to talk firstly to my family. It was interesting; I wanted to ring members of my family to see whether they had seen the broadcast and to be reassured that they were there. It was a telling time. In that sense, I am sure that the terrorists achieved their aim of getting world attention and putting fear into all of us, which, hopefully, we have now overcome. Secondly, I wanted to talk to my friends to have their reassurance. We saw the collapse of the twin towers in New York. The event that probably touched Western Australians the most involved the two terrible bombings in Bali. I had the fortune to represent the Leader of the Opposition at this year's service at the Bali Memorial. My understanding is that it was the first time since the Bali Memorial had been in place at Kings Park that, as the sun came up in the morning, it shone its light on the names of the loved ones who had been lost in Bali, as had been hoped. I know some people who knew people who lost their lives in Bali. Some people I know from the Kingsley Football Club did not lose their children, but their children's friends lost their lives and so, as a member of Parliament, I attended a number of the funeral services as a mark of respect for those who lost their lives in Bali. I saw some of their family members at the Bali Memorial this year and the grief is still there; the tragedy for those people is still there.

Although my argument is about not giving in to fear, they operate in a very different set of circumstances. We know the trauma that has been experienced, and many people did amazing and heroic things during that time, but they have been left with scars as a result. Although I say I do not give in to fear, I fully understand the broader impacts of terrorism. It is always very important to constantly provide that balance and make sure that in our desperation to deal with these issues, we do not cause more damage to the fabric of our community. The fact that this bill has been in existence over the past 10 years has given many of us comfort in our communities—and the fact that it has never been used is very positive, and that will need to continue.

I commend the government for seeking simply to extend the life of the legislation for another 10 years. I suspect it is one of those areas in which there would have been a temptation to remove the sunset clause altogether, and say "Let's leave it there for forever and a day." With the passage of time, and with recent events, it would have been easy for a government to simply remove the sunset clause and leave it up to a future Parliament to repeal the legislation. Sadly, it may be that in another 10 years' time we will be seeking to extend this legislation for a further 10 years.

Hon Michael Mischin: I'd rather do that than actually have to use it.

Hon KEN TRAVERS: Yes, I agree, but the point I was trying to make, Attorney General —

Hon Michael Mischin: I think we're on the same page here; I'm not actually criticising you.

Hon KEN TRAVERS: No, but the point I was going to make was that one of the things I really like about extending the sunset clause rather than making this open-ended legislation is that it gives us hope. It says that one day we will win this war. These are extraordinary powers to be made available should we need them at this time, but one day we want to be in a position in which we do not need to have them.

Hon Michael Mischin: And also, even if they are constantly rolled out, it is not the norm of our society to have extraordinary laws such as these.

Hon KEN TRAVERS: That is why I commend the architect of this bill. I do not know whether the Attorney General was the architect of this bill, but the Minister for Police has primary carriage of it. That is a positive part of this bill: we should acknowledge, in passing it, that it is not legislation we want to have. We recognise the impacts it has on the fabric of our community in terms of the separation of power and the removal of our rights and liberties. In a perfect world, we do not want to have this legislation, and our aim is to get to a perfect world. Even if we never get there, we should never stop aspiring. That is my goal, and I think, from the comments made by the Attorney General, it is shared by all of us.

This raises another issue that I wanted to talk about. In his second reading speech, the Attorney General said —

As ISIL's tentacles have reached into Australian society, inducing young Australians to leave their homes and commit violent offences, the Australian Government has sought to strengthen federal legislation to enable authorities to better deal with the increased threat level. An example of this is the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014, the so-called "foreign fighters" Act.

The principal act amended by this bill was created during the time of a Labor government, and now it is being extended by a Liberal government. It is my view that we need legislation such as this, but the goal we all seek through our shared vision is dealing with those young people leaving their homes to commit violent offences. Thankfully, violent offences have not been committed in Western Australia, but some have on Australian soil. There is no doubt in my mind that we will only be in a position to remove this bill from the statutes of Western Australia, allowing the sunset clause to come into operation, by working with young people who are susceptible to the messages of terrorists. We have to win the war through hearts and minds. I remember the debates about the Vietnam War needing to be won through the hearts and minds of the Vietnamese people. If we are to win this war, we need to win it through the hearts and minds of these young people.

I think Hon Sue Ellery mentioned the work of Dr Anne Aly, and I commend that work to members. I have seen Dr Aly hold her cool in some horrible television debates with commentators who, although I do not know whether they are current members of the political party that I belong to, were certainly prominent members in the past. They were going for the lowest common denominator, and Dr Aly was a sound voice of reason—as was Hon George Cash 10 years ago in the debate on the Terrorism (Extraordinary Powers) Bill 2005. If we seek to blame every Muslim in this country and seek to vilify young Muslim people, we will be assisting the terrorists. I must give credit to the new Prime Minister, who has brought us to a position in which we are once again able to take a bipartisan approach on these matters, and seek to confront the issues we face. If ever there was an area that needed a bipartisan approach, this is it. We must work with those young people, and not vilify them or give them cause to be angry with our society and to feel that we do not respect them.

Many generations of migrants to Australia have arrived bringing different cultures and religions, and that has been questioned by elements of our community. That is why I am very sad to have seen the events we saw on the weekend around Australia. Although I do not for a moment suspect that many of those people who were protesting were not well-meaning in their intent, the end result is that they were probably doing more damage and making it harder for us to achieve the goal of eventually removing this legislation from the statute book.

I have spent a bit of time talking about the key fundamental aspects of this bill but I now turn to a number of other parts, which seek to do a number of things. I have talked at length about the expiry date being extended to 19 December 2025. As well as extending the legislation, this bill includes a number of other amendments to the legislation. One of these amendments seeks to clarify the issue about "reasonable grounds to believe" versus "reasonable grounds to suspect". It is interesting to note that when the principal legislation was originally debated by this house, the current Leader of the House, Hon Peter Collier, read out in full one of the clauses. According to *Hansard* of 9 November, 2005, he said —

I am satisfied that the appropriate safeguards are in place to protect against arbitrary abuse of power by police in this regard.

He then used the example of clause 7(2) of the Terrorism (Extraordinary Powers) Amendment Bill 2005, which states —

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

I will not go through all the other parts of clause 7(2) that he read out. The interesting thing is that with this Terrorism (Extraordinary Powers) Amendment Bill 2015, we are seeking to make a further amendment to change the word “believe” to “suspect”. Obviously, the explanatory memorandum and the second reading speech provide a bit more detail about why the government believes that is necessary. In an ever-so-small way it broadens the circumstances in which this legislation can be used. It is worth noting that even though members were concerned about that at the time, the bill we are now seeking to pass will go that little bit further. I am assuming that, as a member of cabinet, the Attorney General continues to believe that that will provide reasonable protection.

The bill seeks also to broaden a number of areas by extending its provisions to cover computers or “any device or equipment that holds, records or processes data”. That is an example of the way in which technology in our modern community is expanding. I am trying to remember back to 2005. We certainly did not have smart phones. We might have had mobile phones, but the ability to carry around a computer in our pocket, and now a computer in our watch, clearly did not exist. I accept that that capacity is simply an extension of maintaining pace with where we are.

This bill seeks to make some changes to the application of the legislation to enable vehicles to be searched under a covert warrant. It will broaden the power to seize items and to search a target vehicle. As the Attorney General said in his second reading speech, this is about, as the government calls it, an anomaly. He states —

... anomaly is addressed by the introduction of a “target vehicle” definition with respect to covert search warrants. Currently, although vehicles can be searched under a commissioner’s warrant, there is no provision for vehicles to be searched under a covert search warrant.

The definition of “vehicle” in the substantive act is very broad. This introduction of a “target vehicle” literally broadens where this legislation can be used. I think it is worth noting that as we go through. The definition of “vehicle” in section 3 of the Terrorism (Extraordinary Powers) Act 2005 states —

“**vehicle**” means any thing capable of transporting people or things by air, road, rail or water, and it does not matter how the thing is moved or propelled.

I will defer to the greater legal mind of the Attorney General on this matter, but that raised for me the question of drones. In fact, one was flying at the front of Parliament House this afternoon during the protest. I do not know who was in charge of it. I am assuming that it would be covered under the definition of “thing”. I suspect that later in the week we will have a far broader debate about “things”, not wanting to pre-empt debate on a future bill. But there is the question of whether a drone is a thing. I guess if it is carrying a bomb, it probably is covered, but if it is just a drone, it is clearly not transporting a person. I want clarification from the Attorney General about whether we are comfortable that that definition of “vehicle” is sufficient to capture a drone.

Hon Michael Mischin: It seems pretty broad. It covers “any thing capable of carrying people or things by air”, so if it is able to carry some item —

Hon KEN TRAVERS: My point is, if it is just a drone on its own that has nothing on it—it is literally a flying object—what is the thing that it is carrying?

Hon Michael Mischin: It just has to be capable of transporting something. An aircraft that is not laden with passengers or goods is a vehicle within the meaning of the act because it is something capable of transporting people or things by air. Theoretically, yes, whether you need to —

Hon KEN TRAVERS: I do not want to give people ideas. It was an interesting issue as I sat there this afternoon and watched a drone. I suspect it probably belonged to someone trying to take a picture of the rally, but it raises the interesting question about security of an item like that. The one I saw was quite small, but there are larger, more powerful ones.

Hon Michael Mischin: It could carry a bomb or something, yes.

Hon KEN TRAVERS: It could cause all sorts of chaos and mayhem. That, I think, relates to the provisions in the bill referring to targets. I must say that I have not had a chance to discover why it was not part of the original bill, but I recognise that extending the powers to a target vehicle is absolutely crucial. Given the very broad definition of “vehicle” and the nature of the way our society is going, it will not be long before, sadly, we see people using things such as drones in remote operations. They can carry cameras. I think in parts of the world

they are now talking about delivering pizzas by drones. It is hard to believe, but using drones remotely will be a dangerous next step.

Hon Michael Mischin: Isn't civilisation a wonderful thing!

Hon Alanna Clohesy: Not one of civilisation's greatest achievements.

Hon KEN TRAVERS: Yes—the delivery drone.

The bill seeks to cover target vehicles and that is one of the areas that raises questions. The fact that the original 2005 bill did not capture it is an interesting point. No provision was made for vehicles to be searched under covert search warrants. I do not think that is something we disagree with but, as I said very briefly at the commencement of my remarks, one of the issues raised by members in 2005 was why it took the government so long to bring the bill in. When I see that, I am intrigued to know when some of these amendments were first identified by the government and why it has taken so long to bring this bill before us with these amendments that we are now dealing with just before the act expires. I imagine that many of the things we are seeking to amend have been known for a while.

The last general point I want to make, which I found interesting, is how this bill amends the 2005 act by allowing the appointment of special officers from foreign jurisdictions. I understand the bill specifically mentions New Zealand police officers and allows for officers from other international jurisdictions to be appointed by way of, I think, a sort of regulation-making power of the minister. I am intrigued about why we have specifically drawn New Zealand out for special mention. Why would we not just have the regulation-making power and the minister could stay at the forefront? It is our intention to give that power immediately to New Zealand police officers. We have a very close working relationship with New Zealand. It is not a huge issue, but I find it fascinating that Western Australia has a close working relationship with other close neighbours. New Zealand is a very special friend of Western Australia and Australia, but so are many other nations that are in close proximity. People today would consider a place like Singapore to be a close neighbour. People often travel back and forth between Western Australia and Singapore. Some of our good colleagues from the Liberal Party recently spent a few days in Indonesia. Indonesia is another good friend of Western Australia. I hope that we always have good cooperation between Australia and Indonesia on these matters. I am intrigued why special mention is made of New Zealand but not for some of the others, and why it will be left to a regulation-making power.

With those comments, I urge members to support the Terrorism (Extraordinary Powers) Amendment Bill 2015. In doing so, I also urge all members to ensure we continue to focus our minds on the issue; that is, to hopefully get to a point that our society no longer needs legislation of this extraordinary nature and that we are able to get rid of this bill because we have won the battle of people's hearts and minds. I am sure I join with everyone in this chamber in committing to that. That fight is the real battle and the real war that the community has to win.

HON SALLY TALBOT (South West) [3.01 pm]: I am glad to have the opportunity to contribute to debate on the Terrorism (Extraordinary Powers) Amendment Bill 2015. I was away from the house on urgent parliamentary business last week when this bill was received and second read in this house. I appreciate the fact that the debate is still on today and that I have a chance to make my contribution.

Like Hon Ken Travers who spoke before me, I agree that some of the bill's detail is worth at least examining and that will allow the government to have a chance to put its views and intentions on the record. I understand we will go into Committee of the Whole House so I will leave my detailed comments to that stage and perhaps make some more general observations for the moment. It is important that we go into committee. Anybody who is in doubt about that can cast their eye over page 1 of the explanatory memorandum and note the number of times words such as "extend" are used to explain the substance of the bill. There is no doubt that we are extending powers. We are enabling actions over and above the actions that were enabled in the original act passed 10 years ago. What we essentially debated in this Parliament 10 years ago was the major statutory response of the state of Western Australia to the terrorist attacks on New York on 9 September 2001.

As other honourable members have noted, there was a sunset clause in the Terrorism (Extraordinary Powers) Act 2005 and that is why we are here today. It is worth noting that at the outset because the thing that strikes me, reading the amendment bill, is how our mindset has changed over the last 10 years. I thought it was really interesting the way Hon Ken Travers framed a lot of his contribution around a comparison between today's debate and the debate 10 years ago. Not so much a comparison but just drawing on those comments and observing the nature of the changes that have come about in that time. We do not have the same visceral fear about the infringement of human rights around the western world that many of us had when that raft of legislation was first introduced. At that time we feared we were giving up a lot of our freedoms—the very freedoms that terrorists seemed intent on eroding. Ten to 12 years ago the question was whether we were prepared to give up some of those freedoms in order to protect them, which became an entirely counterproductive measure. Things have now moved along enormously and we can find tranches of areas of debate; areas where we find the need to make statutory provisions and find general agreement. In noting those

areas of general agreement, the place to start is the recruitment of people to the causes of terrorists. I will have quite a bit to say about this in the substance of my contribution to the second reading debate.

Before I do that, when listening to and reading the contributions from members on my side of the house thus far during this debate I noticed that many people—I think probably more than Madam Acting President (Hon Liz Behjat) and I would have expected—were able to draw on some sort of direct experience of close encounters with terrorist activities, either their own narrow escapes or through the experiences of friends or, as Hon Ken Travers said, friends of friends. I was not going to refer to that because we are at the end of the parliamentary year and we have to move on with debates. However, it is worth noting, in terms of my own personal reflections, that I left school at the age of 16 and descended on London in 1969, which was the year the Irish Republican Army commenced its terrorist bombings throughout British cities. I am sure it was an enormous source of concern to my parents, but I found solace and reassurance at the time when I discovered that a colleague I was working with had some good fortune. I was playing in symphony orchestras in those days, in pits in theatres, which were prime targets for terrorist activity because a large crowd of people in a theatre is very difficult to evacuate in an emergency situation.

The theatres that I played in for the six or seven years that I worked in London were regularly evacuated because of terrorist threats. I discovered very early on that one of my closest colleagues—who was a bit of a way-out, odd fellow—had consulted a gypsy fortune teller to find out what was going to happen to him. He was told that he would live a very long life. Whenever the theatres we were playing in were evacuated, I always used to keep very close to this guy thinking: I am sure that all that gypsy fortune-telling is complete nonsense but if ever there was a reason for a small degree of optimism, one keeps close to the people who have very long life forecasts! Who knows; maybe that was the reason I emerged from those years unscathed. It was certainly a very unsettling period. Most of us in the orchestra were young people; we had just left college and we were making our way in the world. One thing that used to worry us was we frequently used to come back into the band rooms to find that all our instrument cases were exactly as we left them—prime places of course for planting explosives—yet nobody had thought to search those areas. That is one aspect of the countermeasures we have put in place that have become very much more sophisticated in the last couple of decades. I am quite certain, having done the research to contribute to this debate, that we now have instruments and techniques at our disposal that are far more sophisticated and presumably, in general, do a better job of reassuring people that we have properly equipped our police and emergency response services.

In my opening remarks I referred to the fact that we now have large areas of general agreement in Australia and throughout the western world about the sorts of measures we ought to be taking to win what now seems to be quite often referred to as a war against terrorists. The most obvious one is to cut their recruiting links. I do not want members to regard this as a diversion, but it occurred to me when I was doing my research for this debate that there was a distinct parallel here between some of the things that experts in the field are talking about in terms of the priority of our focus on preventing young people becoming radicalised with some very interesting work that I came across recently about parents, particularly mothers, who resist vaccinating their children. I was asked to read an honours thesis by a young woman with whom I have been doing a bit of work. She wrote a very challenging and interesting thesis on the way to approach people who are resistant to the idea of vaccinating their children.

The thing that particularly intrigued me in light of some of the debate about the radicalisation of young people, particularly young men, in Australian society was the point that she made having surveyed something like 40 families who were classified as being vaccine-resistant. I should explain, just to make sense of this story, that she created a category of vaccine-resistant parents even though they had vaccinated their children and were not vaccine deniers. Before coming across these ideas, I had always assumed that one could divide people neatly into two groups, with roughly 95 per cent of people vaccinating their children and probably less than five per cent not vaccinating their children. But, in fact, the thesis showed that there is quite a significant body of people who vaccinate their children but who do so with enormous reservations because of what they perceive to be the dangers to their children from being vaccinated. Interestingly, when she interviewed the parents, particularly the mothers, she tried to get to the bottom of why they held these enormous concerns.

Why do parents vaccinate their children if they believe that vaccines are dangerous and that they can potentially compromise the health of their children? She found that almost to a person they reported the power of social media in fuelling their concerns about vaccinations. Remember, she is talking about predominantly young women, mothers who have very busy lives and who, by definition, spend a lot of time on the internet—Facebook and other social media—because that is where they do a lot of their socialising. As we all know, social media targets its advertising to a demographic. We can easily identify young parents by their shopping practices, the kinds of websites they visit and all that sort of thing; it is easy to market to that target group. The young researcher found that these people had been absolutely inundated with negative messages about vaccinations on social media; indeed, day after day they had been told that they had made the wrong decision if they had vaccinated their children. Those messages were so powerful that the mothers were articulating these beliefs to others even though they had had their children vaccinated. I looked at some researchers' work into anti-

radicalisation programs, or ways to help people resist the power of the message of terrorists, and I found exactly the same thing with exactly the same observations. I put it to honourable members who are interested in these things—one would assume that we are all interested, because it is pretty fundamental to the way we live our everyday lives—that we ought to spend a bit of time imagining what it is like to not be the people we are. I am sure I speak for most members of the chamber when I say that it is a bit of a luxury to sit down and log onto Facebook. Sometimes we do it to promote our own messages, but not many of us would spend hours online. But that is not the case for the majority of people.

All the research is telling us that an increasing number of people are spending a matter of hours connected to social media; but not only that, they are connected over a 24-hour period, seven days a week, so social media has become their main input. I think that that gets to the core of our problem, and if there is an argument to be had about this, it is about resourcing these kinds of measures. Perhaps the Attorney General can expand on that during his second reading response or when we go into the committee stage of the bill. Have we really got our heads around just what that would be like? I do not think we need particularly vivid imaginations to take ourselves to that place to imagine what it must be like for a young man or a young woman who spends hours and hours literally being saturated by the kind of material that propagandists distribute on an hourly basis. These videos are not grainy, indecipherable bits of footage that people have to speak another language to understand, nor do they need particular technology to view them; rather, the videos have high production values. This is all very well documented in the media now and it appears on their screens hour after hour and it is very compelling stuff. I note that Dr Anne Aly refers to people being “seduced” by extremism. If people allow their minds to go into that place, remember that word—it is a process of seduction. We know that this process of seduction works because young people are committing dreadful acts. I am not for one moment suggesting that we do not have to look at matters concerning mental health, addiction and substance abuse, but we need to see this in the framework of a saturation-point campaign. I think that the word “seduction” is a very powerful one to use when we are trying to understand what sort of measures we might need to put in place to counter those seductive messages.

I am somewhat distressed and unsettled, as I am sure are many others, by some of the response to events such as the one in Beirut, which resulted in the deaths of more than 40 people in marketplaces—ordinary civilians who were doing their shopping; to the bringing down of the plane that was carrying largely Russian tourists who were returning from holiday and resulted in 224 deaths; and to the number of dead and injured in the Paris bombings. What do we have to do, first, to keep ourselves safe and, second, to respond as a society to make some kind of gesture that shows who we are and who we remain after terrible atrocities have taken place?

I have been particularly struck—I am sure that I am not the only one who has found this over the past 10 days or so—that this is the topic of conversation at every dinner party, whenever we catch up with friends for a drink or when we are talking to people at a community meeting that is being held about a completely different subject. People need to talk about this stuff and they want to hear other people’s views, particularly the views of people like us who are sitting here considering a statutory response to these kinds of events. What I have been hearing more and more is the kind of response that was captured by a French woman, Rose Leroux, who is a Jewish person. I mention that she is Jewish only because in my experience people who have lived through or had some direct experience of the Holocaust have a particularly measured view about these kinds of issues. She is an academic and was quoted in an article in *The Daily Beast* on 18 November by journalist Dana Kennedy. Rose Leroux refers to “Fiche S” and I should explain what it is. The French security forces have a category of people—it is a little foreign to us in our jurisdictions; I am sure we have these lists but we tend not to talk about them—and take a particular approach to these matters that they have honed over many years going back to the Algerian Civil War and the Second World War. This category of people cannot be charged with criminal offences, yet are on a watchlist, and it is called “Fiche S”. The “S” stands for a state of emergency. It is a list of people on whom there is a special eye but who have not actually committed an offence. This is what Rose Leroux says —

“The *Fiche S* isn’t stopping these ultra-religious punks from getting their hands on guns, renting hideouts and using the Internet ... Are they waiting for more attacks to take them seriously? We’re going to have to show them strength, the only thing they understand. These radicalized little bullies, ingrates, must have their communications cut off, their Internet privileges cut off. No cellphone, no Facebook, no Twitter, no Snapchat. Just cut them off and force them into secular re-education, *Clockwork Orange* style.”

That is a very, very radical view. It is not a view with which I agree but it is a view that I as a parliamentarian think that we have to address. We have to have a response to people who are coming to the end of their tether and who are saying that we cannot allow people who have any kind of engagement with radical thinkers, radical groups and any kind of extremist activity to maintain the connections that we know are enabling terrorist activities. I think it is very chilling to read such a bald statement, such a bald proposition, and I find myself struggling to make a response such as, “No, no, no, we don’t need to do that; we’re not at that stage yet.” Think about that. What are we saying? What are we predicting for ourselves, even if we say that we are not at that stage

yet? Might we come to that stage, and if we do come to that stage how will we handle it? These are very, very difficult conversations to have. They are difficult issues to address, yet if we fail to address them and if we leave people who are being driven towards those conclusions without a response, I believe we are failing in a very serious way. We are doing more than not helping; we are actually failing in the sense that Edmund Burke talked about when he said—or Plato or Tolstoy; there is debate about who said it—that bad things happen when good people do nothing. We are failing in that very important sense if we stand back and fail to engage in those conversations.

As Hon Ken Travers said, we have to put on the record the fact that we as a nation have been helped enormously in finding a vocabulary, a language, in which to have those conversations by the change of tenor, the change of tone, that has been set by our new Prime Minister. I have noted, even in those casual, informal conversations with family, friends and constituents who want to talk about these things, that the tone of the conversation has changed absolutely dramatically in the past four weeks. We saw that in the Australian response to Beirut; the Australian response to Paris; and the Australian responses over the past 10 days to international talk about how the West was going to respond, and that has been a very helpful thing. I believe that there is an obligation on all of us as parliamentarians to make the most of that opportunity that has been given to us by that change of tenor, that change of tone, and to be courageous enough to have these conversations about what we need to do; about what actions we might take in 2015 to bring about that circumstance that Hon Ken Travers foreshadowed when this bill is included in an omnibus bill such as the one that has been introduced in the other place to get rid of obsolete legislation.

Hon Ken Travers: Obviously, if we get to 2025 and it is no longer needed, it will just lapse.

Hon SALLY TALBOT: As Hon Ken Travers said, this bill will either lapse or, as I have suggested, find its way into that omnibus of obsolete legislation. I will ask my question once more and then I will move on: is there anything else we can do now in 2015 to bring that outcome, which is the outcome we all want, to make it more likely to happen?

In the time that remains to me, I want to make a couple of observations. There are a couple of other questions that we need to ask ourselves. I must say in this regard that I share the view of most people on my side of politics that the media in Australia in general is very unhelpful to the left of politics. The natural voice of the media in Australia seems to be a pretty right-wing view. But I have to say—I would not often do this—that the coverage in *The Australian Financial Review*, particularly of the serious national issues that we have to face as a country and as a nation, has been absolutely exemplary in the past couple of weeks. I will therefore draw on a couple of things and quote from a variety of journalists, not one particular journalist, in *The Australian Financial Review*, who seem to have an ability that is almost unique in Australia at the moment of being able to bring together expert comment and present it in a way that I think makes sense. I do not believe they would see themselves as a bastion of the left, but they have certainly become a bastion of intelligent comment. I want to draw on a couple of things that have been raised in the media that lead us perhaps to a consideration of some of the concrete matters that we ought to be looking at in the spirit that I have just flagged.

