



Parliamentary Debates

(HANSARD)

THIRTY-EIGHTH PARLIAMENT
FIRST SESSION
2012

LEGISLATIVE COUNCIL

AND

JOINT SITTING OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE
ASSEMBLY

Wednesday, 2 May 2012

Joint Sitting
of the
Legislative Council
and
Legislative Assembly

Wednesday, 2 May 2012

SENATE VACANCY

In accordance with the standing orders passed by both houses of Parliament and approved by Executive Council, the members of the Legislative Council and the Legislative Assembly met in joint sitting in the Legislative Council chamber to fill the vacancy in the representation of Western Australia in the Senate of the federal Parliament caused by the death of Senator Hon Judith Adams.

The President of the Legislative Council (Hon Barry House), in accordance with the standing orders, took the chair at 11.00 am. He was accompanied by the Speaker of the Legislative Assembly (Mr G.A. Woodhams).

ELECTION OF SENATOR

THE PRESIDENT (Hon Barry House): Members, this joint sitting has been called to choose a person to hold the place in the Senate of the Commonwealth of Australia rendered vacant by the death of Senator Judith Adams, notification of which has been reported to this Parliament by His Excellency the Governor Malcolm McCusker, AC, CVO, QC. I now call for nominations to fill the vacancy.

MR C.J. BARNETT (Cottesloe — Premier) [11.02 am]: I propose that Dean Anthony Smith of 186 Seventh Avenue, Inglewood, Western Australia, being a person who is eligible to be chosen pursuant to section 15 of the Constitution of the Commonwealth of Australia, as amended, be chosen to hold the vacant place in the Senate of the Parliament of the Commonwealth created by the death of Senator Judith Adams.

I advise that I have Mr Smith's assurance that if chosen, he is willing to act.

The PRESIDENT: Is there a seconder of the motion?

MR M. McGOWAN (Rockingham — Leader of the Opposition) [11.03 am]: I formally second the motion.

Mr C.J. BARNETT: Before proceeding to the nomination, I wish to take this opportunity to reflect on the sad passing of Senator Judith Adams on 31 March 2012. The loss of Senator Adams is significant to Western Australia, the state she represented so well. Before becoming a senator in 2005, Judith had built up a remarkable wealth of experience as a nurse, with roles in Vietnam as part of the New Zealand Territorial Army, and as a farmer near Kojonup for more than 30 years. This experience ensured that she was a valuable contributor to the Australian Parliament. As a senator, Judith was respected by all sides for her commitment and energy in representing the interests of Western Australia, particularly its rural and remote areas. On behalf of members, I wish to pass on my condolences to her family. Judith Adams will be greatly missed.

Mr President, this is only the twelfth occasion since World War II that a joint sitting of Parliament has been needed to nominate an individual to represent Western Australia in the Senate under section 15 of the commonwealth Constitution. I am pleased to nominate Dean Smith, whom I have known for a long time. He is the eldest son of Alan and Judy Smith. Alan was a member of the Western Australian police force for 30 years. He served in Vietnam and has been an active member of many northern suburbs community and sporting groups. Dean's parents, Alan and Judy, are here today to witness today's proceedings.

Dean Smith was born in Western Australia in 1969 and grew up in Port Hedland and Perth's northern suburbs. He attended Mirrabooka Primary School and Mirrabooka Senior High School before attending the University of Western Australia and graduating with honours in political science. He will bring to the role of representing Western Australia experience across a variety of areas, including as a senior executive in telecommunications and insurance and through roles in aged care. More recently, he has been a partner in a successful consultancy firm. His commercial experience is matched by strong firsthand knowledge of the political process, having supported the interests of Western Australia as a principal policy adviser to former Premier Richard Court and in senior roles in the Howard government. His leadership has been recognised over many years as head boy of Mirrabooka Senior High School and as a recipient of various awards, including his participation in the Asialink

leadership award program and last year by the Liberal Party with a distinguished service award. I am confident he will advance the interests of Western Australia with his strong belief that Western Australia's future prosperity lies with greater independent engagement with our regional neighbours, most particularly India, Indonesia and Singapore, where Dean had some direct experience.

The constitutional provisions that bring us here today are designed to preserve the numerical balance for the Senate, in so doing ensuring that the interests of Western Australia are at the forefront of our national debates.

Mr President, at 42 years of age, Dean Smith brings energy, tenacity and a capacity to advance Western Australia's interests in the Senate. As I have said, I have known Dean for a long time. He is an extremely intelligent, hard-working, competent and articulate person. I wish him every success. I am confident he will prove to be a very fine senator for Western Australia.

Mr M. McGOWAN: Mr President, in rising to formally second the motion, I also congratulate Dean Smith on his ascension to the Senate to represent Western Australia. I will also say a few words about Judith Adams, the former senator for Western Australia, who tragically passed away recently.

It is an interesting process to have a joint sitting to select a senator for Western Australia. I have participated in this process on a few occasions now. Indeed, the first one was in 1997 when, unfortunately, Senator John Panizza passed away and we nominated a member of the Legislative Council, Ross Lightfoot, for the Senate. I have a feeling that today's process will be somewhat less controversial than the sitting that took place in 1997 when Mr Lightfoot was elevated to the Senate from the upper house of Western Australia. This process of course brings both houses together, which, as we all know, is no mean feat. It also shows that, as Western Australians, we can join together to be part of the commonwealth governmental process and to take our role in ensuring that a Western Australian represents our state. It shows that the things that join us together in a party sense, in an upper and lower house sense and in a national sense are stronger than the things that divide us.

Today's occasion is one for reflecting upon Senator Judith Adams. I met Judith Adams only once and it was a few months ago at a show in Albany. I did not know she was unwell. She was a very pleasant woman. She was wandering around the show, meeting people and watching the displays of sheep shearing and the various other activities that were going on. I thought she was a very energetic person. I did not realise how old she was and of course I did not realise that she was unwell. She obviously played her role well and regarded her role as a senator very seriously, considering the fact that she was unwell and, at that time, was still working hard on behalf of her constituents and on behalf of the broader Western Australian community.

Judith Adams was elected to the Senate for Western Australia in 2004 and she served as deputy opposition Whip in the Senate. In her inaugural speech to the Senate she said a few interesting things about herself, which I would like to repeat to the house. She said —

As I stand here today, taking up the challenge of the Howard government's work force participation policy to keep mature aged, experienced people in the workplace, I am proud to say that I am the second oldest woman to have ever entered the Senate. The oldest woman to enter the Senate was also a West Australian: Agnes Robertson, who represented the Liberal Party in her first term and the Country Party in her second term. It is interesting to note that since Federation, 51 senators have entered the Senate aged 60 years or over. In the past 50 years, only 11 senators have entered the Senate aged 60 years or over. I am indeed privileged to be one of those.

Life experience cannot be bought or traded. I stood for the Senate knowing that I had the background, the experience and the will to represent Western Australia and to especially represent those people who live and work in rural and remote areas. I am a person who has made the most of my opportunities and I will use my experience and skills to make informed decisions in this place.

Judith Adams was born in New Zealand. She served as a nurse in the New Zealand Territorial Army in Vietnam and achieved the rank of first lieutenant. She moved to Western Australia in 1968. She worked around country WA in various locations. She met her husband, who was a Royal Flying Doctor Service pilot—he, unfortunately, passed away in 2008—whilst working in Meekatharra. She moved to take up farming in Quindanning and then moved to Kojonup where she farmed with her husband for 36 years. She had two sons, Robert and Stewart, and she was the Kojonup Lions Citizen of the Year, a member of various hospital boards, aged care planning committees and the like. She was a strong advocate for regional Western Australia.

Judith Adams was diagnosed with breast cancer in 2009. She underwent treatment and remained in the Senate, as I indicated, working for her constituents. However, unfortunately, she passed away a short time ago. I think it is quite remarkable that she could rise from a quite humble, if we think about it, position to such an exalted position and represent this state in the nation's Senate with such energy. She was over 60 years of age on her first occasion to be elected. I am sure all of us in this chamber will pass on our regards to her sons for the fine contribution that she made.

I also congratulate Dean Smith on becoming a senator representing Western Australia. I acknowledge that he is in the chamber today. I also congratulate his parents, who are here. It must be a very proud moment for Dean's parents to be here for today's event and to see their son elected to the Senate, which is a wonderful achievement. I am sure they are very, very proud.

Dean attended Mirrabooka Senior High School from 1982 to 1986. Ordinarily, I would have thought graduates of Mirrabooka Senior High School would have been on the other side of the house, but that is not necessarily the case. I congratulate him on his Bachelor of Arts in politics and industrial relations. He was a senior adviser in the Howard government. He worked for Richard Court. He was the chief of staff in the Howard government at various points in time and, as we heard, an adviser in government relations in various corporations. He then established a lobbying firm in 2011 and has now entered the Senate. I wish him all the best for a long and fruitful career in the Senate. May he represent Western Australia well.

MR W.J. JOHNSTON (Cannington) [11.13 am]: I congratulate Dean Smith on his appointment. Dean and I have been friends for 20 years. I know that it is very sad that he has gained this opportunity through the death of Senator Judith Adams and I know that it does not please him that he got this opportunity in those circumstances. Dean and I met in 1991 when we went on the Australia–Asia young leaders program to Indonesia. At that time Dean was the president of the Young Liberals and I remember him telling me that he wanted to be the first Liberal member for Nollamara. He has not achieved that, but he has got a very, very important job and I wish him well with that.

We have kept in touch over those 20 years, although, I hasten to add, never in the lead-up to elections, because we always feared leaking to the other one the trade secrets of our various parties. I know that Dean is held in high regard in the Liberal Party. He worked on campaigns for John Howard and as an adviser, and in particular I point out that he was dropped in as chief of staff to Bronwyn Bishop at a very, very awkward time for that minister. The fact that her performance after Dean joined her staff was much better than before Dean joined her staff is a demonstration of his qualities. He also worked for Richard Court with Ian Fletcher and Bill Marmion, the Minister for Water. I am pleased to be on good terms with both those people. I constantly point out to the Minister for Water that it was Dean who led us to also keep company.

I kept in touch with Dean when he moved to Sydney for various jobs with companies over there. He was always a very good friend of mine whenever I visited Sydney and I was always very pleased to catch up with him. It is a demonstration that even though Dean and I do not share much in terms of ideology, we can certainly maintain friendships across the aisle. I wish him all the best in his new role and I pass on the regards of Jody Fassina and Cameron O'Reilly who were also members of that young leaders program back in 1991. They also wish Dean well.

MR J.N. HYDE (Perth) [11.16 am]: I congratulate Dean Smith on his ensuing appointment. I have also been a long-time friend of Dean's and an associate in this great world of local government politics and through his employment in the commercial realm. I think Dean as a senator for Western Australia will bring a lot of diversity and a lot of commitment to a modern Western Australia and to the Senate in representing Western Australia. I think his commitment to the understanding of our role, being not only in the time zone of Asia but also linked intrinsically to the operations in Asia, is very important for a federal member of Parliament, particularly somebody who will represent our state's interests first through the Senate. I congratulate Dean. He has been a long-time supporter of many groups, particularly within my electorate, and I am delighted that a number of my constituents are also here today to share this very special occasion with Dean.

The PRESIDENT: Does any member wish to speak to the nomination? Are there any further nominations?

Question put and passed.

The PRESIDENT: Members, there being no other nominations, I declare Dean Anthony Smith of 186 Seventh Avenue, Inglewood, Western Australia, elected to hold the place vacated by Senator Judith Adams. I advise that newly elected Senator Dean Smith is present in the President's gallery.

Thank you, members. The joint sitting is concluded.

[Applause.]

The Joint Sitting concluded at 11.18 am

Legislative Council

Wednesday, 2 May 2012

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

SENATE VACANCY — ELECTION OF DEAN ANTHONY SMITH

Statement by President

THE PRESIDENT (Hon Barry House): Members, I have the honour to inform you that, at a joint sitting of the houses of Parliament of the state of Western Australia held in Perth on 2 May 2012, the members of such houses, sitting and voting together in pursuance of section 15 of the Commonwealth of Australia Constitution Act, did choose Dean Anthony Smith of 186 Seventh Avenue, Inglewood, Western Australia, to hold the place vacated by Senator Judith Adams.

WATTLE GROVE — REZONING OF LAND

Petition

HON ALISON XAMON (East Metropolitan) [2.03 pm]: I present a petition containing 79 signatures couched in the following terms —

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

We the undersigned residents of Western Australia call for the urgent establishment of a Parliamentary Inquiry into the decision-making processes surrounding Amendment 18 to the Shire of Kalamunda Local Planning Scheme No. 3 The Rezoning of Lot 500 (No. 32) Welshpool and Gavour Roads, Wattle Grove from “Special Rural” to “Special Use” (Residential Aged Care).

We ask that the inquiry include, but not be restricted to:

- The public consultation process and representation of that process by the Shire of Kalamunda
- Advice about the Amendment provided to and from various Government Agencies
- The relationship between the advice received from the Department of Planning, the recommendations made by the Western Australian Planning Commission (WAPC), and any decision made by the Minister for Planning

Your petitioners therefore respectfully request the Legislative Council to inquire into the circumstances surrounding Amendment 18.

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

[See paper 4453.]

REGIONAL RESOURCE RECOVERY CENTRE — WASTE COMPOSTING FACILITY, CANNING VALE

Petition

HON LYNN MacLAREN (South Metropolitan) [2.04 pm]: I present a petition containing 463 signatures couched in the following terms —

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

We the undersigned residents of Western Australia are opposed to the immediate revocation of the licence for the Regional Resource Recovery Centre in Canning Vale. We request a reasonable time be given to the centre while it is in operation for it to implement the requested changes to the odour management system. State of the art technology promoting a more sustainable solution to the waste crisis needs to be encouraged and promoted.

Your petitioners therefore respectfully request the Legislative Council to recommend a renewal of the licence for operations to continue at the SMRC Regional Resource Recovery Centre.

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

[See paper 4454.]

PAPERS TABLED

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

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Special Report — 2012–13 Budget Estimates Hearings

HON GIZ WATSON (North Metropolitan) [2.07 pm]: I am directed to report that on Monday, 30 April 2012 the Standing Committee on Estimates and Financial Operations resolved to commence the budget estimates hearings in relation to the 2012–13 budget on Tuesday, 5 June 2012. The committee has revised its budget estimates process this year and is currently scheduling a program for the 2012–13 budget estimates to be undertaken from Tuesday, 5 June 2012 to Friday, 8 June 2012, which includes the sitting days that the house set aside for budget estimates.

The committee has reserved additional hearing days for the afternoons of Monday, 11 June, Monday, 18 June and Monday, 25 June. In light of the feedback from witnesses and members regarding a lack of time to adequately respond to committee questions, the committee has resolved to allocate Monday, 11 June 2012 to follow up questions when responses received during the previous week are considered inadequate or more time is required to respond adequately. A full-day hearing is planned for Monday, 2 July and Tuesday, 3 July 2012. Additional hearings after this date may be arranged if the committee believes that they are required.

Due to the timing of the handing down of this year's budget, the committee has resolved to dispense with taking questions in advance of the hearings until after the hearings of Monday, 11 June 2012. Once completed, the program, together with an agency nomination form, will be distributed to members so that members can provide some input into the agencies selected for the committee's hearings for the additional days in June 2012.

The PRESIDENT: Are you tabling that paper?

Hon GIZ WATSON: The bit that states "I move that the report do lie upon the table" has been crossed out, so I assume that means that I do not say that bit.

The PRESIDENT: So you were in effect making a statement.

Hon GIZ WATSON: It is entitled "Presentation of Special Report".

The PRESIDENT: If you made a statement for the presentation of a report, there is usually a motion to put.

Hon GIZ WATSON: Yes, I would have thought so. Perhaps I should move that the report be noted.

The PRESIDENT: If the report is presented, it is deemed to be tabled.

[See paper 4455.]

Point of Order

Hon NORMAN MOORE: Does the report we just deemed to be tabled require the house's approval, or can the committee, under its own jurisdiction, make the decisions that are contained in the report?

The PRESIDENT: Under the new standing orders that were adopted by the house, the report is deemed to be tabled and printed. It will go on the list of consideration of committee reports. But it does not stop any member wishing to deal with that in a different way by moving a motion for its consideration by some other method. However, I acknowledge that there is a very different procedure associated with this example, which we need to assess in our reconsideration of the standing orders we have adopted.

Hon NORMAN MOORE: Mr President, on the same point of order, if a committee wants the house to agree to the findings and recommendations of a report, the motion used to be that the report lie upon the table and be printed and agreed to. At this point the member has not moved that it be agreed to. The question I ask is: is this a debatable matter in the President's view and does it involve the house making a decision about the proposition being put forward by this committee? As an aside, I mention that it provides for quite a different structure from what we have had in the past. I think the house is entitled to debate that matter. To ratify any concerns, I will move a motion.

Consideration of Report — Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [2.11 pm]: I move —

That consideration of the report be made an order of the day for the next sitting of the house.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [2.12 pm]: There may well be some confusion about the appropriate words that need to be said under the new standing orders, but the very content of this report, as I understand it, goes to the arrangements in place for estimates. That committee has always set the timetable for that, in consultation with the parties.

Hon Norman Moore: I can assure you it has not been in consultation with the government.

Hon SUE ELLERY: I can advise the house that our members on the committee were authorised to consult with us. Whether government members on the committee did that, I do not know. I am just telling the house what our

members did. The point I am trying to make is that I do not mind it being an order of the day for the next day's sitting, but the committee is going to proceed to hold estimates and to make arrangements to do all those things it has always done. I would not want anyone to think that the fact we are putting it as an order of the day for the next day's sitting means that the house is going to undo that, or that the intention is for the house to undo that. This committee is doing what it has always done—making arrangements for the house to examine the budget papers. There is nothing unusual in that.

Hon Norman Moore: The house has control over its own destiny.

HON GIZ WATSON (North Metropolitan) [2.13 pm]: I am sorry if the wording of the report might have caused some confusion. We can discuss this tomorrow when it is an order of the day, but suffice to say there are a few more words attached to this that we wanted to include so that members would have some understanding of the way we plan to do it this year. It is not substantially different from previous years; in fact, it is virtually the same.

Several members interjected.

The PRESIDENT: Order! The only thing open for debate at the moment is that consideration of this report be made an order of the day for the next day's sitting. The procedures adopted, for members' interest, are contained in standing order 188 on page 93 and standing order 67 on page 34. The only substance to this motion is whether this report be made an order of the day for the next sitting of the house.

Hon GIZ WATSON: I am not going to the substance of the motion. I just wish to say that I do not have an objection to discussing it tomorrow. I simply want to point out that we have had conversations about this with all parties, including the leader —

Hon Norman Moore: I beg your pardon—the conversation was about the three days, which particular week.

Hon GIZ WATSON: Anyway, we will discuss this tomorrow.

Question put and passed.

ROE HIGHWAY STAGE 8

Amendment to Motion

Resumed from 28 March on the following motion moved by Hon Lynn MacLaren —

That, for the purposes of —

- (a) saving the Beeliar wetlands by preserving ecological linkages and a range of other key values including —
 - (i) regionally significant vegetation, which is becoming rare as a result of encroaching urbanisation,
 - (ii) habitat for a great many fauna species, especially internationally and nationally significant migratory birds, as well as seriously threatened species like the Carnaby's cockatoo and the graceful sun moth; and
 - (iii) residential amenity, recreation and education;
- (b) protecting our unique Aboriginal heritage; and
- (c) redirecting funds into more sustainable transport solutions, such as an expanded rail freight system and a passenger light rail network,

this house calls upon the Barnett government to abandon proposed stage 8 of the Roe Highway development, and to request the Western Australian Planning Commission to initiate an amendment to the metropolitan region scheme in order to delete the current zoning for a road reserve over the area of proposed stage 8 of the Roe Highway development.

to which the following amendment was moved by Hon Helen Morton (Minister for Mental Health) —

To delete all words after “heritage;” and insert —

this Council calls upon the Barnett government to continue the processes to assess the environmental impacts of stage 8 of the Roe Highway development.

HON PHILIP GARDINER (Agricultural) [2.16 pm]: I got that far the previous time I rose to speak in support of the amendment to the motion. The whole issue about Roe Highway stage 8 is as complex as any other in which human and economic development interacts with the environment. Especially at a time when government funds are becoming more and more scarce, the way that we assess the priorities about where to invest in our road and transport infrastructure—be it road, rail or any other mode of transport—will require increasing rigour and the establishment of criteria that allows decision makers a clear way through deciding which is the most

appropriate at any time. We need to know whether that is due to productivity associated with the infrastructure as a result of congestion, which decreases productivity, whether it is a result of poor roads which slow traffic down or reduce the ability to move the necessary traffic through, or whether this is simply a matter of quantity of traffic, meaning that other modes should be considered and incentives might be necessary to break a market failure. At the end of the day, in an ideal world all traffic modes need cost reflectivity. We happen to know that that cost reflectivity is not always implicit or explicit between rail and road. Whenever we deviate from cost reflectivity, there are economic distortions. Economic distortions are easy words to say but it leads to decisions, by those who respond to those distortions, about where they make investments. Those investments may simply be investments in additional infrastructure or different infrastructure, but it is also investment in innovation and new productivity. We may be getting investments in innovation and productivity in areas where they should not go, as a result of the economic distortion in place.

I bring this up in the context of a discussion about Roe Highway stage 8 because the other prioritisation is our economic development versus the natural environment. At the end of the day, our adaptability as a human race is both our strength and our weakness. The strength is that we can adapt, as we have seen in all forms of human activity, even under the most difficult circumstances in which one could expect people to live; or we just live in normal suburbs of Perth, become very happy with all that, and just let it go. Recently I have been reading a book by Thomas Keneally about the transportation of the first Caucasian inhabitants of Australia, which describes how the convicts had to adapt to life in the prison hulks and the transportation ships for the seven or eight-month journey to Australia; that is almost impossible for me to comprehend, but they adapted. It was the same for the prisoners in the prison camps of the Second World War that we hear so much about; those who survived had to adapt.

