



# **Parliamentary Debates**

**(HANSARD)**

THIRTY-NINTH PARLIAMENT  
FIRST SESSION  
2015

LEGISLATIVE COUNCIL

Tuesday, 24 February 2015



## **Legislative Council**

Tuesday, 24 February 2015

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

### **HIGH ROAD HOTEL — CLOSURE**

#### *Petition*

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [2.02 pm]: I present a petition containing 2 493 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 are opposed to the permanent closure of the High Road Hotel on High Road, Parkwood as part of a redevelopment of the current hotel site and are concerned that the Development Assessment Panels (DAP) process allows modifications to existing approvals to be made without adequate consultation with local residents and property owners. In this case an original development application by Coles to redevelop the site and keep the hotel was modified to completely demolish the hotel and replace it with a Coles supermarket and liquor store only, leaving no community meeting place.

Your petitioners therefore respectfully request the Legislative Council to recommend the legislation be amended to ensure adequate consultation throughout the whole DAP process, including the right to appeal by third parties.

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

[See paper 2588.]

### **METROPOLITAN REGION SCHEME AMENDMENT 1228/41 — BELLEVUE URBAN PRECINCT AND ENVIRONS**

#### *Statement by Minister for Mental Health*

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [2.03 pm]: I present today for tabling metropolitan region scheme amendment 1228/41, under which it is proposed to rationalise approximately 33.85 hectares of the urban, rural and parks and recreation zones and reserves in the Bellevue locality. The proposed urban zoning will allow for residential subdivision of the land following a local scheme amendment, detailed structure planning and subdivision approval. The proposed amendment is consistent with the intent of “Directions 2031: Draft Spatial Framework for Perth and Peel”, and all of the land that is proposed to be zoned urban is identified as a future urban area in “Directions 2031”.

The amendment also defines the boundary between the urban zone and the parks and recreation reservation for the Helena River, and is the subject of a deed of agreement between the Western Australian Planning Commission and Taliska Securities Pty Ltd, the current landowners. The deed of agreement provides for Taliska Securities to complete substantial restoration works along the foreshore of the Helena River and to maintain the completed works for 25 years, both at Taliska’s expense. The deed also requires Taliska to cede 67.47 hectares of land that is currently reserved for parks and recreation to the WAPC for \$1.00.

While the land along the Helena River is not presently accessible to the public, the arrangements between WAPC and Taliska will create a public amenity for passive recreation and environmental education, and provide facilities for public access. The community will gain access to the entire length of the river from the existing path in the eastern extreme of the site to the Roe Highway Bridge, using a dual-use path constructed by Taliska and networked with several nature trails. The proposed foreshore works include removal of grazing stud cattle stock and introduced weeds and grasses, works that allow for full flood events and repair and rehabilitation of the Helena River, and restoration of riparian vegetation.

The works are proposed to increase the health of the Helena River and to reduce the level of nutrients entering the Swan and Canning River system. A variety of management plans, such as a detailed and fully costed environmental management plan, construction management plan, foreshore management plan and fire management plan are to be prepared and implemented for this site. These management plans would be included as conditions in the subsequent amendment of the City of Swan local planning scheme 17 and local structure plans, and be the subject of subdivision and development approval conditions. Therefore, the future ownership of the proposed parks and recreation reservation by the state and a variety of specific management plans will provide the legislative framework to ensure the long-term conservation of the environmentally sensitive areas of this site.

In accordance with the statutory provisions for region scheme amendments, this amendment was advertised for three months in 2013. Thirty-six submissions were received containing 11 comments of support, eight comments of objection, six comments of both support and objection, and 11 general comments. Copies of the submissions and the Western Australian Planning Commission's report on submissions are also tabled today. I am pleased to now table the documentation for metropolitan region scheme amendment 1228/41 and I commend it to the house.

[See paper 2589.]

## **FISHERIES MANAGEMENT — “STATUS REPORTS OF THE FISHERIES AND AQUATIC RESOURCES OF WESTERN AUSTRALIA 2013/14”**

*Statement by Minister for Fisheries*

**HON KEN BASTON (Mining and Pastoral — Minister for Fisheries)** [2.07 pm]: Western Australia has a long history of sustainably managing our fisheries; they are among the very best managed fisheries in the world. This has been achieved by the government working collaboratively with the commercial fishing industry, the recreational fishing sector, and the wider community. In the year 2000, our western rock lobster fishery was the very first fishery in the world to receive the Marine Stewardship Council eco-label accreditation. That world-class fishery has been re-certified twice, and many of our other fisheries are currently in the process of also seeking MSC accreditation.

An essential requirement for good fisheries management is an ability to regularly and scientifically monitor and assess fish stocks. In other parts of the world where fish stocks have been seriously depleted, the causes are usually that there are no strict, long-term monitoring and assessment programs in place, there is poor management, or compliance programs are inadequate. The WA Department of Fisheries has some of the very best fisheries scientists and managers in the world and effective compliance arrangements, and every year the department releases status reports on all of our key fisheries and aquatic resources. These reports outline the most recent assessments of the cumulative risk status for each of the aquatic resources within WA's six bioregions, using an ecosystem-based fisheries management approach. This world-leading approach details all the fisheries and fishing-related activities within each of the bioregions. This includes analyses and reports on the activities and processes undertaken by the department to manage broader aquatic environment, such as habitats, ecosystems and aquatic pests.

The latest status reports, “Status reports of the fisheries and aquatic resources of Western Australia 2013/14”, released on 27 January and published on the department's website, shows that we are sustainably managing our fish stocks and managing the broader environmental impacts of fishing. The reports indicate that the vast majority of stocks that support WA's significant fisheries continue to be in a healthy condition, except in circumstances in which they are being affected by adverse environmental conditions. Approximately 97 per cent of commercial fisheries are now targeting stocks where current management controls are either maintaining or achieving an acceptable breeding stock level from the effects of fishing.

This is very good news. The motto for the Department of Fisheries is “Fish for the future.” We are all striving to have good fish stocks for ongoing viable commercial fishing and for the recreational sector as well. These reports demonstrate we will have strong, healthy fisheries well into the future. I commend the excellent work done by our fisheries scientists and managers in preparing the latest reports, and I thank everyone in the commercial and recreational fishing sectors, as well as the wider community, for their support in once again achieving a great result.

### **PAPERS TABLED**

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

### **BILLS**

*Notice of Motion to Introduce*

1. Directors' Liability Reform Bill 2015.
2. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015.

Notice of motions given by **Hon Michael Mischin (Attorney General)**.

## **PUBLIC SECTOR MANAGEMENT (REDEPLOYMENT AND REDUNDANCY) REGULATIONS 2014 — REGULATIONS 28–38 — DISALLOWANCE**

*Notice of Motion*

Notice of motion given by **Hon Kate Doust (Deputy Leader of the Opposition)**.

**DECLARED PLACES (MENTALLY IMPAIRED ACCUSED) BILL 2013***Second Reading*

Resumed from 19 February.

**HON HELEN MORTON (East Metropolitan — Minister for Disability Services)** [2.17 pm] — in reply: I commence my response to the debate on the Declared Places (Mentally Impaired Accused) Bill 2013 by thanking members for their contributions, and indicate that I made it my business this time around to sit quietly and listen to everything that everybody said. I think the only time I made a comment was when I concurred with Hon Sue Ellery about how good it would have been to have the Salvation Army band play outside her house at some point on Christmas Day. That is the only comment I have made. I have sat here completely quiet and listened as people have referred to me or this government as arrogant, disdainful, contemptuous, patronising, incompetent et cetera. After being prepared to sit here and listen to that and take in all of that information, I now would like the opposition to do the same. I will try to respond to most matters that have been raised, but obviously my focus will be on those that are relevant to the bill.

I also thank the wider disability sector for its support for the policy of declared places and the way we are going about it, the location of the centres in a residential community, and the legislation. In particular, I would like to acknowledge the support from Taryn Harvey, Alison Xamon, Andrew Jefferson, Monica McGhie, Terry Simpson and the Disability Coalition of Western Australia. In particular, Andrew and Monica were with me at the Alice Daveron Centre in Lockridge to help dispel the myths that were being circulated at that time. Both Andrew and Monica were significantly able to shift the public conversation away from being completely negative and quite damaging to people with disability to at least people saying that they support the need for these services and that they have great support for people with a disability in the community. All of those people have provided fantastic support despite the opposition to the project.

Disability advocates in particular were very concerned about the language being used by opponents, such as “a dumping ground”. As Taryn said, when we use language like a “dumping ground” to describe this situation, it sends a message about not only how the community feels it is being treated, but also how we view the people whom we are talking about.

I would also like to thank David Hounsome and the other people at the Disability Services Commission for the roles they played in drafting the legislation. I appreciate the comments of opposition members about it being progressive legislation.

I want to add my thanks to the justice community, and in particular to His Honour Judge Robert Cock, QC, who has been very involved in the development of the legislation, and the Honourable Chief Justice Wayne Martin, AC, for their very supportive comments.

Successive governments have shied away from building a declared place because it was always considered difficult to do it properly. I am pleased to say that the building of the facility has now progressed to the point at which the roof structures are up, but the roof top—the tin or whatever it is—is not on, and ready to take the external cladding.

In the beginning it took a while to persuade the Disability Services Commission that it was the best agency to operate a declared place. From its history of the institutionalisation of people with disability and the custodial role that government had played in the past, it is easy for me to understand why the Disability Services Commission was reticent and did not want to pick up in the first place the disability justice centre initiative. However, I was very clear that I felt that it was a role for the Disability Services Commission, not the Department of Corrective Services, and consequently continued to persuade the Disability Services Commission that this was its role. Of course, the Disability Services Commission is very proud of how it has developed contemporary services and dignity for people with disability over many years and it did not want to take a step back, and, therefore, we had a fair bit of discussion in the beginning about whether the legislation should be an amendment to the Disability Services Act or whether it should be stand-alone legislation. It was in developing the stand-alone legislation before us today that I think that the Disability Services Commission really understood that this was the way it could progress this initiative—which it wanted to—without being seen as taking a step backward from the other progress it had made in the deinstitutionalisation of people with disability.

I am very pleased that Labor now supports a community-based centre, given that I understand the original Labor platform—certainly at the previous election—was to have a declared place on a prison site. Right from the start there were such fundamental differences in our thinking about how a declared place or a disability justice centre could progress. When I sought bipartisan support, when I needed and asked for it, it was not there. I have already worked out that for the establishment of future declared places I just need to make sure that Hon Sue Ellery is back in WA and that Hon Stephen Dawson remains the shadow Minister for Disability Services.

Opposition members have their own views on how the sites and locations were selected, the timing of announcements and the political opportunism et cetera. None of those views is factual and are a manifestation of

their own imagination, of conspiracy theories and of political opportunism on their part. Despite a most comprehensive level of questioning, freedom of information requests et cetera, there is not one shred of evidence to support any of the theories that have been proposed. I often say to myself that it would have been easier for me if the site had been chosen in a Liberal-held electorate, but I do not want to even begin to talk about that kind of political opportunism.

The need for a declared place was first raised with me in 2011 by Honourable Justice Narelle Johnson, the former chair of the Mentally Impaired Accused Review Board. I spoke to the Attorney General at the time and asked him what, if anything, was stopping us from developing a declared place. He was very clear that it was nothing in particular; it was just really difficult to land a piece of policy such as this. I became aware of the need through meeting Narelle Johnson before I became aware of the Marlon Noble story, but it was his story that clearly highlighted the need for a declared place in the eyes of the community. I think that we will see something similar occur in the need for a no-fault insurance system in Western Australia, which has obviously been talked about but which came into view clearly for people when the story of Warrick Proudlove became public.

I will provide a very short chronology of events. In the first round there had been no planning approvals and no planning approvals had been sought. We had meetings with the City of Gosnells and the City of Swan in early July, in their offices, and decided to talk early to the community about our preferred sites. We also sought to have a level of bipartisan support, and on 23 July 2012, before the media announcement and before the local community had been informed, I called a meeting of the opposition members of the East Metropolitan Region. The member for Forrestfield, his research officer and Hon Ljiljana Ravlich from the upper house turned up. They had a full briefing. We explained, had the diagrams, had the factsheets et cetera, and provided them with all the information that was available, and basically asked whether there were any questions and whether they were prepared to work with us in a bipartisan way on this matter. Those members left the room at that time, saying, “We will see you in the media.” One day later, on 24 July, we went out and started doorknocking, talking to the residents and providing them with letters about the preferred location at Herne Hill and Kenwick. Invitations had been extended to the residents to attend a community briefing on 4 August, which for various reasons were subsequently cancelled. A very nasty media campaign followed. I recall hearing radio coverage in which opposition members—in particular the member for Forrestfield—were scaremongering, despite the fact that they had a very clear briefing and detailed explanation that people with mental illness would not be part of that cohort of people for the disability justice centre. I also recall Howard Sattler talking about how psychotic killers would be living next door to people. In all this time, there were no letters, phone calls or requests for further meetings from the opposition to discuss the issue.

The decision not to proceed was relayed to people on 1 August, two weeks later. At that time we were looking at the sites for declared places to be zoned residential. We believed that declared places were residential homes, and I was getting advice from the Department of Housing about suitable properties on residential-zoned land. We also got advice, I think the day before we ended up making the decision not to proceed with those two sites, that the Western Australian Planning Commission and local government would be unlikely to support the declared places as residential facilities and, thus, they would not be supported if they were placed on residential-zoned land. I had already given a verbal commitment to the local government bodies involved that if they were on residential land, we would go through normal local government processes for approval.

Without WA Planning Commission support, an application for a control area would have been most unlikely to succeed, so I did not proceed with that. Some eight months later, an election was held. The opposition suggested that somehow or other the new sites were determined prior to the election, but that is not true. An election was held some seven months later, rather. I was told, however, that much later, after the election, there was a skip bin full of discarded placards that the Labor Party had prepared to protest with against the disability justice centres in a number of electorates. These kinds of behaviours, actions, thoughts et cetera were with me while we were approaching the second round. This time we had the planning information in place—what would be needed to build a declared place and the type of land zoning required. We provided a letter drop to residents on 11 June 2013 to 2 200 nearby residents. That same week those residents were given two options for obtaining further information. Disability Services Commission staff were available to answer questions from six to nine on the Wednesday evening, the following day, and at a two-hour afternoon seminar on Saturday, 15 June. The Disability Services Commission set up both the evening meeting and the Saturday afternoon meeting so that staff could speak with individuals or small groups and provide information and answer questions. Displays and poster boards were set up showing the designs of the proposed buildings and containing fact sheets and question and answer sheets and the opportunity for people to sign up there and then to become involved in the local community liaison group. The letter to residents, the fact sheets and the poster boards covered all the information that Hon Alanna Clohesy suggested was not there—how big they will be, how many residents will be there, eligibility criteria et cetera. Opposition members, both state and federal, have proudly posed for photographs standing next to placards saying “Lockridge is not a dumping ground” at the same time as they were saying that they were not discriminating against people with disability. The so-called leaders’ walk included Dave Kelly, Mark McGowan, Alannah MacTiernan, Rita Saffioti and Hon Amber-Jade Sanderson. The member for

Bassendean aligned himself with a group called Community Campaign Against Residential Prisons and chaired their fortnightly meetings. He refused to stop using the words “prison”, “detention centre” and “dumping ground” even when respected disability advocates asked him to reconsider his language. When in opposition I stood next to Alannah MacTiernan to support her plans for mental health facilities in Armadale and Kenwick and I stood with John Kobelke for the Osborne Park facilities. Not once did I, as the opposition spokesperson for mental health, ever get a call from Jim McGinty, even though he knew I would stand by my principles and offer bipartisan support and not let politics get in the way of good policy.

I think Hon Sue Ellery made a very telling point when she said that nimbyism is rife in all the portfolios I cover. Regarding disability services, who can forget innocent questioning by Hon Amber-Jade Sanderson about the security in a normal residential home for people with a disability and about the mental health drug and alcohol plans for transitional housing for people who have completed a 12-week residential course for drug addiction and who needed to move into a home in the community away from their prior area of accommodation? Who could forget the difficulty we had finding where we could place 15 of those houses in suburban Western Australia? Of course, nimbyism is rife also through all the child protection areas. I would like to thank Hon Sue Ellery for her discussion on this and for voicing her appreciation that sometimes in these portfolios we have to be strong and proceed with what we know is right. Hon Sue Ellery asked about the number of people currently in prison who may be eligible to go to a disability justice centre. I am told that currently four people with intellectual or autism spectrum disorder may be eligible under the Criminal Law (Mentally Impaired Accused) Act. The other question was: is it likely that the number might increase? I think there are two reasons that might occur. The Mentally Impaired Accused Review Board has only two options for dealing with mentally impaired people—prison or community. There is no halfway house. It is likely that people go into the community who clearly should not be in prison but will greatly benefit from some time in a declared place for behaviour modification if such a place exists. The second reason is that it has been suggested to me that some lawyers will not recommend that people be assessed as unfit to plead because of uncertainty regarding the length of time they may spend in prison; so they are better off pleading guilty and getting it over and done with. I think that might change with the review that is taking place, and when there is an option to send a mentally impaired person to a declared place.