One of the questions is that I am not sure that we are actually clear about who the targets might be of the acts that we are trying to prevent. I think that there is a danger in not being clear, or at least a danger in not having an informed conversation about who the targets are. In one sense, people might say that is a ridiculous thing to raise, because clearly the targets are the people who were killed. There is no doubt that the people who rushed into the Bataclan concert hall were trying to kill the people in the audience. But in that regard we would want to say perhaps more generally—not to take away from anyone’s personal grief and tragedy—that the targets in the case of the Paris bombings, in the case of the Russian plane that was brought down and in the case of the shoppers at the market in Beirut, were clearly innocent people. They were not soldiers. They were not military establishments. They were not even opponents. We find ourselves in the dreadful position now of having two major terrorist organisations trying to outdo each other. We had the *Charlie Hebdo* murders that were carried out by al-Qaeda; then we had the murders in Paris that were carried out by ISIL or ISIS—whatever we want to call it. The social media analysis shows that there are terrorist groups that follow these massacres by tweeting each other and stating, “This is the way you do it”; drawing out the substantive differences between the two. In the case of *Charlie Hebdo* they drew out that the targets were people who were propagating material that was found to be offensive; whereas in the case of Paris they were innocent people.

Then of course that was followed up only a matter of days ago by the hostage-takings and the murders in Mali. Again they were carried out by al-Qaeda as a way of saying, “This is how you do it.” We have all read that the hostages were asked whether anybody could recite a verse of the Koran, and anybody who could do so was allowed to walk out and the people who could not were killed. Then the twittersphere went crazy with comments such as, “This is the way you do it because you don’t kill Muslims.” What a shocking thing. In the middle of all that horror, I am trying to pull out the fact that whoever is killed, it is the death of innocents and innocence. It is often young people who are killed and almost always people who do not deal in death, so it is not military people or people working in defence establishments.

What do we have here? What drives our response to this issue? Surely it is that outrage we feel when we have to say to ourselves, “We thought we were safe and now we know that we’re not.” It occurred to me that one of the ways of teasing out that reaction is to look at some events that we have experienced recently. For instance, I look at the four deaths in Esperance last week, which was a truly shocking thing. I was sitting in a committee when the news rolled in about the number of deaths that had occurred. I saw the shock on the faces of my colleagues; people who represent that area were clearly very upset by what was happening in Esperance. The fire in Esperance was a shocking thing. Somehow we do not put Esperance in the same horrible bucket as Paris, Beirut and the bombing of the plane. Why do we not do it? If our child were going to Esperance, we would say, “I think you’re going to be safe. Have a great time. Let me know how you go.” If our child were going to Paris, we would probably feel a little frisson of concern. We would probably say, “Register with the Department of Foreign Affairs and Trade. Make sure people know where you are. Check the DFAT website regularly for alert levels. Don’t go to political protests.” We know the sensible way to be safe. We would say to our son or daughter, “Send me a text every couple of days to let me know you’re okay.” My husband went to Kurdistan a couple of months ago to do some work there. He went into areas that were highly dangerous. People said to me, “Aren’t you worried about him?” Of course I was worried about him but I worry about him when he gets on the bus to go to East Perth because I always want him to be safe. I knew that going into an area such as Kurdistan, he would be surrounded by security. He was briefed to his eyeballs about what to do to be safe. He was briefed about who to talk to, who to travel with and what to say to people. He put in place every conceivable mechanism about how to be safe, and of course so did the company because it did not want to start losing employees.

To come back to that proposition I was putting about what has happened because of the events that have occurred, as Hon Ken Travers said, regularly over the last 14 years, we now know that where we thought we were safe, we are not safe anymore. That is the foundation of our response. What do we do about that? I am suggesting that we need to be very clear-sighted about who the targets are. In that regard, I want to refer to an article that appeared in *The Australian Financial Review* last week. If we put the work of people such as Dr Aly and other terrorism experts in this country and the rest of the world together, it looks like the real targets of these terrorism incidents are not the kids who were at the Bataclan concert or the tourists on the jet flying back to St Petersburg; it is these people living in what we are now learning to call the Islamic grey zone. These are Muslim people who are perceived by the extremists to have integrated into a non-Islamic society. In other words, the real targets are the neighbours—the people who are living with us right here in Perth. If we are clearer about that, it will help us guide our responses both as neighbours but also, importantly, in the context of this debate as legislators, as parliamentarians. I thought it was worth sharing with honourable members a short section of this article that appeared on page 39 of *The Australian Financial Review* on 16 November by Tobias Feakin, the director of national security for the Australian Strategic Policy Institute. It stated —

Our strongest weapon in pre-empting any potential terrorist attack is through robust intelligence information. The struggle for any agency is being able to sift through the sheer volume of information flows between fighters in Syria and Iraq and sympathisers and potential terrorists abroad. Deciphering what constitutes actionable intelligence and what is just background noise is extremely difficult and is presenting problems for intelligence agencies. In combating this threat, international intelligence coordination is going to be vital, and domestically creating granulated intelligence pictures even more so.

Over the coming days and weeks, governments—especially the French—will face acute pressure to respond robustly to the attacks. It is hard to envisage that governments won’t step up the ferocity of their air strikes on IS in Syria and Iraq. Yet domestically it’s important they don’t play into the hands of IS, whose aim, stated through its own publication *Daqib*, is to “bring division to the world and destroy the grey zone everywhere”. The grey zone being IS’s description of Muslims it perceives to have settled and adopted Western patterns of life. As they have done in Iraq and Syria in expanding sectarian divisions, IS is looking to create large divisions within our own societies, so it’s vital that decisions taken to respond do not play to this aim.

A couple of days after I read that article in *The Australian Financial Review*, I listened to Hon Sue Ellery’s contribution to this debate. In her capacity as shadow Minister for Education, she talked about her visits to the three Islamic schools in Perth. A lot of people’s experiences with the after-effects of these kinds of events are well documented. Dr Aly herself says in one of the articles about her that I read recently that the very first time she wrote a letter to a newspaper, which she says was the beginning of her activism, was after she was walking down a suburban street in Perth and she saw a mother and daughter making derisive remarks, pulling faces and generally making fun of a woman in a hijab. She saw the effect it had and she wrote to a newspaper pointing out how unacceptable that was and how offensive and dangerous it was to allow a community response like that. Anne Aly herself points out that we seem to be reluctant to take action against people who make open threats to the Muslim community, either by attending rallies such as the ones we saw at the weekend and wearing T-shirts with, frankly, racist slogans on them or by making extreme threats publicly over the internet. She points out that if Muslim people were engaging in the same kind of behaviour, they would certainly be placed on a list like the

Fiche S that I referred to earlier but one could assume that they would be the subject of much more direct police and security force scrutiny as well.

I was struck by the fact that Hon Sue Ellery referred to those three Islamic school campuses and the fact that teachers and students of those schools have already experienced that kind of harassment on the streets. What are we talking about here? We are talking about cars slowing down as they pass, windows being wound down and abuse being shouted at kids and teachers by people in those cars. We are talking about mosques being defaced. We are talking about awful things that basically do not just upset people; they affect their fundamental sense of who they are, where they are and the place they live in. It affects their basic sense of security and their own place of living. I ask members to hold the thought of what Hon Sue Ellery has described about the kind of behaviour that those children who attend these schools are experiencing—the kind of abuse they are copping—and then listen to the opening comments of an article by Dr Aly in *The West Australian* on 21 April. The article states —

In an unassuming house in the suburbs, a teenager sits alone in a dark room, his face lit only by his computer screen. As he watches, the barrage of images tugs at his emotions: dead Syrian infants with ashen faces; orphans left to perish in the bitter cold of the Syrian winter; grown men with hooded faces, forced to take part in humiliating acts as American soldiers pose smiling.

His search for answers takes him to videos produced by Al Hayat, the media arm of the so-called Islamic State. The slick production accompanied by emotive music immediately grabs his attention. He watches intently as the video describes those who are fighting as true believers, dutifully opposing oppression and injustice for the establishment of a pure Islamic state.

He watches video after video, conveniently dismissing those that aim to present a different argument. Some are in Arabic, some have subtitles, many are in English. But the images speak for themselves: brave soldiers, some not much older than he is, prepared to die for their freedom, feeding the poor, helping the weak and feeble and standing up for the rights of Muslims, just like him, everywhere.

In the teenager's mind, their violence is no less brutal than the atrocities he believes are carried out against Muslims. In his mind, there are no innocent victims.

This is Islamic State on the internet.

Members can put that together with the images that Hon Sue Ellery mentioned. What if that young man is listening to his sister and his mother in the next room who have just had abuse hurled at them by some yob going down the street? I come back to the words of Rose Leroux that I shared with members earlier. To my mind, it is those people who are behaving like ultra-religious punks—as much as the terrorists who are actually engaging in the atrocities—who should be categorised just as much as radicalised little bullies and ingrates. It is those people whom we need to talk about if we are to address these very real threats and miseries that are being inflicted on our neighbours, people who are living in an “Islamic grey zone”—a term I do not like to use—because it is clearly a phrase that is contrived and people are trying to eliminate it; they are trying to suggest it is not a good place to live. We need to re-imagine who those people are, because many of them are our friends, our constituents and our neighbours here in Western Australia.

By way of closing—I recognise that we are going into committee, when we can explore a couple more of these issues—we need to be clear-sighted about the sorts of things we think about now in order to prevent things getting worse and, hopefully, to bring us to a stage at which this legislation will lapse. We need to learn from history. We have in this country a lived history of internment, for example, in the Second World War. I wonder how many people realised the other day, when France extended its state of emergency to a period of three months, that most of the people who are on the Fiche S list are now subject to home detention for that three-month period. Are we going to get to that stage in Australia? Clearly, all members in this place hope that will never, ever happen, but it is happening right now in a country that is one of our closest western allies. We need to ask ourselves when we consider the measures in this bill, particularly as they relate to the detention of people, whether we could ever, ever justifiably apply the precautionary principle to terrorism and whether we could ever get to the stage where we say that no-one has the benefit of the doubt and that if I hear my neighbours do certain things or they look a certain way, then it is right to target them for these kinds of measures. Again I want to say, on behalf of all members here, that we never want that to happen. Yet, we are seeing all our western allies gradually moving to a stage where those principles are being embraced. The sooner we start talking about these things the better.

I know that Hon Sue Ellery referred honourable members to the video clip on *La Petit Journal*, which I thought was an extraordinary piece. That should be mandatory viewing for anybody who wants to see the innocence that can still be informed by such a terrible thing. I found that a really extraordinary piece of footage.

I also want to extend my condolences to all my friends and teachers at Alliance Française, particularly Yann Le Flour, as I know that many of them had friends and family in Paris on that night and it has been a terrible week for them. In the same spirit that Hon Sue Ellery referred us to that video on *La Petit Journal*

I want to share a short verse by Warsun Shire, a Somali poet, who sums up the extent to which we are all involved in what is happening on a global basis. It reads —

later that night
 i held an atlas in my lap
 ran my fingers across the whole world
 and whispered
 where does it hurt?
 it answered
 everywhere
 everywhere
 everywhere

HON ADELE FARINA (South West) [3.46 pm]: I also rise to speak on the Terrorism (Extraordinary Powers) Amendment Bill 2015. As previous speakers have noted before me, the bill is not introduced in response to the recent terrorism acts that we all witnessed in Paris, but because of a 10-year sunset clause to the Terrorism (Extraordinary Powers) Act 2005. As 10 years have lapsed, we need to make a decision about extending these powers. The bill before us seeks to extend that sunset clause for another 10 years and to have regular three-yearly reviews of the legislation, as has been the case over the past 10 years. It is impossible, however, to talk about this bill without talking about recent terrorism acts. Hon Ken Travers talked about the September 11 terrorist attack against the World Trade Center, remembering where he was on that night. I certainly remember where I was. I was a reasonably new elected member of Parliament. I still did not have an office in my electorate and I had been given temporary housing in Dumas House by the Department of the Premier and Cabinet. I was in my office in Dumas House—probably the only person there at that late hour doing some work—when I got a phone call from my sister, who asked me where I was. I explained where I was and she told me to turn on the TV. I said that it was a bit difficult as I did not have a TV where I was. She said that I had to get home as I had to see what was happening. The way that she spoke to me was as though what was happening was the end of the world. I was in this office, isolated, with no idea of what was happening. I got in the car and went home and I spent the rest of that night glued to the TV, as I am sure many other people were, watching this horror unfold, and finding it all very surreal and struggling to take in what was happening.

On the morning of Saturday, 14 November this year, I, like millions of others, awoke to the news of the terrorist attacks in Paris, which were occurring on the evening of 13 November in Paris, being seven hours behind Western Australia. Millions of people across the world were experiencing what has now become an accepted occurrence: we can see events happening in live time.

It is a surreal experience when we watch the television as the events unfold. It is very hard to take it in. Since that night, we have heard a lot of interviews with people who were captured in the events saying how surreal it was. It was equally surreal for those of us who watched it on TV.

The sheer scale and the coordinated effort of the attacks took many people by surprise. It consisted of mass shootings, suicide bombings, hostage taking and indiscriminate killing on a large scale. More than 130 people were killed, including 89 at the Bataclan concert hall, and 368 were injured. While I was watching my TV in shock and horror at the events taking place, I came to the realisation that my cousin David lives in Paris with his two teenage sons and they are regular concertgoers. It occurred to me while I was watching this play out that he could be involved in what was occurring on the other side of the world. So I immediately sent him a text to check that he was okay. Fortunately, he and his sons were safely at home that night, although in his text message he said that they were at home, watching it all unfold on TV and they were in shock because they are frequent attendees at the Bataclan concert hall and they could quite easily have been there on the night and been involved in the killings. It was a very surreal time for all of us. I think being able to watch it as it unfolded brought home to everyone the gravity of the situation.

As I have said, the sheer size and coordination of the terrorist attacks was extremely shocking and gives us all cause for concern. The attacks came too closely after the *Charlie Hebdo* attack and a series of related attacks in Paris in January 2015 that saw 17 people killed. ISIS was quick to claim responsibility for these attacks and a number of other terrorist attacks around the world over the past year. These attacks left not only the French shaken; I think all of us right across the world have been shaken by these events. Since the terrorist attacks in Paris on the evening of 13 November, we have seen an impressive effort across France, Belgium and Turkey to track down those involved in planning and organising these terrorist attacks. A week after the Paris attacks, in response to similar Paris-style threats, Brussels was put on lockdown, with heavily armed police and soldiers patrolling intersections and public places. Sporting events and concerts in not only Paris, but also Brussels were cancelled. These are scenes that most of us would not have expected to see in our lifetime.

Among the many questions being asked about how and why the Paris attacks occurred and managed to go undetected, despite France being on high alert for terrorism since January 2015, came the news that intelligence agencies in Turkey, Iraq and Israel had warned of an imminent attack on French soil months before, and even the day before, the attacks but got no response from French authorities. This is very concerning. We also learnt that a number of the perpetrators were known to intelligence authorities. We get from that an understanding that the intelligence is pretty good, but the problem is what is being done with that intelligence. In January, Turkish authorities detained one of the perpetrators, Brahim, at their border and deported him to Belgium. They told the Belgian police at the time that Brahim had been radicalised. When he was questioned in Belgium, Brahim denied any involvement with ISIS and was released. He was one of the perpetrators of the Paris terrorist attacks and ended up blowing himself up and killing himself and injuring another. Similar stories are repeated about a number of the other perpetrators of the Paris terrorist attacks. The intelligence agencies were not able to keep up with ongoing surveillance of the individuals, losing them at various times as they left and entered the country and surrounding countries, and a lot of warnings were ignored or not taken seriously enough.

Against this backdrop, it is easy to argue that we need to increase the powers of our police and intelligence agencies in order that they can protect us from the terrorist threat. Following the *Charlie Hebdo* attack, there was a large boost in funding to the French intelligence agency and new powers were given to the agency, giving it more power to eavesdrop than ever before. In fact, some journalists have described the powers that are available to intelligence authorities in France as powers that would be considered unconstitutional in many other democratic countries because they are so extreme. Despite all of this, the Paris 13 November terrorists were able to plan a very elaborate attack, pull together people from different countries and significant fire power, and conduct extensive targeted surveillance of the sites in question without being noticed by the intelligence agencies. That is something we need to pause and think about.

The French are not alone in their intelligence failure. Despite the United States spending billions on intelligence and security agencies—it has a number of them—it missed the World Trade Center attack, the East African embassy bombing and the Boston Marathon bombing, to name a few. Similarly, the British security agency missed the London bombings in 2005 that killed 52 people. Those with greater knowledge and expertise in this area than I have say that the problem is that there is too much data from too many sources and it is flowing way too fast so that these intelligence agencies simply cannot process the data to use it. This is a worry because a lot of governments have responded to these attacks by increasing the power of police and intelligence agencies to obtain data. However, we have now got to a point at which they simply are collecting too much data and are unable to process it. We simply do not have the resources to track it all. I am not suggesting that that means we need to throw more money at it, but it suggests that simply focusing on this method to combat terrorist attacks in the future is not the answer.

We heard in the reports after the Paris attacks that terrorists are using technology to outsmart the techno spies in our spy agencies, including end-to-end encryption and home video game consoles such as PlayStation 4 and Xbox, and terrorists are able to communicate over voice and data link with little fear of detection. That is the case, and it is quite horrifying to think that that is what is happening. Subsequent to those initial reports, further reports indicated that there was no evidence that that took place with the Paris attacks, but we can understand that people are putting that information out there in the hope of increasing the powers to the intelligence agencies for greater surveillance. The question we have to continue to ask ourselves is: does that deliver an end result and is that the answer to stopping terrorist attacks in the future? I think the answer to that is no. It may assist in stopping some attacks, but it will not stop all attacks, because the amount of data and the amount of activity that is happening is simply too great for any agencies. Even with a lot of collaboration across agencies and across countries, the amount of data that is being collected is simply too great to process.

Some of the experts say that the only way to prevent continued terrorist attacks is for countries to re-evaluate their foreign policies and the laws impacting on Muslims living on their soil. That is something we need to take into consideration in this debate, because it is clear that simply continuing to increase the powers of police and intelligence agencies and their capacity to access data is not the solution to the problem. It is an aid, but it is not the solution. The same experts say that governments continue to increase funding for intelligence agencies and strengthen the powers of police and intelligence agencies despite this problem being largely illusory. We know that Britain intends to double its expenditure on aviation security, despite already spending £9 million annually on aviation security, and is recruiting some 1 900 security and intelligence agents as part of its response to the terrorist attacks in Paris. Britain already employs 12 700 staff in its intelligence agencies. We need to ask whether those resources are actually delivering the results that are needed, and how much more we need to spend to deliver results, when the experts are telling us that all of that is really quite illusory; we are not going to protect ourselves from terrorist attacks by spending in these areas.

The bill before the house seeks to do just that; that is, to provide police with additional exceptional powers so that they can protect us and prevent terrorist attacks in the future, even though all the experts say that this is illusory. The bill provides for the extension of the essential police powers required to protect the community in

the event of a terrorist attack, as we were told in the second reading speech. The bill provides a number of amendments that will rectify issues raised during statutory reviews of the Terrorism (Extraordinary Powers) Act 2005. It extends the expiry date of that legislation for a further 10 years, with reviews every three years. It incorporates the offences of advocating terrorism and membership of a terrorist organisation as two new grounds for authorising an application for a covert search warrant, which, in turn, will assist the police in gaining access to premises, which may lead to early apprehension of offenders planning a terrorist attack. The bill also addresses inconsistencies between the commissioner's level of suspicion or belief and that of the issuing judge, making it clear exactly what each party must suspect or believe when applying for or issuing a commissioner's warrant or a covert search warrant.

The bill also addresses anomalies with the introduction of the definition of "target vehicle", enabling vehicles to be searched under a covert search warrant, which currently is not the case. It also expands powers of search for and access to computer equipment, devices and data in a target vehicle, which currently is not the case; under the act as it currently stands, those can be accessed only at a targeted place. The bill makes provision for an officer other than the authorised applicant to report back to the judge about the execution of a covert search warrant, in the event that the applicant may have died or be otherwise unavailable. Allowance is also being made for an application for an extension of time to report. That is a very sensible amendment to the act. The bill provides for the Commissioner of Police to appoint special officers, sworn employees of the New South Wales Police Force or law enforcement officers from other foreign jurisdictions, as prescribed in the regulations. When dealing with terrorist attacks, we need people with specialised knowledge and expertise, so I think that is a very sensible provision to include in the act. The bill also clarifies some ambiguity about section 20 that has already been subject to litigation. It amends the section to accord with the 2010 High Court decision on *Kirk v Industrial Relations Commission of New South Wales*.

In the large scale, these are sensible amendments to the legislation that seek to clarify a number of issues of concern. The extension of search powers to cover a targeted vehicle is also a reasonable amendment. However, we need to be very careful that we do not give the impression to people that this legislation will result in them being safe in the future. No such guarantees are provided in the legislation, nor could they be. We also need to understand that we are strengthening these police powers even though the existing police powers under the act have not yet been used in Western Australia. We were told in the second reading speech that, although it is true that we have not yet had to use these powers in Western Australia, we cannot afford to be complacent. The bill is about enabling our police to adequately respond to and prevent and investigate terrorist acts that may pose a threat to the people of Western Australia. However, history shows us that, to date, intelligence of imminent threats has gone undetected or has been ignored. In such a situation, these additional extraordinary powers are unlikely to deliver a different result. If what the experts are saying is correct, we need to understand that these additional powers are in many cases unlikely to deliver any different results. As the experts keep telling us, the problem is that there is simply too much activity and too much data, which is coming from too many sources and is flowing way too fast, so that no matter how many resources we throw at the problem, we will never be able to keep track of it all.

We need to remember that the additional extraordinary powers provided to the police by this bill, read together with existing legislation, such as the Terrorism (Preventative Detention) Act 2006, provide the police with significant powers. With these extraordinary powers comes an extraordinary responsibility on the part of the police to exercise them reasonably and with just cause. Reading the report of the Corruption and Crime Commission on the Warneke matter gives cause for concern. However, looking at that in light of the fact that the powers have not yet been used in Western Australia shows that it is a bit of a balancing act. It is really important that police and other agencies in Australia understand that these powers are there for extraordinary circumstances and should be used only in those cases. It concerns me that if these powers are applied incorrectly against people who are not involved in terrorist activities, even if it is argued that there is a reasonable suspicion and therefore grounds to obtain warrants, the impact on the lives of those involved would be quite dramatic, and could actually result in increasing the isolation and victimisation they are feeling. This could do more to lead to radicalisation of young Muslims than to counter the terrorism threat we feel. These powers always need to be exercised with extreme caution and balance.

Hon Sue Ellery talked about the need to do more to address the radicalisation of young Muslims, and I agree with her. The experts in this field tell us that isolation and exclusion are motivations for the kind of radicalisation motivating young people to join the Islamic State of Iraq and Syria and engage in terrorist attacks. That is what all the experts are telling us, and I think it is true to a large extent. I feel that there must be something more that causes someone to take that step towards being radicalised. If we accept that this is the case, we need to do more to address this and to ensure that these very extraordinary powers do not fuel these issues of isolation and exclusion. We must carefully consider the advice of experts in this field and that spending billions of dollars on intelligence gathering and strengthening extraordinary powers in this area may assist to head off some terrorist attacks but cannot provide protection against all terrorist attacks. We need to review foreign policies and ensure that domestic laws provide for inclusion and not exclusion of all faiths in our community.

I was in France late July, early August this year visiting my cousins, the bulk of whom live in Lyon. They told me about some of the changes to laws under the current French government whereby Muslim women are prevented from wearing any headgear to schools or in public places. There was quite a mixed reaction in the community to these new laws. I think that is an example of laws that actually create greater isolation and exclusion. As lawmakers, we need to think very, very carefully when we make laws and try to guard against that given the serious consequences we are seeing right across the world.

I would like to read in a couple of articles to *Hansard* because they raise some interesting issues that, as lawmakers, I think we need to consider. One is an article by Joshua Kopstein, and the source is Al Jazeera America, which states —

The events following the ghastly terror attacks in Paris and Beirut last week have followed a tragically predictable formula. Once again, acts of senseless violence have left scores of innocents dead and millions around the world in mourning. Once again, we have watched these horrors unfold in real time on TV and social media, zigzagging through the maze of misinformation, anxiety and anger.

And once again, Western government officials are shamelessly exploiting tragedy to justify more surveillance, more reactionary military interventions and more draconian security policies at home. Their pitch is the same as it was after the last major attack ... and the one before that ... and as far back as anyone can remember: Give us just a little more power—surrender a few more civil liberties and a bit more privacy—and next time we will truly keep you safe.