But that adaption, of course, causes us to overlook other aspects, and this is the difficulty we have. Policymakers decide that we have to have a road going from A to B, such as we have with stage 8 of Roe Highway, so that traffic congestion does not get to such a stage that the productivity loss is so great, economically, that it will disadvantage our state's economy as it applies to us as the human race element living here. At the end of the day, economic activity will almost always win over, and it is so easy to do so; we take a little bit here—"Oh, that's okay; we can manage that"—and a little more there—"Yep, that's okay, we can manage that".

The flag that nearly always goes up when we talk about the natural environment is the Carnaby's black cockatoo. Nearly every one of the emails I have received concerning stage 8—other members have probably received them also—mentions the Carnaby's black cockatoo. In some places the Carnaby's cockatoo is bountiful, but I am told by a person who has a lot of experience in this field, not very far away from where I live and where we still have some Carnaby's cockatoos, that we have nearly wiped out the natural habitat of the Carnaby's black cockatoo on the coastal plains around Perth. There is no turning back. We are trying to fool ourselves, in a way, that we can have both. I understand that the Carnaby's black cockatoo's natural food is banksias, natural scrub and marri, and they fly down from areas where there are wandoo salmon gums, and where there are hollows in the trees so they can nest, because they are very shy nesters; I know that from first-hand experience. Invading species such as corellas and galahs come in and push the Carnaby's cockatoos out, and they have to go and find nests elsewhere, which they often cannot do; they are a quite sensitive species in many respects. Wiping out their feed store on the coastal plain has a significant impact on the survival of the species.

We have to be careful to not always hoist our flag with the Carnaby's black cockatoo, because they are not the only species that is being affected, but here we have a road traversing a significant part of their natural environment, south of Perth. I have unfortunately not read the Environmental Protection Authority report, but I understand that it has reached a conclusion that justifies putting that highway extension through. That is why I support this amendment, because this amendment says that we want to make sure that the environmental consequences of this highway going through are such that we can at least be comfortable with it.

That brings me to the main point I want to make in this short address. We need to have some form of environment plan that is at different levels. We can always say that we want an environment plan for Western Australia through which we want to preserve the natural environment as much as we can, or something like that; but that does not get us anywhere. We really have to become truthful with ourselves about what we really understand we can have. We cannot have our cake and eat it all the time, and that is what we are talking about when we talk about stage 8 of the Roe Highway. We are trying to see whether we can have our cake and eat it, and I would love that to be possible, but many times, it is not practical; it cannot happen. I am not sure about this time, and that is why, again, I am comfortable with this amendment, but it is very rare that one can have one's cake and eat it.

Just from dealing with soil and through natural experience with cropping and so on, I know about a technique called no-till agriculture. Part of the philosophy of no-till agriculture is that one builds up organic carbon. As organic carbon is built up, it retains the nutrients and makes them more available to crops when they are sown, and it enriches the soil, including the soil flora and fauna.

That is all good, but then we have to have chemicals, of course, to kill the weeds, so that it is not necessary to burn. Burning destroys a lot the dry matter that builds up the organic carbon in the soil. If we start burning again, we break the discipline exercised in trying to find new solutions for weeds, and once people break that discipline, they keep on doing it. That is what is happening now in much of Western Australian agriculture. There was no burning for a long time, but now when one goes around the countryside at this time of year, one sees a lot of paddocks burnt to kill the weeds. The discipline has been broken, and bit by bit the organic carbon will be compromised again. It will be over time, I realise, but it will be compromised. That is similar to how we think about the environment.

Maybe it needs to come out of the Department of Environment and Conservation, but I would like a strategic direction that is in different layers so that we can all understand where we are going with our natural environment. I have been told by botanists for some years that the wetlands of coastal Western Australia around Perth are in a very poor state. That is something that we have rationalised our way through. Was this what we intended before we started doing this? If we did intend it, then fine; let us all at least be aware of it, so that we know where we are going. Frankly, if Perth is going to grow as a city, it is a matter of fact that we will compromise our environment to a degree and that some habitats are going to be lost, but let us be honest about it. If it is the case with Roe Highway stage 8 that the EPA is able to work out with Main Roads and the Department of Transport a way in which we can have our cake and eat it, that would just be exceptional in my view. There is a possibility that we can achieve that under this amendment.

The only other thing I would like to mention is the issue of motor transport. The Roe Highway stops when it reaches the Mitchell Freeway but the trucks go down the rest of the road, down Beeliar Drive and so on. Can we get those trucks off the road? Are there other ways of doing this? I would be interested to know how rigorous the Main Roads analysis of the traffic that has been going down there has been. What incentive is required to get the containers and other heavy traffic onto the train to go down there? Are there other heavy transport options and what container incentives could work? I know that container incentives are already in place to try to transport containers from Kewdale down to Fremantle but I do not think that that has given great results. Then we have to look at the cost reflectivity and whether those businesses taking containers down the main roads are paying the reflective costs for doing so. I suspect that they are not. How can rail compete? Rail is probably being cost reflective. I would like some feedback on those questions to ensure a rigorous analysis, which will have to be consistent with the way we drive expenditure on our modes of transport around the entire state, in not only this particular case but also each road or each rail we do. As all members know, I have a particular interest in this as it relates to tier 3 rail lines. Without getting onto that subject, the rigour that is required will be at an increasingly tight level because we do not have the money to spend, and the Minister for Transport is fully aware of that. With those remarks, I support the amendment before the house.

The PRESIDENT: Before Hon Ken Travers starts his speech, I might just point out that the time left for debate on this motion is not the time reflected on the clock. The time on the lower part of the clock reflects the time left for motions on notice. The time left at the beginning of this debate was one hour and 45 minutes on this particular motion.

HON KEN TRAVERS (North Metropolitan) [2.32 pm]: I rise to support the substantive motion and to oppose the amendment. To put it into simple terms, it is a question of whether we believe Roe 8 should be built or not. That is the simple question that is really before the house today. Those speakers who have spoken before me, such as Hon Sally Talbot and Hon Lynn MacLaren, have outlined reasons, based on environmental grounds, why we should not build this road. I want to put the following argument to the house this afternoon. Even if the area we were hoping to build this road through had no negative environmental impacts, which the previous speakers have made clear is not the case, would we build Roe 8? Do we get value for the expenditure of government money on Roe 8 compared with how we could otherwise expend that money? The point I will make to the house this afternoon is that nobody would waste that \$700 million—that is the most recent estimate and, I suspect, by the time we construct it, it will be even higher—building Roe 8 when there are so many other projects around the state and in the southern suburbs of Perth that we could spend that money on that would have a greater impact on the traffic movements and the impact of traffic in the southern corridor. That is the proposition I want to put today. I am not dismissing the environmental impacts; I think they are very important. I completely reject the comments of the previous speaker who basically said that the black cockatoo is gone so let us get on with it. I do not support that at all. I think we can still provide for habitat, and this is an important part of that debate.

Let us look at the issue. By building Roe 8, do we end up with a better road network and better traffic movements in the southern suburbs? We can look at that in two ways. We can look at the total number of vehicles being moved along the individual roads and we can look at the level of service impact at the major intersections in the southern corridor as there is a classification system that goes from A through to F, with F effectively meaning fail; that is, the intersection is failing. We can look at both those measures to see whether this work will perform.

Yesterday I asked the minister representing the Minister for Transport in this place to table the full report on the traffic modelling on which the government is basing its decision making. I got a very flippant answer. It was disrespectful not just to me but to this house. The minister stated —

This information is more appropriately sought through the freedom of information process.

What an absolute disgrace! We know that the appropriate place for a member of Parliament to seek information is by way of questioning the executive in this place. It is a sad and sorry day when we cannot get that very basic information. If we look at the history of this matter, when the Labor Party was looking at this issue and going down the path of not building Roe 8, something that we have had a longstanding opposition to, we went through a process of developing the alternatives to Roe 8; that is, how we could get a better outcome for the southern suburbs without building Roe 8. What did we do? We put all the information out there, and it is still available to this day. I can show people the freight network strategy report that is available for people to look at. People can get a copy of that, even to this day. What do we get from this government? It tells us to put in a freedom of information application. I know what the answer will be when I FOI it. I will be told that it is subject to cabinet confidentiality and all that nonsense. I will get the usual game playing that we get from the Minister for Transport, who does not take his responsibilities to the people of Western Australia seriously. It is for him to play the class clown.

One of the reasons the minister would not table the information is that he has something to hide, and the government does not support the proposition we are putting forward. That is why the minister representing the Minister for Transport used that line yesterday. The government does not want people to do a rigorous analysis of that transport modelling because then they will see that building Roe 8 does not do anything, but there are things we can do, and I will get to those in a minute.

Let us go into a little more detail about the transport modelling that has been done. The government has released some generic pictures that show the impact of the movements. We have to understand the assumptions and the details that sit below that modelling to know what this actually means. Even the documents say that we have to be careful about the limitations of traffic modelling. What does that modelling say? We have heard members on the other side say that building Roe 8 will be a salvation from heavy traffic for the people of the electorate of Riverton. In 2006, the number of vehicles on Leach Highway through the electorate of Riverton between Vahland Avenue and Karel Avenue was 40 000. This is a rounded figure, so that is another reason why getting the report would be good because if we round figures, we might find that it is slightly different; it could be a lot higher and closer to 45 000.

The PRESIDENT: Order! Several very audible conversations are happening around the chamber and it is a little distracting for Hansard.

Hon KEN TRAVERS: There are traffic movements of 40 000 and 55 000 from Karel Avenue through to the Kwinana Freeway. If we build the Roe Highway extension in 2031, the traffic on Leach Highway between Vahland Avenue and Karel Avenue will still grow to 70 000 vehicles a day from 40 000, almost double the number of vehicles on Leach Highway. Between Karel Avenue and the freeway, it will go from 55 000 to 60 000 vehicles.

Hon Simon O'Brien: Don't you think we need to give some relief to those areas?

Hon KEN TRAVERS: That is with Roe Highway stage 8 being built, Hon Simon O'Brien. With the money the government is spending on Roe Highway, there are things we can do in the immediate roads to give them relief that would be of far greater assistance to them than building Roe Highway stage 8. That is my point. Again I reiterate that these are rounded figures, so there may not be as big a discrepancy between them. Without Roe Highway stage 8 being built, the figures are 75 000 from Karel Avenue to Vahland Avenue, and between Karel Avenue and Kwinana Freeway, 65 000. So, even on the government's own modelling, the best impact we will have is 5 000 vehicles a day difference, but we will be doubling the number of vehicles, even with Roe Highway being built.

One of the reasons I asked for the modelling to be tabled is that other documents out there suggest that the traffic volumes in that section of road will remain between 50 000 and 60 000 vehicles in 2031; and that is without Roe Highway stage 8 being built. That is why it is so important to get the details from the government so that we can analyse why its figures are different from other publicly produced figures from Main Roads about the number of vehicles that will be on Leach Highway. My proposition is, and even just basic logic says, that if Roe Highway already goes through to Kwinana Freeway, extending it a bit further will not change the traffic going back. As I talked about, I could also go through the level of service at intersections. Again, if people look at these issues, one of the things they will find is that a number of intersections within that area are expected to fail using the level of service measure for an intersection with or without the construction of Roe Highway stage 8—with or without it. So we are still going to have congested intersections and we are still going to have massive volumes of traffic. The actual issue is: are there things that we can do to reduce it to make those roads flow better? I had only a quick chance to read it last night, but today's *The West Australian* has an article from its transport writer

who is attending a conference in Germany, and one of the lines that is put in there is a line that I have been saying for a long time: the only long-term solution to congestion is better public transport. Building this extra road —

[Interruption from the gallery.]

The PRESIDENT: Order! I remind members of the public in the gallery that you are here to listen, not to participate. If you continue to do that, I will have to clear the gallery, and I would not want to do that.

Hon KEN TRAVERS: In fact, the other thing that I should point out is that by building the Roe Highway extension, other roads in the southern suburbs will end up with an increase in traffic, and they will end up with traffic volumes that are not too dissimilar to the traffic volumes that will occur in the electorate of Riverton with or without Roe Highway stage 8 being built.

Members often say that this is a longstanding part of the metropolitan region scheme. I want people to look at the original MRS that had Roe Highway stage 8 included in it, because they will find that Kwinana Freeway terminated when it hit Roe Highway. That is why we needed Roe Highway stage 8, because in those days the main south route out of the city was going to be Stock Road. We needed to have Roe Highway stage 8 built to get the traffic across to Stock Road and then out of the city. There was no Kwinana Freeway south of Roe Highway. Therefore, for those who want to argue that, maybe we should go and dig up the Perth–Bunbury highway that Labor built —

Hon Simon O'Brien: That is precisely where it is intended to go, isn't it, to extend Roe Highway west of the freeway to Stock Road? That is Roe 8.

Hon KEN TRAVERS: That is right; and if Hon Simon O'Brien was listening intently, he would understand that the reason it was put into the MRS was that the main south road out of the city was going to be Stock Road. There was no Kwinana Freeway. We have now built Kwinana Freeway heading south of Roe Highway, so we do not need to connect it across to Stock Road. Hon Simon O'Brien obviously has not looked at the MRS. I would have thought that with his undoubted knowledge of and interest in this matter, he might have already looked at this —

Hon Simon O'Brien: Of course I have, you patronising twit!

Hon KEN TRAVERS: Well, why is he asking me the question?

The PRESIDENT: Order!

Hon Simon O'Brien: You tell us about the corrupt practices of the WAPC when you were Parliamentary Secretary to the Minister for Planning and Infrastructure.

The PRESIDENT: Order! The Minister for Finance will come to order. I have just checked. I think the minister has spoken on this motion. He cannot do it from his seat again.

Hon KEN TRAVERS: Can I assure the house that if I had been aware of any corrupt practices by members of the Western Australian Planning Commission at any time, I would have reported that to the Corruption and Crime Commission, as I would expect any other member to do.

Hon Simon O'Brien: You tabled the evidence in this house yourself; you tabled it.

Hon KEN TRAVERS: If you know of corrupt behaviour, Mr O'Brien, you know what you have to do with it. Members on the other side are getting very agitated because they do not like what they are hearing. They have been selling this message for a long time that somehow Roe Highway stage 8 was going to be the solution. Their own modelling shows that it is not and that we will still have problems with the level of service and problems with traffic on the roads in the southern suburbs. They will not even let us drill down and examine that; they will not table the information that would allow us to do that because they know that they clearly have something to hide. That can be the only explanation, in my view.

Even if we build Roe Highway stage 8, traffic volumes will not be significantly different on Leach Highway. The traffic volume on Roe Highway will increase significantly compared with what it would be if stage 8 was not built, and there will be a number of other impacts across the area. Then the question needs to be: what can we do to reduce the amount of traffic? There are some very simple things. The first thing we can do is to get the volume of containers being carried by rail out of Fremantle harbour up to 30 per cent. When we were in government in 2002, I think about 8 000 containers a day left Fremantle harbour—sorry; I over-inflated it. There were 7 000 containers carried by rail in 2002, and in 2008 there were 84 000. That is the equivalent of 65 000 truck movements. That is what we are talking about: 65 000 truck movements. We were well on the way to getting to something like 17 per cent when we lost office. I think there was a further increase to 100 000 containers expected in 2009. We know that since the election of the current government, that 17 per cent has been declining. I look forward to seeing the budget papers to find out how many containers there are. Why would the government do that?

Hon Kate Doust: Because it doesn't like trains, basically.

Hon KEN TRAVERS: Firstly, it is because it does not like trains. Secondly, it is because it wants to try to put more traffic on the southern suburbs roads to justify Roe Highway stage 8. It has to find a way of justifying it. Even though the traffic modelling says that it will not benefit the southern suburbs—it will actually just increase the volumes—the government does not want to see that target. The allocation is constantly made on a year-by-year basis. Last year the money was not even included in the budget as a subsidy to get freight onto rail. Part of the way in which we can make freight more viable on trains is to improve the rail facilities on the north quay, improve the rail line between the north quay and Kewdale and build an intermodal terminal at Kewdale. In 2008, the commonwealth government agreed with the state government on the Perth urban freight transport and corridor plan. That contained a range of measures and included money to fund a rail terminal on the north quay. We are still waiting for them to happen. That is a sign that this government is fixated with Roe 8, which is not the solution, and completely ignoring the real solutions. That is the freight side of it. We could have another debate about public transport, in which this government has failed to invest just to keep up with demand on our public transport system, let alone expand its capacity. Those measures would do more than the Roe 8 project in reducing traffic numbers on the southern suburbs roads. But do we see any modelling coming from this government on that issue? Do we see any modelling of scenarios in which there is more freight on rail if we built an intermodal terminal at latitude 32 or at north Bullsbrook to allow us to take freight for the northern suburbs to that intermodal terminal and then distribute it through a road network there? Maybe one day we could build a rail corridor across to the Neerabup industrial area as an intermodal distribution point for the northern suburbs. No, we do not see any modelling for that. We never see that modelling or scenario planning for how we might do that so that we get even higher volumes of transport on rail.

Do we see this government talking about whether we can use the Bunbury port to bring more containers into Western Australia? That is one of the interesting things. People will tell us that only a small percentage of containers actually come out of the south west through Fremantle harbour, but when we talk to people, they tell us that the information is based on the way the statistics are collected and that a significant proportion of the freight that comes from Fremantle harbour goes into or out of the south west of the state. Is there an option to use Bunbury port for that? Is any work being done by this government on how we can do that? No there is not. Those are the sorts of measures the government could be pursuing and spending the \$700 million for Roe Highway on, which would result in those figures of 70 000 vehicles on Leach Highway between Karel Avenue and Vahland Avenue being reduced and being held closer to what they are today. Work could be done on those intersections to improve the flow of the traffic that would enable a better outcome for the 70 000 vehicles that use that road. There are many solutions, but this government does not want to look at them because it played the politics of this issue; it thought it worked for the government, and it now does not want to look at anything else. That is the problem.

The figures are there to show how the number of truck movements can be reduced. The other big factor about truck movements into Fremantle harbour is the number of trucks that are either carrying nothing or are sometimes carrying an empty container back. If we can reduce the number of trucks that are taking an empty container back and not picking up a full container or, in the opposite way, if we can reduce that and improve the way in which even the trucking industry works so that they take something to the port and bring something away from the port, that will, again, significantly reduce the traffic movements in the southern suburbs. These are all the measures we can take. There is another measure. I found it fascinating that the National Party came into this Parliament today and supported the expenditure of \$700 million on a metropolitan road. I remember the National Party opposing the Mandurah–Perth railway line, a project that has done more to take cars off the southern suburbs roads than Roe Highway ever will. The Mandurah–Perth railway line has taken thousands of cars off the southern suburbs roads on a daily basis. If we use it better and build better bus feeder services, we can take even more cars off. But the National Party came in here today and said, “No, we should continue to build Roe 8 and spend \$700 million”, because it is now in a coalition government with the Liberal Party.

Let us think about one other thing we can do today that will reduce the number of trucks that are likely to be going down the roads we talked about—Leach Highway and Roe Highway—at some point in the future. We could keep the grain rail freight lines in the wheatbelt open for an expenditure of less than \$100 million, and that would keep trucks off roads in the southern suburbs. It would easily be the differential between either building Roe 8 or not building it. Even using the government's own modelling we would come very close in my view to reducing those numbers. But, again, we cannot see it because the government will not release the modelling. That is fine, but we know that if the Barnett–Grylls government is prepared to invest in the grain rail freight lines, truck movements on roads within the Perth metropolitan area will be reduced. However, the government chooses not to, so it will put more trucks on those roads and then claim it is a hero for reducing the numbers.

On the Waterfront project, I noticed the other day that the government released a map that showed where there would be increased traffic flows as a result of the closure of Riverside Drive. When I looked at it, one of the things that struck me was the indication that there would be an increase in traffic over the Narrows Bridge from

the southern suburbs of Perth. I understand the Minister for Transport said that it will not be due to commuters coming through South Perth roads.

Hon Lynn MacLaren: Really?

Hon KEN TRAVERS: If it is not through South Perth roads, what roads could it be on—Leach Highway, Roe Highway or maybe Canning Highway? We know that putting more traffic on Canning Highway will deflect traffic to the next major road parallel to it, which is Leach Highway and so on; it will cascade down. The decision, again supported by the National Party, to spend more than \$500 million on the Perth Waterfront development will mean more trucks and more vehicles on southern suburbs roads. Again, the government will not release the detailed modelling, but we have a map showing that at least some of those extra vehicles will be diverted south of the river and come back over the Narrows Bridge. It is another example that, by not spending money, we could save and reduce the amount of traffic on the roads in the southern suburbs of Perth. Yet the National Party is mute. It comes into this place and tells us it is independent of the government, but when it counts, it will vote, as it will today, to continue to build Roe 8. They talk about two bob each way, yet they had two bob each way because after saying we should build it, they say they should have done some more modelling and the government should be looking at all these other compressions. Their government should have done that before making a decision to proceed with Roe 8. They should stop it and cancel it.

I have to say that the Labor Party takes its responsibility on this matter very seriously because we know that whether Roe 8 goes ahead or not will be a decision of the Labor Party. Labor will stop this project. We are the only party in this house that has the capacity to stop this project going ahead. We have consistently said we will not build it and we have consistently said that we will get rid of the reservation. That is what we will continue to do because its construction will do untold damage to the environment—to the wildlife and some lakes of the highest conservation value. Equally important, it is a complete and utter waste of taxpayers' money to spend \$700 million on a road that will, even under the government's modelling, at best have a minor impact on some roads and at worst increase the volumes of traffic. We have to focus on those cheaper and better options for reducing the volumes of traffic. We need more freight on rail and more public transport. The government needs to keep open the grain rail freight lines and not make bad decisions like the closure of Riverside Drive. There are all of those things. Those are the solutions; it is not Roe 8! Roe 8 is a very, very expensive folly. We need to go with other things. We need to get on with the strategies to get more freight out of Fremantle harbour and to build new intermodal terminals around the metropolitan area. Let us move into the twenty-first century where rail will have a revival for both freight and passengers, and our road network will work better for having done it.