Hon Sue Ellery asked also about the people in the declared place going into the community. That will occur as and when these people can do so safely, but it will be different for each individual. Obviously, it will be determined by the Mentally Impaired Accused Review Board based on reports on individuals provided by the people working in the disability justice centre. As and when they are ready and can do so safely, and with the support of the Mentally Impaired Accused Review Board, these people will go to the hairdresser, for example, in the community rather than the hairdresser going to them. Of course, the level of supervision will be appropriate to their individual needs. There will be three separate houses in the disability justice centre, and they will be able to be managed in a very flexible way. One of the houses will be for people very close to release so that they can do things such as shop, cook their own meals perhaps, catch public transport et cetera, just as they do now from a prison site. As everyone is aware, some will be on supervised return-to-work programs and transitioning to live in their homes just as Marlon Noble was. It might mean going to work and staying in their own home for three or four nights a week and going back to the centre for two nights or something of that nature. We need to be very clear about this. The Mentally Impaired Accused Review Board will make that determination based on reports that have been provided by people working in the disability justice centre. The other thing I want people to always remember is that these people eventually return home, even now from prison.

Hon Stephen Dawson asked about the flexibility of protections for 16 to 18-year-olds and women. The answer lies in a number of solutions. As I indicated, one solution is for a declared place to have 10 beds. As I said, a declared place will be made up of three separate houses, with the ability to segregate the individual houses or to make it possible for different groups of people to stay in different parts of the facility. The programs will be individual and age-specific, as is highlighted in clause 6(2) of the bill. The level and type of supervision whereby staff will work very closely with individuals is also a key factor in enabling the flexibility and protections to take place. Currently, no women could be eligible and there are fewer women among this cohort all the time, so it would need to be carefully considered whether a declared place is the most suitable or whether it would be better for a woman to be put on the in-reach program of the disability justice service at, say, Boronia Pre-release Centre for Women or some other regional prison or wherever might be more appropriate. Those things would have to be weighed up.

I think the role of the advocate is also an important safeguard. As members would be aware from reading the Declared Places (Mentally Impaired Accused) Bill, an advocate must be informed no later than 48 hours after a new resident's arrival at a declared place and the advocate must visit the resident no less than seven days after their arrival or 72 hours after a request for a visit. There is a \$6 000 penalty for not answering questions from the advocate about restraints, seclusion or treatment. A report must be provided to the minister, which will then be tabled in Parliament. There is a level of accountability and safeguarding in those processes. CCTV will be used

in the facility but not in quite the same manner as it would be in a prison; it will be more home-like than prison-like in its approach, so it will not be as intrusive.

Many members raised the issue of outsourcing. It is not our intention to outsource the operation of the service but it is clearly an option for a future government. I realise that the opposition is ideologically opposed to this. The legislation spells out what must be included in the contract, the penalties for breach of standards and what functions cannot be outsourced. Outsourcing has proven to be very successful in the disability sector, in particular, in the not-for-profit sector and in the corrective services area. I reiterate that we do not intend to outsource the service.

I think I have covered most of the incorrect assumptions that were developed by Hon Amber-Jade Sanderson, with the exception of the suggestion that the disability justice centre should be in a regional area. We think that the metropolitan area is a better location because it will be less convenient for families in a single regional location. For example, most people will be aware that it is much more difficult to get from, say, the Kimberley to Geraldton directly rather than from the Kimberley to Perth or from Geraldton to Perth. Whichever regional area is considered more appropriate, it will be more difficult for many people to travel there. We think that the metropolitan area is a better location because, apart from being more convenient for families on flights et cetera, it is also where the Council of Official Visitors is at its strongest and is available to attend in the time frames that have been established, and other aspects of the oversight would be better provided from a metropolitan site.

Although Hon Lynn MacLaren is not in the chamber, I would like to thank her for her support and for her confirmation that the government has adequately consulted the stakeholders. She raised a concern about the review mechanisms. I want to go through a couple of the areas that she raised. Clause 12 relates to a review mechanism for individual development plans. Clause 12(4) sets out the type of people who must be consulted. A wide cross-section of people will oversight those plans, from the advocate to family members, guardians et cetera. There is always the option to raise complaints with the Health and Disability Services Complaints Office if required. The advocate or the family member can also raise those complaints directly with HADSCO. The penalty for maltreatment of a resident is \$24 000, and it is built into this legislation. Maltreatment is a significant concern. If it is determined that maltreatment has occurred, there is a mechanism by which it can be pursued. There is also mandatory reporting of maltreatment by other staff members. There is significant oversight within the facility.

Hon Lynn MacLaren was also concerned about the lack of remedies for breaches. I have just explained that penalties exist for maltreatment but there are also penalties for reportable incidents. If an incident is suspected and not reported, the penalty is \$5 000. If the CEO unduly restrains or restricts communication, it will be considered maltreatment. Every restraint and restriction must be recorded and given to the advocate.

I turn to the area of protection of residents' interests. The role of the advocate affords a large amount of protection to the residents. Part 10 of the bill sets out the requirement for the advocate to meet the resident within seven days of arrival, to explain their role to the individual and to meet within 72 hours of a request to be visited, as I have mentioned. The advocate monitors all restrictions on behaviour and communication. I have indicated that the penalty for maltreatment is \$24 000. If a CEO authorises inappropriate restriction, the advocate can initially report that to the minister. The penalties relating to the CEO's role are as per the Public Sector Management Standards but, equally, it would be included in the report to Parliament.

Hon Lynn MacLaren also had queries about the restriction on communication. It is good to see her here. For example, a family member may have regularly used marijuana at home and encouraged the resident to use it; that is, they wanted to influence the resident and provide them with some marijuana. If other options fail, the CEO might restrict communication. The advocate would be advised of this and of why communication is restricted. That is an example of why restricting communication is in the best interests of the resident.

Hon Lynn MacLaren also asked whether the CEO would make a decision about sterilisation. Clause 17(1)(c) refers to whether health care is needed. Sterilisation would fit into that. Clause 17(2) states —

The CEO may make a treatment decision ... if —

And only if —

- (a) the resident needs treatment; and
- (b) the resident is unable to make reasonable judgements ...; and
- (c) there is no person who —

At law is able or willing to make a decision. Clause 17(2) makes it clear that the CEO's decision must be necessary at the time because no-one else is reasonably available to make that decision. This means that something like sterilisation would not be an urgent or time-critical decision that causes a CEO to make such a treatment decision. Sterilisation is considered under the Guardianship and Administration Act and clearly follows consultation with families, carers, guardians and medical practitioners. It is never likely to be an urgent



or emergency-type situation. Many other options address inappropriate sexual activity or health needs, such as short-term contraceptive use, while that process is underway. It would still be done in consultation with the guardian.

Another question asked by Hon Lynn MacLaren related to restrictions by the CEO. I think it still relates to the communication restrictions. A restriction will be made only if the CEO is satisfied that it is in the best interests of the resident. A copy of the details of that restriction has to be placed on the record of the resident and it must be given to the resident, the resident's advocate, the guardian, the enduring guardian and the lawyer and one adult whom the CEO is aware has a close personal relationship with the resident, if such a person exists. The level of oversight in terms of restrictions and the reasons for them will be widely known by those people.

There was a further question about the use of CCTV and protection. I reiterate that CCTV will be on the property but it will be more home-like and less intrusive than a prison. The way in which the disability justice centre is operated and run will be more normalised and in accordance with normal living so that behaviour is socialised in accordance with that. CCTV would be a part of that. The main area of security apart from the way that the facility has been constructed, such as the use of security fencing, closed-circuit television and those sorts of things, is dynamic security based on individual relationships with each resident and staffing arrangements with each resident that will monitor their wellbeing. Staff will be incredibly well-trained to undertake that work.

There were a couple of other questions that came up that I would like to cover. I am not sure who asked whether the Mentally Impaired Accused Review Board has responsibility for people under 16 years of age. The answer for that question is: yes, it does. The disability justice in-reach service works with the individuals before the Mentally Impaired Accused Review Board at any age and those who are held in juvenile detention centres, such as Banksia Hill Juvenile Detention Centre. As yet, there are only two people who have been referred to the service who are under 16 years of age. I think Hon Kate Doust asked about research and how we came to settle on this particular model. The model for Western Australia's disability justice centres was based on research and information gleaned from practice in the United Kingdom, Canada, New Zealand and also Australia. There is no specific model that we are replicating; rather it is a composite of the best features of a number of good rehabilitative models that we became aware of during that research. Queensland is the only other Australian jurisdiction to have a secure service specifically for people with disability who have been found unfit to stand trial. This was driven by the 2006 Carter report, which found that responses to mentally impaired accused were largely crisis driven and that the Mental Health Court was concerned about Disability Services Queensland's capacity to appropriately house this group. In Queensland that facility is located next to a prison. I have subsequently heard that if Queensland had its time again, it would prefer to move the facility into the community away from the prison.

Questions were asked about the local community liaison group. I think Hon Alanna Clohesy and others asked about the group. The group met for the first time in November 2013, and it generally meets monthly. A further two members previously attended, but they left the group of their own volition. It is likely that the local community liaison group's role will start to shift more towards issues around the operation of the facility—if it has not done so already—now that the facility is almost built and likely to be operational in June. Members of the local community liaison group include Connie Drew; Elizabeth Drew; Jenny Waterhouse; City of Swan Deputy Mayor, Councillor Mick Wainwright; Deb Spittle; Wendy Cox; Rebecca Bowman; Marc Dale; and Katie Ralph. Commission staff who were members of the group include Jon Peach, Megan Barnett, Angela Corf, Jody Waite, Jarrad Goodchild and Marie-Louise Hunt.

#### *Visitors — Yerecoin Primary School*

**The PRESIDENT:** Excuse me, minister. Can I interrupt for one minute? I would like to interrupt proceedings for one minute to welcome to the public gallery the students from Yerecoin Primary School who are hosted today by Hon Brian Ellis—he is sitting over here for your benefit. Welcome to the Legislative Council and I hope you enjoy the visit to Parliament House.

#### *Debate Resumed*

**Hon HELEN MORTON:** Thank you, and welcome.

I was asked about the review of the Criminal Law (Mentally Impaired Accused) Act. The Attorney General is handling that process. The public consultation ended in December 2014 and the Attorney General will report in March. Hon Darren West asked questions that ran along the same line as previous members, but he suggested that the building of the centre should not have started before this legislation was passed. I seriously have to ask why. This is legislation about agreeing that the Disability Services Commission will operate the centre and how the commission will operate the centre regardless of where the centre is built, when it is built or how many centres are built. This legislation is very appropriately simultaneously progressing with the building of the facility.

I do not think I have left out anything that members have asked me, however, if there is, I am more than happy to go into committee on this legislation. I am greatly heartened by the words of support from the opposition for this legislation, and I think that it means that we have the best possible chance of getting successful outcomes from this process. I really hope that all members will work together to ensure that this service is as successful as it can be.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Hon Helen Morton (Minister for Disability Services)**, and passed.

**SUCCESSION TO THE CROWN BILL 2014**

*Second Reading*

Resumed from 18 November 2014.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [2.57 pm]: The Succession to the Crown Bill 2014 does two things: it removes gender and religious discrimination for succession to the Crown and it repeals a 250-year-old act on consent to marriage for the Royal Family's line of succession. The bill came about as a result of decisions made at the Council of Australian Governments meeting in 2013. The explanatory memorandum leads us to believe that there were discussions prior to that in 2011 about addressing the rules of succession to remove the rule of male preference over females in the line of succession, and the rule that disqualifies a person from succeeding to the Crown or becoming the sovereign due to their marriage to a Roman Catholic. I indicate that we support the bill.

I am a republican and although I commend the changes to succession provisions, I think to most Australians the matters in this legislation are fairly irrelevant. There is great affection for the Queen in the community. I think there is the same kind of interest for other members of the Royal Family as there is for popular culture icons, celebrities, and the rich and famous. I am confident that Australia will have its own head of state in my lifetime, and, when that occurs, it will not diminish our historical ties with England and the monarchy, but it will mean that we have a system of government that reflects a modern democracy. With those words, I indicate that we support the bill.

**HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary)** [2.59 pm]: I also rise to say a few words about the Succession to the Crown Bill 2014. I think members would agree that this is not the usual type of bill that we deal with in this place. Ordinarily, we deal with taxation, law and order, disability services matters and the like. But in saying that, I think that it is nonetheless an important bill from a historical perspective and for its future role. Notably, the genesis of this bill was in Perth. As we know and as indicated in the second reading speech, the bill facilitates Australia's response to the United Kingdom's changes to the rules of royal succession. These changes arose from a decision that was made by the leaders of 16 commonwealth countries of which Her Majesty was head of state at the time of the Commonwealth Heads of Government Meeting held in Perth during October 2011. Chaired by the Prime Minister of the United Kingdom, David Cameron, this meeting led to some historic decisions being made. While it is outlined in the second reading speech, I want to reflect on those. First, moving forward from the date of the agreement in October 2011, the leaders decided that succession to the Crown should not depend on gender; that is, children in the line of succession to the throne of the United Kingdom and therefore to the position of sovereign under our federal and state Constitutions should take their places regardless of whether they are female or male. Secondly, they decided that a person in line to succeed should not be disqualified because they have married a Roman Catholic. Thirdly, it was agreed that Her Majesty the Queen's approval for certain royal marriages should not be required.

After this was agreed at the meeting of the 16 leaders here in Perth, the UK subsequently passed legislation to make those agreed changes. This then required Australia and other countries to make the necessary changes to ensure that the sovereign of the United Kingdom is the same person as the sovereign of Australia, as no act by the United Kingdom's Parliament extends automatically to the commonwealth or to a state or territory, as outlined in the minister's second reading speech. As a state, we are now dealing with this bill that will request the commonwealth to make the necessary changes. The bill, I understand, is a hybrid model. It is a similar approach to when the Australia Acts (Request) Act 1985 was considered in this place and in other states and territories. Can I say, like Hon Sue Ellery—albeit, I am not a republican—that I believe the changes to the rules of succession are a very welcome step forward. When we look at our history, it is reasonable to say, I believe, that some of the greatest occupants of the throne have been women. The last two, of course, are very well known to this country. Indeed, it was Queen Victoria who signed the Commonwealth of Australia Constitution Act 1900, which provided for the Commonwealth of Australia, and we all know of the enormous service that our

current sovereign has given since her ascension to the throne in 1952. Further, it is very noteworthy that the two longest serving monarchs, Queen Elizabeth I and Queen Victoria, were in fact women. Such a change, as proposed, should therefore be without challenge. As Prime Minister David Cameron is reported as saying in an article that I found from *BBC News* dated 28 October 2011 —

“The idea that a younger son should become monarch instead of an elder daughter simply because he is a man, or that a future monarch can marry someone of any faith except a Catholic—this way of thinking is at odds with the modern countries that we have become.”

In that same BBC article it stated —

In her opening speech to the summit, the Queen did not directly mention the royal succession laws, but said women should have a greater role in society.

This is a direct quote —

“It encourages us to find ways to show girls and women to play their full part,” she said.

The bill, of course, will not have an immediate impact upon the current line of succession. The Prince of Wales, the Duke of Cambridge and Prince George of Cambridge all remain in place, but should Prince George’s firstborn be a little girl, that girl will become Queen. Interesting, the bill will have an immediate effect on the marriages of several remote relations of King George II who, under the Royal Marriages Act 1772, must have the express consent of the reigning sovereign to marry. An example of a situation where such consent was requested and given was back in 1999 when Princess Caroline of Monaco and Prince Ernst August were given consent to marry. The reason was that he is a direct descendant of King George II. Finally, the discrimination against people of the Roman Catholic faith will be removed. The sovereign himself or now herself, will have to be a member of the Church of England because they are the supreme governor of that church, but they will be able to marry a person of Roman Catholic faith, which is clearly an appropriate change.

In concluding my remarks, although this is not a bill that we normally deal with in this house, I did want to just say a few words in relation to it. Some may see it just as a technical bill; some may see it as not being relevant to everyday life; but in my view, it is in fact a historical piece of legislation. It does recognise history—history that goes back more than 300 years—but it also recognises the future. In my view, it is part of a piece of constitutional history to which we are a part.

**HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition)** [3.05 pm]: I just want to say a few words about the Succession to the Crown Bill 2014. Obviously, this is a bill that is supported across the chamber. The Standing Committee on Uniform Legislation and Statutes Review has completed its report and tabled it, obviously not looking at the policy behind the bill, but looking at a series of other matters. I encourage members to read that very good report, and I thank the staff who were involved as well.

I want to alert members to supplementary notice paper 60. There was a recommendation in the report that the bill be amended to implement recommendations of the Western Australian Law Reform Commission in its report on project 75, which concerned United Kingdom statutes in force in Western Australia. The proposed amendment under committee recommendation 1 is to address a gap that was identified by the Law Reform Commission. As I understand it, the gist of it is that if there were to be the demise of the Crown either through death or abdication, there is the possibility that our Parliament could be prorogued without us having control over that, simply because of the fact of the demise. There were a number of flow-on matters surrounding that, as I understand it, regarding the commissions of judges and members of Parliament, and we all know the difficulties around Parliament being prorogued and having to kickstart everything again. This amendment would seek to address that matter. As I understand it, this type of problem has been resolved in other states over a period of time, and I understand that we are the last state to address this matter. I have just had a discussion behind the Chair with the government and I understand that if the committee does not proceed with this recommendation, the government will then seek to refer this matter to the Standing Committee on Legislation and to hopefully develop a stand-alone piece of legislation to deal with the demise of the Crown.

**Hon Donna Faragher** interjected.

**Hon KATE DOUST:** I am taking it seriously, Hon Donna Faragher; I am sure she will too. She is on the committee.

**Hon Donna Faragher:** Sorry; we were just communicating about what you said about the legislation committee. We look forward to receiving it.

**Hon KATE DOUST:** I thought the member would be excited about that. I am trying to help her!

**Hon Donna Faragher:** I am excited!

**Hon KATE DOUST:** Good. I can see that.

That is really the only recommendation that came out of our inquiries. Everything else around this bill was fairly standard. It is perhaps disappointing on this occasion that we did not get to look into the policy behind this bill. I am sure there is a whole raft of references we could make to matters surrounding succession to the Crown, and not just about recent gaffes by our Prime Minister, or remarks about Catholics and the Crown; I am sure there are a lot of other things, but we did not get to look at that. We looked only at the mechanics and the structure of the bill. This was just an additional matter. I understand that the advice is that this recommendation is perhaps outside the scope of the bill, but the committee acknowledges that the government is prepared to deal with this issue and I look forward to the response, either from the relevant minister or from the Attorney General, and that referral to a committee to hopefully develop legislation to address the gap that has been identified.

**HON MICHAEL MISCHIN (North Metropolitan — Attorney General)** [3.09 pm] — in reply: For the record, I am the minister responsible for the management of this Succession to the Crown Bill 2014 and I will speak on the government's behalf on this legislation. I thank honourable members for their contributions to the debate. As has been pointed out, issues such as republicanism and whether Western Australia ought to be part of a constitutional monarchy are matters for another day. This bill implements the policy that was agreed at the Commonwealth Heads of Government Meeting back in 2011 when the United Kingdom indicated that it wanted to amend the relevant legislation governing succession to the Crown, for very good reasons: to address certain disabilities that had accreted over time and that at those particular times had disqualified certain potential heirs to the throne from succeeding to the Crown and becoming head of state, in particular focusing on the issue of marriage to a Roman Catholic.

I suppose it is interesting to note how our constitutional history keeps catching up with us. The turmoils of those ages when religion was a matter of life and death for many subjects of the realm and could be influenced by the particular religious beliefs of the head of state at the time would be anathema to us now, and it is almost difficult to believe the passions that were generated at those times, but they were serious matters. Of course, part of the diplomatic and political power that Queen Elizabeth I exercised was refraining from entering into marriages that might compromise her ability to look after her subjects at the time of her reign. Over the period of time thereafter, various other disabilities were introduced to prevent the head of state—as it were, the sovereign—from compromising the interests of the body politic, and part of the increasing influence of Parliament and the power of the people to look out for their own interests, by actually restraining the freedom of action of the Crown in being able to contract marriages that were not for the common good, and to preserve their liberties and their religious freedoms and the like.

Of course those factors have long passed, and we are now in a position in which, in this modern age, issues such as the consent that needs to be given by the sovereign to the marriage of potential heirs can be limited in a more sensible way or a more reasonable way in that marriage to a Roman Catholic will not disqualify the heir to the throne from succeeding and things of that nature. Given that 16 realms still recognise Her Majesty as head of state, Western Australia being a sovereign state and one of those realms, we have this bill. And a very important aspect of this bill that ought not to be overlooked is that under the Australia Acts (Request) Act 1985, the commonwealth arguably has the power to legislate in this respect on our behalf—or so the theory goes. Western Australia, in the discussions I think both at a Council of Australian Governments level and amongst Attorneys General, argued that there was residual sovereign authority residing in Western Australia; and I and Queensland's Attorney General were very firm on the fact that we ought to be legislating as sovereign states ourselves, complementing the commonwealth legislation but asserting our independence as sovereign states. It may be that it is redundant to have that aspect of this bill passed by the Parliament of Western Australia in this hybrid form, but from a symbolic point of view, in my view, it is a very important message that we are and remain and will continue to remain a sovereign state and assert our sovereignty.

We therefore end up with this hybrid bill. Queensland went its own way to start with and eschewed any involvement of or request from the commonwealth. Other states simply requested the commonwealth to do this on their behalf. Western Australia crafted this particular bill, a custom-made hybrid version with the best of both worlds, wherein we are requesting the commonwealth formally to pass legislation consistent with that of other requests from other jurisdictions, but at the same time asserting our sovereignty by the passage of those parts of the bill that will amend the imperial laws to the extent that they can be amended by Western Australia alone. It is gratifying to learn that this bill now—it is significantly overdue but that is just one of the facts of life—will be passed in this session.

I note the Standing Committee on Uniform Legislation and Statutes Review report and commend the committee members for that report, which has a number of very commendable features. One of them is its length; it is a very brief report but it is to the point and it does address the issues.

**Hon Kate Doust:** We don't muck around!

**Hon MICHAEL MISCHIN:** No; and I accept that Hon Kate Doust's chairmanship has kept the committee focused, and I congratulate her on that and the work of the committee.

**Hon Kate Doust:** I'm glad that's on the record!

**Hon MICHAEL MISCHIN:** It is going to be a long year!

**Hon Kate Doust:** It's going to be a long day!

**Hon MICHAEL MISCHIN:** I commend the committee on its report. In essence, the standing committee found in its report that the bill does give effect to the policy decision that had been agreed at the Commonwealth Heads of Government Meeting and subsequent Council of Australian Governments meetings. Subject, however, to recommending certain amendments, the committee supports the passage of the bill and I welcome that.

I think in fairness, though, I should address the issue that resulted in the supplementary notice paper suggesting certain amendments being presented to this place, and the comments of the committee on the issue of the demise of the Crown. The committee recommends that the bill be amended to implement recommendations relating to the demise of the Crown arising from the Law Reform Commission's 1994 report "Project No 75: United Kingdom Statutes in Force in Western Australia". The committee suggests that a new part 5 be inserted in the current bill, which would amend the Constitution Act 1889 by inserting a new section 75A providing for three things, as the report states —

- (1) The demise of the Crown does not affect the continuation of the Parliament of Western Australia and does not give rise to or necessitate the prorogation or dissolution of either House.
- (2) The demise of the Crown does not affect the existence and use of the Public Seal of the State.
- (3) The demise of the Crown does not discontinue or affect —
  - (a) any civil, criminal or other proceeding in any court or tribunal; or
  - (b) any ... proceeding to which the Crown is a party ...

Secondly, the committee recommended that a new clause be inserted in the bill to repeal any imperial act that is a part of Western Australian law passed before 1 June 1829, the date of the foundation of the colony, dealing with or relating to the effect or consequences of the demise of the Crown. Those amendments were part of supplementary notice paper 60. I understand now that there will be no need for the government to take a formal position on that, as the supplementary notice paper has been or will be withdrawn.

**Hon Kate Doust:** I imagine we will have to do that in committee.

**Hon MICHAEL MISCHIN:** In committee, very well. I just say that the government is loath to support those amendments, but will support an alternative that I suggest can accommodate the committee's concerns on the matter. Firstly, on proposed new section 75A of the Constitution—this is not a criticism of the committee and the work it has done, or of the advisers who gave advice to the committee—the government has doubts about whether such a provision is even necessary. The Law Reform Commission appears not to have considered certain imperial legislation that had been passed from time to time, including the Demise of the Crown Act, 1901, an imperial act which I understand is part of Western Australian law and which provides, for example, in section 1 —

The holding of any office under the Crown, whether within or without His Majesty's dominions, shall not be affected, nor shall any fresh appointment thereto be rendered necessary, by the demise of the Crown.

That covers some of the disabilities thought to be fixed by the proposed amendment. The Representation of the People Act 1867, another United Kingdom statute that had effects on the demise of the Crown and the like, may have an influence on whether this is an issue in Western Australian law. I should point out that it did not seem to have been an issue in 1952, when King George VI died and Queen Elizabeth II assumed the throne. That did not seem to necessitate a provision such as this.

**Hon Kate Doust** interjected.

**Hon MICHAEL MISCHIN:** There may be a variety of reasons; I accept what Hon Kate Doust is saying. There may be other factors that have influenced it, but it has not been necessary since 1901. Of course, the Queen who is referred to in our Constitution Act is Queen Victoria, and she died in 1901. There did not seem to be any issue with it then that prompted the executive or government of the day to pass legislation to cover that eventuality in the future. It does not seem to have been an issue with the death of King Edward VII in 1910, George V in 1936 or, indeed, the abdication from the throne of Edward VIII in 1936. There have been a variety of other instances in which there has been a demise of the Crown, but they do not seem to have had any of the consequences that the committee, in its prudence, feels necessary to address. There may be other reasons why it was not an issue on those occasions; I do not know the answer to that, but there ought to be further exploration and investigation as to whether such a provision is even necessary. I know that other states have dealt with this by way of legislation, but our Parliament is set up in a particular way; it does not derive its authority from the

British Crown in that respect. Under our Constitution Act, Parliament consists of not only the sovereign from time to time, but also the Legislative Council and the Legislative Assembly. Whereas the Legislative Assembly can be dissolved or prorogued, the Legislative Council cannot be dissolved; it is there in perpetuity. That is a subtle difference that may or may not have an effect on whether the demise of the Crown is of relevance to our body politic.

It has also been raised with me by those who know more about constitutional law than I do that there may potentially be an implicit alteration in the Constitution that would attract the operation of section 73. I do not think that is likely, but it is one of the considerations that has been raised with me. A number of factors come into play; one of them is whether a provision is needed at all and another is whether the wording of the provision as proposed is the most optimal. Instead of introducing the proposed amendments to a bill that really focuses on removing certain disabilities and disqualifications from succession to the Crown, making clearer the hierarchy of succession and removing the priority given to males over females, I would suggest that a stand-alone piece of legislation would be a more appropriate way to go. To that end, the government would have no objection to and would, indeed, support the idea of a reference to the Standing Committee on Legislation to consider the necessity and desirability of a bill to accommodate the demise of the Crown and to take appropriate advice as to the form of words to be used in order to give effect to that policy, if it were thought fit. To that end, if the supplementary notice paper were to be withdrawn, I would work with members of the house and the Clerk in order to craft a form of reference over the next couple of days to have that issue referred to the Standing Committee on Legislation. Otherwise, of course I offer whatever assistance the government has to offer by way of legal advice and parliamentary counsel advice once that matter is explored and dealt with. That would have a number of advantages. First and foremost, it would help determine the question of how this can be best dealt with, if it is necessary at all. Secondly, it would facilitate the passage of the bill before the house so that it can be passed without the need for the matter to be referred back to the other place for further consideration and perhaps debate.

On that note, I again thank members for their contributions, Hon Kate Doust for her comments and Hon Sue Ellery as Leader of the Opposition for supporting the bill, and I move that the bill be read a second time.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chair of Committees (Hon Adele Farina) in the chair; Hon Michael Mischin (Attorney General) in charge of the bill.

#### **Clause 1: Short title —**

**Hon KATE DOUST:** Having listened to the comments made by the Attorney General and his proposal to work with a range of people to come up with a motion to refer the matters canvassed in this committee recommendation to the Standing Committee on Legislation, I will not move the motion standing in my name. I think we will probably leave it at that and wait to see what the Attorney General comes up with to give the legislation committee some work.

**Clause put and passed.**

**Clauses 2 to 14 put and passed.**

**Schedule 1 put and passed.**

**Preamble 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.

### **SWAN AND CANNING RIVERS MANAGEMENT AMENDMENT BILL 2014**

#### *Second Reading*

Resumed from 13 August 2014.

**HON STEPHEN DAWSON (Mining and Pastoral)** [3.30 pm]: I rise to make some comments on behalf of the opposition this afternoon. At the outset, I indicate that the opposition does not support the Swan and Canning Rivers Management Amendment Bill 2014. The state government went to the last election with a commitment to

strengthen the management of Western Australia's environment and riverparks, but since then we have seen an absolute attack on the system in Western Australia. The first that anybody outside of government heard about this disastrous plan to axe the Swan River Trust was on 26 September 2013, when the Minister for Environment, Albert Jacob, announced that he would amalgamate the Swan River Trust and the Department of Parks and Wildlife in this state. When the environment movement and the environmental non-government organisations that operate in this state heard the news on that day, they obviously reacted with dismay. They believe, as do we on this side, that the decision to abolish the Swan River Trust will not help to strengthen the management of marine parks or rivers in this state; in fact, it will do the opposite.

We know from the minister's second reading speech that this bill will transfer the following powers from the executive director of the Swan River Trust to the CEO of the Department of Parks and Wildlife: management of the river reserve and the Swan Canning Riverpark shoreline, including responsibility for leases and licences; responsibility for protecting and enhancing the ecological and community benefit and amenity of the riverpark and works or facilities for that purpose; monitoring the state of the development control area and development within and adjoining it; the current power of the Swan River Trust to provide assistance to planning authorities on various matters; development approvals within the development control area; the ability to provide advice to the Western Australian Planning Commission on policies and planning schemes; the power to issue permits and licences; the power to issue river protection notices; and financial and audit accountabilities and reporting. This bill will essentially gut the Swan River Trust; it will take away any real meaty role the trust has.

I have heard some conjecture that this bill came about because the Swan River Trust provided advice to the state government that it did not want to hear. It is my understanding that the Swan River Trust gave advice to the state government about the dredging for the Elizabeth Quay area and that that advice suggested that the dredging of Elizabeth Quay would pose problems for the water quality in the area and that there could be problems flushing the basin. That was very important advice, and it is exactly advice such as that we should expect from an agency such as the Swan River Trust. Given that that advice did not match the one-eyed goal of the Premier and this government of building Elizabeth Quay, the Swan River Trust will be gutted; its powers will be taken away.

Madam Deputy President, I know that in answers to questions you have asked in this place over the past week about the future location of the Department of Parks and Wildlife, the Minister for Mental Health on behalf of the Minister for Environment told us that at some stage the director general of the Department of Parks and Wildlife will be based in Bunbury. The answer states that at this stage, the director general will have two homes—one in Kensington and one in the south west. If and when the director general of the department is based in Bunbury, we will see a public servant based in and living in Bunbury making decisions about the Swan River Trust, whereas at the moment the Swan River Trust is on the banks of the Swan River and lives and breathes the Swan River. It has been doing a tremendous job for the Swan River, yet that will dissipate. That public servant in Bunbury will make decisions on behalf of the government about a river that they will not be near and will forget about. That is obviously what we do not want in this state. We do not want anyone to forget about the Swan River.

In August 2014, the Auditor General released a report titled "Our Heritage and Our Future: Health of the Swan Canning River System". Nobody either in or outside this place could tell us that the Swan and Canning Rivers are in good environmental health, because they are not. Although we have seen some small improvements over the past year, the river is not in the best of health. It is a very good report by the Auditor General. He has come up with a series of recommendations, and I will quote those recommendations because I think they are very important to note in *Hansard*. The recommendations state —

The Swan River Trust should:

- regularly inform Parliament and the community on the overall health of the river using a comprehensive, and easily understood report
- take necessary action to have the River Protection Strategy adopted
- prioritise key threats to the river's health and the most effective actions to address these
- ensure the indicators and monitoring used are sufficient to report to government on the status of the river, to better understand the changes that occur, and to provide effective management of the river system
- work with agencies and Local Government Authorities to clarify responsibility for managing and maintaining water quality in drains, rivers and tributaries throughout the Perth metropolitan area and the Swan Canning river system and identify the additional resources required to enable this to occur
- work with government, agencies, businesses and the community to effectively reduce contaminants in groundwater and stormwater from entering drains and the river system

- review the Fertiliser Action Plan and Fertiliser Partnership to ensure the most effective combination of strategies from both are implemented to prevent nutrients entering the river system
- work with planning entities, developers and other organisations associated with major developments and land use changes to ensure that its advice on how to minimise nutrient discharge into the drainage and river systems is provided when it is most needed
- work with the Department of Planning to improve role clarity in the administration of planning controls outside the Development Control Area
- improve dialogue with the Department of Planning on the requirements and appropriate interpretation of management guidelines to reduce the release of nutrient and other contaminants into the river system by new developments
- continue the high level of community involvement in protecting and enhancing the river system and in educating the public in ways they can assist.

