

Legislative Assembly

Tuesday, 18 September 2007

THE DEPUTY SPEAKER (Mrs D.J. Guise) took the chair at 2.00 pm, and read prayers.

CAGE FIGHTING

Statement by Minister for Sport and Recreation

MR J.C. KOBELKE (Balcatta - Minister for Sport and Recreation) [2.01 pm]: In recent days there has been a lot of public interest in a staged fighting event, involving mixed martial arts fighters, called “King of the Cage”. The event, which is due to be held in early October, has been given a permit to operate by the Professional Combat Sports Commission. The commission is the body with statutory responsibility for ensuring that professional combat sports are conducted in a safe and fair manner for participants. Although I understand the commission has allowed the event to proceed under a series of strict criteria that will control the safety aspects of this event, this does not allay my serious concerns. I sought legal advice on whether I had the power to direct the commission or override its approval process. The advice was that I could not. I understand the commission’s reasoning that having the event under its control would be far better than having it conducted without proper medical and referee supervision. However, there is still a very real concern that this type of event will cause serious injury, or worse, to the contestants. Although there is a place for legitimate sports that involve contact, such as boxing and martial arts, this is little more than a staged event dressed up as sport to make money out of the blood-lust of certain elements in the community. I have asked for advice from the Department of Sport and Recreation on the legislative changes necessary to ban this type of event in the future. I have told the Department of Sport and Recreation to give this matter top priority. I am sure that with the support of both sides of this house, we will be able to stamp out unacceptable combative events that the majority of the community finds appalling.

TOURISM NUMBERS

Statement by Minister for Tourism

MS S.M. McHALE (Kenwick - Minister for Tourism) [2.03 pm]: I am pleased to inform the house that the tourism industry in Western Australia is surging ahead. Recent data released by Tourism Research Australia reveals that total expenditure in Western Australia by international, interstate and intrastate visitors has grown to an all-time high. Our visitors are spending more than ever before, pumping a record \$5 billion into the economy over the past year. International visitor numbers, nights and expenditure are all up, growing faster than the national average, and are at record highs.

We are doing particularly well in our key markets. Visitor numbers from the United Kingdom have increased by 6.6 per cent, compared with a national average of 3.6 per cent; Singapore numbers are up by 5.3 per cent; and Malaysian numbers are up by 5.4 per cent. The national survey results indicate that interstate visitor numbers have increased by more than 12 per cent, compared with a national average of just 0.8 per cent, and expenditure increased by more than 31 per cent to a record high of \$1.3 billion. Western Australians are also making significant contributions to our economy, with intrastate expenditure increasing to an all-time high of \$2.2 billion. Tourism is a highly competitive industry and we continue to face a number of challenges, including the rapid expansion of low-cost carriers in South East Asia, the increasing value of the Australian dollar and a lack of direct flights to Perth.

I can also report that a recent independent study of the health of the tourism industry reveals a very positive outlook. The survey interviewed 530 tourism operators in Western Australia. When asked about the broad tourism industry, 69 per cent of operators said that they feel Western Australia is currently performing positively, and over 75 per cent of tourism operators said that they feel confident about the future of the industry over the next year. On individual business performance, the results were even more encouraging. Over 77 per cent of WA tourism operators feel positive about their current performance, and over 83 per cent feel confident about the outlook for their own businesses over the next year.

However, we want to do more to assist those whose confidence levels are not so great. Primarily, the key issues affecting confidence relate to staff availability and retention, the ability to accommodate the increase in demand, and the ability to adapt to a change in customer type and customer needs. Tourism WA is working with the industry to address these issues. These visitor survey results, combined with an industry that feels positive about the future, show that Western Australia is on the right track to date in an environment with constant challenges. The Carpenter government is continuing to invest in Western Australia’s tourism industry to ensure a strong economy that delivers jobs and opportunities for all.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION - TWENTY-SIXTH REPORT - "INQUIRY INTO THE FUTURE OPERATION OF WITNESS PROTECTION PROGRAMMES IN WESTERN AUSTRALIA"

Government Response - Statement by Minister for Police and Emergency Services

MR J.C. KOBELKE (Balcatta - Minister for Police and Emergency Services) [2.07 pm]: On 14 June 2007 the Joint Standing Committee on the Corruption and Crime Commission tabled its report entitled "Inquiry into the Future Operation of Witness Protection Programmes in Western Australia". The committee was asked to inquire into the future operation of witness protection programs in Western Australia, with particular reference to whether the Corruption and Crime Commission should perform a witness protection function, and other matters. The committee has not at present recommended the establishment of a separate witness protection program by the Corruption and Crime Commission, or transferring the witness protection unit to the commission's domain. The committee's report refers to a previous review of the witness protection program conducted by Mr Len Roberts-Smith, QC, and notes that the Western Australia Police witness security unit has made an outstanding commitment to implementing the recommendations of that review. The committee has made further recommendations about the witness protection program, but notes that this does not reflect systemic problems within the unit. After a period of consultation both within the agency and with the Department of Corrective Services, the Western Australia Police has compiled a response to the 18 recommendations contained in the report. The Western Australia Police has accepted 10 of the recommendations, accepted two conditional upon amendments, rejected three pending advice from the State Solicitor's Office, and notes that three of the recommendation should be responded to by the Department of Corrective Services. I table the Western Australia Police response and note that this response is also on behalf of the Attorney General. I give an undertaking to the house that I will be taking forward the police response.

[See paper 3110.]

QUESTIONS WITHOUT NOTICE

DANTE WYNDHAM ARTHURS

466. Ms S.E. WALKER to the Attorney General:

I refer to the case of Dante Wyndham Arthurs and the original allegation of indecently dealing with a young girl in 2003.

- (1) Was an indictment issued by the Director of Public Prosecutions in regard to that matter?
- (2) How many victims were the subject of the indecent dealing allegations?
- (3) Did Mr Arthurs confess in his video record of interview to this prior offence?
- (4) What other evidence was available to the Office of the Director of Public Prosecutions besides Mr Arthurs' video record of interview?
- (5) Will the Attorney General provide a transcript of the alleged overbearing comments made by the police on the video record of interview?
- (6) When the DPP's office filed a notice of discontinuance in relation to these charges, did the office outline its reasons to the court?

Mr J.A. McGINTY replied:

- (1)-(6) I have not seen the video, or a transcript of it, in relation to the charges that Dante Arthurs faced arising out of events in 2003. The member for Nedlands asked: did the Director of Public Prosecutions file -

Ms S.E. Walker: Are you saying you have not had a brief on this?

Mr J.A. McGINTY: Sorry?

Ms S.E. Walker: Did you say you haven't had a briefing on this?

Mr J.A. McGINTY: What I said was: "I have not seen the video". The member for Nedlands asked whether the DPP had filed -

Mr R.F. Johnson interjected.

Mr J.A. McGINTY: Or seen a transcript of it.

The member for Nedlands asked whether the DPP filed an indictment on that matter. I know that charges were laid by the police on that matter. I am not sure at exactly what point it was discontinued, but it was discontinued by the DPP on the basis that the evidence would not be admissible, in the view of the DPP.

The member for Nedlands asked how many victims there were. My understanding is that there was one.

Ms S.E. Walker: Would you provide us with that information?

Mr J.A. McGINTY: Sorry?

Ms S.E. Walker: Will the Attorney General provide us with that information; that is, whether an indictment was issued?

Mr J.A. McGINTY: I have told the member for Nedlands what I understand the situation to be.

The third question was: did he confess? As I have said, I have not seen the video or the transcript of these matters. The member for Nedlands asked what other evidence was there. This was a decision made by the DPP to discontinue that prosecution on the basis that there was insufficient evidence to be able to sustain a prosecution. The member for Nedlands asked, fifthly, about a transcript. I have not seen a transcript. That is a matter that could be directed to the DPP.

The member's final point was a notice -

Ms S.E. Walker: Of discontinuance.

Mr J.A. McGINTY: Yes, what was the question about?

Ms S.E. Walker: When the DPP's office filed a notice of discontinuance in relation to these charges, did the office outline its reasons to the court?

Mr J.A. McGINTY: I have not seen the transcript of what was said in court on that occasion, so I am not able to answer that question.

Ms S.E. Walker: Well, you've seen nothing. I'll ask you the questions again.

Mr J.A. McGINTY: I make this point: the police interviewed Dante Arthurs with an allegation that in 2003, I think it was, an indecent assault had occurred on a young girl. The police record of interview was, in the opinion of the Director of Public Prosecutions, not admissible because it was obtained under some measure of duress or vigorous questioning of Dante Arthurs at that time. Therefore, the prosecution was discontinued. Again, on this occasion, Justice Blaxell, I think two weeks ago, ruled that certain video recordings of Dante Arthurs were not admissible in the current matters with which Dante Arthurs was charged, being both sexual assault and wilful murder of young Sofia. It was an absolutely disgusting crime.

Ms S.E. Walker interjected.

The DEPUTY SPEAKER: Order, member for Nedlands!

Mr J.A. McGINTY: It was a disgusting crime at the worst end of the scale. Dante Arthurs will, as is required by law, receive a life sentence. I find it hard to believe that any Attorney General in my lifetime would ever consider Dante Arthurs fit to be released into the community.

DANTE WYNDHAM ARTHURS

467. Ms S.E. WALKER to the Attorney General:

I have a supplementary question. How long after the arrest of Dante Wyndham Arthurs in June 2006 was the Attorney General made aware that previous charges from a 2003 offence had been dropped by the Director of Public Prosecutions due to concerns about the police interview process?

Mr J.A. McGINTY replied:

Obviously, there is concern about the issue that was raised about 2003 - I think we have even discussed that in this place previously. The reason the police conduct a video interview of a suspect is to get admissible evidence to present to the court with a view to securing a conviction of someone who is guilty of crimes. Of course, it is of concern to anybody when that evidence is not admissible because of the way in which it was obtained. The police have a job to do: they interviewed vigorously - seemingly, too vigorously for the DPP on that occasion and too vigorously for Justice Blaxell on this occasion - to such an extent that the record of interview would not be admissible. I think an important point about all of this is the very important issue that Dante Arthurs will be sentenced to life imprisonment.

Mr P.D. Omodei: When did you find out?

Mr J.A. McGINTY: Sorry, but I will come back to that. Dante Arthurs will be sentenced to life imprisonment when the Supreme Court comes to sentence him during the course of the next month. That is an appropriate sentence, and I believe that it will be a very long time before anyone in his or her right mind will consider this man for release.

I am not briefed on day-to-day operational matters within the office of the DPP. The DPP has, by a law of this Parliament, a duty to conduct his affairs independently from the political arm of government. The decision to create the office of Director of Public Prosecutions in the early 1990s -

Ms S.E. Walker: When did you know?

The DEPUTY SPEAKER: Order, member for Nedlands!

Mr R.F. Johnson: It was probably when I told you.

Mr J.A. McGINTY: Most probably.

The office of DPP was created as an independent officer so that prosecutorial decisions would not be the subject of political involvement or interference, and so that the DPP would discharge his obligations in accordance with prosecution guidelines, more than at arm's length from the government of the day.

Ms S.E. Walker: When did you know?

Mr J.A. McGINTY: In terms of when I knew, I was not given a briefing at the time. The issue of Dante Arthurs arose, to my mind, only when the unfortunate, disgraceful and disgusting murder of Sofia took place a year ago. There was some earlier speculation that Dante Arthurs was somehow or other connected to the James Bulger killings. That has since been debunked by the federal justice minister at the time. I think again that was about 12 months ago. Therefore, apart from those two matters, it was not something upon which I was briefed by the DPP at the time.

The DEPUTY SPEAKER: Attorney, I draw your attention to standing order 91 in terms of the line of questioning that has just taken place, because it applies until a sentence is actually given. I do not think it is appropriate in this place for people to give opinions about what that sentence may or may not be. Therefore, I would like all members to be cognisant of that, and perhaps the Attorney General could advise the Chair in that regard, because I do not believe the sentence has been given as yet.

Mr J.A. McGINTY: Sentence has not been passed. I think the date that has been set aside for sentencing is 10 October.

Mr M.J. Birney: You are canvassing the Chair.

Mr J.A. McGINTY: No. The Deputy Speaker just asked me -

The DEPUTY SPEAKER: No, I was seeking advice.

Mr J.A. McGINTY: - for advice on this question. I am sorry, I thought the Deputy Speaker was seeking advice.

The DEPUTY SPEAKER: I was.

Mr J.A. McGINTY: My understanding is that sentencing is due on that date. However, by operation of law, for anyone who is convicted of murder, as Dante Arthurs has been, there is a mandatory sentence of life imprisonment. Therefore, there is no doubt that that will be the sentence. The only variable to be determined by the court is the non-parole period, and I may well have transgressed the non-parole period issue in the answer that I gave to that question.

The DEPUTY SPEAKER: I thank the Attorney General. I ask members to be cognisant of standing order 91 in this regard, please.

Also, while I am on my feet, I gave the member for Nedlands the courtesy of asking a supplementary question, but that does not allow her to continually interject in an unparliamentary manner. Therefore, she is called to order for the first time.

SKILLS SHORTAGE

468. Mrs J. HUGHES to the Premier:

Can the Premier please advise the house of the latest progress in addressing the skills shortage?

Mr A.J. CARPENTER replied:

I thank the member for Kingsley for the question.

We are going through a period of very strong economic growth in Western Australia, which is putting a lot of stress on the provision of physical and human infrastructure, to which the state government is responding very well, particularly in the provision of training, by changing the requirements for apprenticeships and so on. There has been a lot of response and good partnership between industry and the state to try to address the needs that have emerged for skilled and, indeed, now, unskilled labour in this state. We have had, of course, zero cooperation from the federal government. In fact, not only have we had no cooperation, but also active obstacles have been put in our way by the federal government, which has absolutely no idea of how to manage a resource-based economy in strong growth such as we are experiencing now. It has no idea of what to do. That is why it was very pleasing for us in Western Australia - any reasonable Western Australian would have been delighted - when last week Kevin Rudd announced that there would be an initiative to address the nation's skills shortages.

He has become very familiar with those issues because of his discussions with people in our government about our requirements and about the lack of response from John Howard's government. John Howard has completely and utterly failed to provide enough university places. There has been a pathetic under investment in higher education in this country in the past 10 years. Our national education and training efforts are held up for international ridicule against those of other members of the Organisation for Economic Cooperation and Development. The federal government has absolutely no concept of developing a skills base through the training institutions. In fact, as we heard from the education and training minister, the federal government has sought to put in place a ridiculous parallel system, which is producing virtually no positive result in Western Australia whatsoever.

Kevin Rudd announced that, if elected, he would create Skills Australia. I think I said in the Parliament last time I stood that there was a yawning gap in national policy in that no strategic approach is being made to the development of the national economy - none - from the current federal government. It is good to see that the alternative government is proposing one. Skills Australia would provide government with recommendations about future skill needs of the country to help prepare our workforce to meet future demands. When we have discussions with project proponents and operators, one of the key issues they seek to have addressed is the workforce issue.

Several members interjected.

Mr A.J. CARPENTER: They are fully aware that there is virtually no understanding - as is evident from the ignorant interjections we are getting today - by the opposition in Western Australia about this issue and how it should be addressed. That ignorance and lack of understanding simply reflects the same sort of lack of understanding shown by the federal government. Skills Australia will identify future skill shortages so that they might be addressed, which is not a bad idea! It is not a bad idea to have a concept of which skills we will need and how we will provide them. No ideas of that nature have been proposed at all by the current federal government.

Skills Australia will identify persistent skill shortages so that current capacity shortcomings can be overcome. It will identify barriers that prevent skill formation in areas in which persistent skill shortages exist. Again, at the moment, absolutely no acknowledgement has been made by the current federal government that that is an issue that needs addressing in a national strategic way. Skills Australia will identify industries in which retraining and up-skilling of workers may be required to prevent under-employment and skills obsolescence. In other words, how do we keep our training institutions relevant and directed towards future needs?

We on this side of the chamber and the state government of Western Australia very much welcome Kevin Rudd's initiative. There is no doubt that he is in touch with the needs of modern Australia. We do have an alternative Prime Minister who is not burnt out, who is not out of touch - or who was never in touch in the case of Peter Costello. We have a person who has some ideas about how to manage the economy.

Mr T. Buswell: You said the same about Mark Latham three years ago.

Mr A.J. CARPENTER: Heaven help us! Is there any wonder that so many people reflect upon the paucity of talent in the state opposition. Members opposite know that themselves. They are sitting there quietly now because they know it themselves. The member for Kalgoorlie knows it. They still have not figured out that they are not in government but that they are in opposition, and that when I talk about the opposition I am talking about members opposite.

Several members interjected.

Mr A.J. CARPENTER: It must be a source of constant entertainment to visitors to this Parliament to see the level of intellectual input that comes from the opposition in debate. They wave their arms around, aping animals at the zoo. That is about the best we can do.

At the moment in Australia we have a federal government that is in dire need of being put out of its misery. We have a Prime Minister who knows that his time is up. He knew it 12 months ago but could not make a move to step aside. We have an alternative government and an alternative Prime Minister that are recognising the needs of a modern Australian economy and the ordinary working people of modern Australia. I look forward to the opportunity of working in partnership and cooperation with Kevin Rudd and his government to realise the full potential of the Western Australian economy, which is not a partisan desire; it is in the interests of Australia as a whole. I congratulate the federal opposition leader, Kevin Rudd, for the proposals he has been outlining and, most recently, the Skills Australia proposal he outlined last week.

DANGEROUS SEXUAL OFFENDERS

469. Mr R.F. JOHNSON to the Attorney General:

Before I ask my question, I take this opportunity to welcome students and teachers from Sacred Heart College in Sorrento, which is in the heart of my electorate. I hope they enjoy question time, although they may not enjoy the answers!

On 19 May 2005, the Attorney General boasted that his government was working on tough legislation to lock up dangerous sexual predators to the extent that he said he would “take people who have not been accused of a crime, never have committed a crime and lock them up”.

- (1) Given that it is now more than two years later, why has the Attorney General failed to introduce the legislation?
- (2) Will the Attorney General concede that the announcement was just more talk from a government that is soft on crime and soft on criminals?

Mr J.A. McGINTY replied:

- (1)-(2) The Dangerous Sexual Offenders Act has been introduced and passed by this Parliament. There has been in the Supreme Court this year a number of cases of dangerous sex offenders who have been -

Mr R.F. Johnson: You said ones that have never committed a crime. That is what you said; I will show you the quote.

The DEPUTY SPEAKER: Order!

Mr J.A. McGINTY: There have been people locked up - the first of those was a year ago - beyond the date upon which the sentence for which they were sent to jail expired. There has also been a number of other people dealt with by and who are subject to community supervision orders. They are classified as dangerous sex offenders. There has been in recent times - the member may have noticed a reference to this in the *Sunday Times* two weeks ago - some disagreement in the courts about how to handle two particular sex offenders. One was a gentleman whose name I should not mention because he is still to go before the court upon further sexual offences for which he was charged after he was released by the Supreme Court in the Kalumburu area. He has since been charged with further sex offences. There was somebody else who the Supreme Court concluded was a dangerous sex offender and who represented a significant danger to the community, but who was nonetheless released by the court. We appealed that decision and a bit over two weeks ago were successful in having that decision reversed by the Supreme Court. The Dangerous Sexual Offenders Act is there to protect the public of Western Australia against what we know, which is that, unfortunately, many sex offenders are repeat offenders and will always be repeat offenders. We wanted to take a proactive step in protecting the entire community from these people and we therefore brought in legislation to give courts the power to keep them in prison or to be the subject of a community supervision order once they had completed their sentence and done their time for the original offence they had committed.

DANGEROUS SEXUAL OFFENDERS

470. Mr R.F. JOHNSON to the Attorney General:

I have a supplementary question. Does the Attorney General therefore concede that the comment he made to “take people who have not been accused of a crime, never have committed a crime and lock them up” is in reference to the legislation he brought into this Parliament, which is contrary to what he has said in his quote?

Mr J.A. McGINTY replied:

I can only repeat that, in answer to the supplementary question, the Dangerous Sexual Offenders Act is well known to all members of this Parliament as being tough legislation that deals with people once they have done their time for the offence they have committed. It was brought into the Parliament and it is now being implemented in Western Australia.

NATIONAL DENTAL HEALTH PLAN

471. Mr A.D. McRAE to the Minister for Health:

What will federal Labor’s plan to introduce a national dental health plan mean for Western Australia?

Mr J.A. McGINTY replied:

May I say how delighted I was to not only -
Several members interjected.

The DEPUTY SPEAKER: Order! The minister has only just risen to his feet and, all of a sudden, I have a wall of sound coming at me from members on my left. That is very unparliamentary and I do not wish to call the whole bench to order.

Mr J.A. McGINTY: I was delighted not only that the member for Riverton asked me the question, but also to hear this morning a major announcement by Kevin Rudd that he would reinstitute the commonwealth dental scheme, which was abolished by John Howard 11 years ago. In 1996, not long after John Howard came to government, he abolished the commonwealth dental scheme. Since that time the number of mainly low-income, elderly Australians who have been waiting for dental care has blown out to an estimated 650 000 people

nationally. It is a national disgrace. The announcement today by Kevin Rudd that he would re-institute the commonwealth dental scheme to provide \$290 million to enable one million consultations for people who need dental care or access to dental care is like a breath of fresh air.

Mr P.D. Omodei: Wasn't your \$2 000 million surplus enough?

Mr J.A. McGINTY: John Howard and the Liberal Party cut the funding, and that has resulted in 650 000 mainly low-income, elderly Australians on the waiting list for dental care. Western Australia has well and truly led the nation. To make up for that shortfall as a result of John Howard's meanness of spirit, this government has injected additional moneys into public dental care in Western Australia to the extent that we have the shortest dental waiting list in the country. On a per capita basis, if there are 650 000 people on dental waiting lists nationally, it could be expected that the Western Australian waiting list for dental care would have about 65 000 people on it. At the end of last month, there were 13 000 people on that list. That is still too many, but it compares very favourably with the 180 000 people waiting for dental care in Queensland, the 181 000 people waiting for dental care in New South Wales and the 128 000 people on the dental care waiting list in Victoria. Our figure of 13 000 people is directly attributable to the foresight this government had in putting in money to make up for John Howard's meanness.

On a per capita basis, Western Australia can expect \$9.7 million per annum for the duration of this program. That would permit an extra 30 000 patients each year to be treated under existing state programs. That will do away with waitlists for dental care in Western Australia, and that will be an amazing achievement. I congratulate Kevin Rudd for having the foresight and the compassion to recognise the needs of these people whom John Howard turned his back on 11 years ago. In Western Australia, this will give us the ability to turn to preventive services and change the service mix. Rather than simply responding to emergencies, we will be able to do more, including pay public dentists a lot more and engage in preventive treatment and activities to ensure the oral health of the entire population.

The other very important and great success in Western Australia is the country patients dental subsidy scheme and the metropolitan patients dental subsidy scheme. Both these schemes enable the state to make direct payments to private dentists to care for public patients. Therefore, we have a mix of utilising the private sector and providing direct dental care through our public dental clinics. Western Australian public dental programs lead the nation, and the funds committed by Kevin Rudd will raise the service provided to a level not enjoyed since 1996, when John Howard closed the commonwealth dental health program. It will also be very important in country areas. There are two hot spots for dental waiting lists: one is Bunbury and the other is Busselton. We will be opening a new public dental clinic in Bunbury in the next few months, which will enable us to address the issue even more so. However, I very much welcome this injection of funds and I wish that the Liberal Party was as generous of spirit in its care of elderly people who need public dental care. The only thing that we have seen from the Liberals is a slashing of funding when John Howard abolished the commonwealth dental scheme 11 years ago.

TEACHER SHORTAGE

472. **Mr P.D. OMODEI to the Minister for Education and Training:**

Madam Deputy Speaker, firstly, I welcome to the Parliament students from Nannup District High School, a wonderful place, and students from the Ocean Forest Lutheran College in Dalyellup.

I refer to the minister's claim that the current teacher shortage in Western Australian public schools remains at around 60. Can the minister confirm that the teacher shortage is actually much higher than this number, and that the real figure has been artificially reduced by principals and deputy principals being forced back into the classroom and by existing teachers being forced to combine classes and teach unfamiliar subjects?

Mr M. McGOWAN replied:

I thank the Leader of the Opposition for the question. The advice I have from the Department of Education and Training is that the shortage of teachers is roughly 60 around the state. To put that in context, we have employed 1 300 additional teachers since we have been in office - 1 300 more than were there before this government took office. That has meant that we have been able to put in place class size reduction programs, behaviour management discipline programs, and a range of support mechanisms for teachers in public schools around the state, as well as 2 000 additional aides. The services and support available to children in public schools around Western Australia have never been better. That is the truth of the matter.

There is a shortage of teachers, and the advice I have is that the number is 60. It has been common practice throughout our education system for the past 175 years that, at times, people who are doing administrative tasks may well go back into the classroom, and that is good and sensible. At the moment the department is encouraging people who may well be undertaking administrative roles to go back into the classroom. Does the Leader of the Opposition oppose that?

Mr P.D. Omodei: Who runs the schools? Principals and deputy principals.

Mr M. McGOWAN: Principals and deputy principals in private and public schools around Western Australia often have been required to teach. That is the truth. Do members opposite think this is an amazing situation that has just developed? If I looked at the figures when the opposition was in government, I would find that principals and deputy principals had been in classrooms teaching. It is normal for people in administrative roles to go into the classroom. If that is required to make sure that our education system works well, I support it.

TEACHER SHORTAGE

473. Mr P.D. OMODEI to the Minister for Education and Training:

I have a supplementary question. How many secondary school teachers are currently teaching subjects for which they have no formal qualifications or experience?

Mr M. McGOWAN replied:

I am advised it is very few. Members might often find that somebody who is a history or English teacher teaches a subject called society and environment. What is unusual about that? Somebody trained as an English teacher might teach law and politics. Somebody who is trained as a physics and chemistry teacher might occasionally take a class in maths. Did that not happen when the opposition was in office?

Mr P.D. Omodei: It is happening at an exceedingly greater rate now; much more than ever before.

Mr M. McGOWAN: It is absolutely normal that teachers undertake a range of tasks.

Mr P.D. Omodei: We know that your figures are not true because we get reports every day about the shortage of teachers.

Mr M. McGOWAN: I have the expert on education here - the Leader of the Opposition. He is a person who, as we can well tell, is an expert on education. He knows a lot about it.

Mr T. Buswell: Did you get an implant when you were in the Navy?

Several members interjected.

Mr M. McGOWAN: We have the very brave Deputy Leader of the Opposition opposite. He has always been there on the front line. We saw his job application the other day in the *Sunday Times*. He is so brave that he stabs the member for Kalgoorlie in the back. He is so brave that he is now, through his job application, stabbing the Leader of the Opposition in the back. He is a very brave man. Back to the question. What was it again?

Several members interjected.

Mr M. McGOWAN: Let me go back to the beginning.

The DEPUTY SPEAKER: Unfortunately for the members for Murdoch and Vasse, it was not their question. Member for Murdoch, in your instance you interjected before the minister had even got to his feet. Member for Vasse, it was not your question and I do not think that your leader particularly needs your assistance. You are both called to order for the first time.

BUSINESS INVESTMENT GROWTH

474. Mr R.C. KUCERA to the Minister for State Development:

I take this opportunity to thank Chris Judd for the six years of joy he gave us while playing for the Eagles and I wish him all the best.

Several members interjected.

Mr R.C. KUCERA: Would the minister outline the massive growth in business investment in Western Australia and explain what the government is doing to ensure that our state's long-term future is secure?

Mr E.S. RIPPER replied:

I thank the member for Yokine very much for his question. He, at least, is in touch with the massive level of business investment that is occurring in this state and that is powering ahead our economic growth. I was pleased to see confirmation of that level of business investment in *Western Australian BusinessNews*, in the edition that was published on my birthday. On the front page of that edition was indeed a birthday present: "A record 38 major resource and infrastructure projects worth \$49 billion currently underway in Western Australia", says *BusinessNews*. What a good headline to read! It is good to see that on this side of the house, everyone is aware of the level of business investment that we are experiencing - \$105 billion of business investment in the past five years, and \$142 billion worth of projects under consideration. However, that awareness has apparently arrived on the other side of the house only recently.

Recently, the Leader of the Opposition was interviewed by Russell Woolf about his “little tour up north”, to use Russell Woolf’s words, and he said -

... it’s now about the third or fourth time I’ve been up and had a look. So it’s starting to sink in, Russell.

It is starting to sink in! The economy is now 80 per cent bigger than when the Leader of the Opposition was a member of the Court cabinet, and it is just starting to sink in! Well, unfortunately, that attitude on the Liberal side of politics is not confined to Western Australia. It is also an attitude that we find in the federal government. Peter Costello gets seven times more from a standard resource project than the government of Western Australia gets. Peter Costello gets \$5 billion of his budget surplus from Western Australia. However, he invests that \$5 billion surplus, which is generated in Western Australia, not in the most prosperous and most prolific exporting state, but in the slower growing states. The federal government does not invest very much in infrastructure at all, even despite that \$5 billion subsidy from Western Australia to the rest of the country. The federal government’s investment in infrastructure nationally is \$317 per capita. The government of Western Australia’s investment in infrastructure in this state is \$2 154 per capita. Compare those figures: \$317 per capita from Peter Costello for infrastructure to keep the growth going, \$2 154 per capita from the state of Western Australia. The commonwealth is missing in action when it comes to keeping the growth going in Western Australia. It takes the cash and spends it elsewhere. It does not reinvest it in this state. The commonwealth does not listen to our arguments about our share of our growth. It does not understand that Western Australians know that they are not getting a fair share of the economic development that is taking place in this state. However, Kevin Rudd does know. Kevin Rudd has listened. That is why the federal opposition has promised that 25 per cent of the Gorgon royalties will be put into a dedicated Western Australian infrastructure fund. The total amount that will go into that fund will be \$100 million a year for 30 years. That is a pretty sizeable commitment to Western Australia from the federal opposition. That is recognition that Western Australia is providing 35 per cent of the nation’s exports. That is recognition of the validity of reinvesting that money in the most prosperous and prolific state in terms of exports. The federal opposition has understood and has listened. Out-of-touch John Howard and out-of-touch Peter Costello have not.

WESTERN POWER - DISTRIBUTION HEADWORKS SCHEME

475. Mr D.T. REDMAN to the Minister for Energy:

I refer the minister to his distribution headworks scheme, which was recently released for public comment.

- (1) Is the minister aware that a recent quote for power to be connected to a new car wash in Denmark includes a headworks charge of \$28 000 on top of the usual connection costs?
- (2) Is the minister aware that if the Supa IGA store in Denmark was to connect to power today under the new headworks scheme, it would have to pay more than \$600 000 in headworks charges?
- (3) Is the minister aware that examples like these will be repeated right across regional Western Australia in areas which are serviced by the south west interconnected system and which are further than 25 kilometres from a substation?
- (4) Does the minister believe that these exorbitant costs are fair and reasonable and should be shouldered by our regional small businesses?

Mr F.M. LOGAN replied:

- (1)-(4) I thank the member for his question. I am aware of the issue of the cost of connecting power to the car wash because it was brought to my attention this week. The \$28 000 contribution is specifically for the headworks and the capital contribution that it needs to make. The member should bear in mind the amount the business would be paying had this headworks charge not been in place; it would probably run into the hundreds of thousands of dollars.

Several members interjected.

Mr F.M. LOGAN: That is exactly what would have occurred. I am unaware of the issue regarding the IGA store, but I will find out more about it on the member’s behalf. I certainly am aware of another development in Denmark that was brought to my attention only today concerning the proposal for the Ocean Beach Caravan Park, which the member also could have used as an example and which has a significant cost associated with it. That may go to the actual cost of connecting a significant number of houses that may appear on that site. Nevertheless, the size of that headworks charge also concerns me and I will raise that matter with Western Power. Despite some of the issues that have been raised by the member for Stirling with respect to headworks, I add that it is not all doom and gloom. The member for Capel is a very strong supporter of our headworks charge and our proposition.

Dr S.C. Thomas: I am?

Mr F.M. LOGAN: He is a very strong supporter of it because he used my press release in its entirety and he just changed the name on the top of the press release to his own and had it published in two newspapers in the south west, one of which was the *Collie Mail*.

Dr S.C. Thomas interjected.

Mr F.M. LOGAN: Member for Capel, I have no problems whatsoever. He knows what they say about plagiarism.

Dr S.C. Thomas: Tell the truth.

Mr F.M. LOGAN: Please, in future, use my press releases.

TEACHER SHORTAGE

476. Ms J.A. RADISICH to the Minister for Education and Training:

I have been thinking about this question and I am very glad to ask it of the Minister for Education and Training. I refer the minister to his call for a national approach to the teacher shortage. What has been the response from the federal government to that approach?

Mr M. McGOWAN replied:

I thank the member for Swan Hills for the question. Last week I wrote to the federal Minister for Education, Science and Training about a very important issue; that is, the future of teaching in Australia. I raised with her the fact that we need a national approach to this issue because what is happening in Western Australia will no doubt happen in other states in the future. There will not be enough teachers to cater for our needs in the future. Over the past three or four years in Western Australia there has been a 30 per cent reduction in the number of people who have applied to study teaching at university. The universities, of course, are the responsibility of the commonwealth. Therefore, I suggested to the commonwealth minister that we should adopt a national approach on this issue. This is a matter for which the federal government should take some responsibility. I suggested two courses of action. The first was to do what was done in Britain 10 or so years ago when the British government set up a teacher development agency, which was designed to promote the morale and status of the profession. A national advertising campaign in Britain promotes people taking up teaching at university. I suggested to the federal minister that that should be done at the national level. The state is already doing that. We do not want to recruit teachers from the other states and cause greater problems there. However, we will continue to recruit from other states, but the federal government can come up with a national approach to increase the pool.

The second thing I have suggested to the federal Minister for Education, Science and Training is that she could also alleviate the higher education contribution scheme burden on teachers leaving university who are prepared to go to a country location. That is a very sensible measure that the commonwealth could take. I have suggested that measure to her a number of times, and indeed it got some air time in the press the other day. I raised the issue, the federal minister responded on GWN news, and this is what she had to say -

If Mr McGowan believes that it is the HECS debt that is the problem, then as the employer of these students, he could offer to pay their HECS debt.

Dr G.G. Jacobs: Sounds good. Why not?

Mr M. McGOWAN: Does the member for Roe want to know why not? If we paid a \$5 000 HECS debt for a student going to a country location - such as the member for Roe's electorate - the fringe benefits tax on that would be \$4 346. Therefore, if we paid \$5 000, it would cost us \$9 346. It would virtually double the cost for us to do that.

Dr G.G. Jacobs: It would be cheaper in the long run.

Mr M. McGOWAN: The member for Roe is supporting the state spending \$2 to alleviate \$1 of debt in order to provide Peter Costello with additional revenue.

Mr T. Buswell interjected.

The DEPUTY SPEAKER: Order!

Mr M. McGOWAN: We would therefore have to pay twice to do this. I suggest that the commonwealth government take a leaf out of the federal opposition's book, which suggested that these sorts of techniques should be put in place to alleviate the teacher shortage. However, we will not provide Peter Costello with \$10 000 to alleviate a \$5 000 debt, Madam Deputy Speaker.

The DEPUTY SPEAKER: The interjections of the members for Vasse and Roe are very unruly and certainly do not assist the job of the Hansard staff as they try to record the proceedings of this place. Therefore, the member for Vasse is called to order for the second time and the member for Roe for the first time.

ALCOHOL ACCORD

477. Dr J.M. WOOLLARD to the Treasurer representing the Minister for Racing and Gaming:

- (1) What steps has the government taken to encourage the implementation of an alcohol accord in conjunction with Indigenous groups, community groups, liquor outlets and local police at each of the following areas: Fitzroy Crossing, Halls Creek, Kununurra, Kalgoorlie, and other regional areas with alcohol problems?
- (2) If none, why has the accord currently in place at Newman not been used as a guide for alcohol service restrictions in other regions?
- (3) What statistics are available that show a decrease in alcohol-related offences, such as domestic violence, drunkenness and assault, is the result of an alcohol accord being in place?

Mr E.S. RIPPER replied:

The Minister for Racing and Gaming has provided me with the following answer -

The detailed information required to answer this question could not be collated within the time available, and I ask the member to put the question on notice.

FINES ENFORCEMENT SYSTEM

478. Mr T. BUSWELL to the Premier:

Given that the government has paid \$15 000 to its former rising star, the member for Ballajura, and given that the fines enforcement system is completely dysfunctional, with more than 170 000 fines outstanding at a value of \$207 million, I ask -

- (1) Why did the government make this payment?
- (2) How can the Premier justify making this payment, given the member for Ballajura's traffic offences?
- (3) Will the Premier consider compensation for, or overturn the fines of, all Western Australians who have suffered the same fate as the former police minister under the government's dysfunctional licensing system?

Mr A.J. CARPENTER replied:

- (1)-(3) I thank the member for the question, and reject the ridiculous assertion he makes in the question. It is a pity that we have such a lowbrow approach to issues that are of some interest, but that is typical of the hopeless approach that the member for Vasse takes to just about everything. The state conceded the appeal. The Solicitor-General -

Mr T. Buswell: interjected.

The DEPUTY SPEAKER: Order, member for Vasse!

Mr A.J. CARPENTER: The state conceded the appeal.

Mr T.R. Sprigg: interjected.

The DEPUTY SPEAKER: Order, member for Murdoch!

Mr A.J. CARPENTER: The state conceded the appeal. The Solicitor-General negotiated the payment, which I am advised was part coverage of the member's costs.

Several members interjected.

The DEPUTY SPEAKER: Members, I am on my feet. I would suggest that perhaps some people in this place are hard of hearing today. That particularly seems to apply to the member for Murdoch and the member for Vasse. I suggest they read the standing orders so that they understand about making interjections in an appropriate way. For disorderly conduct, both members are called to order again.

FINES ENFORCEMENT SYSTEM

479. Mr T. BUSWELL to the Premier:

Supplementary, Deputy Speaker.

The DEPUTY SPEAKER: The member for Vasse is pushing his luck. Member for Vasse.

MR T. BUSWELL: Thank you very much. Will the Premier consider compensation for, or overturn the fines of, all other Western Australians who have suffered the same fate as the former Minister for Police?

Mr A.J. CARPENTER replied:

Good question. Listen to my answer. The government did not sit down and make a political decision to make the payment, in part, of costs. It was not a decision on our behalf to compensate. The member of Parliament lodged an appeal, the appeal was eventually conceded, there were some costs associated with the appeal, and the Solicitor-General negotiated the outcome.

WATER PROJECT FUNDING

480. Mr P.B. WATSON to the Minister for Water Resources:

Western Australia submitted 15 projects under the Water Smart Australia -
Several members interjected.

The DEPUTY SPEAKER: Perhaps members would like to allow the member on his feet to ask his question, otherwise this will be the end of question time.

Mr P.B. WATSON: I will start again, and I will congratulate Collingwood on its recent win!

Western Australia submitted 15 projects under the Water Smart Australia and Raising National Water Standards programs, requesting some \$117 million from the commonwealth's Water Smart Australia program in June 2006. Can the minister please outline what progress Western Australia has made in attaining water project funds from the commonwealth?

Mr J.C. KOBELKE replied:

I thank the member for some notice of his question, but not for his little statement at the start!

The National Water Initiative has \$2 billion of Australian government money in the water fund. Western Australia joined in April 2006 and thought that, by joining, WA would get at least a fair share compared with the other states. In fact, WA has received only \$37.6 million. That funding went to the Town of Cottesloe, to the Water Corporation for a reverse osmosis project, to the Department of Water for planning and to the Armadale Redevelopment Authority. When we compare that \$2 billion with the Water Smart funding received by other states - New South Wales has received \$196 million; Victoria, \$244 million; Queensland, \$525 million - clearly, WA has not received its share. What is totally unacceptable is that Prime Minister Howard, Minister Turnbull and other members of the federal government go around Australia lauding projects in WA that the state government put in applications for but did not receive funding for. The Harvey Water trade has been recognised on numerous occasions by members of the Howard government as a leading Australian project for the transfer of irrigation water into drinking water. The state government applied for funding. The federal Leader of the Opposition, Kevin Rudd, said that he would fund the project, so if he is elected, it will be funded, but the Howard government will not fund it. The Gascoyne irrigation project was on the list because it is a very efficient irrigation area, and extra money would have expanded its area and efficiency. The same sorts of projects in other parts of Australia are being funded, but how much did we get out of the Howard government? Not a penny! Yet federal ministers come over here, go around WA, and laud - as they should - the Gascoyne irrigation project as being an outstanding project in Australia, but they give no money to it. Time and time again, WA receives well below what should be our share of the Howard government funding. It is about time we had a government in Canberra that saw the interests of WA as representing the interests of the nation, and gave WA a fair share of water project funding.

MENTAL HEALTH STAFF - SAFETY

481. Dr K.D. HAMES to the Minister for Health:

I refer to the very sad stabbing of a nurse by a psychiatric outpatient in a car park of the community forensic mental health clinic in East Perth yesterday.

- (1) How can the minister guarantee the safety of mental health staff inside and outside their places of work?
- (2) In light of the minister's comment this morning that it is up to the Department of Health to look after the safety of all its staff, will he, as minister, take responsibility for the safety of all staff under his care, instead of passing the buck on to the Department of Health?
- (3) Given that the opposition and the Australian Nursing Federation have been calling for better security for nurses in parking areas for years, will the minister now treat this matter as urgent?

Mr J.A. McGINTY replied:

- (1)-(3) In reply to the second part of the question, as Minister for Health, of course I accept responsibility for what the Department of Health does. It is absurd to suggest otherwise. Following the tragic bashing of nurse Debbie Freeman at the Swan Health Service mental health unit in 2004, there was a whole-of-health system analysis of what needed to be done to improve the security of mental health staff. We all

appreciate that when dealing with mental health patients, particularly those at an acute stage of their illness, there is unpredictability and even danger associated with that. My job, and the job of the Department of Health, is to minimise that danger. We spent millions of dollars going through every aspect of the design of buildings. We made sure that there were two exits from rooms in which interviews were being conducted, that duress alarms were installed and that there was staff training, particularly in aggression management and how to deal with these difficult situations. There was a very significant system-wide -

Dr K.D. Hames: The question related to outside the clinic.

Mr J.A. McGINTY: I am just going to explain what happened. We took very seriously the bashing of Debbie Freeman. We have invested a total of \$7 million. We have been unable to extract how much of that was for safety, but that was for staff-related matters flowing out of that issue. Some of it might have been for more staff to ensure safer arrangements. A host of reforms were carried out at the time, which were thought to address the key safety issues for mental health staff. This issue, the very sad - I agree with the member's word "tragic" - attack on a mental health nurse in East Perth is something for which I have said to the Department of Health I want a full review in the context of what more we can do to protect the staff, because we must not accept that assaults, and particularly criminal assaults of this nature, are inevitable. We will certainly be prosecuting to the full extent of the law any assault on any member of health staff, particularly those involved with mental health patients. We will do everything that we can. We are happy to take on board any suggestions for further improvement on top of the millions of dollars of improvements that were made to every aspect of mental health care following the tragic bashing of Debbie Freeman.

MENTAL HEALTH STAFF - SAFETY

482. **Dr K.D. HAMES to the Minister for Health**

As a supplementary question, is the minister aware that the opposition and the ANF, in particular, have been calling for increased security for all nursing staff walking to and from car parks, where they often have to walk late at night to access their vehicles?