Authorities wasted no time, blaming the attacks on the rise of sophisticated encryption even while admitting they have no evidence that encryption was actually used. On Monday morning, CIA director John Brennan ... told reporters that the Paris attacks should serve as a “wake-up call” about the need to give the government access to encrypted communications, even though he admitted there was no evidence that encryption prevented authorities from detecting the plot. The New York Times published, and later removed from their website ... an article citing unnamed European officials similarly stating that those responsible for the Paris attacks “are believed to have communicated using encryption technology,” but that it is still “not clear whether the encryption was part of widely used communications tools, like WhatsApp ... or something more elaborate.” On Tuesday, a Times headline declared “Encrypted Messaging Apps Face New Scrutiny Over Possible Role in Paris Attacks,” despite the article’s *very first sentence* stating: “American and French officials say there is still no definitive evidence to back up their presumption that the terrorists ... used new, difficult-to-crack encryption technologies to organize the plot.”

Of course, the point of all this speculation isn’t to determine how the terrorists actually planned the highly coordinated attacks, but rather to drum up fear by demonizing the widespread use of strong encryption, which has grown in popularity since National Security Agency whistleblower Edward Snowden’s surveillance revelations.

Until recently, the Federal Bureau of Investigation and other U.S. agencies were on the offensive, demanding backdoors into end-to-end encrypted messaging apps such as Signal and WhatsApp, which by design send private messages that even the companies themselves can’t read—and thus can’t surrender to law enforcement. Security experts and Silicon Valley pushed back, noting that creating backdoors would open vulnerabilities that any well-resourced adversary—be they Russian cybercriminals or Chinese government hackers—could find and exploit, making everyday Internet usage much more dangerous as a result. The consensus was so overwhelming that even President Barack Obama backed down, conceding that his administration wouldn’t be seeking encryption backdoors.

The attacks in Paris have now reinvigorated these demands. But what few details we know about the attacks shed doubt on how useful backdoors would have been.

A report from Le Monde early this morning suggests that the terrorists were not encrypting their communications ... or data while planning the attack; authorities say they were able to access data on a cellphone recovered from one of the suspects—including the location of a safe house that was raided on Wednesday, a map of the concert hall where terrorists massacred 89 people and an unencrypted text message saying “We’re off; we’re starting.” According to intelligence and law enforcement officials, three of the attackers lived in the same district in Brussels, meaning that—assuming they aren’t stupid—they would have communicated in person or by courier rather than electronically. If the group had been in contact with foreign members of ISIL, as some early reports suggested, the ability to read encrypted communications would also be secondary: Determining their associations and movements would only require access to their metadata—the communications records already collect in bulk ... — not the encrypted messages’ contents.

It speaks volumes that the United States, the United Kingdom and France all now have systems for collecting massive troves of metadata, yet none of them were able to disrupt these attacks. Indeed, newly leaked documents published yesterday by The Intercept show that the U.S. mass surveillance programs have no record of preventing major attacks ... on the scale of those that occurred in Paris.

Nevertheless, these same clamors for more surveillance powers re-emerge after every terrorist attack. And every time, we give governments the powers they want, only to have them come back for more when the next attack occurs. Following the Charlie Hebdo attacks in January, the French Parliament overwhelmingly passed one of the most sweeping surveillance laws ... in the Western world, giving its security services access to citizens' data without judicial approval. Clearly, this did little to prevent or even anticipate the attacks in Paris.

Given the repeated failure of Western security agencies to detect threats, despite all the surveillance tools they've been handed, are we now seriously expected to believe that encryption backdoors will stop these kinds of attacks forever? Are we really so foolish to uncritically accept that the true purpose of mass surveillance is fighting terrorism, when it has been proven time and again that no amount of it is ever enough to keep us safe? It's little wonder that even the NSA privately admits it suffers from having too much data, not too little.

Terrorism is, among other things, a crime against the mind. The terrorist's goal is to shock and traumatize us such that we fundamentally cripple our society and abandon our most cherished values. Fear is the objective—violence is merely the vessel.

Governments can never keep us truly "safe" from terrorism, because the safety they claim to offer is a myth. We've been given the illusion of safety because it's simply impossible to detect every threat everywhere at all times. Yet with each new tragedy, the price we pay in terms of civil liberties and privacy to sustain this fantasy increases.

It's only natural to be scared and angry in light of horrifying and senseless violence. It's normal to feel compelled to do something, anything—however rash or hasty it might seem—to try and prevent these horrors from happening again. But we must resist this urge and recognize that terrorism makes us to feel this way because it is, at least in the Western world, a rare event. We are still orders of magnitude more likely to be killed by police, car crashes, falling furniture or slippery bathroom floors than by terrorists.

Instead of trying to prevent every bad thing from ever occurring, we can be resilient. We can prepare for the worst and respond to violence by offering humanitarian aid, solidarity and support instead of being consumed by fear. And if we must be afraid, we should fear those in power who claim they can keep us safe by waging wars, eroding our liberties and crippling our ability to have control over our private lives.

They are the views of that one particular writer.

I will quote another writer, Ben Saul, who is a professor of international law at the University of Sydney and an associate fellow of the Royal Institute of International Affairs in London. He also raises concerns about government responses to the growing terrorist threat when he states —

Military responses to terrorism have also been spectacularly unsuccessful. The global war on terror has caused countless deaths and cost billions of dollars—yet there is more terror than ever before ... Military responses have correlated with more, not less, terrorism—and most of it has occurred in developing countries not the West.

...

More human rights, not fewer, were their answer to the greatest atrocities the world has ever witnessed.

...

Perfect security is a fantasy.

In other words, it is not achievable —

The darkness of terrorism will always find a way through. We need to hold our nerve and answer terror with liberty—and not the twilight of freedom.

It is the same message about being careful about the provision of extraordinary powers that erode civil liberties and the realisation that their capacity to protect us is limited. Although they may protect us against some terrorist attacks, they are not going to protect us from all of them. As we have seen throughout history, in many cases they provide no protection at all because terrorist activities continue to occur, and they are escalating.

I will refer to another article. This one is headed “Why Did France Fail to Prevent the Paris Terror Attacks?” and it commences —

Seven of France’s security and intelligence shortcomings, which, if resolved, could prevent the next strike.

The article was written by Anshel Pfeffer and was published on 11 January 2015. He talks about a number of issues, but he acknowledges —

France has legislation to act against terror suspects in ways that would be unconstitutional in other countries, and its intelligence and special-forces capabilities are first-rate.

That is not what the problem is. He also states —

With 1,300 French civilians having gone to Syria and Iraq to fight with Islamist groups, and with thousands of other potential jihadists still on French soil, there simply isn’t the manpower to track each of them.

He raises that as a concern that echoes the views of others. He also refers to radicalisation centres in prisons. The article states —

At the end of the 1980s, France passed a law letting the authorities jail anyone suspected of having links to groups “planning terror,” even if these people had done nothing themselves.

At any given time there are at least 100 men behind bars due to this law, ... Many of them are mere foot soldiers, but their time in prison, usually with many other young Muslims, has turned the jails into radicalization centers.

The French government has sent moderate imams there in an attempt to deradicalize these young men, but without much success. After the main organizers are detained they are kept in a form of house arrest, but this doesn’t prevent them from staying in contact with their followers.

It indicates that some of the laws that were put in place, and that we are telling people we are enacting under the veil of preventing future terrorist attacks, are helping to feed the isolation and victimisation that these individuals feel. It is a really hard call when we saw hundreds of innocent people, who were going about an ordinary night’s entertainment at the concert hall or on the streets of Paris, being attacked and killed in that way. We want to respond, but as members of Parliament we need to ensure the responses we provide are measured and reasonable, and will deliver results. We need to also understand and communicate that a legal response alone to a criminal act will not address the problems that confront the world today. We need to look at our foreign policies and at our domestic policies and laws. We need to deal with the isolation that young Muslim people in our communities feel, and the exclusion that they feel. We need policies and practices that are inclusive and provide support. At the same time we need to guard the liberties that our forefathers fought very hard for—they should not be given up easily.

I simply bring that into the debate in relation to this bill. It is important to understand that although this bill provides extraordinary powers, it is very limited in its capacity to keep people safe and to prevent future terrorist attacks. It aims to deliver that result, but it will not on its own. When talking to the media and to the community about this legislation, we need to be careful that we do not give a false impression or illusion. Having said that, I acknowledge these laws play a part. Provided the laws are exercised reasonably by the authorities that have the powers to use them, they are an effective tool in helping to deal with the terrorist threat, but they are not the answer.

HON LYNN MacLAREN (South Metropolitan) [4.27 pm]: I rise to contribute to the second reading debate of the Terrorism (Extraordinary Powers) Amendment Bill 2015. I begin by thanking the minister for the briefing that was provided to me. It was provided the day after the events in Paris. I think every member who has spoken thus far has reflected on how different this debate has been because the bill was received in this chamber in the days following the most recent horrific terrorism events in Paris. It has been very appropriate that members have been very cautious in their comments and very contemplative of the impact that the anti-terrorism bill before us will have on state laws, and even more so the impact that our public comments will have on peace, and concerns about racism and anti-racism in our community. It is a time to be very careful about one’s comments about terrorism. It is a time to build community. I could not have agreed more with the previous speaker, Hon Adele Farina, who managed to say in a very caring way that one of the most important things is to be very mindful that what we say in Parliament and in the media, and how we respond to acts of terrorism and those people who might seek to strike out in response, in pain and blame, does not seek to further contribute to the angst and hurt that society is feeling at this time; and instead, that we act in a constructive manner to try to pull society together and heal society from the pain that has occurred.

As Hon Ken Travers mentioned, the Greens were in the chamber in 2005 when the original bill was debated.

Debate interrupted, pursuant to standing orders.

[Continued on page 8731.]

QUESTIONS WITHOUT NOTICE**CAVERSHAM TRAINING AND EDUCATION CENTRE****1324. Hon SUE ELLERY to the Minister for Education:**

I refer to the imminent closure of Caversham Training and Education Centre.

- (1) What are the circumstances of the closure?
- (2) Did the Department of Education Services or any other agency conduct a review into any aspects of the school prior to its closure?
- (3) What arrangements are in place to assist parents in finding suitable alternative placements in other curriculum and re-engagement in education schools for children who have been attending the Caversham facility?

Hon PETER COLLIER replied:

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

- (1) The Caversham Training and Education Centre advised me in a letter dated 10 November 2015 that due to the difficulty in achieving a sustainable business model, the board of management of Directions Workforce Solutions Inc may request voluntary closure of the CTEC curriculum and re-engagement in education school. I am advised that the Department of Education Services received a letter today from the chair of the CTEC board advising that the school will close on 10 December this year.
- (2) On 8 September 2015, a renewal of registration visit was undertaken by an independent review panel. The post-review report has not been finalised by the Department of Education Services.
- (3) The board has been advised that there is a requirement under the School Education Act 1999 for the records of all enrolled students to be provided to the Department of Education Services. Once these records are received, they will be passed to the Department of Education for follow-up. Directions Workforce Solutions has already commenced discussions with ALTA-1 College and Corridors College CARE schools about transitioning the CTEC students to these schools.

The number of CARE schools has increased significantly in recent years, which can be attributed to the government's commitment in 2013 to provide an additional \$4 million in funding to WA CARE schools over four years. Total funding for CARE schools increased from \$1.395 million in 2007–08 to \$7.792 million in 2014–15.

The situation with CTEC is that a number of students enrolled are not actually turning up. These students are fundamentally disengaged students and attendance is very irregular, but in this instance the number actually dropped by about one-quarter. I understand that CTEC sought some additional funding from the federal government, which was rejected, but the board made the decision because it had put Directions and itself under serious threat.

Having said that, it is incumbent upon DES, me and CTEC to look after the welfare of the current students, and that is what we are doing through working with either ALTA-1 or Corridors. By sheer coincidence I am actually going to Corridors tomorrow morning for a visit, and I will be talking with Terry Parsons, the principal, about the potential movement of some of those students to Corridors.

SCHOOLS — MAINTENANCE — FUNDING MODEL**1325. Hon SUE ELLERY to the Minister for Education:**

- (1) Has the Department of Education conducted or facilitated consultations on a model of funding school maintenance based on or similar to the Queensland D2M—direct to market—model?
- (2) If yes to (1), when were the consultations and which stakeholders participated?

Hon PETER COLLIER replied:

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

- (1) No; however, the Department of Education has had initial discussions with the Department of Finance Building Management and Works on the Queensland D2M model of funding school maintenance. The department currently has in place a program that provides for all public schools to opt to manage their own faults up to a value of \$1 500. Independent public schools have the flexibility to choose their own contractors to repair faults. In 2015, 166 public schools opted to manage their own faults.
- (2) Not applicable.

PASPALEY PEARLING COMPANY — JARROD HAMPTON

1326. Hon KATE DOUST to the Minister for Commerce:

I refer to my question without notice on 17 November 2015 regarding Paspaley Pearling Company and the death of pearl diver Jarrod Hampton and to the minister's response that the decision to proceed to a full coronial inquiry is currently being considered by the coroner.

- (1) Has the Coroner's Court of Western Australia sought a copy of WorkSafe Western Australia's investigations into the death of Mr Hampton?
- (2) Has WorkSafe provided its investigation report, findings and all other information to the Coroner's Court; and, if not, why not?

Hon MICHAEL MISCHIN replied:

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

- (1)–(2) The Coroner's Court has been in contact with WorkSafe in the matter. WorkSafe is waiting for confirmation of the requirements of the Coroner's Court.

ROADS — CURTIN AVENUE — REALIGNMENT

1327. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I believe my question, of which some notice has been given, has been redirected to the parliamentary secretary representing the Minister for Transport.

- (1) What is the current status of the Liberal government election commitment to spend \$40 million on a realignment of Curtin Avenue south of Marine Parade?
- (2) When will this work be completed?
- (3) How are the safety issues on Curtin Avenue and Port Beach Road being managed until this realignment is completed?

Hon JIM CHOWN replied:

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

- (1)–(2) In the 2015–16 budget, the Curtin Avenue project has allocations of \$5 million in 2016–17, \$20 million in 2017–18 and \$15 million in 2018–19.
- (3) Currently, Main Roads Western Australia is responsible for Port Beach Road and the section of Curtin Avenue from Walter Place to the northern boundary of the City of Fremantle. The Towns of Mosman Park and Cottesloe are responsible for the sections of Curtin Avenue within their respective boundaries. There are no plans at this time to change these responsibilities.

ESPERANCE BUSHFIRES — WIND EROSION

1328. Hon SALLY TALBOT to the Minister for Agriculture and Food:

- (1) Is the minister aware of concerns about the wind erosion implications for farmers following the recent catastrophic bushfires in Esperance?
- (2) How many employees of the Department of Agriculture and Food have expertise in this area, and of these how many work in the Esperance region?
- (3) What is their advice to the minister about managing wind erosion in areas affected by the fires?
- (4) What measures has the minister already put in place?
- (5) What measures are planned and when will they be put in place?
- (6) How much money has been put aside to pay for these measures?

Hon KEN BASTON replied:

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

- (1) Yes, I am.
- (2) There are 15 staff in total across DAFWA who have expertise in the areas of soil management, soil mapping and modelling. Four of these staff members are based in Esperance.
- (3) DAFWA has an information package on its website about managing soil erosion following fire. Key points are to remove livestock and prevent them from returning—they can be put into a confinement feeding area, an unburnt paddock or agisted; minimise vehicle traffic; to protect highly susceptible and

valuable areas, such as gateways, laneways, yards, surrounds of houses and sheds with binding spray, claying, gravel, old hay or straw to give a full cover; to leave burnt residue on roadsides, revegetation and bush areas, which will decrease the risk of wind erosion; and if clearing is necessary, it can be left until after the break of season.

- (4) Measures put in place include the post-fire wind erosion package on the DAFWA website. Staff have created wind erosion hazard maps of the affected area. Esperance staff are working with industry partners and commercial agronomists to advise on best practice management of burnt paddocks. Exploration of hydro-mulching and other mitigation techniques are being investigated for stabilisation of high priority areas.
- (5) The Esperance office advises that overnight it rained over the fireground. DAFWA experts advise that this will likely form a protective seal on the surface of the majority of soil types in the affected area, which will reduce wind erosion risk. Esperance staff will verify the formation of the surface seal when conditions allow. DAFWA will continue to work with industry partners to ensure that the wind erosion risk is minimised until ground cover can be established.
- (6) Funding requirements will be dependent upon the outcome of the wind erosion investigations referred to in (4) and (5).

ROE HIGHWAY STAGE 8 — POLICE PRESENCE

1329. Hon LYNN MacLAREN to the Attorney General representing the Minister for Police:

- (1) What was the purpose of the police presence at Bibra Lake near Adventure World this morning?
- (2) Was anyone else in the area besides early morning joggers and road surveyors?
- (3) How many police officers attended?
- (4) What is the estimated cost to the taxpayer?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Police, I thank the honourable member for some notice of the question.

- (1) The police presence at Bibra Lake today was in response to police intelligence and to ensure that members of the public going about their lawful business were not impeded by protesters.
- (2) Police encountered approximately 60 protesters at that location who were sitting down in front of heavy machinery at the site, obstructing work.
- (3) Approximately 37 police officers were in attendance at the site.
- (4) This forms part of the Western Australia Police budget.

ADELAIDE STREET, HAZELMERE — LANDFILL SITE

1330. Hon SAMANTHA ROWE to the minister representing the Minister for Environment:

I refer to the landfill site in Adelaide Street, Hazelmere.

- (1) Why did the Environmental Protection Authority take more than two years to set a level of assessment for the remediation of the site, and was this time frame in compliance with the Environmental Protection Act 1986?
- (2) Why did the Department of Environment Regulation advertise a works approval process prior to the EPA's level of assessment decision for the project, and was this compliant with the Environmental Protection Act?
- (3) Why have members of the community who live within five metres of the classified contaminated site not been afforded any notification of the proposed project by the EPA or DER?
- (4) How does the Minister for Environment justify the EPA's decision not to assess this project and allow it to proceed without adequate separation distances as prescribed by the EPA's environmental assessment guidelines for waste disposal facilities?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1) The proposal to remediate the landfill site was referred by a third party in August 2013. The Environmental Protection Authority considered that it did not have enough information to enable it to decide whether to assess the proposal. The EPA requested further information about the proposal in accordance with the requirements of the Environmental Protection Act 1986. The EPA made its decision once the information was received in late September 2015.

- (2) Although section 54(4) of the EP act prevents the Department of Environment Regulation from making a decision to grant or refuse a works approval before the EPA has decided whether to assess a proposal, the EP act does not prevent DER accepting, advertising and assessing an application for a works approval while part IV of the EP act processes are underway.
- (3) DER wrote to 48 landowners on 9 November 2015. This included all adjacent landowners immediately to the north, east and west of the proposed premises in Hazelmere and residential households to the south along Adelaide Street between Stirling Crescent and Roe Highway in High Wycombe.
- (4) The EPA published its decision not to assess the proposal on 9 November 2015 and provided public advice on the future regulation of the site remediation. This decision was appealed and, as the Minister for Environment will have a future decision to make in relation to these appeals, it is not appropriate for him to comment at this time.

ELLENBROOK FIRES — SMS WARNING SYSTEM

1331. Hon ALANNA CLOHESY to the Attorney General representing the Minister for Emergency Services:

I refer to the fires in Ellenbrook on Sunday and the SMS warning system.

- (1) Can the Minister for Emergency Services explain why residents just two doors down from the fire front were not alerted about the fires?
- (2) Can the minister explain why residents just hundreds of metres away from the fire front were also not alerted?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Emergency Services, I thank the honourable member for some notice of the question. The Department of Fire and Emergency Services advises as follows.

- (1)–(2) If a fire starts close to properties and moves very quickly, it is not always possible to activate the telephone warning system in time. The telephone warning system was not used for this fire. The telephone warning system is just one way that people may receive a warning. The Department of Fire and Emergency Services recommends that people seek information from a variety of sources, including: monitoring their surroundings; staying in touch with neighbours and friends; checking the DFES website or the DFES phone line, which is 13 33 37; monitoring the DFES twitter account, which is @dfes_wa; and radio emergency broadcasts and the media.

PUBLIC TRANSPORT — SENIORS

1332. Hon MARTIN PRITCHARD to the parliamentary secretary representing the Minister for Transport:

Since 1 July 2015, how many seniors with entitlement to free travel have travelled on the suburban train system between the hours of 7.00 pm and 6.00 am?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of this question. I ask him to please refer to question without notice 1310.

Several members interjected.

The PRESIDENT: Order! The answer is the answer, whether you like it or do not agree with it.

ST JOHN AMBULANCE — BUNBURY

1333. Hon ADELE FARINA to the parliamentary secretary representing the Minister for Health:

I refer to the east Bunbury St John Ambulance substation.

- (1) How many additional paramedics were employed as a result of the opening of the east Bunbury substation?
- (2) On 30 September in 2014 and 2015, how many staff were employed in Bunbury—by head count and full-time equivalent—by St John Ambulance?
- (3) Of the staff listed in (2), in each of 2014 and 2015, how many were paramedics?

Hon DONNA FARAGHER replied:

On behalf of the parliamentary secretary representing the Minister for Health, I thank the honourable member for some notice of the question.

- (1) Two additional career paramedics were employed.

- (2) This information is not required to be provided by St John Ambulance under its contractual arrangements with WA Health, and is not available.
- (3) The number of paramedics employed is part of the contractual reporting requirements. Ten paramedics were employed in Bunbury in 2014 and 11 paramedics were employed in Bunbury in 2015.

ESPERANCE BUSHFIRES

1334. Hon LYNN MacLAREN to the Attorney General representing the Minister for Emergency Services:

I refer to the recent catastrophic bushfire at Grass Patch and Salmon Gums that tragically claimed four lives.

- (1) I understand that the fire was started by lightning north of Cascade. What was the specific location, if known, where the fire started?
- (2) In relation to (1), is the location bushland or farmland?
- (3) Who owns and manages the land where the fire started?
- (4) To what extent does it appear that prescribed burning, or lack thereof, contributed to the severity of this fire and the harm done?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Emergency Services, I thank the honourable member for some notice of the question. The Department of Fire and Emergency Services advises as follows.

- (1) The location is best given as approximately four kilometres south of Lake Mends and four kilometres east of Lake Pyramid, generally north east of the Pyramid Road–Neds Corner Road intersection.
- (2) The fire was located in bushland, which is unallocated crown land.
- (3) Unallocated crown land is owned by the state and is managed by the Department of Lands.
- (4) Information pertaining to the extent of mitigation works in this area should be directed to the Department of Lands.

AGRICULTURE — TRAINING SKILLS FUNDING

1335. Hon DARREN WEST to the Leader of the House representing the Minister for Training and Workforce Development:

I refer to the minister's media statement of 29 July 2015 relating to agricultural skills development.

- (1) How much money has been allocated to the Muresk Institute this financial year?
- (2) Which specific courses will be available as a result of this funding?
- (3) Has any of the \$10 million allocation been provided to other institutions; and, if so —
 - (a) which institutions have received funding; and
 - (b) how much has been allocated to each of them?

Hon PETER COLLIER replied:

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

- (1) A total of \$2.585 million has been allocated in the 2015–16 financial year.
- (2) Specific courses available as a result of this funding for the years 2014–15 to 2017–18 include: a Bachelor of Agriculture Business Management; an Integrated Diploma Program, diploma of agriculture; a certificate III in conservation and land management; a certificate III in agriculture; a certificate II in rural operations; and numerous short courses tailored for industry.
- (3) Yes.
 - (a) Funding has been provided to the following institutions for the years 2014–15 to 2017–18: the C.Y. O'Connor Institute for the Bachelor of Agriculture Business Management; the University of Queensland's Gatton Vocational Education Centre for the integrated diploma program; and various public and private training providers for the certificate III in agriculture, certificate II in rural operations, and numerous industry-driven short courses.
 - (b) The funding provided to other institutions for the years 2014–15 to 2017–18 is as follows: the CY O'Connor Institute, \$3.615 million; the University of Queensland's Gatton Vocational Education Centre, \$2.261 million; and various public and private training providers, \$1.78 million.

EDUCATION — ENGAGEMENT CENTRES

1336. Hon SUE ELLERY to the Minister for Education:

- (1) What will the age criteria be for students to be referred to the engagement centres?
- (2) Will the engagement centres take students from all age groups in one centre?

Hon PETER COLLIER replied:

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

- (1) Students in kindergarten to year 12 are eligible for support from engagement centres.
- (2) Although students in kindergarten to year 12 will be able to access services and support at the engagement centres, the majority of eligible students will be supported by engagement centre staff through an outreach model within their local school. The small number of students who require support at an engagement centre will undergo a risk assessment that will determine if the location is appropriate to their needs and if an alternative location or centre is required.

CONSTABLE RYAN MARRON

1337. Hon KATE DOUST to the Attorney General:

In view of the state government's commitment to an expeditious process to resolve Ryan Marron's claim to an ex gratia payment, will the claim be resolved by Christmas; and, if not, when will it be brought to conclusion?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for the question.