Madam Acting President, you would have noted that in not one of those recommendations did the Auditor General recommend that powers should be taken away from the Swan River Trust. In not one of those recommendations did the Auditor General suggest that the Swan River Trust should be gutted. On the contrary, the Auditor General said that we should be providing more assistance and more power to the Swan River Trust to enable it to undertake its job and to protect the Swan and Canning Rivers in this state. What response have we seen from the government on this report? We have seen very little, I have to say. Instead, we have seen it attack the Swan River Trust and put the Swan and Canning Rivers at further risk. Nobody in this place can tell me that this decision is about protecting the Swan and Canning Rivers, because there is no evidence to suggest that.

I mentioned briefly the Liberal Party's policy at the last election. It went to that election with a policy that it said was a commitment to strengthen the management of Western Australia's environment river parks. Nowhere in that commitment did it flag changes to the trust. At no time before the election did it suggest that this was going to happen. In fact, the Liberal Party promised that the new parks and wildlife agency would work with the Swan River Trust. What does it say about this? Is the new agency working with the Swan River Trust? No, it is not; it is actually taking over the Swan River Trust.

Members would have also noted that the last recommendation of the Auditor General's report related to continuing the high level of community involvement to protect and enhance the river system and educating the public in ways in which it can assist. However, my view is that by taking those powers away from the Swan River Trust and making it an advisory body—that is all it is; it is a toothless tiger—we are taking away the strong powers that it has had since 2006, since the then environment minister Judy Edwards updated the act under which the Swan River Trust operates. That is the difference between members on this side and members on the far side. We recognise how iconic the Swan and Canning Rivers system is. We recognise the importance of that to this state and city and we recognise that we need to protect that system. We provided extra powers to the Swan River Trust. We gave it the powers to enable it to do its job. What we have seen from the far side is to attack, attack and attack. We have seen it attack an organisation that at one stage gave advice it did not like, and so it has taken those powers away. That is a major concern for members on this side of the house.

The Swan River Trust is held in high regard universally. Every organisation that we have talked to in the state—certainly environmental organisations—has recognised the valuable work that the Swan River Trust undertakes and has undertaken. That is not to say that there are no issues facing the Swan River. I have said that a substantial effort is needed to restore the health of the Swan River, and they have been working on that. Another policy, or initiative, that members on this side had in place when they were in government last was a fertiliser action plan. We were working with the agriculture industry to try to phase out the use of certain fertilisers in this state. Again, this government has taken its eye off the issue. It has not tackled the issue whatsoever and we are still seeing stuff from farmland leaking into our river that should not be. We should all be working together to tackle that issue; that should be a priority of the government. The river's health should be a priority of the government. Taking powers away from the Swan River Trust is not going to do that or fix that.

The opposition does not support the Swan and Canning Rivers Management Amendment Bill 2014. The bill is an attack on the Swan River Trust and puts the health of the river in jeopardy. With those comments, I indicate that the opposition will not support the bill.

**HON LYNN MacLAREN (South Metropolitan)** [3.46 pm]: I rise to advise the house that I believe that the Greens supports the Swan and Canning Rivers Management Amendment Bill 2014. However, much in the same way as Hon Stephen Dawson has just outlined, the Greens struggle to see how the bill deals with the main problem of river health. The bill seeks to amalgamate the roles and functions of the Swan River Trust with the Department of Parks and Wildlife. Decision-making responsibility and operational management will be transferred to the chief executive officer of DPAW and the Swan River Trust will remain an advisory body to the Minister for Environment. It is not clear to the Greens that this moving of the deckchairs on the *Titanic*, if you



will, and the oversight of the trust work will meet the need that has not been met in the past 10 years. What we need is a comprehensive approach and a whole-of-government approach. I have not yet heard that the government is willing to address clearing on the Swan coastal plain, for example, or address urban expansion.

Many citizens have spoken up about the health of the Swan River over the past 10 years, and amongst that there is a lot of cynicism about the state government's approach to the Swan River and the trust. Recently, a petition was tabled in the other place that read, in part —

The decision to axe the Swan River Trust will place huge stress on the deteriorating Swan River that has been crippled by algal blooms, low oxygen levels, fish and dolphin deaths.

The petitioners ask further that —

... the Trust must be reinstated as catchment manager, recognising the complexity of this responsibility. Furthermore, the staff, with their unique catchment management skills, must not be lost in a parks management agency.

That is what the people have called for.

If one looks at the government's commitment, I question how the government will ensure that the current staff on board the Swan River Trust are not lost when they are transferred to DPAW and that their skills are focused on, and continue to develop, the problem of river and catchment management. Does this bill set up a framework to aid comprehensive management of the rivers and their catchment? What has not been effective has been the defunding of community environment groups in the previous state budget, a program that many times multiplied the public funds that went into it to empower volunteers to improve and maintain our natural environment resources. I have been quoted several times in this place as bringing attention to the government's shame of withdrawing that funding to community groups. It particularly affects the South Metropolitan Region, which has many volunteers, over many local government authorities, who are passionate about taking care of the foreshore and the river area.

I want to briefly comment on the fertiliser action plan. In 2013 the then environment minister was reported as saying that the Liberal Party had no plans to ban water-soluble fertilisers that enter the Swan and Canning Rivers despite their role in causing algal blooms. I therefore now ask the government: how much has it invested in reducing the inflow of nutrients? We have to stop this blooming toxic algae and the flows from nitrogen and phosphorous. We know that most of these are from water soluble fertilisers used in the catchment in agriculture. I understand that we may not be able to look at a ban, certainly not under this government, but what is the government doing? How is it moving forward? It appears from this Swan and Canning Rivers Management Amendment Bill before us today that the government is simply moving the deckchairs. The honourable member who spoke before me talked about previous governments' action in relation to the Swan River. It developed a fertiliser action plan for a phase-out of water-soluble nutrients. The fertiliser partnership of 2012–16 supersedes the fertiliser action plan of 2007. The Department of Agriculture and Food, the minister for which sits in this chamber, recognises that improvement is needed. The department's focus is on "reducing nutrient loss from the rural and urban areas". Is there any way to reduce fertiliser inputs rather than just nutrient movement into the river? The Swan–Canning water quality improvement plan was released in December 2009. How has the government progressed on that plan? This might be an opportunity to update this chamber to show that, indeed, maybe it is not just moving the deckchairs, but that some action is occurring.

There is a motion on the notice paper under which these issues will be discussed at length. I look forward to hearing other members talk to that motion and going into further detail about the health of our rivers. To conclude my remarks today in the second reading debate of this bill I want to summarise the points the Greens have identified for immediate action to save our Swan River. Rather than moving the deckchairs, we would first request that the Economic Regulation Authority analyse a range of sustainable funding options for improved catchment and drainage management. Second, we would develop an independent management body with catchment-wide responsibility and authority by either expanding the range of the current Swan River Trust or by instituting a new body. Third, we would conduct drain-status assessment over the whole urban drainage network and collate this material centrally. Fourth, we would develop an order of priority for metropolitan drainage works. Fifth, we would provide the Department of Water with the resources to undertake catchment-wide strategic planning functions. Sixth, we would continue to expand catchment-specific research necessary to the effective implementation of best practice drainage management in Perth. Seventh, we would develop water quality management provisions based on local water quality improvement plans to be added to the licence conditions of drainage licensees so that that information becomes available.

In much the same way the member before me started his remarks on the second reading speech, I would like to conclude mine by quoting from the Conservation Council of Western Australia, which is one of the many stakeholders we consulted in addressing the bill before us. Briefly, it says that, overall, it is concerned that the amalgamation of the Swan River Trust into the department will reduce the ability of the Swan River Trust to deliver reports on the health of the river as an independent statutory agency. The council asks: will the public

reporting on the health of the river continue under this new model? The Conservation Council was not aware at the time this plan was mooted whether the Department of Parks and Wildlife or the Department of Environmental Protection would be housing the Swan River Trust. Given that the Swan River Trust has had both hands-on management functions as well as regulatory roles, how could either of these agencies be a good fit for the Swan River Trust? Overall, is this simply moving around the deckchairs—I attribute my quotes to the Conservation Council, which first mooted that point—without addressing the real problem, which is fertiliser pollution of the catchment and the river system. The Swan River Trust never had the power to tackle that, anyhow, because its power was constrained to the river rather than the catchment. I think I made clear that the catchment is where we need to see more action rather than changing where people sit. When this was originally mooted, the Conservation Council expressed concern over the abolition of the Swan River Trust. In a media statement the council said —

the move is designed to reduce public scrutiny and limit public information about the ill-health of the river system.

“One of the most important roles that the Trust performs is to provide independent monitoring and information on the State of the River.

It said, finally —

“What the river needs is a strengthened regulator with the powers to tackle the pollution problems ...

Although we support the bill before us, it is really difficult for us to see the benefits of it to the Swan River. I challenge the government in this move to deliver on what the Auditor General has called for, which is improvements of our river health.

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [3.55 pm] — in reply: I thank members for their comments. For whatever reason, I imagined many more people would want to speak on the Swan and Canning River Amendment Bill. As part of the 2013 election, the government committed to creating a dedicated agency to help manage and enhance Western Australia’s national parks and conservation estates. The agency, the Department of Parks and Wildlife, was created on 1 July 2013. The amalgamation of the riverpark management into the Department of Parks and Wildlife creates one agency responsible for managing national parks, reserves, state forests and conservation and marine parks. Amalgamating the staff and functions of the Swan River Trust with Parks and Wildlife will improve resources for the management and protection of the Swan Canning Riverpark as well as increase efficiency and reduce duplication. The new joint workforce will bring together scientists, conservation and ecosystem management experts and planners as well as project managers with expertise in delivering significant capital works. As I think Hon Stephen Dawson mentioned, the Swan River Trust Board is not being abolished. The Swan River Trust Board will continue to operate as an independent advisory body to the Minister for Environment and provide high-level advice on the Swan Canning Riverpark. Parks and Wildlife is already the employing authority for Swan River Trust staff and provides a range of corporate services to the trust. The amalgamation will further streamline existing arrangements and will see more than 50 Swan River Trust staff join about 1 600 departmental staff. It will also bring together the two agency’s active volunteer networks. The Swan River Trust comprises more than 50 staff, including planners, environmental scientists, educators and technical staff. Parks and Wildlife also employs staff in these fields and manages a number of reserves along the Swan and Canning Rivers, such as the Swan Estuary Marine Park, Pelican Point Nature Reserve, Matilda Bay Reserve, Canning River Regional Park and Walyunga and Avon Valley National Parks. The amalgamation of the Swan River Trust into the Department of Parks and Wildlife will reduce duplication, increase efficiency and bring additional expertise and resources to river conservation efforts. The proposal relies on existing staff and existing budgets and therefore is cost neutral. Parks and Wildlife and the Swan River Trust have been working on transitional arrangements. In 2014–15 the Swan River Trust is being funded to the tune of \$18.07 million. The amalgamation of the Swan River Trust staff into the Department of Parks and Wildlife does not jeopardise funding arrangements for river or foreshore programs and projects. Future funding arrangements will continue to be considered on a case-by-case basis against any competitive funding opportunities that may become available through the Swan River Trust programs. Management and protection of our Swan and Canning River system is a complex and ongoing task. The state government remains firmly committed to ensuring that a wide range of programs is being delivered to restore and protect the health of our rivers.

I would like to put on the record in the strongest terms that claims that the rivers are dead or not in a healthy state—I think they were the comments made—are factually incorrect. Such claims are not supported by current monitoring and science and are certainly not supported by the Swan River Trust. In fact, the 2013 Murdoch University report on the fish communities in estuary by the Centre for Fish, Fisheries and Aquatic Ecosystems Research shows the estuary to be in good to fair condition overall based on the fish community index and suggests an overall improvement in estuarine conditions since the mid-2000s. The 2012 report presents similar findings. This improvement in fish communities since the mid-2000s is obviously good news.

The Swan and Canning Rivers face the same stresses as other waterways around the world but a lot is being done to improve the health of the system. The trust is working with other government agencies, local government authorities, community groups and research institutions to improve water quality through the five-year \$40 million Healthy Rivers Action Plan. This plan is complemented by initiatives being implemented as part of the Swan Canning Water Quality Improvement Plan, which was released by the Liberal–National government in 2009. Together, these initiatives aim to: prevent nutrients and organic matter entering the waterways through better land use planning; reduce nutrient sources through the development and implementation of local water quality improvement plans in priority catchments; reduce the conveyance and transmission of nutrients and other contaminants through better drainage management and intervention; and address the in-river effects of excess nutrients and organic matter through intervention approaches, such as oxygenation and Phoslock application.

Work on two major nutrient-stripping wetlands in Ellen Brook and Bayswater Brook is well progressed, with this government committing \$3.2 million to allow the implementation of these important projects during 2014. The Ellen Brook and Bayswater wetlands projects are expected to remove from the river system about 0.32 and 1.35 tonnes of nitrogen and 0.27 and 0.2 tonnes of phosphorus respectively. These two areas combined currently account for 32.4 per cent of the nitrogen and 41.1 per cent of the phosphorus entering the Swan and Canning Rivers from the coastal catchments every year. The Liberal–National government introduced new fertiliser regulations to protect rivers. New limits on the amount of phosphorus contained in home garden fertilisers were introduced from 1 January 2011. The move effectively halved the concentration of phosphorus in domestic use fertilisers. In addition, soil amendment trials have commenced in the Southern River area to trial the use of soil amendment products in urban areas to reduce nutrient loads from domestic properties. There is often a lag time between on-ground projects occurring in the catchment and a measurable improvement in the estuary. The 2013 fish communities report provides evidence that this effort is having an impact.

Investment in foreshore protection works is necessary to ensure that families and visitors can safely access our valuable areas of public open space and facilities that currently exist along our rivers. The government works in partnership with local government to identify priority areas and implement works. The Liberal–National government is making a significant contribution to the protection and enhancement of shorelines within the Swan Canning Riverpark. Since coming into office in 2008, the Liberal–National government has invested over \$9.3 million in riverbank funding, distributed among 100 projects, including \$2.1 million on replacement of several sections of falling wall along Mounts Bay Road. This investment has also seen matched contribution from foreshore land managers, resulting in a total investment of more than \$15 million. As part of the 2014–15 budget, we announced a further \$3 million over three years for riverbank funding. This funding is in addition to the \$1 million a year that is available through the riverbank program in 2014–15. Funding available through the riverbank program will be allocated each year on the basis of carefully assessed priorities.

The Liberal–National government has committed \$2.4 million to substantially upgrade two existing oxygenation plants at Bacon Street and Camsell Way on the Canning River and to build a third new plant at Nicholson Road Bridge, also on the Canning River. There are also two existing oxygenation plants running on the Swan River at Guildford and Caversham. When all five plants are operational, they will help oxygenate the water column and improve dissolved oxygen levels over almost 10 kilometres in our rivers. Monitoring of the oxygenation plants indicates that the influence of the plants is extensive and provides refuge for aquatic organisms by improving oxygen levels within the water column. The model simulations confirm benefits indicated by monitoring data and have allowed us to more accurately quantify these benefits. The modelling has recently indicated that the area of riverbed improved to acceptable oxygen levels is between 0.6 to 1.2 square kilometres per day when all plants are operational.

I have a couple of other comments that I want to make that relate to some specific issues that were raised. One was from Hon Stephen Dawson, who made some accusation or assumption, I am not sure what, that somehow or other this legislation is in place because advice was given by the Swan River Trust relating to Elizabeth Quay that the government did not like and therefore it was going to get rid of the trust. Apart from that being such a silly and ridiculous notion, I spoke to the advisers after those comments were made. It came on very quickly, with only two speakers, and I did not have time to get advice from the advisers on the specific issue.

**Hon Kate Doust:** This is our fault?

**Hon HELEN MORTON:** No, it is not the opposition's fault. I can hear rumbling from over there suggesting that I should know the answer to this.

**Hon Sue Ellery:** I think you heard that in your head.

**Hon HELEN MORTON:** The trust has had a compliance role and maintained an additional position through the Elizabeth Quay development for this project. The compliance officer has been ensuring that the conditions of the Western Australian Planning Commission approval for the projects in river component are being met. I cannot expand on that because I have not had a chance to speak to the advisers but if we go to the committee stage, members opposite might like to ask me for some more information about that and I can assist them with that.