HON NICK GOIRAN (South Metropolitan) [3.00 pm]: I am pleased to make a contribution to this motion. I thank Hon Lynn MacLaren for bringing this motion to the attention of this place, but more importantly I would like to thank the Minister for Mental Health, who is representing the Minister for Environment, in moving the amendment that she has, which has my full support. I am pleased to make my contribution now, following the rather interesting contribution that was just made by the person who would like to be the Minister for Transport.

In contrast to the motion moved by Hon Lynn MacLaren, which contains a number of presupposed negatives and which is probably better described as the views of someone who holds the paradigm that things cannot be done, the amendment moved by the Minister for Mental Health takes a far more positive approach towards things. The reason I say there is a negative paradigm here is because the motion moved by Hon Lynn MacLaren starts by presupposing that if one supports the building of stage 8 Roe Highway one is automatically not interested in saving the Beeliar wetlands, not interested in regionally significant vegetation, not interested in the habitat for a great many fauna species and not interested in the Carnaby's cockatoo, the graceful sun moth et cetera. The motion presupposes these things, and I find that objectionable because some of us have an interest in those things yet still can be supportive of the building of this road. I think that demonstrates a can-do attitude rather than a cannot-do attitude. What I have never understood and what has never been explained in this chamber by Hon Lynn MacLaren or other members who share her view is why it was possible for Roe Highway to have been built through the Kenwick wetlands and yet it cannot be done in this context. I have always found that to be a strange situation and perhaps when Hon Lynn MacLaren sums up on this motion she might be able to enlighten me on that.

I have had a fair amount to do with the Kenwick area over the years, albeit it is outside my jurisdiction and some members for the East Metropolitan Region might know more about it than I do, but I know it was able to be done, so someone took a can-do attitude then; but apparently here we have to take a cannot-do attitude.

Hon Sally Talbot: It is different.

Hon NICK GOIRAN: It is different apparently, and someone will explain how it is different in the fullness of time. In the meantime, I have to say that in this particular case I have received a number of constituent inquiries and it is true to say that other members in this chamber have also received a number of constituent inquiries. Unlike what I think were the exaggerated claims made by Hon Sally Talbot in her contributions on this matter, I am not going to stand here and say that I have received hundreds and hundreds of emails. I will try and be a bit

more precise and indicate that to date I have received contact from 50 constituents and a further 24 people have contacted me who do not live in my electorate.

Hon Sally Talbot: You clearly were not on the list. Nobody thinks you have any influence. I am sorry that is obviously such a disappointment. I do not know why you make such a thing about this.

Hon NICK GOIRAN: After that amusing contribution by Hon Sally Talbot I reiterate that unlike her exaggerated claim of hundreds and hundreds of emails I have received a grand total of 74 constituent contacts. I say that not in any way to minimise the number, because 74 is actually a significant number of constituent inquiries and for 74 people to bother to contact me means that there is some concern in the community about that issue, so I have had a look at the Patterson Market Research conducted in October and November 2009. I understand the purpose of that research was to gauge the public's reaction to the Roe Highway stage 8 extension. Interestingly, that survey tells me there was overwhelming support for the project. What is interesting is that when Hon Sally Talbot made her contribution in this place she indicated there is a very significant level of opposition to this project. There may be some opposition—in fact, there is some opposition, but it is easy to say that without in the same breath realising there is a far greater level of support for the project and that 66 per cent of people -

Several members interjected.

The DEPUTY PRESIDENT: Order! members, it is not a shouting match. Hon Nick Goiran has the call.

Hon NICK GOIRAN: Sixty-six per cent of the people who were surveyed across WA supported the project; 70 per cent of those were in Perth; 73 per cent of those expected to benefit directly from it and 65 per cent of those who supported it expected to suffer the adverse effects of noise, vibration and other losses of amenity and they were still in favour of the project. Whenever we consider the level of opposition to something, we also need to consider the level of support for the project. It is fair to say that there is overwhelming support for the project, whilst also recognising that there is opposition to the project.

The other interesting thing about the contribution from Hon Sally Talbot is that she implied that local government was not in favour of Roe 8, and if memory serves me correctly she cited a statement by the City of Cockburn as proof of this. Once again, it is always interesting when a member quotes something and chooses not to quote something else. What the honourable member did not tell the chamber was that the South West Group of Local Authorities, which is made up of, interestingly, the Cities of Cockburn, Fremantle, Melville, Rockingham and Kwinana and the Town of East Fremantle, are in favour of the Roe Highway extension, and have said so to the government, and, subject to the environmental approvals, have asked for it to go ahead. It is also fair to say that local government—if we are going to use the generic term—is in favour of the extension of the Roe Highway and not opposed to it.

Unlike Hon Ken Travers, I live and work in the area affected. It has always been interesting over the last three years hearing him talk about this project, because I sometimes wonder how someone who is based in Joondalup might have a real appreciation for the transport issues in the area affected.

Hon Sue Ellery: You would appreciate the concept of shadow ministerial portfolios and ministerial portfolios. You do understand that concept?

Hon NICK GOIRAN: I thank Hon Sue Ellery for that contribution. That demonstrates the point that if someone wants to be the prospective Minister for Transport, they really need to be around the portfolio.

Hon Sue Ellery: So you think he is not across his portfolio? So he, more than any other shadow minister, is not across his portfolio; is that what you think?

Hon NICK GOIRAN: When I think of him, I probably think of an amateur sprinter competing against a professional sprinter.

Hon Sue Ellery: Is that right?

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members! I think that we are now drifting off the subject.

Hon NICK GOIRAN: Thank you, Mr Deputy President, I will return to the subject after those unruly interjections!

I would like to provide four non-exhaustive reasons I think it necessary for us to proceed with stage 8 of Roe Highway. The first is to consider Fiona Stanley Hospital and the Murdoch activity centre.

Hon Sue Ellery: Talk to the City of Melville about that.

Hon NICK GOIRAN: I continue to be amused by the contributions of the member opposite who is a member for South Metropolitan Region and who should know better.

Hon Sue Ellery: No; you should hear what the City of Melville thinks about that.

The DEPUTY PRESIDENT: Order, members! The honourable member may make comments through the Chair and stop being amused by interjections.

Hon NICK GOIRAN: Thank you, Mr Deputy President; I will do my best. Fiona Stanley Hospital and the Murdoch activity centre will place extra pressure on the road network in the area; in particular, South Street and Kwinana Freeway. The planned Murdoch activity centre development will see an additional 30 000 to 35 000 people living and working in, and travelling through, the area. More efficient access routes to and through the area than are currently in existence will be required for those living and working in both the Murdoch and Fremantle areas. These people living in the Murdoch and Fremantle areas are constituents of mine. I am concerned about these people. I support their desire for the extension of Roe Highway. Serious traffic congestion around a major hospital, such as Fiona Stanley Hospital, is dangerous and unacceptable.

I move to the second reason I say it is necessary for us to extend Roe Highway; namely, the consideration of Fremantle's inner harbour, which, as I understand—perhaps my colleague Hon Simon O'Brien will correct me if I am wrong because he has some expertise in this area—is forecast to reach capacity within the next decade. It will then be handling 1.2 million containers a year. This represents roughly double the number of containers being handled each year at present. Most of this freight requires movement to the Kewdale and Forrestfield industrial areas, which will be of interest to the members for East Metropolitan Region. Transport links to these industrial areas require improvement in order to meet the growing needs of the port. Without such improvements, in my view, the efficiency of transport will suffer causing significant harm to the city's and the state's economy. I think that we all agree that the Fremantle port and its associated transport connections are crucial to Perth's economy. Around 20 per cent of Western Australia's economy is linked to the trade going in and out of Fremantle. The value of trade through the Fremantle port during the past financial year amounted to about \$25.9 billion, which is 80 per cent of the value of Western Australia's seaborne imports and 12 per cent of the value of WA's seaborne exports.

The third reason I say it is necessary for us to construct stage 8 of Roe Highway is the existing congestion on the main east–west access roads between Fremantle and Kewdale, which poses significant safety risks. I should know Mr Deputy President, because my electorate office is on the extreme eastern part of the electorate and when I want to go to Fremantle to visit my good friend Hon Lynn MacLaren in her electorate office, it takes a long time to get there. It takes an incredibly long time to get there!

Several members interjected.

Hon NICK GOIRAN: I can understand why Hon Lynn MacLaren may not want me to visit her very often; and if we do not construct this highway, perhaps I will be unable to visit her so frequently. However, I would like to visit Fremantle more regularly, given that it is part of my electorate, and that east–west connection is a problem at the moment.

Heavy vehicles and road freight transport generally account for around 22 per cent of traffic on key access roads to the Fremantle port's inner harbour. Roe 8 would be a purpose-built highway, allowing these heavy vehicles to be removed from residential and commercial areas thereby reducing the danger they pose. Stage 8 is forecast to service 55 000 to 75 000 vehicles a day in 2031—vehicles that would otherwise be required to travel along existing roads—namely, Leach Highway and South Street. Again, these are areas in my electorate. People live there. People work there. I care about these people. They want to see the extension happen and I therefore support them in that desire.

It should be a priority, I believe, to see as many of these heavy vehicles removed from the built-up, commercial and residential areas as possible.

The fourth reason I support the extension of stage 8 of the Roe Highway is that the number of daily heavy vehicle movements on Leach Highway is forecast to reach between 3 100 and 3 300 vehicles a day by 2031—without the Roe Highway extension. I thought it rather cute of Hon Ken Travers to quote the stats for what it will look like even with the Roe Highway built, but logically, if that is the amount of traffic even with the Roe Highway extension, will it not be a lot worse if it is not built? If members opposite care about the people in those communities, would they not want to see that extension happen?

Without the Roe Highway extension, the daily heavy vehicle movements on South Street, also in my electorate, are forecast to reach between 1 800 and 3 000 vehicles a day by 2031. It seems to me that the Roe Highway extension will provide a route designed for the safe and efficient movement of these heavy vehicles, which is anticipated to be in excess of 6 000 vehicles a day. Without the Roe Highway extension, these vehicles would have to be accommodated elsewhere in the network; most likely along less desirable routes.

In the time remaining, I think it important to address some of the concerns raised. As I mentioned earlier, I have received a significant number of constituent communications, which I take very seriously, and have therefore had to consider what people have had to say in general in opposition to this road. I will list five concerns, and we will see how we go for time.

The first is the suggestion that it is a “road to nowhere”. I have heard that phrase a few times and I know that it certainly is one Hon Ken Travers likes to use all the time. Given that it is used a bit, we ought to consider it. The perception is that Roe Highway stage 8 will go only to Stock Road and is therefore a waste of time and money, and that it will not go far enough to ease traffic congestion. What it does do is allow the prohibiting of trucks longer than 12.5 metres from Leach Highway east of Stock Road, thereby easing congestion, improving public safety and reducing noise for residents in the area. Leach Highway already has a terrible track record for road safety and congestion, and the large numbers of vehicles that use the highway generate a significant level of traffic noise. This will only get worse as the port expands and traffic on the highway increases. Roe 8 will reduce traffic congestion at least by reducing the number of traffic lights cars are required to pass through and stop at along Leach Highway and South Street. I tend to think that I know something about the level of congestion having lived in the South Metropolitan Region my entire life.

I move now to the second concern that is often raised; namely, the damage to the Beeliar wetlands. The construction of Roe Highway stage 8 will have some adverse effects on the Beeliar wetlands—I acknowledge that. If construction goes ahead, this is unavoidable. As I understand, the proposal in the public environmental review shows that Main Roads and South Metro Connect are serious about limiting the effects of stage 8 on the wetlands. Stage 8 allows for the removal of Hope Road west of the Cockburn Wetlands Education Centre and the rehabilitation of ecological links between Bibra Lake and Roe Swamp. These links have been damaged, if not completely severed, by the construction of Hope Road, but stage 8 will allow for those links to be re-established. The western portion of stage 8 in the Beeliar Regional Park follows the existing alignment of Hope Road, minimising the impact of construction on existing bush and wetland. Furthermore, 14.5 hectares of existing road reserve not required for stage 8 will be transferred to the Beeliar Regional Park to help offset the required areas. This results in a net increase of the parkland by nine hectares. I would have thought that Hon Lynn MacLaren would be happy about that.

I move to the third area of concern that has been raised with me—that is, the impact on wildlife. Where stage 8 does affect ecological linkages between the different lakes and swamps, pedestrian and fauna underpasses will be constructed to minimise the impact on the links and provide safe public access around the parklands. I understand the alignment of the project has been planned to take into account the main feeding and breeding grounds for the most vulnerable species—species such as the famous Carnaby’s black cockatoo and the forest red-tailed black cockatoo. Where possible, it has been altered to avoid those areas. The nearest known nesting zones for these birds are 27 and 47 kilometres away, so the project’s primary impact will be on foraging grounds. Offsets have been proposed to provide alternatives when clearing will adversely affect wildlife.

The fourth concern raised with me relates to the clearing of natural habitats. My recollection is that Hon Lynn MacLaren mentioned the danger Roe Highway will pose to wildlife as they attempt to cross the highway to move between Bibra and North Lakes, but, that being the case, I do not recall Hon Lynn MacLaren saying anything about the existing danger they already face from the presence of Hope Road. The Roe Highway stage 8 route takes into account the presence of wildlife, and I understand that Hope Road goes straight through the area, with barely a thought for safe ways for wildlife to move within the park. In contrast to that, the construction of Roe Highway stage 8 will primarily be along the current alignment of Hope Road and existing powerline access tracks, to minimise habitat removal. Bridges will be built over a portion of Roe Swamp and between Bibra Lake and Horse Paddock Swamp, which is designed to minimise the impact on natural habitats and provide north–south linkages for fauna. These will be built in a top-down method requiring minimum ground-level clearance. Damage to habitat will be repaired and restored as best as possible. The interesting thing is that the median strip between the carriageways will be reduced to four metres. That reduces the required bushland to be cleared. In place of embankments, retaining walls will be employed, further minimising the required width of the project.

To conclude on that point, just over half of the bushland required to be cleared for the project is already classified as degraded, or worse. Hon Lynn MacLaren, being somewhat of an expert in this, will no doubt correct me if I am wrong. The clearing of that land will have minimal effect on the wetlands as a whole. The honourable member mentioned that 78 and 73 hectares of land to be cleared affects the foraging ground of the black cockatoos. South Metro Connect, in the documentation I have read, points out in its public environmental review that only 38 hectares of this land is considered intact native vegetation. The other 40-odd hectares is the degraded land that I mentioned earlier, but Main Roads has proposed to replace that degraded land—not just 78 hectares of it, but it intends to apply a six-to-one ratio. In the public environmental review, it proposed to replace every one hectare of land to be cleared with six hectares of new land to be set aside to offset the damage. This is 468 hectares of suitable land that Main Roads has offered to acquire, to serve as foraging and nesting ground for the black cockatoos. Again, that is something I would have thought Hon Lynn MacLaren would be happy about. In summary, Main Roads will make significant efforts to minimise the effects of this project on the environment and surrounding recreational and residential areas. Where proposed effects have been unavoidable, a number of offsets, as I have mentioned, have been proposed in the public environmental review. That has been done to compensate for that.

The final concern raised with me was that the project is too expensive. We heard Hon Ken Travers mention that several times this afternoon. When I hear people's concerns that it is too expensive, I ask myself: are you pro or anti the environment? I suppose the project could be done cheaply, but then it will not be very environmentally conscientious. Yes, it will be expensive but that is because we are taking the environmental considerations seriously. Interestingly, in my research into this matter I noted that a large portion of this cost, which the likes of Hon Ken Travers love to complain about, will be due to the methods employed to reduce the impact on the natural environment, and in the rehabilitation and restoration work. I would like to quote my friend and colleague Hon Simon O'Brien in his remarks on this matter —

It is at that point, immediately west of Kwinana Freeway, that the access is most critical, and that is where the genuine environmental concerns are contained; they are contained in that immediate part there. That is what makes the project so blinking expensive.

Hon Lynn MacLaren has been fond of quoting the cost of \$100 million per kilometre. I understand that the bulk of the costs for the project are tied up in the first kilometre or two. But of course we can thank the Australian Labor Party for a nice portion of those costs. I am reminded of an article by the member for Riverton, Mike Nahan, published on PerthNow on 23 February 2012. He was referring to opposition to the project when he said —

It built the complex junction at the intersection of Roe and the freeway to act as a barrier against future development—adding at least \$100 million to the cost of any extension.

If Hon Ken Travers and co are not happy with the cost, I kind of think they need to blame themselves. Why did they make the junction at the end so complex? Was it on purpose? I do not know; I was not here in those days. It seems pretty unsatisfactory to now come along and say, "It is too expensive."

Hon Simon O'Brien: It was deliberate. That has been confirmed!

Hon NICK GOIRAN: Okay. That is disappointing.

I also note in the article that I referred to from the hardworking member for Riverton, that he said —

The Roe 8 Extension will be costly and will require a Commonwealth funding contribution, just as the Commonwealth has contributed to the previous extensions of Roe Highway. There is no doubt that the Roe Extension must be built, otherwise community access to our new world-class, public medical facility will be made difficult due to the congestion on our local roads.

This is a member whose constituents are directly impacted and affected by this. We need to take due note and consideration of his concerns.

As I conclude, it is my view that Fiona Stanley Hospital is only one reason the Roe Highway stage 8 extension must go ahead. The economic and public safety reasons also demand that this expansion goes ahead; otherwise we will see existing access roads to Fremantle becoming more congested and less safe each year. The environmental concerns the Greens (WA) have with Roe Highway stage 8 can be adequately met by the methods developed by Main Roads through past road construction through environmentally sensitive land. With those comments, I support the amendment moved by Hon Helen Morton.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.30 pm]: I rise to oppose the amendment moved by Hon Helen Morton and to support the motion moved by Hon Lynn MacLaren. One of the points made by Hon Simon O'Brien in his contribution to the debate was that he had spoken on this issue in this place many times. He has been here longer than me, so he has probably spoken more than I have, but I have also spoken on this issue many times in this place because this issue has remained unresolved for a long time. There has been much media coverage of the decision to build Roe 8; both local and statewide media. One of the most telling media headlines on this saga—to Roe 8 or not Roe 8—ran in the *Melville Times* on 3 January this year. It read "Roe 8 debate far from settled", and that is where we stand today.

The government presents Roe 8, on the one hand, as a fait accompli; it is definitely going to happen. If that is the government's position, it raises an interesting question about how it sees the role of the Environmental Protection Authority in respect of the independent advice that it is going to provide to the government later this year. What role will that independent advice play if, indeed, it is the government's position that Roe 8 is going to happen? It is the case that the community is divided on this issue; there is no question about that. There is however community agreement that we need to get the balance right between managing traffic, road congestion and the movement of freight, against protecting areas of land with significant environmental value; that is what the community wants, and Roe 8 does not get that balance right.

There would be serious environmental consequences if Roe 8 were to proceed, and they were ably set out by my colleague Hon Sally Talbot on behalf of the Labor Party. There are also important freight and traffic logistics issues to be resolved, and Roe 8 does not resolve those either; those issues were ably set out by my colleague

Hon Ken Travers, including the fact that Roe 8 would just shift the problem from one area to another without actually reducing the congestion on Leach Highway.

Hon Nick Goiran just made a point about being a member for South Metropolitan Region, and his connection to this area. Members will be aware that my electorate office is in Willetton, at Southlands shopping centre. Depending on whether I am coming to work from home or from the south, I get to Southlands by coming off Leach Highway either at Vahland Avenue, or Karel Avenue if I am coming from the south. Either way, I frequently travel that stretch between Vahland and Karel Avenues.

Hon Nick Goiran also raised the issue of cost, which is, I think, important to know about. So far, what we know is that the government has allocated \$20 million, and I do not think all of that has been spent yet, although someone on the government side might want to correct me if I have not got that right. Meanwhile, the price of building that 6.8 kilometres—I think it is 6.8 kilometres, depending on which set of numbers we are to believe—continues to increase; about \$100 million per kilometre.

I refer to *Hansard* of 28 March. I asked the minister representing the Minister for Environment by way of interjection whether she was in a position to tell us whether the EPA had formally provided its recommendation, because we were expecting it in February. The minister went on to outline the timetable, and she said —

The Office of the EPA has provided the proponent —

That is, the government —

with all of the submissions received and a summary of the issues raised in the submissions. I understand that the proponent is now required to prepare a written response to the issues raised in the summary of submissions to the satisfaction of the EPA. It is expected to be received in June 2012.

That is, the EPA will receive the written response from the government in June 2012. The minister continued —

All environmental issues raised in submissions will be taken into consideration by the EPA as part of its assessment of the proposal. The EPA's assessment of the proposed extension will take into consideration the environmental values within the subject area, which include native vegetation and flora, fauna and amenity issues. Indeed, the types of issues raised by the member —

Hon Lynn MacLaren —

will be considered and reported on as part of the EPA's report and recommendations to the Minister for Environment. The EPA's report and recommendations will, of course, be subject to appeal.

The government will decide whether to proceed with the Roe Highway extension when the potential environmental, social and economic implications have been assessed and the appropriate statutory processes have been completed.

The minister is saying that the government is going to wait until it receives advice from an independent agency, the EPA, before it makes a decision. Now, that is appropriate; it is important to take into consideration advice from the independent agency. But there are two messages coming from members of the government, because some other members of the government are saying that Roe 8 is going to happen: "Like it or not, folks, Roe 8 is going to happen". If that is the case, what does that say about what the government thinks about the independent advice of the EPA; or is the government anticipating what that independent advice may be? I do not know, but the government cannot have it both ways. The government cannot say, on one hand, "Here is due process; here is the timetable in which government will receive advice from this independent agency," but then on the other hand say, "Roe 8's going to happen; the government is going to build Roe 8." Which one is it?

The member for Riverton in the Legislative Assembly, Mike Nahan, has been quite categorical in saying that Roe 8 is going to go ahead. He made a promise to people that Roe 8 would be built. Indeed, he has said that the bulldozers will be working on stage 8 before the next election. When talking about whether the federal government would make a contribution to the funding for Roe 8, he said that he did not know whether the federal government would fulfil that promise, but that even if it did not follow through, Roe 8 would be built. He said that it was a requirement for this government.