Mr J.A. McGINTY replied:

Yes, and that is an issue that is receiving due consideration.

MEMBER FOR BALLAJURA

Traffic Infringement Notices - Personal Explanation

MR J.B. D'ORAZIO (Ballajura) [3.03 pm]: I would like to make a personal explanation to the Parliament.

Leave granted.

Mr J.B. D'ORAZIO: I would like to report to Parliament on the ongoing saga of the member for Ballajura versus the Fines Enforcement Registry. In August 2005, I received a traffic infringement notice for driving at 67 kilometres an hour. I was handed the infringement notice by a police officer at the side of the road. I provided my correct address of 137 Leake Street, Bayswater, as required under the Road Traffic Act. The address was recorded on the infringement notice. On or about 27 September 2005, I posted a cheque for the infringement notice to the payment centre. On 25 October, I received a traffic infringement notice for exceeding the speed limit by between 10 and 19 kilometres an hour. I was handed the infringement notice by a police officer at the side of the road. I provided my correct address of 137 Leake Street, Bayswater, as required under the Road Traffic Act. The address was recorded on the infringement notice. On 22 November, I gave my wife a cheque to pay for this at the Morley Post Office. She was, however, informed that the payment was one day late and could not be accepted. She was advised to wait until the next notice, which was required to be sent by law. I did not receive any further notice in relation to these fines. Both these fines were as a result of infringements issued by a police officer in person at the side of the road. They were not Multanova fines or traffic-light camera fines.

On 24 April 2006, an item of mail from the Fines Enforcement Registry, addressed to me at my old address of 8 Forster Way, Noranda, was handed in at my electorate office in the Centro Galleria shopping centre, Morley, by the current resident of 8 Forster Way. He had written on the envelope words to the effect "RTS - told you before, does not live here". I had not lived at Forster Way since February 2002. The notice purported to suspend my licence effective 13 April 2006 for non-payment of traffic infringement E459832 relating to the speeding offence committed on 25 October 2005. Within hours of receiving this notice, payment was made by my wife. She checked to see whether I had any other outstanding matters with the Fines Enforcement Registry. She was informed that a separate fine suspension of my driver's licence was in place effective 22 February. It related to a speeding offence that was committed on 31 August, the fine that I believed had been paid. This fine was also paid on 24 April 2006. On 25 April 2006, I attended the FER and spoke to the acting registrar, Mr Geoff Watson. I explained the circumstances to him - that my licence had been suspended illegally - and

requested that the suspension orders be rescinded. Section 5(2) of the Fines, Penalties and Infringement Notices Enforcement Act 1994 states -

A document issued under this Act may be served by post on a person by properly addressing and posting it by pre-paid post as a letter to the person at the person's last known address.

Section 5(4) reads -

In the absence of an address for a person from other sources, a person's last known address may be taken to be the person's current address shown in the records of the Director General.

All notices were sent to Noranda, even though my current and correct address was shown on the infringement notice, which was clearly contrary to the act. The acting registrar advised that the orders could be cancelled if there was a good reason to do so as provided in the relevant legislation. He indicated that there was good reason in my case and requested that I leave him copies of the relevant documents to support my position. He advised me that, because of who I was, he would write to me to confirm the cancellation of that order after he had crossed the t's and dotted the i's.

On 4 May 2006, I received a letter from the FER stating that my licence suspension would not be rescinded. On 7 May 2006, I swore an affidavit before a justice of the peace, which included all the facts that I outlined above. On 8 May 2006, Justice Templeman held an emergency hearing in the Supreme Court and all the evidence was presented. The matter was adjourned. On 23 May 2006, Justice Hasluck ruled that the state had a case to answer in relation to my fine suspension. Given that my case could affect thousands of Western Australian residents, he referred the matter to the Court of Appeal to be heard before three justices. On 29 June, the State Solicitor officially conceded that the procedures used by the registrar were incorrect and illegal and that at no time had I driven while under suspension. Laura Christian, assistant state counsel, wrote a letter on 7 July 2006. It reads -

In our view, the consequence of the invalidity of the licence suspension orders is that they were invalid from the time they were made and for all purposes. Therefore, they can be treated as if they were never made in the first place.

That was some comfort for me! It continues -

Further, he -

That is, the Acting Registrar -

has notified the Department of Planning and Infrastructure of the steps he has taken and of the consequence that your client's licence was never suspended.

My legal counsel questioned the power of the registrar to retrospectively amend one's records. The matter was listed for a full hearing. The State Solicitor argued that the registrar has that power and stated that my records have been amended. Last Friday, 14 September, I was awarded \$15 000 compensation in lieu of costs from the state government. The matter has been terminated. I have never had my licence suspended, nor have I driven without a licence. This matter is now at an end. As members may be aware from the history of this saga, it has been a painful period for me.

DAM WATER STORAGE LICENCE FEES

Petition

DR S.C. THOMAS (Capel) [3.08 pm]: I present the following petition -

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

We, the undersigned, say that the Government's proposal to charge annual license fees for dams in the horticultural areas of the south west of Western Australia amount to a tax on water.

Now we ask the Legislative Assembly to examine the Government's proposal and remove volumetric fees for water storage on farms. Further we ask that the Assembly examine whether the proposed fees truly reflect the costs of managing the affected water catchments.

The petition bears 425 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

[See petition 242.]

LOGGING TRUCKS - SOUTH WESTERN HIGHWAY

Petition

DR S.C. THOMAS (Capel) [3.09 pm]: I present the following petition -

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

We the undersigned residents of Western Australia are extremely concerned that logging trucks are still being used on South Western Highway to move the logs from the Southwest to Bunbury.

We now ask the Legislative Assembly to ensure that reopening of the Railway Line between Greenbushes and Bunbury occurs as promised within the last election campaign.

The petition bears 195 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

[See petition 243.]

DAYLIGHT SAVING - REFERENDUM

Petition

DR J.M. EDWARDS (Maylands) [3.10 pm]: I present the following petition -

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

We, the undersigned, say that we are strongly opposed to the introduction of Daylight Saving to Western Australia. Furthermore, we request that a referendum be held before 31 October 2007 so that a democratic decision can be reached.

The petition bears 300 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

[See petition 244.]

FALUN GONG

Petition

MR R.C. KUCERA (Yokine) [3.11 pm]: I present the following petition -

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

We, the undersigned, say, we support the **Coalition to Investigate the Persecution of Falun Gong (CIPFG)** to investigate the alleged forced organ harvesting allegations and the illegal detention of Falun Gong Practitioners in detention centers, labor camps, prisons and hospitals.

The petition bears 509 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

[See petition 245.]

PAPERS TABLED

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

EDUCATION AND HEALTH STANDING COMMITTEE

Appointment of Member for Peel - Notice of Motion

Mr J.C. Kobelke (Leader of the House) gave notice that at the next sitting of the house he would move -

That, in accordance with standing order 249(3), the appointment by the Speaker on 7 September 2007 of the member for Peel to the Education and Health Standing Committee to fill the vacancy caused by the member for Wanneroo's resignation is confirmed.

PERTH-MANDURAH RAILWAY AND ROE HIGHWAY STAGE 7 - WORLD HEALTH ORGANIZATION NOISE PARAMETERS

Notice of Motion

Mr T.R. Sprigg gave notice that at the next sitting of the house he would move -

That this house condemns the Labor government for ignoring World Health Organization noise parameters when building the Perth-Mandurah railway, Roe Highway stage 7 and various other roadworks in the south eastern suburbs, thereby putting the health of residents at risk.

POWER CONNECTIONS - DISTRIBUTION HEADWORKS SCHEME

Notice of Motion

Mr D.T. Redman gave notice that at the next sitting of the house he would move -

That this house condemns the Minister for Energy for implementing a "tax on geography" under the guise of the distribution headworks scheme for new and upgraded power connections in regional areas, and -

- (a) calls on the minister to acknowledge that the terms of this scheme, in which regional small businesses will pay tens of thousands of dollars for new connections, will be a disaster for the future of business development in country Western Australia; and
- (b) calls on the minister to acknowledge that the state government has a responsibility to provide backbone power infrastructure in regional areas, and that distribution infrastructure in the south west interconnected system should be fully funded through community service obligation support from government.

WATER REFORM - DOMESTIC BORES AND WATER LICENSING FEES

Notice of Motion

Mr D.T. Redman gave notice that at the next sitting of the house he would move -

That this house calls on the state government to show consistency and equity across its water reform agenda by -

- (a) licensing the 165 000 domestic bores in Perth; and
- (b) charging a flat annual fee across all categories of licence holders to recover the administrative costs associated with water licensing.

PROSTITUTION - SUBURBAN BROTHELS

Matter of Public Interest

THE ACTING SPEAKER (Mr P.B. Watson): Today I received within the prescribed time a letter from the Leader of the Opposition calling for debate on the following motion -

That this house condemns the Labor government's plans to encourage the proliferation of brothels in our suburbs.

The matter appears to me to be in order, and if at least five members will stand in support of the matter being discussed, the matter can proceed.

[At least five members rose in their places.]

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [3.15 pm]: Mr Acting Speaker, I move -

That this house condemns the Labor government's plans to encourage the proliferation of brothels in our suburbs.

This morning members of the Liberal Party met and determined the Liberal Party's position on the Labor government's proposal for the prostitution industry. The position of our party on this issue is very clear: we will oppose the Labor Party's plans for the prostitution industry in Western Australia; we will oppose the Labor party's attempts to abrogate its responsibilities by forcing local governments to manage the prostitution industry; we will oppose the Labor Party's attempts to legalise the exploitation of women; and we will oppose the Labor Party's attempts to allow brothels in our suburbs.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr P.D. OMODEI: This legislation typifies what is wrong with the Labor government. It shows Labor's priorities and where the power lies within the Labor Party. The Labor Party proposes to create a career path for prostitutes and to sanction brothels, which will seriously affect the health and wellbeing of young women and men in our society. It will enhance the proliferation of drugs and money laundering, and the trafficking of drugs and women.

No-one has come to my door pleading for prostitution to be legalised. No-one has been marching in the streets demanding that we allow more brothels around our homes and schools, so whose idea is this? Who is pushing for the legalisation of prostitution? Who controls the government's agenda on these matters? Who pulls the strings in the Labor Party? We all know the simple answer. We all know it is the member for Fremantle - the Attorney General and Minister for Health. Members of the Labor Party have bowed down before him and acknowledged what he is doing. Surely there must be more pressing issues for the government to address. Why is the legalisation of prostitution a priority for the minister responsible for the health crisis? We heard today about more ambulance bypasses last night. We have massive waiting lists for surgery, and doctors are warning that people are dying because of the way we run our health system. What is the minister doing? He is trying to legalise prostitution. He is trying to introduce legislation that will allow brothels in our suburbs. It is a disgrace. Where are the voices from the Labor Party demanding action on our health crisis? They are silent. They bow

down before the puppeteer, too scared to speak out about the crisis in our hospitals. They deserve to be condemned for their silence.

Why is the legalisation of prostitution a priority for the minister who is responsible for the crime crisis on our streets? A record number of violent assaults has occurred across the state. We have the highest acquittal rate of all the states for serious criminal offences. Unbelievably, the Director of Public Prosecutions is forced to make a public plea for funding so that he can lock up criminals. The Victorian example illustrates that legalised prostitution increases problems such as child prostitution and the trafficking of women by big business. Trafficked women and children are kept in conditions of slavery, and trafficking has increased to supply the new brothels. Bikies, providers and pimps have been redefined as newly respectable sex businessmen. Child prostitution has increased in Victoria since legalisation. Before legalisation, there were 50 brothels. Since legalisation, there are now 400 illegal brothels and 100 legal brothels. Legalised prostitution contributes to the breakdown of family life and values. Each week, 60 000 Victorian men spend \$7 million on prostitution. That is \$360 million a year on 4 500 prostituted men, women and girls.

In New South Wales in 1995 brothels were decriminalised, and brothel numbers in Sydney tripled to 400 to 500 by mid-1999. The vast majority are not licensed. An out-of-control industry encourages a huge industry in the trafficking of Asian women. The overwhelming majority of prostitutes are drug users, work to support a drug habit or use drugs to cope with physical pain and the damage to self-esteem caused by prostitution. The mortality rates for girls and women engaged in prostitution are 40 times higher than the national average. The opposition views prostitution as violence against women. It makes no sense to legalise it. The practice will not change just because the legislation does. It is well known that prostitutes in legal brothels pay 50 to 60 per cent of their earnings to managers and owners.

I am very concerned about what the government is proposing under this legislation. Although local government has been consulted, it will not be able to control what will happen in our suburbs. It is not a democratic government at the moment; it is a dictatorship. The Attorney General has a program of social reform that will be a legacy of this Labor government for many years. This will be the Labor government's prostitution industry. It will be Labor that puts brothels into our suburbs. It will be Labor that legitimises the influence of organised crime in the sex industry. That is what Labor will do with this legislation. The ideals and the processes of this government in relation to its prostitution legislation do not reflect the ideals and values of the Western Australian community. It puts its own ideology ahead of the interests of the people of Western Australia. It is an arrogant government led by an arrogant Attorney General. It is the people of this state who are suffering as a result. There are not enough nurses, teachers or police. Our kids are stuck in classrooms without teachers. People do not feel safe walking down the street. What does Labor do? It opens brothels in our suburbs. This government does not represent the people of Western Australia; it represents a social agenda of the Attorney General.

This legislation will put an onus on local councils to make decisions about brothels based on planning principles. This is a huge amount of pressure to place on councils that are already struggling to deal with an increasingly complex workload. I put it to members that a situation will arise in which some councils will not allow brothels in their suburbs but other nearby councils will. We will have a situation in which the State Administrative Tribunal will make a final decision and override local governments. The legislation put forward by the government will do away with protecting women from being forced into prostitution. The reality is that this government will open the floodgates to prostitution. It will legitimise the influence of organised crime in this industry. It will mean more money and more influence for criminals, and it will empower these criminals to control women stuck in Labor's prostitution industry. That is the reality of prostitution. None of Labor's talk will stop that from happening. It is a reality that this government must face. There has been no talk from Labor about additional police to prevent this from happening. It is typical Labor hypocrisy. Labor's plan to legalise prostitution will mean greater exploitation of women; there is no doubt about that. The figures in Victoria, New South Wales and other parts of the world where prostitution has been legalised bear out the fact that there has been a vast increase in prostitution in those places. There is no doubt that the legislation will open the floodgates to prostitution in the suburbs. Under Labor's plan, local councils will have to treat proposals for brothels as simple planning matters. Organised crime will be able to bankroll new brothels throughout the state. There will be brothels in streets in which there were none before. Under the Labor Party's plan, prostitutes will be allowed to operate in the suburbs near and around family farms - family homes.

Mr J.A. McGinty: That's only with sheep, I think.

Mr P.D. OMODEI: I am sorry; what was that?

Mr J.A. McGinty: It doesn't matter.

Mr P.D. OMODEI: Does the Attorney General think this is funny?

Mr J.A. McGinty: I think your performance is funny.

Mr P.D. OMODEI: The Attorney General can say whatever he likes, but the truth of the matter is that the Labor Party is proposing legislation in this state that will put women under more threat than they ever have been

before. It will legalise an industry that is attached to crime, organised crime, bikies, trafficking in women, trafficking in drugs - and the Attorney General thinks that is funny. Is that right? Does the Attorney General think that is funny? This is a very serious issue. The Labor Party is prepared to allow prostitutes into our suburbs and legalise what they will be doing in those suburbs, and to allow them to proliferate throughout the state in our country towns. The great contribution to Western Australia from the Labor Party will be a new and thriving prostitution industry in Western Australia. There will be no fix for our health system, our streets will be no safer, and our children will not be getting a better education, but there will be plenty of brothels. The Labor government is proposing a career path for young girls in prostitution in this state that will lead to drug addiction, organised crime and abuse of men and women. I implore members opposite to show some courage and oppose the legislation being proposed by the Labor Party. I do not support the Labor Party's plans. This is not a path that I want to see our great state head down. I encourage those in the Labor Party to find a voice and oppose the social engineering of the Attorney General in this state.

MR J.A. MCGINTY (Fremantle - Attorney General) [3.26 pm]: This is not something I would do these days, but I will read briefly from an editorial from *The West Australian* dated 12 August 1999, under the heading "State timid on prostitution reform". It reads -

The State Government has fallen prey to timidity and internal division in its repeated failure to come up with legislation to control prostitution.

It announced in November 1997 that it was ready to go ahead with a revamp of prostitution laws because the police minister at the time, John Day, had gained Cabinet and party-room approval to draft the necessary legislation. By early last year, Mr Day was talking of introducing the legislation in Parliament in June 1998.

More than a year on, Premier Richard Court has all but conceded that the Government is in the process of abandoning its proposed legislation. This means that the Government is prepared to stick with the present system - if it can be called that - under which the police turn a blind eye to prostitution.

This is grossly unfair to the police. They are put in the position of having to tolerate and try to contain illegal activities. They are left exposed to perceptions of potential corruption.

Former police commissioner Bob Falconer showed that he understood the deleterious effect this has on the police service by campaigning publicly for change. As a police professional, he would also have understood that the guardians of the law should not be selective in their enforcement of it.

That was the government of Richard Court, in which the Leader of the Opposition was a minister. That government did not have the courage to follow through on the very commitment it gave to the public, when the police minister at the time announced in 1997 that the government was going to tackle this very difficult issue. Since the previous government's failure to act, a royal commission into police corruption has been held in Western Australia, in 2003-04. It recommended that the government do exactly what it is now doing in introducing legislation to deal with the prostitution industry to avoid the exposure of police to corruption coming from their having to turn a blind eye to breaches of the law on a daily basis. We all know what that breach of the law is. Western Australia Police was part of the working group that I appointed last year, and therefore supports the legislation that has now come forward to the Parliament. It is supported by the police because they know that there is very good reason for this legislation, since the containment policy was abandoned in 2000, having for decades put the police in the invidious position of having to contain an illegal activity. It is just not tenable that that should be allowed to continue.

Prostitution in Western Australia is not unlawful. However, two activities are unlawful: managing a brothel and living off the earnings of prostitution.

Mr R.F. Johnson: What about streetwalking?

Mr J.A. McGINTY: That is unlawful, but I am talking about the purposes of this legislation, which relates to brothels. Local governments made submissions supporting their having the capacity, for the first time, to regulate an activity that has not been able to be regulated until now, because it has been unlawful. The Western Australian Local Government Association supports the thrust of this legislation.

Governments have to make tough decisions from time to time - not run away from what they should do to provide strong leadership and good government for the country. Running away helps no-one. One of the reasons that the opposition is in opposition and will remain there is that it does not have the courage to be able to effectively deal with this issue.

In closing, again I refer to 1999. There was an article in *The West Australian* of 19 November 1999 with reference to the then Deputy Premier in Richard Court's government, Hendy Cowan, under the heading "Cowan fired up over sex laws". It reads -

Deputy Premier Hendy Cowan hit out yesterday at the Government's handling of prostitution law reform.

Mr Cowan said he suspected former police commissioner Bob Falconer might have been right when he said the Government did not have the balls to reform WA's discredited prostitution laws before the next election.

I think Mr Cowan was right and I think Mr Falconer was right, and that remains a criticism of the opposition today.

MR R.F. JOHNSON (Hillarys) [3.30 pm]: This is a really interesting one. The Prostitution Act comes under the jurisdiction of the Minister for Police and Emergency Services, but he is not handling this legislation, and there are two options why he is not. One is that he is just incapable and incompetent. However, I prefer the other option; that is, I hope that he would not want to handle a dirty, sleazy bill that will allow brothels to operate legally in our suburbs. That is the option I prefer to believe of the Minister for Police, rather than that he is incompetent. Therefore, who has the job? It is the social reform Premier of this state, the Attorney General. He is handling the bill that the Minister for Police should be handling. Are members aware of that? The Prostitution Act comes under the responsibility of the Minister for Police. That is listed in the *Government Gazette*. The Attorney General knows that, but he knows that he is the only one who actually has the appendages to try to bring something into this place that he knows will be very unsavoury and very unpopular with the population.

Therefore, what did the Attorney General do? He set up his own little hand-picked task force. He did not ask one Liberal to go on it - not one Liberal. Who did he pick? He picked the member for Perth, that self-proclaimed champion of a drug trafficker to get her back to Western Australia to live a more comfortable life; he chose Hon Giz Watson; and he chose Hon Sue Ellery. He hand-picked three members of Parliament who he knows will come up with the goodies that he wants. He knows that their report will be the report which he wants them to deliver and on which he can base his legislation. We know that and everybody else knows that. Therefore, the report is absolutely discredited.

I want to say to members opposite that they should really stop and think about this, because what they are doing with this legislation now is making legal dirty, sleazy brothels all over Western Australia. They are going to allow that. It will be a legitimate business employing legitimate people. How many members opposite would be prepared to let any of their daughters become prostitutes and work in one of those brothels? How many of them? None of them! Not one of them would let one of their daughters or their sisters work in a brothel, but they want other members of the public to do so. Would the Premier want any of his daughters to become prostitutes, because it will be a legal occupation in brothels? I do not think for one minute he would - not for one minute.

The ACTING SPEAKER (Mr P.B. Watson): Can the member for Hillarys address his comments through the Speaker's chair, please, instead of -

Mr R.F. JOHNSON: Mr Acting Speaker, with all due respect, I am speaking to the Chair, but I am looking this way, which is often done.

Mr T.G. Stephens: Don't defy the Chair! I have a point of order.

The ACTING SPEAKER: There is no point of order.

Mr R.F. JOHNSON: Thank you, Mr Acting Speaker. I am staggered that somebody like the member for Central Kimberley-Pilbara would support this type of legislation - a well-known Catholic who will be defying -

Mr P.D. Omodei: I'll bet he won't be in the house when the vote is taken.

The ACTING SPEAKER: If the Leader of the Opposition keeps talking when I am on my feet, nor will he. Will members please address the Chair? Then we will not have all the interjections across the house. I call the Leader of the Opposition to order for the first time.

Mr R.F. JOHNSON: I question why the member for Central Kimberley-Pilbara would support a bill of this nature, knowing his religious background. I cannot understand it. Certainly, the many church people to whom I speak -

Mrs J. Hughes: Discuss the bill.

Mr R.F. JOHNSON: We are not discussing the bill today, member; we are discussing a matter of public interest. We know what the member for Kingsley thinks about this type of thing. Let me tell the house that an application by a well-known madam went before the City of Wanneroo recently. The member for Kingsley knows all about it.

Mrs J. Hughes: Of course I do.

Mr R.F. JOHNSON: The application was for an entertainment club - I think that is how it was described - in one of the member's suburbs.

Mrs J. Hughes: Not in my suburbs.

Mr R.F. JOHNSON: Is Wangara not one of the member's suburbs?

Mrs J. Hughes: It's part of Wanneroo, yes.

Mr R.F. JOHNSON: It is part of Wanneroo; okay. However, the member's electorate covers part of Wanneroo. That application was approved.

Mrs J. Hughes: Why was it approved, member?

Mr R.F. JOHNSON: The very next day, I am told that about 30 beds arrived.

Mrs J. Hughes: Why was it approved?

Mr R.F. JOHNSON: Why was it approved? I will tell the member what I heard.

Mrs J. Hughes interjected.

Mr R.F. JOHNSON: I will tell the member why it was approved. I was told that a rumour was going around from the proponent that if it was not approved, that proponent would name people on that council who had used the services of other establishments. Therefore, this government is moving any possible corruption away from the police, and it is moving an opportunity for corruption into local government. We know that there has been corruption in local government throughout WA over the years. People have gone to prison because they have committed corrupt acts while working in local government. We know that as a fact. The problem is that we have a police minister, a Premier and a government that are so weak that they are not prepared to ensure that the laws of WA are enforced. Brothels are illegal. If I were police minister, I would instruct the Commissioner of Police to implement the law and close down those dirty little sleazy places. This government is quite happy to leave those places open.

As the Leader of the Opposition has already said, and it is a fact, when the government's bill goes through - it will go through, because the government has the numbers in this house, and it has the numbers in the upper house when the Greens (WA) are added to the numbers, because we know they will support the government - there will be a massive proliferation of brothels throughout WA, including all the suburbs. What will the government do? We all know that some single sex workers operate from home. They put advertisements in the paper, they get phone calls from clients, and the clients go to the home and have sex with the prostitute. What is this government doing? It will allow two people to operate from the same address - two people! Therefore, in residential suburbs, there will be mini brothels - houses with two prostitutes working from them - and the government is happy with that. I thought the Premier had much better standards than that. Why does the Premier not just take up the challenge and actually implement the law as it is now? That is what I say to the Premier. It is not a hard thing to do. All he has to do is give the resources to the police service to ensure that it has enough officers.

The government takes the easy option. It passes what is a state government responsibility - that is, law and order, criminal activities, the implementation of laws by our police service in going out and finding criminals, having enough courts and judges to be able to try criminals and enough prison cells to lock people away when they have committed serious crimes - and runs away. What does this government do? I will tell the house what it does. It takes the easy option. It says that this is much too hard; it does not want to get involved in all this. It is a problem trying to combat this crime of illegal brothels. That is what they are at the moment; all of them are illegal. What does the government want to do? The easiest option is to run away. The Attorney General made a comment earlier. He accused the previous government of running away. That is exactly what this Attorney General, this Premier and this government are doing. I am staggered that any female member on the other side of the house could support this legislation. I can understand male members because they perhaps do not have the same view about it, although I do. I believe that this will be a legalised rape of women because money will be changing hands. It will not be a case of someone going out and finding a woman and raping her; it will be a legalised rape of women and a sexual abuse of women. What does this government do? It runs away.

I quote a similar scenario with the cannabis laws. This is the government that decriminalised the possession and use of cannabis. In fact, the government made it perfectly legal to grow two plants per person per household. From what I can gather, a person would have a job getting through one plant a year. I have never touched cannabis so I would not have a clue; I am told that is the situation. What does the government do? It decriminalises it because it is frightened to implement the law. What have we seen since the government decriminalised it? A proliferation of drug use in Western Australia and a movement from cannabis to harder drugs. We have seen many people's lives absolutely devastated.

I ask members opposite to stop and think about this legislation. Many members are married and many of them have daughters. I ask them to seriously consider whether they truly support legalising an industry - which is what it is becoming - whereby they would have no right to dissuade their daughters from entering the industry. Members opposite are making it a legalised occupation within brothels. If they are going to do that, are they going to back it up with some educational qualifications and training? Will young year 11 and 12 students be

trained in how to become prostitutes or how to run a brothel as an operator or manager? Will they be taught that? The government calls it small business. How can it call a criminal activity a normal small business? I ask members opposite to search their consciences. When it comes to a vote on this legislation, I know that members opposite cannot vote against their own party because party room rules state that if they do, they are banished forever. However, nothing stops them from abstaining. If members opposite vote for this, they will go down in history as being proponents of sexual abuse against women and girls. They will also be proponents for creating a legalised entity out of something that is dirty, sleazy and a criminal activity.

MS S.E. WALKER (Nedlands) [3.42 pm]: This bill is about organised crime. That is what it is really about. It is not about prostitutes; it is about brothels. We all know, because it is well documented, that brothels are ordinarily regarded as being closely connected -

Point of Order

Mr A.D. McRAE: The member said that she wanted to talk about the bill when, in fact, the previous advice given -

The ACTING SPEAKER (Mr P.B. Watson): It is not a bill; it is a matter of public interest.

Mr A.D. McRAE: Exactly. The member is referring to the bill and saying that it is not about the proliferation of brothels but the MPI says precisely that that is what this debate is about.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Ms S.E. WALKER: I am supporting the motion moved by the Leader of the Opposition. If the member for Riverton does not get it - he does not get it - it is not my problem.

Brothels are ordinarily regarded as being closely connected with organised crime and drug trafficking. Why would we, as a Parliament, pass a law that is being pushed by organised crime to sanction and legalise one of its businesses? Everyone knows there is a connection. It is about the legitimisation of brothels and it is about the state sanctioning, as part of this, prostitution as a legitimate career option for young women and men in this state. That is what is wrong with this. This is about young women because they are the people involved. We know that. I will not go back to my second reading contribution when the last appalling bill came before this Parliament when the government wanted to license women like cows; they wanted to have them photographed and recorded so that, in perpetuity, it would be held against them that they had been a prostitute. We never hear terminology like "prostitutor" and "prostitutee"; it is always the woman who is providing the sexual services, not the person who is taking it. The other bill was shredded by the Assembly and the government.

Why would we, as a Parliament, now pass a law that is being pushed by organised crime to sanction these businesses? Will we have in this state organised crime stacking local councils? Will organised crime become the new lobbyists in this state for stacking local councils? Will the professional people who feed off the brothel industry start standing for local councils as a shield for the operators? People in the suburbs and local members should start thinking about it because it is quite obvious that if a council and councillors have to ultimately make a decision on this issue, and as people are making money from these businesses, they will seek to have brothel industry people put on the council. We know that happens because of the Corruption and Crime Commission. We know that businesses do that.

I will concentrate on how people go about applying to a council to get a licence or certificate. A person can be a teenager and apply to the chief executive officer of a council to get a licence. A person can be 18 or 19 years old. What concerns me about the bill is that when a person makes an application, he does not have to produce any criminal records from this state, from interstate or from overseas. I know from my work as a former prosecutor that when I did criminal record searches on a person from overseas, I obtained one from overseas. There is nothing here in the bill. It is very strange that when people ask to work with children, they have to supply a certificate - people have to obtain a criminal clearance for all sorts of industries these days - but when a person is applying to operate a brothel, which is connected with organised crime, he does not have to produce a criminal record. Why? Why has the member for Perth set up the legislation this way?

The second thing I will remark on regarding this legislation is that when a person makes an application, if anyone is to be operating the business with him, all he has to do is to provide a name and address. That is it. Before the CEO of the council - who advises the council - can do anything, he has to send the application to the Commissioner of Police. I note that the member for Perth is being extraordinarily quiet at the moment, which is highly unlike him. I actually sussed out his bill in about five minutes. Does the commissioner have a veto over the residents in my electorate about where a brothel is going to go? The other very sneaky thing about this bill is that - cop this, members - if there is a brothel operating in a suburb, the current illegal brothel will be allowed to operate once the community knows about it provided the CEO says so. It will do so until the person who operates it makes an application. The member for Perth has put into the bill that whether it has been the subject

of complaints before 12 September 2006 does not really matter a helluva lot because there is no good complaining about it after 12 September 2006 when people know about it, because if they did not complain about it before when they did not know about it, it will not be of much benefit to complain about it now. That is like saying that a paedophile was living near a school but we did not know about it until someone told us. This government states that if it was not told about the brothel when people did not know about it, how do people think the government will treat them now that they now know about the brothel because people did not tell the government about the brothel when they did not know about it? It is ridiculous, sneaky and sinister, quite frankly. The member for Perth is extraordinarily quiet.

Mr R.F. Johnson: He's going to speak to this.

Ms S.E. WALKER: Is he? He can perhaps explain to us this tricky little bill, which is far too tricky for his own good.

We now have operating in Perth and around the suburbs brothels that we have no knowledge of. We have no knowledge of them because the former Commissioner of Police threw his hands in the air and said that he was not going to pursue the law, which I thought was wrong. Regardless of what the penalties are, the laws of this Parliament should be pursued by police when they know that people are breaking the law. He did not do so, and this government allowed him to do that. I wonder whether that was a long-term plan. Looking at this bill, I suspect it was. There is another sneaky thing. Referring to the Prostitution Act, a person is not allowed to be a prostitute. As such, the Attorney General is quite wrong. Section 14 states -

A person who acts as a prostitute commits an offence under this section if -

- (a) the person is a child;
- ...
- (c) the person has been found guilty of an offence described in Schedule 1.

That is followed by a long list of offences. A person who has been convicted of any of those offences will not be granted a certificate to work as a prostitute. However, proposed section 21G of the bill is very interesting. It states in part -

- (1) The CEO may issue a certificate to, or renew the certificate of, an applicant if satisfied that the applicant -
- ...
- (f) has not been convicted, in this or another State or a Territory, of any indictable offence . . .

We may think, okay, that covers the hundreds and hundreds of offences in the Criminal Code. But, no; wait - it does not. The Criminal Code states in section 3(5) -

If a person is convicted by a court of summary jurisdiction of an indictable offence, the conviction is to be regarded as being a conviction of a simple offence only . . .

Therefore, if a person has been convicted of a serious offence, but that offence has been dealt with summarily, it is okay for that person to be granted a certificate. Even if a person is a drug dealer, it is okay for that person to be granted a certificate, because the person is excluded only if the person has been declared a drug trafficker. This government has thumbed its nose at the people in my electorate, because they have been given scant opportunity to say whether they want a brothel in their suburb. I am not making a judgement call on prostitutes. I am making a judgement call on the people who feed off the misery of a lot of the women in this profession. This legislation will allow people to feed off prostitution, and it will encourage young women who are involved in drug use to become even further involved in drug use and in the sex industry.

MR J.N. HYDE (Perth - Parliamentary Secretary) [3.51 pm]: The entire premise of this motion is incorrect. The Western Australian government, with the overwhelming support of all Western Australians, is seeking to curtail the provision of commercial sexual services through a comprehensive ban on street solicitation, and the proper regulation of sexual services.

Several members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Order, members! The member for South Perth had the opportunity earlier to make a comment. It is now too late. Therefore, would the member for South Perth please keep his voice down so that we can hear what the member who has the courage to get to his feet has to say.

Mr J.N. HYDE: The Leader of the Opposition has not read our bill. We are not proposing to legalise prostitution. This is all about a decriminalised model. The proposed legislation will remove all the laws that criminalise prostitution. However, it will not involve the state condoning, or profiting from, prostitution. It will remove the criminal penalties and the criminal stigma from prostitution, and the inherent dangers to women who

engage in prostitution. A decriminalised sex industry need not be an unregulated sex industry. We are proposing that prostitution will become subject to the same controls and regulations that govern the operation of other businesses. The proposed legislation will enable sex workers to access, for the first time, the same protections that are afforded to other workers. Prohibition has never worked. It has never worked in Western Australia. It did not work 2 000 years ago under the Pharisees. It has been a failure in Sweden. Western Australia's comprehensive approach is already achieving real results for the residents in my electorate and throughout the city area. It is also achieving real results in protecting the health of women who are engaged as sex workers. This government has made street sex work illegal and has outlawed the solicitation of street sex workers. At the same time, we are moving towards regulation and the control of brothels and sexual services activities. We have provided population health support for sex workers. The most recent Westpoll, which was buried away in two paragraphs of the paper, shows that 60 per cent of Western Australians support the government's legislation. In my electorate, that support is as high as 80 per cent, because we remember what the situation was like under previous Liberal and Labor governments, when we turned a blind eye to prostitution and pretended that it did not exist. Some of the more Liberal-affiliated councils in the outer suburbs have said publicly that there are no brothels or sex workers in their districts. Like other conservative ideologues around the world, they pretend that by denying its existence, prostitution will go away. Throughout Western Australia, there are many non-controlled and non-regulated brothels. However, through the good work of the police and some excellent local councils, there is already some measure of containment and supervision. As has been stated by royal commissions and investigations, and as has been shown by population health analyses, the non-regulation of prostitution encourages police and official corruption. If members do not believe that, they need look only at the case that is now before the New South Wales Independent Commission Against Corruption of a council officer who approved unregulated and illegal brothels after being paid off -

Mr T. Buswell interjected.

The ACTING SPEAKER: Order, member for Vasse!

Mr J.N. HYDE: That is what happens when we close our eyes and pretend that prostitution does not need to be regulated and controlled. Royal commission after royal commission, report after report, and police commissioner after police commissioner in this state have told governments of both persuasions that they should regulate prostitution, because that is the only way we will be able to control and deal with the effects of prostitution. That is the only way we will be able to prevent street workers from being killed, as occurred under the former government. We need to regulate brothels to achieve a comprehensive statewide control of prostitution. The model that we are using in Perth is working well. On any given night, there are fewer than 10 sex workers on the streets. Regulation of brothels is our chance to control the entire industry.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr J.N. HYDE: I notice that some members are promoting the idea that we should adopt the Swedish model. Sweden does not outlaw street workers. Hence, in Stockholm, a city the size of Perth, over 150 sex workers are operating under their alleged model. It is now estimated that in Perth, there are no more than 10 sex workers on the streets at any time of the day or night. That involves an incredible amount of police management. It also involves very good legislation that the government takes seriously. Members opposite are out of touch with the Western Australian community in opposing this legislation. Members opposite are advocating to the people in my electorate that we should be increasing the number of sex workers and driving all sexual services activities underground.

Mr R.F. Johnson: When did we say that?

Mr J.N. HYDE: Members opposite will be creating the same situation that has been created in Stockholm and other places that have tried to prohibit prostitution. They will be increasing the number of people who are engaged in sexual services activities and will be making those activities much more dangerous. Unlike Sweden, we do not have the luxury of exporting prostitution services overseas. Only 20 per cent of the activities of Swedish prostitution take place in Sweden. The majority of Swedish customers for prostitutes conduct their activities internationally, primarily in Finland and other European countries. Unless the policy of the Liberal Party is that we should adopt the Swedish model and export prostitution from Perth to Northam or Bunbury, or elsewhere, we will not achieve anything through prohibition. Under the Swedish model, the incidence of sexually transmitted diseases has increased by around 300 per cent. The incidence of gonorrhoea has increased from 246 cases in 1995, before the prohibition legislation was introduced, to 569 cases in 2004. The incidence of chlamydia has increased likewise. Prohibition will drive sexual services activities underground. More importantly, it will drive the health outcomes underground and make them uncontrollable.

I respect people who have a philosophical opposition to prostitution. I fully respect their moral stance, but the Leader of the Opposition and other members opposite must be brave. They have not read and considered the legislation. Members opposite are making a moral stance: they should be proud enough to say that they are on a

moral crusade and that they will not deal with the real planning issues and the real policy issues involved in dealing with sexual services of a commercial nature.

Several members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Order, members! Order, Leader of the Opposition!

I was very interested in the comments made by a man who sat in the Liberal cabinet during several drafts of his government's prostitution reform legislation. I understood the member for Hillarys was criticising the Attorney General for putting me, the now member for Perth, on the advisory committee. When the former Court government got up to drafts 8 and 9 of its legislation, the member for Darling Range, when he was minister, put me, in my then local government role, on that government's advisory committee for drafts 8 and 9 of the Liberal government's legislation.

Mr J.H.D. Day interjected.

Mr J.N. HYDE: Was the member not the member for Darling Range when he was Minister for Health?

Mr J.H.D. Day: I was Minister for Police and Emergency Services.

Mr J.N. HYDE: The member for Darling Range was the Minister for Police when he had carriage of the prostitution legislation. The Liberal government's drafts 8 and 9 were excellent; they had police, industry and local government input. What happened? The very good member for Darling Range got rolled in cabinet. I am waiting for a freedom of information request on those cabinet minutes; they will be wonderful to see.

Mr R.F. Johnson: He certainly was not rolled in cabinet. Get your facts straight.

Mr J.N. HYDE: So, members opposite knocked him off before he even got a chance to take it to cabinet. That is even worse. The Liberal Party has no commitment to good policy. The Liberal Party has no commitment to real outcomes and to the protection of women. Brothels are already in our suburbs. I have not before seen a Leader of the Opposition read an entire speech. When the Leader of the Opposition read his speech, it did not sound right. He quoted no research. I find it so interesting, in fact, that nobody opposite did that. We always find that if people come from a moral stance, they are not able to quote legitimate research. I will not provide a full analysis of Miss Ekberg's Swedish model on this occasion. Extensive research has been done this year that exposes a number of flaws and the lack of research material. However, that is not for this motion.

Local government rightly supports this legislation that we are bringing forward. Unfortunately, the Leader of the Opposition does not understand local government. Perhaps in his day, local government, on a whim, could approve verge clearing or allow a brothel to operate under legislation. However, local councils should not be able, on a whim, to allow illegal verge clearing or allow illegal brothels to operate. Good planning is needed for all planning activities. If members close their eyes and pretend that a commercial activity does not exist, it does not make it go away. Members opposite even pretended, during their reign in government, that only women could run brothels under containment. Members opposite were the ones encouraging organised crime and certain male businessmen, while pretending it did not exist. They went home at night, went to community meetings and said that they were only allowing women to run brothels. Members opposite knew full well that those disgraceful policies of containment were putting the police in a terrible position and that the policies were not working.

The other interesting point the opposition mentioned was about entertainment zones, health amendments and planning activities, which expose the very problems with the legislation at the moment. We have a number of brothels which are already activated and working in Perth and which were approved under the legislation, which was then approved not as brothel legislation, but as massage or health legislation. The police endorsed that because under containment they knew full well what was happening. Members opposite condoned that, closed their eyes to it and pretended. Now, the opposition has the chance to actually prove that it is a party of the twentieth century, even perhaps of the twenty-first century, but it has gone away. It would much rather pander to a minority and pretend that there is no industry and that there are no problems that need to be fixed up.

The member for Nedlands said that we all know it is well documented, but she provided no documentation. She said that we all know it is all about organised crime and drug trafficking, but she provided no evidence. If the good people in the opposition who are fully in touch with the brothels in their suburbs are aware of any drug trafficking and any organised crime, I ask them please to go to the Corruption and Crime Commission and the police. If they have that evidence, they have that responsibility. If they do not have any evidence, they should deal with the real world.

Several members interjected.

The ACTING SPEAKER (Mrs J. Hughes): Order, members!

Mr J.N. HYDE: Unfortunately, the member for Nedlands has probably read the legislation, but misunderstood it. I do not think that the Leader of the Opposition has read it. The member for Nedlands, unfortunately, thinks

that the chief executive officer of a local council can sign and authorise a certificate for a brothel to operate under our legislation. Unfortunately, she is so wrong! Local government purely has a role solely in the planning matters; in the location and activity of any business. The chief executive officer of the Department of Racing, Gaming and Liquor is the person who gives approval for a person to run a brothel, and - the member for Nedlands got it wrong again - that can only be done after a full police check. That can only be done with the full police veto available to the Department of Racing, Gaming and Liquor when it considers it. Police will be able to bring forward any matters that show that they believe a person is not a fit and proper person.

I will enjoy the third reading of the bill so much as, once again, the opposition's lack of research is found wanting. I reiterate that I do not admonish members opposite for having a moral or a philosophical stance against prostitution, racing or gambling. I do not mind if they have a moral position. However, they must be upfront that it is a moral position and that their current policy has absolutely nothing to do with good planning, with regulation or the betterment of Western Australia. For more than 100 years, people in this state have been unable to deal with the ramifications of prostitution. Every time members opposite have tried to ramp up prohibition, it has not worked. The opposition has actually helped scurrilous business people make more money under the auspices of this state. Under this legislation, for the first time, we will have a commercialised sexual services industry which is under full control and in which anybody stepping out of line will be able to be dealt with legally. The very taunt that the member for Hillarys was trying to get out was why the government is not out there using the legislation to close them down. A number of the folks in the opposition were in cabinet when that very legislation was available. Can former cabinet members opposite tell me how many real estate agents they prosecuted for living off the earnings of prostitution? None. None of the members opposite prosecuted any real estate agent or any landlord who was taking rent from any of the brothels in Perth, because they closed their eyes. Every time there is a conservative government and its members deal with the issue of prostitution, they talk tough but they act like wimps.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr J.N. HYDE: The opposition had the opportunity and it never tried to use containment: it talked the talk of containment, it talked about prohibition, but it never made a real effort to put in proper legislation. Finally, there is a government that is committed to dealing with the problem. A Westpoll has 60 per cent of the population of Western Australia supporting reform, even before we have had a chance to explain our legislation rationally. People in Western Australia know that this issue has bedevilled governments and bedevilled society, and has provided the opportunity for corruption and insidious practices. The people of Western Australia know, as they know with alcohol, gambling and many other activities, that when it comes to dealing with profit and the provision of money for commercial services, it is only through regulation that we can stamp out, eliminate or decrease activities that have a deleterious effect on society. If members opposite were genuine about their concerns for women's health and had done proper research, they would endorse the police, the health department, local government and the good majority of legislators in this Parliament who know that it is only through this legislation that Western Australia will finally be able to curtail and make a real impact on the effects of prostitution.