**Hon Stephen Dawson:** I will think about that.

**Hon HELEN MORTON:** Okay. The other comment was from someone who asked how we can possibly manage the Swan River if the CEO's headquarters are based in Bunbury. If the member considers that idea, he might realise how silly that is.

**Hon Stephen Dawson:** I said it was terrible that we're taking somebody away from the banks of the river and sending them down to Bunbury.

**Hon HELEN MORTON:** Does that therefore mean that the CEO for Health cannot be responsible for the health services in Bunbury because they currently operate from Perth? The notion that somehow this will have a detrimental effect on the ability to manage the Swan and Canning Rivers effectively really does not hold much sway.

I think I covered Hon Lynn MacLaren's queries about the fertiliser action plan.

**Hon Lynn MacLaren:** Yes.

**Hon HELEN MORTON:** With regards to public reporting, as I see it, all the functions of the existing Swan River Trust are identical but are the responsibility of the CEO. All the current requirements for reporting, consultation et cetera remain the same.

With those comments and with my limited ability to answer specific questions—if the opposition would like to go into committee, I am sure the advisers can give me additional information—I commend the bill to the house.

Question put and a division taken with the following result —

*Division*

*Ayes (22)*

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Jim Chown

Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Nigel Hallett  
Hon Alyssa Hayden

Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Lynn MacLaren  
Hon Rick Mazza  
Hon Robyn McSweeney

Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

*Noes (11)*

Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Kate Doust

Hon Sue Ellery  
Hon Adele Farina  
Hon Ljiljana Ravlich

Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Ken Travers

Hon Darren West  
Hon Samantha Rowe (*Teller*)

*Pair*

Hon Dave Grills

Hon Robin Chapple

Question thus passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Hon Helen Morton (Minister for Mental Health)**, and passed.

**PERTH THEATRE TRUST AMENDMENT BILL 2014**

*Second Reading*

Resumed from 2 December 2014.

**HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition)** [4.15 pm]: I rise to comment on the Perth Theatre Trust Amendment Bill 2014 on behalf of the opposition. This is a fairly straightforward bill that amends the 1979 act that set in place the framework for the Perth Theatre Trust to manage the Perth Concert Hall and His Majesty's Theatre at that point in time. For the last few years the Perth Theatre Trust has outsourced the management of a number of venues. This bill essentially pulls back in-house the management of a range of venues and the day-to-day management of the Perth Theatre Trust to attract and engage a variety of opportunities for arts and culture venues in the city. There are five venues: His Majesty's Theatre, which is government owned; Subiaco Arts Centre, which is leased from the City of Subiaco; the State Theatre Centre of Western Australia, which is government owned; the Albany Entertainment Centre, which is government owned; and until recently the Concert Hall, which I understand although the Perth Theatre Trust owns the building, the day-to-day management of the venue has been taken on by the West Australian Symphony Orchestra.

As we know, the Perth Theatre Trust does a fantastic job attracting local, interstate and international acts to Perth, and recently we have seen a number of those acts at the Perth and Fringe World Festivals. I dare say, most if not all members have been to a range of those venues over the years to see a variety of entertainments, anything from *Les Misérables* to circus groups, children's productions, opera and a variety of concerts, which are all very good. The legislation we are dealing with today that will give the trust the capacity to take the management of those venues back in-house will perhaps enable it to be even more proactive going about its business, on behalf of the Western Australian community, to attract and secure theatre and musical acts to come to the city.

I had a briefing on this legislation yesterday. I looked at the legislation, and it is reasonably technical and refers to business operations, trusts, shares and a range of things. I asked the advisers: "Aren't these things that you are doing already? Aren't they already in the trust? Isn't this how you do your business now?" The advisers answered that it is, but that they need to tidy up the legislation so its activities are reflected more appropriately in the law. As we know, a number of those venues have been operated independently outsourced to other organisations, but have been taken back into the trust. I understand that that is because there is the view that there have been changes to that set of arrangements and the nature of how these venues should be operated, and they have been taken back in-house. The changes outlined in this bill will assist the future operation of those venues and the management of the individuals who work in those venues. I understand that there are currently about 68 full-time staff employed by the Perth Theatre Trust and about 170 staff are brought in on a needs basis for work in all aspects of venues when shows and concerts are on.

The opposition certainly supports this legislation. It is relatively straightforward and there is nothing contentious in it that we could find. The legislation will assist the Perth Theatre Trust by providing a better business model to enable it to seek more opportunities than it has under its previous business model. This is reflected in the second reading speech in the simple sentence that states —

This bill seeks to make PTT's investment in its venues explicit in the Perth Theatre Trust Act 1979, providing a stronger legislative framework for investment in programming to form part of the trust's core business.

The bill is therefore relatively straightforward.

The opposition supports this bill. We note that, perhaps for the first time since its election, the Barnett Liberal government has sought to bring back in-house the management and operation of an organisation. The Perth Theatre Trust was established as a statutory authority in 1979 to manage and operate the theatres. The government leased out the authority from about 1999 until the end of 2014, I think. Therefore, for the first time ever we see this government proactively saying, "Look, perhaps that didn't work and we'll now bring it back in-house." We in Labor hope that the government will replicate this example of not going towards privatisation and will bring back in-house a range of other activities, perhaps in our schools and hospitals —

**Hon Ken Travers:** Tier 3 rail!

**Hon KATE DOUST:** Tier 3 rail is another fine example; I thank my colleague.

**Hon Ken Travers:** Fiona Stanley Hospital!

**Hon KATE DOUST:** Fiona Stanley Hospital! There is a long, long list of services to the community that this government sought to privatise. If we are starting with the Perth Theatre Trust, albeit on a much smaller scale, perhaps there is hope that for the rest of this government's operations, it will see the light and remedy the errors it has made in going down the path of privatisation.

We all acknowledge the significance and importance to our community of art, music and culture. Just a couple of weekends ago we saw *The Giants* come to town and the massive number of people who ventured out of their homes and into the city to experience that wonderful opportunity. I imagine that after the event was over, everyone got a significant personal boost from being able to participate in that event. It is the same with any of these types of events that happen in and around the city. Although we have these venues for these types of events, it is important to note one aspect of government that is perhaps lacking: the spreading of those opportunities into the suburbs and into rural and remote communities so that those communities can enjoy the benefit of those types of shows. I note that last week a meeting was held to discuss the lack of opportunity for live music to be played in venues around the city. It will be an interesting challenge for government to determine how it can remove the barriers or red tape to enable and encourage musicians in our state to demonstrate their skills and provide enjoyment to patrons in a range of live venues. It will be interesting to see where that discussion goes.

I will not talk about funding for the arts community; it might be something that Hon Lynn MacLaren will talk about. As with everything else in the budget, this government is obviously not supporting the arts community as

much as it should. Obviously art groups make submissions to government on a regular basis. However, I am veering away from what we are talking about here.

As I said, this is a relatively straightforward and simple bill in its construction. It seeks to remedy some of the gaps in the 1979 legislation. It seeks to strengthen the legal framework to enable the Perth Theatre Trust to conduct its business in a more appropriate manner, and certainly to conduct its business in-house and to seek out other business to advance the work it does in the state. As I said, it is not complicated legislation. It is not a bill that we want to talk about at length. With those few words, the opposition will be supporting this legislation and we look forward to its passage through the house.

**HON LYNN MacLAREN (South Metropolitan)** [4.25 pm]: Madam Deputy President, the Greens support this bill.

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [4.25 pm] — in reply: The speed at which we passed legislation last week and at which we are passing legislation this week is quite amazing. It is great to see the clear support that the opposition has for the government's legislative program, including this bill. I want to add my comments about the feast of arts and culture that we have had in the last little while in Western Australia. In particular, I want to acknowledge the Fringe World Festival from 23 January to 22 February. *The Giants* was an amazing spectacle for Western Australia.

**Hon Ken Travers:** Thank you!

**Hon HELEN MORTON:** Hon Ken Travers was so tiny compared with them!

**Hon Ken Travers:** Yes, but in this chamber I am still the giant!

**Hon HELEN MORTON:** Ha, ha!

Last year's Fringe World Festival reached more than 370 000 people. More than 450 free and ticketed events contributed to an economic impact of almost \$45.5 million. The 2015 festival program included more than 500 events held over 31 days and in more than 100 venues around Perth. Perth International Arts Festival runs from 13 February to 7 March and is estimated to attract 1.4 million people over 23 days. The outer fringe program, which we must bear in mind operates across the state and not just in the metropolitan area, includes performances in the wheatbelt—Northam, Merredin and Beverley; and in the south west and the great southern—Donnybrook, Bridgetown, Ravensthorpe and Esperance. This year the Perth Theatre Trust joined the Fringe World Festival, in particular the comedy program in the new pop-up venue, The Gold Digger, at the State Theatre Centre of WA courtyard, where over five weeks 11 000 people attended 80 performances.

The support for this bill is very straightforward in that everybody agrees that an oversight in the current legislation needs to be fixed. The Perth Theatre Trust Amendment Bill will therefore provide explicit power for the trust to promote or take part in promoting activities at trust-managed theatres in the state. Those theatres include His Majesty's Theatre; the State Theatre Centre, which includes the Heath Ledger Theatre, Studio Underground and the courtyard; Subiaco Arts Centre; and Albany Entertainment Centre. The proposed amendments are based on contemporary legislation and have been drafted so as not to limit the nature of the business arrangements into which the Perth Theatre Trust can enter. The arrangements complement the productions presented in Perth Theatre Trust's trust-managed venues by the state's major performing arts companies: the West Australian Ballet, the Western Australian Opera Co, the West Australian Symphony Orchestra and the Black Swan State Theatre Company. Perth Theatre Trust's previous investments have facilitated product diversity, provided employment for local artists, presented international and national artists, who would not come to Perth without the Perth Theatre Trust investment, and enabled the product to be presented at the venues when there were no other bookings.

On 1 January, the Perth Theatre Trust resumed management control of the theatres vested in the Perth Theatre Trust under the Perth Theatre Trust Act 1979. Since 1999 the theatres were managed by a commercial company. The new operating model means that the trust will take direct control of management of the venues. The business areas that will return to the Perth Theatre Trust include venue management; facilities management; venue activation, including programming, front of house and back of house services; marketing and development. The mandate of the trust is to achieve optimum use of its venues by balancing three public-interest objectives; namely, the quality and variety of programming across all genres to the widest possible audience and value for money for the theatre-going public; support and development of the local performing arts industry; and maximum value for each dollar of government subsidies. The new operating model will provide the opportunity for more programming and increase the use and sustainability of some of the state's most significant cultural assets.

Debate interrupted, pursuant to standing orders.

[Continued on page 526.]

**QUESTIONS WITHOUT NOTICE****HEALTHWAY SPONSORSHIP MANAGEMENT — EVENTS TICKETS****68. Hon SUE ELLERY to the parliamentary secretary representing the Minister for Health:**

- (1) Was the Minister for Health or any of his ministerial office staff offered tickets to events by Healthway?
- (2) Was a register kept of how those tickets to hospitality events were used?
- (3) If yes to (2), will the minister table a copy of the register; and, if not, why not?

**Hon ALYSSA HAYDEN replied:**

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

- (1) Yes.
- (2) If ministerial office staff wish to accept an invitation, the Department of the Premier and Cabinet requires ministerial office staff to seek permission to attend an event, unless they are accompanying a minister as part of the minister's official duties, or the invitation is to an event hosted by their minister's agency.
- (3) Not applicable.

**DEPARTMENT OF EDUCATION — PUBLIC SECTOR WORKFORCE RENEWAL POLICY****69. Hon SUE ELLERY to the minister representing the Treasurer:**

I refer to the Treasury advice of 22 December 2014 to agencies that Treasury analysts would be in contact with them during January 2015 to obtain relevant data in order to quantify agency-level budget adjustments of savings to be generated by the public sector workforce reform policy. What is the number of estimated eligible separations for the Department of Education under the public sector workforce reform policy?

**Hon HELEN MORTON replied:**

I thank the member for some notice of this question.

As outlined in the response to question without notice 14, the implementation of the public sector workforce renewal policy is being worked through between Treasury and agencies as part of the 2015–16 budget process, and is the subject of consideration by the Economic and Expenditure Reform Committee and cabinet. The savings resulting from this policy will be reflected in the 2015–16 budget at an agency level.

**HEALTHWAY SPONSORSHIP MANAGEMENT — CORRESPONDENCE****70. Hon KATE DOUST to the parliamentary secretary representing the Minister for Health:**

Has the Minister for Health received any correspondence from the chairperson of Healthway in the last week; and, if so, will he table copies of that correspondence?

**Hon ALYSSA HAYDEN replied:**

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

Yes. It would be inappropriate to table the correspondence, as it was correspondence to a third party.

**MINISTER FOR TRANSPORT — GOVERNMENT INFORMATION TECHNOLOGY SERVICES****71. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:**

Between his appointment as Minister for Transport and 8 September 2014 —

- (1) What discussions did the minister have regarding government information technology services?
- (2) Was the minister involved in any discussions or meetings that may have had any implications for iiNet or Amcom?
- (3) Who did he have the discussions with?
- (4) On what date did the discussions occur?
- (5) Has the minister advised the Premier or cabinet secretary that he had these discussions?

**Hon JIM CHOWN replied:**

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

- (1) The minister has advised that he had discussions with a range of stakeholders, including industry experts, relating to securing the best ICT outcomes for Western Australia.

- (2) The minister has not met with a company named Amcom or iiNet. As previously advised, the minister met with Mr Alan Ariti. As previously advised in answer to a previous question without notice, the minister has declared all interests and sought advice about any potential conflict from the Department of the Premier and Cabinet. The authority to establish agency-specific contracts, whether ICT or otherwise, rests with the accountable authorities in each agency pursuant to section 20 or 21, as applicable, of the State Supply Commission Act.
- (3)–(4) As previously advised, the minister met with Mr Alan Ariti.
- (5) Refer to (2).

#### DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — COUNTRY SERVICES

##### **72. Hon STEPHEN DAWSON to the Minister for Child Protection:**

I refer to staffing information provided in the 2013 and 2014 annual reports of the Department for Child Protection and Family Support.

- (1) Why has the total number of staff in country services decreased from 922 positions to 839 positions over the 12 months to 30 June 2014?
- (2) What were the titles of the 83 positions removed from country services in the 12 months to 30 June 2014?
- (3) As at 1 February 2015, what was the total number of positions in country services?
- (4) As at 1 February 2015, how many staff, by title and office, were on annual leave or long service leave?
- (5) For each position in (4), was the position backfilled or left vacant?

##### **Hon HELEN MORTON replied:**

I thank the member for some notice of this question.

I am advised by the Department for Child Protection and Family Support that the level of detail requested by the member cannot be provided in the allocated time as it requires coordination across different computer databases. I will provide a response to this question on Thursday, 26 February 2015.

#### LATE-NIGHT TRAINS

##### **73. Hon LYNN MacLAREN to the Leader of the House representing the Premier:**

- (1) In 2009, the Premier released a media statement announcing that Perth's late-night train services would be pushed back to 2.15 am in order to improve community safety in Northbridge. Does he no longer believe that late-night train services have a role to play in improving community safety?
- (2) Does the Premier agree that reducing the incidence of alcohol-related injury and emergency department presentations are a good reason for providing a late-night train service?
- (3) Is the Premier aware that Hobart and Darwin are currently the only Australian capital cities without any after-midnight public transport services?

**The PRESIDENT:** There may be an element of that question that runs very close to breaching standing order 105(1)(b), but we will hear the answer from the Leader of the House.

##### **Hon PETER COLLIER replied:**

I do have a response, so I thank the honourable member for some notice of this question.

- (1)–(2) A number of factors were considered when deciding whether to continue the 1.15 am and 2.15 am late-night train services. The government is continuing to monitor patronage for these services and if the number of users increases, the decision to cancel these services may be changed.
- (3) Yes.

#### POLICE — TACTICAL RESPONSE GROUP

##### **74. Hon RICK MAZZA to the Attorney General representing the Minister for Police:**

I refer to question without notice 31 asked on Wednesday, 18 February, regarding the mandatory rotation of trained members out of the elite tactical response group.

- (1) What is the cost of training a TRG tactical operator?
- (2) What is the cost of training a TRG tactical team leader?
- (3) What is the cost of training for any other members of this elite group?



- (4) How many extensions, and of what duration, have been granted to TRG tactical operators for the years 2014, 2013 and 2012?
- (5) How many extensions, and of what duration, have been granted to TRG tactical team leaders for the years 2014, 2013 and 2012?

**Hon MICHAEL MISCHIN replied:**

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

It is not possible to provide an answer in the time available and as such, the minister asks the member to place the question on notice.