Let us take the member for Riverton at his word and figure out how he is going to deliver on that promise before the election on 9 March 2013, given that the minister representing the Minister for Environment has said that the proponent's response to the independent EPA will be received in June. That is when the EPA will get the government's response.

According to the minister, the government will then decide whether to proceed with Roe 8. What are the steps for getting to that point? The EPA considers and prepares its independent advice based on what it gets from the proponent. It provides that advice to the minister. The minister takes the advice to his colleagues—and by that point, I would say, an increasingly antsy member for Riverton—and makes a decision. The decision is made, and the decision is appealable, but let us say that there is no appeal. Let us just put the question of appeal completely

to one side. The government makes a decision and it needs to do the engineering planning; it needs to consider the scope of any tenders; and it needs to put the tenders out and give the private sector time to lodge tenders. It needs to then consider the tenders and make a decision about the respective tenderers and then, according to the member for Riverton, it needs to get the bulldozers digging up the site and turning up the ground before 9 March. That is assuming there is no appeal. How will that happen, unless he was wrong and the information given to us by the minister representing the Minister for Environment was right and the government is going to listen to the independent advice that it received from the EPA and duly consider it? If that is the case, there is no way we can complete that process and have the bulldozers turning up the ground, as promised by the member for Riverton, by 9 March next year. There is not enough time to do it. Who is right? Irrespective of what comes out of the independent agency, will the government go ahead with Roe 8? Even if the member for Riverton is right and the government does not feel bound to follow whatever the advice might be or, on the other hand, already knows—is the government suggesting that it already knows what that advice will be?—how will the government meet the timetable the member set himself and promised his electors of Riverton by 9 March?

Hon Lynn MacLaren interjected.

Hon SUE ELLERY: That is one conclusion we can reach. The other conclusion we can reach is that he is wrong and the government is going to do what the minister told this chamber a few weeks ago, which was to follow the due process, in which case he made a promise he was in no position to keep because the government had to follow due process. Which one is it? That is a question that the electors of Riverton are entitled to ask.

It takes us back to that headline—“Roe 8 debate far from settled”. Despite the fact that the member for Riverton made a promise that Roe 8 will be built, on Friday, 20 March 2009 he was reported in the *Canning Examiner* as having said that it is a requirement for this government. That flies in the face of what the representative minister said to us just a few weeks ago about waiting for the advice of the independent agency. Earlier in my comments I put aside the question of an appeal. Let us say there is an appeal. How will we get bulldozers digging up the site before 9 March if there is an appeal? There is absolutely no way that can happen. It cannot be done. We will have run out of time.

The most accurate headline on this matter in all the time that I have been a member for South Metropolitan Region is the one in the *Melville Times* in January this year—“Roe 8 debate far from settled”.

HON PHIL EDMAN (South Metropolitan) [3.42 pm]: I want to make some brief comments. As the former owner of a business in the Cockburn commercial park, one thing that I do not think has been discussed is the existing roads in that area. A lot of businesspeople with commercial vehicles—I would not say trucks because the roads are a little small—come off Farrington Road, take a left down Bibra Drive, go along Hope Road to Progress Drive, drive up Forrest Road and get on to North Lake Road. Those who live in that area would know that a lot of traffic already uses those streets, mainly to dodge the traffic lights. There is a set of traffic lights at the intersection of North Lake Road and Farrington Road, so people zigzag around, off they go and they are in a commercial park. Growth has occurred in that area. Before I was a member of Parliament, I was in that area with my business for 25 years, and I have seen that area grow, especially around the wetlands. My business carried out work on the kitchens of a lot of the houses in that area so I am very familiar with that lake. I definitely appreciate that lake. It provides a lot of family enjoyment, not only because of the local wildlife but also because it is a fantastic place for a picnic. It is also a great place to go for lunch if one wants to go off for half an hour as it has fantastic views. I have noticed that the watertable has dropped over the years. I am very proud of our government for bringing in the winter sprinkler bans. I am not a scientist, but I believe they have contributed to the rising water level.

The southern metropolitan region is expanding. There is a lot going on with the expansion of industry. We have Latitude 32 and the Australian Marine Complex as well as the Kwinana industrial strip. That area is now called the western trade coast. There is definitely a higher demand for roads in that area. Hon Ken Travers said that we have not done anything. We are actually widening Kwinana Freeway at the moment. That is very frustrating for some people in my electorate because it is very hard to get up and down that freeway at the moment. No-one in this place is keener than me for it to be finished. It is frustrating but hopefully when those extensions and the widening of that freeway are finished, some of the traffic congestion should ease.

A lot more definitely needs to be done with roads. The last time we sat I moved a motion to get the Mundijong Road extension underway. There is more to be done than just the extension of Roe Highway. Roe 8 is another important project that needs to be undertaken. If the extension to this highway is built, that will take pressure off the little local roads that are already under pressure. Those members who have not driven on those roads should go for a drive around that area and they will see the amount of traffic in peak hour periods especially when people sneak through the local roads to get home. They also use it during business hours to dodge the traffic lights. Spearwood, which has had an industrial area for a considerable number of years, has now been expanded with the Cockburn commercial park, a development done in conjunction with LandCorp, which is being further expanded. Factories are going up everywhere because there is obviously a big demand for factory space.

Because of all the great work that has been done by this government with local content recently, we are starting to see the effects of that in the area. The majority of businesses that I speak to are at full capacity. The problem we now have is finding people to fill the workshops to do the work. I believe we are in complete reverse.

I am also concerned about the environment, despite the debates and conversations Hon Lynn MacLaren and I have had about a project in Rockingham—the Mangles Bay marina. The environment is the very first thing that whoever is in government needs to consider. I believe that this government is doing that. I have a quote from South Metro Connect that I have taken off its website. I will quote what is proposed and how the environmental impacts will be reduced. It states —

- Alignment of the project along the western section of Hope Road, between Bibra and North lakes, and along the existing high tension power line corridor to minimise the clearing footprint
- Maximised use of degraded vegetation areas to avoid impacts on high and medium quality vegetation
- Use of a minimum width highway median to minimise the clearing footprint
- As much as possible, avoidance of Carnaby's Black Cockatoos potential nesting sites
- Relocation of the original Bibra Drive interchange to a new location (Murdoch Drive Extension interchange) in cleared government-owned land to the east. This is to minimise impact on conservation category wetlands (including Roe Swamp) and high quality vegetation and fauna habitat
- Replacement of embankments and batters with retaining walls to minimise footprint in high environmental and heritage value locations
- Retention of minimum widths of existing vegetation to maintain ecological linkages in key areas
- Inclusion of bridges over a portion of Roe Swamp and south-east of Horse Paddock Swamp to minimise interruption to surface and potential subsurface flows. This will also maintain ecological linkages for fauna species and long-term genetic transference of flora species
- The use of top-down construction methods to build the bridge at Roe Swamp. This will reduce the clearing footprint by removing the need for ground level access by machinery and vehicles, which is especially important in this high-value ecosystem
- Reconfiguration of the Kwinana Freeway interchange to retain areas previously set aside as environmental offsets for Roe Highway stage 7
- Bioretention basins to treat road runoff and provide recharge to local wetlands via groundwater recharge. The basins were designed such that existing trees will be retained and already cleared, open space will be excavated for the basins, which will be rehabilitated to develop a reconstructed wetland environment.

Just reading those things on the South Metro Connect website says to me that obviously, with this project, the government is very concerned about the environment. At the end of the day, I guess that anything we build in Western Australia, a marina, roads or rail, or any piece of infrastructure, has to be environmentally acceptable. I believe that this government is headed down the right road, literally, in relation to that topic.

Things are going to build up and get busier. The South Metropolitan Region is growing rapidly, and we need to put the necessary infrastructure in place. We have a hospital that is about to be finished. Obviously, we have the western trade coast, where two ports are proposed for the area—an intermodal facility. A lot is going on. At the moment, the western trade coast turns over some \$16 billion and employs some 15 000 people. That is probably going to double in another five to six years, and the infrastructure needs to be put in place. It is about economic sustainability, but it is also about making sure that we look after the environment, and we respect that.

Therefore, I support this road. I will not support Hon Lynn MacLaren's motion, but I would like to have it on record that I care about the environment. I like this wetland and this lake. I am definitely one of the residents who loves using them, but I am also very concerned already about the number of roads there and the amount of traffic that is already on them. Thank you very much.

HON LYNN MacLAREN (South Metropolitan) [3.51 pm]: I would like to know how much time I have.

The DEPUTY PRESIDENT (Hon Jon Ford): Nine minutes. You are talking to the amendment only.

Hon LYNN MacLAREN: I would like to oppose the amendment. Then how much time do we get for the motion?

The DEPUTY PRESIDENT: Eight minutes and 35 seconds, at which time I will interrupt the debate to put the question.

Hon LYNN MacLAREN: All right. I want firstly to oppose the amendment, and in so doing perhaps make a couple of comments about members' contributions to the debate thus far, because this may be the only opportunity I have to do that. Is that all right?

The DEPUTY PRESIDENT: No. The member has to stick to the amendment. She has spoken on two occasions before.

Hon LYNN MacLAREN: No, I have spoken on only one occasion.

The DEPUTY PRESIDENT: That is right. Hon Lynn MacLaren is the mover of the motion. I am sorry; she moved the motion and then spoke to it.

Hon LYNN MacLAREN: I am the mover.

The DEPUTY PRESIDENT: But the member can speak only to the amendment.

Hon LYNN MacLAREN: Okay. Let me speak to that amendment then. Hon Helen Morton has moved to amend the motion that I put forward and basically strip from it the focus on rezoning that road reserve and bring the focus back to the environmental process that we have before us. It is my view that the way in which the government's amendment proposes to amend my motion is unnecessary because we are already in an environmental assessment process. What the minister who is representing the Minister for Environment has moved will keep the status quo—let us just keep things rolling as they are and feel very happy about that! In fact, we do not accept that, and that is the reason why we have put this motion forward. We put this motion forward to try to amend the metropolitan region scheme for the reasons that were outlined by several speakers, including me, some time ago—about a month ago. The motion clearly stated that for environmental, social and economic reasons, and because of transport impacts, we do not want to build this road; we want to rezone the land to parks and conservation reserve, as the Environmental Protection Authority ruled back in 2003. The Minister for Mental Health representing the Minister for Environment has asked us to reflect on the EPA's assessment process and to let the EPA do it. In fact, it has already done that. In fact, in 2003, it clearly stated in a document entitled "Environmental values associated with the alignment of Roe Highway (Stage 8)" —

... the EPA is of the opinion that the overall impacts of construction within the alignment, or any alignment through the Beeliar Regional Park in the vicinity of North Lake and Bibra Lake, would lead to the ecological values of the area as a whole being diminished in the long-term. Every effort should be made to avoid this.

It went on to say —

... that if a decision is made on environmental and planning grounds not to proceed with Roe Highway Stage 8, the road reserve be removed from the MRS and the area bounded by the Beeliar Regional Park be reserved as Parks and Recreation in the MRS and incorporated into the Regional Park.

The minister's amendment to my motion is unacceptable because it strips out that entire decision that the EPA has already made and the recommendation that it has already made. All that this Parliament assembled is trying to say to the Barnett government is that we want that land rezoned. At any point—Hon Sue Ellery made this really clear—the bulldozers can come out if they ignore the EPA. They could do it today if they ignored the EPA. But we have rules in this state that have been passed by our elected members over many years that say that the environment does matter, and they say that we can only through a very well argued case build a road. In this case, no matter how much is spent—\$11 million!—to say that an alignment is acceptable through this area, the EPA has already said that there is no way it can happen.

This area has to be rezoned. The Labor Party was tardy earlier when it had the power to rezone it. It did make some very good inroads in deciding where we could put our transport infrastructure before it went and deleted the road. I think, to its credit, that today the Labor Party has argued very strongly that that road is unnecessary in the transport network, not even taking into account the fact that we want to preserve the environment. So I most vehemently oppose the amendment that the minister has put forward. Bring it on.

Amendment (deletion of words) put and a division taken, the Deputy President (Hon Jon Ford) casting his vote with the noes, with the following result —

Ayes (17)			
Hon Jim Chown	Hon Donna Faragher	Hon Robyn McSweeney	Hon Max Trenorden
Hon Peter Collier	Hon Philip Gardiner	Hon Michael Mischin	Hon Ken Baston (<i>Teller</i>)
Hon Mia Davies	Hon Nick Goiran	Hon Norman Moore	
Hon Wendy Duncan	Hon Alyssa Hayden	Hon Helen Morton	
Hon Phil Edman	Hon Col Holt	Hon Simon O'Brien	
Noes (12)			
Hon Matt Benson-Lidholm	Hon Sue Ellery	Hon Lynn MacLaren	Hon Giz Watson
Hon Helen Bullock	Hon Adele Farina	Hon Ljiljanna Ravlich	Hon Alison Xamon
Hon Kate Doust	Hon Jon Ford	Hon Sally Talbot	Hon Ed Dermer (<i>Teller</i>)
Pairs			
	Hon Brian Ellis		Hon Ken Travers
	Hon Liz Behjat		Hon Linda Savage
	Hon Nigel Hallett		Hon Robin Chapple

Amendment thus passed.

Amendment (insertion of words) put and passed.

Motion, as Amended

Question put and a division taken, the Deputy President (Hon Jon Ford) casting his vote with the noes, with the following result —

Ayes (17)

Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman

Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Alyssa Hayden
Hon Col Holt

Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien

Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (12)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Kate Doust

Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Lynn MacLaren
Hon Ljiljana Ravlich
Hon Sally Talbot

Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Pairs

Hon Brian Ellis
Hon Liz Behjat
Hon Nigel Hallett

Hon Ken Travers
Hon Linda Savage
Hon Robin Chapple

Question thus passed.

URANIUM MINING—ENVIRONMENTAL MANAGEMENT*Motion*

HON ALISON XAMON (East Metropolitan) [4.05 pm]: I move —

That this house recommends, should the government proceed with its intention to license uranium mining in Western Australia, the government adopt the same minimum environmental management regulatory requirements for any future uranium mine in Western Australia as exists under commonwealth and Northern Territory legislation for the operation of the Ranger uranium mine in the Northern Territory with regard to the disposal of radioactive tailings, including the requirements that —

- (a) the tailings are physically isolated from the environment for at least 10 000 years; and
- (b) any contaminants arising from the tailings do not result in any detrimental environmental impacts for at least 10 000 years.

It is no secret that the Greens oppose uranium mining because, in the end, there can only be two possible outcomes, either nuclear waste or nuclear weapons, both of which are intractable global problems.

Hon Norman Moore interjected.

Hon Sue Ellery interjected.

The PRESIDENT: Order!

Hon ALISON XAMON: Those who support the uranium industry, including the Minister for Mines and Petroleum opposite, are adamant that the risks associated with this industry can be managed. I do not agree, and I hope to highlight today why I do not agree and why the Greens hold the position on uranium it does. I also would like to highlight what it would mean even if this state were to adopt industry-defined best practice because once we start to examine the failings of even the so-called “best practice” employed around this industry, it becomes self-evident that, simply, uranium mining cannot be managed and should not be allowed if only on the basis of the harm uranium mining will directly cause to Western Australian communities both now and well into the future. In particular, I hope to highlight the harm uranium mine tailings—the enormous quantities of highly radioactive waste produced by uranium mines—are causing at the sites of all former and currently operating Australian uranium mines. This is toxic contamination that persists well after the mines themselves have closed and well beyond any normal mine rehabilitation period. Due to the long half-lives of uranium and its daughter products, uranium mine tailings remain dangerously radioactive over tens of thousands of years. To date, they have proved highly problematic to contain, despite all the best rhetoric from the uranium industry. We have not yet seen a uranium mine closed and rehabilitated in Australia that has not demonstrated major ongoing radioactive contamination problems. Even the currently operating uranium mine, with the strictest environmental legislation—the Ranger uranium mine in the Northern Territory to which this motion refers—has suffered a string of problems related to tailings management and human error that has compromised the health of its workers and of nearby creeks and ecosystems.

In calling on the Barnett government to implement the same minimum environmental management regulatory requirements for any future uranium mine in WA, as has been passed by the Northern Territory and commonwealth legislation for Ranger uranium mine, I therefore want to point out that even with such

legislation, Western Australia will not be protected from the harm caused by uranium mining. However, I also argue that given this government has repeatedly promised to deliver world's best practice regulation of a future uranium industry I would think that passing this motion would be the least that it could do to attempt to protect Western Australian communities and the environment from certain harm caused by uranium mining. I will be intrigued to hear how the government intends to comply with these conditions, considering that no-one else has managed to do so. If the government will not support this motion on the basis that what is being asked for, which is the containment of deadly waste for 10 000 years, is unachievable then I want to know how this government reconciles that reality with its stated aim of pursuing this dangerous agenda.

Essentially, what is the problem with uranium tailings? Tailings are the ground-up waste rock and residue of processed chemicals remaining at the mine site after the processing and extraction of the ore. In a uranium mine, this waste material is usually in the form of dust, sludge and rock and is stored in piles or ponds at the mine site or is kept in the mine void. Uranium mine tailings are different from other mine tailings. According to the United Nations Scientific Committee on the Effects of Atomic Radiation, uranium tailings are the most significant source of radiological exposure in the entire nuclear fuel chain. This is because of the uranium mine tailings' key characteristics. These include vast amounts of toxic uranium tailings being created for a relatively small amount of uranium. For example, at a grade of 0.1 per cent uranium, 99.9 per cent of the material is left over. Several of the mines proposed for Western Australia will have much lower grades than this. A vast amount of radioactive waste, rock and dust is the long-lasting legacy of any uranium mine; it is inevitable. Typically, uranium mine tailings contain 80 to 85 per cent of the radioactivity of the ore itself; in other words, this mine waste is highly radioactive, almost as radioactive as the ore itself. The radioactivity in the tailings derives from uranium that could not be extracted as well as the uranium decay products thorium-230 and radium-226 that were naturally present but until mining were held in equilibrium with the uranium U-235 and U-238 isotopes. Thorium-230 has a half-life of about 75 000 years and radium-226 a half-life of 1 600 years. These are the time frames over which uranium tailings dust and sludge pose a hazard to human health. So I have to say that even 10 000 years is not an adequate time frame to protect our environment and human health from uranium tailings. We need to protect our groundwater, ecosystems and, ultimately, human beings as well, from the radioactivity in uranium mine tailings. The tailings need to be isolated on land for many tens of thousands of years. So today's motion calling for legislation requiring uranium tailings to be isolated for 10 000 years is the bare minimum we should expect from any government promising world's best practice in environmental regulation of uranium mining.

According to the US Environmental Protection Agency, inhaling uranium, thorium and radium dust can lead to increased cancer risk, including lung, pancreatic and bone cancer, liver damage, and diseases that affect the formation of blood, such as leukaemia. In addition, the decay of radium-226 in the tailings produces radon gas, which when inhaled can decay into its daughter polonium-218, an ion that can attach itself to human lung tissue, significantly elevating the risk of lung cancer. The rock that makes up uranium mine tailings was previously locked away underground in a geologically stable form, but what we know is that once we mill and store this ground-up radioactive rock and resultant radon gas at the mine site it becomes highly mobile and may be carried in the air by wind or spread through ground or surface water. This is the threat to human health, water resources and ecosystems that this motion seeks to highlight.

As summarised by the US EPA, the pathways by which uranium mine tailings may contaminate the local environment include, in the immediate vicinity of the tailings, gamma radiation—which penetrates the body—from the decay products in the tailings; the emission of radon gas emanating from the tailings; the blowing about of small particles from the tailings which can be inhaled, ingested or carried into surface or ground water and ingested from there; and leaching, whereby the constituents of the tailings pile being in geochemical disequilibrium cause various reactions. For example, in dry areas salt containing contaminants can migrate to the surface of the pile where they are subject to erosion. If the ore contains the mineral pyrite, sulfuric acid then forms inside the deposit when it comes into contact with rain and oxygen and this acid causes continuous automatic leaching of contaminants. We have, of course, tailings dam failure and tailings dam seepage with high potential to contaminate groundwater. Seepage can occur from virtually every tailings facility and is a key concern for any uranium mine, as is human error leading to inappropriate handling of the tailings waste and radioactive processes.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

ENERGY PRICES — IMPACT ON PEOPLE WITH A DISABILITY

195. Hon SUE ELLERY to the Minister for Energy:

- (1) Has the minister requested any of the energy utilities to research the impact of increases in energy prices on people with a disability; many of whom are on fixed incomes and some of whom use electricity-driven aids and equipment to help them with daily living?

- (2) If yes to (1), what does that research show and will the minister release it?

Hon PETER COLLIER replied:

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

- (1) No, I have not requested research into this specific area. However, the government is cognisant of the impact of utility price increases on vulnerable members of the community, and has taken strong steps to assist those who are least able to meet the demands of higher prices.
- (2) Not applicable.

DEPARTMENT FOR CHILD PROTECTION — STAFFING LEVELS

196. Hon SUE ELLERY to the Minister for Child Protection:

I refer to the announcement of a further cap on staffing levels, made by the Treasurer on 17 April 2012.

- (1) Can the minister confirm that the Department for Child Protection is required to stay within the full-time equivalent cap as set out in the 2011–12 budget?
- (2) Is the department currently operating within the FTE levels set in the 2011–12 budget; and, if not, what is the variation and which services is the variation within?

Hon ROBYN McSWEENEY replied:

I think that the Leader of the Opposition is very hopeful.

- (1) Details of the FTE cap freeze announced by the Treasurer will be provided when the 2012–13 budget is released on 17 May 2012.

Hon Sue Ellery: Oh, the Minister for Disability Services gave it to me yesterday.

Hon ROBYN McSWEENEY: I continue —

- (2) Yes.

That was the Minister for Disability Services. I am the Minister for Child Protection; Community Services, and the Leader of the Opposition will wait for the budget to come out.