Question put and a division taken with the following result -

Ayes (18)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr P.D. Omodei	Ms S.E. Walker
Mr M.J. Birney	Dr K.D. Hames	Mr A.J. Simpson	Dr J.M. Woollard
Mr T.R. Buswell	Dr G.G. Jacobs	Mr G. Snook	Mr T.R. Sprigg (<i>Teller</i>)
Mr G.M. Castrilli	Mr R.F. Johnson	Dr S.C. Thomas	
Dr E. Constable	Mr J.E. McGrath	Mr M.W. Trenorden	

Noes (24)

Mr A.J. Carpenter	Mr F.M. Logan	Mr P. Papalia	Mr T.G. Stephens
Dr J.M. Edwards	Mr J.A. McGinty	Mr J.R. Quigley	Mr D.A. Templeman
Mrs D.J. Guise	Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson
Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich	Mr M.P. Whitely
Mr J.C. Kobelke	Mr A.D. McRae	Mr E.S. Ripper	Mr B.S. Wyatt
Mr R.C. Kucera	Mr M.P. Murray	Mrs M.H. Roberts	Mr S.R. Hill (<i>Teller</i>)

Pairs

Mr M.J. Cowper	Ms A.J.G. MacTiernan
Ms K. Hodson-Thomas	Mr A.P. O'Gorman
Mr C.J. Barnett	Mr P.W. Andrews

Question thus negatived.

TAXI AMENDMENT BILL 2007*Returned*

Bill returned from the Council with amendments.

PETROLEUM AMENDMENT BILL 2007*Second Reading*

Resumed from 16 August.

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [4.14 pm]: I rise to support the Petroleum Amendment Bill 2007, as it amends the Petroleum Act 1967. To the minister I say that it would have been very beneficial for opposition members to have had a copy of the blue bill, which would have shown the 1967 act in its amended form. That has occurred on other occasions, particularly with planning legislation. As the opposition agrees with the legislation, it would have been helpful for members of Parliament to have had a closer understanding of the amendments to the 1967 act, given that it is a very thick act of Parliament and that following the amendments has been quite difficult. The minister may consider that some time with future legislation.

Mr F.M. Logan: Sure.

Mr P.D. OMODEI: If so, the minister will find that he will receive much greater cooperation from members on this side of the house.

The bill provides for geothermal energy to be covered under the Petroleum Act. The final legislation will be known as the Petroleum and Geothermal Energy Resources Act 2007. The key elements of the bill provide for vesting of Western Australia's geothermal energy resources in the Crown; legislative coverage for both conventional - hydrothermal - geothermal energy and hot dry rock geothermal energy. It also secures title for geothermal explorers and producers, the coexistence of petroleum and geothermal resource titles, and a mechanism for the collection of geothermal royalties.

As members would be aware, two places in Perth generate electricity from a hydrothermal system; they are at Curtin University of Technology and Challenge Stadium. They are innovative projects. The legislation really covers the hot dry rock system, rather than the hydrothermal system, which is heat that comes from either hot springs, a natural fissure or permeable sediments where hot water comes out of the ground and a heat exchanger is used to finally generate electricity. Some of this new technology is quite amazing. This innovation is very new to the world. I understand it is now being trialled in some countries, particularly Switzerland, and that companies are waiting in the wings for this legislation. I understand that a Western Australian company is very keen for the government to pass this legislation through the Parliament so that it can embark on the exploration and development of hydrothermal energy.

The majority of the procedures, protocols and processes for developing geothermal resources in the parts of the Petroleum Act that will not be amended by this bill are similar to those for developing petroleum. The opposition understands that the petroleum industry is supportive of this bill, as are the Chamber of Minerals and Energy of Western Australia and the Association of Mining and Exploration Companies. I understand that for the parts of the act not being amended by the bill, geothermal processes will operate in the same manner as the manner in which petroleum processes occur, with the same procedures and protocols as outlined in the act. I understand further that three options were considered before the bill was promulgated. One was to amend the Mining Act; another was to amend the Petroleum Act, as is occurring with this bill; and the third was to have stand-alone legislation for the control of geothermal energy. I understand that South Australia was the first state to enact legislation for geothermal energy under its Petroleum Act 2000; that the New South Wales and Tasmanian governments classify geothermal resources as a mineral; and that geothermal resources in New South Wales are controlled under the Mining Act 1992; and, in Tasmania, under the Mineral Resources Development Act 1995.

Given that New South Wales and Tasmania have decided to include geothermal energy exploration and recovery in their mineral resources legislation and that South Australia and Western Australia have decided to include it in their Petroleum Acts, my preference would be to have common legislation across the nation. Given that there is no legislative framework by which to equitably allocate and regulate titles to land for the purpose of exploration and recovery of the state's geothermal resources, it was decided that they would be held in abeyance by the Department of Industry and Resources. When looking to legislate in the area of geothermal energy exploration and recovery, the options were to include it in either the Petroleum Act 1967 or the Mining Act 1978 or to draft a stand-alone bill. It was deemed that the best option was to amend the Petroleum Act 1967. That is the best possible option because that legislation is similar to South Australia's legislation. There are significant finds of geothermal energy in the Cooper Basin. Those operating the huge uranium project at Olympic Dam are looking to use the reinjection of water to generate heat and steam or hot water to generate power.

It was deemed that it would not be appropriate to include geothermal energy exploration and recovery in the Mining Act. Geothermal energy resources present in hot dry rocks that are found much deeper in the earth than are other minerals extracted in Western Australia. In some cases they can be found 5 000 metres below the surface. Geothermal energy exploration and recovery is, to some extent, similar to gas and oil production, but it is certainly not similar to mineral production given that minerals are not mined at that depth. The other option, stand-alone legislation, was considered costly and time consuming. Given that the Department of Industry and Resources already had an appropriate structure in place, it was considered that the best option would be to amend the Petroleum Act 1967.

As I mentioned, the bill vests ownership of geothermal energy resources and energy with the Crown. The opposition does not have a problem with that. The Petroleum Act currently provides that compensation is not payable for any gold, minerals or petroleum known or supposed to be on or under the land. The bill extends that provision to provide that no compensation is payable for geothermal energy. I understand that some members are concerned about compensation should a drill hole go wrong. Indeed, the member for Alfred Cove has concerns about those issues.

In relation to native title, the bill provides for a full range of geothermal energy titles, as currently applies for petroleum exploration and recovery. The bill ensures that small-scale geothermal operations, such as those at Challenge Stadium and the Joondalup campus of Edith Cowan University, are not subject to this act. They do not need to worry about what is proposed in the legislation.

The bill proposes co-existence with petroleum and minerals, which is dealt with in division 3A of the bill, to ensure that geothermal titles may subsist in respect of the same blocks. A new division provides that a title for geothermal energy may overlap a petroleum title and vice versa. Petroleum titles can already co-exist with mineral tenements governed by the Mining Act 1978. As geothermal energy titles are granted under the Petroleum Act 1967, the Mining Act provisions that allow for a dispute resolution mechanism via the Warden's Court for mineral and petroleum titles will be extended to include geothermal energy titles, which makes sense.

In relation to the release of acreage, it is proposed that the competitive bid or tender process currently provided for in the Petroleum Act for the awarding of petroleum titles will apply to geothermal energy titles; that is, there will be two releases of acreage a year with a nominated closing date so that all bids for acreage can be evaluated at the same time to ensure that suitable applicants with the best work program is awarded titles.

I turn to the exploration licence area changes for geothermal activities. Amendments will provide that the maximum allowable area in relation to geothermal exploration permits will be smaller than is the case with petroleum exploration permits. The permits for geothermal resources will be a maximum of 160 graticular blocks. A graticular block equates to 80 square kilometres, as compared to 400 graticular blocks for petroleum. The reason for this amendment is based on the recommendations advanced by South Australia. South Australia started with seven graticular blocks, which is equivalent to 500 square kilometres, and now it is offering areas up to 130 graticular blocks, which is 10 000 square kilometres. In this case, 160 graticular blocks equates to 12 800 square kilometres, which is a significant area of land and sufficient for exploration to take place.

The fees and charges for geothermal titles will be the same as they are for existing petroleum titles. The legislation proposes that there will be a royalty on the wellhead based on a gigajoule of power. South Australia's royalty rate is 2.5 per cent, whereas New South Wales maintains the royalty rate of four per cent charged on other minerals. It is proposed that a royalty rate of 2.5 per cent will apply, which reflects the renewable energy status of geothermal resources. It is worth noting that petroleum royalties are currently 10 per cent. Some people have proposed that geothermal royalties should be 10 per cent. I have suggested from time to time that royalties that apply to renewable energy should be waived. Geothermal energy is obviously a renewable source. That begs the question about other renewable sources and whether royalties should apply. I understand that, depending on the viability of the project, the minister has the ability to talk to a developer about the geothermal energy recovery development plan. The legislation states that the minister may direct a variation of the geothermal energy recovery plan prior to approval, but only after the geothermal licensee has been given a chance to confer with the minister regarding any proposal for direction. If a project is a difficult project, the government may choose to provide some royalty relief when considering the development plan. Although I have publicly said that royalties should not apply to geothermal energy, I think there should be some flexibility in the legislation to allow the government to offer some kind of incentive to the developer should that be deemed necessary. This is a new innovation that involves new technology, and we certainly want to assist the pioneers in this area to make sure that it is successful.

As I said, it is likely that geothermal energy will be sold at a rate based on the value per energy unit - in other words, per gigajoule. That is obviously similar to gas production, which is based on gigajoules sold.

The bill provides that the use or taking of water for the purposes of any operation carried out under the authority of a permit, drilling reservation, access authority, special prospecting authority, lease or licence is subject to the Rights in Water and Irrigation Act 1914. I dare say provision will need to be made if the government changes

the Rights in Water and Irrigation Act later this year. I mentioned the locations. Each of the sections will be called a location, so the particular block covering the discovery will be nominated as "the location". Reporting of data for geophysical drilling and geological activities is a requirement under the existing legislation for petroleum operations. I want to explore with the minister during consideration in detail the concept of sharing of information, given that there could be two title areas or locations - one being used for geothermal exploration and the other for petroleum exploration. I understand there is a requirement under this legislation that any information found in the process of drilling must be logged with the minister, particularly in relation to petroleum.

The legislation is covered by the occupational safety and health regime, as it currently applies to petroleum operations under the Petroleum Act 1967. Work programs will be monitored so that an initial geothermal exploration permit will be granted for six years, conditional on an agreed work program being carried out on a year-by-year basis. Failure to undertake the agreed work program, unless it is varied by mutual consent, will result in cancellation of the title. I understand that there are situations in which the explorer cannot carry out the work due to a number of variables, such as the availability of drilling gear. I have already mentioned the issue of development plans. An amendment contained in this bill inserts a new section providing for geothermal energy recovery development plans, and that they may be called in by the minister. The bill also contains a range of consequential amendments.

The proposal for geothermal energy is quite exciting, and I can understand the government's keenness to proceed with this legislation. Issues in the legislation that I am concerned about relate to whether other minerals would be logged, and who would have access to that information, and to whether there should be any compensation as a result of accidents such as blowouts. I will raise those issues during consideration in detail. There have been some developments in Basel in Switzerland, where this technology has been trialled. Basel was the site of an earthquake many decades ago. The process of drilling a hole and fracturing the hard rock, whether by compressed air or explosives, created a small earthquake, measured at 4.5 on the Richter scale. I do not know whether the project at that site was proceeded with, but I suspect it was withdrawn.

It is new and exciting technology. I understand that the second desalination plant has a requirement to use 20 per cent renewable energy. I wonder whether that requirement will be applicable to geothermal power. I know that it might take some time to develop this industry. It seems to me, however, that a company embarking on exploring a geothermal prospect would have to have a pre-organised consumer for its energy product. I wonder how that would pan out. I also understand that seismic exploration may reveal areas outside the location, as it is described in the legislation, that could be used for geothermal power. During consideration in detail the minister might like to explain to the house how that would pan out for the proponent company getting permission for exploration outside the permit area or location, as it is known.

The opposition was briefed on the legislation yesterday by an official from the Department of Industry and Resources, who freely gave advice. We have obviously done our own research on geothermal energy. It is one of the many options for renewable energy in this state. This legislation is timely given that legislation has existed in South Australia, New South Wales and Tasmania for quite some time. We should get on with the business of making sure that a structure exists to allow for the development of a geothermal industry in Western Australia. The opposition supports the bill.

MR J.H.D. DAY (Darling Range) [4.36 pm]: As the Leader of the Opposition has outlined, the purpose of the Petroleum Amendment Bill 2007 is to put in place a system for the regulation and management of geothermal energy resources in Western Australia and, importantly, to ensure access and guaranteed arrangements for companies and individuals involved in exploring for geothermal energy resources and, assuming they are successful, to ensure that they have a guaranteed right to produce energy from the sources they identify. The bill has a dual purpose; firstly, to put in place a system of regulation and, secondly, from the point of view of companies or individuals, to ensure guaranteed title if an appropriate find is made. The model proposed is based on the existing arrangements for petroleum resources in Western Australia, as opposed to the system that applies to mineral resources, which is quite different. The opposition supports this approach, and will support the bill.

Geothermal energy is a very interesting area that would appear quite promising for providing potentially large amounts of additional energy resources in this state. Obviously, a lot of work needs to be done and a lot of money needs to be expended on exploration. A lot of desktop work, and then a lot of expensive drilling work, will be needed to identify commercial quantities of accessible geothermal energy able to be converted into other forms of energy, most likely electricity. From the information I have gathered, it appears that potentially large amounts of geothermal energy are available in Western Australia and other parts of Australia. If all that geothermal energy were harvested, a massive amount of energy would be available. I will come back to that in a short while.

It is worth placing on the record exactly what geothermal energy is. A range of publications are available, and one that I will refer to is published locally by the Research Institute for Sustainable Energy, based at Murdoch

University, which has some very good information on its website. Amongst other things, RISE states that geothermal energy is heat energy originating deep in the earth's molten interior. There are four kinds of geothermal energy resources. Firstly, there is hydrothermal energy, which will be familiar to most people as hot springs in places such as Rotorua in New Zealand, where energy is already being harvested for commercial use. Notably, it is also seen - although I doubt it is used commercially - at Yellowstone National Park in the United States, in the huge geyser and other features that are evident there. Closer to home, I understand that hydrothermal energy is used to a small extent to heat water in the pools at Challenge Stadium. That is very interesting and probably indicates the potential for what might be done on a broader scale in Western Australia. It was also mentioned at the briefing yesterday that there is a swimming pool in the Victoria Park area that is heated from hydrothermal sources.

Mr C.J. Barnett: There used to be a hot pool in Dalkeith with a very infamous history.

Mr J.H.D. DAY: Perhaps the member for Cottesloe might elaborate a little later about the infamous pool in the Dalkeith area.

Mr C.J. Barnett: I don't know what happened there during the war, but my mother forbade me from going anywhere near it during the 50s and 60s. I think American sailors enjoyed it.

Mr M. McGowan: What year were you born?

Mr C.J. Barnett: Post-war!

Mr M. McGowan: How much post-war?

Mr C.J. Barnett: Enough!

Mr J.H.D. DAY: I think the member for Cottesloe could well elaborate a little further on what happened in Dalkeith and other areas, perhaps at a later stage of this debate!

Hydrothermal energy refers to energy that is produced when hot water and/or steam is formed as a result of heat rising from further down in the earth's surface, where heat comes naturally into contact with water sources. The second form described is geopressured geothermal energy. This consists of a hot brine or saline water, saturated with methane, and found in large, deep aquifers under high pressure. The major region in which geopressured geothermal resources have thus far been discovered is in the northern Gulf of Mexico.

The third form referred to - that which is really the most relevant to this legislation and to Western Australia - is the hot dry rock form of geothermal energy. It is abbreviated as HDR and is described as being a heated geological formation, formed in the same way as hydrothermal resources but containing no water, as the aquifers or fractures required to conduct water to the surface are not present. It is therefore necessary to drill as deep as two to five kilometres below the earth's surface to try to identify the source of energy. If the energy source is thought to be present, in order for it to be commercially useable it is necessary to pump water down into the hot rock area, which needs to be fractured in some way, either by forcing steam into it or through the use of explosives, and then to extract the superheated water through an extraction pipe in another drill hole. Electricity is then generated through an exchange process from the heat that has been extracted from two to five kilometres below the earth's surface. The information published by the Research Institute for Sustainable Energy states that the geological profile of Australia is such that there is large potential for hot dry rock technologies to be used for energy production in the eastern states of Australia. The publication also mentions that there seems to be increasing reason to further consider investment in hot dry rock opportunities in Western Australia.

The point was made to us at the briefing yesterday - I thank Mr Colin Harvey, who is sitting at the back of the chamber, for the briefing that was provided - that there is not currently a lot of information available in Western Australia about the temperatures at various depths below the earth's surface. In the past, generally speaking, people undertaking exploration - typically for petroleum resources - have not had to record the temperatures at various levels below the earth's surface. Obviously, we need a lot more information, and we hope that this bill will in part help to bring that about.

To complete the description of the various forms of geothermal energy, the fourth form is magma, the largest geothermal resource. It is molten rock found at depths of between three kilometres and 10 kilometres, and deeper, below the earth's surface. It is therefore not easily accessible and, as the publication states, the magma resource has not been well explored to date.

The point was made that there is big potential for geothermal energy to be used in Australia. It is estimated that about 80 gigawatts of geothermal energy could be generated in the short to medium term from known hydrothermal resources on a worldwide basis. In the medium to longer term, technological developments will bring about the utilisation of geothermal energy in hot dry rocks and geopressured reservoirs. I understand from other information that the first proposal to use geothermal energy for useful purposes was made in 1970 at the Los Alamos scientific laboratory in New Mexico. That was seen as being relevant during the oil crisis of the mid-1970s, but with the subsequent development of other oilfields and major gas deposits - of which Western

Australia is a very good example - the need to further investigate geothermal energy resources was perhaps not as great as it may be now. Information published by the International Geothermal Association in 2006 indicated that the United States was the largest producer of geothermal energy, followed by the Philippines, Mexico, Indonesia, Italy, Japan and New Zealand. As I said, the opposition supports this bill. It is potentially a very exciting new form of energy but, as I said, a large amount of work needs to be done before it can be proved, and no doubt a large amount of money will need to be spent by various private sector organisations to prove up the resources in the long term.

A publication has been put together by Geoscience Australia, an agency of the Australian government, which includes an indicative resource map of Australia showing the promise of geothermal energy. The map indicates that the most prospective areas of Western Australia are in the western Pilbara, near the coast; the upper Gascoyne area; the lower south west of the Kimberley; the north-eastern part of the Pilbara; and the central desert area around Warburton. It appears from the map that there is also an area somewhat north of Perth, probably around Geraldton.

It is relevant to observe that if geothermal energy resources are to be discovered and commercially exploited, they need to be within a reasonable distance of either major industrial needs or major population centres so that it will be economically viable to produce electricity and transmit it to where the industrial needs are or where the population centres are. That may be a constraint to some extent on some of the potential locations of geothermal energy resources in Australia. Nevertheless, this is an area that should certainly receive a lot of attention. It is an area for which virtually all state governments around Australia have put in place or are putting in place regulatory regimes. It is legislation that should certainly receive bipartisan support and, indeed, it does receive bipartisan support in this Parliament.

DR S.C. THOMAS (Capel) [4.49 pm]: I do not plan to speak for too long on the Petroleum Amendment Bill 2007 and, in particular, about geothermal energy. I will just make a few comments about geothermal energy, because I note that the Premier, in particular, and the government, has hitched his star to that wagon to some degree. He has placed enormous faith in geothermal energy and its future as a salvation for the potential lack of other environmentally sound plans for energy down the track. I hope that he is correct, but we will see how it goes.

As members will no doubt be aware, this energy form is basically constant. Let us go back to a bit of physics and geology. Obviously, energy generally exists in one form or another. It is not destroyed; it is simply transferred from one area to another. It is a bit like all the water on the planet. It was here once, and it is still here; it just transfers, with the very rare exception of a breakdown of a water molecule. Energy is a bit similar, and that is where this whole $E=MC^2$ theory comes from. It is sitting in the form of either energy or mass. It is generally sitting out there. It is released into space. It comes in from the sun. It is trapped internally in the centre of the earth - or not quite the centre, because, as we all probably know, there is generally a pretty big iron ball that sits in the centre of the earth, and then there are a number of other layers. Eventually there is a molten layer, and there is a very thin crust at the end of it.

There are two things. The energy that is floating around exists, and if it is reachable, it could be tapped just about anywhere. The same occurs with geothermal energy. If we could dig down far enough in one way or another, we would strike geothermal energy, because if we got down far enough, we would hit the molten layer of the earth, would we not? It must be remembered that energy in this form is simply heat. There are a number of forms of it, depending on various wavelengths etc, and whether we believe in the linear version of it or the photon block version of it. However, energy in itself is sitting down there - it is only a matter of the depth - and it is waiting to some degree to be tapped. There are obviously science fiction books that refer to the ability to tap the energy in the centre of the earth. It has been one of those great golden goals of mankind. At this stage it is science fiction. It is up there with spaceships and lots of other things. However, we got to rockets eventually, and we have got to shuttles. Maybe we will eventually get to a full-on spaceship, and maybe at some stage we will have the ability to tap into the earth. However, with that energy, it is really only a matter of depth, because basically it is everywhere. We are standing now on top of geothermal energy. It is just a long way down. It is a matter of the point at which it becomes economically, environmentally and socially feasible to tap into that energy to make it work. That is a question we must face, and that raises some issues.

Geothermal energy is a very rare occurrence around the world. It is not a big supplier of energy, and there are a number of reasons for that. One of the major reasons is the economics involved in tapping geothermal energy. One version of geothermal energy technology is proven, is relatively easy to do, and is done. I have seen it. That is basically tapping into volcanic activity and molten activity. When the molten layer comes up close to the earth's crust, it is relatively easy to pump water down to those areas, generate steam and, through a steam turbine, generate the energy required. That heat can be used. If members ever get the chance, they should travel through the area of Albay and the city of Legazpi in the Philippines. That area is powered primarily by geothermal energy - by volcanic activity - and tapping down into it. Interestingly, the people there keep having to re-tap. They tap down, put some water down, and there is a pressure and steam build-up, but they have to

keep tapping down because it is difficult to maintain pressure. To generate energy efficiently, they need the steam, but they need it under pressure. We are talking about significant pressures and high temperatures for the efficient conversion of steam energy into electricity. From memory, we are talking potentially about 500 degrees Centigrade, and we are talking about 40 to 80 bars, if I can use the old expression, of pressure. Therefore, we are talking about significant pressures and significant temperatures. That is not too difficult to do when people are sitting over the top of volcanic activity that is relatively close to the surface. "Relatively" might mean thousands of metres, but we are talking in relative terms. Therefore, relatively, it is not difficult to pump water down, convert it to steam and bring it back to the surface in an efficient manner. We are talking about pumping it. An energy source is required to generate this power.

The interesting thing about most Australian geothermal energy is that it is not, in fact, volcanic. Australia has a very limited number of volcanoes, and an even smaller number of active volcanoes. Most of the volcanic activity that we see now is simply the plugs that are left over from long, historic volcanic activity. That can be seen particularly in the eastern states. This means that the potential for Western Australia to engage in magma-style geothermal energy is relatively limited. That is the easy apple to pluck from the tree. That is the simple energy source. The technology is proven, and it is proven to be cost effective. However, we do not necessarily have that one. Therefore, we must turn to what has been described by various members; that is, dry hot rock technology. In that case, we are not dealing with magma; we are dealing with a number and variety of reasons that there is a relatively high temperature deep in the ground. Of course, we know, as we said before, that if we go down deep enough, we will strike high temperatures anyway, because we start to strike increased temperatures from the magma activity and the increased temperatures in the centre of the earth. However, we must go very deep, and nobody is yet doing that in a cost-effective manner. That is not to say that we should not be looking at experimenting, but this is one of those episodes that is just a bit out there; it is a bit ahead.

The Premier might like to put efficient dry hot rock technologies out there with stage 4 nuclear reactors, because they are both probably out there a bit in the future. We can talk about the long-term prospects for generation 4 nuclear technology - the gen-4 system - which will develop a 350-megawatt reliable and safe nuclear power station with about the same degree of timing certainty as for proven dry hot rock technology, which would be efficient for the state of Western Australia. That is not to say that we should not be doing it and that we should not be allowing private industry in particular to experiment with that process. In particular, we should be encouraging private industry to look at all sources of energy.

Another interesting proposal is the latest one to use hydrogen cell technology and develop a bit of a hydrogen economy with a new private power station in Perth. Hydrogen cell technology - again, a wonderful-looking technology - is still some distance away from proving itself. I would be the first to encourage those companies that want to get involved in that technology to spend money on doing it. I would have a problem if the state was investing heavily in unproven technologies that will potentially not deliver the outcomes that other technologies can deliver. We need to be sensible about investment of state dollars in this process. However, I think Rio Tinto and BHP Billiton are undertaking a joint hydrogen project in the Kwinana area, and that is great. The government has just closed down its hydrogen cell bus program on the basis that the buses are not efficient and cannot be maintained. That technology is not yet proven sufficiently to allow that project to go ahead. That was a very good project. If my memory serves me correctly, the hydrogen cell bus program was proposed first by the previous government. It was introduced, I think, by the -

Mr P.D. Omodei interjected.

Dr S.C. THOMAS: It was even introduced by the previous government; okay. I am happy to allow those members who were in Parliament at the time to debate when and where it was introduced. I know that the member for Maylands and the Minister for Planning and Infrastructure did a great deal in support of those buses. They were a good experiment.

Mr F.M. Logan: She's not here.

Dr S.C. THOMAS: The minister is not here. There might have been a stronger debate going on. However, we will take those small blessings when we can. As far as I can tell, those proposals were supported universally. They were good projects. However, hydrogen cell technology failed to prove itself. Last year, I went to an alternative energy conference that was, from memory, opened by the Minister for Planning and Infrastructure. We delved in great detail into hydrogen cell technology. Basically, that is a power source, and people were saying, "Yes, it has great potential, but it's not here yet." Well done to Perth for engaging in that experiment. I think it was a good thing that we engaged in that experiment. I think it is reasonable that we did that. The bus program has now had to be closed because it was not effective or efficient. The danger with geothermal technology is that the state needs to be a careful watcher in this process. My concern is that I see the Premier and the minister hitching their wagon to that star, as it were. They are throwing themselves at this process because, to some degree, they do not understand alternative energy sources. They have been convinced - it is a very dangerous thing for governments to be convinced - that there is one answer and that someone is about to

hand it to them: this is the answer on a platter and the government will never lose another election again if it just follows it. If we had a gold coin for every time someone came along and said that, I suspect we would have campaigns funded well into the future. I am concerned that this is what the government believes. It needs to be careful about the way it invests in this process because hot rock technology is, at this stage, an experimental technology and it is not yet proven.

I know the Premier is very keen on hot rock technology and I would hate to discourage that. Obviously, there is a range of energy sources from hot rocks. Some of those sources around the world have proven to be a form of radioactive fuel. I am sure that the Premier and the Minister for Resources will discuss the potential for the radioactive heating of steam as part of geothermal activity and whether that will occur or not. Of course, it is not geothermal energy in every case. Assuming that Western Australia uses geothermal energy with the forms we have here - as I said before, we do not have the hot magma form; we do not have the volcanic form - would we not be using a form of radioactive or nuclear energy, minister?

Mr F.M. Logan: It is a decaying process.

Dr S.C. THOMAS: It is radioactive decay, as is uranium 238 breaking down to create uranium 235, which then breaks down to plutonium and eventually becomes lead over 100 000 years.

Dr G.G. Jacobs interjected.

Dr S.C. THOMAS: The member for Roe has a problem with it becoming lead. Minister, it is a nuclear process; it is a radioactive process. I nearly said "meltdown"; I will have a meltdown here in a minute! It is not a meltdown, it is a radioactive process. We are tapping energy from a radioactive process. I would love it if the minister described to the people of Western Australia that the great hope of the Labor government for renewable energy sources is actually a radioactive process, and that we will be tapping nuclear energy. As I said when we did a little bit of physics at the beginning, the energy going through does not change the process.

Mr A.J. Carpenter: Is that what it was.

Dr S.C. THOMAS: If the Premier is having trouble understanding it, I will give him a briefing a bit later.

Mr F.M. Logan: You just carry on being a vet and leave engineering to others.

Dr S.C. THOMAS: Thank you. If the minister wants to learn something, this is very basic physics. If he is having problems with it, I am happy to explain it to him in a bit more detail.

While we support what is going on -

Mr P.B. Watson: I feel a press release coming on!

Several members interjected.

Mr G. Snook: You should check the press releases -

Dr S.C. THOMAS: Was the minister making comment on the press releases?

Mr G. Snook: Yes.

Dr S.C. THOMAS: I will table them tomorrow and I will get an apology tomorrow. However, we will not deal with that just at the moment. If the minister had seen it, he would not have made the foolish comments he made today.

Mr F.M. Logan interjected.

Dr S.C. THOMAS: They are sitting here; the minister is welcome to come and look at them at some stage. I will table them tomorrow and the minister can apologise.

Mr F.M. Logan: We shall compare the two, shall we?

Dr S.C. THOMAS: The minister should read them.

It is a good thing that the state is allowing research into geothermal technology. I am glad to see that the Labor Party has altered its perception of nuclear activity so that it will gain energy from it; that is what we like to see. It is the first step down the track. It might well be the next step down the track, one never knows. The government might follow the federal opposition leader's - Kevin Rudd's - proposal to expand uranium mining. That might be the next step, one never knows. The days of enlightenment of Labor have come, apparently, but not for the Western Australian state party because it is still getting there. That is why members opposite had to leave; they were struggling with the physics of the process.

Mr F.M. Logan: I thought you were going to make a short statement.

Dr S.C. THOMAS: I will sit down in a minute. I have to leave time for the minister's apology later on.

Mr M.P. Murray: Are you saying that you support a nuclear reactor in the south west?

Several members interjected.

Dr S.C. THOMAS: Stop, members! He might be offering me an abalone! Am I saying that I support - I missed the rest of it because of the raucous comments.

Mr M.P. Murray: Do you support a nuclear reactor in the south west?

Dr S.C. THOMAS: No; it is a nonsense. If the member had listened - I am sorry; I missed the second bit.

Mr M.P. Murray interjected.

Dr S.C. THOMAS: When members opposite get serious about climate change, we will start talking about nuclear energy around the world. However, it is okay for the moment. If members listen to my speech on renewable energy - which I am hoping to get back to this week - we can then start to talk about the proper use of nuclear energy and the fact that we will not see it in Western Australia. As I said at the beginning of my speech, and if the member had been awake for it, he would have heard -

Mr A.D. McRae: How many stations are under construction?

Dr S.C. THOMAS: We will deal with the nuclear industry around the world tomorrow. The commercial operation of generation 4 nuclear energy will be there at about the same time as geothermal hot rock technology.

Mr A.D. McRae: How many are under construction?

Dr S.C. THOMAS: How many geothermal hot rock technology power stations are under construction around the world, member?

There is nothing wrong with this bill. It will allow the development of technologies which may, one day, make a significant contribution to the power generation of the state. That day is still a fair way off, but we do not want to discourage that in the same way that we do not want to discourage BHP Billiton and Rio Tinto from trying to develop hydrogen technology in their proposal at Kwinana. We would not want to discourage private industry from researching and trying to develop dry hot rock technology in Western Australia. However, it is still a fair way away and it is dangerous for the government to throw itself into this too hard. It has not, to this stage. I do not have a problem with what it has done to date; I think it is reasonable. All I am saying is that it should be careful about hitching its wagon to that star by itself and neglecting everything else in terms of alternative power supplies and mainstream power supplies, including natural gas and "as clean as we can possibly get" coal. "Clean coal" is just one of those terms, but there are lots of things we can do to improve it. All of those things need to be part of the process. Geothermal energy is potentially one answer along with a whole lot of other potential answers that we will have to get to in time. For those reasons we should let the legislation go through and let companies work it and develop it, but we should not hold our breath for it.

MR M.W. TRENORDEN (Avon) [5.08 pm]: In contributing to the debate on the Petroleum Amendment Bill 2007 I would like to first of all thank the minister for the opportunity of carrying out the gas inquiry of a year or so ago along with the member for Collie-Wellington. It is always a privilege to talk to Western Australians about matters of interest to them. I also thank the member for Collie-Wellington for his contributions and his ability to work with me at the time. We will see what happens to that inquiry.

I have just returned from Penang. I went to Penang because its major race meeting was held last weekend. Members of this house probably do not understand that most of the feedstock for racehorses in southern Asia comes from Northam. It is a significant export industry for the Northam region. I might also say that I did not travel there on my imprest account; I went on my own account. I went to the same event last year. It was also not on my imprest account but under my own steam.

Malaysia has done a very substantial amount of work to try to establish itself as the biodiesel province of the world in terms of intellectual capacity and palm oil. It is interesting to look back 12 months at the position of the Malaysian government and its clearly stated intent to lead the world in a particular area and to find that it is struggling to do it. The reason it is struggling to do it is that palm oil is worth more to Malaysia as palm oil than it is as biodiesel. It is for that same reason that the regional members of this chamber are pleased to hear about the increase in wheat prices. Some of the grain crops in the United States are now more important as a fuel source than they are as a food source. Within a very short time, many farmers in Western Australia will be using a fair proportion of their properties to grow crops for industrial purposes rather than for food purposes. I am not sure that the Western Australian public has worked this out yet, but I believe that may be to the detriment of Western Australians, because if farmers are paid more for an engineering-type outcome than for a food outcome, they will move to that type of crop very quickly.

However, it is important that we move on and think about the future. This bill is about moving on. I am very interested in this matter. However, I am absolutely certain from talking to people, from what I have read on the net about alternative sources of energy, and from what I have read about what other states have done, that wave power will arrive in Western Australia long before geothermal energy. I wonder whether we have done enough work on wave power. One issue that may arise is that if a wave power generation plant is located in an

environmentally sensitive area, such as off Garden Island or Rottneest Island, both of which are close to the electorate of the member for Peel, and even if the only thing that is visible on the surface is a buoy, it may be a little difficult to get that past the Western Australian public. I wonder whether the people who have put together this bill have given any consideration to what is likely to come next. Like the member for Capel, I believe that, in reality, the first geothermal process in Western Australia is still a long way off. That process will need to be operating successfully in other places in the world, where the geothermal activity occurs close to the surface and is readily accessible, before it will ever come into operation in this state.

I have some questions about the bill. The second reading speech states that there will be two releases of acreages a year for geothermal energy titles. I realise that because this is a second reading speech, it cannot go into this matter in depth. However, given that the level of economic activity in this state is red hot, I am concerned that companies may sit on those leases and not release them. No matter how many parameters may be outlined in the second reading speech, we may find that companies will do the minimum that they need to do to retain those leases and will not necessarily allow the best opportunity to come forward. I would have thought that if a clear case can be put that an opportunity exists for this type of energy production, the lease should go straight to tender. In the case of the first project that gets off the ground, in particular, we should ensure that the process is competitive so that people who do not have a real interest in this type of energy production cannot do the minimum that they need to do to retain the lease and perhaps delay the opportunity for this technology to be developed.

I have said in this house many times that we are underselling the resources of this state. It is very easy to understand why the current mining agreements limit the rate of royalties that is paid, because when those agreements were put in place, this state was not going very well. Back in the 1960s, Western Australia was the poor relation of the other states in this nation, and these agreements were put in place to facilitate the economic expansion and activity that is now taking place. The bill proposes that a royalty rate of 2.5 per cent will apply to geothermal resources. I am concerned that that will nail us into a position that may not be to our advantage in the future. I would much prefer that the royalty rate was set by negotiation at the time the first lease was let. Recently, I spent some time with an individual who is heavily involved in the oil process. He is adamant that within a year, we will be paying \$100 a barrel for oil. I have no idea what we will be paying for oil in a year, but certainly, if the price of oil keeps climbing, the world as we know it will change. Despite what people say, there will not be a panic about the fact that we are running out of oil. The problem will be at what stage these other technologies will be able to kick in to replace oil. We already know that many of these other technologies are very feasible. That means that the world as we know it can change very quickly. The value of geothermal activity may be well above 2.5 per cent. As I have also said in this house many times, some of the major companies in Western Australia are operating on the same royalty rate as they were operating under 20 or 30 years ago. There may come a time when the capital costs have been paid back and the royalty rate can be increased. Another issue is the rapid rate at which our irreplaceable resources are going out the door. The second reading speech states that water is a vital component in the production of geothermal resources, as well as being a scarce resource in Western Australia. I am absolutely no expert on this matter, and would not profess to be. However, I would have thought that adding steam to salt water would not be a bad thing, because history shows us that if we add steam to water, we purify that water. I would imagine that the quality of the water is not a significant issue. However, we should ensure that potable water is not used for this process. Perhaps it will be possible to draw the water from the ocean, or from a source that has a significantly high saline content and is currently not of great value.

I know this is the Parliament, and that political things happen in the Parliament. However, I am concerned also that the second reading speech states that any royalties that are extracted as a result of this bill will be paid into a low energy emissions fund. That may be all right for the first lot of two and sixpence that comes through the door. However, what will happen if there is a significant shortage of energy supplies in the world and geothermal energy becomes more mainstream than this bill anticipates? This amendment to the Petroleum Act will be around for some time. I am not opposed to the royalties being used in this way. However, I am concerned about what may happen with those royalties in the future. I note that the second reading speech reads a bit like a platitude; there is no detail on how the bill will operate. As the member for Capel said, that may not be a problem because the development of geothermal resources will not occur for some time. However, none of us has the ability to read tea leaves. There could be a significant change in the process. What will happen if the Middle East erupts into a major war? Who knows? I am therefore concerned that the second reading speech reads like a political statement that makes the government look good rather than its reading more like a practical operating statement or document. I am sure in future there will be significant generation in the state from alternative energy sources compared with that which is generated now. I was very appreciative of what the minister said about the eight biomass plants when I was in York a couple of months ago. I would love to see those happening in the region; that would be an excellent outcome. However, again, a biomass plant is a partly renewable process generating power. Despite the political argy-bargy - member for Collie-Wellington - when we refer in this place to power station expansions, we talk about 300 megawatts, although there has been one

500-megawatt expansion. However, in our time we will never see a nuclear power station in this state; it is not going to happen, or it will be a long time away.

Dr S.C. Thomas: Decades away.

Mr M.W. TRENORDEN: Decades away. We would not build a nuclear power station under 2 000 megawatts.

Dr S.C. Thomas: Maybe 1 500.

Mr M.W. TRENORDEN: Even so, an increase to our system by 1 000 megawatts will not occur. It will therefore be a long time before nuclear power is an option for this state.

I suggest to members that the first new base-load process will be wave power. People will come to Western Australia to put in wave power off Rottnest Island. Right now wave power stations are going in off the coasts of France, Ireland and California. As we are talking now, at least three major wave-power projects using new Japanese technology are under construction. In time it will be clear that wave power will produce sustainable energy. To repeat myself, the problem is that people in this state will want the generation as close as possible to the usage source and at a price that is obviously useful for generating wave power, which means it will probably be put in west of Rottnest Island. Just imagine going to the people of Western Australia and saying, "We are going to stick a wave power station just west of Rottnest." Personally I think people should not worry about it, as it will be on the ocean bed with, as I said before, a buoy on the surface.

Mr T.R. Sprigg: Which won't work because there will be too many jewfish, snapper and baldchin there!

Mr M.W. TRENORDEN: I had forgotten about that; they will curb the process.

It is interesting to note that it is not waves that generate wave power; it is the movement of water on the base of the seabed. I think that will be our next call. No-one says that we should not bring this bill into Parliament for consideration. I would have been happier with the bill if the minister had not set a rate for royalties. The issue of resources and royalty rates will grow at some time in the future. Without saying that he is guilty, I recall the member for Cottesloe making several speeches on this particular issue. It is right that the community has the right to make a decision about royalty rates. However, I think it is a bit early to be calling royalty rates on this issue. Other than that, I support the bill.

DR J.M. WOOLLARD (Alfred Cove) [5.24 pm]: Although I am very pleased that this bill is on the table and that the government is considering alternative energy sources so that the state does not need to rely predominantly on fossil fuels, I have some minor concerns about the bill as it stands. Western Australia and Northern Territory are the only state or territory that have not passed legislation for geothermal energy. South Australia passed its legislation under the Petroleum Act; New South Wales under the Mining Act; Tasmania under the Mineral Resources Development Act; and Victoria and Queensland have passed their own separate legislation.

This bill will amend the Petroleum Act 1967 to provide for exploration and recovery of geothermal energy. We know that geothermal energy is a naturally occurring, sustainable source of energy. It is usually associated with hot geothermal springs and the geothermal energy generated from the energy contained in hot dry rocks or high-heat producing granites located deep below the earth's surface. With this bill, the government will vest Western Australia's geothermal resources in the Crown, much as it has with other mineral resources. It will provide coverage for conventional - hydrothermal - geothermal energy and hot dry rock geothermal energy. It will give secure title for geothermal explorers and producers. Although we know it will be a very costly exercise to move into this area, there are companies that are very interested in this. Other countries already have geothermal energy. There are companies that are active in Western Australia and other parts of Australia that have been lobbying the Department of Industry and Resources over the past year or two. We therefore know that there are potential pockets that can be tapped.

It is a shame that the member for Avon has left the chamber, as I believe the Avon Valley is one potential area for prospective claims. I have heard that Garden Island could be another. There are therefore some areas in and around the metropolitan area for developing geothermal energy. The bill provides for the co-existence of petroleum and geothermal resource titles, and a mechanism for the collection of geothermal royalties. I will discuss royalties a bit later. I believe that we should follow the New South Wales model in which royalties are set at four per cent rather than 2.5 per cent. The Petroleum Act will be amended to acknowledge the new provisions and will be known as the Petroleum and Geothermal Energy Resources Act. The bill will ensure that geothermal energy exploration and recovery are recognised in Western Australia.

I thank the government for the briefing I was given on the bill. The reason I was given for the government amending the Petroleum Act was the similarities between the processes for developing geothermal energy and those for developing petroleum. As was stated in the briefing, that is why the government chose to include geothermal exploration and recovery provisions in the Petroleum Act rather than the Mining Act. The Mining

Act offers more protection for environmentally sensitive areas than does the Petroleum Act. Section 6(1) of the Mining Act states -

This Act shall be read and construed subject to the *Environmental Protection Act 1986*, to the intent that if a provision of this Act is inconsistent with a provision of that Act, the first-mentioned provision shall, to the extent of the inconsistency, be deemed to be inoperative.