#### GREAT NORTHERN HIGHWAY — BINDI BINDI CURVES

**75. Hon BRIAN ELLIS to the parliamentary secretary representing the Minister for Transport:**

Many of my constituents have long campaigned for an upgrade of Great Northern Highway through the notorious Bindi Bindi curves. I can attest to that, having campaigned for the straightening of this section of Great Northern Highway while serving on the Shire of Moora some 20 years ago. Can the parliamentary secretary please update the house on how this project is progressing?

Several members interjected.

**The PRESIDENT:** Order, members! I am waiting to call the parliamentary secretary, but I am not going to call him until members are ready to hear his answer.

**Hon JIM CHOWN replied:**

I thank the honourable member for his question. I agree that the Bindi Bindi curves realignment is a very important project. I am happy to stand here today and say that, as of this morning, it is open to general traffic. This is a significant upgrade of Great Northern Highway.

Several members interjected.

**The PRESIDENT:** Order!

**Hon JIM CHOWN:** In fact, if other members in the house, especially those opposite, had driven that road as regularly as Hon Brian Ellis and I have done in our lifetimes, they would understand the challenges involved.

**The PRESIDENT:** Order! Parliamentary secretary, you are required to give an answer, not a statement.

**Hon JIM CHOWN:** Thank you, Mr President.

**Hon Ken Travers interjected.**

**The PRESIDENT:** Order! And you are required to listen!

**Hon JIM CHOWN:** The Bindi Bindi curves upgrade was a joint venture exercise by both the commonwealth and state governments in an 80–20 ratio. About 1 200 vehicles use it every day, 45 per cent of which have heavy vehicle configurations. The road is now straight, wide and long. It is eight and a half to nine metres wide, as opposed to the old road, which was 6.2 metres wide. I take this opportunity to thank all the residents of Miling and the surrounding areas, and the Shires of Moora and Dalwallinu for their input into the Great Northern Highway upgrade at the Bindi Bindi curves.

Several members interjected.

**The PRESIDENT:** Order! Are you still providing your answer?

**Hon JIM CHOWN:** Yes.

**The PRESIDENT:** I am sure you are coming to the end.

**Hon JIM CHOWN:** I am coming to a conclusion, Mr President. I will be happy to update the house about further upgrades to Great Northern Highway and the \$420 million that we will spend there over the next four years.

Several members interjected.

**The PRESIDENT:** Order, members! When Hon Ken Travers has finished conducting his own debate across the chamber, we will move on to the next question.

#### PUBLIC HOUSING — EVICTIONS

**76. Hon SALLY TALBOT to the Minister for Housing:**

- (1) Does the minister have any concerns about the use of section 64 in evictions?
- (2) What are these concerns?
- (3) Has he raised them with his department?

**Hon COL HOLT replied:**

- (1)–(3) One of the challenges with public housing tenancies is always around the balance between providing a home and a roof over the heads of people most in need and having the expectation that those who have this privilege will pay their rent, look after their homes and be kind to their neighbours. That is what I expect. I expect that we will use whatever means we can to ensure that those people who have the privilege to be in a public housing situation pay their rent and are good neighbours.

**Hon Sally Talbot:** Is that a yes or a no?

**Hon COL HOLT:** I am answering the question how I want to answer it. That is what I expect, and the use of section 64 is part of that.

#### HEALTHWAY SPONSORSHIP MANAGEMENT — HOSPITALITY FUNCTIONS

**77. Hon LJILJANNA RAVLICH to the parliamentary secretary representing the Minister for Health:**

Will the Minister for Health please table a list of Healthway hospitality functions attended by the minister, his family, ministerial staff or their family members in 2012, 2013 and 2014?

**Hon ALYSSA HAYDEN replied:**

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

There were nil. A search of records from the minister's diary and for all current staff indicates that no functions were attended.

#### GREYHOUND RACING INDUSTRY — LIVE BAITING

**78. Hon DARREN WEST to the Minister for Racing and Gaming:**

I refer to recent media reports of live baiting of greyhounds by trainers in Queensland, New South Wales and Victoria.

- (1) How many government inspections of Western Australian trainers' properties and facilities have been undertaken in 2013, 2014 and 2015 to date?
- (2) How many complaints about live baiting have been received by the government and what were the outcomes of the resultant investigations in 2013, 2014 and 2015 to date?
- (3) How many government inspections of Western Australian trainers' properties and facilities have taken place since Monday, 16 February 2015?
- (4) Have any of the 24 people suspended in other states trained or raced greyhounds in WA; and, if so, what are their names and the names of the greyhounds trained or raced?
- (5) Will the minister undertake to have a full investigation of the local industry to determine whether any live baiting practices are occurring in WA; and, if not, why not?

**Hon COL HOLT replied:**

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

- (1)–(4) I ask the member to please place these parts of the question on notice, as the required information is not available in the given time frame.
- (5) Investigations of the Western Australian greyhound industry continue to be a priority of Racing and Wagering Western Australia, the industry's governing body. There have been no findings to date by RWWA of any misconduct or irregularities.

#### PUBLIC HOUSING — 408 DALY STREET, BELMONT

**79. Hon SAMANTHA ROWE to the Minister for Housing:**

I refer to the recent decision to demolish the state housing property at 408 Daly Street, Belmont, and sell the subdivided land.

- (1) Will the department retain any of the subdivided land for the purpose of building a replacement state housing property?
- (2) If no to (1), why not?
- (3) In light of the ideal location of the land for people with mobility issues, did the department consider using the land to build housing for seniors?
- (4) If no to (3), why not?

**Hon COL HOLT replied:**

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

- (1) The department will retain the rear lot at 25 Kennerly Street, Cloverdale, which has an existing public housing property on it.
- (2) Not applicable.
- (3) No.
- (4) The department will sell the front lot, which will reduce the concentration of social housing in the area.

**KUNAWARRITJI COMMUNITY — ELECTRICITY SUPPLY****80. Hon ROBIN CHAPPLE to the Minister for Aboriginal Affairs:**

I refer to the potential closure of Aboriginal communities due to the lack of available funding and, more specifically, to the financial and electrical problems associated with the community of Kunawarritji.

- (1) What power does the minister have to require the Western Desert Lands Aboriginal Corporation, which is the prescribed body corporate for Martu, to release funding to the community to bring the electricity supply up to the 2008 Australian–New Zealand wiring standard, which has an estimated cost of \$335 000?
- (2) If no to (1), will the government facilitate funding to the Kunawarritji community to ensure that the electricity supply is maintained to the 2008 Australian–New Zealand wiring standard and is in a safe state?
- (3) If no to (2), who will be liable in the event that there is an accident associated with this unsafe electricity supply?

**Hon PETER COLLIER replied:**

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

- (1) None. The Western Desert Lands Aboriginal Corporation holds the Martu peoples' native title rights and interests on trust. I do not have authority to require the Western Desert Lands Aboriginal Corporation to exercise its powers as trustee in a particular manner.
- (2)–(3) This information is being sourced from the Minister for Housing and the Minister for Lands, and I will provide a response as soon as possible. I note that this question was asked on Tuesday, 17 February, so I imagine that that information will be available very shortly.

**HEALTHWAY SPONSORSHIP MANAGEMENT — EVENTS TICKETS****81. Hon AMBER-JADE SANDERSON to the Leader of the House representing the Premier:**

- (1) Was the Premier or any of his ministerial office staff offered tickets to events by Healthway?
- (2) Was a register kept of how those tickets to hospitality events were used?
- (3) If yes to (2), will the Premier table a copy of the register; and, if not, why not?

**Hon PETER COLLIER replied:**

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

- (1) No tickets to events were accepted from Healthway by the Premier or his ministerial office staff.
- (2) If ministerial office staff wish to accept an invitation, the Department of the Premier and Cabinet requires ministerial office staff to seek permission to attend an event, unless they are accompanying a minister as part of the minister's official duties or the invitation is to an event hosted by the minister's agency. Records are not kept by the department when invitations are received or declined or the officer does not advise the department of an invitation.
- (3) Not applicable.

**HEALTHWAY SPONSORSHIP MANAGEMENT — HOSPITALITY FUNCTIONS****82. Hon ALANNA CLOHESY to the Leader of the House representing the Premier:**

Will the Premier please table a list of Healthway hospitality functions attended by the Premier, his family, the Premier's office staff or their family members in 2012, 2013 and 2014?

**Hon PETER COLLIER replied:**

The Premier and the Premier's office staff did not attend any Healthway hospitality functions in 2012, 2013 and 2014.

## DEPARTMENT OF PARKS AND WILDLIFE HEADQUARTERS — RELOCATION

**83. Hon ADELE FARINA to the minister representing the Minister for Culture and the Arts:**

I refer to the answer provided to question without notice 23, asked on Tuesday, 27 February 2015.

- (1) Was the Minister for Culture and the Arts consulted in relation to the answer provided?
- (2) Who consulted the Minister for Culture and the Arts?
- (3) Did either the Minister for Culture and the Arts, a member of his ministerial office or an officer of the Department of Culture and the Arts provide advice in relation to or draft the answer to the question?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1)–(3) Legislative Council question without notice 23 was redirected to the Minister for Environment as it was considered to be related to the Department of Parks and Wildlife's office accommodation. The Department of Parks and Wildlife consulted with the Western Australian Museum, which provided advice that informed the answer to the question. The Western Australian Museum is the relevant management authority for the Maritime Archaeology Act 1973. Staff in the office of the Minister for Environment liaised with staff in the office of the Minister for Culture and the Arts.

## DEPARTMENT OF EDUCATION — PUBLIC SECTOR WORKFORCE RENEWAL POLICY

**84. Hon SUE ELLERY to the Minister for Education:**

I refer to the public sector workforce renewal policy and the minister's answer to question without notice 40.

Can the minister confirm whether permanent separations of any school staff will be included in the savings generated by the Department of Education for 2015–16 under this policy?

**Hon PETER COLLIER replied:**

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

Agency level savings associated with the public sector workforce renewal policy will be reflected in the 2015–16 budget.

## COASTAL PLANNING AND COORDINATION COUNCIL

**85. Hon LYNN MacLAREN to the minister representing the Minister for Planning:**

- (1) Who are the current members on the Coastal Planning and Coordination Council?
- (2) How often do they meet?
- (3) Will the minister inform the council of the progress made on the actions committed to in the Western Australian government's response to the then Coastal Taskforce Report in April 2003?

**Hon HELEN MORTON replied:**

I thank the member for some notice of the question.

- (1)–(3) As an advisory committee, members only meet at the request of the Western Australian Planning Commission. The last official meeting was 5 May 2010. Dr Garry Middle is the only current member of the committee. On 6 August 2013, in accordance with the Planning and Development Act 2005, Dr Middle was appointed to the Western Australian Planning Commission as the coastal planning and management representative. The government response to coastal planning matters is ongoing. Core to this framework was gazettal of "State Planning Policy No. 2.6: State Coastal Planning Policy" and its review and revision as gazetted in July 2013. This policy provides the government's overarching approach to and requirements for coastal planning and management. The Perth coastal planning strategy was completed in January 2011 and has been progressively implemented through Directions 2031

## ROY HILL PROJECT — WORKFORCE INJURIES

**86. Hon KATE DOUST to the minister representing the Minister for Mines and Petroleum:**

I refer to workplace safety surrounding the Roy Hill project and the reported injuries that occurred yesterday at Roy Hill's Port Hedland wharf.

- (1) What Department of Mines and Petroleum safety notices are currently in place on the site?
- (2) What Department of Mines and Petroleum investigations are currently being undertaken at the Roy Hill site?

- (3) Have the Department of Mines and Petroleum safety inspectors completed the audit of the management systems for high-risk activities; and, if yes, what were the outcomes of the audit?
- (4) If no to (3), when will the audit be completed?

**Hon KEN BASTON replied:**

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

On behalf of the Minister for Mines and Petroleum, the Department of Mines and Petroleum advises —

- (1) It should be noted that the incident and subsequent injuries that occurred yesterday are not under the jurisdiction of the Department of Mines and Petroleum. The incident is currently being investigated by the Australian Maritime Safety Authority. The Roy Hill project spans several jurisdictions, including WorkSafe, the Rail Safety Authority and the Department of Mines and Petroleum. The following responses refer to the area of the Roy Hill project that is under the jurisdiction of the Department of Mines and Petroleum. There are currently four open improvement notices in place on the site for, firstly, the management systems for training and verification of competencies; secondly, the inadequate lift studies involving cranes; thirdly, investigation of an incident relating to a crane hook equalising block; and, fourthly, modifications found on a particular mobile crane.
- (2) The Department of Mines and Petroleum is currently following up and investigating 11 incidents as per the department's investigation procedures, which include the explosion of a tyre during inflation; damage to a crane boom found during a DMP inspection; the interaction of an elevated work platform with a structural column; crane boom damage during maintenance activities; interaction between a pedestrian and a semi-trailer; crane damage incurred during testing; rope damage to a mobile crane; failure of a crane rope during lifting; a crane wire rope breaking when a boom was lowered; a crane wire rope frayed and found at a pre-start inspection; and a light vehicle rollover.
- (3) Inspectors undertook a review of systems, classified plant—cranes and lifting equipment—training and competency for cranes used on site. Four improvement notices were issued as a result of those activities. Inspectors are working with Roy Hill personnel to close out all identified issues.
- (4) All defects were recorded in the mines record book and necessary actions were included in improvement notices with varying dates for completion. The last notice to be closed out is due on 27 February 2015.

#### LATE-NIGHT TRAINS

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

For the period prior to the 23 February 2015, I ask —

- (1) Can the Minister for Transport confirm that revenue protection officers were employed to operate on the 1.15 am train services?
- (2) Can the minister confirm that revenue protection officers were positioned at major station gates and refused access to commuters without valid tickets for the 1.15 am train service?
- (3) Can the minister confirm that revenue protection officers have issued fines on the 1.15 am service to passengers who did not have a valid ticket?
- (4) Can the minister table any instructions given to revenue protection officers that advise them not to enforce payment on the 1.15 am services?
- (5) If no to (4), why not?

**Hon JIM CHOWN replied:**

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

- (1) Yes; revenue protection officers were on some trains.
- (2) Yes; RPOs were positioned at Perth stations at the fare gates to provide a security presence and to observe and report any antisocial behaviour. RPOs are used in addition to transit officers.
- (3) The Public Transport Authority has advised that in practice fare payments were not generally pursued on the 1.15 am services. It is acknowledged that some passengers bought tickets and on some occasions infringements have been issued. The 2.15 am services, by contrast, have been advertised as free by Transperth for some years.
- (4) To formalise the informal and inconsistent arrangements put in place by the PTA, the minister recently directed that all late-night train services are now clearly advertised as free and all staff have been instructed accordingly.
- (5) Not applicable.

## CARNARVON COMMUNITY COLLEGE

**88. Hon STEPHEN DAWSON to the Minister for Education:**

I refer to Carnarvon Community College.

- (1) When will stage 2 commence?
- (2) Has funding been allocated for building stage 2; and, if not, why not?
- (3) Has the minister approached the Minister for Regional Development for an allocation of royalties for regions funds or has the Department of Education applied for royalties for regions funds to build stage 2; and, if not, why not?
- (4) If yes to (3), when was or were the approach or approaches made and what was or were the response or responses?

**Hon PETER COLLIER replied:**

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

- (1)–(2) Preliminary planning has been completed and funding for stage 2 will be considered as part of future budget processes.
- (3)–(4) Consideration for education projects to be funded through royalties for regions are subject to ongoing discussions as part of the budget process.

## OSPREY KEY WORKER VILLAGE

**89. Hon SALLY TALBOT to the Minister for Housing:**

I refer to the former Minister for Housing's answer to question on notice 2285 that set out the new rents on properties at Osprey Village as of 23 December 2014.

- (1) What is the total cost of the overcharged rent that has been back-paid to the tenants at Osprey Village?
- (2) Who has paid out for the overcharged rent—the Department of Housing or the village operator Fleetwood?
- (3) Given that tenants signed contracts for a period of time at a higher rental cost, why have they now received this money?

**Hon COL HOLT replied:**

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

- (1)–(3) The intent of the government's investment into Osprey Village is to provide affordable key worker housing consistent with prevailing market conditions. As such, the Department of Housing advises it conducted a periodic rent review in October 2014. The review found that the rental market in Hedland had softened and therefore the department reduced the rents to keep them consistent with prevailing market conditions. The total cost of the rent to be credited to tenants as a result of the review is approximately \$195 000. The department is responsible for crediting the tenants' accounts and started doing so on 9 February 2015.

## HARLEQUIN MINE — FATALITY

**90. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:**

I refer to the fatality on 15 February 2014 at Central Norseman Gold's Harlequin mine.