Mr Marron submitted some information to the State Solicitor's Office about 15 months ago, and the State Solicitor's Office required some further information before it could give me some advice on the claim. That advice has only recently been received—a matter of about a week ago—and I understand that the State Solicitor's Office has now provided me with an opinion, which I will consider at the earliest opportunity and make a decision and recommendation to cabinet accordingly.

TRANSPORT — RAIL LINES — CAPITAL COST FOR CAPACITY

1338. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I refer to the Minister for Transport's claim that he is looking at "capital cost for capacity" for the Metro Area Express light rail proposal.

- (1) Has the minister looked at the capital cost for capacity for the Butler to Yanchep rail extension?
- (2) If yes to (1), what was the result?
- (3) How does the capital cost for capacity for MAX light rail and Yanchep rail extension compare with the capital cost for capacity of the Forrestfield–Airport Link rail line?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of this question. It is not possible to provide the information in the time available and I request the member place the question on notice.

WELLINGTON DAM

1339. Hon SALLY TALBOT to the minister representing the Minister for Water:

- (1) Are works being carried out at Logue Brook Dam so that it can act as a water source for Alcoa?
- (2) Is a desalination facility being constructed at Wellington Dam?
- (3) If yes to (2), what is the intended use for the desalinated water?
- (4) If no to (2), is a desalination facility being considered for Wellington Dam?

Hon KEN BASTON replied:

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

- (1)–(2) No.
- (3) Not applicable.
- (4) The Department of Water is currently evaluating expression of interest submissions through the Water for Food initiative for viable proposals to increase the availability of water for use from Wellington Dam. It is possible some of the submissions will include proposals for treating water, including desalination. No decision has been made about the preferred proposal or proposals.

MANGLES BAY — MOORINGS

1340. Hon LYNN MacLAREN to the parliamentary secretary representing the Minister for Transport:

- (1) How many moorings currently exist in Mangles Bay, and how many are swing moorings?
- (2) How many of these moorings will be removed to make way for the proposed Mangles Bay marina?
- (3) How many of the current users of the moorings reside in Rockingham or nearby areas?
- (4) How many of the moorings are available for use by the general public?
- (5) What fees are charged for use of these moorings?

Hon JIM CHOWN replied:

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

- (1) All 396 moorings are swing moorings.
- (2) Approximately 77 moorings were identified as needing to be relocated.
- (3) The majority of registered mooring owners reside in the Rockingham, Shoalwater and Waikiki areas.
- (4) Currently there are 15 public courtesy moorings in Mangles Bay.
- (5) Not applicable.

DEPARTMENT OF HEALTH — ST JOHN AMBULANCE — SERVICE CONTRACT

1341. Hon ADELE FARINA to the parliamentary secretary representing the Minister for Health:

I refer to the current services agreement between the state of Western Australia and St John Ambulance Western Australia.

- (1) Clause 3.10(g) requires St John Ambulance to provide a monthly report detailing occasions on which it was unable to provide services as contracted in the agreement. Will the minister table such monthly reports for each of July, August and September 2015?
- (2) If no to (1), why not?

Hon DONNA FARAGHER replied:

On behalf of the parliamentary secretary to the Minister for Health, I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Health —

- (1) Clause 3.10 requires a report to be submitted only if St John Ambulance is unable to provide the services. For July, August and September 2015, no reports have needed to be submitted.
- (2) Not applicable.

ST JOHN AMBULANCE — PARAMEDICS — SUICIDES

1342. Hon MARTIN PRITCHARD to the parliamentary secretary representing the Minister for Health:

I refer to the inquiry by the Chief Psychiatrist into St John Ambulance Western Australia and the suicide of five serving and former paramedics, which was announced in March 2015.

- (1) Has this review been completed; and, if not, why not?
- (2) If yes to (1), will the Minister for Health table a copy of the report?
- (3) Has the government formally responded to the report; and, if not, why not?
- (4) If yes to (3), will the minister table a copy of the response?

Hon DONNA FARAGHER replied:

On behalf of the parliamentary secretary representing the Minister for Health, I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Health —

- (1) Yes, the review has been completed.
- (2) Once a copy of the review report has been received by the minister's office, he will determine whether to table the report.
- (3) No, the government has not been provided with a copy of the review report to date.
- (4) Refer to (3).

TAXIS — LONDON-STYLE CABS — WHEELCHAIR PILOT PROJECT

1343. Hon ALANNA CLOHESY to the parliamentary secretary representing the Minister for Transport:

- (1) Has the Minister for Transport received the evaluation of trial of the access of London-style cabs, TX4s, for people who use wheelchairs?
- (2) If yes to (1) —
 - (a) when did the minister receive it; and
 - (b) will the minister table the evaluation?
- (3) If no to (1), when does the minister expect to receive it?

Hon JIM CHOWN replied:

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

- (1) No.
- (2) Not applicable.
- (3) It is anticipated that the evaluation report will be provided to the minister in December 2015.

CORRECTIVE SERVICES — PRISONERS — MENTAL HEALTH

1344. Hon SAMANTHA ROWE to the Attorney General representing the Minister for Corrective Services:

For each financial year 2013–14 and 2014–15, what amount was spent on treating the mental health of adult prisoners in Western Australian prisons?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Corrective Services, I thank the honourable member for some notice of the question and advise that the Department of Corrective Services advises that the information requested is not recorded in a manner that is easily retrievable within the given time frame. The department requests that the member place this question on notice.

WA COUNTRY HEALTH SERVICE

1345. Hon DARREN WEST to the parliamentary secretary representing the Minister for Health:

I refer to the WA Country Health Service budget.

- (1) Can the Minister for Health confirm the estimated budget deficit for 2015–16?
- (2) What is the target for identified savings?
- (3) What is the number of staff the government will be reducing to meet these savings targets?
- (4) What is the reduction in full-time equivalent staff at each of the hospitals in the WA Country Health Service?

Hon DONNA FARAGHER replied:

On behalf of the parliamentary secretary representing the Minister for Health, I thank the member for some notice of the question. The following information has been provided to me by the Minister for Health —

- (1)–(4) As at 31 October 2015, WA Country Health Service is forecasting a net cost-of-service deficit of approximately \$23 million. This cost will be mitigated with a focus on redesigning services to become more effective and efficient, and by raising additional revenue. Service redesign includes assessing such things as overtime, recall and rostering practices, which all contribute to a higher full-time equivalent and have an impact on a service's budget.

Current FTE levels are slightly higher than is required to deliver activity levels in some specific services. WA Country Health Service is currently reviewing its staffing levels and options in some specific service streams to establish full-time equivalent levels to meet the activity-based funding parameters. This will require some slight reduction of staff to occur progressively at some hospital sites.

Unique regional costs are also contributing to the forecast deficit, particularly in staff housing, utilities, regional staff allowances and locum cost premiums.

SYNERGY — RETAIL FRANCHISE CUSTOMERS

1346. Hon KATE DOUST to the Leader of the House representing the Minister for Energy:

I refer to Synergy.

As at each of 30 June 2014 and 30 June 2013, how much was owed in total dollar value by retail franchise customers who had unpaid bills of more than —

- (a) 30 days;
- (b) 60 days;
- (c) 90 days; and
- (d) 120 days?

Hon PETER COLLIER replied:

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

- (a) In 2013, it was \$10 431 826. In 2014, it was \$8 805 648.
- (b) In 2013, it was \$5 998 942. In 2014, it was \$5 054 348.
- (c) In 2013, it was \$20 307 600. In 2014, it was \$22 611 433.
- (d) Synergy's reporting system reports the debt amount only for 90 days or more.

SCHOOLS — PUBLIC-PRIVATE PARTNERSHIPS — KEY PERFORMANCE INDICATORS

1347. Hon SUE ELLERY to the Minister for Education:

I refer to the public-private partnership arrangement to build and maintain eight public schools. Can the minister please table the key performance indicators that will be in place for the PPP schools?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. I note that this question was asked on 13 October.

There are detailed performance measures for each aspect of the services specifications, including scheduled maintenance and lifecycle services, security systems, building management information technology hardware and software, keys and locks management, and general requirements. A copy of the final services specification detailing standards in relation to services will be made available within six months of financial close in line with the Department of Treasury's disclosure policy for public-private partnerships.

ROTTNEST ISLAND — MARINA

1348. Hon LYNN MacLAREN to the parliamentary secretary representing the Minister for Tourism:

I refer to the minister's media statement titled "Tide is high for Rottneest resort and marina" dated 10 August 2015.

- (1) How many submissions in response to the call for expressions of interest in building a marina at Thomson Bay were received?
- (2) In relation to (1), how many of these have been shortlisted?
- (3) By what date will the successful private sector party or consortium be announced?
- (4) How many moorings currently exist in south Thomson Bay and how many of these are swing moorings?
- (5) In relation to (4), how many existing moorings are situated in the proposed location of the new marina and would have to be removed to enable its construction?

Hon DONNA FARAGHER replied:

On behalf of the parliamentary secretary representing the Minister for Tourism, I thank the member for some notice of the question.

- (1) There were three.
- (2) There have been three.
- (3) On completion of the evaluation of the responses to the request for detailed proposal and any subsequent negotiations or clarifications, an announcement is anticipated around May 2016.
- (4) There are 240 and all are swing moorings.
- (5) It is not possible to say until a detailed design for the marina has been produced.

DEPARTMENT OF PARKS AND WILDLIFE — MAGPIES — TREENDALE

1349. Hon SALLY TALBOT to the minister representing the Minister for Environment:

I refer to the use of a professional shooter by the Department of Parks and Wildlife to euthanase two aggressive magpies in Treendale on 23 October.

- (1) Are there procedures that require the Department of Parks and Wildlife to inform the public when using a shooter to cull animals?
- (2) Was the public made aware that a shooter was going to be in the area beforehand?
- (3) If no to (2), why not?
- (4) Given that concerns have been raised by the public about safety and a lack of information, will the Department of Parks and Wildlife review procedures to inform the public, particularly given this was in a residential area?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1) Yes.
- (2) Yes. Departmental staff spoke to nearby residents to advise them of the intention to destroy the offending birds. This approach was made to those previously injured by bird attacks and to persons whom staff were aware of in the immediate vicinity at the time the birds were destroyed. As the bird in question was on a reserve managed by the Shire of Harvey, shire approval was obtained to shoot on its land and the Bunbury police were advised prior to the shooter discharging the firearm.
- (3) Not applicable.
- (4) The department has standard procedures when dealing with this type of incident that take into account safety requirements. It is not practical in such circumstances to notify all members of the public in the general area. However, every attempt is made to minimise concern to nearby residents.

NATIONAL DISABILITY INSURANCE SCHEME — MY WAY TRIAL — LOWER SOUTH WEST

1350. Hon ADELE FARINA to the Minister for Mental Health:

I refer to the September quarterly WA NDIS My Way report to the commonwealth government.

- (1) Of the 164 new individuals deemed eligible during the September 2015 quarter, how many are residents in the lower south west trial site?
- (2) Of the 38 new individuals with a psychiatric–psychosocial disorder deemed eligible during the September 2015 quarter, how many are residents in the lower south west trial site?
- (3) Of the 107 individuals deemed not eligible —
 - (a) how many are residents in the lower south west trial site; and
 - (b) how many are residents in the lower south west trial site with a psychiatric–psychosocial disorder?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1) There were 69 new individuals deemed eligible for the WA NDIS My Way trial in the lower south west region.
- (2) Twenty-three individuals with a psychiatric–psychosocial disability deemed eligible reside in the lower south west.
- (3)
 - (a) Six individuals were found not eligible in the lower south west region.
 - (b) Once an individual consents to having their eligibility for the WA NDIS My Way trial assessed, the Disability Services Commission must be satisfied that each of the following criteria are met: age requirements; residence requirements; and either disability requirements or early intervention requirements. If a person does not meet the age or residence requirements in the first instance, no further eligibility assessment is undertaken. The commission is unable to provide information on disability type for those individuals.

BUILDING CONDITION ASSESSMENT REPORT*Question without Notice 1303 — Supplementary Information*

HON PETER COLLIER (North Metropolitan — Leader of the House) [5.07 pm]: I would like to provide further information in relation to question without notice 1303 asked by Hon Sue Ellery on 18 November 2015.

I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Building Condition Assessment

Firstly, I would like to clarify that I did not state it has been practice, since 2007, to table Building Condition Assessment reports every three years. Rather, I stated that it has been practice since 2007 for the BCA inspections to be undertaken at approximately three-year intervals. This statement is correct.

The three most recent BCA inspections were undertaken as follows:

- 2007 – Commenced in late 2007 and completed mid-2008;
- 2010 – Commenced in July 2010 and completed in January 2011; and
- 2013 – Commenced in April 2013 and completed in March 2014.

The BCA process provides a strategic overview of building maintenance needs and provides a comparison on the general condition of the building portfolio from one inspection cycle to the next. It also enables the Department of Education to develop programs to target high-priority maintenance issues and identify system-wide

The 2013 BCA identified \$135.7 million worth of maintenance. The 2010 BCA identified \$146 million worth of maintenance. The reduction in maintenance needs identified in 2013 from those identified in the 2010 BCA, reflects expenditure of \$80 million on preventive maintenance work undertaken post the 2010 inspection. The 2007 BCA identified \$166 million worth of maintenance.

The BCA process is supported by a number of programs to address the day-to-day maintenance needs of schools.

Maintenance expenditure

I am advised that from 2003-04 to 2007-08, the average annual State expenditure on maintenance of public schools was \$66.3 million. From 2008-09 to 2014-15, the average annual State expenditure on maintenance of public schools was \$102 million, an increase of 54%. Around \$125 million is currently forecast to be spent on public school maintenance during 2015-16, including \$15.7 million for a High Priority Safety Maintenance Program.

Capital works

In addition to addressing maintenance, capital projects are planned to increase the capacity and amenity of Western Australian public schools. The State Government continues to invest heavily in capital works. From 2008-09 to 2014-15, the Government invested approximately \$3.1 billion to construct new and replacement schools, as well as to refurbish and upgrade schools. A total of \$295 million has been allocated in the Asset Investment Program for public schools during 2015-16.

QUESTIONS ON NOTICE 3488 AND 3533*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Michael Mischin (Attorney General)**.

CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2015*Returned*

Bill returned from the Assembly without amendment.

**CLERK ASSISTANT OF THE LEGISLATIVE COUNCIL —
SUZANNE VELETTA — APPOINTMENT***Statement by President*

THE PRESIDENT (Hon Barry House): I am pleased to advise of the appointment of Suzanne Veletta as Clerk Assistant (Committees). Suzanne Veletta has been acting in the role for six months. Suzanne has served as an advisory officer on various parliamentary committees since 2007 and brings significant experience to the role. Prior to commencing with the Legislative Council, Suzanne worked as a lawyer in private practice and for the Commonwealth Director of Public Prosecutions. On behalf of all members, I congratulate Suzanne, who is in the chamber today, on her appointment and wish her every success in her new role.

Members: Hear, hear!

TERRORISM (EXTRAORDINARY POWERS) AMENDMENT BILL 2015*Second Reading*

Resumed from an earlier stage of the sitting.

HON LYNN MacLAREN (South Metropolitan) [5.08 pm]: I rise to continue my remarks on the Terrorism (Extraordinary Powers) Amendment Bill 2015. I want to firstly touch on the purpose of the bill and

specifically go through some of the amendments that I want to draw attention to. I will also discuss the Greens' previous position on the legislation when it was introduced in 2005. I also want to comment on how the position that I am about to outline compares with the position in 2005. I want to make some further comments on the amendments and then discuss some key points, some of which have already been touched upon by previous members, including whether this is the best thing we can do to respond to the risk of terrorism.

The main purpose of this bill is to extend the expiry date of the Terrorism (Extraordinary Powers) Act 2005 for a further 10 years to 19 December 2025. The amending bill also provides for an extension of essential police powers in the event of a terrorist attack. I understand that this bill ties in with current federal legislation on national security, and aims to align with other states' legislation. Quite a bit has changed since we passed the bill in 2005. I will also comment on today's events in the federal Parliament, which concerned some other additional powers on national security. The Greens have already gone on the record in the federal Parliament in relation to that bill. I understand that the powers provided under the 2005 act have not been used or even tested yet in Western Australia. I believe that we are very fortunate that this is the case.

This bill will introduce two new grounds for authorising an application for a covert search warrant. The first of the two new grounds is advocating terrorism. This is also included in the federal Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014. The second ground is membership of a terrorist organisation. These two offences are additional to the grounds already provided for—that a terrorist act has been, is being, or is about to be committed, whether in or outside this state. This bill will address the inconsistency between the commissioner's level of suspicion or belief and that of the issuing judge. There is also a definition of "target vehicle". It has been included to allow for the search of vehicles under a covert search warrant. This bill extends the power to access and operate any device or equipment in the target place or target vehicle that holds, records or processes data. The bill also makes it clear that access to data under a covert search warrant is subject to any limitation imposed by the commonwealth Telecommunications (Interception and Access) Act 1979 and the Telecommunications (Interception and Access) Western Australia Act 1996. Another amendment allows for the commissioner to appoint special officers, sworn employees of the New Zealand police and/or law enforcement officers of other foreign jurisdictions who may be required in the event of a terrorist attack, when specialist counterterrorism skills and expertise are needed. An amendment to section 20 of the act clarifies what has already been decided in the High Court of Australia in the decision on *Kirk v Industrial Relations Commission of New South Wales*.

I know that a couple of members have mentioned that the Greens opposed the Terrorism (Extraordinary Powers) Bill 2005. When the bill was introduced, my colleague Hon Giz Watson opposed it. I think we can agree that times have changed. The Terrorism (Extraordinary Powers) Bill 2005 was assented to on 19 December, 2005. This legislation confers additional powers on all police officers and enables 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 legislation. The Greens' position has not changed since we established our four pillars. One of those pillars is peace and nonviolence. Within our core policy, we state —

Australia's security is inseparable from that of our region and the world. All security policies should enshrine the goals of peace, nonviolence, disarmament, social justice and ecological protection and must support the self-determination of indigenous peoples.

Further on, the document states —

To achieve our vision of a world free from violence we must foster a network of government and community movements that complement each other's actions in creating and sustaining peace.

Those are just two very brief and relevant quotes from the core policy of the Australian Greens and the Greens (WA)'s four pillars. In the debate on the Terrorism (Extraordinary Powers) Bill 2005, my colleague Hon Giz Watson outlined four key points about why the Greens did not support the original legislation. She stated, firstly, that sufficient powers already existed in both federal and state legislation; secondly, that the introduction of these new powers would move Western Australia incrementally closer to becoming a police state and offend against numerous human rights and liberties; thirdly, that the legislation would have a disproportionate effect on certain sections of the Western Australian community; and, fourthly, that it would send a false message to the public that terrorism can somehow be defeated by legislative means. Those were the stated aims.

Like many members, I had a quick look at the Hansard record of the debate on the Terrorism (Extraordinary Powers) Bill 2005. I will briefly quote from the second reading speech given by Hon Jon Ford, who used to sit right here in front of us. In introducing the bill, he stated —

The counter-terrorism measures proposed in this bill will empower police to act decisively in times of exceptional crisis and imminent danger. What we are not talking about here is increasing ordinary police powers.

He went on to say —

... this bill is about enabling police to adequately respond to, prevent and investigate terrorist acts. The proposed legislation covers two key aspects: first, special police powers provide the scope and flexibility for police to respond to a terrorist act about to happen or that has just occurred ... Secondly, covert search warrants 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.

Other relevant comments in the second reading speech were that the application of the legislation would be only for very strict case-by-case instances of terrorism, and that the special police powers authorised the Commissioner of Police to issue a commissioner's warrant either when a terrorist act may be imminent or in the aftermath of a terrorist act. The commissioner's warrant would focus on three main aspects, which I will not go into here, although they may be relevant during the Committee of the Whole.

A lot has changed since 2005, as I noted. Acts of terrorism have continued to occur both at home and abroad. Since 2005, horrific attacks have occurred in Australia, including the stabbing of two police officers at Endeavour Hills in 2014—both officers were seriously injured, but survived the attack, while the attacker was killed—the Sydney hostage crisis in 2014, in which two hostages and the gunman were killed, and the Parramatta shooting earlier this year, in which a police accountant was shot dead before the shooter was also killed. Six people have died in Australia in these attacks. No country is quarantined from terrorism. A member who spoke previously—I think it was Hon Alanna Clohesy—read out a long list of countries in which terrorist attacks had occurred. Interestingly, there was one omission from that long list—the United States of America. Between 2001 and 2014, 3 046 people died in the United States as a result of terrorist attacks.

Just as an additional aside and a comment on violence in society, I want to draw the attention of members to the challenge President Obama made to journalists to compare the number of deaths resulting from terrorism with the number attributable to gun violence. Notably, 153 144 people died as a result of gun violence in the United States in that same period in which 3 046 people died due to terrorism attacks. In fact, in 2015, the United States has yet to go eight days in a row without a mass shooting. The increasing number of terrorist attacks globally has had an impact also on individuals all over the world. The recent terrorist attacks in Paris and Beirut have caused tremendous amounts of suffering and stress for the people of those countries and for many other people across the world. I thought it was particularly relevant that Hon Adele Farina talked about her family who live in France and how stressful it was for everyone.

Before I go into more detail about our response to terrorism, I want to reflect on a few things. A lot has been written in the press about this because of the events in Paris. I want to quote briefly from one of the articles I believe was in *The Guardian* earlier this week, which states —

Before we can speak of anything else, we must speak of the victims. Amid all the noise that follows an act of horrific violence, amid the din of debate and argument, it can be easy to stop hearing the pain of the event itself. Paris is mourning the loss of at least 129 people who on Friday were engaged in the harmless, happy business of normal life: Eating together, watching football together, listening to music together. Now they are dead, murdered in utterly terrifying circumstances. The survivors, the injured, the entire French people, already wounded by the lethal attacks in January, are reeling from the shock. In their loss, in their grief, in their pain, we are with them.

That is a quote from last Monday's *The Guardian* and, of course, several commentators have commented in recent hours about not just the event itself in Paris, but also the escalation of violence around the world in response to it. If we were to analyse the media reports, we would note, in fact, a rise in Islamophobia in Australia since the Paris attacks. Islamophobia experts say there has been a noticeable rise in anti-Muslim sentiment in Australia since the Paris attacks. They are calling for reasoned public debate on the issue and for politicians and leaders to keep their inflammatory statements at bay. The level of exposure these events are having and the level of concern they are causing is only increasing. This was demonstrated by protests and counter-protests held across Australia this Sunday. At the Reclaim Australia rally held in Perth, right here outside Parliament House, about 300 anti-Islam protesters gathered to take part. At the other end of Parliament House, around the same number of anti-racism protesters were holding a counter-rally to the right-wing group's rally. More than 80 police were at that protest, and they came early to ensure that the two groups did not clash. The rise of Islamophobia is a clear and present danger to our peaceful coexistence. However, I note that those crying out against racism are growing in number and the voices condemning violence in all its forms are growing louder. To protect our peaceful society, our response to terrorism must not escalate conflict or encourage racism. Instead, we need to build a stronger community. Any expansion of police powers to deal with terrorism must be measured and have clear intent. I will quote Benjamin Franklin, who said —

Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.

However, my favourite paraphrasing of this, which fits better on a fridge magnet is —

Any society that would give up a little liberty to gain a little security, will deserve neither and lose both. That is relevant to another bill we are dealing with on the notice paper.

I want to comment on two amendments and focus on them in greater detail and raise a number of other points. The first amendment is the provision of two new grounds for authorising an application for a covert search warrant and the second is the power to access and operate any device or equipment in a target place or a vehicle that holds, records or processes data. Firstly, the bill introduces two new grounds for authorising an application for a covert search warrant. Those grounds are advocating terrorism, which is also included in the federal Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 and, secondly, membership of a terrorist organisation. My colleague in the Senate Senator Scott Ludlam and the then Senator Penny Wright contributed substantially to the debate on the federal foreign fighters act 2014 as well as the other national security bills when they were introduced late last year. There was a particular criticism of the speed with which this federal legislation was pushed through the Senate without suitable time being spent in the committee stage. The Greens did not recommend that the bill be passed as it was, and they opposed elements of the schedule of the bill. The Greens also opposed the national security legislation announced today by the Prime Minister, Hon Malcolm Turnbull. I briefly quote from the speech of the member for Melbourne, Adam Bandt —

... I will be opposing the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. I will be opposing this bill because it will do nothing to make Australia safer. It will divide us into two classes of citizens based on whether you have dual nationality or not and it will trash one of the most fundamental principles of civil law and the English constitutional system that we have taken for granted for many years—that is, if you are born in the country, you are a citizen of the country, and it is not the parliament's prerogative to take it away.

Mr Bandt makes many other points about how people are responding to the call to take away citizenship privileges for people who are convicted of certain crimes, among which he says —

... defenders of some of the most basic legal and human rights institutions in our country ... have come forward and said that this bill is dangerously and irreparably flawed.