That means that those involved in the exploration of mining must have regard for the Environmental Protection Act. Geothermal energy exploration and recovery will come under the Petroleum Act even though that act does not have a similar provision. I have discussed this issue with the Minister for Energy. I accept his comments that just as there is a memorandum of understanding between the Department of Industry and Resources and the Environmental Protection Authority in relation to the referral of onshore mineral exploration and mining development proposals, and just as there is a memorandum of understanding between the Department of Industry and Resources and the Environmental Protection Authority in relation to the referral of onshore petroleum activities, there will be a memorandum of understanding relating to geothermal energy. However, a memorandum of understanding is not legislation. A memorandum of understanding can change. As stated in the Mining Act, mining proposals must go before the Environmental Protection Authority for assessment. The Environmental Protection Authority can give them either a yes or a no. The memorandum of understanding states that those involved in drilling, facilities, pipelines and seismic or other ground-disturbing activities must refer to the Environmental Protection Authority. However, it is only a memorandum of understanding. Therefore, during consideration in detail stage I will move an amendment to insert proposed new section 6A, the heading of which will read "Environmental Protection Act 1976 - Paramount". The amendment will read -

This Act shall be read and construed subject to the *Environmental Protection Act 1986*, to the intent that if a provision of this Act is inconsistent with a provision of that Act, the first-mentioned provision shall, to the extent of the inconsistency, be deemed to be inoperative.

I hope that members from both sides of the house will support my amendment. The amendment will not detract value from the legislation; rather, it will add value. We do not want environmentally sensitive areas to be damaged.

The government said that it chose to include geothermal exploration and recovery in the Petroleum Act because geothermal energy exploration is similar to petroleum operations and because the Petroleum Act has widespread industry acceptance. My amendment will probably ensure widespread community acceptance. The vast majority of the community is very concerned about the environment. The government said that it did not choose standalone legislation because it would be costly and time-consuming and because it would require replicating many of the existing petroleum legislation provisions. As I said earlier, both Victoria and Queensland have standalone geothermal legislation. During my time as a member of this house, we have modelled our legislation on legislation from other states on many occasions. I refer, for example, to the State Administrative Tribunal legislation which, almost word for word, mirrors legislation from the eastern states. I would have preferred standalone legislation because it could have provided a guarantee that the pursuit of geothermal energy will not come at the expense of the environment.

Geothermal energy resources will be vested with the Crown. The Petroleum Act currently provides that compensation is not payable for any gold, mineral or petroleum known or supposed to be on or under the land. One of the problems I have with this bill is that it extends that provision to provide that no compensation will be payable for geothermal energy. I refer to a "World News" Internet article, the heading of which reads "Hot rocks in Earth's crust offer a glimmer of hope for clean energy, but beware of tremors". The article states -

Basel- Switzerland -- When tremors started cracking walls and bathroom tiles in this Swiss city on the Rhine, the engineers knew they had a problem.

It goes on to explain that because of the problems -

. . . Basel authorities told Geopower Basel to put its project on hold.

Tapping for geothermal energy can cause problems. A "Scitizen" Internet article reads -

It has been confirmed by experts that the Deep Heat Mining project, located near the city of Basel to extract geothermal energy caused tremors of 3.3 on the Richter scale.

. . .

An investigation is now underway to seek liability for everyone involved in the project, and possible criminal prosecutions, since it is claimed that those in charge were well aware that there was a risk of setting-off earthquakes. Basel is one of the areas in Switzerland most prone to seismic activity . . .

One can see from what is happening in other parts of the world that have already moved into the area of geothermal energy that there are problems with seismic activity. It is unacceptable that there will be no avenue

for compensation in the process. Clause 17 should not include geothermal energy resources or geothermal energy as factors that prevent compensation. As I said before, people are looking for these resources near the metropolitan area. They want this type of energy to feed the south west interconnected system. If geothermal energy is used to feed the SWIS, we want to ensure that the community is safe and that if there is any damage - if the companies involved do not take care - people will be paid compensation.

[Member's time extended.]

Dr J.M. WOOLLARD: The bill provides for a release of acreage, and it is proposed that the competitive bidding or tender processes currently provided for in the Petroleum Act for the award of petroleum titles will apply to geothermal energy resources. The briefing provided by the Department of Industry and Resources revealed that land will be released in Carnarvon in September 2007, with gazettal in March 2008 for many places. That is not that far off. Although this bill is only now before the house, a lot of work has already been done in this area. It will be gung ho once this bill has passed through the house. I want to see forms of energy other than fossil fuels, because of greenhouse gases and climate change, but there must be a responsible approach to using these other sources. The bill will provide for the release of acreage in discrete areas - a number of blocks packaged as an area - or a whole basin of the state. It will also allow for some over-the-counter applications. It will be quite flexible. The area in South Australia was larger, but in Western Australia permits will be given for a maximum of 160 graticular blocks. One graticular block is 80 square kilometres, which is a large area. In regions such as Avon, which might be near the south west interconnected system, these are large areas. These will be the same as existing petroleum titles.

I spoke earlier about royalties. By charging only 2.5 per cent, we could be short-changing the community. From the briefing, and from the minister's comments, we know that over the past two years the government has received expressions of interest in title rights from proponents of geothermal energy exploration. There are people out there who are interested and can see that they can make a dollar out of this. It is wrong that we are going for 2.5 per cent; we should be going for four per cent, the same as New South Wales. Geothermal energy is likely to be sold on the basis of energy units.

During his second reading speech, the minister also talked about water rights. Water is a vital component in the production of geothermal energy. Other speakers have explained this tonight, and I thank the department for explaining how the water is pumped down through the permeable and impermeable sediments to the hot dry rock system, and then comes back up and goes to the power station. Whoever is considering geothermal energy must make sure that there is water nearby for this process. This bill will ensure that holding a geothermal energy title does not confer rights in relation to water. That is very good, because of the problems we are having with water supply throughout Australia. I am very pleased that that provision has been included in the bill.

There are three key areas in which I seek clarification from the minister. The first relates to the Environmental Protection Act. I seek assurance from the minister that the Environmental Protection Act will be paramount over the proposed Petroleum and Geothermal Energy Resources Act 2007. This is very important. I am not sure whether we will be moving into consideration in detail tonight, but I hope that the minister has a look at the Mining Act 1978 and the Petroleum Act 1967, and recognises the necessity of putting that kind of provision into legislation; not just having it covered by a memorandum that can be changed. We as legislators should be ensuring this provision is made, on behalf of the community.

The second area is that I believe that the royalty should be increased from 2.5 per cent to four per cent. I ask the minister to explain why he is not following the New South Wales model. It is not sufficient to say that we need to be the same as South Australia to make sure Western Australia attracts exploration companies. The minister knows that, even before this bill was brought before the house, there had been expressions of interest over the previous two years. People are interested in this area. In many of the other state agreement bills that have been passed by this house, the royalties are a pittance. The community has been very badly served by the royalty provisions of those bills.

Thirdly, we know that people will want to explore for geothermal energy sources in areas near the south west interconnected system, whether it be in Rockingham or Avon, so that the energy can be fed into the SWIS. Landowners who may be affected, as were the landowners near Basel in Switzerland, should be entitled to compensation for any damage. At the moment, under clause 15, landowners will not receive compensation as a result of the amendments made by this bill to the principal act.

In principle, I support the legislation. As I said, I am very pleased that we are considering alternative sources of energy, but I am concerned that including geothermal energy under the Petroleum Act, rather than under the Mining Act, does not give the same level of security for the environment. However, I believe the minister can rectify that by putting in this legislation exactly the same provision as was put in the Mining Act when it was amended. The Environmental Protection Act was amended in 1986 because people did not feel that there was enough protection in the act. There have been other amendments. However, because people had been unhappy with the protection provided for the environment, that clause was inserted in the Mining Act to ensure that the

Environmental Protection Act took prominence. While we support geothermal energy, we still must make sure that we can guarantee environmental protection. I do not think that should be through a memorandum; I believe it should be through legislation. Although the Minister for Resources is very committed to the fact that this memorandum will guarantee environmental protection, a memorandum does not have the same status as legislation. I believe that environmental protection needs to be given through legislation, and there should be a provision in the Petroleum Act that is identical to section 6(1) of the Mining Act, which, as I said earlier, gives a guarantee that the Environmental Protection Act is the operative act if there is any inconsistency between that act and the Mining Act. The situation should be the same with the proposed Petroleum Amendment Act.

MR F.M. LOGAN (Cockburn - Minister for Resources) [5.52 pm]: First of all, I thank all members opposite for their contributions. In particular, I thank them for their support of this bill. I will deal first with the issues raised by the Leader of the Opposition, the member for Warren-Blackwood. I again thank him for supporting the bill. I also acknowledge that it would have been preferable if we had had a consolidated copy of the Petroleum Act with the changes highlighted. Unfortunately, I did not have a copy of that any more than the Leader of the Opposition did.

Mr P.D. Omodei: I know that it does not happen very often.

Mr F.M. LOGAN: Yes. I think the reason is that the department was under the hammer to get the bill prepared. Obviously, it would have taken a lot of time to prepare a consolidated copy, given, as the Leader of the Opposition knows, the size of the Petroleum Amendment Bill. However, I am glad that members opposite got so much out of the briefing that was given by the department. I certainly concur with the member for Warren-Blackwood about a uniform type of legislation governing geothermal resources across the whole of Australia. However, unfortunately, we cannot govern what other states do. We thought it would be most appropriate to copy what South Australia has done, given that it is the leader in geothermal exploration. It has quite appropriately and effectively used its petroleum legislation, and we thought, given the way in which we in Western Australia apply the petroleum legislation so comprehensively across onshore and offshore exploration, that that would apply very easily to geothermal exploration. Therefore, we chose that course of action.

Earlier, a suggestion was raised briefly by the member for Warren-Blackwood about the removal of all royalties on this form of renewable exploitation. I think the member for Warren-Blackwood also acknowledged that the act does allow the minister to authorise a change to a royalty scheme, and suggested that if there was a prospective project but one that was quite difficult, the minister would have the authority to amend the royalty regime to reduce it to zero for the purpose of getting that project up. That is always, as the member for Warren-Blackwood said, available to the minister of the day under the act.

I will deal with the issue of the royalty scheme, because it has been raised by a number of members. It was raised by the member for Avon and also by the member for Alfred Cove. The member for Avon believes that the royalty rate should be increased significantly, along with other royalties. The member for Alfred Cove believes that the royalty rate for geothermal exploitation should be increased to four per cent, in line with the situation in New South Wales.

Mr P.D. Omodei: I thought the member for Avon was of the opposite view. The member for Alfred Cove wants to increase it; the member for Avon, I think, wants to decrease it.

Mr F.M. LOGAN: No, the member for Avon also believes that we should charge a higher rate than the one proposed of 2.5 per cent. He said that all royalties should be increased, but this one in particular. As the member for Warren-Blackwood knows, other members have put the opposite point of view; that is, to encourage exploration, we should reduce the rate. We struck 2.5 per cent on the basis that currently the petroleum royalty rate is 10 per cent. That is not the rate that applies to exploration for geothermal energy in most other states. The reason is that it is very expensive. Drilling down as far as five kilometres to get to the hot dry rocks, which is the preferable source of energy, requires very large drilling rigs and very deep pockets for anybody who wishes to undertake this type of exploration. Consequently, unless we provide some form of incentive in the first place to encourage people to go out there and undertake this very expensive form of exploration, it is possible that no exploration will take place.

The member for Alfred Cove said that we should follow what New South Wales does and charge a four per cent royalty rate. I do not think we should follow New South Wales. With due respect to the government of New South Wales, I do not think we should follow New South Wales on anything regarding energy, because it has enough problems of its own in dealing with its energy situation. I do not think we will follow the New South Wales royalty rate with regard to geothermal legislation, because New South Wales is not the leader in Australia, by any stretch of the imagination, in geothermal energy or geothermal exploration. I say to the member for Alfred Cove that there was much debate on this issue. It was not simply a question of saying, "Let's pick a figure - any figure." It was after much debate about what would be the right balance in securing an acknowledgement that this is a resource that belongs to the people of Western Australia and, therefore, should be

paid for, and what rate we should strike to ensure that people are encouraged to undertake this very expensive form of exploration. We thought 2.5 per cent was a balanced figure and the right figure.

Dr J.M. Woollard: Is there a sunset clause so that this bill can come back to the house for review in so many years?

Mr F.M. LOGAN: No, not for the bill, but the 2.5 per cent can be reviewed after 10 years. We believe it is the appropriate rate for the royalty. Also, as I have informed the house, any income received from that 2.5 per cent in a royalty stream would be transferred into a renewable energy fund, so that those moneys could then be used to encourage other sources of renewable energy to get off the ground. We believe that the overall package is a very good one, whereby we will charge a very nominal amount for the exploitation of a state-owned energy source - geothermal energy - and we will take that income stream and then use it for investment in other forms of renewable energy. I think it is a very good proposal.

In terms of the questions that may well be raised by the member for Warren-Blackwood about sharing information, particularly what will happen when two organisations share the one block - one might be looking for oil and gas, and the other might be looking for geothermal energy - I will answer those questions as they arise.

The member for Warren-Blackwood raised a number of issues about the second desalination plant and the renewable energy requirements of that desalination plant, including, I think, a statement made by the Premier about the possibility of geothermal energy being used as a source of energy. That is possible, and we would certainly like to see that take place.

Sitting suspended from 6.00 to 7.00 pm

Mr F.M. LOGAN: It is unfortunate that the member for Capel is in the Chair as Acting Speaker, because I was going to take issue with the points he raised in his speech as the member for Capel. I will address them, but obviously, given that he does not have an opportunity to respond, I will deal with them only briefly. I have responded to the several issues raised by the Leader of the Opposition. I acknowledge the support given by the member for Darling Range and thank him for his support.

The member for Capel's explanation about the physics of geothermal energy probably requires a little comment, so I take this opportunity to table two documents. Members opposite may already have copies of these documents. If not, I think it would be good to put this on the record anyway. There are two documents. The first is headed "So - geothermal energy is everywhere". It provides a description of how geothermal energy is drilled, and to what depth it is necessary to drill. The second document reveals the hot spots in Western Australia based on a survey undertaken by the Geological Survey of Western Australia. It identifies the hot dry rock areas in the Canning Basin, Carnarvon Basin and Perth Basin.

[See papers 3111 and 3112.]

Mr F.M. LOGAN: The first document, entitled "So - geothermal energy is everywhere", indicates the depths to which it is necessary to drill to access dry geothermal energy, as compared to wet geothermal energy, otherwise known as hydrothermal energy. The Habanero Resources drill hole in the Cooper Basin in South Australia runs to a depth of six kilometres. It is a substantial depth to access the type of heat and power necessary to drive a power station. The member for Capel referred to the temperature required to access the steam necessary to drive a geothermal power station. It is around 200 to 220 degrees centigrade, which is very hot. It means that in order to access it, it really is necessary to drill down a long way.

What are the types of energy that will be accessed? The member for Capel, facetiously teasing the government about nuclear energy -

Mr B.S. Wyatt: Facetiously?

Mr F.M. LOGAN: I think he was doing it facetiously, because I do not think the member was being completely serious in his attempts to undermine the government's position on nuclear power. He indicated that the process of the creation of heat and energy at that depth is effectively a nuclear process, and of course it is. It is the breakdown of particles and elements, primarily within granite rock, through a radioactive decaying process, which in itself creates energy and heat. That heat is then harnessed as energy. It is not a nuclear power station; it is a very natural process of decay, which we all ultimately go through. The natural process of decay is harnessed, the energy created by that process generates steam, and electricity is generated from the steam.

The member for Avon also supported this legislation and I thank him for that. He made some points about the release of acreage; the underselling of resources, as he put it - that is, the royalty stream, which is set at 2.5 per cent - and the cost of water. That all adds to the costs of establishing a viable geothermal energy plant.

The member for Darling Range wrongly suggested that we are a long way away from realisation of this energy source. It is more than likely that geothermal power will generate electricity within the next five to 10 years, if the geothermal energy is harnessed very close to the south west interconnected system grid.

The second document is entitled "Hot dry rock areas". It is a geographical map of Western Australia, highlighting the Canning Basin, the Carnarvon Basin and the Perth Basin, upon which are indicated the hot spots that we are aware of. We do not know very much about them, but we are aware of them -

Mr P.D. Omodei: I notice that right down the middle of Western Australia, where it has the names "Pilbara Craton" and "Yilgarn Craton", there are not too many spots. Is that because it is harder rock and has not been drilled as much?

Mr F.M. LOGAN: It is a different form of rock. It does not have as much granite as the other areas indicated in dark blue, in the Canning Basin and the Perth Basin. The Yilgarn Craton and the Pilbara Craton are areas in which high levels of mineralisation are to be found, such as gold, nickel, copper, iron ore and other forms of mineral. Compared with granite, these are far softer forms of rock, and are therefore a different type of rock to that in which hot rocks are found - primarily granite. However, I tell the member for Warren-Blackwood that GSWA has indicated to me that there are people in the Perth drilling and exploration community who think out of left field, and who are going to drill in the Yilgarn Craton area because they believe there is a possibility that hot rocks will occur in those areas. If the member for Warren-Blackwood looks at the number of black spots that appear on the map in the Perth Basin area just north and south of the city of Perth, particularly in the Dongara area, he will see existing transmission lines running very close to where those hot spots occur. It is proposed that far larger transmission lines will run right through the middle of those hot spots between Perth and Geraldton. There are also major transmission trunk lines running between Perth and Collie. As the member can see on the map, a number of hot spots have also been identified between Perth and the south west. It will be interesting to see exactly what areas the drillers and the exploration community will target when they try to get as close as they possibly can to the south west interconnected system to access the hot rocks. At the end of the day that is the only way geothermal energy will be viable.

The member for Alfred Cove indicated her support for the bill, albeit subject to certain conditions. The member raised the issue of mining royalties and said that a four per cent regime, not the proposed 2.5 per cent regime, should be established. I have already answered her concern. New South Wales may well set a four per cent royalty rate but that state has not been very successful in encouraging geothermal exploration.

Dr J.M. Woollard: You actually said that while there is no sunset clause in this bill the royalty rate could be reassessed in 10 years.

Mr F.M. LOGAN: I presume that is the case. I was relying on my memory when I said that and I will answer that question specifically in consideration in detail when an adviser will be present. I think there will be a review of the royalty rate in 10 years.

The reality is that this bill provides a balance between trying to set a royalty that recognises an energy source that has some value, and that value should be reimbursed to the people of Western Australia, versus setting it at a level that could discourage exploration. I have advised members that it is very expensive to undertake this kind of exploration. We think 2.5 per cent is a good balance and one that will make this bill workable and the exploration viable.

The member for Alfred Cove indicated that she would move an amendment in consideration in detail to include a provision 6A that will make reference to the Environmental Protection Act 1986. I will explain to the member the reason that this reference is not included in the Petroleum Act 1967. The Petroleum Act predates any Western Australian environmental legislation. The Mining Act was enacted after the Petroleum Act.

Dr J.M. Woollard: The Mining Act was enacted in 1978.

Mr F.M. LOGAN: It was not enacted after the enactment of the Environmental Protection Act 1986, but it was enacted after environment legislation came into force in 1971. That is the reason that the Mining Act includes that provision and the Petroleum Act, which predates the Environmental Protection Act 1971, does not include that provision.

The member for Alfred Cove alluded to a memorandum of understanding between the Environmental Protection Authority and the Department of Industry and Resources regarding onshore petroleum activities. The Petroleum Amendment Bill deals with onshore petroleum activities, which includes onshore geothermal activities. Therefore, the existing memorandum of understanding would be modified to include geothermal activities. The memorandum of understanding goes to how the participants are expected to deal with environmental conditions - drilling activities, seismic activities, facilities that are built for the purpose of drilling and seismic activities and any pipelines that are installed as a result of successful drilling and seismic activities. At the back of the memorandum of understanding, which I will table, is a summary that indicates that an application from a company seeking to drill in an area will automatically be referred to the EPA for assessment. Exploration in protected areas, red book areas, and sensitive riparian and groundwater areas are referred to the EPA before any assessment or seismic activity starts. The only areas that are not referred to the EPA but are assessed by Department of Industry and Resources are those areas within two kilometres of an existing town centre. All

other matters are referred to the EPA. That applies to petroleum exploration in WA and it will apply to geothermal exploration in Western Australia. I will table this document so that it is on the public record. It sets out exactly the requirements that the Department of Industry and Resources follows in its advice to companies wishing to drill.

[See paper 3113.]

Mr F.M. LOGAN: I hope the memorandum of understanding and the way in which things have been managed in the past 20 to 30 years in Western Australia satisfies the issue raised by the member for Alfred Cove. If she is not satisfied with my explanation and insists on introducing an amendment, I will oppose it for a number of reasons. The provisions that I have outlined in the memorandum of understanding between the Department of Industry and Resources and the Environmental Protection Authority are satisfactory for the purposes of protecting the environment with respect to geothermal exploration. The member's proposed amendment would affect the entire oil and gas industry in Western Australia. She would be introducing an amendment that possibly would have a major impact on the oil and gas sector in WA, without any consultation whatsoever. It would be achieved simply by amending an act of Parliament. It is not the way to go about making changes to a major piece of legislation that governs a multimillion dollar industry in WA. For those reasons I will oppose the member's proposed amendment if she insists on putting it forward.

The third point the member raised goes to the issue of compensation. There are two aspects to this issue. First, the member referred to compensation not being paid under proposed section 15. That refers to the resource itself; that is, the energy that is harnessed through geothermal activity and geothermal drilling. As the bill sets out to establish, that resource belongs to the state; it does not belong to the person whose land the resource is on. Therefore, no compensation would be paid to the person whose land the resource is on. Proposed section 15 states that no compensation will be paid for the purposes of that resource because that resource belongs to the state and this bill qualifies that. In the second question the member raised about compensation for any damage that might be caused as a result of drilling and seismic activity she used as an example the incident in Basel. I point out two things in relation to that. First, with respect to ensuring that the incident in Basel should not occur in Western Australia, proposed sections 62A and 62B require that any prospective geothermal explorer must provide a geothermal energy recovery development plan to the Department of Industry and Resources before it starts fracturing rocks or undertaking any activity that might lead to possible seismic movements. Before the drillers start using air charges or explosive charges down the hole to start the fracturing process, they have to set out what they are planning to do by way of a geothermal recovery development plan to the Department of Industry and Resources to show the department that they are not going to cause any further seismic activity.

Dr J.M. Woollard: Would compensation be paid to landowners because of proposed section 62A?

Mr F.M. LOGAN: No, that is only one part. I am just addressing the issue of Basel. The member gave an example and the member for Warren-Blackwood gave the example of Basel. We have learnt from what happened and we will ensure that whoever is proposing to drill puts in a development plan before they start any energy recovery, which will show exactly how they will be doing the fracturing of the rock and to ensure that none of that will lead to further seismic activity as occurred in Basel. That is one of the lessons we have learnt from what happened in Switzerland.

Mr P.D. Omodei: Does the seismic activity itself involve explosives?

Mr F.M. LOGAN: No. Seismic activity is hammering the ground from above and recording the energy waves as they come back up. That is usually done by a truck.

With respect to any damage that may be caused as a result of drilling activity whether for petroleum or geothermal purposes, section 91 of the current act deals with the insurance that a drilling organisation has to carry prior to starting its operations. The insurance has to be shown to the Department of Industry and Resources. It has to be at or beyond \$40 million in terms of liability. It has to be proved to the Department of Industry and Resources before drilling activity is undertaken.

Dr J.M. Woollard: Section 91 of the current act allows compensation to be paid to landowners in the event -

Mr F.M. LOGAN: It does not state that, no. It does not state that compensation will be paid to landowners. It requires that, before drilling activity starts, a company must have in place an insurance policy to the value of \$40 million or more that will be available to be called on by an injured party should it be able to prove that the drilling activity or seismic activity undertaken by the company caused damage to the property.

Dr J.M. Woollard: While it does not say that in so many words, there is a section in the current act that allows landowners to claim for compensation should there be damage to land because of geothermal activities?

Mr F.M. LOGAN: There is no need to state that. All that is required is that people are insured. It is like any company. We do not have a series of acts of Parliament stating that we will compensate everybody for any

action undertaken by way of business. It states that a drilling company is required to have insurance in place and should an injured party feel that the activity of the driller has led to some damage it can then make a claim against the drilling company. Failing that, it can go to court. That should cover the points raised by the member. For the purposes of undertaking drilling and seismic activity for geothermal purposes, the company undertaking those activities must be insured should it cause damage to a person's property that it is undertaking that activity on.

Those are the two areas of compensation that the member raised. One is proposed section 15 and the other is damage to an individual's property as a result of any geothermal drilling activity. I hope that those areas have been addressed adequately. Having said that, I think I have addressed all members' issues that have been raised. Once again, I thank all members opposite for their contributions and their support for the bill.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title -

Mr P.D. OMODEI: I am sure I have read something somewhere in the explanatory memorandum or the briefing notes about the question I am going to ask. I ask about the basis on which the minister decided to amend the Petroleum Act rather than have a stand-alone piece of legislation given that other states have based their legislation on mining and resources legislation. Has it been deemed that it is better to have these provisions under the Petroleum Act rather than stand-alone legislation?

Mr F.M. LOGAN: I thank the member for the question. The reason the Petroleum Act was chosen as opposed to the Mining Act is because it is well known in Western Australia. It is well understood and well used. We have the technical capacity to assess this type of activity under the Petroleum Act; that is, the drilling activity.

Mr P.D. Omodei: Why not a stand-alone act?

Mr F.M. LOGAN: Because the administration of graticular blocks and the release of tenements is well understood by the community. The people drilling for geothermal energy - the actual participants - will be the same drilling companies that are used in the mining industry, and particularly in the offshore oil and gas industry. They understand the current Petroleum Act; they understand the release of acreage under the Petroleum Act; and they understand their own requirements under the Petroleum Act about what they are supposed to do. As such, it is a nice fit.

Mr P.D. Omodei: You are confident it will not cause any confusion or conflict?

Mr F.M. LOGAN: No, we do not believe it will cause confusion. This goes to the point raised by the member in his second reading contribution, which was about the possibility of people over-drilling each other. There is the possibility - a very strong possibility, particularly in the Dongara area - that on the same block someone may be drilling for gas and someone else may be drilling much deeper for geothermal energy. As the member can see from the act, they can still exist harmoniously on one graticular block in the same way that mining activity can be undertaken in the same area as oil and gas exploration in Western Australia.

Mr P.D. OMODEI: This is the last point that I want to make on this issue. Do the amendments that are proposed under the bill diminish in any way the rights of the people who currently hold gas and petroleum rights?

Mr F.M. LOGAN: No, they do not.

Dr J.M. WOOLLARD: I will just follow on from the comments of the Leader of the Opposition. Can the minister tell me how many applications have been made in the past 12 months for mining permits and petroleum licences? The same department deals with them.

Mr R.F. Johnson: Come on; you know that!

Mr F.M. LOGAN: There will have been thousands.

The ACTING SPEAKER (Dr S.C. Thomas): Before the minister answers that question, there is some question as to whether it actually relates to this clause. If the minister has an answer, I ask him to give it. Otherwise, we will need to progress.

Mr F.M. LOGAN: Off the top of my head, I cannot say how many mining and petroleum applications were made during the past month. We can find out that information for the member. Applications are made in Western Australia and also federally, particularly if they are offshore applications. I am not sure about the number of onshore petroleum applications. What is the reason for the question? Where is it leading?

Dr J.M. Woollard: I believe it would be minimal.

The ACTING SPEAKER: We will not have a conversation across the floor. I ask the member to put that question on notice.

Clause put and passed.

Clauses 2 to 6 put and passed.

New clause 7 -

Dr J.M. WOOLLARD: I discussed this amendment during the second reading debate and I appreciated the response that the minister gave in his reply to that debate. However, neither I nor the community groups with which I have discussed this matter feel that a memorandum of understanding between the Department of Industry and Resources -

The ACTING SPEAKER: Member, before you continue I ask you to move the amendment.

Dr J.M. WOOLLARD: I move -

Page 7, after line 24 - To insert -

7. Section 6A inserted

After section 6 the following section is inserted -

“

6A. Environmental Protection Act 1986 paramount

This Act shall be read and construed subject to the *Environmental Protection Act 1986*, to the intent that if a provision of this Act is inconsistent with a provision of that Act, the first-mentioned provision shall, to the extent of the inconsistency, be deemed to be inoperative.

”

As I said, I thank the minister for his comments in response to the second reading debate. However, the reason that the minister gave for not supporting the insertion of this clause in the bill was that there is a memorandum of understanding between the Department of Industry and Resources and the Environmental Protection Authority for the referral of onshore petroleum activities, and that that memorandum of understanding would automatically be amended to include geothermal energy. I do not believe that that is sufficient to guarantee the protection of environmentally sensitive areas. I accept what the minister said about the Mining Act coming on board before the Petroleum Act. However, the Mining Act was amended in 1986 to ensure that it was subject to the Environmental Protection Act. The minister tabled some documents this evening that show a large number of hot spots in Western Australia. As I have said to the minister, I support this legislation. However, I do not want to support this legislation to the detriment of environmentally sensitive areas. A memorandum of understanding does not have the same footing as legislation. It is very important that we insert this clause into the bill so that we can guarantee that any applications involving environmentally sensitive areas are referred to the EPA. The minister pointed out that seismic activity, drilling and other activities will be referred to the EPA. However, that is covered only by the memorandum of understanding. If it is good enough for the Mining Act, it should also be good enough for this act. We should provide the community with a guarantee that there will be no damage to the environment and that this drilling will occur only in areas that the EPA has had the opportunity to assess and for which it has provided a report on any damage that might occur. I ask the minister to reconsider his decision to not accept this amendment, because I believe that it would provide greater protection of the environment.

Mr F.M. LOGAN: I will repeat what I said in my response to the second reading debate; that is, there are two reasons for the government to not accept this amendment. The first is that an awful lot of onshore drilling for oil and gas has been undertaken in Western Australia over the past 40 to 50 years, and the level of environmental destruction caused by that drilling has been absolutely minuscule. The end result of such drilling is a drill pad and a small hole, which is capped off with a steel cap at the end of the day. Since 1971, there has been a relationship between the department that is responsible for regulating onshore oil and gas exploration in Western Australia and the department that is responsible for the environment. That relationship has worked extremely well and was formalised two years ago by way of a memorandum of understanding, which I have tabled in the Parliament. The memorandum of understanding sets out exactly what is required of the Department of Industry and Resources in giving advice to proponents before they undertake drilling activities in Western Australia, including what those companies are required to do in seeking the approval of the EPA before undertaking drilling activities. That has worked very, very well for many, many years. It is now confirmed by way of a memorandum of understanding. I do not see any reason to go beyond that by inserting this proposed new clause 7.

Secondly, the oil and gas industry in Western Australia is a multibillion dollar industry. The member for Alfred Cove is proposing to put a new constraint on the oil and gas industry without even asking the industry for any type of advice whatsoever. The member is the first person to come into this house and rave on about the need to consult with everybody and anybody in Western Australia but she does not think it is important to debate this clause with the oil and gas industry prior to inserting it into the bill, which I think is disgraceful. The member has not presented any evidence whatsoever to justify what she is asking the house to do. If she showed us evidence that the environment would be destroyed by the drilling activity for oil and gas or by the geothermal exploration, she would have some credibility. However, she has presented no evidence whatsoever. She has just pointed to the Mining Act and said that because such a provision is in the Mining Act, it should be inserted into the Petroleum Amendment Bill - as I said, without having given any consideration to its impact on the existing multibillion dollar industry and without having had any consultation with that industry. For those two reasons we will not support the member's amendment.

Dr J.M. WOOLLARD: I accept the minister's comments. However, many people in the community believe that the government has chosen to make an amendment to the Petroleum Act rather than to the Mining Act simply because section 6(1) of the Mining Act guarantees environmental protection. Many people are very concerned about why the government has chosen to amend the Petroleum Act rather than the Mining Act, which would have given some environmental protection. For that reason, I have moved this amendment and will divide on it. Although my amendment might not get up in this house, I will certainly lobby members of the upper house during the passage of the bill. Although it might not be accepted in this house, I hope that members of the upper house will appreciate that a memorandum of understanding does not have the same legal basis as legislation and therefore does not give the same level of protection. This government repeatedly goes on about how environmentally friendly it is. This amendment gives the government the opportunity to prove that it is environmentally friendly. Why is the government amending the Petroleum Act and not the Mining Act? This clause must be inserted in the bill.

Dr G.G. JACOBS: I support the member for Alfred Cove. The town of Esperance could have said that it relied on a memorandum of understanding. Environmentally, it was significantly let down. The Minister for Energy might say that exporting lead through a port is different from drilling holes in the earth.

Mr F.M. Logan: I would.

Dr G.G. JACOBS: However, despite all the reassurances and all the requirements in other areas, whether it be for a mining development or all sorts of other developments, it must be conceded that environmental considerations are an important part of a development. The environmental considerations are not to obstruct or frustrate a development. The minister has said that we have not consulted and that it would be terrible to insert this amendment in the bill because the oil and gas industry has not been consulted. This bill did not appear out of nowhere. The issue is not whether there was no consultation or how terrible it is that we are now asking for an environmental assurance to be included in this bill, which will become an act, rather than just taking the minister's assurance of a memorandum of understanding. There is many a slip 'twixt cup and lip. I suggest that Esperance too had a memorandum of understanding that everything would be okay.

As the minister knows, when the recent Education and Health Standing Committee sat for five months, it found out that no environmental impact assessment was done on the lead project. Everyone said that the pollution was terrible and asked how it happened. There was no legislative requirement for the Department of Health to conduct a health impact assessment on the population of Esperance. How did that happen? There was some understanding but, in retrospect, we needed to have a legislative assurance. Every other development in Western Australia requires an environmental assessment and it does not frustrate the process. Drilling holes in the earth might be fine; it might have no significant environmental impact. We are told that the drill hole is not very big and goes only five kilometres into the earth. One could say that it will never have a major environmental impact. A member talked about it causing fissures and faults and seismic disturbances. Are they considered to be potential environmental impacts? I suggest they are.

Those activities might be rare occurrences and, according to the minister, they might never happen. However, I do not see why there should not be an assurance in the bill, which will become an act. I suggest to the minister that the Port Authorities Act 1999 will be rewritten and amended in line with the recommendations of the recent lead inquiry. Why? Because it does not include anything about the impact that exporting products might have on the population's health. Everyone has asked how it could have happened. People said that it could never happen, but it did happen. I do not believe that this is a radical, greenie, obstructionist move; it is to provide an assurance in the bill, which will become an act.

Mr J.H.D. DAY: I recognise the particular sensitivities that apply to Esperance, given the recent record of lead contamination of the community in that town. The government has failed to protect the community of Esperance, given what we saw happen there in February this year. In particular, I am mindful of a recommendation that the Economics and Industry Committee made four or five years ago when I was a member

of it to require the Department of Health to comment, when appropriate, on the sorts of activities that occur when lead is exported through a port. The government must attend to that.

Having said that, I am not convinced that this amendment is either warranted or justified. The petroleum industry in Western Australia has a very good record. High standards have been upheld and there have been very few, if any, significant incidents when either environmental damage of any consequence or significant spills have occurred. That does not mean that damage cannot occur. As I understand it, substantial controls are in place under state and commonwealth legislation, when that is relevant, particularly in offshore areas.

Another important point to recognise is that this bill is putting in place a regulatory regime to manage exploration for and hopefully production of geothermal energy. We are talking about drilling holes to extract heat from below the surface of the earth. The chances of any resultant environmental damage that are not already being attended to are pretty small. Therefore, I am not at all convinced that this amendment is worthy of support.

Mr F.M. LOGAN: I thank the member for Darling Range for those points, with which I concur. I reiterate my points to both the member for Roe and member for Alfred Cove, reminding them that if this point that they raise is so important to the Environmental Protection Authority itself or the Department of Environment and Conservation, those departments would have raised that with us. They had plenty of time to assess and comment on the bill during its drafting, at cabinet level and prior to its introduction into this Parliament. They would have put those points up and suggested that this clause was required in the bill. They did not because they are quite happy with the relationship they have with the Department of Industry and Resources.

Dr G.G. Jacobs: You would not expect it. You ask Magellan what it would like.

Mr F.M. LOGAN: This is a completely different industry. I know that the member for Roe keeps referring back to the unfortunate circumstances that occurred in Esperance. The EPA and the DOIR have a good relationship for managing environmental conditions pertaining to onshore exploration for oil and gas. That has been managed extremely well over many, many years. It is ratified by way of the memorandum of understanding. The member for Roe must remember that the petroleum industry is a very small industry compared with the mining industry. It is a highly capitalised, highly technically evolved industry. Its experience in drilling goes back over 100 years.

Dr G.G. Jacobs: If they are doing nothing of concern -

Mr F.M. LOGAN: The point I am making to the member is that it is a completely different industry, without the major environmental impacts that sometimes occur as a result of mining activity, particularly when it comes to exploration. These companies are well used to drilling in very difficult environments, both offshore and onshore, in deep water and in hot, dry climatic conditions or wet climatic conditions anywhere in the world, in sometimes the most unbelievable environmental conditions, whether in the jungles of Borneo, the wastes of the Arctic, onshore, offshore or in the back of Western Australia. They work in unbelievable conditions in amazing environments, yet the record of major environmental problems occurring as a result of drilling activities is tiny. The point I am making, particularly to the member for Alfred Cove, is that DOIR has a good relationship with the EPA and the Department of Environment and Conservation for the ongoing management of those drilling activities. That is set out in the memorandum of understanding. The EPA does not believe it should be changed and nor does the Department of Environment and Conservation, and the minister does not. For those reasons the government opposes the new clause.

Dr J.M. WOOLLARD: The Environmental Protection Authority and the Department of Industry and Resources may well have a good relationship. The memorandum of understanding between the DOIR and the EPA on onshore petroleum activities states that if there are seismic or other ground-disturbing surveys, drilling, facility construction, installation, operation, modification and decommissioning, or pipeline construction, they must be referred to the EPA. Criterion 5.1 relates to the location of the proposed activity, and reads -

Proposed petroleum activities that impinge upon one or more of the following criteria, and are likely to have a significant impact on the environment, will be referred to the EPA if they are to be located:

- wholly or partly within 200 metres (for drilling and other activities) and 500 metres for (production facilities) of the boundary of a protected area;
- wholly or partly with a Red Book area;
- wholly or partly within sensitive riparian/groundwater areas;
- wholly or partly within two kilometres of the boundary of a declared occupied townsite or private conservation reserve; and
- where there is potential significant impact on areas of particular scenic, landscape or wilderness values.

5.2 *Environmental significance of activity*

On determining whether a proposal has the potential for significant impacts, DoIR will consider the:

- character of the receiving environment and the use and value which society has assigned to it;
- magnitude, spatial extent and duration of anticipated change;
- resilience of the environment to cope with change;
- confidence of prediction of change;
- existence of government policies, programs, plans and procedures;
- existence of environmental standards against which a proposal can be assessed; and
- degree of public interest in environmental issues likely to be associated with a proposal.

The departments may have had a brilliant relationship for the past 20 or 30 years in these areas, but I get back to the point that this is a memorandum of understanding. A memorandum of understanding is not always followed. A memorandum of understanding can be altered without it coming back to this Parliament. Although the minister is saying that this is a good memorandum of understanding and these two departments work well together, in a few years' time there may be a bit of a power game over how the departments will work. Let us look back to 2001 when it was the then Department of Environment versus the then Department of Conservation and Land Management. Who had the upper hand then? It was CALM, was it not? It is not enough that these two departments have a good working relationship. Although I believe that every member of this house is supporting this bill and supporting a move towards using other sources of energy rather than relying on fossil fuels, we need to ensure that there will not be any damage to the environment under this bill. By inserting this clause, which is exactly the same as a section in the Mining Act, we will give that protection. I cannot accept the rationale that the minister has given for not accepting this, and I will be moving to divide on this amendment.

Mr P.D. OMODEI: I was not intending to say anything, but I identify my comments with those of the member for Darling Range. The member for Alfred Cove has quite rightly made her point of view well known. I must say that in all my time and my travels, and having watched the resources industry over a long period of time, I have not seen any evidence of environmental damage that has occurred as a result of any misdemeanour. I am concerned that what the member for Alfred Cove is proposing will create an extra burden for the resources industry. The member for Darling Range and your good self, Mr Acting Speaker (Dr S.C. Thomas), and I were in the north west of the state last week. We went to Stag A, which is one of Apache's platforms. I was absolutely amazed at the levels of precaution, expertise and professionalism that were displayed on that rig. While we were there one of the drill holes was being serviced. I was quite amazed by what was achieved and the precautions that were taken, which were evident to us. The people there certainly did not know that we were there, so our presence made no difference. I can understand the concern of the member for Alfred Cove, and it is a concern shared by people in the city and by people who have never been on a drilling rig or in the desert or wherever to watch them operate. I respect her view, but I suggest that she has made her point and it is not necessary to divide on the issue.

Dr J.M. WOOLLARD: I am sorry to disagree with the Leader of the Opposition. However, the Leader of the Opposition has given the impression that this will cause an extra burden. If the Leader of the Opposition had listened earlier, he would have heard the minister say that we do not need this clause because the provision already exists in the memorandum of understanding. If we do not need this new clause inserted because the provision is already in the memorandum of understanding, what is wrong with putting it into legislation? This is validating that memorandum of understanding.

Mr P.D. Omodei: If the EPA does not want it, why put it in? The EPA would have said if it had wanted it.

Dr J.M. WOOLLARD: No. I would not have raised this had I not discussed this with environmental groups that are very concerned that this provision is missing from this bill and that there is no safeguard in this bill. Although the Department of Industry and Resources says that it has a brilliant relationship with the EPA, the minister has said that we are doing this. If we are doing this, we should legislate and make sure that it continues to be done. We should legislate and make sure that this memorandum of understanding, which is working so well at the moment, continues to work very well. The minister says that the Department of Industry and Resources has protected the environment under this memorandum of understanding, which was signed in - it actually looks like it was signed in 2004. It looks like the memorandum is only three years old, yet the minister is saying that this situation has been in place for a couple of decades. If this memorandum of understanding is so good, and is working so well, we should legislate to make sure that it continues to work well and we continue to protect the environment.

New clause put and a division taken with the following result -

Ayes (2)

Dr G.G. Jacobs

Dr J.M. Woollard (*Teller*)

Noes (40)

Mr C.J. Barnett
 Mr M.J. Birney
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Dr E. Constable
 Mr J.H.D. Day
 Dr J.M. Edwards
 Mr B.J. Grylls
 Mrs D.J. Guise
 Dr K.D. Hames

Mrs J. Hughes
 Mr J.N. Hyde
 Mr J.C. Kobelke
 Mr R.C. Kucera
 Mr F.M. Logan
 Mr J.A. McGinty
 Mr M. McGowan
 Mr J.E. McGrath
 Mrs S.M. McHale
 Mr A.D. McRae

Mr M.P. Murray
 Mr P.D. Omodei
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Ms J.A. Radisich
 Mr D.T. Redman
 Mr E.S. Ripper
 Mrs M.H. Roberts
 Mr A.J. Simpson

Mr G. Snook
 Mr T.R. Sprigg
 Mr T.G. Stephens
 Mr D.A. Templeman
 Ms S.E. Walker
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr G.A. Woodhams
 Mr B.S. Wyatt
 Mr S.R. Hill (*Teller*)

 Pairs

Mr M.J. Cowper
 Ms K. Hodson-Thomas
 Mr M.W. Trenorden

Mr A.J. Carpenter
 Mr A.P. O’Gorman
 Mr P.W. Andrews

New clause thus negatived.