- (1) When was the Department of Mines and Petroleum's investigation into the fatality completed?
- (2) What were the findings of that report?
- (3) Will the minister table the investigator's report?
- (4) If no to (3), why not?
- (5) If no to (3), will the report be available through a freedom of information request?
- (6) If no to (5), why not?

**Hon KEN BASTON replied:**

I thank the honourable member for some notice of this question. On behalf of the Department of Mines and Petroleum, I advise —

- (1) The department's investigation was completed in November 2014.
- (2)–(4) The findings of the report cannot be disclosed until any prosecution is complete.

- (5)–(6) All requests made under the Freedom of Information Act 1992 are considered by the department. However, until a prosecution is complete, it is likely the investigation report will be exempt under clause 5, schedule 1, of the Freedom of Information Act.

#### NURSE GRADUATE POSITIONS — PUBLIC HOSPITALS

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

- (1) Can the minister confirm that the top four nurse graduates from Bunbury Edith Cowan University have been unable to secure a nurse graduate position in a public hospital in 2015 due to the government's decision to cut the number of positions available?
- (2) How many nurse graduate placements will be available in our public hospitals in 2015 and how does this compare with 2014?
- (3) At a time when we have a shortage of nurses in the state, why are there fewer nurse graduate placements in public hospitals in 2015 than in previous years?
- (4) Given nurse graduates form an integral part of the staffing allocation in our public hospitals, how will the reduction in nurse graduate positions in 2015 impact the operations of our public hospitals?

**Hon ALYSSA HAYDEN replied:**

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

- (1) The minister is not aware of the names of individual graduates and whether they have been offered positions. Bunbury Hospital is offering the same number of graduate places in 2015 as it did in 2014. The appointments process for positions is competitive and there is not a guarantee that individual graduates will be able to find a place in their local area on completion of their studies.
- (2) The number of nurses employed in Western Australian public hospitals has been increasing. In 2014, WA Health public hospitals and health services were able to offer 595 graduate registered nurse positions and 98 graduate enrolled nurse positions. In 2015, the initial intake for WA Health public hospitals and services is 581 graduate RN positions and 98 graduate EN positions. However, there is the potential for this to be adjusted upwards in a subsequent March 2015 recruitment round. This depends on whether positions suitable to be filled by graduates become vacant.
- (3)–(4) The number is about the same in 2015 as it was in 2014. As noted in the response to (2), the final number of graduate placements is still to be determined.

#### TEACHERS — ONE-YEAR CONTRACTS

**92. Hon SUE ELLERY to the Minister for Education:**

How many teaching staff in schools at the start of 2015 were on one-year contracts?

**Hon PETER COLLIER replied:**

I thank the honourable member for some notice of this question. The answer is 1 661.

#### IRON ORE MINERS — ROYALTY RELIEF

**93. Hon LJILJANNA RAVLICH to the minister representing the Minister for Mines and Petroleum:**

I refer to the December 2014 announcement of assistance to iron ore miners in light of falling commodity prices.

- (1) How many iron ore miners have been offered or have applied for temporary royalty relief?
- (2) What is the name of each miner that has been granted royalty relief?
- (3) On what date was each miner in (2) granted relief?
- (4) Have any miners that have sought royalty relief been refused such relief?
- (5) If yes to (4), what are the names of the miner or miners refused relief?

**Hon KEN BASTON replied:**

I thank the honourable member for some notice of this question. On behalf of the Minister for Mines and Petroleum, I advise —

- (1)–(5) The Minister for Mines and Petroleum has received initial applications from a number of iron ore mining companies for temporary financial assistance. All applications are assessed on a case-by-case basis through a comprehensive analysis overseen by an independent probity auditor. The minister is yet to make a determination about which applicants should receive this assistance.

## POLICE — SERVICE DEFINITION AND RESOURCE MODEL

**94. Hon ALANNA CLOHESY to the Attorney General representing the Minister for Police:**

I refer to question without notice 1128 and to the 149.7 full-time equivalent positions identified during phase 1 of the service definition and resource model.

Can the minister please provide both the potential and actual total cost savings of phase 1 civilianisation by both business unit and position?

**Hon MICHAEL MISCHIN replied:**

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

WA Police has not approved or progressed any civilianisation proposals from phase 1 of the service definition and resource model.

**QUESTION ON NOTICE 2260***Paper Tabled*

A paper relating to an answer to a question on notice was tabled by **Hon Helen Morton (Minister for Mental Health)**.

**SHIRE OF ESPERANCE — LAND CLEARING — DEPARTMENTAL ADVICE***Question on Notice 2185 — Correction of Answer*

**HON COL HOLT (South West — Minister for Housing)** [5.08 pm]: Pursuant to standing order 109(2), I table the corrected response to question on notice 2185 asked by Hon Robin Chapple. The answer submitted earlier contained some formatting errors.

[See paper 2591.]

**PERTH THEATRE TRUST AMENDMENT BILL 2014***Second Reading*

Resumed from an earlier stage of the sitting.

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [5.08 pm] — in reply: I want to wrap up my comments given the level of support we are receiving from the opposition for the Perth Theatre Trust Amendment Bill. I was talking about how the new operating model will provide an opportunity for more programming and will increase sustainability of some of the state's most significant cultural assets. It will provide better value for money for the state government and Western Australian taxpayers. In undertaking this change, the trust aims to achieve closer relationships with stakeholders and a more focused approach to the varying needs of the performing arts sector and savings in operating expenditure. The new model will improve engagement with the performing arts sector with the trust working directly with hirers, promoters and resident companies rather than through a third party. The new operating model for the Perth Theatre Trust will closely align with operations in other national performing arts venues and the new operating model will mean that resident companies will deal directly with the trust. This will enhance communications with the resident companies and result in better outcomes across the sector. This project is expected to be rolled out across a three-year period. A project team is working to ensure that the transition process is well managed. The new operating model has already had a positive response from stakeholders in WA and the trust's counterparts in the eastern states.

I referred to some of the statistical information earlier. The Perth Theatre Trust's 2015 collaboration with Fringe World has resulted in a new "pop-up" venue in the courtyard of the State Theatre Centre. In another new initiative, the Perth Theatre Trust has combined with the Perth International Arts Festival to present *Black Diggers*, the critically acclaimed Queensland Theatre Company's production about Australia's Indigenous soldiers in the Great War.

In 2013–14, the Perth Theatre Trust programmed 76 performances, which attracted nearly 24 000 patrons. Its programming activities accounted for seven per cent of the total performances across all of the Perth Theatre Trust venues, which represented four per cent of the total attendances in 2013–14. The 76 performances in 2013–14 represented an average investment of \$19 per patron at each Perth Theatre Trust production. This is good value for the taxpayers' dollar.

For the past three years, the Perth Theatre Trust has invested \$1.2 million in programming activities at its venues. This investment translates into 257 performances with just over 80 000 attendances.

The specially-curated Morning Melodies has been funded by the Perth Theatre Trust for the past 13 years. It provides affordable daytime entertainment for seniors, shoppers and tourists, with performances by talented local up-and-coming artists.



The Perth Theatre Trust's investment has seen high profile performers such as the Vienna Philharmonic Orchestra, the Berlin Philharmonic Orchestra and the Royal Concertgebouw Orchestra perform at the Perth Concert Hall.

The Perth Theatre Trust's programming budget provides it with the opportunity to invest in product diversity, increase the utilisation of venues and present international and national artists who would not come to Perth without the trust's support. The total number of attendances at trust venues in 2013–14 was 512 212.

With the support of the opposition, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

#### *Third Reading*

Bill read a third time, on motion by **Hon Helen Morton (Minister for Mental Health)**, and passed.

### **BUSINESS OF THE HOUSE — MEMBERS' STATEMENTS**

#### *Motion*

On motion without notice by **Hon Peter Collier (Leader of the House)**, resolved —

That members' statements be now taken.

### **TOURISM — COSTS**

#### *Statement*

**HON PHIL EDMAN (South Metropolitan)** [5.14 pm]: I wanted to talk about my non-holiday experiences in Western Australia but unfortunately I am going to have a holiday experience in Queensland this year, not in my own state.

**Hon Kate Doust** interjected.

**Hon PHIL EDMAN**: I am very disappointed about that too. If Hon Kate Doust wants to listen, I will explain why.

Last year I took my wife and two kids to Kununurra. On 6 May last year I spoke about that trip in this house. Kununurra is a wonderful place; I absolutely love it. I reckon it has some of the prettiest waterfalls and waterways that I have ever seen anywhere in the world. It is fantastic. With two young kids, I try to get direct flights. I do not want to fly to Broome and then fly on a different carrier. Virgin Australia has direct flights to Kununurra. We flew back to Perth on this flight last year, and Virgin is still flying to Kununurra now. I tried to book a holiday in Kununurra again this year because my wife and kids absolutely love it. We have to watch our pennies, like most other Western Australians these days. The return flights on Virgin for myself, my wife and the two kids cost about \$3 800. That was a lot more than I paid last year. It was not double but it was quite a significant increase. I thought I had better shop around and see where else we could go. We could have gone to Bali or Singapore for around the same price as going to Kununurra. I looked at going to Queensland. For the whole family to fly to Brisbane on Qantas, it would cost \$2 500. That is a difference of about \$1 300 for me and my family to fly to Kununurra, which I absolutely adore, and holiday in my own state, compared with going to Queensland.

I went on to look for accommodation in Kununurra, thinking I might get a saving there. We visited El Questro station but we never got to stay there last year because we did not know it existed; we just found it. It is an absolutely beautiful place. Accommodation in a bungalow with a pull-out bed costs about \$350 a night. The self-contained Freshwater East Kimberley Apartments in Kununurra cost about \$330 a night. I then looked for accommodation in Brisbane. The Treasury Casino—people can take kids there—is absolutely luxurious and costs around \$230 a night. Staying at the Oceana on Broadbeach apartments on the Gold Coast, which are magnificent, costs about \$300 a night. If someone is looking at a six-night holiday, there is a difference of about \$300 to \$700. I looked into car hire as well. Car hire for six days in Kununurra was \$175 a day. If we went to Brisbane, the car hire would be only \$71 a day. Over a period of six nights, that is a difference of about \$624. When we add that all up and compare apples with apples, the difference between going to Kununurra compared with Queensland is a bit over \$2 300. As much as I really want to go to Kununurra—it is a beautiful place—my wife and I had to make a decision. We thought we had better save that money and go to Queensland instead.

I do not know why airfares have gone up. If we are really serious about tourism in Western Australia, we need to start looking at the sorts of places that we want to advertise to attract people to visit. We need to realise that other states such as Queensland are very competitive. Whatever we or Tourism WA can do, if we are really serious about attracting people from interstate or around the world, we need to look at what it costs. I have gone through

that exercise and it is just too expensive compared with another place that we decided to take our children. It is disappointing that we will not be visiting Kununurra this year. Hopefully, next time around, maybe those airfares and other things may be a little more affordable, in line with other holiday destinations.

### CITY OF SWAN — PREMIER'S AWARDS

#### *Statement*

**HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary)** [5.18 pm]: This afternoon I wanted to recognise a number of citizens who were awarded Premier's Awards on Australia Day. Most members in this house would have attended Australia Day services and witnessed many new citizens proudly becoming Australians and becoming part of our community. I also had the opportunity to represent the Premier at the City of Swan Australia Day citizenship ceremony. We were very lucky to be able to present a very special citizenship award to some elite individuals within the City of Swan. This afternoon I wanted to pay tribute to and honour those individuals for the work and commitment they do as volunteers in our community, especially in the City of Swan. The first gentleman, Mr Alan Rodgers, was awarded for his efforts and his role in the Ellenbrook RSL. For many years he has been leading the charge and ensuring a fantastic dawn service is held in Ellenbrook on Anzac Day, which I have attended many times as a resident and then also in my capacity as a member of Parliament. The Ellenbrook RSL does a magnificent job out there. With the growing numbers, Alan took it on himself to go out and seek funding to be able to get a grant to construct a memorial at that site to make it an official Anzac memorial area at the Woodlake amphitheatre in Ellenbrook. It took him three years of his time invested, working with City of Swan staff, RSL members, the local community and constructors to actually get the memorial up and running. They did a special service that I was lucky enough to attend to make sure that it is up and running for the next Anzac Day service. I am looking forward to laying a wreath at the brand new memorial. It is people like this who make a big difference to our community, and I am just delighted that Alan was rewarded for what he has done for the community of Ellenbrook, the RSL and our ANZACs.

Another group that was rewarded on the day was Binar Sports. They are a sport-based community group that focus on engaging with disadvantaged young people and getting them into basketball and other sporting activities. They started with a small team of six young men, who are now playing leadership roles. There are now more than 50 current members. The number of members is growing, with ages ranging from nine to 18 years. They are all engaged in basketball. One individual in particular, Adam Desmond, has provided direction and passion within the community to be able to engage our young disadvantaged children and our young adults in the Midland area. Working with the Midland midnight basketball program, he has been able to attract youths into basketball and into becoming members of the basketball club when they would not normally have the support or ability to transition into a sporting club and become part of a team. Adam was also very instrumental in getting two local teams together to participate in the National Indigenous Basketball Championship in Canberra in 2013. I want to thank Adam and the team at Binar Sports for everything that they are doing and the difference they are making to individuals in the Midland and Swan area.

The Bullsbrook volunteer fire services were also recognised on the day. I do not need to tell everyone here how hard our volunteer firefighters are working, especially today—I know there has been a fire out in Bullsbrook today and they are out there working again. They have been rewarded for not just fighting the fires, but going out and developing a prevention scheme amongst the community in Bullsbrook. They have taken on the “Are You Bushfire Ready?” program and have started meeting with street groups and building up the street groups to 12 street groups within Bullsbrook. They are educating individual homeowners on the best way to prevent a fire, how to make their homes and their families a lot safer, and what to do and plan for in case of a fire. The success and the growth of the bushfire ready program in Bullsbrook is due to the support and the commitment of so many members of the Bullsbrook Volunteer Fire Service Brigade. They now have 10 trained facilitators actively supporting the street groups, attending meetings in the evenings and on weekends in their own time, making sure that we are getting a safer community in Bullsbrook. I want to thank each and every volunteer, as I said, not for every fire they fight, but for actually going out there and campaigning and educating the residents of Bullsbrook on how to be safe.

David Eaton was also a recipient of one of the Premier's awards on Australia Day. That was for his role in the Midland Lawn Tennis Club. He has been involved in that for 16 years. The biggest contribution he has made during his time at this club is being able to help run a junior tennis club. He has enabled children who cannot afford or generally would not join a tennis club to come along and give them an opportunity to learn how to play tennis for free. Again, like the basketball, this provides people in this area a free opportunity to get out there and play sports and be part of a team; being part of a community is vitally important. I want to thank David and the Midland Lawn Tennis Club for everything that they do within our community, trying to improve the lifestyle of our young individuals out there. David is a true believer in the “Act–Belong–Commit” slogan, and a well-worthy recipient of one of these awards.

The last two I want to mention are extremely young individuals. I take my hat off to them. One is a young lady of only 16 years of age, with Australia becoming her home less than five years ago. When she arrived in Australia, she and her family moved to Ellenbrook. The first thing she did was contact the City of Swan to see how she could volunteer and help and make a difference within her community. At 16 years of age, to be doing something like that, I find absolutely remarkable—showing so much selflessness, and willingness to give up her valuable time to share with people who need attention or need a bit of support. She goes to Ellenbrook Secondary College, and she is a member of the Swan City Youth Choir and the Ellenbrook Community Youth Performance Group. She has been an excellent youth ambassador and works tirelessly to make other lives better. She is a true humanitarian, being compassionate and well spoken. She is very unassuming, and I have to say that she was extremely nervous on the day. She embarked on a cultural exchange to a village in Bali in 2013, and undertook fundraising for a reciprocal cultural exchange from Bali to Australia. She is involved in many committee groups in Ellenbrook including the local RSL, the Pines and Parklands Retirement Village, the Probus Club, Seniors Social Space, and Ellenbrook Arts. She is a big and strong advocate for children with disability. I want to thank Sasha so much for her tireless, ongoing commitment to volunteering and helping people.

Last but certainly not least is Mr Joseph Norris, another young man. He attends Ballajura Community College. His contribution has been through his involvement as a ranger sergeant for the Ballajura Community College Police Rangers. He has also achieved the award of Police Ranger of the Year for Western Australia in 2014, along with being presented with a Long Tan award for youth leadership and teamwork. He has been involved in an outreach program that develops wells in India, and in 2015 he will be embarking for the Philippines as a volunteer in a village building program. As I said earlier, the dedication that these young individuals have is inspirational to me and I am sure it is to their peers. Joseph is a quiet achiever, which seems to go with these people who give up their time so willingly. He has been an excellent role model for his peers at Ballajura Community College. He encourages the younger students to come along and get involved in the police rangers, and also in community services around Ballajura. He is an outstanding young man and I know his family deserves to be extremely proud of what he has contributed to the people and lives that he has affected. I know he will have a much better life for himself knowing that he has put in so much effort to assist others.