The country does not want us to start creating two classes of citizens. The country does not want us in this parliament to start giving up the basic rights that have been fought for and that now, many are arguing, are under attack.

Adam Bandt quoted Waleed Aly. It is a very interesting and very short read, but Mr Bandt concluded by saying —

I am not prepared to give up a fundamental principle about the relationship between citizens and the state. I am prepared to join with every other member, I think, of this parliament to say that people who want to do us harm deserve to have the full force of the law brought down on them. But this legislation is not going to make us safer. It is going to divide people and it is a bridge too far.

It is important to recognise that the terrorism legislation we are dealing with is a very, very small part of the whole puzzle of the national debate in response to terrorism and in trying to work out how to address that. Clearly, even though we will be connected more closely to the federal legislation and we are updating our state act, there are still very, very important limitations and flaws, and in some cases fatal flaws, in that federal legislation that our federal colleagues are addressing, so it is important that we are cognisant of that when we consider whether to pass this legislation today.

The second point I want to talk about in the amendments before us is the power to access and operate any device or equipment and access data. Regarding the second point, the bill also extends this power. Access to data is another interesting feature. Any modern police investigation involves scrutiny of electronic data due to its prevalence in society as a communication tool. Therefore, it is completely understandable why police may want to access data from a person suspected of involvement in a terrorist act that has been, or may be, committed. However, to quote Senator Scott Ludlam during the federal debate on the national security bills, the privacy commissioner emphasised —

'the importance of ensuring that any expansion of existing powers accords with community expectations about the handling of personal information' He said:

This balance can be achieved by ensuring that where the handling of an individual's personal information is authorised in the broader interests of the community, including upholding national security, those activities are accompanied by an appropriate level of privacy safeguards and accountability.

As I stated, the Greens were not in support of the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014.

It is an important point that community expectations are met in the expansion of powers. The investigative tool we are about to pass must be balanced against our rights to privacy. It is important that this state legislation is not an overreach and that the powers are used in the particular circumstances defined in the bill. Under federal legislation, access to data under a covert search warrant is strictly subject to any limitation imposed by the commonwealth Telecommunications (Interception and Access) Act 1979 and the Telecommunications (Interception and Access) Western Australia Act 1996. That will also apply in this amendment bill.

The third aspect of the Terrorism (Extraordinary Powers) Amendment Bill 2015 that I want to comment on is the regular three-yearly reviews. I support regular reviews. It is important that we continue to periodically measure the effectiveness of extended powers provided to police. This is to ensure that they are effective and are not overreaching. We do not want these powers to have a disproportionate effect on certain sections of the WA community. The three-yearly reviews must be continued to ensure that these powers are appropriate. These reviews aim to measure whether the powers are relevant and suitable for achieving the intended outcome.

Many members commented that although the reviews are keeping us up to date with other legislation as it is amended, including the criminal investigation acts, the reviews also show that these powers have never been used in Western Australia. Like the members who have spoken before me, I hope we never have to use these powers. It is also important that the act itself has a 10-year use-by date. It would be great if it fell away in 10 years—if we never again had to think about terrorism. Since 2005, it is clear that we still have not worked out how to increase the potential for peace and nonviolence throughout society; instead, we are finding an increase in violence. I think there is an increased threat of random acts of violence. Many random acts of violence are being connected and claimed by terrorist organisations, who honestly think that it is a big, coordinated effort, because their goal is to destabilise the status quo.

Other key points that I want to touch on in the second reading debate include the definition of “terrorist”. It is important that as we are expanding police powers, the definition of terrorist cannot be altered or skewed. Unfortunately, it would appear that not everyone sees eye to eye on definitions. For example, recently the public became aware that the federal government has developed a radicalisation awareness information kit that makes a wild assertion that environmentalism is a pathway to violent extremism. The booklet, produced for school-aged children for education purposes, suggests that listening to alternative music can lead to violent extremism. That is clearly not grounded in the facts. For example, we would not want this legislation to be used in the future to target environmental advocates who are exercising their legitimate democratic right to protest.

Hon Michael Mischin: Has it been so far?

Hon LYNN MacLAREN: No, and that is a good thing. But we did not have the radicalisation —

Hon Michael Mischin: Why do you think it ever would be?

Hon LYNN MacLAREN: We did not have the radicalisation kit before, either. We had no idea that these definitions were in anybody’s mind and could potentially connect peaceful protest or hugging a tree with extreme violence.

Hon Michael Mischin interjected.

The ACTING PRESIDENT (Hon Alanna Clohesy): Order! I will entertain some questions across the chamber, but Hon Lynn MacLaren has the call.

Hon LYNN MacLAREN: We do not want powers that are being extended for the particular purpose of terrorism somehow corrupted by using them in another way—that is, to try to limit protests or dissent in any way. That is why, when we get into the clause-by-clause debate during Committee of the Whole, it might be worth questioning those definitions so that it is clear that if a person is protesting, these terrorism powers would not be invoked. These definitions are important. Although we might agree with certain definitions of what it means to be radicalised or to be a terrorist, there might be other definitions out there and other people proposing to use different definitions.

My final key point is that legislation alone cannot defeat terrorism. It is important for the community to realise that terrorism cannot be defeated by legislative means alone. It is only one tiny part of the puzzle. It is important that we strive for an inclusive community and a society in which we support each other. As Senator Di Natale recently stated in response to the Paris terrorist attacks —

“A united Australian community is much stronger in helping to defeat these threats than one that’s divided. Hate is the problem here, it’s not the answer,” ...

I wanted that particularly poignant quote on the record.

A government cannot only increase police powers to prevent acts of terrorism; we need to do more to build overall social cohesion. The government should consider measures such as resourcing programs for community engagement in countering violent extremism; supporting peer-to-peer programs; resourcing grants programs to

support local communities to counter homegrown extremism; resourcing multicultural community programs and events; and, at a federal level, making substantial commitments to foreign aid and Australia's humanitarian intake. We will not stop terrorism simply by punishing people after they have committed crimes; we also need to focus on prevention. We need a whole-of-government approach as well as a greater emphasis and more attention focused on building inclusive communities here and around the world.

Members may not be aware of the response to terrorism made by the Quebec government earlier this year. Quebec introduced an action plan to combat violent radicalisation. It is stated in an article dated 10 June 2015 —

The Quebec government announced a series of broad measures to fight violent extremism in the province Wednesday, including major changes to the province's human rights commission system and the creation of a Quebec-specific hate speech law.

Public Security Minister Lise Theriault and Immigration Minister Kathleen Weil detailed a 59-point plan aimed at preventing, detecting and acting against those either considering or on the verge of committing acts of ideological violence.

The so-called "action plan" to fight violent extremism includes a police squad to monitor social media platforms and an anti-radicalization centre based in Montreal.

The provincial government also tabled proposed legislation that would give Quebec's human rights commission the ability to launch its own investigations against people it suspects of committing hate speech and inciting violence.

The bill —

That is, the bill that was discussed at that time —

seeks to create Quebec-specific hate speech laws outside the Criminal Code, with anyone found guilty facing a hearing before the human rights tribunal and a fine of up to \$10,000.

The commission enforces Quebec's Charter of Human Rights and Freedoms.

The bill would also allow the government to remove all or part of public funding from schools if employees "tolerate" hate speech inciting violence.

The action plan and the new bill come as the province aims to address a radicalization issue in its own backyard, with many youth having left or attempting to leave in recent months to join militant Islamic extremist groups abroad.

The Liberal government has also been under pressure to act since a Quebec man used a car to kill a soldier in a terror act just south of Montreal last year.

"Our plan seeks to prevent violent acts by people who have become radicalized, such as the ones we witnessed last fall and moreover, to stop young people from leaving the country to join extremist groups," Theriault said.

The plan includes training for teachers and social workers on how to detect and deal with radicalized individuals and better co-ordination between provincial ministries and police.

...

A police squad will be created to monitor social media platforms to look out for those trying to recruit.

There are also plans to forge ahead with a \$2 million "anti-radicalization centre" in Montreal, the first of its kind in North America, according to Mayor Denis Coderre.

Coderre said the aim of the centre is to offer counselling and psychological services to people who have become radicalized or who have been groomed and recruited to commit violent acts in Quebec and elsewhere. It will also deal with other issues like street gangs and anti-Semitism, for example.

The province also announced the creation of tiplines where the public can provide anonymous tips about anyone they suspect of being radicalized.

Both Weil and Coderre said the plan is to fight what they called a "delicate issue," but not to target any one particular group or religion.

Some Muslim community members —

That should be "members" —

in Quebec expressed concerns that the anti-radicalization centre and the hotline would target Muslims.

Samer Majzoub of the Canadian Islamic Forum called the action plan and the proposed legislation "political."

“It targets the Muslim community,” Majzoub said. “This is the impression of everyone who I spoke with today.”

Sufi Imam Omar Kone of the Montreal-based Haqqani Foundation said he agreed with the government.

“I don’t think the Muslim community is unfairly targeted,” he said. “The problems of radicalization among the youth are many, but we are dealing with an Islamic problem and we cannot in the name of global fairness ignore that we have an issue.”

Haroun Bouazzi, with the Montreal-based association of Muslims and Arabs for a secular Quebec, said he agrees with much of the action plan with regards to social cohesion and for increased training of teachers and social workers.

What is lacking, he said, is more money and details about how the government will prevent “racial and religious profiling in the provincial police and Montreal police.”

The reason I came across this article is that it was recently reported that the hotline set up by the Quebec government has received 400 calls in the time it has operated, and that six of those calls turned out to be serious results for potential terrorist events or potential terrorists. The action plan, as members can see and hear, is multidisciplinary and cross-government involving education, social workers and a helpline, as well as those investigative abilities to go into communities to monitor action. It is obviously working well in Quebec. If I were in the place of the government today, it is the kind of thing I would look at establishing—a much more realistic and multidisciplinary response to terrorism so that we can sleep a little sounder knowing that the government is implementing an effective and proactive approach to building community, and not just waiting for these particular offences to occur. It was clear from what Hon Adele Farina said in her remarks about the amount of effort that has gone into investigations and police work in other places around the world that have actually experienced terrorist attacks that it is not always the best deterrent. It is definitely a tool that we need in our toolbox, but it may not be the only thing and it is clearly not the only thing because terrorism continues to be an issue for many cultures around the world.

In wrapping up my second reading remarks, I have to say that these legislative powers are probably useful as a tool to minimise the risk of terrorism. What is more important is that we continue to promote understanding and peaceful resolution of conflict for all people, and that we practise having that inclusive community and develop a culture in which people can live without fear or suspicion.

The Greens support the bill.

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [5.46 pm] — in reply: I thank honourable members for their contribution to the debate on the Terrorism (Extraordinary Powers) Amendment Bill 2015. In particular I thank the opposition for indications of support for the extension of the sunset clause in the bill for a further 10 years. I am not sure where the Greens stand on this matter.

Hon Lynn MacLaren: You weren’t listening!

Hon MICHAEL MISCHIN: It got lost in a whole lot of other stuff, but I will deal with that anyway.

I will keep my remarks relatively brief, but there are a few things that I feel I should address. Hon Sue Ellery, the Leader of the Opposition, made mention that the idea of terrorism is not new, and that is right. She cast her mind back to when she was a child and encountered in a visit to London some of the effects of the tension at that time, but, of course, London has had a long history in that regard. One does not need to go back to France to see the effect of radical and terrorist action. London has a history of anarchists setting off bombs and shooting police officers in its streets in the 1800s, if not earlier; of revolutionaries; and of the Irish Republican Army, of course. The difference now is that at one point terrorism arose out of ideological radicalism. Now that ideology has been replaced by religious faith, which in a sense makes it more insidious. That is because we cannot reason with religious faith; it is based on belief systems, not on reason. It may attract people who are socially inadequate in some respect, who have some grievance, or who have some desire to promote their power in society or among their fellows, and are drawn to religious faith as a justification for their actions.

Here is where I differ from Hon Alanna Clohesy’s comments about how we all need to take some responsibility for this. Radicalisation is not a result merely of marginalisation, whatever that might mean in a particular context; nor do we all take responsibility for the decisions of others to murder, to maim, to torture and to cause pain and grief simply on the basis that their religious beliefs or professed religious beliefs support that conclusion. It is true that other avenues must be approached to combat terrorism and to discern its causes. Often those causes can be based on some grievance, perceived or actual. Sometimes they are based simply on the personalities of the people concerned—the same people who may have turned to other forms of criminal behaviour but simply now have an opportunity to justify that behaviour by way of professions of religious belief. Their success is two-fold: first, they achieve some notoriety in their actions; and one has to wonder whether it is a good idea to publish their pictures on the front page of newspapers with headlines such as “The face of evil”.

I would have thought that a social inadequate looking for some kind of validation of their life through causing terror and pain to others would achieve it by getting that publicity and having their notoriety preserved indefinitely. It may be better that these people remain anonymous, faceless and unacknowledged and take away part of the attraction of that particular course of action. Nevertheless, that is for others to determine and to weigh up. Part of the measure of their success, of course, is to create fear, paranoia, suspicion, hate and prejudice against those they claim they are championing and to take away our enjoyment of life, our liberties and our quality and amenity of life that we have enjoyed and continue to enjoy. They win when police officers carry body armour around 24 hours a day and wear body armour in public places. They win when police officers go into courts armed with firearms and tasers. They win when we as politicians are not able to go and meet our constituents and attend public events. They win when ministers of the Crown cannot go into public places and interact with members of the public because we are surrounded by guards. I hope that we will always have at the back of our minds a desire to keep life going as much as possible in the manner to which we are accustomed and in the manner which we enjoy. Hon Ken Travers made that point very soundly, and I agree entirely with him.

I do not quite understand what Hon Adele Farina was driving at in her speech. I am not sure whether many of the comments that she made in respect of a critique of legislative powers and extension of police powers were comments that she made back in 2005 when the original legislation was debated in this place—it having been a bill of the government of the day of which she was a part. I make a number of points in respect of comparisons between what is being sought in this legislation and, indeed, by legislation generally in this state against that from overseas. Firstly, we are not France—we have a very different system, we have a very different ethos, we have a very different history and we approach problems in a very different fashion. Secondly, security forces, it must be noted, in order to protect us and in order to say that they are successful must be successful 100 per cent of the time. To say that there have been repeated failures by security forces around the world disguises the fact that for the bad guys to win, they have to be successful only once. A lot of things are going on in the world, many of which may very well have been thwarted, plots thwarted, activities countered, plots exposed, and offenders disarmed, by the actions of security forces that we never hear about. The ones we do hear about and the ones that we need to try to react to and to counter in advance are the ones in which there has been success. I think it is a little unfair to say that there are repeated failures. One must continue to determine why those successes by the bad guys occurred and how they happened and work out what needs to be done that is humanly possible to be done to ensure that it does not happen again.

As for the Greens, they say they are supportive of the legislation. I find some of the comments to be a little odd.

Hon Kate Doust: Attorney General, can I just say something to you. You know, the second reading speech is wideranging. As a minister of the Crown, the only thing you are interested in is where people line up on the floor. It is all about the numbers.

Hon MICHAEL MISCHIN: I accept all that.

Hon Kate Doust interjected.

Hon MICHAEL MISCHIN: I accept all that but I will make the point that legislation that is neutral in its terms, like this bill, apparently runs the risk of discriminating against certain segments of the community, yet an anti-radicalisation centre in Quebec that gives police dob-in powers and all the rest of it apparently does not discriminate against particular groups in the community. I just do not get it.

In any event, the legislation that is before us simply extends what has been in place. I think it is a tribute to the legislation and to the nature of the society in which we are involved that it has not been used to date. It is my understanding that a commissioner's warrant has never been sought, let alone issued, and it is a tribute to the measure of our society that we do not have to resort to these sorts of powers in the way we have and hopefully we will not in the next 10 years.

I will deal with a couple of things that Hon Ken Travers raised, firstly, about the use of special officers from New Zealand. Our system and New Zealand's system are very similar in terms of our law enforcement practices and the approach to law enforcement. They are both based on common law systems. There is considerable interaction between the New Zealand law enforcement and justice agencies and those in Australia. The Australia–New Zealand Counter-Terrorism Committee liaises frequently and develops common policies. Also, New Zealand and Australian ministers in various jurisdictions cooperate with each other and meet ministerially. There is also cooperation at the officer level, so it is natural that if we are going to recognise in statute other law enforcement officers, they be from New Zealand rather than other jurisdictions with a rather more foreign approach to law enforcement.

Secondly, Hon Ken Travers mentioned section 20 of the Terrorism (Extraordinary Powers) Act 2005 and a limitation on review. There is a potential for risk in the broad nature of the limitation on review that is contained in the act at present and that is why it is being remedied—so that there can be a review at jurisdictional level, taking into account that particular High Court decision. Mention was made about the delay in this bill being introduced into Parliament. There have been three reviews of the bill over the last several years—in

July 2008, January 2012 and January 2015. It is my understanding that as a result of those reviews, legislation was being prepared and proposals that are contained in this legislation were being worked on. However, work was also being done at the Council of Australian Governments level in order to determine the federal government's approach to various terrorism strategies, so there was delay until that was resolved and some indication given as to whether further changes might be necessary. Those have not resulted in any great change to commonwealth laws, so this legislation can now proceed. In any event, it was introduced into the other place on 24 September, debate was concluded and the bill was introduced into this place on 22 October. It has been brought on for debate as soon as reasonably practical and well enough before the expiry date of the sunset clause on 19 December.

I understand that the bill will go to Committee of the Whole. I will deal with the issues raised in respect of the bill more specifically at that time. Otherwise, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Sitting suspended from 5.58 pm to 7.32 pm

Committee

The Deputy Chair of Committees (Hon Simon O'Brien) in the chair; Hon Michael Mischin (Attorney General) in charge of the bill.

Clause 1: Short title —

Hon KATE DOUST: I have just a couple of questions that I would like to ask while we are dealing with clause 1. Although I appreciate that we have never had to use this legislation, and hopefully we never will, I note that there are some proposed changes to the legislation as a result of this bill. In terms of the role that police play, I want to go through a couple of questions about budgetary matters that might be impacted by this legislation and get some responses on the record, if you like. The first three areas of my questions are directly related to the budget, but linked to this issue of terrorism and a police role in engaging with and managing that. My first question relates to "Significant Issues Impacting upon the Agency"—that being the Department of the Premier and Cabinet—on page 66 of budget paper No 2, volume 1. It is mentioned in the budget paper that the government is making a contribution to the national counterterrorism strategy, including the strategy to counter violent extremism. The first part of my question is: in what ways does the state government contribute to the national strategy?

Hon MICHAEL MISCHIN: This is not a question I am in a position to answer. There was not any advance warning or notice given that the member would start to examine issues broader than the bill itself, and particularly in respect of the budget. It would have been helpful if either the question had been put on notice or some advance advice had been given that these areas were going to be explored. The advisers here are able to assist me with the bill itself, but not in general contributions by other departments or the police generally to counterterrorism strategies.

Hon KATE DOUST: I thank the Attorney General for that. I must say that when I had the opportunity last week to make my contribution to the second reading debate, I admit that I really did not think about these matters until after I had given my speech, when I was listening to some of the other debate. Therefore, I take on board what the Attorney General says and I am happy to put all of these questions through the chamber to him in his representative capacity on another day. However, I want to talk about a matter directly related to this bill. I know that a new definition of "data" is in the bill and I know that the issue I raise jumps ahead to clauses 6, 7 and 8, but I want to deal with it in a general way in clause 1. The bill refers to the police being able to seek access to devices or platforms to access information. We now know that with the way technology is changing so swiftly, information is not necessarily stored in a hard form or on a particular platform, be it a mobile phone, a tablet or a laptop; most information is now stored in the cloud. This might come back to the extent of the coverage of the bill that we talked about during the second reading debate. The data stored in the cloud is not necessarily physically contained in a data storage facility in Western Australia—it may be on the east coast; it may be offshore in Singapore or some other place. If that is the case, how far can the police go to obtain data stored in the cloud in a data facility not in Western Australia?

Hon MICHAEL MISCHIN: The bill will introduce new section 28A into the existing act, which will allow an officer to order a person to provide any information or assistance as is reasonable and necessary to enable the officer to seize the record or data or exercise the power. "Data" is defined in the bill and that will facilitate an officer obtaining access to data that may be in the cloud and accessible by a person having access to the correct passwords. However, in terms of the manner in which the data is stored, there are, of course, limitations to the reach of the authorities.

It may be that some of the information can be obtained through other avenues with the cooperation of the commonwealth and the like, but if it is inaccessible, it is inaccessible. The act allows for powers to facilitate getting access to it; it cannot guarantee it.

Hon KATE DOUST: Dealing with technology, I would imagine, is going to be a growth area, if you like, in needing to have a significant number of skilled officers who basically know what they are looking for and know how to obtain it. Can the Attorney General provide any information about what has been done to enable appropriate training or skilling up, and how many people would work in a dedicated unit that would deal with this type of data access issue in these situations?

Hon MICHAEL MISCHIN: WA Police has a dedicated computer crime unit as it is, and also officers who engage with potential offenders online, for example, in the case of grooming children for sexual offences. The reality is that if an operation were to be mounted that required the expertise, WA Police would either obtain it in-house from those appropriately qualified or, if the complexities and technicalities of it were beyond its expertise, WA Police would obtain it as necessary, from either other law enforcement agencies or elsewhere. The police are very adaptable and very capable of finding the expertise that they need to deal with the particular investigations with which they are charged.

Clause put and passed.

Clauses 2 to 21 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Michael Mischin (Attorney General)**, and passed.

BUSINESS OF THE HOUSE — WEDNESDAY, 25 NOVEMBER 2015

Standing Orders Suspension — Motion

HON PETER COLLIER (North Metropolitan — Leader of the House) [7.46 pm] — without notice:
I move —

That so much of standing orders be suspended as to enable the following variations to the order of business on Wednesday, 25 November 2015 —

- (a) no motions on notice; and
- (b) no consideration of committee reports.

Question put and passed with an absolute majority.

PERTH MARKET (DISPOSAL) BILL 2015

Second Reading

Resumed from 17 November.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [7.48 pm]: I rise on behalf of the opposition to start our comments on the Perth Market (Disposal) Bill 2015. This bill proposes to do two very clear things: the first is to sell the Perth city markets, and the second is to dissolve the legislation that underpins those markets. I must say that this is the first of the fire sales; this is the first action that the government has taken to try to bail itself out of the big, black financial hole that it has got itself into because it cannot prioritise its spending and cannot contain a Premier who seems to think that his credit card has no limit. As a result, this government announced in the budget that it would be moving to sell off some significant state government assets to the private sector. This is the first of those arrangements. I know that there is some hunger from the government to get this legislation through expeditiously. I am pretty sure—the minister might clarify it for me—that the tenders will close this week. Is that right?

Hon Helen Morton: I don't know.

Hon KATE DOUST: Is the Minister for Mental Health not the minister responsible?

Hon Helen Morton: I am, but I am just listening at the moment.

Hon KATE DOUST: All right. I just wanted that clarified because I could not remember whether it is this week or next week.

I am going to go through a range of issues about why this bill is a negative thing. I will say up front that, as a result of the way this bill came out of the Legislative Assembly, although we might have given consideration to

supporting it in the Legislative Assembly, the government did not agree to the amendments that we proposed to the time period of 20 years as opposed to 50 years, which is what we thought would be the better option. I will talk about that in more detail.

As a result of that lack of support, the opposition will not be supporting the Perth Market (Disposal) Bill 2015.

The Perth Market Authority has a long history in our state. I understand that the idea of setting up a public market came about in the 1860s; I think about 1866. A fellow decided it would be a great idea to set up the markets in the city, I think where the town hall now stands. It did not take off straightaway, but obviously there were extensive and ongoing discussions about the need to have some sort of public market. In all very different parts of the world, public markets play a significant role in community. In parts of Asia, particularly in places like Vietnam, there are morning and afternoon markets. People flock to those markets to buy their fresh food and whatever else they need, and it is a very important activity, not just for the commerce side—the growers, operators, and buyers—but also for the community; it is a good way of connecting. Quite often, particularly in parts of Asia, they are also great tourism attractors, and we also see that in Europe, where people have built up market facilities close to the centres of towns and cities. The Victoria Markets in Melbourne is also a good example of a market that still conducts itself as a mix of fresh food, fruit and vegetables. It is a massive tourism attractor in the centre of town.

When Perth Market was set up in Wellington Street back when the original legislation went through in the 1920s, it took up a substantial amount of space. When I was a teenager I used to frequent those markets on a regular basis because my mother had a buyer's number for producers' markets—it was number 304. Two or three times a week we would go to the markets in the early hours before school and my mum would buy from a range of the different companies and would auction. At that stage, all the majors also went to Perth Market; it is not the same now, because Coles and Woolworths have a much more direct relationship with the growers and quite often buy direct from the farm gate, while IGA goes through Netcash for its produce. It is a different sort of environment from what it was before the late 1980s when the market was shifted out to Canning Vale. It used to be quite a fascinating thing to go to the markets early in the morning; I think my mother was determined to build up my upper body strength because I used to spend most of my time loading the car up with heavy crates! But it was very interesting to watch the bidding process of the companies and the types of produce that they purchased. It has always been something that I have had an interest in. One of my uncles in Kalgoorlie—I have a large family—started working for producers' markets in Kalgoorlie at the age of 13 and stayed there until he eventually bought the company and it became Doust and Sumich Supply, or D&S Supply. I used to visit there when I was organising in Kalgoorlie because he had his fruit and vegetable warehouse in Hay Street, tucked in between a couple of other interesting abodes! I see the Leader of the House smiling! I used to park out on the street and my uncle used to say, "Bring your car inside, the cops will bust you for loitering!" But that is a side story!