The ACTING SPEAKER: If I may have the attention of members for one minute before we move on. Members, I have made this assertion a number of times in the last little while. Moving between the bench and the table of the house is against the standing orders. I noticed the minister this time and call him to order for the first time.

Mr F.M. LOGAN: Thank you, Mr Acting Speaker, for that reminder. I completely forgot and I do apologise.

Clause 7: Section 7 amended -

Mr P.D. OMODEI: Minister, I have a straightforward question. Proposed section 7(3) in clause 7 talks about -

The taking or use of any water for the purposes of any operations carried out under the authority of a permit, drilling reservation, access authority, special prospecting authority, lease or licence is subject to the *Rights in Water and Irrigation Act 1914*.

Could the minister outline what parts of the Rights in Water and Irrigation Act will be called on?

Mr F.M. LOGAN: I am advised that it is the licensing provisions of that act.

Mr P.D. Omodei: You need a water licence?

Mr F.M. LOGAN: Yes. It is the licensing provisions section of that act. I do not have the act in front of me, so I am unable to provide the member with any more detail.

Mr P.D. Omodei: Okay, thank you.

Clause put and passed.**Clauses 8 to 10 put and passed.****Clause 11: Section 11 amended -**

Mr P.D. OMODEI: Section 11 contains the provision that extends the minister’s power to search for and obtain petroleum on any vacant crown land or on any other land for geothermal resources or geothermal energy. It also provides the same compensation. We have already talked about compensation. Does “any other land” include national parks or marine parks, given that some of these geothermal hot spots are obviously in the ocean? Does that section give the minister power to search? Given that section 11 refers to the minister being given the power to search, does that mean the government or somebody acting on behalf of the government?

Mr F.M. LOGAN: It means the minister on behalf of the government. By inserting “or geothermal energy resources” into section 11 of the Petroleum Act, it allows for compensation to be paid, being any compensation provisions for interference with the use of land; for example, fences, wells, etc that may be interfered with as a result of the petroleum or geothermal activities. Any compensation must be sought by the landholder as a result of that.

With respect to marine parks and reserves, national parks and marine parks are excluded from drilling.

Mr P.D. Omodei: So it only refers to crown land?

Mr F.M. LOGAN: Yes.

Mr P.D. Omodei: The explanatory memorandum states -

This provision extends the Minister's power to search and obtain petroleum on any vacant Crown land, or any other land . . .

Under what conditions would be the minister be searching for petroleum or anything else?

Mr F.M. LOGAN: That is the minister's power. The explanatory memorandum referred to the minister's power to search and obtain petroleum but that is where the minister authorises others to do that on his or her behalf.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Section 15A amended -

Mr P.D. OMODEI: I have a similar question. Again, the explanatory memorandum states -

This clause provides for amendments to the section that requires the Minister's consent for entry on reserves for the purposes of exploration etc by extending the existing petroleum provisions to include geothermal energy.

I presume that is already provided for in the Petroleum Act.

Mr F.M. Logan: It is.

Mr P.D. OMODEI: I am intrigued to find out what kinds of reserves we currently allow people to explore on.

Mr F.M. LOGAN: As the member for Warren-Blackwood would be aware, ministerial consent would still be required for entry onto reserves, of which there are a significant number, including road reserves, rail reserves and gravel reserves, because of the nature of those reserves and the Crown's responsibility for looking after those reserves. The minister is required to liaise with the minister responsible for those parks and reserves, for example, the Minister for the Environment.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 17 amended -

Dr J.M. WOOLLARD: During the minister's reply to the second reading debate, I got the impression that he said I was looking at the wrong part of the act when I aired my concerns about compensation. If there was any damage, people would be able to claim for compensation under section 91 of the act. Clause 15 is entitled "section 17 amended". Section 17 of the Petroleum Act 1967 is entitled "Compensation to owners and occupiers of private land". Subsection (1) states -

A permittee, holder of a drilling reservation, lessee or licensee may agree with the owner and occupier respectively of any private land compromised in the permit, drilling reservation, lease or licence as to the amount of compensation to be paid for the right to occupy the land.

Subsection (2) states -

Subject to subsections (3) and (5), the compensation to be made to the owner and occupier shall be compensation for being deprived of the possession of the surface or any part of the surface of the private land, and for damage to the surface of the whole or any part thereof, and to any improvements thereon, which may arise from the carrying on of operations thereon or thereunder, and for the severance of such land from other land of the owner or occupier, and for rights-of-way and for all consequential damages.

After reading this, I understand that by deleting "or petroleum" and inserting instead "petroleum, geothermal energy resources or geothermal energy" no compensation would be payable to private landowners because that is what this clause is all about.

Mr F.M. Logan: By way of interjection, before the member takes this any further, I just point out that I did give her a bit of a bum steer with clause 15. That is okay because I was actually referring to section 24. Clause 15 does relate to the issue that she raised with me about the compensation that can be paid for occupying land or private land. That is exactly what she read out. It also relates to, for example, the use of private land by either a petroleum drilling company or a geothermal drilling company that denies the owner of that land existing use of that land. For example, if seismic surveys are being carried out up and down and across the paddock, therefore denying the owner of the property access to that area of his property for the purposes of agistment, he or she can negotiate an acceptable compensation outcome. That part of the act provides for that. The purposes of the

ownership of energy as a resource is actually in section 24, which the next clause, clause 16, amends. That is the one I was referring to. The issue that the member for Alfred Cove raised is dealt with by this clause.

Dr J.M. WOOLLARD: I cannot support this clause. Again, I refer to the maps that the minister tabled tonight that showed where the hot spots are in Western Australia, in particular, those areas in the Perth basin. I am aware of the fact that an accident occurred in Basel. The damage was 100 miles from the seismic activity. Many landowners are likely to be affected by this bill and it will prevent them from getting compensation. I cannot support the deletion of “or petroleum” and inserting instead “geothermal energy resources” because landowners would be denied the right to compensation that may be caused by activities associated with geothermal energy exploration.

Mr P.D. OMODEI: This clause extends the provision for compensation to be paid for the right to occupy land to owners and occupiers of land. Does that include pastoral land?

Mr F.M. LOGAN: Section 21 of the Petroleum Act deals with compensation payable to lessees of pastoral leases, leases for timber purposes and leases for the use and benefit of Aboriginal inhabitants.

Clause put and a division taken with the following result -

Ayes (40)

Mr C.J. Barnett	Mrs J. Hughes	Mr A.D. McRae	Mr A.J. Simpson
Mr T.R. Buswell	Mr J.N. Hyde	Mr M.P. Murray	Mr G. Snook
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr P.D. Omodei	Mr T.G. Stephens
Dr E. Constable	Mr J.C. Kobelke	Mr P. Papalia	Mr D.A. Templeman
Mr J.H.D. Day	Mr R.C. Kucera	Mr J.R. Quigley	Dr S.C. Thomas
Dr J.M. Edwards	Mr F.M. Logan	Ms M.M. Quirk	Ms S.E. Walker
Mr B.J. Grylls	Mr J.A. McGinty	Ms J.A. Radisich	Mr P.B. Watson
Mrs D.J. Guise	Mr M. McGowan	Mr D.T. Redman	Mr M.P. Whitely
Dr K.D. Hames	Mr J.E. McGrath	Mr E.S. Ripper	Mr B.S. Wyatt
Mr S.R. Hill	Ms S.M. McHale	Mrs M.H. Roberts	Mr T.R. Sprigg (<i>Teller</i>)

Noes (1)

Dr J.M. Woollard (*Teller*)

Pairs

Mr A.J. Carpenter	Mr M.J. Cowper
Mr A.P. O’Gorman	Ms K. Hodson-Thomas
Mrs C.A. Martin	Mr R.F. Johnson
Mr P.W. Andrews	Mr M.W. Trenorden

Clause thus passed.

The ACTING SPEAKER (Mr G. Woodhams): I ask members who do not intend to participate in the debate on this amendment bill to leave the chamber and take their conversations elsewhere.

Clauses 16 to 29 put and passed.

Clause 30: Section 44 amended -

Mr P.D. OMODEI: Again, I am just seeking information. This clause amends the section 44 provisions that require the immediate reporting of petroleum discoveries in exploration permit or drilling reservation areas. This will ensure that the minister has the full range of options such as instructing the titleholder to collect a specific type of core, cutting or sample when drilling operations are going on. These provisions will be extended to the new geothermal energy exploration permits. Clause 30 also provides for the reporting to the minister of a geothermal energy resource discovery in a petroleum title and the reporting of a petroleum discovery in a geothermal energy title. Can the minister explain what will happen when a geothermal energy resource is discovered underneath a petroleum title? Will that complicate the situation?

The other issue relates to core samples. Will the same kind of reporting process be required for mineral discoveries while the drilling is being carried out? In other words, if someone finds gold, nickel or copper is there a requirement under this proposed section to report those discoveries to the minister? Obviously under the Petroleum Act the minister can direct them to report petroleum discoveries. Is there a penalty for failure to report?

Mr F.M. LOGAN: In the scenario that the Leader of the Opposition painted, let us assume the same company is operating on that graticular block; it has drilled for petroleum, discovered petroleum and goes further and discovers geothermal energy. Given the company has been granted the title to drill for petroleum, it is entitled to

access only the petroleum. It is not entitled to access the geothermal unless it had applied for and been issued that title.

Mr P.D. Omodei: Could there be a separate company?

Mr F.M. LOGAN: A separate company could be drilling on the same graticular block. One company could be searching for geothermal energy and one could be searching for petroleum. They can exist harmoniously on the same block. The reasons the specific core, cutting or sample are required to go back to our core library at the Geological Survey of WA is for the purpose of other companies coming in and assessing the area and the basic research information that is provided to the state on geological structures.

Mr P.D. Omodei: Failure to report?

Mr F.M. LOGAN: That is correct; a penalty applies for a failure to report.

Clause put and passed.

Clause 31: Section 45 amended -

Mr P.D. OMODEI: The explanatory memorandum states -

Following on from the amendments in clause 30, clause 31 amends section 45 whereby the minister may issue a direction on discovery of petroleum to direct a titleholder to take steps to evaluate the discovery.

At whose cost would that be? Obviously, the company will be drilling for geothermal energy. If the company finds some petroleum and the minister directs it to evaluate the discovery, who would be required to pay for that?

The ACTING SPEAKER (Mr G. Woodhams): Before the minister answers, I seek the attention of members who are in the house and not listening to either the questions from members or the minister's relevant response.

Mr F.M. LOGAN: The example the Leader of the Opposition gave was the interplay between petroleum and geothermal exploration. If, for example, a geothermal explorer hit petroleum, and the department was to direct the company to provide information on the discovery of petroleum as an adjunct to drilling for geothermal, the company may well come back and say, "We were drilling for geothermal; if you want us to provide you with advice on a petroleum resource and take that further, we want you to pay." That is something the department would have to consider. If it was a separate company drilling for petroleum, this provision would apply normally. The company would be required to provide that information for the purpose of our storage of geological information. Similarly, it would apply to a geothermal driller who may be on the same block.

Clause put and passed.

Clauses 32 to 54 put and passed.

Clause 55: Sections 62A and 62B inserted -

Mr P.D. OMODEI: This clause provides for the geothermal energy recovery development plan. The explanatory notes state -

The required information will include seismic risk analysis addressing the potential for a seismic event caused by induced fracturing of the subsurface rock.

I think these are the proposed sections that the member for Alfred Cove is probably the most concerned about. Are there any risks in Western Australia of a repetition of the Basel scenario? I suspect not. I understand that proposed section 62B refers also to the redevelopment plans. Will the proposed section enable the minister to give some concessions on royalties?

Mr F.M. LOGAN: As the Leader of the Opposition says, the proposed sections require information to be provided by a proponent before it undertakes any fracturing or any seismic activity for the recovery of geothermal energy. A proponent is required to provide a development plan to the department outlining exactly what it intends to do. Given the size of Western Australia there is a possibility of a Basel situation occurring here. Obviously, if a company is drilling near Meckering, that may well occur. Geologically, we do not really know. Geology is a strange and wonderful thing, particularly in the nature of the fractures. However, from what we know about seismic activity and volcanic activity, it is relatively stable across the whole of Western Australia given the size of the state. However, we are not able to say that events like Basel would not occur. We do not know whether it would affect any towns or inhabited areas. Obviously, the example I have given the Leader of the Opposition is one we all know about because it suffered from an earthquake. Fracturing activity close to that fault line may possibly trigger something; nevertheless, we are unaware of whether that will occur.

Royalty relief may arise, depending on the situation.

Mr P.D. Omodei: Depending on the difficulty?

Mr F.M. LOGAN: Yes; that is right.

Mr P.D. OMODEI: Given that fracturing rock could cause a kind of seismic event and given the range of things that could happen, is the public liability insurance of \$40 million that the minister mentioned considered to be adequate? A seismic event could damage roads, railways, dams or whatever.

Mr F.M. LOGAN: I referred to the requirement to have \$40 million insurance provisions in place. That is the advice I interpreted from the department. Companies are required to take out insurance, and it can be done on a case-by-case basis. It could be less than that amount and it could be greater. It will depend on the situation that the prospective driller faces.

Clause put and passed.

Clauses 56 to 74 put and passed.

Clause 75: Section 142 amended -

Dr J.M. WOOLLARD: I do not intend to divide the house on this clause. In the second reading debate I asked the minister whether there was a sunset clause that would allow the royalties to be reassessed in five or seven years. The minister gave an undertaking that he would advise in consideration in detail when the royalty figure could be reassessed.

Mr F.M. LOGAN: I said I would speak to my adviser, Mr Harvey, to clarify whether there is a sunset clause in the bill to reassess the royalty rate. There is not a sunset clause to reassess the royalty rate in 10 years as I indicated earlier. Therefore, the 2.5 per cent stands.

Dr J.M. WOOLLARD: The minister said the royalty rate could be reconsidered within 10 years. Was he incorrect in making that statement?

Mr F.M. LOGAN: What I indicated to the member for Alfred Cove is that when the house moved into consideration in detail on this bill I would clarify it with my adviser, which I have done, and there is not a 10-year sunset clause applying to the royalty rate. Therefore, the 2.5 per cent stands as written.

Mr P.D. Omodei: You can change that with the stroke of a pen.

Mr F.M. LOGAN: The figure will be in an act of Parliament; therefore, any future government can amend that act.

Mr P.D. OMODEI: Given that geothermal energy is regarded as a renewable energy source, it begs the question of whether a royalty should apply to wind power, solar power or wave power. I understand the rationale of how exploring for geothermal energy will be governed and its similarities with petroleum and gas exploration. I am surprised with the comments of the member for Alfred Cove. Given that it is renewable energy, there is an argument to have a lesser royalty rather than a higher royalty. I have said publicly that I think there should be no royalty on geothermal energy. I have reconsidered that position and now consider that it would be better to leave it flexible and allow the minister, under the development plan, to negotiate depending on the degree of difficulty of the project.

This might be a trivial question, but what is the minister's view on geothermal energy versus wind power and wave power?

Mr F.M. LOGAN: It is an interesting question.

Mr P.D. Omodei: Does Pacific Hydro pay a royalty on its energy?

Mr F.M. LOGAN: Pacific Hydro pays the Water Corporation for the use of water out of Argyle dam.

With respect to wave energy, which is slightly different and is usually offshore, and wind energy, they could, depending on how broadly one interprets "renewable", clearly be seen as renewable energies. They are constant and fixed and products of the motion of the sea, weather patterns and wind. Therefore, they are clearly defined as renewable energy. Geothermal energy ultimately gets used up. It is a resource. It generates heat, but that heat decreases over time because the heat is being extracted out of that area of the earth. Therefore, the energy depletes. Whilst we refer to it as a renewable energy source, in reality it is only renewable for a significant period. Ultimately, it does deplete; therefore, it is viewed in the same way as other resources.

Dr K.D. Hames: It is a good explanation for it. It means that if it is used for the desalination plant, you would not use renewable energy.

Mr F.M. LOGAN: It is still an alternative energy, which is relatively -

Mr P.D. Omodei: It is a renewable energy when you have not really got energy.

Mr F.M. LOGAN: Yes. It is an alternative energy, it is a clean energy and it is a CO₂ free energy, and that is the whole point, as opposed to black power generated by fossil fuels. The critical aspect of geothermal energy is that it is finite; therefore, it is a resource, and a resource tax applies to it in the way of a royalty.

Dr J.M. WOOLLARD: I ask for the Chair's indulgence. I would like to ask one more question relating to the last amendment that I moved because it would possibly save debating the third reading. Under the Mining Act, compensation does not apply to common law compensation. Now that we have agreed in the last clause we debated that there will be no compensation, does that mean -

Point of Order

Mr F.M. LOGAN: I know that the member for Alfred Cove is begging your indulgence on this matter, Mr Acting Speaker, but she is referring to a clause that already has been dealt with. She may beg your indulgence, but I do not agree with it. We cannot debate a clause that has already been debated. She is asking to go back to a question relating to a clause we have dealt with.

Ruling by Acting Speaker

The ACTING SPEAKER (Mr G. Woodhams): Member for Alfred Cove, unless you can show that what you are now discussing is relevant to the clause we are currently debating, which is clause 75, I rule that you cannot introduce that information.

Dr J.M. Woollard: I accept your ruling and will address the issue in the third reading.

Debate Resumed

The ACTING SPEAKER: Before I put this clause to the house, I ask the member for Alfred Cove whether she intends moving the amendment she has tabled.

Dr J.M. Woollard: It is not worth moving it; it will only be the same numbers.

Clause put and passed.

Clauses 76 to 108 put and passed.

Title put and passed.

JUDGES' SALARIES AND PENSIONS AMENDMENT BILL 2007

Second Reading

Resumed from 20 June.

MS S.E. WALKER (Nedlands) [8.50 pm]: The opposition will support the Judges' Salaries and Pensions Amendment Bill 2007 provided that the Attorney General clarifies a few matters. The bill is designed to bring Western Australian legislation into line with other legislation in Australia so that if a judge is appointed in Western Australia after he or she has turned 60, the judge will become eligible for a pension. Judges must retire at the age of 70. In effect, the bill provides a formula that is based on the current judicial salary to calculate the pension to which a judge is entitled once he has left the service. The bill amends the Judges' Salaries and Pensions Act. Clause 4 of the bill states -

(1) After section 6(2aa) the following subsection is inserted -

“

(2ab) Where a Judge retires on attaining the age of 70 years having served as a Judge for less than 10 years, the Judge is entitled to a pension at a rate equal to the percentage (“P%”) of the current judicial salary calculated using the formula -

The formula is then explained. Clause 4(3) seeks to insert the following subsection -

(2ba) Where a Judge retires and -

- (a) the Minister certifies that the retirement is due to permanent disability or infirmity; and
- (b) the Judge, had he continued to serve as a Judge until attaining the age of 70 years, would not have completed 10 years service as a Judge,

the Judge is entitled to a pension at a rate equal to the percentage of the current judicial salary that would have been P% under subsection (2ab) if the Judge had continued to serve as a Judge until attaining the age of 70 years.

One issue that was raised in the Liberal Party room was whether a judge would have to serve a certain amount of time before he could access a pension. It seems that under these proposed subsections, if, for instance, a judge is in the job for six months and is then found to be medically unfit, he will get a percentage of the pension based on the six months that he was in the position. Is that correct?

Mr J.A. McGinty: I thank the member for giving me some advance notice of the question. The member has referred to clause 4 on page 2 of the bill. This is the pro rata provision. Proposed subsection (2ab) states -

Where a Judge retires on attaining the age of 70 years . . .

The judge must work through to the age of 70. Using the member's example, if a judge were appointed at the age of 62 and did not work through to the age of 70, he would not get a pro rata pension. There is one exception, which is covered by proposed subsection (2ba) to which the member referred. In the second reading speech I said -

A judge would become entitled to a judicial pension only if he or she has worked right through to the statutory retiring age of 70 years, unless forced to retire earlier due to permanent disability or infirmity.

Ms S.E. WALKER: Right. If the Attorney General appointed a 62-year-old judge tomorrow and that judge worked only to the age of 68, would he have any claim on a pension?

Mr J.A. McGinty: None whatsoever.

Ms S.E. WALKER: If the same judge was appointed tomorrow and he suddenly became ill next week and could not work any longer, would he get a pro rata pension based on the week that he had worked? That is an extreme case.

Mr J.A. McGinty: If that judge retired on account of permanent disability or infirmity and that was not in dispute, he would get a pension as if he had worked through to the age of 70.

Ms S.E. WALKER: Yes, but it would be based only on the week that he had worked.

Mr J.A. McGinty: No. The last paragraph of clause 4 -

Ms S.E. WALKER: Okay. This was of concern to the Liberal Party. The Attorney General is saying that if a judge is appointed tomorrow at the age of 62 but, in a year's time, at the age of 63 he becomes infirm and has to retire, he will be considered to have served his time up to the age of 70. Is that right?

Mr J.A. McGinty: I think I am misreading the proposed subsection and am therefore misleading you. It says that in circumstances of infirmity -

Ms S.E. WALKER: He will get a percentage of the judicial salary -

. . . that would have been P% under subsection (2ab) if the Judge had continued to serve as a Judge until attaining the age of 70 years.

In the example I gave, the judge might work for only a year but would have a greater entitlement than that; that is, he would be entitled to a pension based on a further seven years.

Mr J.A. McGinty: In those circumstances, a judge would be entitled to -

. . . a pension at a rate equal to the percentage of the current judicial salary . . . if the Judge had continued to serve as a Judge until attaining the age of 70 years.

Ms S.E. WALKER: Yes. For instance, a judge who was appointed at the age of 65 would possibly expect to work for five years, but after six months he could fall ill and would not work the remaining four and a half years. However, he would still be paid a pro rata pension as if he had worked five years as a judge.

Mr J.A. McGinty: The formula that is set out in the bill -

Ms S.E. WALKER: I do not think that the formula matters. I am interested in what he is entitled to; that is, whether he is entitled to a pension based on the five-year period or the six months that he actually worked.

Mr J.A. McGinty: It is a question of when a disability occurs and the effect that it would have.

Ms S.E. WALKER: Yes - on what he is entitled to.

Mr J.A. McGinty: A judge is entitled to 60 per cent of the judicial salary on retirement provided that he has worked for 10 years. Consequently, the formula -

Ms S.E. WALKER: I will leave the Attorney General to think about it and I will contribute a bit more to the second reading debate. Are the Attorney General's advisers present?

Mr J.A. McGinty: Yes.

Ms S.E. WALKER: This is an important issue. It will take only five or 10 minutes to discuss this issue during the consideration in detail stage. Does the Attorney General see where I am coming from?

Mr J.A. McGinty: Yes.

Ms S.E. WALKER: Good. I will leave that issue with him for a moment. The opposition is concerned about that part of the bill.

The Attorney General said in the second reading speech that the bill was being introduced to enable the government to expand the pool of judges available in Western Australia. I presume that this is being done so that judges can be appointed to help with the backlog of cases in the courts.

Mr J.A. McGinty: No. This is just to ensure that we expand the range of people who can be appointed.

Ms S.E. WALKER: I do not understand why that is happening. The Attorney General does not seem to have a lot of confidence in the young people in the legal profession.

Mr J.A. McGinty: If the best person for the job happens to be 62 years of age, the bill will enable that person to be treated as he or she would be treated as a judge in any other jurisdiction in Australia; that is, the judge will be entitled to a pro rata pension.

Ms S.E. WALKER: I wondered whether the Attorney General was putting himself in line for such a position when he leaves Parliament one day.

Mr J.A. McGinty: I think it would be a most worthy appointment.

Ms S.E. WALKER: No. On 23 January this year I raised the issue of the appointment of judges, particularly in the District Court because of the unacceptable 51-week wait for a trial. The chief judge of the District Court called for appointments to be made in her annual review of the District Court criminal justice system. It will be good if some new judges are appointed to the District Court.

In my press release, I said that Chief Judge Kennedy was concerned about the backlog in the court system. In her report, she said that even with the appointment of two new judges by January 2008, her target delay of 20 weeks for an accused to face trial still would not be met. I was preparing for the Bail Amendment Bill this week, which is coming on for debate soon, and I looked at the Law Reform Commission working paper and report of 1997. The chairman of the commission was then Chief Justice David Malcolm. The commission said that the delay in waiting for a trial in those days was four months, and the commission was horrified. We are now up to 51 weeks. The Chief Judge of the District Court has said that she would like the delay to get back to 20 weeks. My press release states -

Judge Kennedy is on record as saying that existing delays provide significant additional stress for crime victims and their families, the accused and their families and undermines the quality of justice due to witness memory loss and difficulty contacting witnesses.

We have the worst criminal trial delay record for an intermediate court in the nation, and it has not been relieved. I have raised this matter with the Attorney General in the second reading debate because we already have provision in the Supreme Court Act and the District Court of Western Australia Act for auxiliary judges; that is, for people to be appointed as auxiliary judges. The provision for auxiliary judges was brought in by the then Minister for Police, Hon Kevin Prince. He introduced a bill that provided for the appointment of retired judges and other qualified persons as auxiliary judges for periods of up to 12 months to assist in meeting the workload of the Supreme Court and District Court. I will read from the minister's second reading speech on 19 June 1997. Hon Kevin Prince said -

Over the next five to 10 years a pool of retired judges will develop as a number of judges of the Supreme Court, the District Court, the Family Court and other courts retire on either reaching the compulsory retiring age of 70 years or because they elect to retire before that time. The Government believes this pool of retired judges could be usefully employed on the basis of short-term appointments in helping to deal with the courts' case load; for example, when judges of the courts take annual leave or long service leave . . .

This bill has nothing to do with the auxiliary judges' scheme whereby a judge is recalled back to the court. The Attorney General is not thinking of ever appointing a judge who has retired again under this provision.

Mr J.A. McGinty: No. This is unrelated to that.

Ms S.E. WALKER: Yes. Good.

Mr J.A. McGinty: Can I answer your earlier question while we are here? What this legislation says is that when a judge serves 10 years, he can retire and get 60 per cent of the judicial salary for life.

Ms S.E. WALKER: That is the current provision.

Mr J.A. McGinty: That is the current provision.

Ms S.E. WALKER: What happens if, under the current provision, a judge does not serve the 10 years?

Mr J.A. McGinty: They have to, in order to get the judicial pension -

Ms S.E. WALKER: They do not get the pension?

Mr J.A. McGinty: They do not get the judicial pension.

Ms S.E. WALKER: Someone who is over 60 years will get a better deal than a current judge.

Mr J.A. McGinty: No. If somebody is appointed over the age of 60 and cannot serve the 10-year qualifying period, this measure provides that they will get the judicial pension pro rata. Someone who is appointed at aged 62 will get eight-tenths of a judicial pension if they work until they are aged 70. The next issue, which is what we were discussing before, is if somebody commences at age 62 and does not reach age 70. That person would not get either a pension or a pro rata pension unless they finished up on account of some permanent disability or infirmity. In those circumstances, as is common with superannuation arrangements generally, judges will get a pension based upon what they would have received if they had worked through to age 70. Someone who starts at age 62 and who retires at age 64 with a permanent disability will get eight-tenths of a judicial pension.

Ms S.E. WALKER: The retired judge would not get two-tenths for serving for two years?

Mr J.A. McGinty: No, he will get eight-tenths because a disability took him out.

Ms S.E. WALKER: I hope that members of the Legislative Council will look at this. At the moment someone can be appointed as a District Court judge at age 45. If that person decided to resign after five years, he would not get a pension.

Mr J.A. McGinty: That's right.

Ms S.E. WALKER: If a 65-year-old person is appointed under this bill and works until he is 70, he will get a pension.

Mr J.A. McGinty: Yes.

Ms S.E. WALKER: Why?

Mr J.A. McGinty: Because there is a mandatory retirement age and that person cannot work the full 10 years.

Ms S.E. WALKER: I really do not understand. It seems unfair to me.

Mr J.A. McGinty: There is no intention to introduce pro rata other than for people who are forced to retire by a mandatory retirement age.

Ms S.E. WALKER: People's health starts to go downhill when they are older than 62, does it not? The Attorney General must feel it in his bones. People start to have more difficulties as they get older.

Mr J.A. McGinty: I had not noticed it.

Ms S.E. WALKER: I come back to what I said during the second reading debate regarding auxiliary judges. When I referred to the fact that the District Court was short two judges, the Attorney General said on that same evening that he might appoint acting judges, who might be retired judges, to come in and fill the gaps. That caused me to look at the definition of an "acting judge" as opposed to an "auxiliary judge". I found a speech headed "Acting judges: a non-theoretical danger". I thought I would refer to that research I did on acting judges. The issue of having experienced trial judges in the District Court or Supreme Court is one that in other jurisdictions has caused a little difficulty. Firstly, if judges are appointed this way - I am not sure what the Attorney General will do or where he will put the new judges under this system - and only acting judges are put into the District Court, it gives the court only 20 judge weeks a year, which is well under the normal 38. An extensive graph analysis of the District Court, which is in the latest annual report of the District Court, shows that that will not clear its monumental backlog. Acting judges appointed from the legal profession has been found by the other states to be dangerous. I am referring to a speech by Justice Michael Kirby from the High Court. He described it as an indispensable prerequisite of a just legal system that an appropriately impartial person be appointed. I do not know whether the Attorney General has looked at that and whether that is why he will draw upon members of the judicial profession and appoint them as judges rather than as acting judges. Michael Kirby said that unless acting judges are drawn from retired and experienced criminal trial judges from the District Court or Supreme Court, appointments will need to be made from the legal profession. This means that lawyers will have to fit their judicial work around their legal practice. The scheme proposed by the heads of jurisdiction that was specially set up to consider the backlog contemplates in this state that an acting judge will work two weeks per month and that during that period, pursuant to the District Court Act, the judge will not be allowed to practise during that period. Some of the articles from the eastern states that I have read show that the danger is that the proposed scheme undermines, they say, the tenured judicial independence. Acting judges, they say, drawn from a pool of barristers and solicitors who act in a part-time position are seen by members of the legal profession in other states as a creeping dangerous phenomena of Labor governments in Victoria and New South Wales, which easily leads to the politicisation and undermining of the independent judiciary. In other jurisdictions where the concept of acting judges has been tried, it has come in for a lot of criticism. Way back in 1998, Hon Justice Kirby said of these dangers that every informed member of the legal profession knows the stories that are circulating. Ambition for appointment in an acting judge is potentially a very dangerous thing. Also, if the acting judge is not used frequently, his skills are not maintained.

Apart from the issue of unfairness with the pension, the bill before us to widen the pool of judges is good, but I am hoping that the Attorney General will appoint some judges to the District Court to clear the backlog. The Attorney General has appointed one or two but the Chief Judge of the District Court took that into account when she considered her remarks set out in her latest annual report. I do not have a lot more to say about this bill. I would not mind going into consideration in detail, so that the Attorney General's advisers can assure me on that last issue and so that members can consider it. If the Attorney General does not mind, it would be for just five minutes.

DR J.M. WOOLLARD (Alfred Cove) [9.11 pm]: I thank the Attorney General for the briefing on the Judges' Salaries and Pensions Amendment Bill. I said at the briefing that I had some concerns with the bill because I think it is inequitable. The Attorney General has said that the bill will bring our state into line with other states. We do not want to lose judges to other states, but by applying the pro rata pension to only those judges over the age of 60 means that we will really be giving them a lot more than we are giving a judge who starts at the age of 58 and maybe works for seven years. A judge who comes on board at the age of 63 and works until he is 70 will get a pro rata pension, whereas a judge who comes on board at the age of 58 and works until he is 65 will not get a pro rata pension. Are we not likely to have some judges stay on a bit longer to make sure that they get their pension? Do we not really want to examine this and say that we value our judges? They play a valuable role in our judicial system. We certainly do not want to see them disadvantaged by provisions in Western Australia when compared with provisions that are available in other states. We are now setting a benchmark.

During the briefing I thought that the situation rang a bell. I think this happened with members of Parliament before my time. It may have been during the Attorney General's day. Members of Parliament had pensions and pro rata pensions depending on how many years they had served. I believe that the Carpenter government took that away, although I am not quite sure who was in power at the time. However, there has been some debate in this house about who supported it and who did not. I believe that several members on the Attorney General's side of the house will stay on because they will not get that pension, and the same applies to this side of the house and the opposition. Chief executive officers in industry are not interested in becoming a member of Parliament because their salary would be cut back two or threefold. I do not know that the right decision was made back then if one thinks about the interests of Western Australia. However, I digress.

Mr B.S. Wyatt: I'll support it.

Dr J.M. WOOLLARD: The member should speak up then. Because I believe that this bill is inequitable, I do not think I can support it. I will be interested to hear the discussion during consideration in detail, because I believe there is inequity. Yes, as I have said, I want to make sure that our judges are rewarded in the same way as are judges in other states, but I do not want to see a situation in which judges stay on in order to get a pension, when they might be tired or might have had enough of the role but want the pension. They may stay on for that pension. We should be looking at this situation and saying that there should be some equity. If other states do not have that equity among age groups, I do not see anything wrong with our having that equity and saying that whether someone is 56, 57, 58, 63, 64 or 65, if he is to get a pension, the pension should be awarded according to the number of years that he has played in that valuable role as a judge. The bill states in clause 4 -

(3) After section 6(2b) the following subsection is inserted -

“

(2ba) Where a Judge retires and -

(a) the Minister certifies that the retirement is due to permanent disability or infirmity; . . .

Judges who begin serving at 57 or 58 years of age should not have to assert that they have a permanent disability or infirmity to be entitled to a pension. The pro rata pension should be available to all. If we value judges, we should value all judges. A pro rata pension should be available for all judges. I would ask the Attorney General to reconsider this bill. The government talks about equality and its members talk about equality, but this bill does not provide equality; it provides one thing for one group of people and something else for another group of people. I cannot support this bill in its present form. I hope that to ensure that there is equality, this bill is amended in either this house or the upper house.

MR J.A. MCGINTY (Fremantle - Attorney General) [9.19 pm]: I thank members for their contributions. I have had some opportunity to discuss with the member for Nedlands the provision regarding judges who retire early. These are judges appointed after they have reached the age of 60 years who retire before they reach the age of 70 on the grounds of permanent disability or infirmity. I have undertaken to obtain some further information, particularly about practices elsewhere with comparable judicial provisions and about other arrangements for superannuation that might be regarded as comparable. For that reason I commend the bill to the house, but we will not proceed to consideration in detail this evening.

Question put and passed.

Bill read a second time.

WATER TREATMENT FACILITIES - HOPETOON*Notice of Motion*

By leave, **Dr G.G. Jacobs** gave notice that at the next sitting of the house he would move -

That this house calls on the government to provide adequate waste water treatment facilities to allow much-needed commercial and residential development to take place in Hopetoun.

CRIMINAL CODE AMENDMENT (DRINK AND FOOD SPIKING) BILL 2007*Second Reading*

Resumed from 20 June.

MS S.E. WALKER (Nedlands) [9.21 pm]: The opposition supports the Criminal Code Amendment (Drink and Food Spiking) Bill 2007. How could it not; it is our policy. In fact, it was my policy going into the 2005 election. A newspaper article dated 21 November 2004 and headed "Libs urge tougher drink-spiking laws" stated -

The WA Liberal Party has called for tougher anti-drink spike laws to stop a growing date-rape epidemic.

Opposition justice spokesman . . . -

That was me -

said she was alarmed by a recent Australian Institute of Criminology report which showed WA had the highest reported rate of drink-spiking in the country.

I receive papers from the Australian Institute of Criminology. At the time I went through them, looked at the issue and came out with a press release. It was a good policy at the time. However, I have done a bit of research for my speech on this bill. I say to the Attorney General that I wonder whether there will ever be a conviction with these provisions, but I will come to that later. After that 21 November 2004 article, on 23 September 2005 the University of Western Australia and the doctors at Sir Charles Gairdner Hospital carried out their own research on drink spiking. An article in *The West Australian* on Friday, 23 September 2005 headed "Drink spiking mostly fantasy, say doctors" stated -

Women are blaming the effects of binge drinking on drink spiking, according to Perth doctors who have found the practice is more fantasy than fact.

An Australian-first study by emergency department doctors at Sir Charles Gairdner Hospital has found that most people who claim their drinks have been spiked are found to have one common substance in their system - alcohol, and a lot of it.

The results suggest most people who seek treatment -

This is quite interesting -

at WA hospital emergency departments claiming their drinks have been spiked are simply drunk.

Only four out of 100 patients studied recently were found to have had their drinks spiked but none involved sedatives. Some were found to have drugs such as amphetamines and cannabis in their systems.

This bit of research was done by Dr Mark Little. I do not know whether the Attorney General has seen it. I found it quite interesting because I have not seen this report. The article continues -

SCGH doctors and researchers from the University of WA said their findings did not support the idea that people regularly slipped sedatives and similar drugs into people's drinks in bars and nightclubs.

I find that astonishing because I think people in nightclubs are generally aware that someone may put something into their drink. I remember a horrific case of a lovely young girl who had something put into her drink at a nightclub and was then encouraged to get into a car. A much older man jumped in and she was taken around the block and raped. At the time I felt - there was evidence available - that her drink had been spiked. The article continues -

Lead researcher Mark Little said nine out of 10 of the patients surveyed were women and many were aged under 25.

"In the community there is a view that drink spiking occurs and that it is the scenario of an offender slipping a sedative into another person's drink - presumably to stupefy them in order to take advantage of them," he said. "Our research findings don't support that. We found no cases of that happening."

This is interesting because the findings of the research undertaken by the Australian Institute of Criminology came out just before this article I mentioned and was published on 21 November 2004. It was very much in the news. These doctors and researchers from UWA took the time to question people from the emergency department of, I presume, Queen Elizabeth II Medical Centre. They say they took urine and blood tests of people who presented to hospitals because they believed their drinks had been spiked. The article continues -

Doctors were concerned that many people underestimated or were unaware of the effects of binge drinking and also the alcohol content of many popular pre-mixed drinks.

I do not know and I am sure you do not know, Madam Deputy Speaker, that kids have mixed drinks these days in what I think are called shooters. The facts gathered by these doctors and researchers showed that 88 per cent of people who believed their drinks were spiked were female, many were aged under 25, more than half went to hospital between 11.00 pm and 4.00 am, the average blood alcohol level was 0.194, the average reported number of drinks consumed was 7.7, only one in five had illicit drugs in their system, 15 had consumed spiked drinks, four were definite drink-spiking cases and there were no cases of drink spiking at a pub or nightclub. It is important when we are discussing this bill in Western Australia to have that sort of home-based research.

What is drink spiking? In April 2006, much later, the Standing Committee of Attorneys General decided to look at this issue based on the prior Australian Institute of Criminology report. In July 2003 the federal government commissioned the Australian Institute of Criminology to produce the report that I am talking about. Page 3, under the heading "What is Drink spiking", states -

The common media reporting of drink spiking concentrates on a serious type of criminal behaviour. That is the addition of a "date rape drug" (such as Rohypnol) to a drink (commonly an alcoholic drink) without the knowledge of the victim in order to induce an extremely inebriated state in the victim with the additional intention of taking sexual advantage of the victim or actually doing so.

That is where section 293 of the Western Australian Criminal Code comes in, which is headed "Stupefying in order to commit indictable offence". I compare this offence with the offence currently under consideration in this bill. Section 293 of the Criminal Code states -

Any person who, with intent to commit or to facilitate the commission of an indictable offence -

That is, for instance, rape -

or to facilitate the flight of an offender after the commission or attempted commission of an indictable offence, administers, or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a crime, and is liable to imprisonment for 20 years.

Madam Deputy Speaker, you might remember the issue we had with the words "with intent" with the race hate laws. It is hard to prove someone's intention because we cannot see what is operating in his or her mind. That is covered by the first definition of drink spiking in this discussion paper by the Standing Committee of Attorneys General. The second definition is then given. The paper states -

Such cases are at an extreme end of the continuum.

They do happen though.

Milder cases (although still instances of bad behaviour) might be the addition of extra alcohol in a known alcoholic drink as a prank - just to see the victim make a fool of themselves, for example.

I remember an older person making cannabis cookies for an older group of friends. They were quite offended. They did not think it was a prank. I do not think this person would come under this law. The AIC report took a broad view of drink spiking. The Australian Institute of Criminology defines drink spiking as -

... refers to drugs or alcohol being added to a drink (alcoholic or non-alcoholic) without the consent of the person consuming it. For an incident to be defined as drink spiking in this report, it need not involve further criminal victimisation, even though such offences can occur after an incident of drink spiking".

I want to refer to its findings on the statistics of drink-spiking incidents in Australia, and people can compare them with the statistics from Queen Elizabeth II Medical Centre. In its report it roughly estimated that between 1 July 2002 and 30 June 2003, between 3 000 and 4 000 suspected incidents of drink spiking occurred in Australia, approximately one-third of these incidents involved sexual assault, between 60 and 70 per cent of these incidents involved no additional victimisation, and between 15 and 19 suspected drink-spiking incidents occurred per 100 000 persons in Australia during 2002-03.

Proposed new section 305A states -

(2) For the purposes of this section giving a person drink or food includes preparing the drink or food for the person or making it available for consumption by the person.

- (3) This section applies if a person (the “**provider**”) causes another person to be given or to consume drink or food -
- (a) containing an intoxicating substance that other person is not aware that it contains; or
 - (b) containing more of an intoxicating substance than that other person would reasonably expect it to contain.

This is the critical part -

- (4) Where this section applies and the provider -
- (a) intends a person to be harmed by the consumption of the drink or food; or
 - (b) knows or believes that consumption of the drink or food is likely to harm a person, the provider is guilty of a crime and is liable to imprisonment for 3 years.

I spoke to Robert Cock, the Director of Public Prosecutions, about this issue and he sees it as a summary offence. The summary conviction penalty for this offence is 12 months and a fine of \$12 000. If I turned up to a party and one of my friends thought it would be a bit of a prank or a joke to make some muffins and put cannabis in them just to see how I would go at my age, that person would not be able to be prosecuted under this provision. Why? Because that person never intended for me to be harmed by the consumption of the muffin and the person never knew or believed that the consumption of a muffin was likely to harm me. That person will not be covered by this provision. However, what does “harm” mean? The definition of “harm” includes an impairment of the senses or understanding of a person that the person might reasonably be expected to object to in the circumstances. The muffin maker might have expected my senses to be impaired, but did he expect me to object in the circumstances? He may say, “No; I’ve played a joke on you before.” The definition of “impair” includes to further impair and temporarily impair. This offence needs to be included in the legislation, but I think there will be difficulty prosecuting it. The Attorney General has said about another offence that there is difficulty proving intent.

An article by Amanda O’Brien in *The Australian* of Monday, 18 June 2007 entitled “Secretly adding alcohol to drinks to cost three years’ jail under proposed spiking laws” states -

Attorney-General Jim McGinty said loading drinks with excessive alcohol - such as ordering triple vodkas for someone expecting a single measure - could be as devastating as spiking drinks with date-rape drugs such as Rohypnol.