On that note, I want to congratulate each and every one of those award winners and others around the state who have been recognised for their contribution to our community in giving up their time so freely. Thank you.

#### MURDOCH UNIVERSITY PARLIAMENTARY INTERNSHIP PROGRAM

##### *Statement*

**HON MARK LEWIS (Mining and Pastoral)** [5.28 pm]: I would like to acknowledge the Murdoch University parliamentary internship program. I had two interns this year; one fell off the rails somewhere, but the other one has delivered a report, and it is quite a seminal report.

**Hon Kate Doust:** Is that on third tier railway?

Several members interjected.

**Hon MARK LEWIS:** We have got a rail from here to Geraldton, do not worry. Members opposite do not know about that one.

I would like to acknowledge Tom Lamond's efforts in this. If members have not been involved in this program, they should get involved in it because it gives us more information in a research capacity and it also gives whoever is doing the program a lot of kudos. I would like to specifically mention Tom's report. It is titled "Pathways to Change: A Program to Reform Western Australia's Pastoral Estate." I think I have been up and down here banging on about this for some time. Young Tom has somehow been able to synthesise the complex issues around moving forward with tenure reform. He has been able to do that, when some departments have been working on it for years. I commend his report to the various departments involved in this area. For instance, he unbundles the thorny issue of native title in a way that shows it is not a thorny issue and that we just have to work through the process, and we need to acknowledge that. He also highlights that native title is not the thorny issue that some departmental legal officers say it is. My experience is that if a person goes into any department, particularly the Department of Lands, or any legal department or the State Solicitor's Office, the legal officers will say that any act is a future act. That may be the case, but they do not tell people—something that Tom has identified in this report—that there are a number of steps in a series within the native title framework. Title is not automatically vetoed by native title claimants and owners on any change or any future act. For a start, Tom identifies that the native title rights on pastoral leases are a partial extinguishment, and he references the cases around that. That is a useful spot from which to move forward because it is not what everyone out there thinks. Most people consider that native title is the full-blown native title that may be on, say, a mining lease. It is not. It is a lesser native title footprint; it is a partial extinguishment. That is important because it makes it easier to negotiate a position with native title representatives. It makes it easier to undertake an Indigenous land use agreement because the process is starting from a live footprint.

Tom also identified that there are steps or levels of native title. That is not the view of native title that one gets from the lawyers in the bowels of the department. As I said, there is a range of future acts and some of them require only a right to comment. The next level up is a right of ordinary titleholders, which all titleholders might have. The next level up is the right to be consulted. The next level up from that is the right to have objections heard. Most people think that the next level up, the right to negotiate, is the starting point of a future act process. I think we need to understand—Tom makes it very clear in his report—that this is a communication issue. We have to all understand the framework—the government, the landholders and the native title holders. We have to understand the starting points and the triggers for native title claims. There is a lot of misconception that makes native title claims very, very difficult, because people start from a position of ignorance and they lack informed consent.

Again, without banging on and going into too much detail, young Tom has somehow unbundled the issues around native title that no-one in the department has been able to do for almost decades. For those involved in this area, including Hon Ken Baston and the Ministers for Lands, Water and Regional Development, I commend Tom Lamond's report. I commend the report to the agencies and to the lawyers sitting in the bowels of those agencies. I would also like to acknowledge Murdoch University and the parliamentary internship program. It is through such programs that these sorts of research ideas come forward for us to discuss in this house, so thanks to Tom and the parliamentary internship program. I commend Tom Lamond's report to the house.

## ABORIGINAL ALCOHOL AND OTHER DRUG WORKER TRAINING PROGRAM

### *Statement*

**HON HELEN MORTON (East Metropolitan — Minister for Mental Health)** [5.35 pm]: I would like to talk briefly about a new development in the prevention of drug and alcohol abuse that I had the privilege to be involved in last week. The Drug and Alcohol Office Aboriginal alcohol and other drug worker training program supports Aboriginal people to develop skills to support people experiencing alcohol and other drug problems throughout the state. Of course, that is a high priority for the state government. The "*Strong Spirit Strong Mind: Aboriginal Drug and Alcohol Framework for Western Australia 2011–2015*" highlights that workforce development is a key priority to support people to have culturally secure programs and to enable Aboriginal people to manage and reduce their alcohol and other drug problems in their communities in a way that is culturally secured to those Aboriginal people.

I do not know whether members are aware of this, but I would like to put on the record right now that the majority of Aboriginal people do not drink. I think there is a high level of stigmatisation around Aboriginal people and alcohol, and I would like to dispel that. The Aboriginal alcohol and other drug worker training program commenced in 2003. During the time that I have been the minister, I have been a part of that program, including handing out the certificate III in community services. During that time, 117 people have gone through the program and completed 150 hours of training, and 98 people have graduated with full qualifications in this area. Following the success of the certificate III program in Aboriginal alcohol and other drug worker training, last year it was decided that we would commence the certificate IV program in Western Australia. In April, I opened the Drug and Alcohol Office's certificate IV in Aboriginal alcohol and other drug worker training. Building on the success of the certificate III program, these people came together to develop their knowledge and skills to support people to better respond, and to develop the training they needed to be better able to respond to and assist people with co-occurring mental health and other comorbidity issues in Aboriginal communities. Last Friday—12 months after opening the certificate course—was an important milestone for WA alcohol and other drug services with the inaugural graduation of those who undertook the certificate IV program, and I was able to celebrate with the 10 graduates from across the state. These people show great commitment and dedication in their line of work. I would like to acknowledge the first 10 graduates who have just completed the 12-month program while working in a variety of settings, including community alcohol and drug services, non-government rehabilitation services, Aboriginal community controlled health organisations and other non-government organisations throughout the state from Wyndham to Bunbury.

I recently travelled a fair bit in the state to see at firsthand the remarkable work that these people are undertaking, and how the local services work to meet the needs of consumers and staff in these areas. Most recently, I visited Broome and Halls Creek. While I was in Halls Creek I opened the new Halls Creek service hub for alcohol, other drug and mental health services. That is the integrated drug, alcohol and mental health service in Halls Creek. The new hub will promote collaborative work and undertake significant preventative, one-on-one and counselling work in the community. I also recently visited the Salvation Army's Harry Hunter Rehabilitation Centre residential service in Armadale, and its sobering-up, detox and short-stay assessment services in Highgate. While I was at the Harry Hunter centre, I met a young man who as a young child had come to Australia from Cuba. On his third attempt he had successfully undertaken the rehab program to get off methamphetamine. Of course, I wish him great success because the life that he lived while that drug affected him was really terrible.

At Christmas, I visited the Mission Australia DAYS—drug and alcohol youth service—program. The DAYS program is specifically for young people. Some people might have heard about them, because every year they have a ball when a big call goes out for people to donate gowns and things. They got so many people responding to that call that they had to get a warehouse to store all of the beautiful gowns and everything that people can use. The DAYS program provides a service for young people between the ages of 12 and 22 years who are experiencing alcohol and other drug issues. The service is unique, as it provides a continuum of care that includes a program that helps support a young person to get back with their family, back into education or training or whatever. While I was there on Christmas Eve, I met some young folk who were going back into apprenticeships, and I hope that they have a really successful outcome as well.

In January, I visited Albany to open the new Palmerston community alcohol and drug service down there, and in late 2014 I visited the community's farm based in Rockingham. The people at Palmerston, of course, have a great track record for the work they have been doing for more than 35 years in providing counselling and residential services in Western Australia for people and their families. I am reminded of a man whom I met in Albany and who spoke at the opening of that facility. He talked about what it was like for him when he ended up losing his job, losing his house and losing custody of his kids because of his alcohol problem. What an amazing turnaround he has made to now be in a rented home, to have custody back of his young son and to have a full-time job!

Late in 2014, I travelled with cabinet to Kununurra and Derby where I met the local service providers and community members. I also saw the expansion of the alcohol and drug service team in the Kimberley, which has resulted in the number of clients seen by the Kimberley service increase by 92 per cent. It is a phenomenal increase in service delivery. Also in late 2014, I travelled to Carnarvon to open the new Carnarvon dual-purpose centre, which was built in response to the acknowledged harm that was occurring in that community. The dual-purpose centre is the first of its kind in WA in that it is a sobering-up centre at night and a counselling and integrated support service during the daytime. However, I am reminded that in 2006, I went to Carnarvon and saw what was happening there when the sobering-up services were provided in the lockup at the police station. It was very distressing to me to know that this was the way in which intoxicated people were being managed.

Wherever I have travelled across the state, I have been able to see these people undertake this most amazingly impressive work. I have seen the great commitment and dedication of the staff and the quality of service that they are providing. I am terribly proud that this government was able to look at drug and alcohol services in such a way that has resulted in significant upgrades to buildings, an increase in the number of staff, increased services and a massive increase in resources in recognition that the service had been quite underfunded and under-resourced in previous years. I again take this opportunity to congratulate the inaugural 10 graduates from the certificate IV program and to thank all of the alcohol and other drug workers across WA for their drive and commitment.

*House adjourned at 5.43 pm*

---

### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MENTAL HEALTH — PSYCHIATRISTS

**2005. Hon Stephen Dawson to the Minister for Mental Health:**

- (1) How many psychiatrists in Western Australia, as defined by the Act, can order that a person be detained involuntarily or put on a community treatment order?
- (2) What was the average waiting time for a patient to see a psychiatrist, as defined by the Act, in the public health system for the following periods:
  - (a) 2013–2014;
  - (b) 2012–2013; and
  - (c) 2011–2012?
- (3) What was the longest time a person was detained while waiting on a mandatory Mental Health Review Board hearing for the following periods:
  - (a) 2013–2014;
  - (b) 2012–2013; and
  - (c) 2011–2012?
- (4) What is the average time a person was detained while waiting on a mandatory Mental Health Review Board hearing for the following periods:
  - (a) 2013–2014;
  - (b) 2012–2013; and
  - (c) 2011–2012?

**Hon Helen Morton replied:**

- (1) 196
- (2) (a)–(c) Data on average wait times for every psychiatrist (public and private) is not collected. Patients requiring review by a psychiatrist as defined by the Mental Health Act are prioritised and seen as soon as practically possible. As defined by the Mental Health Act (1996), once a patient has been received (arrived) in an authorised mental health unit, the patient must be examined by a psychiatrist within 24 hours.
- (3)–(4) This data cannot be accurately extracted from the Mental Health Review Board (MHRB) database system. The MHRB database is being updated.

#### DEPARTMENT OF PARKS AND WILDLIFE — MULGARA

**2254. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment:**

For the one day workshop conducted by the Department of Parks and Wildlife on 11 December 2013 on Mulgara with the purpose to determine the highest-priority research needs to ensure survival of viable populations of Mulgara, I ask:

- (a) does the Department of Parks and Wildlife propose to provide the participants of that workshop with an annual report on its achievements in implementing the agreed actions;
- (b) what were the actions agreed to by the participants at that workshop;
- (c) what was the dollar value of offset funds under Department of Parks and Wildlife control on 10 December 2014 that related to Mulgara;
- (d) what offset funds were expended between 11 December 2013 and 10 December 2014 on Mulgara projects;
- (e) how much and on what projects were these funds expended;
- (f) against each of the actions agreed to by the workshop participants, what has been specifically achieved between 11 December 2013 and 10 December 2014 on Mulgara projects; and
- (g) what research reports or other publications indicating outcomes have been published between 11 December 2013 and 10 December 2014, that relate to the agreed actions for Mulgara?

**Hon Helen Morton replied:**

- (a) No. The department will produce annual progress reports of research activities once they commence, as will be stipulated in any memoranda of understanding executed with proponents providing offset funds for the Mulgara. These reports will be available to the public on the departmental website.
- (b) Actions agreed to by workshop participants for the Mulgara were:
  - (i) Prepare workshop outputs.
  - (ii) Distribute workshop outputs.
  - (iii) Forward all relevant Mulgara papers to Parks and Wildlife.
  - (iv) Source existing collections of tissue, scats and vouchered animals.
  - (v) Develop central bibliography.
  - (vi) Progress agreed research priorities, which were:
    - Clarify taxonomy via genetic testing;
    - Develop clear field survey guidance;
    - Conduct field surveys to clarify distribution; and
    - Update research plan based of outputs from above activities.
  - (vii) Look out for potential funding sources to support research priorities.
- (c) Nil
- (d) Nil
- (e) Nil
- (f) Progress against each of the workshop actions is:
  - (i) Completed.
  - (ii) Completed, workshop outputs are publicly available.
  - (iii) Workshop participants have not yet sent relevant papers on Mulgara to a central repository.
  - (iv) Parks and Wildlife, the Western Australian Museum and Murdoch University have collaboratively assembled all known Mulgara tissue samples available in Western Australia.
  - (v) No progress to date.
  - (vi) No progress to date.
  - (vii) No progress to date.
- (g) No research reports or other publications on the Mulgara were published by the Department between 11 December 2013 and 10 December 2014.

## DEPARTMENT OF PARKS AND WILDLIFE — PILBARA OLIVE PYTHON

**2255. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment:**

For the one day workshop conducted by the Department of Parks and Wildlife on 10 December 2013 on Pilbara Olive Pythons, with the purpose to determine the highest-priority research needs to ensure survival of viable populations of Pilbara Olive Pythons, I ask:

- (a) does the Department of Parks and Wildlife propose to provide the participants of that workshop with an annual report on its achievements in implementing the agreed actions;
- (b) what were the actions agreed to by the participants at that workshop;
- (c) what was the dollar value of offset funds under Department of Parks and Wildlife control on 9 December 2014 that related to Pilbara Olive Pythons;
- (d) what offset funds were expended between 10 December 2013 and 9 December 2014 on Pilbara Olive Python projects;
- (e) how much and on what projects were these funds expended;
- (f) against each of the actions agreed to by the workshop participants, what has been specifically achieved between 10 December 2013 and 9 December 2014 on Pilbara Olive Python projects; and

- (g) what research reports or other publications indicating outcomes have been published between 10 December 2013 and 9 December 2014 that relate to the agreed actions for Pilbara Olive Pythons?

**Hon Helen Morton replied:**

- (a) No. The department will produce annual progress reports of research activities once they commence, as stipulated in memoranda of understanding executed with proponents providing offset funds for the Pilbara Olive Python. These reports will be available to the public on the departmental website.
- (b) Actions agreed to by workshop participants for the Pilbara Olive Python were:
- (i) Prepare workshop outputs.
  - (ii) Distribute workshop outputs.
  - (iii) Scope and distribute research priorities.
  - (iv) Look for opportunities to progress agreed research priorities, which were:
    - Undertake literature review;
    - Develop survey techniques;
    - Develop monitoring techniques;
    - Better understand habitat requirements;
    - Better understand breeding biology;
    - Better understand prey relationships; and
    - Better understand predator relationships.
  - (v) Collect and submit tissue samples for genetic testing.
- (c) \$20 264
- (d) \$4 736
- (e) \$4 736 was spent on travel throughout the northwest to collect tissue samples from the Pilbara Olive Python for genetic testing at Murdoch University. This activity is aligned with Action v. from the workshop.
- (f) Progress against each of the workshop actions is:
- (i) Completed
  - (ii) Completed, workshop outputs are publicly available.
  - (iii) The research priorities identified at the workshop have been made available to participants.
  - (iv) No new opportunities have been identified to progress agreed research priorities. It should be noted however, that a memoranda of understanding with Australian Premium Iron, the owner/operator of the West Pilbara Iron Ore project, has been executed and will enable the provision of offset funding (\$30 000 per year for ten years) to address Pilbara Olive Python research priorities once the West Pilbara Iron Ore project commences production.
  - (v) A targeted field trip was undertaken and tissue samples collected for analysis at Murdoch University. At the same time tissue samples were also recovered from preserved specimens at the Western Australia Museum and from vouchers held by the Department.
- (g) No research reports or other publications on the Pilbara Olive Python were published by the Department between 10 December 2013 and 9 December 2014.

**CONSERVATION COMMISSION AND DEPARTMENT OF PARKS AND WILDLIFE — CURRENT POLICIES**

**2260. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment:**

- (1) Further to question on notice No. 1663 of 2014, will the Minister please table a list of all the current policies of:
- (a) the Conservation Commission; and
  - (b) the Department of Parks and Wildlife?
- (2) For each in (1), on what date did each policy come into operation?



**Hon Helen Morton replied:**

(1)–(2) [See tabled paper no 2590.]

A review to consolidate and update the department's policies is currently being undertaken.

---