TECHNOLOGY AND INDUSTRY ADVISORY COUNCIL — ANNUAL ACTIVITY REPORT

197. Hon KATE DOUST to the minister representing the Minister for Science and Innovation:

I refer to the Technology and Industry Advisory Council's annual activity report 2010–11, which provided three reports on the gas, minerals and environment sectors, completed in April 2011, and the activity report's reference to reviews of the three reports in preparation for the development of sector plans.

- (1) Given that it has been 12 months since the reports were completed, what stage are these sector plans at?
- (2) Who is developing these sector plans and at what cost?
- (3) If the reports are not completed, when will they be completed and when will they be released?
- (4) Have the sector stakeholders affected by the plans been consulted?
- (5) If yes to (4), will the minister release the names of those who have been consulted; and, if not, why not?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1) I am advised that TIAC is reconsidering its sector plan approach.
- (2)–(3) Not applicable.
- (4) Earlier this year TIAC sent a letter to all stakeholders who took part in the consultation process.
- (5) TIAC undertook those consultations in its role as an independent advisory body to the Minister for Science and Innovation.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION — EFFICIENCY DIVIDEND

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

I refer to the two per cent efficiency dividend announced by the Treasurer on 17 April 2012 and ask —

- (1) What is the dollar value of the two per cent cut for the Department of Environment and Conservation?
- (2) Can the minister assure the WA community that cuts will not be made to air quality monitoring programs and resourcing the forest management plan—two of the government's targets in the 2009 efficiency cuts?

- (3) Will the cuts further delay the release of the government's climate change adaptation and mitigation strategy—another victim of the 2008 cuts?

Hon HELEN MORTON replied:

I thank the member for some notice of this question, and in the words of Hon Robyn McSweeney, I think it was something like, "You'd be lucky!" Was that it?

Hon Liz Behjat: "Tell us you're dreaming!"

Hon HELEN MORTON: That is it—"Tell us she is dreaming!"

- (1)–(2) The dollar value of the two per cent efficiency dividend will be announced as part of the 2012–13 budget. As announced by the Treasurer on 17 April 2012, this will not impact on front-line service delivery.
- (3) No.

CORRUPTION AND CRIME COMMISSION — REPORT ON TASER USE

199. **Hon GIZ WATSON to the parliamentary secretary representing the Attorney General:**

I refer to the report published by the Corruption and Crime Commission on 16 April 2012 entitled, "Report on the Investigation of Alleged Public Sector Misconduct in Relation to the Use of Taser Weapons by Officers of Western Australia Police and the Department of Corrective Services".

- (1) Regarding the recommendations that the Director of Public Prosecutions give consideration to the prosecution of Senior Constables Tomlin and Strahan, will the parliamentary secretary ensure Parliament is kept informed about —
- (a) if no charges are laid, the reasons for this; and
 - (b) if charges are laid, what they are and the outcome?
- (2) If no to (1), why not?
- (3) Regarding the statement at paragraph 45 on page xxvi of the report that the Corruption and Crime Commission will monitor the action taken by Western Australia Police and the Department of Corrective Services to address the issues and implement the recommendations —
- (a) will the parliamentary secretary please provide full details of the nature of the monitoring that will occur—for example, will it include a period of auditing future incidents in which Tasers are used by officers of Western Australia Police and the Department of Corrective Services;
 - (b) will Parliament be kept informed of the progress observed by the CCC during the monitoring; and, if so, how; and
 - (c) if no to (3)(b), why not?

Hon MICHAEL MISCHIN replied:

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

- (1) Investigative agencies, in deciding whether criminal charges should be laid, apply a prosecution policy requiring, before charging, that there is a prima facie case and a reasonable prospect for conviction, and that public interest factors support the prosecution. That policy will be applied to the consideration of whether charges should be laid against any officer. The charging of any officer will be made public and the outcome will be determined by the courts, which conduct proceedings, ordinarily, in public.
- (2) Not applicable.
- (3) (a) The commission will seek responses from Western Australia Police and the Department of Corrective Services regarding the implementation or otherwise of the recommendations.
- (b) Yes, pursuant to section 91(2)(c) of the Corruption and Crime Commission Act 2003, the commission will prepare an annual report to inform the Parliament.
- (c) Not applicable.

ROCK LOBSTER FISHERY — MANAGEMENT COSTS

200. **Hon JON FORD to the Minister for Fisheries:**

I refer to the Western Australian rock lobster fishery.

- (1) Have departmental management costs increased or declined in implementing individual quota?
- (2) What are the estimated departmental management costs over the next four years?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) From the 2010–11 financial year, the way that commercial fishery access fees are determined changed from cost recovery to licence fees set at 5.75 per cent of the gross value of production of the relevant fishery. Under this new model, funds are allocated according to departmental priorities and required outcomes rather than to individual fisheries. Nevertheless, the department estimates that during the first phase of quota implementation there was an increase in rock lobster management costs in the order of \$750 000.
- (2) As previously indicated, revenue from access fees is now allocated according to departmental priorities and required outcomes rather than to individual fisheries. Nevertheless, it is expected that the west coast rock lobster management costs will remain at increased levels during the transition to quota before reducing to around the previous level.

YIRIMAN SUICIDE PREVENTION PROJECT**201. Hon LJILJANNA RAVLICH to the Minister for Mental Health:**

No notice has been given of this question. I refer to the 25 reported suicide deaths in the Kimberley in the past 12 months and the Yiriman suicide prevention project.

- (1) Given the Yiriman project focused on young Aboriginal people between the ages of 12 and 30 years and worked with the Aboriginal families in the south, central and West Kimberley region to prevent suicide, why has the minister not provided suicide prevention funds to this project?
- (2) Did the minister mislead the Western Australian public when she told ABC news on 20 April 2011 that she was keen for the Yiriman project to continue and that she was willing to fund it, when that is clearly not the case?

Hon HELEN MORTON replied:

- (1)–(2) I thank the member for not providing any notice because it gives me the opportunity to speak at length on this.

Hon Sue Ellery: No, it does not!

Hon HELEN MORTON: No; it does, because the question is so wide ranging and there are so many inaccuracies in that question that one cannot go along thinking that what the question suggested is actually correct, because it is very incorrect. For a start, the figure the member quoted of 25 deaths is something that is not borne out by the figures from the coroner's office. The member needs to be aware that using those sorts of figures is perhaps misleading. It would be advisable for Hon Ljiljanna Ravlich to get some correct figures before she starts making those sorts of statements.

I now refer to the Yiriman project. I met with Wes Morris and the elders et cetera from Kimberley Aboriginal Law and Cultural Centre when I was in Broome —

Hon Ljiljanna Ravlich: He says nothing has happened since!

Hon HELEN MORTON: Do you want me to talk to you or do you want to wait and listen?

The PRESIDENT: Order! I want to hear the answer without interjections.

Hon HELEN MORTON: Because it is an answer worth listening to.

I met with Mr Wes Morris and the elders. I talked to them at length about how the community action plans would incorporate all the individual projects that individual interests have in a particular community, and if they would come together and develop that as a community-based action plan that the community as a whole would sign off to, that is the kind of community action plan that we would support reporting to the Ministerial Council for Suicide Prevention. For the Yiriman project, KALACC already get funding somewhere in the vicinity of \$500 000 a year from various sources, including the commonwealth, private mining enterprises and other organisations.

Hon Ljiljanna Ravlich: That is not the point. The point is they came to you, you said yes, and now you will not deliver!

Hon HELEN MORTON: Mr President, could you please ask her to be quiet?

The PRESIDENT: Order!

Hon Ljiljanna Ravlich: Sorry, Mr President.

Hon HELEN MORTON: I will speak through the Chair, Mr President, because I think it is much more sensible to do that.

The PRESIDENT: That is a good idea.

Hon HELEN MORTON: I can always tell when the member opposite does not want to hear what I have to say because she tries to interject with all sorts of other silly ideas.

As I was saying, the Yiriman project already gets a substantial amount of funding from the commonwealth and other sources. We have asked them to tease out what part of the Yiriman project they would like to bring into the Fitzroy Valley's total community action plan. The Yiriman project also wants to roll out the project for young folk in that particular area and around that particular Aboriginal group across the entire Kimberley. We are not certain that all the Aboriginal communities in the entire Kimberley want to pick up on that project. Once again we are saying: bring it back and integrate it into what happens within the Fitzroy Valley. Let us look at that as part of the Fitzroy Valley community action plan.

I am pleased to say that I subsequently wrote back to Wes Morris—who, I might add, lives in Melbourne—on behalf of the KALACC people. I think it was in April that I wrote back. I suggested to them again that this is the way to go about doing that. I know they have a copy of that letter because it has recently been presented to me in a bundle of correspondence.

More recently of course I was on radio, and so was Wes Morris, talking about that. The One Life team is in the Kimberley at the moment trying to pull together a couple of second-phase developments in the One Life project community action plan. Consequently, Wes Morris is again trying to push his particular interest in that. I have said, and I continue to say, that that project should be brought back as part of the Fitzroy Valley community action plan so that we can be clear that the community supports it as part of its overall community action plan. We have funds that we want to invest in the second phase of community action plans in that community. My comments on radio were quite accurate about what we intend to do, what we hope to do, and how we hope to be involved in providing additional resources into that area for suicide prevention.

SOUTHERN METROPOLITAN REGIONAL COUNCIL — REGIONAL RESOURCE RECOVERY CENTRE

202. Hon LYNN MacLAREN to the minister representing the Minister for Environment:

I refer to the recent decision not to renew the operating licence for the Southern Metropolitan Regional Council regional resource recovery centre.

- (1) If the RRRC is closed, will the municipal solid waste that is now being processed there go to landfill?
- (2) If no to (1), how will the municipal solid waste be disposed of?
- (3) If yes to (1), how does the minister justify this decision and how will this affect the recovery targets set out in the state's waste strategy, "Creating the Right Environment"?
- (4) How is the decision to close the RRRC likely to impact on residents in Cockburn, Fremantle, East Fremantle, Kwinana and Melville who currently send their municipal solid waste to the RRRC?
- (5) Has the minister commissioned a study to determine the environmental cost, including increased greenhouse gas emissions, that will flow from the decision to close the RRRC?
- (6) If no to (5), why not?
- (7) If yes to (5), could the minister tell us the results of the study?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1)–(7) The Director General of the Department of Environment and Conservation, in his media statement of 30 March 2012 announcing his decision on the Southern Metropolitan Regional Council regional resource recovery centre licence, stated that he no longer had confidence that the existing odour control technology and management systems are reliable. The Minister for Environment and DEC are committed to diverting waste from landfill and improving recycling rates to meet the targets in the waste strategy. However, it is not acceptable for waste treatment facilities to impact communities with unreasonable odour emissions. The director general and senior DEC staff have been working with the SMRC and its member councils on pollution control measures that would allow the centre to be reopened. While there will be diversion by councils of general waste from green-top bins to landfill in the meantime, this will not be ongoing if discussions with the SMRC are successfully concluded.

HARDSHIP UTILITY GRANT SCHEME

203. Hon MATT BENSON-LIDHOLM to the Minister for Child Protection:

For all hardship utility grant scheme applications processed by the Department for Child Protection in each of February and March 2012, can the department please detail how many applicants were from each of the

following regions: great southern; south west; Goldfields; Murchison–Gascoyne; wheatbelt; East Kimberley; West Kimberley; Pilbara; Peel; and the midwest?

Hon ROBYN McSWEENEY replied:

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

The number of approved grants in the following regional development regions were: great southern, 61; south west, 110; Goldfields–Esperance, 36; Gascoyne, 11; wheatbelt, 53; East and West Kimberley, 39; Pilbara, 30; Peel, 108; and midwest, 49.

HARDSHIP UTILITY GRANT SCHEME

204. Hon ADELE FARINA to the Minister for Child Protection:

I refer to the hardship utility grant scheme.

- (1) For 2010–11 and 2011 to date, how many people who applied for HUGS —
 - (a) were granted the maximum funding assistance payable as a normal grant;
 - (b) were granted the maximum funding assistance payable under exceptional circumstances; and
 - (c) were refused additional funding assistance under exceptional circumstances?
- (2) When was the HUGS process streamlined to enable people to submit HUGS applications directly through the utilities?
- (3) Since the process was streamlined, how many households have been disconnected because of inability to pay?
- (4) Will the minister table the guidelines used by each of the utilities for determining whether to lodge an application for HUGS funding on behalf of a customer?
- (5) Noting that Busselton Water and Aqwest Water were not included in the list of utilities using the new streamlined process, why do these utilities not submit HUGS applications directly for their customers; and what do customers of these utilities need to do to apply for HUGS assistance?

Hon ROBYN McSWEENEY replied:

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

- (1) The information requested is not available without going through each individual grant application.
- (2) August 2011.
- (3) The HUGS unit does not collect this information.
- (4) Utility hardship policies will need to be sourced directly from each individual utility.
- (5) Busselton Water and Aqwest were given the opportunity to participate in the HUGS direct application process; however they chose not to participate due to the small number of grant applications that these utilities process. Busselton Water joined HUGS in April 2010 and Aqwest in November 2010. Since joining, these utilities have processed only four and 10 grants respectively. Customers of these utilities need to apply for HUGS through a registered financial counselling service or through the financial counselling help line.
This morning, the Leader of the Opposition in the other place told a furphy. HUGS is demand-funded, and I tell the house that since 2008 we have provided more than 33 000 grants worth \$11.8 million. If funding is needed, it will be there. I want to assure the public that the money is certainly there for HUGS grants, and it is being accessed.

DEEP INJECTION WELLS

205. Hon ALISON XAMON to the Minister for Mines and Petroleum:

I refer to deep injection wells for disposal of waste.

- (1) Are there any deep injection wells operating in Western Australia?
- (2) If yes to (1), can the minister please specify the location of each deep injection well and its current operational status?
- (3) Is the minister considering deep injection wells as a viable disposal technique for producing water from fracking?

Hon NORMAN MOORE replied:

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

- (1) Re-injection of treated produced water is sometimes used to enhance recovery and/or secondary recovery. No deep injection has been used for disposal of waste in Western Australia.
- (2) Not applicable.
- (3) No.

PORTLINK PROJECT

206. Hon HELEN BULLOCK to the parliamentary secretary representing the Minister for Regional Development:

I refer to the \$5 million allocated to the PortLink project on page 649 of the 2011–12 budget.

- (1) How much of the \$5 million allocated to the PortLink project has been spent up to now?
- (2) Can the minister provide a breakdown of items that money has been spent on so far?
- (3) When will the feasibility study of the PortLink inland freight corridor development plan be completed?

HON WENDY DUNCAN replied:

I thank the honourable member for some notice of the question. The Minister for Regional Development has provided the following response —

- (1) No funding has been spent to date. The funding allocation is subject to the Department of Transport and the Department of Regional Development and Lands signing a memorandum of understanding for release of royalties for regions funds. This is expected to be signed this month, at which time the Department of Transport can commence tender processes for the planning works.
- (2) Not applicable.
- (3) The PortLink planning study will consist of a series of interrelated planning studies including an intermodal terminal in Kalgoorlie and associated rail alignment and land reservation; sealing of the road between Wiluna and Meekatharra; and economic modelling of the PortLink concept. Milestones of the project will be met throughout the project timeframe. Main Roads is undertaking the design and costing of the Wiluna to Meekatharra road and will commence work as soon as practical. The intermodal hub feasibility study will go to tender once documentation is prepared. It is anticipated that the rail realignment design and land reservation requirements and statutory approvals in Kalgoorlie could be completed by 30 September 2013, with completion of the full study towards the end of 2014.

GUILDFORD HOTEL

207. Hon LINDA SAVAGE to the minister representing the Minister for Heritage:

I refer to the Barnett government's failure to address any meaningful restoration of the heritage-listed Guildford Hotel.

- (1) Why has the Minister for Heritage not taken any action under section 11 of the Heritage of Western Australia Act 1990, which compels the minister to ensure that no adverse actions were taken, or not taken, to affect a registered place?
- (2) At what point in the deterioration of the Guildford Hotel will the Minister for Heritage use his powers of compulsory acquisition under the Heritage Act to save this iconic building from ruin?

Hon ROBYN McSWEENEY replied:

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

- (1) Section 11 of the Heritage of Western Australia Act 1990 is a requirement for public authorities to assist in conservation of registered places. If the member is referring to subsection (1), this applies to any state authority in a minister's portfolio that seeks to carry out a public work, or grant an approval that may affect a registered place. In these cases, subsection (1) requires that the relevant minister ensure that no action is taken that is detrimental to the registered place unless there is no feasible and prudent alternative.

Subsection (1) does not confer on any minister the power to direct that works be undertaken in respect of a registered place. With regard to the Guildford Hotel, no state authority in any portfolio is engaged in a public work or approval. Therefore, subsection (1) is not applicable in this instance. Outside subsection (1), section 11 does not confer any powers or duties on the Minister for Heritage or any other minister in relation to a proposal that may affect a registered place. Subsections (2) to (4) are concerned with the role of the Heritage Council in advising decision-making authorities, be they state or local government authorities, on any proposal that may affect a registered place.

- (2) Section 73 of the act sets out the powers available where it appears to the minister, in relation to a place having cultural heritage significance, that the continued existence of the place in a condition suitable to effect conservation of its heritage value is in jeopardy. In effect, section 73 allows the Heritage Council, with the minister's approval, to compulsorily acquire a place where this condition is satisfied. No evidence that the continued existence of the Guildford Hotel in a condition suitable to effect conservation of its heritage value is in jeopardy has been placed before the minister that would support invoking section 73. The owners of the Guildford Hotel have obtained planning approval for the restoration and redevelopment of the place from the City of Swan, subject to 29 conditions, five of which are currently under review through mediation at the State Administrative Tribunal. Under these circumstances it cannot be concluded that the conservation of the heritage value of the Guildford Hotel is in jeopardy.

HARDSHIP UTILITY GRANT SCHEME

208. Hon ED DERMER to the Minister for Child Protection:

For each of the months of February and March 2012, how many applicants were provided with financial assistance to pay utility bills for each of the following suburbs: Leeming; Canning Vale; Morley; Wanneroo; Willagee; Samson; Spencer Park; Balcatta; Dalyellup; High Wycombe; Kingsley; Clarkson; Noranda; Yokine; Currabine; Parkwood; Innaloo; Huntingdale; Ellenbrook; Darch; and Peppermint Grove?

Hon ROBYN McSWEENEY replied:

I thank the honourable member for some notice of this question. One member of the community in Leeming was provided with financial assistance in February; two in Canning Vale; eight in Morley; 17 in Wanneroo; six in Willagee; no-one in Sampson; four in Spencer Park; 10 in Balcatta; eight in Dalyellup; four in High Wycombe; no-one in Kingsley; 23 in Clarkson; one in Noranda; six in Yokine; no-one in Currabine; three in Parkwood; four in Innaloo; nine in Huntingdale; 23 in Ellenbrook; three in Darch and one in Peppermint Grove. In March 2012, no-one in Leeming was provided with financial assistance; five in Canning Vale; 14 in Morley; 10 in Wanneroo; eight in Willagee; no-one in Sampson; two in Spencer Park; seven in Balcatta; 11 in Dalyellup; 11 in High Wycombe; four in Kingsley; 36 in Clarkson; three in Noranda; eight in Yokine; six in Currabine; five in Parkwood; seven in Innaloo; 13 in Huntingdale; 21 in Ellenbrook; one in Darch; and one in Peppermint Grove.

PETROL SNIFFING — LEGISLATION

209. Hon GIZ WATSON to the Minister for Mental Health:

I refer to the report published in *The Australian* on 27 December 2011 entitled "Compulsory treatment push for Aboriginal petrol sniffers", which reported the minister as saying that legislation to combat petrol sniffing, similar to laws in the Northern Territory, would be a key priority this year.

- (1) What progress has been made on this bill to date?
- (2) When is it expected that the bill will be introduced?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1)–(2) On a number of occasions—and the most number of occasions I have talked about this matter—I have indicated that if evidence is available that demonstrates the efficacy of the Northern Territory legislation in comparison with existing Western Australian legislation, I would be prepared to consider such an approach in this state. I want to make it clear that Western Australian legislation is in place at the moment but it is spread across two or three different acts. I do not think that is the most efficient way to provide that kind of legislation to support something like the mandatory treatment programs that operate in the Northern Territory. I have always underlined that with the comment that it has to be proven that the mandatory treatment program produces better results than the voluntary treatment program that currently exists in Western Australia.

Towards the end of last year I asked the Drug and Alcohol Office to do some research across not only Australia but also other jurisdictions to find evidence or research around that. Unfortunately, the information that I got back is that there appears to be a paucity of research into the effectiveness of what is referred to as civil commitment options. Having said that, I am not prepared to leave it at that. People from the Northern Territory programs have spoken to me in my office. We have looked at some projects. I recently spent five days travelling around the Ngaanyatjarra lands and visiting Aboriginal communities. I talked to people who were accessing the Mt Theo program in the Northern Territory. More recently we decided, in the absence of having some legislation in WA, that we would fly young people from Laverton to a Northern Territory service and also monitor the outcome of those young people.

I have come to the understanding that a successful response to volatile substance abuse depends on much more than legislation; it requires this rather comprehensive approach which involves the fuel alternatives—the rolling out of opal fuel. That is a commonwealth responsibility. The commonwealth is doing good work on that. Appropriate legislation is needed to require people to attend residential rehabilitation facilities, including in those very remote areas. The problem is that some of those very remote facilities have fallen over because they cannot retain staff. It is very difficult to retain staff. The people from the Northern Territory were telling me that they have to be a long distance away from where people live because the legislation does not give them the right to detain people there. If someone decides they have had enough one day and they are going to walk out, they can. Under the legislation, the only option is for them to be detained by the police and taken back to the rehabilitation facility. The people running the program get around that by establishing these places a reasonable distance away from the community so that the chances of walking back are not that great. That in itself has the problems of retaining staff and making sure that an ongoing resource is available for the services to continue to operate.