Hon Peter Collier: We used to provide liquor to the same premises!

Hon KATE DOUST: Yes, I am sure!

So there has been a bit of a family connection with that sort of activity. I know, as does Hon Sue Ellery and a number of other colleagues, that Perth Market as it stands now is a substantial employer in the south metropolitan region and specifically in Canning Vale. It is situated on Bannister Road amongst a whole range of other types of related warehouses, and it has a significant footprint. I know many members would have had an opportunity to look at the map of the site; I think it covers about 50 hectares. Of course, not all of that is allocated specifically to the main trading floor, but there are other facilities. I had the good fortune to go out there early one morning about a week and a half ago to have a look around because I thought it had been a while since I had been on-site, and I wanted to get my head around some of the work that is happening out there. It was a really good time to go out and just walk around the markets, looking at the types of work being done and talking to some of the players that operate there. I also ran into my cousin, who works for one of the companies there, and one of the greengrocers from Victoria Park, who was not so sure about the proposed sale. He also made a few comments on the government's proposal for trading hours, but I cannot use that sort of language in the chamber, so I will not share his comments with members tonight! But it was really interesting to see how busy the place was and to look at the types of investments that have been put back into that facility in terms of upgrades of electrical work and proposals to apply solar power, which would then afford more savings to the operators and tenants.

The fact is that it is not just a facility for growers and purchasers; there are also associated services such as crating facilities and a range of chiller rooms and smaller warehousing facilities. There is meat and fish on-site and I am told they do a roaring trade over Easter and Christmas in the fish market. Some of my colleagues may talk at more length about this, but I understand that the weekend community markets are also extremely popular. There was also some discussion around opportunities in the future, depending on who ends up being the owner/operator of the site, for extending the community markets to Friday nights. As we know, fresh food markets have become very popular all through the state and people like the idea of being able to go along and

pick and choose their fruit and vegetables, to see different ways of cooking meals or to just engage with people they know. It is a very good, positive community event, and there is concern that the sale of the markets may result in that disappearing. I am sure a range of members will talk about those issues later.

We have this significant facility on Bannister Road that currently has more than 100 tenants and an income of around \$12 million a year. It is obviously a very attractive entity for the government to offload. I understand, from feedback I have had from people, that its current market value is probably somewhere between \$100 million and \$120 million. Given that the government has almost finalised the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015, which will haul in significant amounts of money, and is also trying to offload Perth Market and a range of other state assets, one has to ask, especially with regard to the Perth Market sale, what the long-term gain will be for the economy and the community. There is a lot of concern amongst people about the long-term impacts of this sale. The Perth Market is the only fresh produce wholesale market in the state. There were five bidders for it; I think there might now be four, based on feedback from debate in the other place. Of those five bidders, I understand that three are property developers, one is Kerry Stokes, and one is a consortium of industry people currently involved in the markets. Because it is such a large site and it is located in an area that has seen significant change over the last 20 to 30 years, the concerns of the people who operate out of that facility about the longevity of the markets if the sale proceeds and a property developer picks up the site are fairly understandable. I will come back to talk about some of the more specific concerns as we work our way through the debate.

Of course one of the main concerns—the issue the opposition took up in the other place and will take up again in this place in a proposed amendment—is about the 20-year period the government has put in place for the markets to continue to operate. The opposition's view and the view of most of the people who operate in that sector is that the Perth City Markets should be able to operate for a longer period of time because that will give them certainty and continuity and enable them to make long-term business investments and organisational development decisions. I note that when the markets in Queensland were sold some time ago its legislation applied an indefinite period so that there was no fixed time period for the operation of their markets. Under that legislation the sale went through and the location is always meant to be used for the purpose of fresh food produce market sales.

I thought about the 20-year time frame when I looked at the map today. The legislation provides for the central trading floor to operate as a market for 20 years, which is significant. I think the legislation provides that the trading floor square metreage continue for that period of time, and it also refers to the square metreage of warehousing space that continues for that time. If the sale goes through and a developer is successful in acquiring the markets and it does not want to continue operating the site as Market City beyond 20 years, the place could be run down over time. The legislation requires the new owner of the property to notify the government five years before the 20-year expiration date whether they want to continue on or whether they want to use the property differently. There is a concern that in that period of time the new owner could increase rent significantly or change some of the electricity pricing arrangements, and I will come back to talk about that as well. Those are a couple of the issues.

Looking at the floor space provided for in the legislation—that is the central selling floor and the amount of warehousing that has been allocated—if the property goes off to somebody other than a group that has a genuine interest in maintaining the market for its real purpose, there is still substantial opportunity to shut down other parts of the market, to perhaps seek proposals or arrangements to redevelop parts of that site in a different manner and for a different purpose. There is a triangular section of land towards the back of the market space that is already vacant and is set aside for future expansion, but if the markets are sold to a developer, it is more than likely that that land will be utilised for something else. Currently, the land is zoned industrial or semi-industrial, but there is nothing to say that a new owner could not seek to, over a period of time—we know that it can take many years in some cases—change the zoning of that land. Given the activity happening in that part of the South Metropolitan Region it would be attractive for part of those warehouses to remain as a multiuse, onsite development.

A significant change is happening in that area. In the 1970s most food-type warehousing was based in Kewdale. All the major shopping and retail companies such as Woolworths and Coles had their warehouses along Kewdale Road, and in the 80s there was a huge shift to move them to bigger premises along Bannister Road, Canning Vale. Coles built a massive warehouse that had a few hundred people working there. Then other retail and wholesale warehouses were rolled out up and down Bannister Road, with Metcash Trading established where it currently sits alongside the Perth City Markets. However over the last few years—if we look at the aerial map currently available on the front cover of the sales proposal document—those companies have moved away from that area. Although they built massive warehouses in the 80s, they have now moved over to the international airport site, on federal land. Even larger premises have been built to accommodate those warehouses, and Woolworths and Coles have moved out there as well as a number of other food-type warehouses. Now there are a number of vacant warehouse facilities all along Bannister Road. I mention this because I have a bit of knowledge of some of those warehouses

after spending a bit of time over the years organising in and out of those particular places and working with the people there, so I have a bit of hands on, real-life experience of what is happening in some of those places; we see that movement backwards and forwards.

If we are to look forward to 20 or 30 years' time, although those facilities rest quietly now, in due course the residential areas will creep closer. It is very valuable land and I imagine that the owners of that land will seek to redevelop those areas and we will start to see a greater increase in residential density, spreading up through that strip of land into Canning Vale. For those members who spend a bit of time in south metro, that south eastern corridor is —

Hon Sue Ellery: Going off.

Hon KATE DOUST: It is going off like Topsy. Every time I go out there, I see the development of a new suburb and all sorts of new—not new facilities—houses. The area needs new facilities. But there is an increase in the density. Over an extended time that area will change significantly and that leads to the concern about the amount of space that will still be there and the question about whether or not a new owner who is really more focussed on an alternative property arrangement wants a wholesale fruit and vegetable market parked in a different type of environment in that part of our suburban area. That is a challenge that raises concern about the longevity of the markets.

Another issue that links in with that is the provision covered by clause 37, which is about restrictions on other markets. I was going to discuss that matter later on because I want to go through a number of clauses in some detail, but a restriction will be put in place so that for 10 years after the purchase no local government can allow another fresh produce market to be developed anywhere else in the state. There are issues around having a monopoly set up and the difficulties it might cause for both growers and sellers who operate out of that marketplace. We will talk more about that later as well.

The market has a long history. I am sure over the next day or so many of my colleagues will go through it in more detail, so I will leave the history there. I want to start going through the second reading speech because it makes some interesting points. The second reading speech states that the Perth Market (Disposal) Bill 2015 was drafted after a thorough due diligence process had been undertaken by the Department of Treasury and some research had been done by an external organisation. That may be the case, but I do not think that was its driver. This bill arose because the government is so desperate to remedy its fiscal mismanagement of the state that it cast its eye around the assets it could offload to try to recoup some cash. The second reading speech states that “Western Australia’s finances have been under pressure since the government came to office in 2008”, and makes reference to the global financial crisis. We all know that Australia managed the global financial crisis reasonably well, so I think there is a degree of dishonesty in the second reading speech. We all know that the government is in this hole because it has not been able to rein in expenditure and prioritise significant projects that are needed by our community. Elizabeth Quay was wrongly prioritised.

Although the government spruiks about it all the time, I honestly think that if the government had thought about how it managed its finances in a better way, we may not now be in the position of starting to roll out the sale of government assets. We talk about these things at home, and my kids say to me, “Why is the government doing this? We all know that once you sell something, you never get it back. If you want to pull it back at some point, it will cost so much more.” Although the estimated value of Perth markets is now around \$120 million, some people have said that in another 20 years the land value alone in Canning Vale may be around \$700 million. Will the government of the day be in a position to purchase that type of land? Another matter raised with me is whether any of the money from the sale of this land will be set aside for future planning, should the government want to establish another publicly owned market area. I dare say the answer is no, because I imagine that this government simply wants to put the money from this sale into that big black hole.

The second reading speech refers to the amount of money that goes through Market City and the 200 000 tonnes of fresh produce traded through there. Those are significant figures, and we have to think about how it will operate. If it goes off to a private provider, can the government guarantee that in 10 years' time it will still operate in the same way, provide the same facility for growers to bring their produce to market, and provide opportunities for buyers to purchase produce to put into retail outlets? I am very interested to hear about the sorts of mechanisms the government will put in place to deal with that.

Reference is also made in the second reading speech to the success of the sale of the Sydney and Brisbane markets. Those markets were transferred to private ownership in 1997 and 2002. The second reading speech states —

Both markets continue to support the industry and have enjoyed strong growth following their sales.

The second reading speech was made a couple of weeks ago, and since then Brisbane market has received media coverage in *The Australian Financial Review* and on ABC Rural. The coverage referred to a multimillion-dollar hostile takeover bid of Brisbane market by a fund manager, and the concern about whether, if that was

successful, that market would function in the same way. That was raised with me when I spoke to people at Perth markets. They have seen what is happening in Brisbane and asked whether there were any guarantees, if the market is sold to a private operator and in due course somebody else steps in and buys it, that they would not have to face the same types of issues as people in Brisbane. Members need to think about that. The government is keen to get this bill through before December because people have been saying that there is a rush on around it. Obviously, the government is desperate to get the dollars into its coffers.

Under one clause of the bill, the new owner of the markets will not have to pay land tax for about six years. Because the market is a government asset, it does not pay land tax, but that clause is obviously a bit of a sweetener for the new owner. Maybe I have that wrong: maybe it is not about the new owner not paying land tax; maybe the new owner is not allowed to pass land tax on to the tenants for a period of six years. That is a significant issue because land tax has increased twice over the past couple of months. We have had feedback about the impost that has put on how people operate their businesses. In some cases they have had to find a substantial amount of extra money every month. Land tax is being flowed on, in some cases, via increases in rent, particularly for small businesses. A number of small businesses operate out of Perth Market City, and they have to decide whether, if they have to find the extra cash for the land tax, to put staff off, reduce hours, abandon an opportunity to improve their business or make other functional changes. Although the land tax is a sweetener for a period of time, it is a real concern that those small businesses will have to deal with.

Perth Market City has a significant energy generator operating there, and it is able to pool its energy costs and arrangements and charge tenants significantly lower electricity costs. One of the concerns is that if a private operator is in place that is not directly connected to the business now, it would use the electricity tariff as a way of upping the ante on its profit margin and might cause more significant financial issues for smaller operators who work out of that location. Those two issues—one that will directly hit the hip-pocket of operators—have been canvassed with a number of people.

The bill is reasonably technical and contains a raft of definitions. The bill has seven parts and one schedule. Clause 10 relates to the time period and ensuring the continuity and longevity of that location. The government needs to explain why it has selected that period of 20 years rather than having either an indefinite period or an extended period of 50 years or more. As I said earlier, we will seek to amend that when we get into committee.

I note that in clause 21(5) there is a very interesting reference to transfer orders. It is a bit technical, but reasonably straightforward. Subclause (4) outlines when the transfer order can be made and viewed, if it does not need to be published in the *Government Gazette*, or when it can be made available for public inspection on business days. Subclause (5) provides that to do this in accordance with subclause 4(b), a business day is a day other than a Saturday, a Sunday or a public holiday. My colleague Hon Martin Pritchard will find that very amusing, because we constantly have this conversation, particularly with the Chamber of Commerce and Industry of Western Australia and the Liberal government, that a Saturday and a Sunday are just ordinary working days for everybody else. I find it quite amusing that with this particular bill, the government is saying to us, “No, on this occasion it is different. A Saturday and a Sunday and a public holiday are not ordinary working days. They are days when you won’t be able to access this information. You will not be able to turn up to an office and find it open and view the documents. You will have to wait until a Monday, Tuesday, Wednesday, Thursday or Friday, because they are business days for the purpose of this legislation.”

I raise that because I find it very amusing that when we constantly hear the dialogue coming out of the Chamber of Commerce and Industry of Western Australia, in particular from its CEO, Deidre Willmott, telling us all that Sunday is an ordinary day like any other day, we know it is not, because certainly the CCI does not open its doors on a Sunday or a Saturday or even after five o’clock on a weekday as I found out. We hear this from a range of other people as well. We certainly hear it from a couple of ministers in the government, particularly that Minister for Small Business, who really does not do small business a lot of favours with the way he talks about the need to open up on a Sunday. I do not know whether it is because we are dealing with public servants—that might be the reason—but for the purpose of this legislation, the government has decided that Sundays are indeed not a business day.

I just want to put on record the hypocrisy of this government telling a whole range of other workers such as shop assistants and hospitality workers that their Sunday is an ordinary business day and they should expect to get paid only ordinary rates of pay and not penalty rates.

Hon Helen Morton interjected.

Hon KATE DOUST: I knew I would wake her up!

We are constantly hearing this discussion from the government.

Hon Helen Morton interjected.

The ACTING PRESIDENT (Hon Simon O’Brien): Order! Hon Kate Doust is addressing the Chair.

Hon KATE DOUST: I am indeed addressing the Chair, Mr Acting President, because we hear this argument all the time that things have changed, we are in a brave new world, and that everyone works every day of the week and should be paid only ordinary rates of pay, not penalty rates. We hear this government constantly talking about wanting to create a two-tier system of work and type of worker—a second-class worker if they work in particular industries. With its own legislation, the government is saying that for this type of operation, a Sunday is not a business day; it is not an ordinary working day and if a person wants access to this information, they have to turn up between Monday and Friday. Government members are a bunch of hypocrites on this occasion and if they are going to treat one group of workers in this way and say that Saturday, Sunday and a public holiday is not a business day, I would expect the government to apply that to every other type of worker in the state and acknowledge that they too deserve to have time off with their families on a Saturday, Sunday or a public holiday. In particular a public holiday because—Hon Martin Pritchard will back me up on this—shop assistants now have access to only about two public holidays a year, Christmas Day and Good Friday, and I dare say in due course that this government will seek to remove that from them as well. As I read through the bill, I thought that the government was taking an interesting position and I just found it quite amusing, given its constant dialogue about what an ordinary day of work is for most other people.

I now move on to clause 36, which deals with land tax. I have already made some comment about the impact of that and I am sure members will talk about that. Clause 37 deals with the restriction on other public markets. Subclause (2) states —

Despite anything in the *Local Government Act 1995*, a local government cannot, during the specified period (which cannot exceed 10 years) after the disposal under this Act of the central trading lot, —

Keep in mind that the central trading lot under this bill is defined. It is not necessarily the whole of the 50-odd hectares; it is a central trading lot that we know is located in the middle part of the markets. It comprises two or three buildings that are the main selling floor for the markets. The subclause continues —

provide or establish in a specified area a public market in respect of specified produce.

It is very limiting. Although the government is having a sale of this very important public asset, the only wholesale market that we currently have in the state, it is going to lock everyone in to stay there for at least 20 years, depending upon who buys the place. It might be less if they want to run it down or gradually move people out, but there will be now this restriction or, if you like, monopoly in place so that no-one else can set up in competition. I find that very curious, given the growth in our state and our metropolitan area and the increase in population. The question might have been that even if there had been no sale of this public asset, these markets, at some point there might have been consideration given to the creation and establishment of an alternative site somewhere else in the state, be it in the north or the south, to accommodate distance, the growth in population or the needs of the growers in how they get their product to market. That will be a really interesting challenge, depending upon how the markets are managed in the future, and whether that is going to be viable.

[Quorum formed.]

Hon KATE DOUST: That interrupted my train of thought. What I was saying was that it will be interesting, given that this restriction has to be put in the bill, that for a period of 10 years after the sale there will be no capacity for any local government to even sign off and say that development of an alternative location can go ahead. Before the bells were rung, I was saying that given our growth and change of circumstances, if the markets had not been sold, there could have been those alternatives. We see these things happening in an unofficial way with the explosion of farmers' markets around the city; there are a number in my own region. We have already made reference to the farmers' market in Canning Vale. There is the fabulous one in Manning, and I understand that there is a pretty good one in Kalamunda but I have not had the opportunity to go to that one yet, and there are others in Victoria Park, Belmont and places such as that. People enjoy the capacity to go to these markets.

It may very well be that once this legislation goes through, there might not be a formal, public, large, managed site in place, but what we might find is that local governments enable more and more of these informal marketing arrangements to operate within their boundaries because they know that consumers like to go out and buy fresh produce direct from the farmer, in most cases, or fresh meat or fish. I suppose that this anti-competition provision is notionally there as a protective mechanism for the potential purchaser of the site, but I think in the long term it might be a negative in terms of how our city is developing. Given that we have a Liberal government, I thought it was very interesting that it was putting barriers in place to opportunities in commerce arising and being able to develop.

Clause 43 under part 6 of the bill is another clause that I thought was worth noting, as it is about the arrangements to be made for Perth Market Authority staff. I know that a reasonable number of people are employed as public servants on-site. What arrangements have been made for those employees once this sale goes through? Will they be made redundant under the current provisions or will those individuals be offered new employment with whoever is the new operator? I would be interested to know what sorts of discussions have occurred or what consideration has been given to looking after the employees who work there. Those particular

individuals are outside of and separate from the 1 500-odd employees who work in the Perth city market and are employed by the 100-plus operators on-site. Given that we have had significant issues around public sector cutbacks over the last couple of years, and whilst we have a pocket of public servants working in the Perth city market, I think the government needs to outline exactly what will happen to those individuals. I imagine that the nature of the work they have been doing in the Perth city market, for whatever period they have been there, would be significantly different from working perhaps in the Registry of Births, Deaths and Marriages or in the Department of Health or somewhere else. If they are not going to be made redundant or they are not going to be picked up by a new operator, how will their skill set be transferred into a more traditional public sector role than their current role? I am just saying that it is a different type of working environment in the market from what it would be working in a customer-focused office in the CBD or, say, in the Department of Health, the Department of Education or something like that.

Hon Sue Ellery: There are no jobs in the education department.

Hon KATE DOUST: Right; they will not be going to the Department of Education then. We know that they will not be going to the Department of Health because 2 000 jobs are going there. They certainly will not be going to the South Metropolitan Health Service. I would be very interested to know what the government will do to cater for those people. I know the bill has provisions, but I want to put on the record what is being done to manage those people.

Clause 44 deals with the authority and makes reference to members going out of office once the act is dissolved. I know that the authority has provision for seven board members and I understand there are currently about five who are still active. I am not too sure—the minister might be able to tell me—whether they will finish up on the day the act is proclaimed or whether there is a period within which things will be tidied up before they finish. They are a couple of questions around the actual legislation.

I also want to come back and talk about the by-laws that underpin the current legislation. This matter was raised with me by a couple of people I have spoken to. As I understand it, the concern is that while some detail will go into the contract between the government and the purchaser about what happens on-site, the by-laws that are currently in place are quite detailed and contain a lot of nuts-and-bolts issues about what happens in the market on a daily basis. I will go through some of them, because I do not know how some of these matters would be picked up in the contract of sale for the business. Because these by-laws have underpinned the legislation and provided the framework for how business would be conducted, my questions are: What will be the substitute for the Perth Market By-laws 1990? What will be in place to ensure that these types of activities continue to happen?

The by-laws contain some standard things about the common seal and business-related matters, but there are also by-laws about being able to access the markets only for lawful business, the unlawful removal of produce being prohibited, and dropping rubbish. There is one about assemblies without permission, which is an interesting one—I did not really think about that one. There are by-laws about the requirement to wear high-vis gear when on-site; the control of smoking on-site; disorderly conduct; obscene material being prohibited; restrictions on signs; restrictions on the use of alcohol; no obstructions being allowed; restrictions on animals; not interfering with authority property; restrictions on fire hose use; and the handling of refuse. There is one about urinating and other personal details—I will leave that to the minister.

Hon Helen Morton: Don't leave it to me!

Hon KATE DOUST: It is by-law 23 under part 3 “General”, so the minister can explain to me how that will be picked up in the contract of sale. Part 4 of the by-laws deals with trading on the floor. There are matters about solicitation of business, sales and purchases, minimum sales, and packaging—all of these are significant and relevant to the day-to-day business of the markets. Part 5 of the by-laws deals with the control of vehicles. Having been out to that site, I know that there are forklifts zipping around all over the place, large trucks moving through on a regular basis, and a range of cars—it is quite a busy environment—so traffic and traffic control is an important issue out there. Pedestrians certainly have to watch where they put their feet. There are even by-laws about times for delivery and collection; licensing of delivery drivers; producing a driver's licence; vehicle entry and exits; speed limits; parking; requiring drivers of vehicles to comply with directions of the inspector; the inspector being able to give directions; the removal of notices; licensing of forklift drivers; and the control of forklifts. I appreciate that some of these matters, particularly the last few, are probably picked up under occupational safety and health regulations, but, again, it would be interesting to know how this type of detail will be transferred over to the new regime.

Part 6 of the by-laws also has a range of matters that deal with infringement notices and inspectors. There is even a by-law about the destruction of produce that is unfit for sale. A lot of thought and detail has gone into these by-laws. I am sure that they are adhered to and monitored. I am sure that the authority manages them in an appropriate way. The question is: With the dissolution of the act once this bill is passed, what will happen to these by-laws? What else will be put in place? What guarantees can the government give that a new operator will be required to establish some sort of safe system of work, or some sort of set of guidelines or rules, about how

the facility will continue to operate and to deal with not just safety issues, but also other matters such as entry and exit, and some of those more interesting and colourful points that were picked up in the by-laws? I think there are important questions to ask: What will happen to the by-laws with the sale of the markets and will there be specific requirements in the contract to deal with these matters? If not, how will the facility be managed? I think that is an interesting question because I have asked about the detail of the contract and I dare say that a contract of sale for the property will not deal with entry and exit, and the range of other matters that are dealt with in this legislation. There must be another way to do that.

I have another question that arose from looking at these by-laws. There is a reference in part 6 of the legislation to inspectors. I assume that those inspectors are employed by the Perth Market Authority to monitor and assess whether the by-laws are being used in an appropriate way and that business is being conducted in accordance with the legislation. If the legislation is removed, what happens to the by-laws? Who will continue to conduct the inspections and make sure that things are working as they are supposed to on-site, on a daily basis, particularly in relation to health and safety issues? As I said, out there at the markets, a person has to watch themselves, because of the volume and movement of traffic, and the number of people moving in and out. Given its nature, business at the markets is not necessarily done in daylight hours. Most work in the market starts anywhere from after midnight—I imagine sometimes it would be before midnight—through until about nine or 10 o'clock in the morning, depending upon each business unit. My cousin works for a company in the markets. I spoke to him at about seven or seven-thirty in the morning and asked him what time he started work. He said that he had started at about three o'clock in the morning. I think that was a fairly normal start time for him. I know that he would finish work at around 10 o'clock and head home. Those matters need to be taken into account. It is all very well to sell the place off because the government is desperate and it has to do that, but it needs to make sure that post-sale protections or basic parameters will still be in place for what needs to happen on-site for the people who work there. I would be interested to hear how the government intends to manage that.

I know there have been questions about the consultation process. We were provided with some information during the briefing that demonstrated that there had been a series of meetings and briefings, I think, which started last year, with a range of players who are active in the market space; that is, stakeholder engagement. Of course, the government is going to say that everyone is happy with this, but we know that that is not the case. We know that concerns have been raised throughout the debate by a range of people. I had a very interesting discussion with a fellow from Vegetables WA, a group which has provided a couple of documents. He is quite happy for me to use the documents, because they are public documents in which he talks about his organisation's concerns about the sale of the markets and the impact that it will have on growers in this state. They are obviously not happy about the potential difficulties they may face down the track. I think that they are very supportive of an industry-based group being in the mix, if you like, if successful, to ensure longevity.