...

Mr McGinty said prosecutors would no longer have to prove that people who spiked drinks intended to harm their victims.

However, that is exactly what this provision covers. It continues -

“Generally speaking, at the moment, because of the need to prove intent, it’s only after someone’s done a deed like rape after they’ve spiked a drink that it’s been pursued,” . . .

“Short of a confession, it’s almost impossible to prove, and recollections can be hazy, so the incidents don’t get to court.”

That is my problem with this provision. An article in *The West Australian* of 20 June 2007 states -

Under the current system, the prosecution at a trial must prove intent to commit a further offence.

That was a section 293 stupefaction, and the Attorney General referred to section 293. The article continues -

“However, it is often hard for a prosecutor to prove that an alleged offender intended to abuse their victim after spiking their drink.

Under this provision, we must prove the intention to cause harm or the intention to know or believe that consumption of the drink or food was likely to harm a person. It does not matter what offence the word “intention” is contained in, it is hard to prove a person’s intention or knowledge. Having said that, using intoxicating substances and alcohol to play pranks on people can lead to serious circumstances. It is good that this offence has been brought in. I am a little disappointed with the QEII results. I am not sure whether it has consulted the Australian Institute of Criminology, but I think it is a good offence to bring in and the opposition fully supports the bill.

MR B.S. WYATT (Victoria Park) [9.36 pm]: I rise to briefly speak to the Criminal Code Amendment (Drink and Food Spiking) Bill 2007. I will make a couple of comments about the document that the member for Nedlands referred to; that is, the discussion paper on drink spiking released by the Standing Committee of Attorneys General in April 2006, and also thank a couple of people who have been advising me on this issue.

The definition of “drink spiking” was certainly well covered by the Attorney General in his second reading speech. The discussion paper outlines in some detail the history of the development of the Criminal Code in the discussion paper of the Standing Committee of Attorneys General. It is worth noting that this is a practice that is significantly underreported in the community. I will quote one short section of the discussion paper. At page 5 it states -

It is estimated that less than 15 per cent of suspected drink spiking sexual assaults are reported to police, and between 20 and 25 per cent of suspected drink spiking non-sexual assault cases are reported to police. This means that the vast majority of suspected drink spiking incidents are not reported to police. If we are to gain a better understanding of how often drink spiking occurs and if police are to be able to identify patterns of drink spiking and develop targeted policing strategies there is clearly a need to improve the rates of reporting to police. This message could be articulated in awareness and education campaigns. Reporting rates could also be improved through a public perception that all incidents of drink spiking will be treated seriously by police regardless of knowledge of offender, memory loss and associated victimisation.

Certainly, when acts of this nature are reported by the media and when police go public with this sort of behaviour, there is a spike in reporting. However, there is often a reluctance by victims to report such offences due to embarrassment or, as the document suggests, memory loss, which often means that people are unsure about their own position. It is worth noting that at page 29 of the discussion paper it states -

... the MCCOC recommends that all Australian jurisdictions enact an offence of “mere” drink spiking ... -

That is, drink spiking without the further intent to cause harm -

that the offence be summary, and that the offence extend to any substance (any classification of poison, substance, drug, alcohol, traditional aphrodisiac etc) which is likely to impair the consciousness or bodily function of the victim, or which is intended to do so, whether or not the spiked drink is drunk wholly, partly or at all.

This amendment to the Criminal Code certainly does go that far. It is worth noting that the definition of “harm” does address the concerns raised by the member for Nedlands. Proposed section 305A(4)(b) reads -

knows or believes that consumption of the drink or food is likely to harm a person,

Harm is not an extra element that is the causal link to another activity such as sexual assault. The actual definition of “harm” reads -

includes an impairment of the senses or understanding of a person that the person might reasonably be expected to object to in the circumstances;

The member for Nedlands’ concerns are indeed addressed by this definition of “harm”.

A number of sections in the Criminal Code could perhaps deal with this in very roundabout and difficult ways. Section 293B of the Criminal Code is the main section that deals with this matter. However, proposed section 305A does indeed make the “mere” act itself - I take that word from how the Standing Committee of Attorneys General defines the “mere” act; the act per se - an offence. I am encouraged that the offence attracts a penalty of incarceration. It is worth noting also at least that proposed subsection (5) includes a defence to the charge, which is probably appropriate in the circumstances.

I want to thank one person tonight who has been enormously brave on this issue; namely, Jennifer Snell. She will not mind my mentioning her name in Parliament; she has gone public. She has been a victim of drink spiking, and she appeared on the current affairs program *Stateline* not long ago. I have met her on a number of occasions on this issue. My knowledge base beyond simply the theoretical reading of discussion papers has been broadly expanded by her very impassioned advocacy of this law. Jennifer’s now ex-husband was spiking her drinks and taking photographs of her naked and posting the photographs on web sites. This case has been through the District Court, and the transcript of this case reveals the difficulty prosecutors have had in applying section 293 of the Criminal Code to those circumstances. Because Jennifer’s now ex-husband pleaded guilty to the offence, it was a lot easier for the prosecutor. However, if he had chosen to fight the charge, I daresay the prosecutors would have had a significant problem in the court given the current state of the law. It was a very good, practical example of why the current amendment is needed. It means that people like Jennifer can feel confident in reporting that criminal activity to the police. The amendment will enable prosecutors to bring matters before the court. It makes the offence itself criminal conduct, punishable by incarceration. I thank Jennifer; she has not hidden from the fact that she has been a victim of such a terrible act. She has been a very strong advocate for law reform in this area. She was particularly pleased when in, I think, May this year, the Attorney General announced that changes would be made to the law to reflect the reality of this practice. I know

that Jennifer will continue to advocate for victims of such offences into the future. I thank her for her advice to me and for increasing my knowledge of what victims go through in such scenarios.

With those brief words, I thank the Attorney General for bringing this matter to the house quickly. It has been six months since the proposed legislation was announced, which means it was introduced quickly. I recommend that all members read the discussion paper from the Standing Committee of Attorneys General if they have any doubts about the validity and necessity of this law. Members will understand from the transcript the difficulties that the court prosecutors faced and, therefore, why this is a timely and necessary amendment to the Criminal Code.

DR J.M. WOOLLARD (Alfred Cove) [9.45 pm]: Once again, I thank the Attorney General for the briefing I have received on the Criminal Code Amendment (Drink and Food Spiking) Bill 2007. As part of that briefing, I was provided with the final report “Drink and Food Spiking” that came from the Model Criminal Code Officers’ Committee of the Standing Committee of Attorneys General. That report gives a very good history of and background to this issue. It shows how in July 2003 the Australian Institute of Criminology was commissioned by the Attorney General’s department to conduct stage 1 of a national project on drink spiking. It states in part -

Drink spiking was identified as an emerging issue for examination under the alcohol priority area identified by the Ministerial Council on Drug Strategy and has received considerable media attention in the last couple of years.

It is a shame that it was not until the issue received media attention that the committee did something; nonetheless, it got started. The Model Criminal Code Officers’ Committee released a discussion paper in May 2006. It looked at what is meant by drink and food spiking. The report states that the term “spiking” normally refers to the addition of an intoxicant to anything that can be consumed, or the administration or attempted administration of an intoxicant without the consent of the person who consumes it. It refers to the addition of a “date rape” drug such as Rohypnol to a drink without the knowledge of the victim. The AIC report defines drink spiking as follows -

“The term ‘drink spiking’ refers to drugs or alcohol being added to a drink (alcoholic or non-alcoholic) without the consent of the person consuming it. For an incident to be defined as drink spiking in this report, it need not involve further criminal victimisation, even though such offences can occur after an incident of drink spiking”.

It also said that, like drink spiking, food spiking has the potential to cause serious harm. It was looking at both drink and food spiking. It argued that, rather than looking only at drink spiking, it should look at both. The statistics in this document were quite frightening. Between July 2002 and June 2003, between 3 000 and 4 000 suspected incidents of drink spiking occurred and approximately one-third of those involved sexual assault. On an analysis of police data, it is revealed that four out of five victims are female. Most are obviously young females under 24. The majority of drink-spiking incidents did not involve associated criminal victimisation. It suggested that pranks led to drink spiking. Between 20 and 30 per cent of the incidents involved sexual assault and five per cent involved robbery. Two-thirds of drink-spiking incidents occur in licensed premises. That reminds me of some of the legislation that has been introduced into this house recently by the Minister for Police and Emergency Services concerning licensed premises. I hope he is working with the Attorney General to try to reduce these figures in Western Australia.

The report states that the police reports indicate that many victims do not know who is the offender. The victims often have memory loss, and the vast majority of incidents of drink spiking are not reported to the police. We were given the figure of 3 000 to 4 000 incidents. This is a very good report. However, in considering this report and the bill, I am concerned at the following recommendation made by the Model Criminal Code Officers’ Committee -

. . . that all Australian jurisdictions enact an offence of “mere” drink spiking . . . that the offence be summary, and that the offence extend to any substance (any classification of poison, substance, drug, alcohol, traditional aphrodisiac etc) which is likely to impair the consciousness or bodily function of the victim -

The MCCOC recommends that Western Australia and the other states amend their criminal laws to close the gaps and potential gaps in the coverage of their laws. Much of the legislation has come from this report. It concerns me that clause 4 of the bill, which amends section 305A of the Criminal Code, gives a definition of “harm”. The definition of “harm” by the MCCOC is that “harm” includes an impairment of the senses or understanding of a person that the person might reasonably be expected to object to in the circumstances.

In looking further at that report, it states -

The Committee agreed that the conduct of the accused would require an intention to cause harm to the victim that would be manifested in a physical, psychological or perceptual way.

I know it is semantics, but the definition of “harm” in this bill reads -

“**harm**” includes an impairment of the senses -

I know that people consider reports when framing legislation, but should we not include “physical, psychological or perceptual”? The definition would then read -

“**harm**” includes an impairment of the physical, psychological or perceptual abilities or understanding of a person that the person might reasonably be expected to object to in the circumstances.

I am concerned that the word “senses” will not limit a charge that is made in relation to food spiking. Will the minister respond now to my concern?

Mr J.A. McGinty: It is your speech.

Dr J.M. WOOLLARD: That is fine; I will wait for an answer in consideration in detail.

The other issue I have with clause 4, which amends section 305A of the Criminal Code, is that subclause (5) reads -

It is a defence to a charge under subsection (4) to prove that the accused person had reasonable cause to believe that each person -

I know that lots of pieces of legislation contain the word “reasonable”, but if this legislation has already been enacted in other states, has that term in relation to this charge been addressed in those cases? If so, how has the term “reasonable” been used in relation to drink and food spiking?

If this bill is passed, perhaps the community will become aware that this action can lead to a criminal offence and more people will report incidents. I had an opportunity the other week to go to the police assistance call centre. I am not sure what questions are asked in the normal police assessments. This information would provide the information to help members ascertain whether the implementation of this legislation would be valuable to Western Australia. It is important that the questions be considered now, because it will probably be several months before this bill passes through the other house. Perhaps we could get baseline figures to prove that this bill would be useful. One hopes that this bill will reduce the number of people who are subject to drink and food spiking, and particularly the sexual assaults on young women that follow on from that.

In supporting this bill, I realise that prior to the last election, the Liberals had a policy similar to the policy of this government. I appreciate that this legislation has been on the table since 2003. It has taken a while to get here. I hope the Attorney General will be able to answer the questions I have raised and that the bill, when implemented, will reduce the number of people who are affected by this behaviour.

DR G.G. JACOBS (Roe) [9.58 pm]: I rise to support the intent of this Criminal Code Amendment (Drink and Food Spiking) Bill 2007. A doctor on the floor of an emergency department is confronted with a very difficult task when a person, generally a girl, between 18 and 25 years of age, who is showing irregular behaviour, usually in the setting of a fairly high alcohol consumption, is brought in between 11.00 pm and 4.00 am. The question is to determine whether the intoxicating substance is the result of the patient consuming more alcohol than they understood they had consumed, or a benzodiazepine, such as Rohypnol, valium or tomazapan, or an amphetamine or a diuretic being placed in a drink. In the setting of a very busy casualty department, the question is how to ascertain the reason for the irregular behaviour.

The member for Nedlands provided statistics from Sir Charles Gairdner Hospital that showed that it could just be a case of a person drinking alcohol to excess. I hope that the minister will take us through the processes by which we will be able to delineate this problem. Although this bill sounds very good, it will be potentially very difficult to implement and it will not make a difference. Will screening processes be available on the floor of accident and emergency departments? Can blood tests and urine screens be done in the hospitals? Will these options be taken by attending medical practitioners? Will a medical practitioner be convinced that he or she has found a true case of drink spiking? Will this be followed by a chain of custody? Without a chain of custody - that is, a proper process - any evidence that is gained will not be admissible in court and will not lead to a conviction for drink spiking. There will be questions about the timing of the spiking and whether there were pre-existing drugs or medications in the victim’s system. There will be questions about whether the drug in question, whether it is Rohypnol or an amphetamine, was administered at a high enough level to be responsible for doing harm. Although the bill sounds fine, I suggest to the house that unless we put a little more flesh on the process, there will not be one conviction in the state of Western Australia for a true and valid drink-spiking event.

The other issue that has been presented to me over some years is the often difficult situation of identifying the provider. I call such a person a spiker, but the bill calls such a person a provider. I am talking about the person who does the spiking. Who is that person? Drink or food-spiking situations usually involve a female being brought to a casualty department because she is acting bizarrely. Who is identified as the provider in a nightclub or hotel setting? Without the identification of that provider, it will be impossible to procure a conviction for the

offence. Those are the two issues of concern. Although I support the concept of the bill, there will be significant problems with the process of identifying the spiker or the provider, as well as with establishing what was the intoxicating substance, the level at which it was given, and the timing of the spiking, and, therefore, in gaining a conviction.

There must be a process for medical practitioners in a hospital setting to follow to identify issues with the chain of custody; that is, they need to know how to do things in a legal and admissible way that will support a valid case for drink spiking and will lead to a conviction. A conviction for such an offence would really put the community on notice that this is not acceptable behaviour and that it has the potential to do significant harm to people. We need a system that reliably identifies the intoxicating substance. We need a system that identifies the provider, which is often very difficult. We need instructions and a process for nurses and doctors to follow. The medical professionals who will deal with these cases will usually be based in casualty and accident and emergency centres. They will need to know the process for obtaining admissible evidence that will allow a case to be constructed to gain a conviction, which will put the community of Western Australia on notice that this is not acceptable behaviour and that a person who does this will be caught.

MR J.A. McGINTY (Fremantle - Attorney General) [10.06 pm]: I thank members for their contributions to the debate. I will deal with two issues raised by the member for Alfred Cove. However, before I do that, I refer to the opening comment of the member for Nedlands. It is, of course, my intention to leave members opposite with no good policies come the next election. It is my intention that any good policies that the opposition comes up with -

Ms S.E. Walker: I must respond to that! At least you will bring them in for the good of the public of Western Australia, and I thank you for that.

Mr J.A. McGINTY: Exactly. I turn to the two issues raised by the member for Alfred Cove. Reference was made to the final report on drink and food spiking by the Model Criminal Law Officers' Committee of the Standing Committee of Attorneys General dated July 2007. In particular, reference was made to the definition of "harm" under the drink and food-spiking offences on page 32 of the report, a copy of which the member has kindly lent me. The definition of "harm" on page 2 of the bill under proposed new section 305A of the Criminal Code, headed "Intoxication by deception", is identical to the definition of "harm" recommended in the report, and states -

"harm" includes an impairment of the senses or understanding of a person that the person might reasonably be expected to object to in the circumstances;

The member for Alfred Cove then referred to page 39 of the report, which states -

The Committee agreed that the conduct of the accused would require an intention to cause harm to the victim that would be manifested in a physical, psychological or perceptual way.

There is already a drink-spiking offence in the Criminal Code. I am just looking for that provision.

Ms S.E. Walker: Section 293.

Mr J.A. McGINTY: It is section 293 - I thank the member for Nedlands. The section is headed "Stupefying in order to commit indictable offence" and reads -

Any person who, with intent to commit or to facilitate the commission of an indictable offence, or to facilitate the flight of an offender after the commission or attempted commission of an indictable offence, administers, or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a crime, and is liable to imprisonment for 20 years.

That provision remains. That is the existing provision whereby proof will be required that the drink was spiked and that there was an intention to commit an indictable offence. If I am reading this report correctly, that is what the comments on page 39 of the report refer to in the existing provision, when it states that the conduct of the accused would require an intention to cause harm to the victim.

Dr J.M. Woollard: Are you saying that because of clause 213, where it says an indictable offence of physical harm is covered by the fact that because it was physical harm it would be an indictable offence, and that is why this amendment only needs to read "the sentences", because the other areas - physical and psychological, and I cannot remember the third - are already covered by the indictable offence?

Mr J.A. McGINTY: Which is already in the Criminal Code, and we are not amending that.

Dr J.M. Woollard: I was unaware that that was already in the code. All I wanted was an assurance.

Mr J.A. McGINTY: My apologies for not listening as diligently as I should have been when the member raised that particular point.

The second issue raised was whether a review of the legislation should be conducted in a reasonable time. That is a reasonable proposition. As members are aware, the Criminal Code comes up for consideration, amendment and review on a very frequent basis. Several Criminal Code amendment bills come before the house every year; at least, they certainly have in recent years while I have been the Attorney General. Although that would be a thoroughly worthwhile thing to do, I do not know whether we need to amend the act to make an express provision that that be done, because it is done so frequently. Unlike other legislation that might sit there for 20 years, the Criminal Code is a dynamic piece of legislation.

Dr J.M. Woollard: I want to make sure that after it is enacted we look at it to see whether it is strong enough or whether something further has to be done.

Mr J.A. McGINTY: Given the extensive work of the Standing Committee of Attorneys General and others, this has not been a knee-jerk reaction. It has been some time coming since it was initially proposed by the member for Nedlands. I am sure that it will be constantly monitored, particularly if problems arise with it, and an amending bill can easily be brought before the house. 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 **Mr J.A. McGinty (Attorney General)**, and transmitted to the Council.

BIOSECURITY AND AGRICULTURE MANAGEMENT BILL 2006

Council's Amendments

Amendments made by the Council further considered from 6 September.

[See page 4995 for amendments.]

Consideration in Detail

Debate was adjourned after amendment 93 made by the Council had been agreed to.

Mr M.P. WHITELY: I move -

That amendment 94 made by the Council be agreed to.

Mr G. SNOOK: I thank the parliamentary secretary's advisers for the notes and assistance on the amendments that they have provided to me and other members of the opposition. We are now looking at the complete removal of this clause. Proposed section 151(b) states -

to perform such other functions as are conferred on it under this or any other Act.

Proposed section 151(b) is very widespread with regard to its capacity. Is there a need to specify any of the functions? It leaves a complete and open field. We are more than likely to be dealing with intellectual property rights and the value of those rights. Why should there not be a specification of the "other functions", which swing across the range of acts, as stated?

Mr M.P. WHITELY: The functions are outlined in the bill. If there are functions conveyed under other legislation, they will come before the Parliament to be looked at in due course. This provision simply confers the capacity to deal with those functions that are conferred under this bill or any other act. If there are any other functions that are conferred later under another act, they will come under review.

Mr G. Snook: What form will that take? Is it by regulation?

Mr M.P. WHITELY: It will be by legislation.

Mr G. Snook: Pure legislation? Is it simple legislation for every need?

Mr M.P. WHITELY: If the new legislation created the capacity for regulation, that could be it. The capacity to delegate that authority would have to be granted by this Parliament.

Mr G.M. CASTRILLI: I would like to explore proposed new section 151. Clause 151(2) of the bill states -

Despite the employment under the *Public Sector Management Act 1994* of ministerial officers for the purpose of assisting the Minister to perform functions that the Minister performs through the Ministerial Body, the Ministerial Body and those officers are not an organisation for the purposes of that Act.

Proposed new section 151(b) states -

to perform such other functions as are conferred on it under this or any other Act.

I am trying to tie up the two in terms of staff. Will all staff who are employed now, or who may be employed in the future, come under the Public Sector Management Act, or will they be excluded as per the original clause 151(2), which says it is not an organisation for the purposes of the act?

Mr M.P. WHITELEY: It is not envisaged that the authority would employ anybody. The minister would draw his advice from where he currently does. The authority is an empty corporation. It is simply to provide, where appropriate, the status of a separate legal entity. It is not an authority set up with staff to provide specific advice. It is simply to enable those functions that would be best performed by a separate legal entity to be performed by that entity, so it is not an authority in the sense that the Environmental Protection Authority is an authority, for instance, that employs staff.

Mr G.M. CASTRILLI: I suppose that the authority is basically the minister. Why then does clause 151(2) refer to “employment under the *Public Sector Management Act 1994*”? I am trying to correlate the two. The clause goes on to state that it is “not an organisation for the purposes of that Act”. If the case is as the parliamentary secretary has just stated, subclause (2) would not be part of clause 151 in the first place. If what the parliamentary secretary has just explained was the original intent, under the original clause 151(2) it would not be necessary to state that it is “not an organisation for the purposes of that Act”. Why was it necessary to put it into the bill in the first place but it is not necessary now, according to the parliamentary secretary’s explanation? Is the parliamentary secretary saying that no people will be employed now or in the future at all under any circumstances? I am trying to get some really good clarification of this.

Mr M.P. WHITELEY: As originally drafted, the words “ministerial body” gave the appearance that the minister was acting in this way, so those protections were not explicit. The whole purpose of changing to an authority rather than a ministerial body is to create not only a separate legal entity but the appearance thereof, so it related to the term “ministerial” in the original proposal.

Mr G.M. CASTRILLI: Is the parliamentary secretary saying that under a ministerial body, the minister could have his own staff who would not be subject to the Public Sector Management Act? However, as it is now being changed to an authority, which will be a legal entity in itself, and the minister is the only person in that authority, is the parliamentary secretary saying the minister will not be using any ministerial staff or any persons appointed by him as minister, as he could have done under a ministerial body, and that, therefore, as the minister is the only person in the authority, he will not be employing any staff and so the Public Sector Management Act 1994 will not apply?

Mr M.P. Whitely: In practical terms that is a fairly good explanation.

Mr G.M. CASTRILLI: What about in technical terms?

Mr M.P. WHITELEY: In technical terms, after the passage of this amendment the authority will clearly be a separate legal entity.

Mr G.M. Castrilli: The minister will not get any more staff?

Mr M.P. WHITELEY: As I have said, it is not an authority in the terms that the Environmental Protection Authority is one. It will not be employing staff. It is simply set up to perform functions that are best performed by a separate legal body. That is the reason for setting it up. If the member has highlighted criticisms, they would be of the unamended legislation, and they are addressed through this amendment.

Mr G. SNOOK: Regulations will obviously come with the act. It is a pity that we have not seen a draft of the regulations, which it was indicated would be available, but that is another point. Will there be regulations for the management and control of the authority and its functions? Will there be any regulations that will refer to roles and functions beyond what is in the bill?

Mr M.P. Whitely: No.

Mr G. SNOOK: There will be no regulations pertaining to the authority?

Mr M.P. Whitely: No, no regulations are contemplated.

Question put and passed; the Council’s amendment agreed to.

Mr M.P. WHITELEY: I move -

That amendment 95 made by the Council be agreed to.

Mr G. SNOOK: The proposed insertion after “arrangement” is “but does not include a research body”. Why not? Otherwise, what is the purpose?

Mr M.P. WHITELEY: The simple answer is that there is another amendment, amendment 96, which specifically talks about a research body, so when we have passed amendment 96 it will be specifically spelt out in the bill. Amendments 95 and 96 must be looked at together. Amendment 96 has the definition of a research body, so it is not missing.

Mr G. SNOOK: I assume that a business concern can be an arrangement under the authority.

Mr M.P. Whitely: Yes.

Mr G. SNOOK: It covers “a company, a partnership, a trust, a joint venture, or any other business arrangement”. The parliamentary secretary is then inserting “but does not include a research body”. Why not? A research body will be a business that will develop technology or research in a whole range of different areas in agriculture. It seems that it should be inserted in the clause to cover the need for a business concern that would be part of research, which to my mind is a vitally important part of the whole object of expanding the capacity of the Department of Agriculture and Food, particularly in the form of research under the authority. Then there is scope for that to occur under this new entity.

Mr M.P. WHITELY: The approval of the Treasurer is needed for the authority to enter into a business concern, whereas his approval is not needed for the authority to enter into research. It simply allows for that distinction.

Mr G.M. CASTRILLI: I am a bit confused by that answer. I think I know where the member for Moore is coming from. A business concern covers all those things mentioned under “business concern”. It may also be a research body. Amendment 96 seeks to insert words after line 14, defining what a research body is. After the words “business concern”, which is on line 3 of page 108 of the bill, it goes on to say “means a company, a partnership, a trust” etc. The amendment seeks to insert the words “but does not include a research body”. I think the member for Moore is saying that a business concern can also be a research body. Why is it not included there? The government is trying to include it after line 14 as part of amendment 96, which seeks to define a research body. I cannot see why that is such a problem. As the parliamentary secretary rightly pointed out, under amendment 96, words will be added after line 14 to say what a research body is. We are saying that, while the government is defining what a research body is under amendment 96, it could also be a business concern and should be included under “business concern” as well.

Mr M.P. WHITELY: It is prudent for the Treasurer to overview any business arrangement that the government is entering into. When section 153(1) is amended, before the minister exercises any power conferred by section 152(2)(b), the minister must notify the Treasurer of the proposal and seek the Treasurer’s approval because the government is entering into a commercial arrangement with all the obligations falling upon it. That is not meant to apply to participation in a research body. Proposed subsection (b) of amendment 96, as it relates to the definition of a research body, talks about having, among its principal objects, the carrying out of research, investigation, inquiries or studies into biosecurity, agricultural activities or management or related matters within the commonwealth. It is about research and investigation rather than a commercial arrangement. It is appropriate for the authority to enter into research without the Treasurer’s approval but not commercial arrangements, which imply obligations upon the state.

Mr G.M. CASTRILLI: I thank the parliamentary secretary for that explanation. Am I to assume that a research body will not enter into any commercial arrangements with another research body, so therefore it will not require the approval of the minister? That is why it has been taken out or been made very clear under the definition of “business concern”. I am struggling with the fact that a research body may or may not enter into a commercial arrangement to advance the cause of research with other commercial bodies. That is where I am coming from.

Mr M.P. WHITELY: I understand the point that the member is making. The principal objective of a research body is research. If it was moving from that research to a commercial partnership, trust or joint venture, it would come under the definition of “business concern” and require the approval of the Treasurer. I understand the point that the member is making, which is that research can be for commercial purposes. If it moved to that commercial arrangement, it would need the approval of the Treasurer.

Mr G.M. Castrilli: What you are saying is that a research body can do certain things with other research bodies. What you mean by commercial arrangement is going into commercial production.

Mr M.P. WHITELY: It could enter into cooperative research with organisations.

Mr G.M. Castrilli: Once you step over the line, you are talking about commercial production or commercial outcomes.

Mr M.P. WHITELY: That is what I am saying - when it falls into the definition of a business concern.

Mr G. SNOOK: I wish to have one more crack at this. There is a lost opportunity here. I need to be convinced by way of further explanation. A big part of the role of the Department of Agriculture and Food is research - plant research and breeding. We are going to form an authority. I assume that that authority will have the capacity to run as a business concern from a commercial point of view. It may want to do that in conjunction with international researchers in a collaborative way for a business outcome, one that is of good value to the state and to the agricultural industry. I am wondering why the parliamentary drafters and the staff have provided this

advice to the parliamentary secretary. I understand that there must be a good reason for it. We cannot understand why the government specifically wants to exclude a research body that could be an entity. It could be a research body under the department that is in a partnership arrangement. The bill states that a business concern could be a partnership, a business arrangement or a joint venture. Where else can that be accommodated in the bill so that we do not miss that opportunity to have a business concern and have a win-win situation?

Mr M.P. WHITELY: We are not saying that the authority cannot commercialise research and enter into a joint venture or a partnership arrangement with a commercial entity. Its nature would be that of a business concern. That would impose obligations and risks on the state. Hence, it is prudent for the Treasurer to oversight that concern. There is nothing to stop that transition being made. If the authority was entering into a pure research arrangement for its own sake - some research is done for that reason and for the development of intellectual property - and not for its commercialisation, that is regarded as being a proper function of the authority. It does not need the oversight of the Treasurer, because he will not have the capacity to obligate the state in commercial arrangements. If a body wanted to commercialise research, it could do it by setting up a trust, joint venture, company or partnership, but then it would become a business concern, by definition, and would be subject to scrutiny by the Treasurer. That capacity is not being lost.

Mr G. Snook: Specifically, what will happen?

Mr M.P. WHITELY: I am saying that we have defined research bodies separately in case it is not a commercial arrangement, so as not to prevent, by needing the approval of the Treasurer, the authority from entering into those arrangements. The authority should be able to do that for the development of intellectual property for non-commercialised research. It does not prevent that commercialisation. It does not prevent it from establishing companies, partnerships, trusts or joint ventures. I do not think the member's concern is warranted.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 96 made by the Council be agreed to.

Mr G. SNOOK: Will the parliamentary secretary confirm that this research body can be found under the authority?

Mr M.P. Whitely: Yes.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 97 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 98 made by the Council be agreed to.

Mr G.M. CASTRILLI: The question of intellectual property is important. Intellectual property is the mainstay of any organisation which holds something valuable or which has an asset of which it wants to dispose. When we talk about the disposal of intellectual property, we must know what checks and balances are in place. What are the future benefits given that we are talking about global dominance? In determining the disposal, what assessments will be made and who will be involved? We are talking about maintaining a competitive advantage and all those sorts of things that relate to intellectual property. This is an important topic. What checks and balance will allow us to get the best bang for our buck and ensure that after the disposal, we have something better to go to? We want to achieve maximum return. We do not want to leave ourselves short, which is what happened a couple of years ago when we sold off our gene technology shares to the French. Intellectual property is a classic example of us achieving some dominance. Who will the minister consult? What sort of advice will he take? Who will assess the benefits and the business case for disposing of that intellectual property?

Mr M.P. WHITELY: I am not sure that this relates to the amendment. I will try to answer as best I can.

Mr G.M. Castrilli: It refers to intellectual property.

Mr M.P. WHITELY: Sure. However, I do not think that it relates to the amendment. Nonetheless, I will answer as best I can. The same protections that currently exist will continue. The disposal of intellectual property will be the subject of a competitive tendering process, which is what happens currently during the disposal of physical assets. I do not think it is anticipated that there will be any difference from what currently exists.

Mr G.M. CASTRILLI: I understand what the parliamentary secretary is saying, but intellectual property goes a bit beyond just selling a house or a building and who wants to pay this or that for it. In my opinion, intellectual property in the global market and the competitive advantage in research that Western Australia has are a bit more important than an asset such as a house or a property. What sort of mechanics are in place in the business model and who will do the analysis of when to dispose of intellectual property? I think it is a bit more important than just selling a house.

Mr M.P. WHITELEY: As I said, nothing will change. The minister will take advice when appropriate. The disposal of any intellectual property will be subject to the scrutiny that currently exists over the disposal of any government asset. Nothing will change in that regard.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 99 and 100 to be considered together.

Mr M.P. WHITELEY: I move -

That amendments 99 and 100 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr M.P. WHITELEY: I move -

That amendment 101 made by the Council be agreed to.

Mr G. SNOOK: My question continues from the questions asked by the member for Bunbury. Can the parliamentary secretary tell us what is the current situation for the realisation of any assets, including intellectual property, after they have been disposed of? What will happen under the new arrangement with the authority with the realisation of disposable assets such as intellectual property? What will happen to those funds? Where will they be directed to and where will they be held? The amendment seeks to insert the words "and, for that purpose, apply for, hold, receive, exploit and dispose of any intellectual property". How is it functioning currently under the legislation and what will change as a result of the disposal of any property under this legislation?

Mr M.P. WHITELEY: If the property is owned specifically by a business of which the Western Australian Agriculture Authority is a partner, it would be retained within the business. However, if it is just general property of government, it would be retained as consolidated revenue.

Mr G. SNOOK: The parliamentary secretary is saying that there is capacity for the passing on of the realisation of moneys from the disposal of any property, which can be held in trust under the authority or the minister or returned to consolidated revenue. This is not dissimilar from what happens with other trading authorities, such as the Water Corporation, set up under the auspices of the government and covered by legislation. I am looking into the future here. We are making legislation here now that will develop the capacity for enterprise to grow. I do not have a problem with that, but my question directly relates to what will happen to those funds when they are realised through the out-of-business enterprise arrangements that can be developed under the authority. We had a discussion about the business concern. I have the strong view that technology will advance quite rapidly in the next decade or two, and I can see an expanding opportunity here, and rightly so, for the state to capitalise on that. There could be significant revenue flows. What happens to the funds? The parliamentary secretary has already indicated that there are two avenues. Can he expand on or clarify that for us?

Mr M.P. WHITELEY: I cannot really expand on that. If it were a business concern that the authority had entered into, and the property is an asset of the business concern, be it intellectual property or physical assets, the funds from the sale would remain within that business concern. If the authority were 50 per cent equity owner, it effectively would have 50 per cent of the funds. If the property were a general asset owned by the Western Australian taxpayers and was disposed of under the control of the minister, the department or the Western Australian Agriculture Authority, it would go into the consolidated fund for the government; it will not be held specifically for any purpose. I cannot really elaborate on what I said before.

Mr G.M. Castrilli: Every asset owned by every department in Western Australia is owned by the taxpayers of Western Australia, so how can you qualify that statement? Theoretically, it should all go to consolidated revenue. How can we be sure that it is earmarked for that department? That is basically the problem.

Mr M.P. WHITELEY: What the member said is true, if the process of allocating funds is as it is for all government departments in terms of approval by the Treasurer or through the Treasury. If the authority pulled off some sort of amazing deal that was beneficial to the government, it would have a very good moral case for arguing for more funds from Treasury. There is no legal or jurisdictional restriction on that, so basically what the member said was correct.

Mr G. SNOOK: In principle, is the parliamentary secretary saying that there is an opportunity for a dividend flow back to the government as a result of profits earned from the development of funds out of a trading enterprise, such as biotechnology research etc?

Mr M.P. Whitely: Yes, but that is not what we have been discussing; it is a little different.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 102 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 103 made by the Council be agreed to.

Mr G. SNOOK: With the deletion of these lines, will the minister's powers be diluted?

Mr M.P. WHITELY: No, but it is no longer necessary because the powers have been given directly to the body corporate rather than to the minister.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 104 to 108 to be considered together.

Mr M.P. WHITELY: I move -

That amendments 104 to 108 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr M.P. WHITELY: I move -

That amendment 109 made by the Council be agreed to.

Mr G.M. CASTRILLI: This amendment replaces clause 154. Subclause (1) contains the words "assigned to the authority". Can I have a full explanation of what is meant by "assigned". Sometimes things can be assigned on time, according to performance or upon payment. Does it mean full, freehold ownership?

Mr M.P. WHITELY: It means ownership in the normal sense of the word.

Mr G.M. CASTRILLI: Does it mean unencumbered ownership by the authority?

Mr M.P. Whitely: Yes.

Mr G. SNOOK: Can the intellectual property be held in a partnership arrangement?

Mr M.P. WHITELY: No. The intention of this amendment is to give to the authority intellectual property that was previously owned by the department. We are not talking about intellectual property that is owned as part of a business concern or a company in which the authority is a 50 per cent shareholder. It is not referring to that sort of intellectual property.

Mr G. SNOOK: Why does it say that the "State acquires on or after the day on which this section comes into operation is, by operation of this section, assigned to the Authority"? To me, that means any intellectual property that the state acquires after this day. That is new intellectual property that can be acquired. Can that new property be held in partnership?

Mr M.P. WHITELY: Not under this clause. This clause relates to intellectual property that is owned by the government wholly, if we like, and currently owned by the department. It puts that intellectual property into the ownership of the authority. It is possible that the government may be a partner in a corporation or be perhaps an equity owner in a company or partnership, and have an interest in a company that owns intellectual property, so indirectly it does. However, that is not the intention of this clause. This is simply designed to transfer to the authority ownership of intellectual property that the department owns wholly and solely.

Mr G.M. CASTRILLI: Proposed subclause (2), which deals with intellectual property, states -

- (a) created in the course of the performance of functions under this Act; or
- (b) otherwise created in the course of the performance of functions by a person in that person's capacity as a person employed or engaged in the department.

The intent of proposed subclause (2) is that if anybody who works for the authority or the department is involved in creating what we can term intellectual property, that intellectual property is obviously not that person's; it remains in the ownership of the authority.

Mr M.P. Whitely: Yes.

Mr G.M. CASTRILLI: What happens if the work is outsourced by the authority to a company, a firm, a partnership, a corporation or a research body, and that external source comes up with the intellectual property? Will the authority still own the intellectual property? How will that be determined?

Mr M.P. WHITELY: If, for instance, before this legislation was passed, the department outsourced - contracted out, if one likes - the creation of intellectual property, it would still be the department's intellectual property. That will not change, except that the authority will own the intellectual property rather than the department.

Mr G.M. Castrilli: As long as it was legally binding that after any advancement in the intellectual property, it would remain the intellectual property of the authority. It would be etched in very good legal terms, I imagine.

Mr M.P. WHITELY: I am sorry; I missed the last bit. However, basically, as long as the contractual arrangements were set up for that purpose, ownership of the intellectual property would remain with the authority after the legislation is passed.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 110 made by the Council be agreed to.

Mr G. SNOOK: This is the deletion of a significant clause. I think I understand the reason for it. It is because of the formation of the authority. The question is: will the authority fulfil in its entirety what would have been the minister's role; and, if that is the case, should that not be reflected somewhere, or have I missed the point?

Mr M.P. WHITELY: The member has not missed the point. It is reflected somewhere else; it is reflected in clause 152 as amended.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 111 to 116 to be considered together.

Mr M.P. WHITELY: I move -

That amendments 111 to 116 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr M.P. WHITELY: I move -

That amendment 117 made by the Council be agreed to.

Mr G.M. CASTRILLI: As we are now going to an authority, which is a legal entity, I presume it is established under the Corporations Act. I was looking through clause 156. In a purely commercial sense, when a seal is executed, it needs to be done by, say, a director or secretary of the legal entity. I understand this amendment to clause 156 means that the document will be executed by the minister under seal. Is that correct in terms of government enterprise, bearing in mind that this authority is created under the Corporations Act?

Mr M.P. WHITELY: This authority is not established under the Corporations Act, but under this proposed act. The sort of provisions to which the member is referring do not apply.

Question put and passed; the Council's amendment agreed to.

Leave granted for amendments 118 to 125 to be considered together.

Mr M.P. WHITELY: I move -

That amendments 118 to 125 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr M.P. WHITELY: I move -

That amendment 126 made by the Council be agreed to.

Mr G. SNOOK: Would the parliamentary secretary explain the reason for this amendment?

Mr M.P. WHITELY: The simple answer is that part 5 replaces Part II, Division 14, in what was the Financial Administration and Audit Act 1985 and is now the Financial Management Act 2006.

Question put and passed; the Council's amendment agreed to.

Mr M.P. WHITELY: I move -

That amendment 127 made by the Council be agreed to.

Mr G.M. CASTRILLI: This amendment changes the word "may" to "must", which is fantastic. Having declared a prohibited organism a pest, it must be advertised in the *Government Gazette*. That is well and good and it satisfies the legislative requirements. What additional action is proposed to notify the actual landowners and other people and organisations affected by this? What other actions will be taken to consult and notify the general public?

Mr M.P. WHITELY: In addition to the notification in the *Government Gazette*, it will include notification on the Department of Agriculture and Food website, media releases, publications such as “Farm Notes” that are prepared by the Department of Agriculture and Food and control notices. Notification will be by way of a number of sources.

Mr G.M. Castrilli: Therefore, the notification that is currently undertaken will continue.

Mr M.P. WHITELY: Yes.

Question put and passed; the Council’s amendment agreed to.

Debate adjourned, on motion by **Mr M.P. Whitely (Parliamentary Secretary)**.

House adjourned at 11.09 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

POLICE OFFICERS - NUMBER

2493. Mr T.R. Buswell to the Minister for Police and Emergency Services

- (1) How many sworn police officers (total headcount) were there in the Western Australian Police at 30 June 2007?
- (2) How many sworn police officers (total FTE) were there in the Western Australian Police at 30 June 2007?

Mr J.C. KOBELKE replied:

- (1) 5330

This includes 5260 police officers (superintendent to recruit), 59 Aboriginal Police Liaison Officers and 11 senior police.

- (2) 5211.7

This includes 5141.7 police officers (superintendent to recruit), 59 Aboriginal Police Liaison Officers and 11 senior police.

Both the headcount and FTE figures include police officers on leave without pay.

**MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - MOBILE PHONES -
LOST OR STOLEN**

2504. Mr T.R. Buswell to the Deputy Premier; Treasurer; Minister for State Development

For each Department and Agency under the Deputy Premier's control, including the Ministerial office:

- (a) how many mobile phones have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the mobile phones that were lost or stolen;
- (c) was the loss or theft of any of these mobile phones reported to the police;
- (d) if yes to (c), when were these reports made;
- (e) of those reported, what has been the outcome;
- (f) if any mobile phones that were lost or stolen were not reported to the police, why not;
- (g) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (h) when were these steps put into place?

Mr E.S. RIPPER replied:

Office of the Deputy Premier

- (a) Nil.
- (b)-(h) N/A

Department of Industry and Resources

- (a) Three (3).
- (b) \$700.
- (c) Yes.
- (d) Same day x 2;
Week x 1.
- (e) Not recovered.
- (f) Not applicable.
- (g) The Department of Industry and Resources' mobile phone policy outlines users' responsibilities in regard to the use and care of phones. DataDot® technology has been adopted within the Department as a deterrent against theft. This is being applied to all new notebook computers, PDAs and mobile phones, and is being retrospectively applied to the entire mobile

fleet. DataDots® are microscopic discs laser etched with a unique identification number and sprayed into crevices on the surface of the item and embedded in a clear, very strong glue. The difficulty of removal makes the item very unattractive to thieves.

- (h) Mobile phone policy instigated 20 July 2004.

WA Treasury Corporation

- (a) Nil.
(b)-(h) N/A

State Supply Commission

- (a) Nil.
(b)-(h) N/A

Office of Native Title

- (a) Nil
(b)-(h) N/A

Department of Treasury and Finance answer

- (a) Five.
(b) \$1,197.00 (original cost).
(c) Yes.
(d) One reported in January 2007, one reported in March 2007 and three reported in April 2007.
(e) Five insurance claims were processed.
(f) All five mobile phones were reported stolen to the Police.
(g) Officers have been reminded of their responsibilities of taking care and diligence with all departmental assets and the mobile phone policy has been updated to include this.
(h) In 2005.

Office of the Auditor General

- (a) Nil
(b)-(h) N/A

Economic Regulation Authority

- (a) Nil
(b)-(h) N/A

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - MOBILE PHONES -
LOST OR STOLEN

2505. Mr T.R. Buswell to the Parliamentary Secretary representing the Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt; Great Southern

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many mobile phones have been reported lost or stolen for the six months to 30 June 2007;
(b) what was the total value of the mobile phones that were lost or stolen;
(c) was the loss or theft of any of these mobile phones reported to the police;
(d) if yes to (c), when were these reports made;
(e) of those reported, what has been the outcome;
(f) if any mobile phones that were lost or stolen were not reported to the police, why not;
(g) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
(h) when were these steps put into place?