Officers from the Drug and Alcohol Office were with me on my trip around the Ngaanyatjarra lands. They have made a commitment to meet with the people and see what happens at Mt Theo. I understand that it works very well but it is not what we might call a standard government-run service. I do not think it is a government run-service.

Apart from the legislation and the rehabilitation facilities, we also require a determination by the local communities and authorities to bring about a zero tolerance attitude of petrol and other volatile substance sniffing. That is absolutely essential. The people at Mt Theo also said that one of the strengths of any of these programs is that when the kids go back to the community, if the community elders and adults do not role-model the behaviour that the kids are expected to undertake and show consequences for bad behaviour, it will not work and they are just wasting their time. The critical mass of all these initiatives working together is necessary to begin to reverse the current downward spiral of volatile substance abuse. Such a response requires dedication and determination across state, commonwealth and local government agencies. The trip that I did out to the lands was incredibly uplifting because many of those things are in place in a series of communities. They have opal fuel, local by-laws, no alcohol—they are dry communities—and the communities are very strongly connected with country and their culture. They have a relatively minor or negligible issue with volatile substance abuse. Work is continuing on this issue but at the moment I am not committed to bringing in that legislation. I am still looking at all those issues that I mentioned.

QUESTIONS ON NOTICE 5298, 5352, 5383, 5395, 5156, 5220, 5222, 5158, 5161, 5163, 5167, 5180, 5185, 5186 AND 5195

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Simon O'Brien (Minister for Finance)**, **Hon Peter Collier (Minister for Energy)** and **Hon Helen Morton (Minister for Mental Health)**.

QUESTIONS ON NOTICE — HON ALISON XAMON

Questions on Notice 5225, 5226 and 5233 — Answer Advice

HON PETER COLLIER (North Metropolitan — Minister for Energy) [5.08 pm]: Pursuant to standing order 107(2), I wish to inform the house that the answers to questions on notice 5225 and 5226 asked by Hon Alison Xamon on 6 March to me as Minister for Energy; Training and Workforce Development will be provided on 15 May. The response to question on notice 5233 will be provided tomorrow. It was recently discovered by my office that wording for these questions was missing from the database due to an information technology fault. The member will not have to wait much longer.

MIDLAND HEALTH CAMPUS — CATHOLIC CHURCH ETHOS

Question on Notice 5155 — Answer Advice

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.09 pm]: Pursuant to standing order 107(2), I inform the house that the answer to question on notice 5155, asked by Hon Giz Watson on 6 March 2012 of the Minister for Mental Health representing the Minister for Health, will be provided on 15 May 2012.

SUPPLEMENTARY PROPERTY PURCHASE PROGRAM — ALCOA TRANSACTIONS

Question on Notice 5212 — Answer Advice

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.10 pm]: Similarly, pursuant to standing order 107(2), I inform the house that the answer to question on notice 5212, asked by Hon Giz

Watson on 6 March 2012 of the Minister for Mental Health representing the Minister for Environment, will be provided on 24 May 2012.

QUESTIONS ON NOTICE 5176, 5181, 5187 AND 5198 — HON LJILJANNA RAVLICH

Answer Advice

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.10 pm]: Pursuant to standing order 107(2), I inform the house that the answers to questions on notice 5176, 5181, 5187 and 5198, asked by Hon Ljiljanna Ravlich on 6 March 2012 of me, the Minister for Mental Health, will be provided on Thursday, 17 May 2012.

The PRESIDENT: Just before we resume business, I know that members have been away from this place for about a month, but just in case they have forgotten where to find the standing order relating to the conciseness and relevance of questions, I invite every member and minister to read standing order 104 again to refresh their memories.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Matt Benson-Lidholm) in the chair.

Standing Committee on Environment and Public Affairs— Twenty-fourth Report — “Inquiry into Cockburn Cement Limited, Munster” — Motion

Resumed from 28 March on the following motion moved by Hon Brian Ellis —

That the report be noted.

Hon BRIAN ELLIS: I am not exactly sure where I got up to in my last comments on the report.

Hon Norman Moore: Start again!

Hon BRIAN ELLIS: I have only four minutes left. However, I think I had made some mention of the recommendations and the findings that the committee had made in this inquiry. Basically, the committee was happy with the minister’s appeal decisions and some of the conditions that he had imposed on Cockburn Cement Ltd, in particular the requirement for a bag filter on kiln 5, which was subsequently overturned when CCL challenged that requirement in the Supreme Court. However, I understand that in future licences there will be a requirement to have a bag filter on kiln 5, and that was a recommendation of the committee also. In fact, the committee suggested in its findings that there should be stricter conditions on all kilns used for the production of lime.

Noting the time, I will move quickly on to some comments on the buffer around the plant. The part of the buffer that immediately surrounds the Munster plant has been allowed to be eroded, and the committee made comment on that in the report. It has been eroded, with incompatible land uses being approved within the buffer and adjacent to it or in its vicinity. Over the past three decades the buffer has assumed the status of an informal planning overlay, as described by the Department of Planning, but it appeared to the committee that the avoidance of land use conflict was never the primary focus of the buffer. Despite this, the committee was of the view that the relevant decision makers and government bodies had failed to appreciate and address the complex planning issues associated with the Munster plant and the surrounding areas. We have to remember, though, that CCL has been at this site for a long time and, as the Department of Mines and Petroleum identified, the Munster plant’s development of resources and associated cement production is critical to the future development of public and private infrastructure in Western Australia. The plant itself commenced operations at this site in 1951.

Some submitters to the inquiry said that they were in favour of the plant being moved or closed down, but the majority of the submitters who live near the plant did not call for this. They just want a reduction of the dust, odour and noise emissions so that they can have the quality of life that they had in the past. That really came across as the main concern. However, as I said, there was a very small minority that wanted the plant closed. They were prepared to live with the plant as long as the plant could be controlled in such a way that some of the excess dust from trips in particular was controlled. I expect that in future licence agreements that will be the case. I commend the report to the house.

Hon LYNN MacLAREN: I rise to speak to the standing committee report on the inquiry into Cockburn Cement. I am a member of the committee that produced this report, but I am also a member representing the citizens of the South Metropolitan Region. Cockburn Cement is a really iconic industry in our area and it has impacted negatively on the residents living there for quite some time. Again, it behoves me to note that citizens in our state should not have to go to the extreme lengths of initiating a committee inquiry to ensure that they have clean air to breathe and that they can live without the nuisance of dust or the fear that they are going to be sickened by industry in the area. That is what the committee inquiry uncovered. Quite a lot of residents there, and new residents who had moved to the area, had a lower tolerance, obviously, to the pollution around them.

When the committee looked into this, we found that, yes, there were concerns. I was repeatedly frustrated by not being able to get the Department of Health to actually assess some of the residents' claims, because every time we brought that up, we found that there were some studies, but I was not convinced that the health studies that were done were comprehensive enough to ensure the public health of people who live in the vicinity or in the outfall area of the emissions from Cockburn Cement.

We learned that Cockburn Cement is critical to the state because it produces lime, and that is a really important material in construction. As we know, this is a boom state and it is growing exponentially, and with that is more need for construction. The need to figure out a way for this company to operate safely was important and the committee looked at that. In summary, I think we found overall that the Department of Environment and Conservation, which monitors emissions and sets licence conditions, was really not doing the job that residents felt it should be doing and that when trip events occurred and the normal operations of the factory failed, there were long periods in which dust could be spewing up into the atmosphere and no action seemed to be taken. This is a plant that operates 24 hours a day, yet there was no complaints mechanism that could respond quickly enough to stop those events from impacting on nearby residents. That is not good enough. In 2012 we should be ensuring that industry operates to a better standard. I think it was important that the government responded to the recommendations, for the most part positively, and amended the licence so that the conditions were more stringent. At the end of the day though, the important thing is that residents in Cockburn living in the airshed, if you will—the area of influence from the emissions of Cockburn Cement—are protected.

We also found that monitoring was not good enough for us to be confident that these residents were not being affected. Monitoring needed to increase; the enforcement by the Department of Environment and Conservation when incidents occurred had to improve and; in this extraordinary case, the government required Cockburn Cement to invest many millions of dollars into new technology to ensure that the emissions from the worst stack, which is kiln 6, would be suppressed by the bag filter. That was a great outcome of the entire inquiry. But it took far too long and many of the residents who were coming to me were frustrated with the lack of immediate action. I think there is something to learn from that. We should improve our system so that we can act more promptly when potential health incidents can occur due to the normal industrial day in, day out mechanisms that occur in our state.

We found that business as usual was in fact endangering residents and their health, that government departments should have done a better job to protect them from emissions and that the company could be forced to act when everyone got together and required it. Why did that not happen years ago? I wish it had happened years ago because all the people who grew up around that area could potentially have health impacts further down the track. I wish the committee inquiry had happened a long time ago. I wish that Cockburn Cement had cleaned up its act a long time ago. I want to congratulate the citizens of Cockburn who got together, finally, after many years of frustrating inactivity on the part of the government and forced something to improve. Now, hopefully, their lives will be a little bit better because this factory has improved its operations. There is still kiln 5, as the chairman of our committee mentioned. We hope that when kiln 6 is tested and the bag filter on kiln 6 works, kiln 5 can be fitted with similar technology so that we can be assured that even more dust is suppressed and not emitted into the atmosphere. This highlighted for us a major issue that will be before the state in the coming months and years, which is the industrial buffer and how the air quality is protected for our residents on the Swan coastal plain, because we will be impacted on by emissions if our environmental protection systems do not improve and controls on industry in this state do not improve. I point members to our report as a good example of how industry can clean up its act, and we hope it will continue in the vein it is, to work with the community in responding to complaints quickly and addressing them with improved environmental systems in its factories.

Question put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Twenty-first Report — “Parliamentary Inspector’s Report Concerning Telecommunication Interceptions and Legal Professional Privilege”

Resumed from 24 November 2011.

Motion

Hon NICK GOIRAN: I move —

That the report be noted.

In moving this motion, I note that this is a very significant report which, in essence, provides to this house the report of the “Parliamentary Inspector’s Report Concerning Telecommunications Interceptions and Legal Professional Privilege”.

I will begin with a story; that is, that this report arose from an inquiry by the parliamentary inspector in March 2010. On 4 March 2010 an article was published in *The West Australian* referring to evidence given in the Perth Magistrates Court by a CCC investigator in criminal proceedings against Mr Brian Burke. The article reported that the CCC investigator had given evidence that the CCC had intercepted and listened to telephone

conversations between Mr Burke and his lawyer, Mr Grant Donaldson, SC. After reading the article the parliamentary inspector obtained a copy of the transcript of evidence in the Magistrates Court and confirmed that the article was broadly accurate. This gave the parliamentary inspector cause for concern about the procedures adopted by the CCC in dealing with intercepted telephone communications that are the subject of legal professional privilege. After receiving a complaint from Mr Donaldson, the parliamentary inspector launched his inquiry. This is the genesis of the report that is before us this afternoon.

Some members in this place might ask the question: what is legal professional privilege? As the parliamentary inspector states in his report —

“LPP has been described as ‘a fundamental and general principle of the common law,’ and it exists to protect ‘a very important entitlement in our society by which anyone may seek, and obtain, legal counsel in the confidence that communications with a lawyer, and documents produced for or in consequence of such communications, will not normally be disclosed without the affected client’s consent.’”

Legal professional privilege protects two kinds of confidential communications between a client and his or her lawyer. The first is when the communications are confidential and made for the purposes of seeking or being provided with legal advice. The second is when the communications are made for the purpose of existing or reasonably contemplated judicial or quasi-judicial proceedings. Mr Chair, notwithstanding the importance of legal professional privilege, you may be aware that the Telecommunications (Interception and Access) Act 1979, which is a commonwealth act, allows commissioned officers executing a warrant to make a record of, communicate to another person and make use of, any lawfully intercepted information for a permitted purpose, including the investigation of misconduct. This power extends to conversations that may attract legal professional privilege. In this report, however, the parliamentary inspector contends that, “while the use of such information may be lawful, the CCC has not in the past properly considered the appropriateness of using privileged material in its investigations.” Essentially, the parliamentary inspector recommends that the CCC takes a more measured approach to dealing with material that may be covered by legal professional privilege. This is an extremely complex issue. Put simply, it is impossible for the CCC to determine whether intercepted material would be covered by legal professional privilege without a CCC officer first listening to the material and making that determination.

At the time of the report, certain practices were in place in the commission. After the issue of legal professional privilege was raised by the parliamentary inspector, the CCC amended its procedures so that when an intercepted call is identified as being between a lawyer and client, the call is, as I understand it, immediately locked down and the director of operations is notified. An assessment and determination is then made by the director, sometimes in consultation with commission lawyers, as to whether legal professional privilege is applicable and whether the information is of value to the investigation. In the event that the information is of operational or strategic value but still subject to legal professional privilege, it can still be released for that purpose. According to the parliamentary inspector, not only should the assessment be made by a senior commission lawyer but a conscious assessment that the intercepted material is for a permitted purpose needs to be made. In response to this, the commission has agreed to adjust its procedures so that a lawyer from the CCC’s legal services directorate will provide the initial advice as to whether the material attracts legal professional privilege.

Although the parliamentary inspector argues that appropriateness is a practical requirement of any legislation; on the other hand, the commission argues that if communication of the material is permitted under the act then it is also appropriate. Under the provisions of the Telecommunications (Interception and Access) Western Australia Act 1996 the test is whether the information may assist in connection with an investigation and that it be communicated for a purpose connected with the investigation. This includes the gathering and dissemination of supporting and supplementary information as well as evidential material. In response to this assertion the parliamentary inspector states —

... the Commission should still evaluate the worth of that information against the important public policy underpinning LPP, taking into account the importance accorded by the CCC Act to the protection of other forms of information subject to LPP. That is to say, the Commission is still able to make a discretionary judgment, even when the communication would be for a permitted purpose ...

I do not need to tell the Chair that the committee has worked for a while now with both the parliamentary inspector and the CCC to wherever and whenever possible achieve some agreement between the parties prior to the public release of information. That is good practice and on the whole has been successful. Although it is not a requirement, all stakeholders have worked positively to try to achieve this.

Since the commencement of this inquiry the parliamentary inspector and the CCC have reached some consensus on a number of issues and, as the parliamentary inspector states —

... the Commission’s current practices largely accord with those recommended, subject to some differences which I have incorporated into my final recommendations.

The parliamentary inspector made several recommendations explicit to the practices of the Corruption and Crime Commission, and as such they were not reproduced in our report. The parliamentary inspector did, however, experience significant time delays caused primarily by the lack of a commissioner or delegated authority at the time. The committee therefore made the following recommendation to the Parliament —

The *Corruption and Crime Commission Act 2003* should be amended to allow for the appointment of deputy and/or assistant commissioners, to whom specific functions may be delegated by the Commissioner, and who are able to act as the Commissioner in the Commissioner's absence.

The response from the Attorney General to that recommendation is as follows —

As the JSCCCC is aware, the most fundamental of those staffing deficiencies has since been resolved with the appointment of the present Commissioner, however it is acknowledged that enhancements to the CCC's management structure of the nature mooted by this recommendation might conceivably ameliorate such difficulties in future.

The Attorney General goes on to state —

In any event, the JSCCCC is aware that the Government is presently drafting legislation which will implement various reforms to the *Corruption and Crime Commission Act 2003*. As noted in previous responses, these reforms are presently subject to Cabinet processes, however the JSCCCC recommendation is noted in the context of those ongoing reforms.

I will conclude at this point given that my time is up and commend the report to the house.

Question put and passed.

Standing Committee on Estimates and Financial Operations— Thirty-fifth Report — “Report on the Inquiry into Western Australian Tourism Commission’s Involvement in Major Tourism Events”

Resumed from 1 December 2011.

Motion

Hon GIZ WATSON: I move —

That the report be noted.

I will make a few comments about this report, our thirty-fifth report tabled in December last year. This inquiry's principal focus was to determine whether the Western Australian Tourism Commission's sponsorship of the One Movement for Music Festival represented value for money for the taxpayer. In this regard, the committee's main focus was on public outcomes that were achieved in sponsoring the event.

The committee is of the view that the main outcomes of the One Movement for Music Festival were that public tourism-related benefits were reasonably close to those forecast for the event and while the event attendance was poor there were some very positive artistic benefits from staging the event; and also that the most significant adverse outcome of the One Movement for Music Festival was the financial loss incurred by One Movement Pty Ltd in establishing, promoting and staging the One Movement for Music Festival in 2009–10. We were also of the view that the global financial crisis had an adverse impact on the events' financial viability, particularly the 2009 event. We also found that the Western Australian taxpayer received value for money from the Tourism WA sponsorship of the One Movement for Music Festival as it achieved an independently measured positive tourism return on investment. However, when we look at the bigger picture, after taking One Movement Pty Ltd's financial loss into account, the value of the festival to the WA economy as a whole is, in fact, open to question.

The committee made some recommendations following its inquiry. I wanted to add that we made some comments on the accountability around this particular event. We note that Tourism WA attracted substantial criticism, both in the public debate and in the Parliament, for its role in the One Movement for Music Festival. Tourism WA's initial reluctance to answer the committee's questions and the lack of transparency surrounding the One Movement for Music Festival understandably led the committee to seek further answers, which again in the second hearing were still unsatisfactory, and as a result of that the committee undertook to carry out this inquiry, which this report is about. I guess that is to be noted for other departments and agencies.

Indeed, the committee was of the view that if the Department of Tourism WA had responded more fully to the original questions, we might not have embarked on a full inquiry. Nevertheless, we ultimately acknowledged the full cooperation of Tourism WA once the inquiry was established, and the committee made a number of findings and recommendations, which are listed at the beginning of this report. I will not go into all of them given that I have limited time. We have now had the government response from the Minister for Tourism. We received a copy of the government's response in March this year. The committee was pleased to note that the minister and Tourism WA seem to have taken on board the key recommendations of the inquiry.

The first recommendation was that, during future contract negotiations, Tourism WA seek stronger safeguards in matching the timing of milestone payments with the timing of the contractual performance delivery of the event. The government supported this recommendation. In doing so, it stated —

In response to the recommendations of the Standing Committee, Tourism Western Australia ... is preparing an Events Framework. This Events Framework will document the processes involved in developing, managing and evaluating events. A guide is to be included in the Events Framework that outlines the key considerations in determining milestone payments in accordance with the contractual performance delivery of the event.

...

The milestone payment guide will reflect these considerations and provide, as part of an overall Events Framework, a mechanism for ensuring stronger safeguards in accordance with the recommendation of the Committee.

We note that the events framework will be finalised in July this year, and we look forward to seeing it to satisfy our interest in whether the responses are in line with the committee's recommendations.

The second recommendation was that, in future, Tourism WA ensure that all materials supporting agreements are consistent throughout and formally executed and give proper effect to the main contract. The government also supported this recommendation. The minister's response was —

As part of the development of an overall Events Framework, Tourism Western Australia ... is undertaking a review of its sponsorship agreement template. This review is to consider and update as appropriate the provisions of the standard contract entered into by Tourism WA and the event holder to ensure the standard agreement is current and reflects best practice. This includes reviewing the provisions relating to third party contracts and supporting agreements, and the obligations associated with these.

The sponsorship agreement template and the sponsorship agreement log will apparently be finalised in May, so they are also due soon.

The third recommendation was that, due to the high financial risk of many major tourism events, as a matter of urgency Tourism WA produce a policy that sets out the minimum standards required for due diligence. Again, the government's response was to support the recommendation. The minister stated —

Tourism Western Australia ... is looking at a number of aspects of how it manages events. This includes consideration of its sponsorship agreement template, approach to risk assessment, feasibility study requirements and post event evaluation. These processes were initiated prior to the delivery of the Standing Committee's report and have been informed by its recommendations.

Again, that event framework will be finalised by July 2012. I note that it is anticipated that its development will evolve over time in accordance with best practice and lessons learned in its application.

Finally, the fourth recommendation was that Tourism WA review its methodology of calculating economic value to the state from visitor numbers. This is one of the bits that I was particularly interested in. It is an interesting formula for evaluating the benefit to the state from these major events. I am sure that Hon Norman Moore has a long memory —

Hon Norman Moore: It's not that long ago!

Hon GIZ WATSON: He has particular recollections of the challenges of major events.

Hon Norman Moore: It's very problematic working out the economic benefits.

Hon GIZ WATSON: Until we had this inquiry, I had no idea of the complexities of trying to host major events, so I found it to be quite a useful learning experience. Again, the government partially supported that recommendation. In its response, it stated —

... Tourism Western Australia ... has developed a procedure for evaluating the overall impact of an event. This post event evaluation procedure recognises the need to evaluate all aspects of the event's performance. This includes economic impact, media impact and destination exposure, contribution to the social environment and impact on stakeholders, events holders and sponsors where appropriate.

The development of a post-event evaluation procedure was completed in 2012.

This was an interesting inquiry for me. As I said, I did not have much knowledge at all about staging major tourism events. I found the complexities of the necessary contracts and agreements, the risk taking and the benefits to the community to be a very interesting process to look into.

I thank the committee staff, in particular Steve Hales. I think this was the first report that he assisted us with, and he has done an excellent job. I acknowledge the feedback from the tourism sector. It has appreciated the work

that the committee has done and feels that it has been a positive contribution to the issue of assessing future major events and making sure that the accountability is watertight.

Hon LJILJANNA RAVLICH: I, too, want to make some quick comments on this inquiry. I put on the public record how important the tourism industry is to the economic wellbeing of the state. Its contribution to the state's gross domestic product should not be underestimated. Quite clearly, the industry is going through a difficult time at the moment for a whole range of reasons, not the least of which is the high Australian dollar. Having said that, it is fair to say that Tourism WA acts with good intent in trying to promote the level of tourism activity in the state and to ensure that there are benefits as a result of the decisions it makes about the sorts of activities and events it will support. Eventscorp has a very important role in ensuring that it continues to sponsor high quality and high revenue generating events and, most importantly, in increasing visitor numbers to the state. That is the most important thing. After we get visitors to the state, the next most important thing to achieve is to ensure that they use our transport, go to our restaurants, book into our hotels and so on. The whole thing is geared around the tourism dollar and the impact of the economic revenue generated from those visitations.