Hon Sue Ellery: They think it's the only way it can be successful.

Hon KATE DOUST: That is right; they have a vested interest in the organisation continuing in the capacity for which it was designed, rather than going to a property developer that might decide to build the latest theme park or a series of high-rise, mixed-use residential places in Canning Vale.

The response from Vegetables WA on this legislation states —

1. The vegetable industry fundamentally requires a wholesale marketing facility due to the need for a physical exchange of goods required between growers, wholesalers and secondary wholesalers. The markets deliver quality, freshness and most importantly choice for growers, retailers and consumers. The markets is a vital alternative supply channel outside the major supermarket chains. Distorted markets in the longer term are certainly not in the interest of the consumer, grower or wholesaler.

Earlier we talked about the flow-on impacts of potential increased energy costs or at some point the potential for land tax charges to be passed back to on-site tenants. The costs will have to be passed on somewhere and at some point those cost increases will be passed on to the consumer. The taxpayers in our state will end up possibly paying higher costs for their fruit and vegetables. We know that from time to time that is a significant issue, particularly when we have problems such as weather catastrophes. We all remember what happened to the price of bananas a few years ago. I think it was when Kevin Leahy was briefly an upper house member. He was from Carnarvon and a long-term representative for the area. There were significant storms or a cyclone that wiped out all the banana crops. I think that we were paying over \$20 a kilo for bananas. My kids did not get bananas for months because they were so expensive. The next point Vegetables WA makes is —

2. Horticulture is the prime industry candidate for driving the government's Agrifood 2025+ plan of doubling the value of agriculture in Western Australia by 2025.

I note that the Minister for Agriculture and Food has been sitting silently in the chamber. I am surprised that he is so keen to support the sale of this very significant operator. I imagine that a lot of growers have talked to the minister about their concerns for the future of the markets if they are sold into the hands of a property developer.

The Vegetables WA response continues —

3. It is critical that any government sale provides an ongoing dividend to industry development as well as a single dividend to government finances. The ultimate goal of the industry bid is to secure the long-term future of Market City, and ensure it is managed and developed in a way that positions it for ongoing growth and prosperity. Property developers, capital funds and investment banks will be focused on maximising the value of the land asset regardless of whether that is for a market or some other use.

We know in the mix of bids that there are some bids from capital funds and I think there is an investment bank bid. Of course, their direction is going to be entirely different from that of the other consortium bidding, which wants to focus on the markets for its real purpose. The Vegetables WA submission continues —

4. A government guarantee that the markets be kept as markets for only for 20 years is far to short. It should be required for 50 years or indefinitely as was proposed in Queensland when the government sold their wholesale markets.
5. There is nothing to stop a landlord making life difficult for market participants in order to gain access to the underlying land asset.

One of those issues is the potential for a new owner to increase tenants' rents significantly. There is no real way to provide fairness and balance on that, and the government has never delivered on the idea of having a tenants' lease register to provide transparency and access to information about leasing arrangements. That is not in place, so I imagine the 100-plus organisations that operate on-site could be cherrypicked off by increasing rents to make it very difficult for them to stay on-site. We have actually seen that happen. I was in Morley yesterday meeting with a number of small business people and we had a discussion about Coventry Village and how a number of the tenants there had been priced out because the owner of the facility keeps increasing the rents without justification, to the point at which people are forced out and because of the terms of their contract, have to continue paying the excessive rents until it expires. I would hate to see that example replicated at Perth Market City under a private ownership arrangement. The Vegetables WA document continues —

6. The industry bid is the only one which ensure the long term survival of the markets and that of those whose livelihoods depend on it.
7. Bids should assessed on other issues such as the new owner's contribution to things such as:
 - a. site development;
 - b. value chain development activities;
 - c. collaboration with the Central Markets Association of Australia;
 - d. tenant and industry consultation;
 - e. funding for the free collection and distribution of market pricing information as performed by the Perth Market Authority is retained;
 - f. compulsion of tenants by any new market owner through lease conditions to participate in price and other reporting as well as compliance with the *Western Australian Agricultural Produce Commission Act (1988)*; and
 - g. commitment to engaging with growers as well as wholesalers in development of rules to replace the By-laws under the *Perth Market Act (1926)*.

There are a couple of issues about pricing. I understand that the Perth Market Authority currently publishes the prices of products so that they are available to everyone, and that is free for the operators there. There is a concern that with a change in ownership, that facility would no longer be available or there might be a cost attached to accessing that information about pricing arrangements, so there are concerns about transparency. As it currently stands with the Perth Market Authority in place, there is capacity for each of those tenants to have some sort of line of direct communication to be able to talk about issues or problems or future directions or to offer solutions or suggestions about things that could happen on-site. Having talked to a number of those operators and having heard about the types of changes they have seen happen since 1989, they are obviously very happy with the arrangements that have been in place, because they feel as though they are all part of the organisation and they have a say, if you like, in the direction and operation of the facility. With a change in ownership and perhaps a different way of management of that site, I think there is a genuine concern that there will not be as much direct engagement between the new owner and those tenants, and they certainly will not have the capacity to have a say.

In fact, when we think about it, that shift from public to private ownership will perhaps change their capacity to negotiate with the owner because the relationship may change significantly. That will make it very difficult for a lot of the tenants to make decisions about their future. We only have to look at the brochures that detail the

types of companies there to see that some of those companies, although they might have changed hands, have been involved in dealing with growers in the sale of produce in some cases for 50 or 60 years. I am thinking of a company called Mercer Mooney. I know that Mercer Mooney has changed hands a couple of times, but I think it is now back in the hands of the family. Mercer Mooney has always had lovely produce. It used to do a lovely line in exotic fruit. I have always had a thing for exotic fruit! I know that that company is looking at how it will manage the physical structure of the allotment it has on-site. Some companies stay a long time and some come in and out, and there are smaller businesses off and away from the main trading floor. If there is uncertainty because the market will potentially be in the hands of a private operator, how will new players be attracted to come into that space and look to develop a business for the long term? If there is uncertainty, they will certainly not look to go there. It will make it very difficult for growers to look at their options. I quote further from the Vegetables WA document —

8. The government sale of the horticulture markets and risking its potential dissolution in only 20 years contrasts the government's prior investment in regional livestock saleyards through the construction of the \$54million Muchea Livestock Centre, a \$21.5million allocation towards developing and modernising the Katanning and Plantagenet saleyards as well as clearing the debt from the Mount Barker saleyard.

Those are some of the concerns that Vegetables WA has expressed about the negative impact that it sees if the sale of the Perth Market City proceeds and if the successful bidder is other than the industry consortium. If indeed the market goes to a private developer, I do not think Vegetables WA sees anything positive coming out of it at all. Those are the concerns raised and I am sure that my colleagues will go through a number of other issues.

Coming back to some of those matters I raised about the Perth Market (Disposal) Bill 2015, one of the more significant matters comes back to the by-laws and what sort of safeguards are in place. Not only is this the physical, practical elements of how the markets will function on a day-to-day basis, but also the government needs to explain the mechanisms it will put in place to deal with the electricity costs currently in place and the fact that there is a lower tariff. What will be done to ensure that the new owner will not increase electricity charges to tenants as a way of making additional profit and what will be done to deal with the issue of land tax beyond the six years? There are probably more questions. I understand that at some point the contract signed between the government and the successful bidder will be tabled, but by then it will probably be too late for viewing the detail of the contract, so I think it is important to raise some of those issues now to see how the government will deal with them.

There is a very interesting annual report from the Perth Market Authority, which I know was signed off by the Minister for Agriculture and Food, Hon Ken Baston. This annual report discusses in part the history of the markets, some of the concerns about the changes on foot, the changes the market authority has had to put in place since the announcement and the reduction of some of its functions in engaging with tenants on-site. The CEO's report on page 14 of the annual report states —

While the State Government's sale process for Perth Market Authority's assets has created uncertainty, management of the site has continued on a "business as usual" basis ...

I would imagine that it is business as usual until this legislation kicks in and as public servants they will not be there anymore. There is also comment about the success of the Saturday markets, and, as I said, I am sure that others will make more detailed mention of that.

There is significant comment in this report about the weekend retail markets, the Saturday clearance market—which I understand is very, very popular—and the Sunday community market. Given the nature of that area, from the start of Bannister Road all the way out as people come off near Roe Highway, near Garden Street, all the way down to South Street, currently there is essentially warehousing. The other side of the train line all the way through Southern River is all residential development and there is also residential development on the opposite side of Bannister Road. There is all this residential development pushing in, but there are really not a lot of community facilities out there. The idea that people are coming on-site on the weekend to engage here is quite significant. It would be a real shame for people in that community to lose that one opportunity to come together on a regular basis. It is not just about the buying and selling; it is about the engagement. Another thing I noted at the Perth city markets was its support for charity organisation such as the Foodbank of Western Australia. It does a lot of work with Foodbank in the provision of food from the site. I hope that the government, in its consideration with whoever is the successful tenderer, puts some consideration in the contract about some sort of corporate or continued support for the types of charities that benefit from having access to fresh produce. I would hate to think that a new organisation would cease that relationship and deny that very good organisation the capacity to tap into that sort of stock.

A number of my colleagues have other things that they would like to say about this legislation. The nub of the legislation is that it is just about the dollars; it is about the government trying to find a way to fix its fiscal mismanagement problems. This is just the start of the process. Over the last few months, we have had to deal

with a raft of legislation that increased a series of taxes. Now we have got through those types of bills, we are starting to see the government look at how else it can pull dollars in, so we are seeing matters such as those related to the Bell Group companies, and the millions it seeks to extract from that. We are now seeing the government pull the dollars from the sale of this very significant and long-term food sales venue—Market City. A number of people who have been involved would have very fond memories of these markets and it would be a real shame that perhaps they will not be here in 20 years. I think that is a significant problem not just for that location, but certainly for the growers and buyers who operate out of that location.

At the end of the day, this is just the start of the opening of the door to excessive privatisation of public assets. As I said earlier, once it is sold, the government will never get it back again and it will never have the money in the kitty to try to replace it. That will be a real blight on this Liberal government because it has failed to demonstrate to the people of Western Australia that it can manage the finances and balance the books. It is now selling the house to pay its bills.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [9.04 pm]: I rise to make my contribution and to indicate, in support of the comments by my colleague, that we will not support the Perth Market (Disposal) Bill 2015. This legislation is part of the government's fire sale; it was one of the first announced by the government last year as it desperately scrambles to inject some cash into Treasury, given its appalling budget management. Debt levels are now at around \$23 billion, two credit rating agencies are giving negative ratings on the economy of Western Australia, and not long after the government announced an undefined process for seeking unsolicited bids to sell public lands, we are dealing with a piece of legislation to give effect to that. This government has delivered the first budget deficit in 15 years. Our operating deficit in 2014–15 was some \$431 million. Our debt rose by over two and half billion dollars in one year to \$23.4 billion. If I do the calculations, that is a staggering \$7.1 million a day in 2014–15. If the government had not got that one-off grant from the federal government, that deficit—the real Western Australia deficit—would have been about \$930 million. That confirms that our Premier is not only the worst and least popular Premier in Australia, but also the worst manager of the state's finances.

Hon Helen Morton: That's why he's the longest standing, is it, because he is the least popular?

Hon SUE ELLERY: I would not get too cocky about how long he will be standing in that position. I do not know whether that is something the minister wants to claim, given the rate at which the Liberal Party has lost government around Australia in the respective states. If the minister wants to go through state by state why the Liberal Party lost government in those states and why Premiers have changed—for example in New South Wales, a bottle of Grange did a Premier in—I am happy to do it. However, the point I am making is that this Premier has presided over the worst set of books in this state's history. That is nothing to be proud of. As a consequence of him presiding over the worst set of financial books in the state's history, we are dealing with this legislation. It is one thing for government members to say that they do not think it is government business to be in the business of owning and operating the Perth market site. If that is the government's proposition, it will argue its case. But it has done more than that; it has created a future liability for the state by doing something that the Liberal government has done before.

I will come back and talk about examples of that part way through my contribution. The government is effectively tilting the balance in the favour of the short-term cash injection against the social and economic value that is the function that is carried out on that side. The government has erred on the side of a short-term cash injection via the sale of the land. It has balanced that, I think, inappropriately and unfairly and to the state's detriment against the social and economic benefit of the state continuing to run the Perth Market Authority for the function that it carries out. It did that by limiting the period for which a market will be run on that site to 20 years.

The explanatory memorandum states that the Perth Market (Disposal) Bill 2015 does three things. It creates the head of power to provide for the disposal of the assets and liabilities associated with the Perth Market Authority. The second thing it does, in part 2, is provide that after the sale, the site must be used for a wholesale market for 20 years. We say, and the major stakeholder group Vegetables WA say, that that is too short; it ought to be 50 years. The third thing that the bill does is set out the transition and the wind-up provisions once the sale has occurred. The objection to the bill is, as I have said, that it is driven by the need for short-term cash. The government does have a need for short-term cash because it is in serious trouble. Although we do not expect government members to believe us when we say it, they need to listen to the credit rating agencies such as Moody's Investors Service and Standard and Poor's because they have stated that they do not have faith in the government's capacity to successfully manage debt.

I quote from an article by Andrew O'Connor on ABC news online that was updated on 10 June 2015. It reads —

Moody's credit rating agency has placed Western Australia on negative credit outlook in the wake of a state budget that delivered record deficit and debt levels.

The agency has preserved WA's AA1 credit rating —

Members will recall that it has already been dropped from a AAA credit rating —

but warned continuing deficits and rising debt would place the state at risk of another downgrade.

WA lost its AAA credit rating with Moody's in August last year.

Moody's said the "ongoing deterioration in Western Australia's financial and debt metrics" was the reason for the change in outlook from stable to negative.

The agency said the state had forecast a record high deficit equivalent to 13.8 per cent of revenue, while the debt burden on the state was predicted to reach 122.7 per cent of revenue.

...

But the agency considered the WA State Government would struggle to achieve its lower spending forecasts set out in the budget.

"Moody's thinks that the state will be hard pressured to achieve the much lower level of current spending forecast, unless the Government fortifies its commitment to budget improvements," the agency said.

"Projections rely on reducing the average rate of spending to 2.5 per cent, and to as low as 1.9 per cent in 2017/18, compared with the 6.2 per cent rate registered over the last four years."

The agency noted that this would require low rises in public sector employee costs, and reducing the rate of spending growth in areas like healthcare and social services.

It said containing those costs could prove difficult in the face of a still-rising population.

The agency warned of —

... the potential for a future downgrade.

That is on top of the downgrade from the AAA credit rating. The article continues —

"If the Government is unable to meet its lower expenditure targets, and in the absence of offsetting growth in revenues, that result in ongoing large deficits and higher-than-forecast debt accumulation, there would be downward pressure on the rating," it said.

"The outlook could revert to stable if the state's budgetary redress plan leads to a balanced position with an associated easing in the debt burden."

That is the driver for this. The government desperately has to do something to address its loss of the AAA credit rating. As recently as just a few weeks ago, another article by Andrew O'Connor on ABC news of 29 October 2015 reads —

Ratings agency Standard and Poor's has held Western Australia at a AA+ rating with a negative outlook, suggesting a 30 per cent chance the state's credit rating could face a further downgrade.

WA lost its AAA credit rating with Standard and Poor's in September 2013.

The agency said the risk of another downgrade was due to the potential for further weakening in revenue, or a failure by the Government to constrain spending growth.

...

"The rating affirmation reflects our view that the state's likely higher share of Australia's goods and services tax (GST) revenue will enable the state to achieve small operating surpluses after the year ending June 30, 2017, turning around the state's expected cash operating position from deficits in fiscal years 2016 and 2017," S&P said in its statement.

"However, the budget has little room for further slippage, in revenue or spending without resulting in a period of sustained cash operating deficits.

The article goes on to state that these risks are reflected in the negative outlook. In August 2014, the Premier announced that the sale of state assets was estimated to generate for the state some \$6 billion, in an effort by the government to slash its ballooning debt levels and regain Western Australia's credit rating. That announcement in itself was not enough because both ratings agencies kept their credit rating the same.

After the Premier's announcement in August last year, an article that appeared in *The Australian* of 29 August reported —

Facing intense criticism over his management of the state's finances, Colin Barnett said yesterday the first tranche of sales would include the Utah Point berth in the Pilbara, the Kwinana Bulk Handling Terminal, south of Perth, and the Market City facility in Perth's southern suburbs.

The Premier said the three assets would be more efficiently operated by the private sector and should generate between \$1bn and \$2bn.

However, industry sources said last night the Utah Point facility at Port Hedland—which was built at a cost of \$300 million four years ago—would be unlikely to fetch more than \$400m, while the other two assets were worth much less.

“They’ll be lucky to get \$1bn for those three,” said one industry observer.

...

Mr Barnett has ruled out selling the state’s power assets and state-owned ports, but some government trading enterprises, including the TAB, and government land will likely be put up for sale.

He said yesterday he anticipated asset sales would raise \$2bn a year leading up to the 2017 election, totalling \$6bn.

I would like to hear from the minister exactly what the government’s expectations are now for what it anticipates to get out of this element of that first tranche.

The article continues, quoting the Premier —

“This is not a fire sale, it is not a panic response,” he said.

...

“By rolling this out in a considered and planned way, we will be able to control and manage our debt.”

I am not sure who he thought he was convincing at the time, but it was not any of the credit ratings agencies because they did not respond by lifting our credit rating back to AAA as a consequence. This is not a financial plan; it is a quick fix of cash, and it is like people with limited choices who respond to those ads we are seeing increasingly on TV now. I do not mean to be unkind about Cash Converters, but there is now a whole range of businesses that offer those kinds of quick payday loan services, and they are taking advantage of people who have limited options. The astonishing thing about the situation we find ourselves in now is that that is also the Premier of Western Australia’s approach to financial management.

The opposition’s objection to the Perth Market (Disposal) Bill 2015 is that it is driven by the need for short-term cash. By limiting the life of the market to just 20 years, the government is forgoing having a fresh produce wholesale market that benefits both consumers and industry. The balance has been drawn by this government on the side of the quick cash injection and not enough attention is being paid to the social and economic benefits of the real function of this site, which is as a fresh produce wholesale market that is linked to transport routes and is accessible to both industry and consumers.

I am not sure what the state of the bidders is now, but, as I understand it, of the remaining bidders, only one is industry based and the rest are land developers. That tells us what those land developers see as being the value of this sale. Their core business is the development of land, not the running of a fresh produce wholesale market, and good luck to them—there is great land out that way and in 20 years’ time, the government of the day will be hard pressed to find another metropolitan site linked to transport routes for anywhere near the price that this government is going to get for the sale of this land in 2016. In 20 years’ time, that land will be residential and will be worth significantly more than it is today. It will not remain as a market in 20 years’ time.

That issue was explored a bit with John Shannon, the chief executive officer of Vegetables WA. He was interviewed last Wednesday, 11 November, on John McGlue’s radio program on ABC 720, and I had that interview transcribed. At one point, John McGlue put to him that if the obligation to have a market on that site for 15 if not 20 years is removed, was he not effectively undermining the sale price—the value that he would get from the land now. John Shannon addressed that issue and this is the way the interview went, according to my notes —

MCGLUE: How are your members feeling about the sale and the process?

SHANNON: There is a lot of deep concern around the sale process in as much as there have been successful sales of markets in other states but in every other state that process has resulted in an industry led bidder who has taken over control over the markets and has run those businesses very successfully. But we are now in the situation where there is EOI —

Expression of interest —

process, which has enabled five bids to be part of the mix, one those is an industry bid and there four bids from outside the industry which don’t have the same level of ongoing interest in maintaining the Market City site. The Government has required that buyer it only required maintain the market for 20 years and so it is highly likely that after 20 years we may not have a wholesale fruit and vegie market and that is a risk our members are not comfortable with.

MCGLUE: Why makes you think a buyer would want to make switch?

SHANNON: Because Canning Vale is a highly prized area it is increasingly surrounded by houses and at the moment it is in a relatively industrial precinct but there are reports that the value of the markets after 20 years would be very interesting for property developers who aren't interested in maintaining the site as a wholesale fruit and veggie site.

MCGLUE: Why is this site important to growing industries to maintain?

SHANNON: This is an important question. The wholesale market ensures the functioning of the whole market, for fruit and vegetables in Western Australia, around 25% of the value of products goes directly to Coles and Woolworths and 60% goes through the wholesale market. So even Coles and Woolworths are heavily reliant on the access to the wholesale market to make sure consumers get products in a timely and economic fashion. That is without even talking about independent retailers such as your IGAs and Farmer Jacks and other small green grocers who consumers are familiar with. They are entirely reliant on a wholesale market so not having that facility for them is a real risk for their business as well.

MCGLUE: Govt saying protection is 20 years—some people want 50 years. Why would the gov't want to stick with 20 years?

SHANNON: I think they are probably more interested in maximising the value of the sale now rather than the ongoing interest of the industry or the consumers in the longer term, obviously extending the market to 50 years or ideally indefinitely the value will be less because property developers and others who are interested in the bid will have to wait longer.

MCGLUE: So the price goes down, so the loot taxpayers take off the table will go down, why would taxpayer want to get a lower price rather than a higher price?

SHANNON: Because I think it's in everyone's long term interest to have affordable fresh fruit and vegetables for consumers and let's not forget the consumption of fruit and vegetable at a reasonable price that is actually going to address chronic health issues that we have in this state and it's the health budget that is spiralling out of control that causes difficulties for the gov't and it won't just impact our industry but it will impact on people's health.

MCGLUE: Kerry Stokes is the rumoured to have been a bidder for the site, what's the industry's attitude on this? ...

SHANNON: Look the attitude is that anybody other than the industry led bid having control of the market means the industry can't guarantee its ongoing existence after 20 years. So it's any of the other bids that make growers feel uncomfortable because of the risk it has for their business as well as for small retailers, big retailers and consumers.

That is the end of the interview. It is more than just a piece of saleable land; it is a function that has a social and economic benefit. It is not only the dollar value of today that needs to be assessed to determine what the public interest is. The public interest goes beyond the commitment that this government has built in of maintaining that site as a market for only 20 years. There is a greater public interest to be met and this government falls short of that by committing that that site will remain a market site for only 20 years.

When I listened to that interview, I thought: how many times have I heard the Minister for Education and others be quite upfront about the poor decision-making 20 years ago of the then Minister for Education to close the secondary schools on the north west metropolitan coastal strip? The decisions made 20 years ago to close City Beach, Scarborough, Hollywood and Swanbourne high schools, and going further north to —

Hon Peter Collier: Swanbourne.

Hon SUE ELLERY: Yes, it was Swanbourne, but there was one further north than City Beach.

Hon Peter Collier: Scarborough.

Hon SUE ELLERY: Thank you. The decision 20 years ago to close those schools has meant that now, in 2015, the taxpayers of Western Australia will have to pay twice to put a secondary school in that north west coastal metropolitan strip. The decision 20 years ago that we would not need high schools in that area in the future so we should close those schools and sell the land was short-sighted, and we see the results of it absolutely right now. The government has to come up with more money when it does not have the money—that is why it wants to sell the Perth market site. While the government is doing that, it has its eyes closed and ears blocked to what the government did 20 years ago with school sites. It is exactly the same short-sighted decision-making that got the government into trouble around secondary schools in the strip of the north west coastal suburbs of metropolitan Perth. We are about to repeat the same thing. The size of the land the government will need close to a metropolitan area, the other elements of industry, and connected and sensible transport routes will cost significantly more money in 20 years' time—in 2035. When we get to the end of the 20-year compulsion to keep

this place as a marketplace, and assuming that one of the bidders that gets it is not the industry bidder, there is no way those land developers are going to continue to use that site as a market site. In 20 years' time, it will be prime real estate. The developers will be describing it as close to the city. They will be saying that it is prime residential land, and that is what they will be selling it for. That is why they have put in a bid, because it is land. They have not put in a bid because they have any commitment to, experience in or interest in running a market; they are interested in the land. Twenty years is nothing in the amount of time it would take them to get their respective approvals and to get the rezoning and all the plans in place. Twenty years is nothing to developers. They have the capacity to wait out that 20 years, and they will have no obligation. They have no obligation under this legislation to even contemplate running a market after 20 years.

I am staggered that the Minister for Agriculture and Food is silent on this matter. The growers who use this market are one of his key constituencies. I find it astonishing that he is not advocating for one of his key stakeholders, because in 20 years' time those stakeholders will be asking: where will a wholesale fresh produce market that is connected to transport and close to all the other elements of the industry be located? They will be asking the then Minister for Agriculture and Food—it certainly will not be this one; I reckon he will be lucky if he is still there after Christmas this year—what he is going to do to get an equivalent 50 hectares of land to run their market.