Mr M.P. WHITELY replied:

Ministerial Office

- (a) None
(b)-(h) Not applicable

Forest Products Commission

- (a) None
- (b)-(h) Not applicable

Department of Agriculture and Food

- (a) Two
- (b) Written down to nil value
- (c) Neither were reported
- (d) Not applicable
- (e) Not applicable
- (f) Both phones were lost and recovery was unlikely
- (g) No action required
- (h) Not applicable

Mid West Development Commission

- (a) None
- (b)-(h) Not applicable

Wheatbelt Development Commission

- (a) None
- (b)-(h) Not applicable

Great Southern Development Commission

- (a) None
- (b)-(h) Not applicable

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - MOBILE PHONES -
LOST OR STOLEN

2513. Mr T.R. Buswell to the Minister for Energy; Resources; Industry and Enterprise

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many mobile phones have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the mobile phones that were lost or stolen;
- (c) was the loss or theft of any of these mobile phones reported to the police;
- (d) if yes to (c), when were these reports made;
- (e) of those reported, what has been the outcome;
- (f) if any mobile phones that were lost or stolen were not reported to the police, why not;
- (g) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (h) when were these steps put into place?

Mr F.M. LOGAN replied:

MINISTERIAL OFFICE

- (a) Nil.
- (b)-(h) Not applicable.

MERIWA

The Minerals and Energy Research Institute of Western Australia (MERIWA) does not have any mobile phones and therefore there have been none lost or stolen for the six months to 30 June 2007.

OFFICE OF ENERGY

- (a) Nil.
- (b)-(h) Not applicable.

DEPARTMENT OF INDUSTRY AND RESOURCES

Please refer to question on notice number 2504.

INDEPENDENT MARKET OPERATOR

(a)-(h) Nil.

WESTERN POWER

- a) Three.
- b) \$1497.00.
- c) Yes, they were reported to the police.
- d) Within 1-3 days of the phones being lost/stolen.
- e) No further response from the Police has been received in any of the cases. All devices had their unique IMEI number which bars them from all Australian networks, rendering them useless.
- f) Not applicable.
- g) Users are reminded of the replacement cost of these devices and reminded that care should be taken to avoid theft/loss.
- h) The last six months.

VERVE ENERGY

- (a) Nil.
- (b)-(h) Not applicable.

HORIZON POWER

- a) One mobile phone was reported lost for the six months to June 30th 2007.
- b) The value of this phone was \$550.
- c) The police were notified.
- d) A report was made on 23rd April 2007.
- e) The phone device has not been recovered.
- f) Not applicable.
- g) A hard copy of Horizon Power's Telecommunications Policy is provided to every new mobile phone/blackberry user. Part of the policy describes what to do when a device is lost or stolen (ie. contact local Police and I.T. Group)
- h) The Telecommunications Policy came into effect at disaggregation on 1 April 2006. The policy is currently being reviewed.

SYNERGY

- (a) One.
- (b) Approximately \$200 (depreciated value).
- (c) Yes.
- (d) 27 March 2007.
- (e) Employee's company motor vehicle was broken into in an open public car park during business hours during a customer visit.
- (f) Not applicable.
- (g) Employees encouraged to secure all valuables from view when left in parked vehicle.
- (h) Following incident.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2518. Mr T.R. Buswell to the Premier; Minister for Federal-State Relations; Trade; Innovation; Science; Public Sector Management

For each Department and Agency under the Premier's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;

- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr A.J. CARPENTER replied:

Department of the Premier and Cabinet (including the Premier's and the other Ministerial Offices); Governor's Establishment; Office of the Public Sector Standard Commissioner advises:

- (a) Nil
- (b)-(j) Not applicable

Department of Industry and Resources:

Please refer to question on notice 2519.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2519. Mr T.R. Buswell to the Deputy Premier; Treasurer; Minister for State Development

For each Department and Agency under the Deputy Premier's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr E.S. RIPPER replied:

Office of the Deputy Premier

- (a) Nil.
- (b)-(j) Not applicable.

Department of Industry and Resources

- (a) None.
- (b) Not applicable.
- (c) Not applicable.
- (d) All laptop computers are of a standard build and are password protected. Department of Industry and Resources' policy is for no sensitive data to be stored on local hard drives.
- (e) Not applicable.

- (f) Not applicable.
- (g) Not applicable.
- (h) Not applicable.
- (i) DataDot® technology has been adopted within the Department of Industry and Resources as a deterrent against theft. This is being applied to all new notebook computers, PDAs and mobile phones, and is being retrospectively applied to the entire mobile fleet. DataDots® are microscopic discs laser etched with a unique identification number and sprayed into crevices on the surface of the item and embedded in a clear, very strong glue. The difficulty of removal makes the item very unattractive to thieves.

State Supply Commission

- (i) Nil.
- (b)-(j) Not applicable.

WA Treasury Corporation

- (a) Nil.
- (b)-(j) Not applicable.

Office of Native Title

- (a) Nil
- (b)-(j) N/A

Economic Regulation Authority

- (a) Nil
- (b)-(j) N/A

Department of Treasury and Finance

- (a) None.
- (b)-(j) Not applicable.

Note: All DTF notebooks use encryption software. This is to ensure that all data on the notebook is protected, should the notebook be stolen or lost.

Office of the Auditor General

- (a) One laptop
- (b) \$2 523.28
- (c) There was no sensitive information on the laptop as it had not been issued
- (d) Not applicable
- (e) Yes
- (f) 21 August 2007
- (g) No outcome to date
- (h) Not applicable
- (i) Improved security has been put in place during the laptop deployment process
- (j) Immediately upon detection of the loss.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2520. Mr T.R. Buswell to the Parliamentary Secretary representing the Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt; Great Southern

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;

- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr M.P. WHITELY replied:

Ministerial Office

- (a) None
- (b)-(j) Not applicable

Department of Agriculture and Food

- (a) Two
- (b) Written down to nil value
- (c) No sensitive information was stored
- (d) Not applicable
- (e) One was reported to Police
- (f) The loss was reported immediately
- (g) No outcome
- (h) The one not reported was lost on a farm while collecting data
- (i) No action required
- (j) Not applicable

Forest Products Commission

- (a) None
- (b)-(j) Not applicable

Mid West Development Commission

- (a) None
- (b)-(j) Not applicable

Wheatbelt Development Commission

- (a) None
- (b)-(j) Not applicable

Great Southern Development Commission

- (a) None
- (b)-(j) Not applicable.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2522. Mr T.R. Buswell to the Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;

- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr J.C. KOBELKE replied:

Ministerial Office

Ministerial Office comes under the jurisdiction of Department of the Premier and Cabinet, therefore please refer to Premier's response.

WA Institute of Sport

- (a) Nil
- (b)-(j) Not applicable

WA Sports Centre Trust

- (a) Nil
- (b)-(j) Not applicable

Department of Sport & Recreation

- (a) Nil
- (b)-(j) Not applicable

Water Corporation

- (a) One laptop computer was stolen. No palm computers or notebooks were stolen.
- (b) \$1,600
- (c) No
- (d) Not applicable
- (e) Yes
- (f) Report was made as soon as the theft became apparent.
- (g) The laptop has not been recovered.
- (h) Not applicable
- (i) Users are reminded to secure devices as and when appropriate.
- (j) When the devices are issued.

Department of Water

- (a) Nil
- (b)-(j) Not applicable

Aqwest

- (a) Nil
- (b)-(j) Not applicable

Busselton Water

- (a) One
- (b) \$800
- (c) No
- (d) Not applicable

- (e) No
- (f) Not Applicable
- (g) Not Applicable
- (h) Small Value
- (i) Devices Now Locked Up Overnight
- (j) Immediately after loss discovered

WA Police

- (a) 4 Laptops
- (b) \$11,958.65
- (c) Yes
- (d) Laptop and Palm computers are password protected, some are encrypted and it is a general practice not to keep sensitive information on this type of computing hardware.
- (e) Yes
- (f) 21/03/2007, 21/03/2007, 08/05/2007 and 06/06/2007
- (g) Investigations being conducted by local Police
- (h) Not Applicable
- (i) WA Police are required to record and maintain equipment items on an Equipment Register; this is subject to Departmental Audit Controls to ensure items are recorded correctly. The Commissioner's Orders and Procedures contains steps to prevent any possible loss or theft of such equipment, these are enforced through the individual and management accountability procedures within the agency.
- (j) In 2005 system controls were added to the Equipment Register database which requires officers to enter a Police Incident Report number for any item that is lost or stolen. The Equipment Register is audited annually through internal auditing processes.

Fire & Emergency Services Authority

- (a) Nil
- (b)-(j) Not applicable

Fire & Emergency Services Superannuation Board

- (a) Nil
- (b)-(j) Not applicable

Office of Crime Prevention

As the responsible reporting agency in respect of the Office of Crime Prevention for the six months to 30 June 2007 was the WA Police, the Police response will be inclusive of the OCP.

Office of Road Safety

- (a) Nil
- (b)-(j) Not applicable.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2523. Mr T.R. Buswell to the Attorney General; Minister for Health; Electoral Affairs

For each Department and Agency under the Attorney General's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;

- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr J.A. McGINTY replied:

MINISTERIAL OFFICE

- (a) Nil;
- (b)-(j) Not applicable.

DEPARTMENT OF THE ATTORNEY GENERAL

- (a) One notebook was stolen.
- (b) \$2,200 excluding GST.
- (c) No.
- (d) All Department notebooks have been configured with a special encrypted folder. All users of notebooks are required to use the encrypted folder for their work. Information in the encrypted folder is protected from unauthorised access and is automatically backed up into the Department's main computer network when the notebook is connected to the network.
- (e) Yes, with the exception of one laptop - see (h).
- (f) A police report for the one stolen notebook was made on 28 April 2007.
- (g) The item reported has not been recovered.
- (h) Not applicable.
- (i) The Department has a policy that requires staff to ensure the security of notebooks and palm computers and also requires that stolen and lost notebooks and palm computers be reported to the Police. The Department requires the person reporting the incident to sign a Statutory Declaration outlining the facts surrounding the loss or theft of the notebook or palm computer and for Managers to consider the degree of staff negligence involved in the loss of the item. Where it is determined that an individual was negligent, disciplinary action may proceed.
- (j) Completion of Statutory Declarations and consideration of any negligence involved in the loss were introduced in December 2006.

DEPARTMENT OF HEALTH

- (a) Eight laptops and one palm computer (PDA) were reported stolen.
- (b) Total combined value of \$12,682.
- (c) Without a detailed analysis of each laptop it is not possible to absolutely determine whether any sensitive information was stored on the laptops or PDA at the time they were stolen.
- (d) Laptops are set up with the expectation that they will be connected to the Department of Health or Health Service computer networks. When a laptop is not connected to the network, the computer cannot be accessed without the knowledge of the logon and password used whilst the laptop was connected to the network. The majority of main files and data are stored on the networks.

The stolen PDA was also password protected.
- (e) Yes.
- (f) The thefts were reported immediately after it was ascertained that the items were stolen, not lost.
- (g) None of the items have been recovered.
- (h) Due to an administrative error one laptop was not reported to the police. The administrative processes in this area are currently being addressed and contact will be made with the police accordingly.

- (i) All staff allocated the use of a laptop, notebook or palm computer (blackberry or PDA) for their work are informed that they are to keep the equipment safe. In the case of one stolen laptop, security alarms have since been installed in the office from which the laptop was stolen.
- (j) The protocols and procedures for new users are outlined for all DOH staff who are allocated the use of a laptop, notebook or palm computer, and reminders regarding the care of government property are issued when equipment has been lost or stolen as an ongoing risk management process.

DIRECTOR OF PUBLIC PROSECUTIONS

- (a) Nil;
- (b)-(j) Not applicable.

EQUAL OPPORTUNITY COMMISSION

- (a) 1 Laptop
- (b) \$2068.00 (plus \$616.92 in software and accessories)
- (c) No
- (d) Not applicable.
- (e) Yes
- (f) Same day as theft (01/02/07)
- (g) Goods were not recovered and were replaced through insurance
- (h) Not applicable.
- (i) Staff were reminded of their responsibilities in accordance with internal policies to ensure assets are managed properly.
- (j) At the time of the incident.

LAW REFORM COMMISSION

- (a) Nil;
- (b)-(j) Not applicable.

LEGAL AID WA

- (a) Nil;
- (b)-(j) Not applicable.

OFFICE OF THE INFORMATION COMMISSIONER

- (a) Nil;
- (b)-(j) Not applicable.

OFFICE OF HEALTH REVIEW

- (a) Nil;
- (b)-(j) Not applicable.

W.A. ELECTORAL COMMISSION

- (a) Nil;
- (b)-(j) Not applicable..

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2524. Mr T.R. Buswell to the Minister for Employment Protection; Housing and Works; Indigenous Affairs; Heritage; Land Information

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;

- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mrs M.H. ROBERTS replied:

Ministerial Office:

Please refer to question on notice 2518.

The Employment Protection arm of the Department of Consumer and Employment Protection (DOCEP) advises:

- (a) One.
- (b) \$1795 + GST.
- (c) No.
- (d) Not applicable.
- (e) Yes.
- (f) Same day as discovered missing - ie: 7 May 2007.
- (g) Not recovered.
- (h) Not applicable.
- (i) Security policy regarding laptops at Energy Safety (ES) has been reviewed by Executive Director. As such, effective 21 May 2007 all personnel who have notebook PC's within ES are required to either lock the notebook PC away in an appropriate area at the end of each working day, or alternatively take the notebook PC home.
- (j) Two weeks after theft - ie: 21 May 2007.

Western Australian Industrial Relations Commission advises:

- (a) None
- (b)-(j) Not applicable

WorkCover advises:

- (a) None
- (b)-(j) Not applicable

Construction Industry Long Service Leave Payments Board advises:

- (a) None
- (b)-(j) Not applicable

The Department of Housing and Works advises:

- a) One Laptop Computer was reported stolen.
- b) The replacement cost of the laptop was \$1,641
- c) The information on the laptop was classified as "E-mail messages; letters; memos; tender documentation; building plans etc. that will not compromise; disclose or embarrass the Department of Housing and Works; or that are already in the Public Domain"
- d) n/a
- e) Yes, a Police Report was made
- f) 23 February 2007

- g) No charges have been laid and no recovery of property
- h) n/a
- i) The loss/theft of the laptop was from a cabinet inside a regional office while the officer responsible for the laptop was on annual leave. This was a one-off occurrence, and as such existing procedures to minimise these losses are considered to be adequate.
- j) n/a

The Department of Indigenous Affairs advises:

- (a) One laptop stolen in the six months to 30 June 2007;
- (b) \$1700
- (c) No sensitive information was on the stolen laptop;
- (d) All departmental laptops are password protected and therefore the data is not easily accessible to a user who steals a laptop;
- (e) Yes
- (f) 27 February 2007
- (g) Not recovered
- (h) Not applicable
- (i) Users are regularly informed to look after their assigned assets. The Department of Indigenous Affairs has in the past trialled the use of special software and engraving but it did not prove operationally useful.
- (j) The specialist software and engraving was trialled in 2002.

Heritage Council of Australia advises:

- (a) Nil
- (b)-(j) Not applicable

National Trust of Australia (WA) advises:

- (a) Nil
- (b)-(j) Not applicable

Landgate advises:

- (a) Nil
- (b)-(j) Not applicable.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS - LOST OR STOLEN

2525. Mr T.R. Buswell to the Minister for Planning and Infrastructure

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Ms A.J.G. MacTIERNAN replied:

EGTB, Port Hedland Port Authority, Esperance Port Authority, Office of the Minister for Planning and Infrastructure, Midland Redevelopment Authority, Broome Port Authority, Dampier Port Authority, East Perth Redevelopment Authority, Subiaco Redevelopment Authority, Geraldton Port Authority, Armadale Redevelopment Authority, Albany Port Authority, Public Transport Authority, Bunbury Port Authority and Western Australian Planning Commission

- (a) Nil
- (b), (c), (d), (e), (f), (g), (h), (i) and (j) N/A

Fremantle Port Authority

- (a) One
- (b) \$550
- (c) No
- (d) N/A
- (e) No
- (f) N/A
- (g) N/A
- (h) Believed to be misplaced
- (i) Improved asset tracking
- (j) March 2007

Main Roads Western Australia

- (a) One was reported lost (unaccounted for) and one was reported stolen.
- (b) \$882
- (c) No
- (d) Roads policy is to store all sensitive data on network devices and not on local hard disks of personal computers.
- (e) One laptop was reported to the police as being stolen.
- (f) The theft was reported on 18/5/2007.
- (g) The stolen laptop has not been recovered or returned to Main Roads.
- (h) The stolen laptop was reported to the police. In the other case, the unit was unaccounted for and there was no evidence of theft. Accordingly, no police report was made.
- (i) All employees and contract staff with responsibility for moving laptops are regularly instructed to ensure all paperwork is completed and all items leaving the Information Technology support area for repair are logged in and out. In addition an automated location system has been implemented to search the network every two hours for missing units to be detected on the network. Physical audits are also conducted on a regular basis.
- (j) December 2006.

LandCorp

- (a) One
- (b) \$1,436
- (c) No
- (d) Not applicable
- (e) No, this laptop was lost at an airport and reported to airport management.
- (f) Not applicable
- (g) Not Applicable.
- (h) No, this laptop was lost at an airport and reported to airport management.
- (i) The officer was advised to be more diligent in the future.
- (j) Immediately

Department for Planning and Infrastructure

- (a) One notebook computer was stolen in the 6 months. No other equipment of the type mentioned was reported lost or stolen.
- (b) \$2,230.00
- (c) No
- (d) All notebook computers require a password for access to information on the machine. All corporate information is stored on networked drives to prevent loss of corporate information to the department.
- (e) Theft reported.
- (f) Reported to Mundijong Police station on 10 January 2007.
- (g) The notebook computer has not been recovered to date.
- (h) Not applicable
- (i) Issue of notebook computers is restricted and must be approved by the appropriate Tier 2 manager. DPI Security Policy outlines the responsibilities of officers with equipment external to DPI premises to counter unauthorised access.
- (j) 2003/04.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2526. Mr T.R. Buswell to the Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Ms S.M. McHALE replied:

Ministerial Office

Please refer to QON 2518.

Disability Services Commission:

- (a) Nil.
- (b)-(j) N/A

Tourism WA

- (a) One laptop
- (b) \$2,884.00
- (c) No.
- (d) Sensitive data is kept on secure network drives and not local to the hard drive of laptop, notebook and palm computers. All computers have encrypted login procedures.

- (e) Yes.
- (f) The theft was reported to the police the same day as the incident.
- (g) The stolen laptop has not been recovered. The laptop was the subject of a successful insurance claim through RiskCover.
- (h) N/A
- (i) Tourism Western Australia purchased Hardcap, an Asset Management electronic bar-coding module for all Information and Communications Technology equipment.
- (j) 15 April 2007

Rottneest Island Authority

- (a) None
- (b)-(j) N/A

Department of Culture and the Arts

- (a) Nil
- (b)-(j) Not applicable

Perth Theatre Trust

- (a) Nil
- (b)-(j) N/A

State Library of Western Australia

- (a) Nil
- (b)-(j) N/A

Art Gallery of Western Australia

- (a) Nil
- (b)-(j) N/A

ScreenWest

- (a) Nil
- (b)-(j) N/A

Western Australian Museum

- (a) Nil
- (b)-(j) N/A

Consumer Protection (DOCEP)

- (a) One
- (b) \$2258 + GST
- (c) No
- (d) All items are password protected
- (e) Yes
- (f) Immediately it was reported - ie: 30 April 2007
- (g) Item was replaced. Insurance claim presented to insurer was rejected
- (h) N/A
- (i) Reminders were sent to staff to be more vigilant and adhere to Departmental Policies in relation to the security of assets.
- (j) Soon after loss was reported..

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2528. Mr T.R. Buswell to the Minister for Energy; Resources; Industry and Enterprise

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;

- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr F.M. LOGAN replied:

The Minister for Energy; Resources; Industry and Enterprise has been provided with the following response:

MINISTERIAL OFFICE

Please refer to question on notice LA2518.

MERIWA

The Minerals and Energy Research Institute of Western Australia (MERIWA) does not have any laptop, notebook and palm computers and therefore has not had any lost or stolen for the six months to 30 June 2007.

OFFICE OF ENERGY

- (a) Nil.
- (b)-(j) Not applicable.

WESTERN POWER

- (a) 4 notebooks have been reported stolen.
- (b) \$12,784.00.
- (c) Western Power policy is that all corporate documents are stored in the corporate document management system (DMS) system, which is hosted on secure IT managed servers.
- (d) As all corporate documents are stored in DMS, there should not have been any corporate information on the laptop hard drive.
- (e) All losses were reported to the police. This is required as part of the replacement process.
- (f) As soon as practicable after the loss was discovered.
- (g) None were recovered by police.
- (h) Not applicable.
- (i) Security patrols were increased at the affected depots in the period after the burglaries. A tender has been called to carry out a review of security at all Western Power depots.
- (j) A facilities management company has recently been awarded the contract and will make recommendations based on its findings, once the review is completed.

INDEPENDENT MARKET OPERATOR

- (a)-(j) Nil.

VERVE ENERGY

- (a)-(j) Nil.

HORIZON POWER

- (a) There have been no laptop, notebook or palm devices reported lost or stolen for the six months to June 30th 2007.
- (b)-(h) Not applicable.
- (i) Kensington locks are used in non-secure office locations (offices with limited security after hours).
- (j) Kensington locks were applied in June 2007.

SYNERGY

- (a) Nil.
- (b)-(j) Not applicable.

DEPARTMENT OF INDUSTRY AND RESOURCES

- (a) None.
- (b)-(c) Not applicable.
- (d) All laptop computers are of a standard build and are password protected. Department of Industry and Resources' policy is for no sensitive data to be stored on local hard drives.
- (e)-(h) Not applicable.
- (i) DataDot® technology has been adopted within the Department of Industry and Resources as a deterrent against theft. This is being applied to all new notebook computers, PDAs and mobile phones, and is being retrospectively applied to the entire mobile fleet. DataDots® are microscopic discs laser etched with a unique identification number and sprayed into crevices on the surface of the item and embedded in a clear, very strong glue. The difficulty of removal makes the item very unattractive to thieves..

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2531. Mr T.R. Buswell to the Minister for the Environment; Climate Change; Peel

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;
- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr D.A. TEMPLEMAN replied:

Ministerial Office

Please refer to question on notice 2518.

Department of Environment and Conservation

- (a) Two laptop computers were reported stolen for the six months to 30 June 2007.
- (b) The total depreciated value of the two computers was \$4,251.53.
- (c) The stolen laptop computers did not contain any information that could be regarded as sensitive.
- (d) Not applicable.
- (e) The theft of both computers was reported to the police.
- (f) The thefts were reported on 4 January 2007 and 26 January 2007.
- (g) The computers have not been recovered.
- (h) Not applicable.
- (i) The department is trialing microdot technology. Assets vulnerable to theft have microdots attached as a deterrent and to identify assets that are recovered.
- (j) The microdot trial is in progress.

Peel Development Commission

- (a) Nil.
- (b)-(j) Not applicable.

Botanic Gardens and Parks Authority

- (a) The Botanic Gardens and Parks Authority has had NIL laptop, notebook or palm computers reported lost or stolen for the six months to 30 June 2007.
- (b)-(c) Not applicable.
- (d) At the Botanic Gardens and Parks Authority all notebooks are password restricted as part of the standard operating system install. Sensitive information is also directed to be stored on the file servers rather than workstations or laptops.
- (e)-(j) Not applicable.

Swan River Trust

- (a) No laptops have been lost or stolen for the six months to 30 June 2007.
- (b)-(h) Not applicable.
- (i) Data Dot marking has been applied to our assets for security.
- (j) Wednesday 18 July 2007.

Zoological Parks Authority

- (a) None.
- (b) Nil.
- (c) Not applicable.
- (d) No commercial or sensitive information is kept on Laptops, Notebooks or Palm computers.
- (e) Not applicable.
- (f) Not applicable.
- (g) Not applicable.
- (h) Not applicable.
- (i) Step 1: Zoological Parks Authority staff who have access to mobile computers are regularly reminded of the Authority's guidelines that require the physical security of Zoo property is maximised.
Step 2: The Zoological Parks Authority has begun a microdot security identification project, marking mobile computer equipment with the agency ABN.
- (j) Step 1: February 2007.
Step 2: Commenced July 2007.

MINISTERIAL OFFICES, GOVERNMENT DEPARTMENTS AND AGENCIES - COMPUTERS -
LOST OR STOLEN

2532. Mr T.R. Buswell to the Minister representing the Minister for Child Protection; Communities; Women's Interests; Seniors and Volunteering

For each Department and Agency under the Minister's control, including the Ministerial office:

- (a) how many laptop, notebook and palm computers have been reported lost or stolen for the six months to 30 June 2007;
- (b) what was the total value of the computers that were lost or stolen;
- (c) did any of these computers contain information that could be regarded as sensitive;
- (d) what steps have been taken to ensure that any commercial or sensitive information was not compromised;
- (e) was the loss or theft of any of these computers reported to the police;
- (f) if yes to (e), when were these reports made;
- (g) of those reported, what has been the outcome;

- (h) if any computers that were lost or stolen were not reported to the police, why not;
- (i) what steps, if any, have been put into place with a view to eliminating, or at least reducing, these losses; and
- (j) when were these steps put into place?

Mr D.A. TEMPLEMAN replied:

Ministerial Office

The Ministerial Office comes under the jurisdiction of Department of the Premier and Cabinet, therefore please refer to Premier's response to question on notice 2518.

Department for Child Protection and the Department for Communities

Note: information excludes the Office for Children and Youth and Office of Multicultural Interests

- (a) 3
- (b) \$5012
- (c) No. It is relevant to note that departmental computing systems are meant to be used such that files are saved centrally, not to the computers themselves. It is not possible to be certain that in all cases this always occurred.
- (d) Laptops are password protected and files are meant to be saved centrally rather than to individual computers.
- (e) Yes
- (f) As soon as practicable following the discovery of the theft or loss
- (g) None recovered
- (h) Not Applicable
- (i) Step taken are as follows:
 - Policy statements that emphasise staff responsibility for security are published on the intranet.
 - The Department has implemented a new "Portable & Attractive Items Register System (PAIRS)".
 - PDAs that may contain data are remotely wiped upon receiving notification of loss or theft.
- (j) Steps were introduced as follows:
 - Intranet security messages introduced January 2006.
 - PAIRS implemented 1 July 2007.
 - Procedure for remotely removing data from PDAs introduced July 2006.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2533. Mr T.R. Buswell to the Premier; Minister for Federal-State Relations; Trade; Innovation; Science; Public Sector Management

For each Department and Agency within the Premier's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006–2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Mr A.J. CARPENTER replied:

Department of the Premier and Cabinet advises:

- (a) \$150.00
- (b)-(c) Not applicable

Department of Industry and Resources:

Please refer to question on notice 2534.

Office of the Public Sector Standard Commissioner advises:

- (a) Nil
- (b)-(c) Not applicable

Governor's Establishment advises:

Not applicable to Governor's Establishment.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2534. Mr T.R. Buswell to the Deputy Premier; Treasurer; Minister for State Development

For each Department and Agency within the Deputy Premier's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006–2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Mr E.S. RIPPER replied:

Department of Treasury and Finance

- (a) \$1,414,345.
- (b) Yes.
- (c) The confidentiality provisions of the Taxation Administration Act 1999 prevent the Commissioner of State Revenue from disclosing the names of the persons or companies who owed the debt. The amounts written off related to uncollectible pay-roll tax and stamp duty debts where all possible avenues of recovery had been exhausted. For example, the majority of debts were fully irrecoverable due to the insolvency of the taxpayers or as a result of a company liquidation. In addition, partial write-off occurred where only part payment was made under a deed of company arrangement.

Department of Industry and Resources

- (a) Nil
- (b)-(c) N/A

Economic Regulation Authority

- (a) Nil
- (b)-(c) N/A

Office Of Native Title

- (a) Nil
- (b) N/A

Office Of The Auditor General

- (a) There Were No Bad Debts Written Off In The 2006-07 Financial Year.
- (b)-(c) N/A

State Supply Commission

- (a) Nil
- (b)-(c) N/A

WA Treasury Corporation

- (a) Nil.
- (b)-(c) N/A.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2535. Mr T.R. Buswell to the Parliamentary Secretary representing the Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt; Great Southern

For each Department and Agency within the Minister's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006–2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Mr M.P. WHITELEY replied:

Department of Agriculture and Food

- (a) The total amount of bad debts written off in the 2006-2007 financial year was \$1,722.74
- (b) There were no bad debts greater than \$10,000 written off.
- (c) Not applicable.

Forest Products Commission

- (a) Nil
- (b)-(c) Not applicable

Mid West Development Commission

- (a) Nil
- (b)-(c) Not applicable

Wheatbelt Development Commission

- (a) Nil
- (b)-(c) Not applicable

Great Southern Development Commission

- (a) Nil
- (b)-(c) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2537. Mr T.R. Buswell to the Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation

For each Department and Agency within the Minister's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006–2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Mr J.C. KOBELKE replied:

WA Institute of Sport

- (a) \$247
- (b) No
- (c) Not applicable

Department of Sport and Recreation

- (a) \$387.50
- (b) No
- (c) Not applicable

WA Sport Centre Trust

- (a) \$500
- (b) No
- (c) Not applicable

Department of Water

- (a) \$447.08
- (b) No
- (c) Not Applicable

Water Corporation

- (a) \$98,531.60
- (b) Yes.
- (c) Carlovers Carwash (Aust) Pty Ltd (in liquidation) & Gilete G & B Civil (in liquidation)

Aqwest

- (a) \$5,704.44
- (b) No
- (c) Not applicable

Busselton Water Board

- (a) \$406.95
- (b) No
- (c) Not applicable

WA Police

- (a) \$121,434.60
- (b) Yes
- (c) Gary Lionel Bynder
Mark Adrian Connolly
Shannon Dale Dimer

Fire & Emergency Services Authority

- (a) Nil
- (b)-(c) Not applicable

Fire & Emergency Services Superannuation Board

- (a) Nil
- (b)-(c) Not applicable

Office of Crime Prevention

As the responsible reporting agency in respect of the Office of Crime Prevention for the 2006-2007 financial year was the WA Police, the Police response will be inclusive of the OCP.

Office of Road Safety

The Office of Road Safety is part of the Department of the Premier and Cabinet (DPC) for all administrative issues.

As such, the Office of Road Safety's response to this question will be included as part of the DPC response.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2538. Mr T.R. Buswell to the Attorney General; Minister for Health; Electoral Affairs

For each Department and Agency within the Attorney General's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006-2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Mr J.A. McGINTY replied:

DEPARTMENT OF THE ATTORNEY GENERAL

- (a) \$24,881.
- (b) No.
- (c) Not applicable.

DEPARTMENT OF HEALTH

- (a) \$1,827,500
- (b) Yes.

- (c) The individuals listed below were overseas visitors receiving hospital care and who were not eligible to access Medicare.

S Beejadhur	\$22,215
D Salvadore	\$110,871
Y Leong	\$13,350
S Zimu	\$82,350
J Endo	\$24,696
H Swanepoel	\$17,817
N Cote	\$19,156
L and T Nguyen	\$21,960
A Tan Mui Siang	\$11,408
K O'Donoghue	\$19,986
P Lee Lai	\$17,502
W Gopaul	\$10,899

The write-off process is specified by the Financial Management Act 2006. As a standard practice the agency is expected to have taken (and does take) all reasonable steps to recover amounts outstanding and amend processes to avoid any recurrence prior to seeking approval to write-off.

LEGAL AID WA

- (a) \$42,430.97.
- (b) One.
- (c) The name of the person owing this debit (File No 05P07788) has been repressed due to confidentiality issues arising from the Legal Aid Commission Act 1976, Part VIII, Section 64.

DIRECTOR OF PUBLIC PROSECUTIONS
 EQUAL OPPORTUNITY COMMISSION
 LAW REFORM COMMISSION
 OFFICE OF THE INFORMATION COMMISSIONER
 OFFICE OF HEALTH REVIEW
 SOLICITOR GENERAL
 STATE SOLICITOR'S OFFICE
 W.A. ELECTORAL COMMISSION

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2540. Mr T.R. Buswell to the Minister for Planning and Infrastructure

For each Department and Agency within the Minister's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006–2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Ms A.J.G. MacTIERNAN replied:

Main Roads WA

In so far as Main Roads is concerned and for the year ending 30 June 2007:

- (a) \$1634.85 total amount written off during 2006-2007
- (b) No
- (c) N/A

Geraldton Port Authority

- (a) \$3747.84 total amount written off during 2006-2007
- (b) No
- (c) N/A

Port Hedland Port Authority, Eastern Goldfields Transport Board, Esperance Port Authority, Midland Redevelopment Authority, Albany Port Authority, Broome Port Authority, Bunbury Port Authority, Dampier Port Authority, East Perth Redevelopment Authority, Subiaco Redevelopment Authority, LandCorp, Armadale Redevelopment Authority, Fremantle Port Authority and the Office of the Minister for Planning and Infrastructure

- (a) Nil
- (b)-(c) Not applicable

Public Transport Authority

- (a) The total amount of bad debts written off in the 2006-2007 financial year is \$3,714.00.
- (b) No debts were above \$10,000
- (c) N/A

Department for Planning and Infrastructure

- (a) The total amount of bad debts for the 2006-2007 financial year is \$73,362.68, the value of assets written off is \$3,204.41
- (b) Yes
- (c) Future Skills Pty Ltd; Bluewave Seafood Ltd; Dial-a-Coach Group Pty Ltd

Western Australian Planning Commission

- (a) \$5,067.30
- (b) No
- (c) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2541. Mr T.R. Buswell to the Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection

For each Department and Agency within the Minister's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006-2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Ms S.M. McHALE replied:

Disability Services Commission, ScreenWest, State Library of WA and Western Australian Museum advises the answer to part (a) Nil

Disability Services Commission, Tourism WA, Rottnest Island, Department of Culture and the Arts, Perth Theatre Trust, Ogden IFC, ScreenWest, State Library of WA, Art Gallery of Western Australia, Western Australian Museum and Consumer Protection advises the answer to part (b)-(c) Not applicable

Tourism WA

- (a) \$8,477.19

Rottnest Island Authority

- (a) \$16,210.00

Department of Culture and the Arts

- (a) \$1,267.50

Perth Theatre Trust

- (a) \$3,043.68

Ogden IFC

- (a) \$9,534.00

Art Gallery of Western Australia

- (a) \$8,638.00

Consumer Protection

- (a) \$22750.00.

GOVERNMENT DEPARTMENTS AND AGENCIES - BAD DEBTS WRITTEN OFF

2543. Mr T.R. Buswell to the Minister for Energy; Resources; Industry and Enterprise

For each Department and Agency within the Minister's portfolios, and understanding that the write-off process is covered by the *Financial Management Act 2006*:

- (a) what was the total amount of bad debts written off in the 2006–2007 financial year;
- (b) were any of these debts above \$10,000; and
- (c) if so, what is the name of the person or company owing the debt?

Mr F.M. LOGAN replied:

The Minister for Energy; Resources; Industry and Enterprise has been provided with the following response:

MERIWA

The Minerals and Energy Research Institute of Western Australia (MERIWA) had no bad debts during the 2006/2007 financial year.

OFFICE OF ENERGY

- (a) Nil
- (b)-(c) Not applicable

WESTERN POWER

- (a) \$289,025.85
- (b) One company owed more than \$10,000.
- (c) Auto Group Western Australia (went into receivership in 2006)

VERVE

- (a) No bad debts were written off in the 2006-07 financial year
- (b)-(c) Not applicable

DEPARTMENT OF INDUSTRY AND RESOURCES

- (a) \$349,895.15
- (b) Yes
- (c) G J Clarke Pty Ltd, East River Holdings

INDEPENDENT MARKET OPERATOR

- (a)-(c) Nil

HORIZON POWER

- (a) \$493,163.25
- (b) 1
- (c) Wiluna General Store \$10,879.35 written off on the 9/08/06

SYNERGY

- (a) \$1,987,199
- (b) Yes
- (c) Bridgetown Supermarket - \$11,236.95 and Astron Pty Ltd - \$15,998.65

GOVERNMENT DEPARTMENTS AND AGENCIES - CREDITORS - NUMBER AND AMOUNT OUTSTANDING

2550. Mr T.R. Buswell to the Parliamentary Secretary representing the Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt; Great Southern

For each Department and Agency within the Minister's portfolios:

- (a) what was the amount and number of creditors outstanding for less than or equal to 30 days as at 30 June 2007;
- (b) what was the amount and number of creditors outstanding for less than or equal to 60 days as at 30 June 2007;

- (c) what was the amount and number of creditors outstanding for less than or equal to 90 days as at 30 June 2007;
- (d) what was the amount and number of creditors outstanding for less than or equal to 120 days as at 30 June 2007; and
- (e) what was the amount and number of creditors outstanding more than 120 days as at 30 June 2007?

Mr M.P. WHITELY replied:

Department of Agriculture and Food

- (a) Department of Agriculture and Food, 412 creditors (\$3,593,688); Agriculture Protection Board, 9 creditors (\$248,117.73); Agricultural Produce Commission, 4 creditors (\$35,041.23).
- (b) Department of Agriculture and Food, 16 creditors (\$5,369.38).
- (c) Department of Agriculture and Food, 18 creditors (\$5,993.00); Agriculture Protection Board, 1 creditor (\$479.05); Agricultural Produce Commission, 2 creditors (\$884.58).
- (d) Department of Agriculture and Food, 15 creditors (\$3,810.92); Agriculture Protection Board, 1 creditor (\$107.20).
- (e) Nil.

The Department of Agriculture and Food; Agriculture Protection Board and Agricultural Produce Commission make every effort to pay creditors within 30 days, however there are circumstances under which this is not possible. Examples, which are reflected in the figures provided are:

Internal Claims Internal claims by staff and associates recorded in the finance system are dated in the month they have been expensed. Such claims will appear as an outstanding invoice for more than 30 days even if they are paid on the day they are received.

Accounts in dispute Accounts are not approved for payment until disputes are resolved.

Misdirected invoices Payment can be delayed if invoices are incorrectly addressed.

Forest Products Commission

- (a) \$3,217,558.29; 149 creditors
- (b)-(e) Nil

Mid West Development Commission:

- a) 13 creditors \$724,379.16 (all paid July 2007)
- (b) Nil
- (c) 1 creditor \$6,198.69 (paid July 2007)
- (d)-(e) Nil

The Mid West Development Commission makes every effort to pay creditors within 30 days, however there are circumstances under which this is not possible. This account (\$6,198.69) was not approved for payment until clarification on cost calculation was obtained.

Wheatbelt Development Commission

- (a) \$2156.64 2
- (b)-(e) Nil

Great Southern Development Commission

- (a) \$12,280.14 9 Creditors
- (b) \$27,500.00 1 Creditor - Grant payment *
- (c) Nil
- (d) Nil
- (e) \$2,750.00 1 Creditor - Grant payment *

* Grant payments are not paid until GSDC is satisfied that any required milestones are met. This can result in delays in payment.

GOVERNMENT DEPARTMENTS AND AGENCIES - CREDITORS - NUMBER AND AMOUNT
OUTSTANDING

2553. Mr T.R. Buswell to the Attorney General; Minister for Health; Electoral Affairs

For each Department and Agency within the Attorney General's portfolios:

- (a) what was the amount and number of creditors outstanding for less than or equal to 30 days as at 30 June 2007;
- (b) what was the amount and number of creditors outstanding for less than or equal to 60 days as at 30 June 2007;
- (c) what was the amount and number of creditors outstanding for less than or equal to 90 days as at 30 June 2007;
- (d) what was the amount and number of creditors outstanding for less than or equal to 120 days as at 30 June 2007; and
- (e) what was the amount and number of creditors outstanding more than 120 days as at 30 June 2007?

Mr J.A. McGINTY replied:

Agencies and departments make every effort to pay creditors within 30 days; however, there are circumstances under which this is not possible. Examples, which are reflected in the figures provided below are:

Late billing:

Some creditors do not submit invoices for more than 30 days after the goods or services are supplied. The date recorded in the finance system is the date of the invoice (not the date the invoice is received) and therefore such invoices will appear as outstanding for more than 30 days even if they are paid on the day they are received.

Accounts in dispute:

Accounts are not approved for payment until any dispute is resolved.

Grant payments:

Grant payments are not made until the Department is satisfied that any required milestones have been met. This can cause delays in payment.

Misdirected invoices:

Payment can be delayed if invoices are incorrectly addressed.

DEPARTMENT OF THE ATTORNEY GENERAL

At 30 June 2007 there was \$8,898,312 owing to 423 creditors.

- (a) \$8,831,299
- (b) \$46,623
- (c) \$3,398
- (d) \$12,913
- (e) \$4,079

DEPARTMENT OF HEALTH

- (a) 22,134 invoices valued at \$42,816,043
- (b) 25,663 invoices valued at \$49,116,502
- (c) 25,849 invoices valued at \$49,481,072
- (d) 25,963 invoices valued at \$49,589,209
- (e) 220 invoices valued at \$107,323

DIRECTOR OF PUBLIC PROSECUTIONS

At 30 June 2007 there was \$605,309 owing to 48 creditors.

- (a) \$593,317
- (b) \$10,734
- (c) Nil

- (d) Nil
- (e) \$1,258

EQUAL OPPORTUNITY COMMISSION

At 30 June 2007 there was \$84,020 owing to 23 creditors.

- (a) \$82,655
- (b) \$599
- (c) \$766
- (d) Nil
- (e) Nil

LAW REFORM COMMISSION

At 30 June 2007 there was \$33,548 owing to one creditor.

- (a) \$33,548
- (b) Nil
- (c) Nil
- (d) Nil
- (e) Nil

LEGAL AID WA

- (a) The number of creditors for this period was 68 - amount owing was \$364,813.85.
- (b) The number of creditors for this period was 4 - amount owing was \$9,442.83.
- (c) The number of creditors for this period was 1 - amount owing was \$145.45.
- (d) Nil.
- (e) The number of creditors for this period was 2 - amount owing was \$201.55.

LEGAL COSTS COMMITTEE

At 30 June 2007 there was \$103 owing to one creditor.

- (a) \$50
- (b) \$53
- (c) Nil
- (d) Nil
- (e) Nil

OFFICE OF HEALTH REVIEW

At 30 June 2007 there was \$13,000 owing to one creditor.

- (a) \$13,000.
- (b) Nil
- (c) Nil
- (d) Nil
- (e) Nil

OFFICE OF THE INFORMATION COMMISSIONER

At 30 June 2007 there was \$31,525 owing to two creditors.

- (a) \$30,512
- (b) \$1,013
- (c) Nil
- (d) Nil
- (e) Nil

W.A. ELECTORAL COMMISSION

- (a) The number of creditors for this period was 32 - amount owing was \$217,000.
- (b)-(e) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES - CREDITORS - NUMBER AND AMOUNT OUTSTANDING

2561. Mr T.R. Buswell to the Minister for the Environment; Climate Change; Peel

For each Department and Agency within the Minister's portfolios:

- (a) what was the amount and number of creditors outstanding for less than or equal to 30 days as at 30 June 2007;
- (b) what was the amount and number of creditors outstanding for less than or equal to 60 days as at 30 June 2007;
- (c) what was the amount and number of creditors outstanding for less than or equal to 90 days as at 30 June 2007;
- (d) what was the amount and number of creditors outstanding for less than or equal to 120 days as at 30 June 2007; and
- (e) what was the amount and number of creditors outstanding more than 120 days as at 30 June 2007?