Before the Standing Committee on Estimates and Financial Operations started this inquiry, there was a view that something had gone very wrong with the One Movement for Music festival. This particular project had all the hallmarks of being a fantastic event; however, that did not eventuate. A lot of people rightly thought that there was something drastically wrong. Of course, the committee was concerned to get to bottom of this to find out exactly why all that seemed to have been promised did not eventuate. Probably the biggest impact on the success of the One Movement festival was the fact that trying to get this particular event up and running coincided with the onset of the global financial crisis. It is fair to say that, as a result of that financial crisis, the interest of some people who perhaps would have invested in or underpinned this event fell by the wayside and it became increasingly difficult to stage as successful an event as it should have been. However, the research and the work of the committee highlighted a number of things, and we certainly hope that Tourism WA is much more conscious of some of the requirements of staging events and of course of measuring the value that WA taxpayers get for the expenditure of the taxpayers' dollar. There is no doubt, as Hon Giz Watson has already mentioned, that some of the measurements were a bit rubbery. The way in which tourism numbers were calculated certainly did not seem to be an exact science. I do not really want to go into that, but the whole issue of how tourism numbers are calculated still provides considerable concern to people in the industry. For example, a lot of people would not know that the number of people on flights in and out of the state are counted and recorded as visitor numbers. Increasingly, those figures include a number of people who travel to the north west to work and there is, therefore, a distortion of the numbers.

There is no doubt that the measuring of the social and environmental value of the One Movement for Music festival and its economic impact certainly could have been done better, and there is no doubt that the whole issue about how the agency enters into contractual arrangements with proponents also could have been done better. Having said that, the committee was of the view that, although some things should have been more rigorously addressed, overall it was not the case—as some members had suspected—that there was major wrongdoing.

Hon Giz Watson has already commented about the recommendations and I do not really want to go over them again. However, I have to say that it was an interesting experience and I hope that the work of the committee will inform Tourism WA and Eventscorp especially, because I think it is important to get it right. I think that everybody would agree that when public moneys are invested, be it through Eventscorp or indeed through any other joint venture or investment mechanism, we need to ensure a benefit to the broader community. Unfortunately, this case was a matter of bad timing. The committee was, therefore, I think, very fair in its assessment of that, and the recommendations reflect the committee's view to that extent.

Hon PHILIP GARDINER: I rise to say a few words, although I note that one of my absent colleagues wanted to speak to the Standing Committee on Estimates and Financial Operations' report titled "Inquiry into Western Australian Tourism Commission's Involvement in Major Tourism Events"; therefore the few words that I initially wanted to say may be expanded a little.

Hon Giz Watson and Hon Ljiljanna Ravlich have reflected a substantive amount of what occurred in the deliberations of this committee. In looking at Tourism WA and Eventscorp in particular, what prevails, and the reason for its existence, frankly, is market failure. We have Eventscorp to put in money only because the market is not willing to put in money and therefore Eventscorp, by way of financial support, supports events in Western Australia designed to attract visitors to Western Australia.

The One Movement for Music festival was a very exciting concept. It was a concept in which the risks had been reasonably well defined. However, under the scrutiny of a bipartisan committee working in a totally apolitical way, the evidence drawn from witnesses showed that the risks were mostly examined and mostly covered. However, additional risks that may not have been seen by the event holders at the time were pointed out by the committee so that in the future Eventscorp could make amends to cover those risks as well.

The One Movement event would have been a great feature for Western Australia as it built on its reputation. Unfortunately, the event failed to build because it ran into the global financial crisis, which in the end caused the event promoters to lose in excess of, I think, \$1 million each of their own money—it may have been more than that—as well as the state’s contribution, which was, I think, just over \$1 million. If we take the true number of visitors who came to Western Australia and the money they left in Western Australia as a result of their visit, the evidence shows that the state is in front—in the sense of gross domestic product. However, the individuals who put up the money lost out. As a state, we unfortunately lost out because of the global financial crisis—and nothing else.

An aspect of the committee’s work, and I was very proud to be a part of this committee’s work, was the preconceptions or preconceived views about a number of aspects of the One Movement for Music festival, including the risks, the possible losses and the possible trumped-up results and ticket sales and so on. In any event, our minds were changed as we drew the evidence from the various witnesses. In the end, we were all in agreement with the conclusions, but for some of the five committee members, those conclusions were quite different from those preconceptions with which they started the inquiry.

One of the worst parts of public life is that criticisms are made really without a deep understanding of the facts. When that occurs it hurts, but that is a part of public life. It occurs often—too often—and it occurs everywhere. People like to downgrade things and criticise people, and this happened to the One Movement promoters, yet the evidence suggests that the One Movement promoters did the best that they could under commercial circumstances in which their money was at risk—and they lost their money. The idea was a great idea and the festival would have been a wonderful continuing event, had it been able to continue for the expected number of years foreshadowed. As members will probably know, the One Movement for Music festival really came from examples of events held in Manchester and, I think, on the west coast of the United States. With the Asian region growing as it is and the musical groups that this event intended to attract around a series of seminars and conferences and so on, it would have attracted international music promoters that in turn would help our home-grown music talent to flourish in ways additional to those that we currently have, and to obtain prominence outside Australia.

The benefits of that are forgone and I do not know whether they can be replaced. The only other difficulty coming out of this is whether people who will put money into tourism events in Western Australia now will raise the bar higher. It may be that we have to provide some additional support over and above that which we have provided previously to attract people to invest. People may be concerned about the scrutiny that this event has been put under, but that is an unfortunate consequence because that is the type of scrutiny events should always be placed under. As a result of the committee’s intense scrutiny of the event, we found that people took risks which they perhaps did not fully understand, but which they understand now, and that understanding will ensure that they and the state better manage those risks in the future.

Sitting suspended from 6.00 pm to 7.30 pm

Hon LIZ BEHJAT: I also rise this evening to speak on the thirty-fifth report of the Standing Committee on Estimates and Financial Operations, “Report on the Inquiry into Western Australian Tourism Commission’s Involvement in Major Tourism Events”, and I rise as a member of that committee, and one of the government members on that committee. Members of the house will know that I am passionate about the work that I do with committees because I have spoken about this on a number of occasions previously. Estimates committees sometimes by their very nature can become quite adversarial committees in that, historically, in state and commonwealth governments, they can be vehicles for oppositions to find problems with governments; and, if problems arise, government people who sit on estimates committees can try to minimise the damage that might be caused by the opposition, which uses that committee as a vehicle to do, if you like, mischief.

I think that the Standing Committee on Estimates and Financial Operations of this Parliament, however, is quite a different committee, in that all members of that committee take the work of the committee very, very seriously, as it is charged with looking at matters pertaining to the financial operations of all the government departments. Therefore, as a government member, when something comes to light, if I think that something needs looking at, I will not merely be a puppet of a party and say, “No, I’m not going to do that because that might do something against my government.” I am quite proud to be part of a government which is happy to hold itself up for scrutiny in any way it can and which will say, “Yes, we do need to look at that.” This certainly was one of those instances in which matters came to light through the course of our estimates hearings in which we thought that the Western Australian Tourism Commission, through its vehicle Eventscorp, had perhaps not been dealing in matters in the most prudent way it could have. Therefore, we decided we would hold this inquiry. At the outset, when we set the terms of reference for the inquiry, I do not think we ever thought we would end up with the amount of paperwork that was given to us from the department when we asked to see certain things, because previously perhaps, the department had been somewhat reluctant to provide information to us or to provide detailed questions. Once the matters we wanted to look at came to light, the department itself was very willing to provide it when it was needed.

I would also like to go on the record thanking our advisory officer and the committee clerk, Steve Hales, and the others who ably assisted him in trolling through the massive amount of information that we did get to have a look at to reach those decisions we reached. What came to light in the end was that there was not anything knowingly done that was that bad, but perhaps there were some processes internally within the department that could have been done better.

Regarding the recommendations of our report, as to what it went to, the commission in response has taken those recommendations on board and said we were right and that it appreciates the recommendations of the committee. It wanted to let us know what it had done to ensure that the failures that surrounded the One Movement for Music Festival hopefully would not happen again. Just by their very nature, those events carry risks along with them and that became evident to us when we took evidence from the promoters of the concert. It just so happened that at that time the global financial crisis came along and there were other matters as well, and the festival went the way that no-one would have hoped that it did. I would say to those people from Sunset Events who were involved in it that it is a very good operation and it holds some fantastic festivals around the place and is well known for that. The recommendations in our report should in no way reflect on that organisation. I think it really goes internally to what was happening with the tourism commission, perhaps, in its own governance structures. That is what this committee really got to the heart of; they were the issues that were at hand.

One of the things we noted in the response from the government to recommendation 3 was that an events framework is being finalised and will be available in July this year, noting that it is anticipated that its development will evolve over time in accordance with best practice and lessons learnt in application. As a member of Parliament who sits in this place and tries to make things operate in a better or more streamlined way or in a way with less red tape, I guess that is all I can ever hope for—that it will do things in accordance with best practice and lessons learnt and that if there are lessons to be taken away that we do not just waste a lot of time on these committees. It was just pointed out to us quite recently that our committee spends a lot of time meeting, but we do not do it frivolously. We are dedicated to the work we do and it is heartening to know that when we do spend those hours outside this chamber in those committee meetings and in those hearings and late at night and on weekends—whenever there is time that we give up ourselves—and put together a report and send it to a government department, it is not just put on a shelf to gather dust; it is not just disregarded, someone has looked at it. They have a look at those recommendations and take them on board and say, “Yes, we will do something about that.” I am also very thrilled to know that since the time of this hearing, Eventscorp itself has had some changes and the new executive director of Eventscorp, Mr Gwyn Dolphin, has taken it on board. I have met with him on a number of occasions now when I have been out and about at festivals and functions that Eventscorp have been sponsors for. He certainly brings to the role an enthusiasm and an understanding of the types of things that we are looking to attract in Western Australia that I think perhaps previous administrations may not have had. We also know that under the CEO, Stephanie Buckland, lots of changes have been brought about in Tourism WA. In the three years I have sat on the Standing Committee on Estimates and Financial Operations, I have certainly noticed a huge shift in the way that department itself operates and the way it has been treating its appearances in front of the estimates committee. I think, to the credit of the Deputy Premier, Dr Kim Hames, as Minister for Tourism he has taken on that role with an enthusiasm that may have been lacking previously. When the minister is very enthusiastic in that role and governance of the department itself is well managed, we will not have any cause in the future to be asking the Tourism Commission to appear before the estimates committee to tell us about another failure involving its support of some festivals.

Western Australia is going through a very vibrant time at the moment with the beginning of the development of the waterfront area, the sinking of the railway line and all the other things we are seeing that will change the face of Perth city dramatically. Hand in hand with that goes what Western Australia will be doing about attracting world-class events such as what the One Movement for Music festival could have been. Let us not take away from those people that that festival could have been a great success.

On Monday evening this week I attended a function at the Ellington Jazz Club. It is hoped through Graham Wood and the people who run that venue that they can hold the 2013 international jazz festival in Western Australia. No doubt they will be in conversation with EventsCorp and the Tourism Commission looking for support for that. One hopes that by the time those talks have taken place, the governance structures the commission has talked about in response to our recommendations will be well in place. And we can rest assured that any financial support given to the festival by the government will be well managed and looked after and we will not in future have to look into matters surrounding that governance.

I commend the committee for the report it put together. I think it is a fabulous report. As I said, it is something we, the five members on that committee, pride ourselves on. I was very pleased to see the government response to that report. It obviously took a lot of time thinking about it and taking on board the recommendations. I want to reiterate that this place needs its committees.

Question put and passed.

Progress reported, pursuant to standing orders.

TEACHER REGISTRATION BILL 2011*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Minister for Energy)**, read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [7.45 pm]: I move —

That the bill be now read a second time.

The Teacher Registration Bill 2011 repeals and replaces the Western Australian College of Teaching Act 2004. The bill is based on the findings of the statutory review of the Western Australian College of Teaching Act 2004, the report of which was tabled in this Parliament on 23 September 2010.

The review of the act and its administration found high levels of dissatisfaction among teachers, who were of the opinion that they were promised more than what was being delivered by the Western Australian College of Teaching. At the same time, the review found that if teachers' expectations were to be met, fees would have to rise to levels that would be generally unacceptable. In light of this, the functions of this bill are limited primarily to registration and discipline, which have been reformulated in terms of a "fit and proper" test and so that applicants and registrants have recourse to the State Administrative Tribunal in the event that their fitness and propriety is called into question.

The working with children check will still be required for teachers, as it is essential for every individual in the state who works with children. The board's fit and proper test will go to additional considerations specifically relevant to teachers as professionals and role models. A criminal history other than offences against children is relevant; for example, offences of dishonesty, and drug offences, would be considered. Non-criminal behaviour such as bullying may also be a relevant consideration for the board.

The review found shortcomings with the governance arrangements in the act. The government has virtually no say in the appointment of the 19-member WACOT board, with no guarantee that it has the expertise and experience needed to carry out its functions. The review concluded that the WACOT board should be smaller, and that its members should be appointed by the minister, who should also have the discretion to direct the board when appropriate, as distinct from a power to simply advise the board.

The bill proposes that the WACOT board be abolished and replaced by the Teacher Registration Board, a name that reflects its true nature, purpose and functions. This bill proposes a seven-member board, appointed by the minister for their qualifications, expertise and experience. The minister may request information from the board and is to have a power, when appropriate, to direct the board, although not in relation to any individual applicant complaint or proceeding. Ministerial directions must be tabled in the Parliament within 14 days.

The review also found that the functions under the act do not concentrate the WACOT board's attention on the primary reason for teacher registration, which is the protection of the public interest, especially the interests of schoolchildren. Instead, the act is more about enhancing the status of the profession, which, although important, is not the primary reason for a registration body. To remove any doubt as to the primary purpose, the bill provides that the TRB—Teacher Registration Board—in performing its functions, must regard the best interests of children as the paramount consideration. The TRB will be hosted by the Department of Education Services, which will provide corporate services and support. This department has the expertise and a track record in the regulation of the education sector; experience in similar arrangements, particularly the Training Accreditation Council; and has direct access to government services and expertise.

Under the bill, the TRB's functions are limited to the determination of professional standards, the registration of teachers, dealing with complaints and discipline and impairment matters, and accrediting initial teacher education programs. Teachers aggrieved by the TRB's decisions will have access to the State Administrative Tribunal. Currently, the only appeal avenue is to the District Court, which can be expensive, time consuming and cumbersome for individual teachers. Serious disciplinary matters will not be dealt with by the TRB and will go straight to the SAT in its original jurisdiction.

All teachers working in defined "educational venues" must be registered. These include schools, community kindergartens and childcare centres, with the option to add venues by regulation. Currently, only teachers working in schools can register or remain registered. There are four registration categories: full, which is the same as now; provisional, which is also the same as now; limited, which is similar, but adapted; and non-practising, which takes account of those who take a long break from teaching but who want to maintain their registration. The bill attends to a finding of the review that the act's provisions for limited authority to teach are slow, cumbersome and overly bureaucratic. This does not mean that there will be any drop in standards for registration in this category. The "limited" category will also provide for non-traditional graduate entry teacher education programs and the employment of students who have completed all course requirements but have yet to graduate.

The TRB will be able to take appropriate action to deal with complaints and other information that raise a question as to a teacher's fitness and propriety, including competence to teach. The TRB will have an interim emergency power to suspend a teacher's registration in defined circumstances in which the teacher is deemed to pose a potential risk of harm or injury to another. Such suspension is only for a very limited period while the SAT considers the matter. The TRB will also be required to cancel a teacher's registration in defined circumstances. These circumstances notably include when a person has been convicted of a sexual offence involving a child or is denied permission to continue working with children. A person whose teaching qualifications are found to have been forged or fraudulently obtained will also have his or her registration cancelled.

In respect of other questions about a teacher's fitness to be registered, the TRB may refer the complaint to the SAT for consideration, or offer to the teacher an internal process. The internal proceedings may be undertaken by either the disciplinary committee or the impairment review committee of the TRB, provided the teacher consents. The disciplinary committee has a range of penalties available to it should a teacher be found to have breached the requirements outlined in the bill, but they do not include cancellation of registration. A teacher aggrieved by a finding of the disciplinary committee will be able to apply for a full merits review in the SAT.

The impairment review committee is required to work with the teacher to find a mutually acceptable outcome, which might include suspension of registration, placing conditions on registration, or counselling. However, should it not be possible to reach such consensus, the impairment review committee will make a recommendation to the TRB that the complaint be referred to the SAT. These provisions do not require the board to deal with every complaint received. Complaints must first be evaluated, and only those with substance will proceed to be dealt with. The bill provides for the accreditation of teacher education programs offered by Western Australian higher education providers. It also provides for the adoption, through regulations, of standards for the profession, including recency of experience and ongoing professional development.

Teachers registered currently will transition to the equivalent registration category, subject to the same renewal date and any conditions as applicable under the Western Australian College of Teaching Act 2004. Teachers who have been working in educational venues other than schools, and who will be both entitled and required to be registered in accordance with the new provisions, will be able to register in the appropriate category.

Early childhood teachers working in child care will be accommodated, in accordance with strong representations to that effect from the early childhood sector during the review of the WACOT act.

Vocational education and training lecturers delivering vocational education and training in schools will no longer have to be registered. WACOT's staff will transition, with their full entitlements, to the department.

At the present time, WACOT's financial position is precarious. Its recent annual reports show that it has incurred operating losses and has had to draw down its cash reserves, which is unsound practice. The college's projection for the coming March to April financial year indicates that it does not have sufficient funds to sustain its operations beyond next November. WACOT's principal remaining asset is its mortgaged office premises. Under the provisions of this bill, WACOT's assets and liabilities will be wound up and the net proceeds placed in an agency special-purpose account called the teacher registration board account. The operations of the TRB will be self-funded through fees that are commensurate with actual costs. Having the TRB hosted by the department will enable economies of scale that are not possible in a small stand-alone agency like WACOT. The bill makes provision for the retention of some provisions of the WACOT act after the commencement of the new legislation for the purposes of retaining and managing WACOT's premises and related mortgage liabilities. Under these provisions, the WACOT board will be replaced by the chief executive officer of the department, whose responsibility will be to wind up the residual affairs of WACOT, after which time that act will be repealed in its entirety.

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

In summary, the bill provides for the registration of teachers by a process that ensures that they are appropriately qualified, and fit and proper to be employed as teachers. There is provision for periodic renewal of registration for teachers who continue in good standing and maintain currency of relevant skills and experience. There is provision for dealing with complaints against teachers alleged to be no longer fit and proper, or to be affected by an addiction or other impairment which significantly affects the teacher's ability to teach. Natural justice in dealing with registration applications will be served by having TRB members who are required to act in the public interest and, in particular, the best interests of children. It will be further served by the way in which complaints, disciplinary and impairment matters are handled by independent people with relevant expertise and experience. Matters relating to impairment will be treated differently, not as disciplinary matters but with the due care and sensitivity they deserve. The decision to introduce this bill was not taken lightly, and I am confident that

it takes account of the concerns of the teaching profession and the public. I would be surprised if there are any honourable members who are unaware of teachers' concerns about the current system. I trust they will welcome the provisions of this bill. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

**FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT
(TAXATION) BILL 2012**

Receipt and First Reading

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

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [7.55 pm]: I move —

That the bill be now read a second time.

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

This bill needs to be viewed in conjunction with clause 39 of another bill that will be introduced in this house—the numbering of the messages is rather unfortunate in that this bill was received first—the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012, which will amend section 108 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.

Fees under schedule 2 of the Fines, Penalties and Infringement Notices Enforcement Regulations 1994 in many cases act as a significant incentive for persons to pay outstanding infringement notices on time as a means to avoid subsequent enforcement measures, which now might include the measures that will be outlined in the other bill that I have foreshadowed. The separate bill is required, as the implication of the proposed changes to section 108 is that over-recovery will be authorised by that amendment. However, the difference between cost recovery and over-recovery as permitted by the amendment must be treated as a tax. As such, section 46(7) of the Constitution Acts Amendment Act 1899 requires a separate bill. The effects of this will become a little clearer when we receive the bill contained in Legislative Assembly message 248. I commend this bill to the house.

I formally table the explanatory memorandum.

[See paper 4471.]

Debate adjourned, pursuant to standing orders.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2012

Receipt and First Reading

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

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [7.59 pm]: I move —

That the bill be now read a second time.

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

The Fines, Penalties and Infringement Notices Enforcement Act 1994 commenced on 1 January 1995. Over the years since its introduction it has provided the state with a cost-effective means of enforcing fines and infringements. During this time some 3.7 million fines and infringements totalling over \$1 billion have been registered with the Fines Enforcement Registry. As at 6 March 2012, 739 793 fines and infringement notices were outstanding, totalling \$251 million. Of this amount, \$56.7 million is subject to time-to-pay arrangements. Further, as at the same date, 47 878 people had had their licences suspended for nonpayment of fines and infringement notices.

However, the central importance of the 1994 act was not its capacity to recover moneys due to the state. Prior to 1994 all persons with either outstanding infringements or fines were committed to jail in default of payment.

About 7 000 admissions to prison in 1994 were for fine and infringement default, at a significant cost to the prison system and the public purse.

Licence suspension has been a cost-effective enforcement measure, which has subsequently been adopted by almost every other state in Australia. However, we appear to have now reached a point at which licence suspension is, to some extent, reaching the limits of its effectiveness as an enforcement tool. As the number of people subject to licence suspension has increased, the propensity for people to continue to drive while their licence has been suspended has increased. The reality is that a significant proportion of the 47 878 people whose licences have been suspended by the Fines Enforcement Registry are continuing to drive. In 2011 the Magistrates Court received some 4 500 lodgements for the offence of driving while disqualified, where the disqualification was imposed by the Fines Enforcement Registry. Those people who continue to drive while disqualified not only demonstrate a contempt for the sanctions imposed by the law, but also pose a risk to themselves and other road users by driving when they should not be, and while uninsured.