The Minister for Agriculture and Food and the Treasurer of the day will have to come up with the money, which will be significantly more than the government will get from this sale of the land. This government is asking us to make an astonishingly short-sighted decision in respect of this sale.

My colleague referred in part to some of the information provided by Vegetables WA, which made a number of points. It states —

The only viable proposition for our —

That is, the industry —

long term security is therefore the industry bid to purchase the Canning Vale market, lead by potato grower Paul Omodei and vegetable grower Nick Tana as part of the industry bid associated with the Chamber of Fruit and Vegetable Industries.

This bid is one amongst four other property developers.

Growers are not always happy with their treatment by wholesalers. However, an industry bid connected with the Chamber is much better than a future dictated by an outside property developer interest potentially willing to override the interests of our industry for their own commercial gain.

The sale will also repeal the Perth Market Act by-laws —

My colleague Hon Kate Doust referred to that —

which also provide a range of protections for growers and wholesalers which should be considered as part of the sale as well as ensuring that the successful bid contribute to industry development as the Perth Market Authority has done.

I want to talk a little about the function of Market City. Members know where Market City is in Canning Vale; it is about three kilometres from my office. I think the next closest member of Parliament's offices would be those of the member for Southern River and perhaps Hon Nick Goiran, although there is a politician literally on-site; Senator Glenn Sterle's office is on the Nicholson Road–South Street side of the site. I will say three things about the site. A few years ago I was given a briefing by the operators of the Perth Market Authority and had the opportunity to do a walkthrough early in the morning. A group of us was fully briefed on the functions of the markets and we walked through and saw them at work. Because Market City is close to my electorate office and is part of the area I have some responsibility for, I have run information stalls at the Sunday morning market—most recently at the beginning of October and November. The markets are pretty popular, and the people I spoke to in October and November were very unhappy at the prospect of the site being sold, very unhappy that the future of the Sunday market was not guaranteed, and very concerned about the direction the government is taking that piece of land. I think the government has underestimated, with this legislation, the social and economic value of the function of that site, and is erring on the side of seeing this as just a block of land when it is so much more.

The website of Market City states that Market City —

... is situated on 51 hectares of land at Canning Vale ...

... Over \$638M (AUD) worth of fresh produce is traded annually through the Central Trading Area (CTA) of the markets. In addition significant sales are carried out by tenants to the major supermarkets and through interstate and international trade.

The CTA is currently fully leased with few vacancies in the commercial area and warehouses. The site occupancy rate is over 99% on a total net lettable building area of 81,550m². There remains 12 hectares of the site that is undeveloped at this stage.

Perth Market Authority has plans for those 12 hectares. The website states that Market City has —

- Access to a world class central market infrastructure
- customer base of approximately 600 buyers regularly using the market including the major supermarkets —

If members think Coles and Woolworths do not have an interest in this, that is not the case; they make up about 25 per cent of the sales value. The website states that Market City has —

- independent supermarkets and fresh produce suppliers, food service and catering businesses,
- A tenant base of twenty five primary wholesalers, and over thirty secondary wholesalers, providores, distributors and food processing facilities,
- On site national and local transport and storage companies,
- A meat processing facility and weekly seafood auction,

That happens on Saturdays. The community market is on Sundays; on Saturdays, if people go down there early in the morning, they can pick up seafood—that is what I have bought there—meat and some fruit and vegetables. Market City also has —

- A Retail and Business Services Centre which includes conference facilities, the Department of Agriculture, accountants, lawyers, human resource service providers, newsagent, banking facilities, and industry organisations —

And one senator. Market City also has —

- A modern 7 day public food precinct featuring seafood, meat, fresh produce, gourmet foods, confectionery, cafes and eating establishments.
- Public access to a Sunday Community Market on site
- A tavern and service station,
- Access to Industry training programs, and professional service providers for product testing, inspection, and certification.
- The protection of a 24 hour 7 day security presence ...
- Site cleaning, forklift service and refuelling facilities,
- Service providers including pallet and crate hire companies,
- Access for eligible buyers to an on site buyers credit service,
- On site providers of telecommunications, accounting and software solutions,
- A tri-weekly fresh produce price reporting service

FUTURE DEVELOPMENTS

Market City is currently investing over \$20M (AUD) to increase the profile of Market City and to consolidate its position as the centre for fresh food ... The redevelopment consists of a series of interdependent projects.

PMA is receiving strong industry demand for further warehouse and site development. These opportunities are arising due to:

- The strong demand for quality industrial land in Canning Vale,
- The completion of Roe Highway through Canning Vale further enhancing the logistical advantages of Market City, —

That has been since Roe Highway stage 7 was completed. Market City also has —

- Significant interest from existing tenants wishing to consolidate their operations at Market City,
- Enquiries from food service companies outside the facility to relocate to the site are increasing as the profile of Market City develops as a preferred location for food businesses,
- Interest from further processing operations wishing to add value to fresh produce, and exporters and ship providores seeking to use Market City as their logistic base,

- Industry service organizations wishing to locate close to their customers to a controlled access site in the near future

To meet this demand PMA is currently completing a master planning process —

That master planning process has featured a bit in the annual report and I will talk a little about that. The master plan will include —

... a food industry precinct, further warehousing, a controlled site access plan, further development of a service precinct for scientific and quality assurance, an industry training facility.

The wholesale clearance market is on Saturday mornings. It is open to the public on Saturdays in the central trading area. The entrance fees are collected by the Rotary Club of Willetton on behalf of Perth Market Authority. People can buy fruit and vegetables from 7.30 am to 10.00 am on Saturdays, seafood from 6.00 am to 10.00 am—I have been down there for that purpose—and meat from 6.00 am to 10.00 am as well.

The function of the market is reported on in more detail in its annual report. The chief executive officer's report refers to the Perth Market Authority's five-year strategic plan, which is confirmed annually and has three core components. It is the basis of what management is planning, budgeting and its day-to-day activity. It is around site development and diversification, active industry support and engagement, and continuing operational excellence. Of the bidders in the expression of interest process, one, I would suggest, is interested in all three components. That is the industry bid. The others, I reckon, are interested in one—site development and diversification, and not for the purposes of running a fresh fruit and vegetable wholesale market.

The annual report notes —

While the State Government's sale process for Perth Market Authority's assets has created uncertainty, management of the site has continued on a "business as usual" basis and this is expected to continue.

Members can imagine the uncertainty that is going through the minds of those who work there. It continues —

The 2014/15 financial performance results —

This is what the government says could be done better by the private sector —

remained positive with the year on year 8% (\$287k) reduction of net profit to \$3.104M being significantly less than the \$1.5M gross legal settlement included in last year's result as an abnormal item.

The Authority's continued satisfactory performance has enabled it to generate an operating surplus sufficient to meet its debt servicing obligations, —

If only the government itself could do that —

self-fund the now completed substantial capital works program, as well as fund various industry support programs and initiatives. This operating surplus has also enabled the continued provision of electricity charge discounts as well as maintaining the policy of absorption of some tenant variable outgoing staff costs.

The annual report also states —

Total income reduced marginally by 1% to \$21.7M with the main items being, rent and parking income up 5% ... provision of services up 10% ... offset by a 66% ... reduction in Other Income due to the abnormal legal settlement received last year.

It also noted —

Liquidity remains strong with a cash holding of \$5.405M ...

I would like to know what is going to happen to that cash holding in the process we are dealing with now. Some of that cash holding is being used to fund the cost of finalisation of the major capital works.

The annual report tells us —

In summary, the Authority has continued to achieve balanced improvement in financial performance while meeting the strategic objectives set by the Board while managing "business as usual" and the uncertainty associated with the Government Asset Sales Process.

That is not a bad effort by an organisation that has the sword of sale hanging over its head—it has continued to operate and generate cash surpluses and to meet all its financial obligations.

Part of the strategic plan that I referred to earlier is a site master plan, which sets out the authority's vision. It concerns the 12 hectares of the total site that remain undeveloped. I will talk about that. The executive summary to the Market City master plan dated January 2015 tells us —

The plan is based on the success of recent PMA projects and viewed in terms of the most likely demands for future needs as determined by current market trends while adhering to PMA's Vision and Mission statements.

Market City will continue to be occupied by market related activities and the wholesale market will remain the focus of the site while continuing to serve the evolving requirements of the commercial sector.

The Master Plan will assist guiding staged development allowing confidence to proceed while incorporating a flexibility to ensure later stages can still respond to changing organisational requirements and market needs.

Development will be managed through a mixture of larger projects (infrastructure and built form) and smaller strategic projects guided by the master plan framework.

The Master Plan will provide a framework for discussions and negotiations with external parties and stakeholders, allowing PMA to continue to demonstrate leadership in being proactive with Government on Public Private Partnerships and privatisation.

PMA will seek to deliver future development through a flexible framework that delivers cost effective projects in an efficient and sustainable manner.

Debate adjourned, pursuant to standing orders.

WORK ATTIRE — GENDER EQUALITY

Statement

HON DARREN WEST (Agricultural) [9.44 pm]: I have a very brief member's statement. I just wanted to point out to the house something that I have done this year. Members may remember that one of the hosts of a morning television program, Lisa Wilkinson, was given a hard time about her dress and the clothes that she chose to wear. As a result, her co-host, Karl Stefanovic, now quite famously wore the same suit every day on the set to see if anyone would notice that he was wearing the same clothes each day in his role as a man on the set. I did not believe that it was possible for someone to wear the same suit every day to their job and that nobody would notice. I bought a new suit at the start of this year and I have worn the same suit into Parliament every single day of this parliamentary year and not one person has said to me, "How come you don't get a new suit?", or, "Why are you wearing that suit every day?" It is true; men can wear the same clothes every day to work whether they are in Parliament or on TV. That is another difference between what men can do and get away with and what women can do and get away with. I thought I would let the house know that it is possible. I will watch out next year to see if anyone else tries to wear the same suit every day for a whole year.

House adjourned at 9.46 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

POLICE — OFFENCES FINALISED

3442. Hon Alanna Clohesy to the Attorney General representing the Minister for Police:

For the year July 2014 to June 2015, what was the percentage of offences against a person that were finalised within one month for:

- (a) the Metropolitan region;
- (b) the Central Metropolitan district;
- (c) the South East Metropolitan district; and
- (d) the South Metropolitan district?

Hon Michael Mischin replied:

(a) Metropolitan Region	(b) Central Metropolitan District	(c) South East Metropolitan District	(d) South Metropolitan District
75.4%	75.5%	76.7%	76.8%

Caveats: Data is preliminary and subject to revision.

A finalised investigation comprises all investigation outcomes i.e. offender processed, withdrawn, statute barred, civil/other, insufficient evidence to proceed against a suspect and uncleared.

An offence is considered finalised when a result date has been entered into IMS.

WATER — AGRICULTURAL LAND — WEST KIMBERLEY

3444. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Water:

I refer to the Minister's public statement that there are around five million hectares suitable for agriculture in the West Kimberley and the Minister's reference to this information being sourced from the *State Water Strategy — Irrigation Review* (2005), and I ask:

- (a) is the Minister aware that the figure of five million hectares referenced in the *State Water Strategy — Irrigation Review* is in turn referenced to the Wright (2004) report, *Interim report on water use for irrigated agriculture in WA*;
- (b) is the Minister aware that the *Interim report on water use for irrigated agriculture in WA* does not mention five million hectares;
- (c) can the Minister explain the methodology that identified the five million hectares suitable for agriculture in the West Kimberley;
- (d) if no to , why not;
- (e) is the Minister aware of the recommendations made in the *State Water Strategy — Irrigation Review* (2005), specifically those at section 8.6.3, recommending the accelerated formulation of legally binding statutory water management plans;
- (f) given the Government's current promotion of potential large scale water extraction from groundwater and surface water sources in the Fitzroy River catchment, will the Government undertake a statutory water management plan for this iconic river system;
- (g) if no to (f), why not;
- (h) if the Government will not commit to a statutory water management plan for the Fitzroy prior to new large scale allocations, does the Government intend that each project will be considered on an ad hoc basis without assessing cumulative impacts; and
- (i) if yes to (h), how does this ad hoc approach comply with the Government's statutory and policy obligations including under the National Water Initiative, the *Rights in Water and Irrigation Act 1914* and the *Environmental Protection Act 1986*?

Hon Ken Baston replied:

- (a)–(b) The figure of five million hectares suitable for agriculture in the West Kimberley is referenced in Wright (2004) *Interim report on Land capability and availability for Irrigated Agriculture in Western Australia*.
- (c) The information was referenced from the *State Water Strategy — Irrigation Review 2005*.
- (d) Not applicable
- (e) Yes. This Government is progressing drafting of the Water Resources Management Bill. The legislation provides for Statutory Water Allocation Plans, however, it does not advocate that these plans necessarily be developed for all water resources.
- (f) No
- (g) At this early stage of development the water licence is the appropriate regulatory tool for these disconnected mosaic developments.
- (h) The water licence issued under *Rights in Water and Irrigation Act 1914* is the appropriate regulatory tool. Larger scale proposals which may have cumulative impacts or impacts that cannot be managed under a water licence will be referred to the Environmental Protection Authority.
- (i) The approach outlined is wholly consistent with the Government's statutory obligations including those under the National Water Initiative regarding statutory water plans.

WATER FOR FOOD — WEST KIMBERLEY

3445. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Water:

I refer to the Water for Food program, and I ask:

- (a) how many sites have been identified in the West Kimberley as potentially suitable for agriculture;
- (b) how many hectares have been identified for each site that is potentially suitable for agriculture;
- (c) how many of the sites identified in (a), have been identified as agricultural areas that could be developed by:
 - (i) private interests; and
 - (ii) the Government;
- (d) will the Minister name the private companies or groups that have expressed an interest in developing agricultural areas in the West Kimberley;
- (e) if no to (d), why not;
- (f) has the Minister or the Department of Water or any other department involved in the Water for Food program discussed the possible acquisition of land surrounding the Curtin airbase for agricultural purposes with the Federal Government;
- (g) if yes to (f), has the Federal Government expressed an interest in selling the land;
- (h) is the Minister aware of cotton being grown on any pastoral lease in the Kimberley for commercial or research purposes;
- (i) if yes to (h), is the cotton a genetically modified (GM) variety;
- (j) if the cotton being grown in the Kimberley is a GM variety, does the grower have a licence for this from the GM regulator;
- (k) if the cotton being grown in the Kimberley is not a GM variety, what evidence does the Minister have that this is the case;
- (l) will the Minister rule out cotton, either GM or non-GM being grown in the West Kimberley; and
- (m) if no to (l), why not?

Hon Ken Baston replied:

- (a) Five
- (b) The five sites are:
 - Skuthorpe — 680 hectares
 - Gogo Pastoral Station — 5 000 hectares

Mowanjum Pastoral Station — 4 100 hectares

Knowsley Agricultural Area — 3 000 hectares

Curtin Airbase — 10 000 hectares

- (c) (i) Five
- (c) (ii) Nil
- (d) Yes. Mowanjum Aboriginal Corporation and Gogo Station Pty Ltd.
- (e) Not Applicable
- (f) Yes
- (g) No
- (h) No
- (i) Not Applicable
- (j) Not Applicable
- (k) Not Applicable
- (l) No
- (m) Cotton is not a restricted crop and this Government is supportive of industry maximising the development potential of agricultural land including for GM crops.

LANDS — PASTORAL STATIONS — KIMBERLEY

3446. Hon Robin Chapple to the Minister for Housing representing the Minister for Lands:

I refer to pastoral stations in the Kimberley, and I ask:

- (a) how many have management plans that detail how environmental values are to be protected;
- (b) how does the Department of Lands assess whether pastoral leases are ecologically sustainable, in compliance with the requirements of the *Land Administration Act 1997*;
- (c) what principles does the Department of Lands use to determine whether a pastoral lease is operating in an ecologically sustainable manner; and
- (d) what action is taken when the department finds a pastoral lease is not operating on an ecologically sustainable basis?

Hon Col Holt replied:

- (a) Seven
- (b) The Department of Lands (DoL) does not assess whether pastoral leases are ecologically sustainable. The role of the Department of Lands is to provide administrative support to the Pastoral Lands Board (PLB) to fulfil its functions in the administration of pastoral leases.

One of the functions of the PLB is to ensure that pastoral leases are managed on an ecologically sustainable basis and that pastoral lessees use methods of best pastoral land management practice, appropriate to the area where the land is situated.

The Department of Agriculture and Food assesses the condition of rangeland on pastoral leases on behalf of the PLB, and the PLB uses these assessments to determine if lessees are complying with their rangeland management requirements.

- (c) It is not the role of DoL role to determine whether pastoral leases are operating in an ecologically sustainable manner.
- The PLB's Rangeland Management Compliance Policy and Procedures states that that lessees must use methods of best pastoral and environmental management practice, appropriate to the area where the land is situated, for the management of stock and for the management, conservation and regeneration of pasture for grazing; the maintenance of indigenous pasture and other vegetation on the land under the lease, for present and future use, and in the interest of the State of Western Australia.
- (d) The PLB, supported by DoL, takes the following action when rangeland management issues are identified on a lease:
 - (i) Works proactively with the lessee to address the identified rangeland management issues;

- (ii) If no satisfactory progress is made in addressing the issue, then a written warning is provided, referred to as a “Breach Advice”, outlining the actions the lessee can take to address the issues;
- (iii) If still no satisfactory progress is made to address the issues, then the Pastoral Lands Board may issue a Default Notice requiring the lessee to address the issue; and
- (iv) Failure to comply with a Default Notice is an offence that attracts penalties including fines, forfeiture or both.

FAMILY AND DOMESTIC VIOLENCE — POLICE — FINALISED OFFENCES

3447. Hon Alanna Clohesy to the Attorney General representing the Minister for Police:

For the year July 2014 to June 2015, what was the percentage of domestic assault offences that were finalised within one month for the:

- (a) metropolitan region;
- (b) central metropolitan region;
- (c) south east metropolitan region; and
- (d) south metropolitan region?

Hon Michael Mischin replied:

(a) Metropolitan Region	(b) Central Metropolitan Region	(c) South East Metropolitan Region	(d) South Metropolitan Region
88.5%	88.7%	86.3%	89.9%
<p><i>Caveats:</i></p> <p><i>Data is preliminary and subject to revision.</i></p> <p><i>A finalised investigation comprises all investigation outcomes i.e. offender processed, withdrawn, statute barred, civil/other, insufficient evidence to proceed against a suspect and uncleared.</i></p> <p><i>An offence is considered finalised when a result date has been entered into IMS.</i></p>			

DEPARTMENT OF EDUCATION — TOTAL ANNUAL SALARY

3453. Hon Sue Ellery to the Minister for Education:

For 2015, what is the cost to the Department of Education for the total annual salary for one person/employee, including all superannuation, leave, workers compensation and any other expenses, of each of the following categories:

- (a) Teacher, Level 2 or 3;
- (b) School Administrator, Level 3;
- (c) School Administrator, Level 4;
- (d) School Administrator, Level 5;
- (e) School Administrator, Level 6;
- (f) School Psychologist, Level 1, Level 2, Senior;
- (g) Lead School Psychologist;
- (h) Aboriginal Islander Education Officer, Level 3;
- (i) Education Assistant (Auslan);
- (j) Education Assistant (Behaviour Centres);
- (k) Education Assistant (Braille);
- (l) Education Assistant (Mainstream), Level 1–2;
- (m) Education Assistant (Special Needs), Level 2–3;
- (n) Ministerial Officer, Level 1–5;
- (o) Public Servant, Level 1–8;
- (p) Government Officer, Level 1–5;

- (q) School Support Officer;
- (r) Cleaner;
- (s) Gardener; and
- (t) other?

Hon Peter Collier replied:

The estimated total annual cost per FTE for the employee categories below is based on salary expenditure data from 1 January 2015 to 10 September 2015, inclusive of an average superannuation on-cost of 10.01 per cent.

	Category	Salary (\$)
(a)	Teacher, Level 2 or 3	103 444
(b)	School Administrator, Level 3	133 063
(c)	School Administrator, Level 4	148 140
(d)	School Administrator, Level 5	157 012
(e)	School Administrator, Level 6	181 334
(f)	School Psychologist, Level 1, Level 2, Senior	108 955
(g)	Lead School Psychologist	134 682
(h)	Aboriginal Islander Education Officer, Level 3	59 464
(i)	Education Assistant (Auslan)	56 599
(j)	Education Assistant (Behaviour Centres)	65 457
(k)	Education Assistant (Braille)	55 703
(l)	Education Assistant (Mainstream) Level ½	49 179
(m)	Education Assistant (Special Needs) Level 2/3	53 456
(n)–(q)*	Ministerial Officer, Level 1-5 (School Support Officers)	64 126
(o)	Public Servant, Level 1-8	88 656
(p)	Government Officer, Level 1-5	73 056
(r)	Cleaner	54 781
(s)	Gardener	54 681
(t)	Other	64 040

*The categories Ministerial Officer and School Support Officer refer to the same staff, i.e. they are interchangeable terms.

LEGAL AFFAIRS — SUICIDE — BUNBURY CORONIAL DISTRICT

3488. Hon Adele Farina to the Attorney General:

I refer to suicide statistics in the Bunbury Coronial District, and ask:

- (a) for each of 2014 and 2015 to date, what was the confirmed number of suicides;
- (b) for each year stated in (a), how many were:
 - (i) female;
 - (ii) male;
 - (iii) under the age of 16 years;
 - (iv) 16–18 years;
 - (v) 18–25 years;
 - (vi) 25–45 years; and
 - (vii) 45 years and over; and
- (c) for each of 2014 and 2015 to date, how many suspected suicides are yet to be determined by the Coroner?

Hon Michael Mischin replied:

(a)–(c) [See tabled paper no 3648.]

FINES ENFORCEMENT REGISTRY — SOUTH WEST REGION

3533. Hon Adele Farina to the Attorney General:

I refer to the Fines Enforcement Registry, and I ask:

- (a) how many people living in the South West have outstanding fines with the Fines Enforcement Registry; and
- (b) how many of these people live in:
 - (i) Bunbury;
 - (ii) Busselton;
 - (iii) Margaret River; and
 - (iv) Manjimup?

Hon Michael Mischin replied:

- (a) As of 21 October 2015 there are 19 111 people living in the South West who have outstanding fines (5 331) and infringements (13 780); and
- (b) (i)–(iv) [See tabled paper no 3649.]

As of 25 November 2013, all court ordered fines are referred directly to the Fines Enforcement Registry (FER) for administration. This allows an individual to have all their fines and unpaid infringements managed by one entity allowing them to enter into a payment arrangement immediately for the total amount they have outstanding. These court fines are referred to as ‘Managed Fines’ or ‘Managed Debt’. After 28 days, if the court fine is not paid in full or a payment arrangement entered into, then the fine becomes eligible for enforcement and subject to FER enforcement measures and fees. These fines are referred to as ‘Enforced Court Fines’.

FOETAL ALCOHOL SPECTRUM DISORDER REPORT — GOVERNMENT RESPONSE

3741. Hon Stephen Dawson to the Attorney General:

I refer to the report of September 2012 prepared by the Legislative Assembly’s Standing Committee on Education and Health Standing Committee titled, *Foetal Alcohol Spectrum Disorder: the invisible disability*, and I ask:

- (a) what action has the department taken to date in response to the recommendations contained within the report;
- (b) have all relevant recommendations been implemented;
- (c) if no to (b), which recommendations have not been addressed and why;
- (d) has any funding been set aside since the 2013 Budget process to address any of the recommendations contained within the report;
- (e) if yes to (d), what is the value of funding; and
- (f) if no to (d), why not?

Hon Michael Mischin replied:

- (a) Only recommendations 11 and 19 are relevant to the justice system. In relation to Recommendation 19, the Honourable member should seek this information from the Minister for Corrective Services.

Regarding Recommendation 11, the following actions have been taken by the Department of the Attorney General (DotAG):

1. In 2014 DotAG provided funding to the Telethon Institute for Child Health Research (now Telethon Kids Institute) through the Criminal Property Confiscation Grants Program to develop a specialist guide for justice professionals on Foetal Alcohol Spectrum Disorder (FASD), to facilitate its recognition, assessment and management in the justice system.

2. Based on these resources DotAG has updated the information relating to FASD in the Equality before the Law Bench Book, used by all judicial officers.

3. DotAG and the Mental Health Commission have jointly implemented the pilot mental health court diversion and support project (START Court), which commenced in 2013. Adult offenders affected by

FAS and FASD are eligible for the Court. FAS /FASD — specific issues are taken into consideration when dealing with these offenders.

4. DotAG and the Mental Health Commission have jointly implemented the pilot LINKS program at Perth Children's Court, which involves the placement of a mental health and non-government team in the Court to assist young people with early intervention and support services in relation to mental health, including FASD.

- (b) Refer to (a)
 - (c) Not applicable
 - (d) Yes
 - (e) \$61 500 through the Criminal Property Confiscation Grants for the Telethon Kids Institute project
The total cost of the START Court pilot is \$4.5 million.
The total cost of the LINKS program pilot is \$2.2 million.
 - (f) Not applicable
-