Mr D.A. TEMPLEMAN replied:

Department of Environment and Conservation

The Department of Environment and Conservation made every effort to pay creditors within 30 days, however there are circumstances under which this is not possible. Examples, which are reflected in the figures below are:

Accounts in dispute

Accounts may, on occasion, not be approved for payment if there is a dispute over satisfactory delivery of goods or services.

Grant payments

Grant payments are not made until the department is satisfied that any required milestones have been met. This can cause delays in payment.

Misdirected invoices

Payment can be delayed if invoices are incorrectly addressed.

- (a) The amount outstanding for less than or equal to 30 days as at 30 June 2007 was \$15 956 983.32. The number of creditors was 1,307.
- (b) The amount outstanding for more than 30 days and less than or equal to 60 days as at 30 June 2007 was \$55 080.22. The number of creditors was 15.
- (c) There were no creditors outstanding for more than 60 days and less than or equal to 90 days as at 30 June 2007.
- (d) The amount outstanding for more than 90 days and less than or equal to 120 days as at 30 June 2007 was \$7 317.80. The number of creditors was 3.
- (e) There were no creditors outstanding for greater than 120 days as at 30 June 2007.

Peel Development Commission

- (a) 9 creditors valued at a total of \$133 185.
- (b)-(e) Nil

Swan River Trust

- (a) \$1 091 747 and 50 creditors
- (b)-(e) Nil

Perth Zoo

The Zoological Parks Authority makes every effort to pay creditors within 30 days and has policies and procedures in place to manage these payment terms. On occasion there are some creditor invoices that are unable

to be processed within 30 days but these instances are minimal. The types of situations that may cause this to occur include:

- Creditor failing to submit invoice in a timely manner and then using the transaction date as the invoice date rather than the date they issue the invoice. This can result in the date received by the agency being well after the date on the invoice.
 - Invoices received by the agency but on hold pending the issue of a credit note to be offset against the invoice.
 - Invoices received by the agency but on hold as goods not received or services satisfactory performed.
 - Invoices not issued correctly by creditor (i.e. not tax compliant, computations and costing incorrect) and payment delayed while invoice is being amended.
 - Original invoice not received or misplaced and duplicate copy required from creditor to enable payment.
- (a) The amount outstanding for less than or equal to 30 days as at 30 June 2007 was \$270 528.09. The number of creditors was 103.
 - (b) The amount outstanding for more than 30 days and less than or equal to 60 days as at 30 June 2007 was \$2 012.49. The number of creditors was 9.
 - (c) The amount outstanding for more than 60 days and less than or equal to 90 days as at 30 June 2007 was \$505.03. The number of creditors was 1.
 - (d) There were no creditors outstanding for more than 90 days and less than or equal to 120 days as at 30 June 2007.
 - (e) The amount outstanding for greater than 120 days as at 30 June 2007 was \$446.74. The amount of creditors was 2.

Botanic Gardens and Parks Authority

The Botanic Gardens and Parks Authority makes every effort to pay creditors within 30 days, however, there are circumstances under which this is not possible. These 4 items outstanding for greater than 30 days were in dispute for work not completed. These have since been resolved and amounts are no longer outstanding.

- (a) The amount and number of creditors outstanding for less than or equal to 30 days as at 30 June 2007 at the Botanic Gardens and Parks Authority was \$790,742.62 and 120.
- (b) The amount and number of creditors outstanding for less than or equal to 60 days as at 30 June 2007 at the Botanic Gardens and Parks Authority was \$14,696.20 and 4.
- (c)-(e) Nil.

PUBLIC SECTOR - STATISTICS ON REDEPLOYEES

2564. Mr T.R. Buswell to the Minister for Public Sector Management

I refer to the data provided in answer to Question on Notice No. 1332 of 15 August 2006 in respect of public sector employees on redeployment, and ask whether the Premier will provide an updated list as at 30 June 2007 detailing:

- (a) how many department, agency or other corporatised organisation staff were on redeployment;
- (b) what was the total annual cost in salaries, including superannuation and any other associated costs for redeployees;
- (c) from which department or agency were these staff originally employed;
- (d) how many senior staff were on the redeployment list;
- (e) what were the levels of the staff referred to in (d);
- (f) what are the levels and salaries of all staff on the current list of redeployees;
- (g) for what period of time have each of the individual staff been on the redeployee list;
- (h) what steps is the Government taking to find new positions for these redeployees;
- (i) what is the average time redeployees spend on the list before being allocated another job; and
- (j) what is the longest time a redeployee has spent on the list?

Mr A.J. CARPENTER replied:

Department of the Premier and Cabinet advises:

- (a) The number of public sector employees registered for redeployment as at 30 June 2007 was 51. This is a significant reduction from the previous State Government's record. On 9 February 2001, 477 public sector employees were registered for redeployment.
- (b) The total annual cost in salaries, including superannuation, for public sector employees registered for redeployment as at 30 June 2007 was \$ 3,963,763.
- (c)-(g) Information on the employing agencies of all registered redeployees, the number and levels of senior staff, the levels and salaries of all redeployees registered as at 30 June 2007, and their period of time in redeployment, is provided in the schedule at Attachment A. [See paper 3109.]
- (h) A legislative and policy framework governs redeployment and redundancy. Registered redeployees are provided with priority access to public sector vacancies. All registered redeployees are required to actively participate in the redeployment process and are assigned a case manager who both assists their efforts to secure alternative employment and ensures compliance with redeployment responsibilities.
- (i) The average annual time (expressed as months) prior to permanent placement for the period 2001/02 through to 30 June 2007 is shown at Attachment B. [See paper 3109.]
- (j) The longest time spent by an employee, registered for redeployment as at 30 June 2007, was 5 years.

Throughout that time this employee undertook a number of long term project placements.

GOVERNMENT VEHICLES

2565. Mr T.R. Buswell to the Treasurer

I request an answer in the same format as the answer to Question on Notice No. 1578 of 19 October 2006, and I ask:

- (a) how many motor vehicles were there in the State Fleet as at 30 June 2007; and
- (b) how many motor vehicles were there in all State Government departments and agencies that were partially or fully funded by the State Government and not included in the State Fleet at 30 June 2007?

Mr E.S. RIPPER replied:

- (a) 10,638 vehicles.
- (b) Specific information is not available as at 30 June 2007. However, a survey of agencies conducted in the final quarter of 2006 indicated that 476 vehicles were held by general government sector agencies outside of the State Fleet arrangement. There are a number of advantages in vehicles being leased through State Fleet, and government fleet policy was changed in August 2007 to require all general government sector agencies to lease their passenger and light commercial vehicles through State Fleet, unless prior approval for an alternative arrangement is obtained from State Fleet. This requirement will take effect from 1 January 2008.

RAILWAYS - AUSTRALIND SERVICE

2568. Mr G.M. Castrilli to the Minister for Planning and Infrastructure

I refer to the Australind train service, and ask:

- (a) how many times has the Australind train broken down in the past:
 - (i) 3 months;
 - (ii) 6 months; and
 - (iii) 12 months;
- (b) what dates the train broke down over the past 12 months and how long the train remained out of service on each occasion;
- (c) what are the details of each specific breakdown over the past 12 months;
- (d) how many major services, encompassing all carriages, has the Australind received in the past 12 months by the Public Transport Authority at Claisebrook;

- (e) when does the State Labor Government plan on replacing the Australind rolling stock;
- (f) what upgrades/refurbishments of the Australind are planned and when will they be completed;
- (g) what services have been carried out on the Australind by the Australian Rail Group in Picton and what was their regularity in the past 12 months;
- (h) has there been difficulty or delays obtaining replacement parts for the Australind in the past 12 months;
- (i) if so, what was the reason for the difficulty/delay; and
- (j) was the Minister aware that the Australind was operating for a weekend in June 2007 without crossing warning lights on the front of the train?

Ms A.J.G. MacTIERNAN replied:

- (a)-(c) The Australind train service has experienced the following breakdowns over the past 12 months:
 - 14 January 2007 - 1 service - non release of park brakes
 - 4 May - 2 services - Alternator Fault
 - 20 to 26 July - 23 services - fault with Automatic Train Protection system causing emergency brake to be applied.
- (d) The maintenance program for the Australind railcars includes daily trip services, weekly lube services and other 'lettered services' which are carried out at various frequencies based on kilometres travelled. In addition, refurbishment work has been carried out at the Public Transport Authority's Claisebrook depot on all Australind railcars over the past 12 months.
- (e) Improvements to the rail service are under review
- (f) A range of upgrading/refurbishment work has already been carried out including improvements to toilets, new carpets, train visibility and the traction and power supply systems. Further upgrading/refurbishment is currently in the investigation, planning and design phase. Options include an advanced air suspension system to improve passenger comfort, refurbishment of the carriage interior including new seating, improvements to the buffet, toilets and luggage storage.
- (g) The Australian Rail Group at Picton provides labour resources for daily trip services, weekly lube services, 'A' and 'B' lettered services and recertification of safety systems.
- (h) Yes.
- (i) Spare parts for the Australind railcars are of a specialised nature and not normally available off the shelf and therefore can take a long time for delivery.
- (j) I have been advised that this was due to an electrical fault.

WOOD HEATER REPLACEMENT PROGRAM

2575. Mr M.J. Cowper to the Minister for the Environment

Can the Minister advise why the Government's wood heater replacement rebates are only available to residents of the metropolitan area?

Mr D.A. TEMPLEMAN replied:

Refer to Question on Notice 2478.

KALGOORLIE REGIONAL HOSPITAL - SURGEONS

2576. Mr M.J. Birney to the Minister for Health

- (1) Can the Minister advise if there are Disease Related Groups (DRG) figures kept for the surgeons at the Kalgoorlie Regional Hospital?
- (2) If yes, can the Minister provide these figures for each surgeon at the Kalgoorlie Regional Hospital?
- (3) If not, are there any other systems in place that are capable of identifying rates of complications, mortality, return trips to theatre and other adverse results for individual surgeons in Western Australia?
- (4) If yes, can the Minister provide these figures for the surgeons operating at the Kalgoorlie Regional Hospital?
- (5) Can the Minister provide a breakdown of all complaints lodged with either the Medical Board or the Kalgoorlie Regional Hospital relating to each surgeon operating at the Kalgoorlie Regional Hospital for

the last five years, providing the number of complaints for each surgeon, the nature of each complaint and the outcome of any investigation that took place as a result of the complaint?

Mr J.A. McGINTY replied:

- (1) All patients, including surgical patients, are assigned to a Diagnosis Related Group (DRG) on discharge, based on the primary diagnosis or procedure. DRGs are used primarily for costing care on a health system.
- (2)-(4) The questions do not make clear exactly what elements are required or the time period. If these were supplied the information could be derived. The extraction of the information would require a period of several days to weeks, depending upon the extent of the request.

Please note however that figures for individual surgeons cannot be released to a third party without the consent of the surgeons as this would breach the provisions of the State Records Act 2000.

- (5) The Medical Board of WA provides (on or before 31 December each year) an annual report of its proceedings for the preceding year ending on 30 June. It includes details of investigations and inquiries undertaken by, or at the direction of, the Medical Board. The Medical Board's Annual Reports are available on the internet at

<http://www.medicalboard.com.au/annualReport.cfm>.

The Medical Board does not release information on cases currently before it. Complaints documents lodged with hospitals are State Records within the meaning of the State Records Act 2000. They contain sensitive and confidential medical data and cannot be disclosed to third parties without the consent of the persons identified in the documents. The hospital reports aggregated complaints data, categorised according to the type of complaint, to the Department of Health's Office of Safety and Quality in Healthcare. There is currently an internal investigation occurring relating to the practice of one surgeon at Kalgoorlie Hospital. Until the investigation is completed the principles of natural justice must apply and no information will be disclosed.

WORKSAFE - BULLYING COMPLAINTS RECEIVED

2577. Mr M.J. Cowper to the Minister for Employment Protection

- (1) How many complaints have been received by WorkSafe in relation to workplace bullying?
- (2) How many of these complaints have been investigated?
- (3) How many charges have been laid in relation to the complaints investigated?
- (4) How many convictions have there been?

Mrs M.H. ROBERTS replied:

WorkSafe advises:

- (1) Complaints received by WorkSafe are not always able to be categorised by the nature of the hazard. WorkSafe relies on workers' compensation data collected by WorkCover WA to provide information such as that requested. Between the financial years 2002/03 and 2005/06, WorkCover reported a total of 763 workers' compensation lost time injury claims. The figure includes work pressure and work related harassment and/or workplace bullying but does not include claims involving violence or physical assault. The 2006/07 figure is not yet available.
- (2) WorkSafe considers all reports received in relation to a dangerous situation, perceived breach of legislation or other concerns about a workplace, including those alleging bullying or bullying type behaviours. As with other matters referred to WorkSafe, a priority for investigation is allocated taking into account the perceived level of risk of injury or harm to health. As detailed in the Guidance Note, "Dealing with Bullying at Work", published by the Commission for Occupational Safety and Health in Western Australia, WorkSafe will not generally investigate allegations of bullying unless satisfied that all available avenues to resolve the matter at the workplace have been taken.
- (3) Six, involving a total of two parties.
- (4) None.

AUSTRALIND - PASSENGER STATISTICS

2582. Mr G.M. Castrilli to the Minister for Planning and Infrastructure

- (1) Can the Minister advise the total passenger numbers for the Australind train for the periods:
 - (a) 1 July 2005 – 31 December 2005;
 - (b) 1 January 2006 – 30 June 2006;

- (c) 1 July 2006 – 31 December 2006; and
- (d) 1 January 2007 – 30 June 2007?
- (2) Can the Minister advise the daily average passenger numbers for the same periods?
- (3) Can the Minister advise if TransWA keeps records of the total number of passengers who are turned away when the Australind is at full capacity, and:
 - (a) if so, please give a breakdown of numbers over the past 12 months; and
 - (b) if not, why not?
- (4) What process is in place to determine actual needs of the service?

Ms A.J.G. MacTIERNAN replied:

- (1) (a) 75932
 - (b) 76559
 - (c) 79165
 - (d) 76525
 - (2) (a) 413
 - (b) 423
 - (c) 430
 - (d) 423
 - (3)-(4) The existing rolling stock is usually sufficient to meet passenger demand. When the Australind service operates at full capacity, in most instances, alternative coach services were available to cater for excess demand.
- During the 2006/2007 financial year only 176 of the 1446 Australind services (12.2%) operated at full capacity.

HOSPITALS - LAND VALUE AND ACREAGE

2584. Dr K.D. Hames to the Minister for Health

What is the current land value of and acreage (block sizes) of the following metropolitan hospital sites, both at current zonings and for best use:

- (a) Royal Perth Hospital;
- (b) Shenton Park Rehabilitation Hospital;
- (c) Princess Margaret Hospital; and
- (d) King Edward Memorial Hospital?

Mr J.A. McGINTY replied:

- (a) to (d) There is no current valuation of these properties.

WATER RESOURCES - EXTRACTION FROM GNANGARA MOUND AND YARRAGADEE AQUIFER

2590. Dr K.D. Hames to the Minister for Water Resources

Can the Minister advise what percentage of water is extracted from the:

- (a) Gnangara Mound; and
- (b) Yarragadee Aquifer?

Mr J.C. KOBELKE replied:

- (a) The maximum storage capacity of the superficial aquifer (Gnangara Mound) has been estimated at 18 700GL. The total abstraction of water from this aquifer for 2006 was 230GL, which represents 1.2% of the maximum storage capacity.
The maximum storage capacity of the Gnangara System has been estimated at 171 700 GL. The total abstraction from the Gnangara System in 2006 is estimated at 346 GL, which represents 0.002% of the estimated maximum storage capacity.
- (b) The maximum storage capacity of the Yarragadee aquifer in the Perth region is estimated at approximately 180 000 GL. However only 76000GL of this is fresh water (salinity less

than 1000mg/L TDS) with 57 000GL of this comprising the Gnangara System. The total abstraction of water from this aquifer for 2006 is estimated at 51GL which represents 0.0009% of the estimated 57 000GL of fresh water in this aquifer within the Gnangara System.

WATER RESOURCES - WATER FROM AQUIFERS FLOWING INTO RIVERS AND OCEAN

2593. Dr K.D. Hames to the Minister for Water Resources

What percentage of water from the aquifers accessed by household bores in the metropolitan area and Mandurah flows into the river or ocean?

Mr J.C. KOBELKE replied:

The total abstraction of household bores is approximately 112 GL per year. It is estimated that about 20% of this bore water, or 22.5 GL, would be returned to the unconfined aquifer. Some water from the unconfined aquifer is eventually discharged to the river and the ocean.

WATER RESOURCES - WATER VOLUMES EXTRACTED BY HOUSEHOLD BORES AND ENTERING SWAN AND CANNING RIVERS

2595. Dr K.D. Hames to the Minister for Water Resources

Will the Minister advise what water volumes are:

- (a) currently extracted by household bores;
- (b) flowing into the Swan and Canning rivers through metropolitan subsurface aquifers; and
- (c) entering the Swan and Canning rivers through above-ground sources?

Mr J.C. KOBELKE replied:

- (a) For the estimated 165,000 garden bores in the Perth Metropolitan area, using on average 800kL per year, the volume of groundwater extracted is estimated to be 132GL per year.
- (b) The amount of water discharged from the Gnangara and Jandakot sub-surface aquifers directly to the Swan River - Ellen Brook system is approximately 20.5 GL per year and to the Canning River system is approximately 5.0 GL per year.
- (c) The flow from above ground sources, including drains, streams and surface runoff is highly variable from year to year. The annual average flow over the period 2001 to 2006 entering the Swan and Canning Rivers through above ground sources is 301 GL. In comparison for the period 1990 to 2000 the average flow was 646 GL.

ARALUEN BOTANIC PARK - INCORPORATION INTO BOTANIC GARDENS AND PARKS AUTHORITY

2598. Mr A.J. Simpson to the Minister for the Environment

- (1) Can the Minister advise whether or not a decision has been made on the proposed incorporation of Araluen Botanic Park into the Botanic Gardens and Parks Authority (BGPA):
 - (a) if yes, what is the decision; and
 - (b) if not, when will a decision be made?
- (2) If a decision has been made and Araluen is to be incorporated into the BGPA, what specific plan does the State Government have for the incorporation, including:
 - (a) when the proposed incorporation will occur; and
 - (b) what the new management structure look like?
- (3) If no specific plans have been developed at this stage, why is this so, considering that Araluen is an important part of Perth's social heritage and incredibly important to the local community and the volunteers who have spent years making it the local landmark that it is?
- (4) If Araluen Botanic Park is to be incorporated into the BGPA, is it guaranteed a specific proportion of the BGPA's budget:
 - (a) if not, how will the funding for Araluen be managed?
- (5) Has the Minister consulted with the following stakeholders and if so, what information was provided to them and what feedback did the Minister receive:
 - (a) the City of Armadale;
 - (b) the Araluen Botanic Park Foundation;

- (c) the local community; and
 - (i) if not, why not?
- (6) Can the Minister make any assurances that if the proposed incorporation goes ahead, the change in management structure will not result in Araluen Botanic Park becoming a satellite entity of Kings Park; always having its interests coming in second?

Mr D.A. TEMPLEMAN replied:

- 1) (a) Yes. It is proposed that ownership of the Araluen Botanic Park be transferred from the Western Australian Planning Commission to the Botanic Gardens and Parks Authority on 1 July 2009
- (b) Not applicable.
- 2) (a) Transfer is planned for 1 July 2009 upon the expiration of the current management lease.
- (b) Araluen Botanic Park would be managed in accordance with the Botanic Gardens and Parks Authority Act 1998, which is the governing act for the Authority's management of Kings Park and Botanic Garden, and Bold Park. The Act has overarching powers to manage additional land and parks.
- 3) Not Applicable.
- 4) Necessary capital and recurrent funding required by the Botanic Gardens and Parks Authority to operate Araluen Botanic Park is currently being considered preparatory to transfer of the Park to the Authority. The provisions of the Botanic Gardens and Parks Authority Act apply equally to all land under the management of the Authority.
- 5) (a) Consultation with the City of Armadale in relation to the future transfer and management of Araluen Botanic Park has been undertaken by the Department of Planning and Infrastructure and the WAPC.
- (b) Since 2002, the Botanic Gardens and Parks Authority has been involved in a range of formal and informal discussions with the Araluen Botanic Park Foundation relating to the possible transfer and future management of Araluen Botanic Park. The last formal contact between the Authority and the Foundation was in October 2006, when the Foundation made a submission to effectively retain operational management control of Araluen Botanic Park in the event that the land was transferred from the WAPC to the Authority on 1 July 2009. In November 2006, the Authority wrote to the Foundation and advised that if the transfer occurs, it cannot provide a lease to the Foundation to manage Araluen Botanic Park in the way that the Foundation proposed, and the land would be managed by the Authority in accordance with the Botanic Gardens and Parks Authority Act 1998.
- (c) Consultation with the local community in relation to the operation and future management of Araluen Botanic Park has been conducted by the Department of Planning and Infrastructure and the WAPC.
 - (i) Not applicable.
- 6) Yes. The vision of the Botanic Gardens and Parks Authority is to 'Create and provide world-recognised botanic gardens and parks and to inspire the conservation of biodiversity'. The Authority will bring to Araluen Botanic Park the same excellence in management and activity that it has displayed at Kings Park and Botanic Garden, and Bold Park.

INDUSTRY AND TECHNOLOGY DEVELOPMENT ACT 1998, TECHNOLOGY AND INDUSTRY
ADVISORY COUNCIL AND DEPARTMENT OF INDUSTRY AND RESOURCES - REVIEW

2601. Mr A.J. Simpson to the Minister for Industry and Enterprise

I refer to the commitment made in September 2004 by the Minister's predecessor, the Hon. Clive Brown, to review the *Industry and Technology Development Act 1998* and through this the Technology and Industry Advisor Council (TIAC) and the Department of Industry and Resources. It has been almost three years since this announcement was made, therefore I ask:

As the first part of the review has been completed, concerning TIAC and Part 6 and Schedule 1 of the Act, when does the Minister intend to table Stage two of the review of the Act and the Department of Industry Resources?

Mr F.M. LOGAN replied:

The Minister for Industry and Enterprise has been provided with the following response:

Following the Functional Review of the Department of Industry and Resources, being prepared for the Minister for Public Sector Management, the review required under Section 32 of the Industry and Technology

Development Act will be completed and Stage two of the review of the Act and of the Department of Industry and Resources will be tabled.

ROADS - REGULATIONS IN RELATION TO PILOTS AND VEHICLE ESCORT DRIVERS

2602. Mr R.F. Johnson to the Minister for Police and Emergency Services

I refer to Government Gazette 156 September 2003 wherein Pilots were made Authorized persons under section 271-286 of the Road Traffic Code 2000. This then gave the pilots the power to direct the members of the public and motorists using Western Australian roads. Unfortunately members of the public are taking no notice of the Pilots' position of power, due to the lack of community awareness or education. The Western Australian Pilot and Escort Vehicle Driver's Association Inc. believe their authority is non existent. Therefore, can the Ministers please advise:

- (a) what are the outcomes of the Department of Main Roads Steering Committee in regards to the Western Australian Pilots and Escort Vehicle Drivers;
- (b) in the interests of safety and professionalism will the Government reconsider its decision to use a public servant in place of a Police Officer to be in charge of the Traffic Wardens Section;
- (c) what provisions are being made to provide the necessary officers to monitor the movement of oversize loads at nights from 5.00pm to 5.00am as they are currently unsupervised;
- (d) due to the rapidly increasing volume of traffic will the Government review the piloting exemptions relating to the movement of swimming pools and houses;
- (e) will the Minister review the legislation granting exemption of the movement of farming machinery, as there are definite safety risks due to increased volumes of traffic;
- (f) will the Minister provide a public awareness program to educate the public about the road rules concerning pilots and vehicle escort drivers;
- (g) will the Minister review past decisions to keep the current amber warning lights for pilots escorting vehicles and consider a trial period using magenta lights; and
- (h) has the Minister been given formal notification of an impending downgrade of the authorisation of Escort Traffic Wardens and Pilots?

Mr J.C. KOBELKE replied:

- (a) This question should be referred to the Minister for Planning and Infrastructure. The Main Road Western Australia (MRWA) Steering Committee is organised and chaired by a MRWA representative. The Officer in Charge, Police Traffic Escort Section is a representative on this Committee.
- (b) Safety and professionalism will not be compromised with civilianisation. The Manager of Traffic Escort Section will report to a police officer. Civilianisation has resulted in the police officers that were working at the Traffic Escort Section now focusing on frontline duties whilst the work that was done by them is now being successfully undertaken by police staff.
- (c) Traffic Escort Wardens are available all hours 7 days a week to perform oversize vehicle escorts. The monitoring of unsupervised oversize loads during the hours of darkness is a function performed state-wide by police officers.
- (d) This inquiry should be directed to the Minister for Planning and Infrastructure. Conditions relating to the movement of particular types of oversize loads are administered by MRWA.
- (e) This inquiry should be directed to the Minister for Planning and Infrastructure. Conditions relating to the Towed Agricultural Implements Regulations is managed by the Department of Planning and Infrastructure.
- (f) A brochure has been prepared and distributed by MRWA to educate the public on road rules concerning pilots and oversize vehicle escorts.
- (g) The trialling of magenta lights is a matter for MRWA in conjunction with DPI who has ownership of regulatory provisions.
- (h) No.

WA TECHNOLOGY AND INDUSTRY ADVISORY COUNCIL AND WA INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY DEVELOPMENT FORUM - CHAIRMEN

2607. Mr A.J. Simpson to the Minister for Industry and Enterprise

In relation to the recent resignations of the Chair of the Technology and Industry Advisory Council and the Chair of the Information Communication Technologies (ICT) Forum, did the Minister request their resignations; and:

- (a) if so, what were the reasons for this request; and
- (b) if the Minister did not request their resignations, did they tender their resignations due to a loss of confidence in the Minister?

Mr F.M. LOGAN replied:

The Minister for Industry and Enterprise has provided the following response:

No.

- (a) Not applicable.
- (b) Not to my knowledge.

DEPARTMENT OF INDUSTRY AND RESOURCES - DIRECTOR GENERAL

2609. Mr A.J. Simpson to the Minister for Public Sector Management

Is the recently announced resignation of the Director General of the Department of Industry and Resources, related to a loss of confidence in the Minister; and

- (a) if not, what were his stated reasons for tendering his resignation?

Mr A.J. CARPENTER replied:

Department of the Premier and Cabinet advises:

Dr Limerick has not resigned. He has advised the Minister for Public Sector Management that he does not intend to seek reappointment at the expiry of his current term of appointment.

Dr Limerick advised that "by the end of this year I will have had almost nine years at the helm of the State's development agency and I believe it will be timely to hand over the reins to a new Director General to carry the work of Department of Industry and Resources forward into the next decade".

POLICY DIVISION OF PREMIER'S OFFICE - STAFFING

2610. Mr P.D. Omodei to the Premier

- (1) How many people (headcount) are currently working in the Policy Division of the Premier's office?
- (2) How many of these people are:
 - (a) term of Government employees;
 - (b) permanent Public Servants; and
 - (c) seconded from other departments or agencies?
- (3) Of those who are seconded:
 - (a) from which department or agency are they seconded;
 - (b) which department or agency pays their salary;
 - (c) which department or agency bears the cost of their leave entitlements;
 - (d) which department or agency bears the cost of any vehicle leasing fees (where applicable); and
 - (e) which department or agency bears the cost of any other incidental employment expenses, such as mobile phones and travel?

Mr A.J. CARPENTER replied:

Department of the Premier and Cabinet advises:

- (1) 59 headcount
- (2)
 - (a) 29 term of government
 - (b) 20 permanent public servants
 - (c) 8 secondees
- (3)
 - (a) Two seconded from Department of Water
 - One seconded from Department for Communities
 - Two seconded from Department of Child Protection
 - One from Water Corporation
 - One from Department of Industry and Resources
 - One from Department of Agriculture

- (b) One paid by Department of Water
One paid by Department for Communities
One paid by Water Corporation
One paid by Department of Industry and Resources
One paid by Department of Agriculture
Three paid by Department of the Premier and Cabinet
- (c) One by Department of Water
One by Department for Communities
Three by Department of the Premier and Cabinet
One by Water Corporation
One by Department of Industry and Resources
One from Department of Agriculture
- (d) One by Department of Water
One by Department of the Premier and Cabinet
- (e) One by Department for Communities
Four by Department of the Premier and Cabinet
One by Water Corporation
One by Department of Industry and Resources
One from Department of Agriculture

PATERSON'S CURSE - ERADICATION

2611. Mr J.N. Hyde to the Parliamentary Secretary representing the Minister for Agriculture and Food

In relation to problems caused by the weed Paterson's Curse (*Echium plantagineum*), can the Minister confirm:

- (a) is the Department of Agriculture and Food involved in any new biological trials into eradicating Paterson's Curse;
- (b) have non-native insects *Mogulones larvatas* and *Mogulones geographicus* or other insects been introduced into Western Australia to control Paterson's Curse; and
 - (i) if yes, have the trials proved successful?

Mr M.P. WHITELY replied:

- (a) Since the 1980s, the Department of Agriculture and Food (DAFWA) has participated in a national project to implement biological control projects to reduce the impact of Paterson's curse. Through the project, DAFWA has introduced and established five insect species originally sourced from Europe. In a new initiative, DAFWA is facilitating the redistribution of these insects to new areas by holding field days for farmers to collect and redistribute the insects to help control Paterson's curse on their own properties.
- (b) The five species introduced in Western Australia are the leaf-mining moth *Dialectica scariella*, the crown boring weevil *Mogulones larvatus*, the root boring weevil *Mogulones geographicus*, the flea beetle *Longitarsus echii* and the flower beetle *Meligethes planiusculus*. All species are established in certain areas of Western Australia.
 - (i) Progress towards the biological control of Paterson's curse is considered to be successful. More than 560 releases of biological control agents have been made ranging from Geraldton to Esperance. At least 195 sites have one or more of the agents established. Many sites have a high incidence of plant attack leading to plant death and a visible reduction in Paterson's curse. Natural agent dispersal is increasing each year (now >30 kilometres at some sites). The spread of the agents is accelerated by the involvement of farmers at field days. Some 300 farmers and 60 other personnel from State and local government authorities have been involved with collecting insects at successful field "nursery sites" and relocating them to areas with Paterson's curse infestations.

SHANNON AND D'ENTRECASTEAUX NATIONAL PARKS

2634. Mr P.D. Omodei to the Minister for the Environment

I refer to the Shannon and D'Entrecasteaux National Parks Draft Management Plan of 2005 that states that existing occupants of the huts will be allowed to stay for up to 6 years from the Gazettal of the Management Plan, if they take up a Conservation and Land Management Act lease, and ask:

- (a) given the public opposition to this recommendation in the Draft Management Plan, is it still intended that existing occupants of the huts only be allowed to stay for up to 6 years from the Gazettal of the Management Plan; and

- (b) when is Gazettal of the Management Plan expected?

Mr D.A. TEMPLEMAN replied:

- (a) The proposed final management plan will remain consistent with the 1999 State Government policy on coastal squatters' huts. That is, the existing occupants will have to enter into a lease arrangement with the Department of Environment and Conservation, which will expire six years from the gazettal of the plan. At the end of the six years they will be required to relinquish occupancy of the huts, and where necessary bear the cost of removal and rehabilitation.

The submissions to the draft management plan did not give sufficient reason to depart from Government policy or amend the actions, in this instance, in the proposed final management plan.

- (b) The gazettal will occur after a final management plan has been approved by me. The Conservation Commission of WA expects to submit the proposed final management plan to me early in 2008.

KWINANA DESALINATION PLANT

2635. Mr J.H.D. Day to the Minister for Water Resources

I refer to the Kwinana Desalination Plant, and ask, did a breakdown at the Kwinana Desalination Plant earlier this year reduce the output of the plant; and

- (i) if so, by how much was the output reduced and for how long;
 (ii) what was the cause; and
 (iii) what was the cost of repair and who is responsible for this cost?

Mr J.C. KOBELKE replied:

The Perth Seawater Desalination Plant has not suffered a breakdown. As part of commissioning, there were occasions when the desalination plant was required to be shutdown.

- (i) The shutdown periods were dependent upon the tasks being undertaken, but typically varied from four hours to four days. There was no net loss in the water production target.
- (ii) There was no single specific cause for the shutdowns.
- (iii) There were no breakdown costs. All shutdown costs to date are included in the contract cost. These costs, and any future costs during the two year defects liability period, finishing in 2009, are borne by the proAlliance, which is an alliance of the Water Corporation and the Multiplex Degremont Joint Venture.

FIRE AND EMERGENCY SERVICES AUTHORITY OF WA - AWARE (ALL WEST AUSTRALIANS REDUCING EMERGENCIES) PROGRAM

2637. Dr S.C. Thomas to the Minister for Police and Emergency Services

I refer to the Fire and Emergency Services Authority (FESA) AWARE 2006-2007 Program, and ask, when will Local Governments receive confirmation on grant allocation?

Mr J.C. KOBELKE replied:

2006-2007 AWARE Program:

FESA issued letters advising Local Governments of the outcome of their grant applications on 10 April 2006.

2007-2008 AWARE Program:

FESA issued letters advising Local Governments of the outcome of their grant applications on 7 September 2007.

POLICE WEBSITE - INFORMATION IN RELATION TO STATIONS

2638. Mr G. Snook to the Minister for Police and Emergency Services

- (1) Why was the section of the police website that identifies police stations and their locations altered on 24 July to remove the numbers of police officers that are attached to each station?
- (2) Does the removal of information have any connection with the recent decision by the government to close six country police stations?

Mr J.C. KOBELKE replied:

- (1) Information explaining the number of police officers attached to each police station was not on the police website, in the section which identifies police stations (Local Police), either before or after 24 July.
- (2) No.

CRIME STATISTICS - NOLLAMARA

2645. Mr M.J. Cowper to the Minister for Police and Emergency Services

Will the Minister provide the crime statistics for the suburb of Nollamara for the following offences:

- (a) burglary;
- (b) offences against the person; and
- (c) damage; in the following years:
 - (i) 1998;
 - (ii) 1999; and
 - (iii) 2006?

Mr J.C. KOBELKE replied:

- (a) Reported burglary offences in Nollamara for 1998, 1999 and 2006.

	1998	1999	2006
Total Burglary Offences	355	429	251

- (b) Reported offences against the person in Nollamara for 1998, 1999 and 2006.

	1998	1999	2006
Total Offences Against the Person	135	111	162

- (c) (i)-(iii) Reported property damage offences in Nollamara for 1998, 1999 and 2006.

	1998	1999	2006
Total Property Damage Offences	136	104	163

POLICE - STATISTICS

2653. Mr P.D. Omodei to the Minister for Police and Emergency Services

In relation to the South East Metropolitan Police District, can the Minister advise:

- (1) How many full-time equivalent police officers were employed in the district for each of the following years:
 - (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (2) What are the current average response times for the South East Metropolitan Police District for all categories of reported crime?
- (3) What is the current ratio of police officers to population for the South East Metropolitan District?
- (4) In relation to the South Metropolitan Police District, can the Minister advise, how many full-time equivalent police officers were employed in the district for each of the following years:
 - (a) 2001;
 - (b) 2002;

- (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (5) What are the current average response times for the South Metropolitan Police District for all categories of reported crime?
- (6) What is the current ratio of police officers to population for the South Metropolitan Police District?
- (7) In relation to the North Metropolitan Police District, can the Minister advise, how many full-time equivalent police officers were employed in the district for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007;
- (8) What are the current average response times for the North Metropolitan Police District for all categories of reported crime?
- (9) What is the current ratio of police officers to population for the North Metropolitan Police District?
- (10) In relation to the East Metropolitan Police District, can the Minister advise how many full-time equivalent police officers were employed in the district for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (11) What are the current average response times for the East Metropolitan Police District for all categories of reported crime?
- (12) What is the current ratio of police officers to population for the East Metropolitan Police District?
- (13) In relation to the West Metropolitan Police District, can the Minister advise, how many full-time equivalent police officers were employed in the district for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (14) What are the current average response times for the West Metropolitan Police District for all categories of reported crime?
- (15) What is the current ratio of police officers to population for the West Metropolitan Police District?
- (16) In relation to the East Metropolitan Police District, can the Minister advise, how many full-time equivalent police officers were employed in the district for each of the following years:

- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (17) What are the current average response times for the East Metropolitan Police District for all categories of reported crime?
- (18) What is the current ratio of police officers to population for the East Metropolitan Police District?
- (19) In relation to the Central Metropolitan Police District, can the Minister advise, how many full-time equivalent police officers were employed in the district for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (20) What are the current average response times for the Central Metropolitan Police District for all categories of reported crime?
- (21) What is the current ratio of police officers to population for the Central Metropolitan Police District?
- (22) In relation to the Great Southern Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007;
- (23) What are the current average response times for the Great Southern Police Region for all categories of reported crime?
- (24) What is the current ratio of police officers to population for the Great Southern Police Region?
- (25) In relation to the South West Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (26) What are the current average response times for the South West Police Region for all categories of reported crime?

- (27) What is the current ratio of police officers to population for the South West Police Region?
- (28) In relation to the Peel Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (29) What are the current average response times for the Peel Police Region for all categories of reported crime?
- (30) What is the current ratio of police officers to population for the Peel Police Region?
- (31) In relation to the Wheatbelt Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (32) What are the current average response times for the Wheatbelt Police Region for all categories of reported crime?
- (33) What is the current ratio of police officers to population for the Wheatbelt Police Region?
- (34) In relation to the Goldfields-Esperance Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (35) What are the current average response times for the Goldfields-Esperance Police Region for all categories of reported crime?
- (36) What is the current ratio of police officers to population for the Goldfields-Esperance Police Region?
- (37) In relation to the Kimberley Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?

- (38) What are the current average response times for the Kimberley Police Region for all categories of reported crime?
- (39) What is the current ratio of police officers to population for the Kimberley Police Region?
- (40) In relation to the Mid-West Gascoyne Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (41) What are the current average response times for the Mid-West Gascoyne Police Region for all categories of reported crime?
- (42) What is the current ratio of police officers to population for the Mid-West Gascoyne Police Region?
- (43) In relation to the Pilbara Police Region, can the Minister advise, how many full-time equivalent police officers were employed in the region for each of the following years:
- (a) 2001;
 - (b) 2002;
 - (c) 2003;
 - (d) 2004;
 - (e) 2005;
 - (f) 2006; and
 - (g) 2007?
- (44) What are the current average response times for the Pilbara Police Region for all categories of reported crime?
- (45) What is the current ratio of police officers to population for the Pilbara Police Region?

Mr J.C. KOBELKE replied:

The responses required for these questions would take a significant amount of time to collate. The Commissioner of Police has advised he is not prepared to divert valuable resources away from core policing activities to provide a response. However the Commissioner has offered to hold a personal briefing session to discuss these and other issues with the Leader of the Opposition and other members of his team that he would like to accompany him.

COMMISSIONER OF HEALTH

2661. Mr J.H.D. Day to the Minister for Health

With reference to the position of Commissioner of Health:

- (1) Who is the current Commissioner?
- (2) Since 1 January 2001, who has held the position and for what periods?

Mr J.A. McGINTY replied:

- 1) The title of Commissioner of Health was abolished on 1 July 2006 by the Machinery of Government (Miscellaneous Amendments) Act 2006.
- 2) Excluding acting appointments, since 1 January 2001 the position of Commissioner of Health was held by:
 - Alan Bansemer from 19 July 1995 to 1 July 2001
 - Michael Daube from 12 November 2001 to 7 January 2005
 - Dr Neale Fong from 11 October 2005 to 1 July 2006.

MULTANOVAS

2664. Mr D.F. Barron-Sullivan to the Minister for Police and Emergency Services
- (1) In the last twelve months how many locations have Multanovas been used at in:
 - (a) Perth; and
 - (b) Regional Western Australia?
 - (2) How many of these locations, over the last twelve months, have been in 50km/hr zones, in:
 - (a) Perth; and
 - (b) Regional Western Australia?

Mr J.C. KOBELKE replied:

- (1)
 - (a) 1816
 - (b) 761
- (2)
 - (a) 78
 - (b) 81

Note: These figures are for the period between 1 August 2006 to 31 July 2007.

ANAPHYLAXIS EXPERT WORKING COMMITTEE REPORT

2668. Dr S.C. Thomas to the Minister for Health
- (1) When will the Western Australian Anaphylactic Expert Working Committee report handed to the Minister in November 2006 be available on public record?
 - (2) Will the Minister release a copy of this report to the Member for Capel; and
 - (a) if not, why not; and
 - (b) if so, when?
 - (3) What were the recommendations from this report?
 - (4) Why has the Minister delayed acting on the recommendations when other State Governments have already promised improved safety?

Mr J.A. McGINTY replied:

- 1-4 The report Anaphylaxis: Meeting the Challenge for Western Australian Children has been provided to all members of the Working Committee, the Director General of Health and the Directors General of Education and the then Community Development.

The recommendations from the report are undergoing extensive evaluation to determine the potential impacts to the Western Australian community, schools and licensed child care services. Once this evaluation has been completed, the report will be published.

SPEED CAMERA INFRINGEMENT ENFORCEMENT -
REGULATIONS IN RELATION TO VEHICLE DEALERSHIPS

2672. Mr D.F. Barron-Sullivan to the Minister for Police and Emergency Services
- (1) Precisely what law or regulation makes it a requirement for vehicle dealerships to keep a register of vehicles and drivers for the purpose of speed camera infringement enforcement?
 - (2) When was this law put into effect and how many dealers or staff in dealerships have been prosecuted for not complying with this law or regulation?

Mr J.C. KOBELKE replied:

- (1) Section 58A Road Traffic Act 1974 which states:

A responsible person for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if a driver identity request is made in relation to the vehicle, the responsible person will be able to comply with it.

The term 'responsible person' includes companies and is defined as 5A. Person responsible for a vehicle

- (1) For the purposes of this Act a person responsible for a vehicle is --
 - (a) if the vehicle is licensed -- any licence holder who has not given a notice as described in paragraph (b);

- (b) if a licence holder has given notice under section 24(1), or a corresponding law of another State or Territory or the Commonwealth, of a change in ownership of the vehicle and subsection (2) does not apply -- the new owner as specified in the notice or, if more than one is specified, each of them;
 - (c) if the vehicle is not licensed but was previously licensed and subsection (2) does not apply -- a person responsible under paragraph (a) or (b) before the vehicle last ceased to be licensed; or
 - (d) in any other case --
 - (i) the person who is entitled to the immediate possession of the vehicle; or
 - (ii) if there are several persons entitled to its immediate possession, the person whose entitlement is paramount.
- (2) 1st January 2006

WA Police are unable to provide an exact figure although the number would be very small. This is due to WA Police taking an educational approach to the new legislation and allowing time for both individuals and corporate vehicle owners to become familiar with the legislation. Increases in these types of prosecutions are expected over the next 12 months.