The measures in this bill today are not targeted at the person with a one-off transgression against road traffic law or a local government by-law. They are quite deliberately aimed at the estimated 45 000 people who, firstly, have managed to accumulate over \$2 000 worth of infringements and fines; secondly, have disregarded the many warning notices issued by both the prosecuting authority and the Fines Enforcement Registry over a significant period; and thirdly, in all probability, continue to drive their cars in contravention of licence suspension.

Before I turn to the key features of the bill, I should briefly comment on the structure of the balance of this speech. The current act separates infringements and fines into two different parts. I intend to maintain this separation in introducing the amendments and, as some of the new measures apply equally to both infringements and fines, I will not necessarily refer to clauses in sequential order.

The government's first major policy initiative is implemented through amendments to part 3, "Infringement notices", of the current act. Amendments in clause 9 of the bill, which add new definitions to section 11 of the act, introduce the concept of "aggregate unpaid infringement amount". This is important as it determines a monetary threshold above which a person with outstanding infringements may be subjected to these new measures. Clause 14, which inserts a new section 21A into the act, specifies the conditions which need to be satisfied before a person is subject to the new measures, one of which is an aggregate unpaid infringement amount of at least \$2 000. Thus the new measures target only serious or recalcitrant offenders.

Another key policy feature is introduced through clauses 10 and 11, which amend sections 17 and 18 of the act. Up until now it has been the practice, based on the interpretation of the provisions of current section 45(2), that no two enforcement actions can operate at the same time. In other words, if a licence suspension order is in place and the registrar decides to issue a warrant of execution, then the licence suspension order must be uplifted before the warrant is issued. While this currently poses few problems, it will do so when the new enhanced measures are utilised. The amendments to section 17 and 18 allow the registrar to maintain a licence suspension order while at the same time initiating one of the new enhanced measures.

Another preliminary matter addressed in the bill relates to a policy change introduced by clause 11(5) which inserts a new paragraph (da) into section 18(5) of the act. As the legislation currently stands under section 21, a person subject to an infringement notice can elect to have the alleged offence tested in court at any time up until the modified penalty is paid. The change made at clause 11(5)(b) will mean that when the enhanced measures are applied, the person's ability to elect will cease.

The government's enhanced enforcement measures are based on a new approach to notification and enforcement processes. People who have their infringements or fines registered with the Fines Enforcement Registry will face a different process of notification and enforcement. Currently, when a fine or infringement is registered with the Fines Enforcement Registry the person is sent a "pay or elect" notice which advises the person to either pay the outstanding amount, or make time-to-pay arrangements, or elect to have the matter brought before a court. This will not change under the current proposals.

Following this notice, where no response is forthcoming, the person would currently receive a notice of intention to suspend licence, pursuant to current section 18 of the act. For both infringements and fines this will be replaced by a notice of intention to enforce, in clause 20, which replaces current section 42. This notice will contain a warning that an enforcement warrant may be issued if payment is not made. An enforcement warrant will allow the sheriff to use the enhanced enforcement measures introduced in this bill. Essentially, the same process will apply to outstanding fines.

Giving notices to persons with either outstanding fines or infringements often involves substantial practical difficulties because, although it is a requirement of the Road Traffic (Licensing) Regulations 1975 that a person must notify the Department of Transport of any change of address, not everybody does. To ensure that the Registrar of the Fines Enforcement Registry will have access to the most up-to-date address information, clause 56 sets out amendments to the Electricity Corporations Act 2005 to allow the registrar to have access to certain information held under that act.

Clause 14 introduces a new section 21A into part 3 division 2 of the act and is a key enabler for the new enhanced enforcement measures. What is significant here is that any of the three enhanced measures introduced in this bill can apply to persons with outstanding infringements and fines. The government has been concerned that the enforcement of outstanding infringements, especially those with significant amounts accumulated over time, generally does not go beyond licence suspension. This will change with the introduction of the “enforcement warrant”, which is a name given to a broader form of the current “warrant of execution”. Accordingly, the sheriff will have several additional options to recover moneys owed.

As these enhanced enforcement measures—wheel clamping, numberplate removal and, ultimately, seizure and sale of goods—are to be used to enforce large outstanding infringements as well as fines, the hardship provisions in clause 17, which amends section 27A, will also apply to enforcement warrants issued in respect of a person with an infringement. Further, in light of the serious implications of these measures, clause 34 adds a new section 101AA into the act. This will allow persons subject to an enforcement warrant to apply to the Magistrates Court to cancel the warrant. This ability to challenge an enforcement warrant can only be used if the person can show that he or she received none of the numerous notices referred to in clause 34—proposed section 101AA(7)(a) to (e). Clause 18, by replacing section 32 of the act, ensures that the person’s ability to enter into time-to-pay arrangements remains unaffected.

Clauses 18 and 19, which replace sections 32 and 39(1) of the act respectively, are particularly noteworthy amendments. The government for some time has been concerned about the significant number of Aboriginal people in regional and remote areas driving without a valid driving licence. Some of these people have had their licence suspended for non-payment of fines. This change will mean that the Fines Enforcement Registry will be able to register time-to-pay arrangements immediately after a fine is imposed. A benefit of this, for example, is that in some cases arrangements for voluntary deductions from social security payments can be made immediately, reducing the potential for future licence suspension and the consequences of driving without a licence.

A final initiative which is to apply to all persons with significant outstanding fines or infringements, whether or not an enforcement warrant is issued, is a move by the government to publish on the internet the names and other relevant details of those persons who exceed a threshold of outstanding fines or infringements. Clause 25 of the bill introduces into the act a new part 5A—“Publication of details of persons on Registrar’s website”. This part introduces new sections 56A, 56B, 56C, 56D and 56E into the act. Section 56D will permit the Registrar of the Fines Enforcement Registry to publish relevant details concerning a person specified in section 56C. Proposed section 56D(2) contains important protections relating to children and to people who are protected by virtue of other legislation—for example, a restraining order. Proposed section 56E provides the registrar with the authority to remove a name from the website as soon as practicable in particular circumstances.

I will now turn to the three key measures to be introduced by the government under the heading of enhanced enforcement measures. Firstly, clause 32 introduces part 7 division 6A into the act. It includes proposed section 95A, which authorises warning notices to be placed on vehicles whose licensed owner has outstanding fines or infringements. This simply warns the vehicle owner of the enforcement measures to which they may be subject for nonpayment of fines or infringements or both, as prescribed by proposed sections 95C, 95F, 95G and 95J. Under proposed new division 6A and in particular the operation, in new subdivision 2, of proposed new section 95C(1), vehicles licensed in the name of a debtor, which is a new term to refer to a person against whom an enforcement warrant has been issued, can be immobilised by the use of wheel clamps. Proposed section 95C(2) ensures that immobilisation must not contravene any existing law or cause inconvenience to others, and proposed subsections (4), (5) and (6) relate to fixing prominent notices to the immobilised vehicle to inform the licensed owner of the nature of the enforcement warrant and information as to how the owner can have the clamps removed—that is in proposed subsection (5)(d). Proposed section 95C(5)(e) warns the licence holder that other enforcement options such as numberplate removal or seizure and sale of goods may be pursued if no effort is made to pay the amount owed. Proposed section 95E makes it an offence punishable by a fine of up to \$2 000 to interfere with a clamp or remove a notice fixed to the vehicle by a sheriff’s officer.

Secondly, proposed section 95F in new subdivision 3 introduces an entirely new enforcement action, not used in any other state of Australia at present: that of removal of vehicle licence plates. Proposed subsection (1) authorises the sheriff to remove the numberplates; proposed subsection (2) ensures this enforcement action cannot be used in conjunction with wheel clamping; while proposed subsections (3), (4) and (5) provide details of the warrant, what action the debtor can take to have the plates returned and warns the debtor about what further action could be taken under the warrant. To provide clarity about the status of a vehicle from which plates have been removed, proposed section 95G ensures that the vehicle licence is suspended while the plates are in the possession of the sheriff. Proposed section 95H covers processes for the return of the numberplates after they have been removed by the sheriff. Proposed section 95I makes it an offence to interfere with or remove a notice informing the owner that the numberplates have been removed by the sheriff. Proposed section 95J in new subdivision 4 is important from a policy point of view. It provides that the sheriff may make an order

cancelling the vehicle licence should the owner make no effort to pay over a period of at least 28 days. In this situation the sheriff will return the numberplates to the Department of Transport. Proposed section 95J(2)(b) makes it clear that when a vehicle licence cancellation order is made, it disqualifies the debtor, generally the licensed owner, from re-registering that particular vehicle.

Thirdly, through the operation of clause 11, which amends section 18 of the act, and in particular proposed section 18(3)(c) and 3(d), the registrar will be able to issue an enforcement warrant against persons with outstanding infringements totalling more than \$2 000. This, in addition to the vehicle immobilisation measures described previously, will allow the sheriff to seize and sell goods to the value of the outstanding infringements. It also provides finality to the infringement enforcement process when compared with the current situation, in which a licence suspension order remains in force indefinitely. The other benefit of this measure is that should the sheriff's officer go to a house with the intent of removing the numberplates of a vehicle and the owner makes a case that he or she needs to use the vehicle, the officer may under the same warrant seize goods instead of removing the licence plates. As mentioned previously, these three enhanced enforcement measures take enforcement, of infringements in particular, to a new level. It therefore behoves the government to ensure that when either a vehicle is immobilised or property is seized by the actions of the sheriff on behalf of the state, that additional protections are afforded to the persons involved.

Clause 34 of the bill inserts a new section 101AA into the act to provide an opportunity for the debtor to seek the intervention of a Magistrates Court to cancel an enforcement warrant. Slightly different to the New Zealand enforcement model, in which under similar circumstances the debtor has seven days to challenge, the government has chosen to extend this to 14 days under proposed section 101AA(3). However, proposed subsection (6) ensures that if the sheriff has seized goods under warrant, then even if an application has been made under new section 101AA, the goods will remain in the custody of the sheriff until the application is determined. Proposed subsection (7) sets out the grounds upon which the applicant may satisfy the court. Particular attention has been paid in this process to testing, to the highest degree possible, that the applicant received or did not receive the numerous notices required to be sent or given to the person over an extended period of time.

Clause 16(2) provides for a replacement to current section 22(5) so that should the prosecuting authority withdraw the infringement after the sheriff has seized, retained for the required 14 days, and then sold the debtor's goods, the person whose goods have been sold can be compensated to the market value of the goods.

Clause 38 inserts a new section 108B into the act to ensure fees are applicable to the new notices and warrants, but more importantly clarifies concerns initially raised in 2007 by the Joint Standing Committee on Delegated Legislation. In particular, the committee identified that infringement enforcement fees charged by the Fines Enforcement Registry in accordance with schedule 2 of the Fines, Penalties and Infringement Notices Enforcement Regulations were greater than the cost of their administration and were therefore invalid. Subsequent legal advice recommended that amendment needed to be made to the principal act to permit over-recovery of fees as an inducement for people to pay their fines or infringements or enter time-to-pay arrangements as expeditiously as possible.

The final part of the bill makes consequential amendments to a number of other acts to implement the enhanced enforcement measures. Of note are amendments to the Equal Opportunity Act 1984 WA to ensure that the publication of a person's name on the registrar's website cannot be used as a ground for discrimination in a number of circumstances, including in relation to employment and accommodation.

The amendments in this bill represent a significant shift in approach to fines and infringement enforcement. The introduction of notices of enforcement and enforcement warrants signals a move to more active enforcement against a small group of people who continually ignore notices and requests to pay issued over a substantial period of time. These enhanced enforcement measures move the enforcement process, especially for infringements, from an essentially passive one of licence suspension to an active one in which sheriff's officers will target persons with considerable outstanding fines and infringements who have made no effort to enter into any form of time-to-pay arrangements. The authorities will use these considerable new powers with discretion and on only a small subset of all the persons with outstanding fines and infringements. They will use these powers in public places and in privately owned properties, day or night. Over time it is intended that sheriff's officers will work alongside police on random breath test road stops to actively reduce the number of people who continue to drive whilst their licence has been suspended for nonpayment of a fine or infringement. The number of fines and infringements registered with the Fines Enforcement Registry has grown by an average rate of nine per cent per annum since 2006–07—that is almost a 50 per cent increase in registrations. With improved technology available to the police, I suspect the number of registrations to the Fines Enforcement Registry will continue to increase unless we take determined steps to provide for a more efficient and effective enforcement process. This bill will go a long way to achieving that goal.

These new enforcement measures will be subject to a rigorous evaluation three years after commencing operation and, as was the case with the fines enforcement initiatives encompassed in the 1994 act, the

government's hope and expectation is that some of these measures will be taken up by other states of our federation over time. I commend the bill to the house and I table the explanatory memorandum.

[See paper 4472.]

Debate adjourned, pursuant to standing orders.

CRIMINAL ORGANISATIONS CONTROL BILL 2011

Second Reading

Resumed from 1 May.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [8.20 pm] — in reply: I thank members for their contribution to the debate and the opposition and the National Party for their support of the policy of the Criminal Organisations Control Bill 2011. This is a very important piece of legislation. I propose to address some of the major themes that have emerged during the second reading debate and leave response to the detail of some of the matters that have been raised to the committee stage, which is a more appropriate place for that to be done.

Perhaps I will start with a comment on Hon Sue Ellery's mention of some differences between the second reading speech and the copy of the second reading speech that was included with the bill and distributed to members of the house. There were some differences, and they arose out of an unfortunate set of circumstances. The bill had progressed through the other place and then it was referred to this house by way of message. In the time that was available between its passage in the other place and its arriving here, I did not have the opportunity to fully go through the document setting out the second reading speech. Some of the phraseology that was used was not what I would have preferred and it was not as descriptive as I would have liked. I simply did not have the opportunity to go through the speech in advance of delivering it. Members will notice some editorial notes on the printed copy that did not find their way into my second reading speech because I picked those up as I was going along. I also changed a number of the references that would have been made by the Attorney General in the first person to ones referring to the government, and made a few other changes. It was also unfortunate that some of the references to clauses in the bill proved to be wrong, and those have been corrected. The thrust of material that is in the second reading speech is what is reflected in the document, with a few minor references to some clause numbers and the like.

Hon Linda Savage: The copy that I have does have notes in it, along with references to someone—the name of a person—and another mistake that I spoke to you about earlier, and you provided me with the correct section. To check whether the reference is correct, can you tell me the date of the second reading speech? I do not have it with me. If I request it, I can get the correct copy.

Hon MICHAEL MISCHIN: I delivered my second reading speech on the bill on Thursday, 22 March this year. If it helps, the reference to *Hansard* is pages 1148 to 1153. If a chamber officer is handy, they can photocopy my copy and provide it to the member. In short, no, it was not one of my best performances and I wish I had had the opportunity to check the detail. It is unfortunate that the printed copy that was distributed and made available for members does not accord precisely with that which was read out. Indeed, it does not accord in some detail with the comments that the Attorney General had made in the other place when introducing the bill. He managed to correct things for his purposes but that did not find its way to me. I hope that explains the difference between the printed version and what is, of course, the more important version, which is that which appears in *Hansard* and which will set out the policy of the bill for posterity.

I will turn to a number of the more general themes that have been raised. Hon Giz Watson indicated that the Greens (WA) are opposed to the bill. I have to say that it is disappointing that the Greens have taken that attitude. The reasons for opposing it seem to be that somehow this bill infringes a number of rights and freedoms. The member descended into the details of the bill, complaining about aspects of it and wanting to refer it to a committee so that the policy of the bill could be examined. It is unfortunate that the Greens do not seem to have taken a broader view of the legislation. One can accept that one has to be vigilant about matters of undue interference in people's liberties and the like, but the policy of the bill is pretty plain and it cannot be said by any stretch of the imagination that the policy of the bill is aimed at anything other than a very serious social ill, which is that of criminal organisations. They are people who band together for the purposes of promoting criminal activities for profit. The most obvious ones that spring to mind are outlaw motorcycle gangs that generally glory under names that I suppose indicate they are outside the law and are intended to strike fear into ordinary law-abiding citizens. They prey on those who are weaker than themselves. Essentially, they are school bullies who never grew out of being bullies and have found common cause with each other to get together to form gangs. They are involved in drug dealing and violence, both for its own sake and for enforcing their illegal activities. Rarely a week goes by without some serious disorder or offence being reported in which the alleged perpetrator has some connection with an outlaw motorcycle gang. Members might remember that only last week the Queensland police said that they would be taking serious action and were most concerned about a case in

which an unfortunate woman, a bystander in a public place, happened to be in the line of fire when two opposing gang members shot her, presumably over some grudge or turf war or brawl to try to expand their market share. We had the incident several years ago at Sydney airport, where one of their brawls was effected in full view of people minding their own business in a public place. We have had the killing with a car bomb of retired Detective Hancock and his friend. Members of outlaw motorcycle gangs have been the subject of violence in public places—being shot at, being beaten up and the like. Yet, rather than taking the view that one might expect that, yes, this is crime a little more than just street thuggery, but has been elevated into effectively organised crime by people who are banding together to gain strength from numbers, and looking for ways to break up these criminal associations, the Greens (WA) have taken the view that, no, there are a number of potential infringements of civil liberties and so they will oppose the bill. We have had nothing constructive as to how the bill might be improved and might protect civil liberties while effecting what is by, I think, any means and any judgement a worthy social and governmental policy, which is to break the power of these organisations and to make life as difficult as possible for them to do what they want to do.

In terms of civil liberties and reference to, for example, the United Nations conventions, Hon Giz Watson might recall, if she casts her mind back, that after the Second World War the United Nations declared the Nazi Party a criminal organisation, and members of every organ in it—the Schutzstaffel, or SS; the Gestapo; and even those who worked as functionaries in the Nazi Party, whether or not they happened to have killed anyone or committed any violence—as nevertheless being members of criminal organisations. The United Nations, even in its International Covenant on Civil and Political Rights, makes it quite plain that although there is a freedom of association, it is subject to certain limitations, and one of those limitations is that it not be for causes that are fundamentally inconsistent with a free and democratic society, or damaging to public order, morality and the like.

To go further, it is the United Nations that has an organised crime convention, albeit it deals with transnational issues. With reference to part of that, I think Hon Giz Watson may have asked—I may be wrong about it—whether two people could form an organisation, and I will come to that in more detail later. However, the convention—this is the United Nations convention, and the United Nations is so often raised as an authority by which we should judge standards of how we deal with issues in Western Australia—does contain a definition of “organized criminal group” in article 2, paragraph (a). That definition involves a group of three or more persons, which was not randomly formed, existing for a period of time, acting in concert with the aim of committing at least one crime punishable by at least four years’ incarceration, and in order to obtain, directly or indirectly, financial or other material benefit. That is what the United Nations regards as a sufficient evil to form a basis for a transnational convention to deal with organised crime. Although it is dealing with specific areas of illegal activities such as people trafficking, drug trafficking and the like, the legislation being proposed by the government is entirely consistent with that philosophy of breaking up groups which are dedicated to criminal activity and which pursue it at present in our society and across state borders with a view to personal profit. They use strength in numbers and are bound by their own obscure rules, some of which involve the use of violence to enforce their will and involve codes of silence in order to frustrate authorities investigating the activities, those of their associates and the like. It is just a pity that the Greens could not have been a bit more constructive in supporting the policy of the bill instead of just raising certain issues.

Turning to whether any research had been done, I think I mentioned in the second reading speech at quite some length the sorts of organisations that are more readily associated with organised crime and criminal associations, and the numbers of people involved. I recently received—in fact, it was just today—an update on some of the numbers involved. I think police currently identify nine outlaw motorcycle gangs in the state with something like 330-odd members to the police’s knowledge, whether of a permanent or nominee status.

The DEPUTY PRESIDENT (Hon Col Holt): Order, members. I just notice that Hon Giz Watson’s microphone is on.

Hon Giz Watson: I did not ask for it to be on.

The DEPUTY PRESIDENT: All of your discussions are coming across. I am sorry about that.

Hon Ljiljanna Ravlich: That has saved a lot of embarrassment!

Hon MICHAEL MISCHIN: It depends on what she was talking about!

The scope of the bill is very refined and we will no doubt go into this in much greater detail in the Committee of the Whole stage. The starting point is the long title. I will not read all of it out, but in the first dot point it sets out the bill’s intention. It states that the bill is to —

- provide for the making of declarations and control orders for the purpose of disrupting and restricting the activities of organisations involved in —

And I emphasise —

serious criminal activity, their members and associates and certain other persons who engage in serious criminal activity, and the imposition of criminal sanctions on persons who recruit members for such organisations or finance or support them in other ways; ...

I ask rhetorically: what could possibly be wrong with that purpose in this legislation?

Clause 4 of the bill, “Purposes of this Act”, states that they are —

- (a) to disrupt and restrict the activities of organisations ...

Basically what I just read out before —

- (b) to protect members of the public from violence associated with those organisations and other persons who engage in serious criminal activity.

I, along with a number of other members no doubt, have received emails from certain people opposing this legislation and much of them contain hysterical hyperbole about brutal assaults on fundamental freedoms and the like. Some float the idea that church groups, Rotary clubs, sporting clubs and environmental groups will fall victim to this legislation. The level of hysteria can be gauged by just simply looking at clause 4(2), which states quite specifically —

Without derogating from subsection (1), it is not the intention of Parliament that the powers in this Act be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest, dissent or industrial action.

Hon Giz Watson has said that there is no bill of rights and that although an intention is stated, it would have no legal effect, if I understand the argument. It is a basic principle of statutory interpretation that one looks at the purposes of the bill and the purposes of the bill are quite plainly stated. In any circumstances in which someone will have to make a decision or exercise a power or a discretion under the act, they would have to be informed by and governed by those purposes, particularly in the case of a designated authority. I will come to Hon Giz Watson’s criticism about the fact that it might be a retired judge and how somehow after they retire judges cannot be trusted to make rational decisions. But a judge, and even a retired judge, understands matters of statutory interpretation and the appropriate exercise of judicial and other powers and discretions. Any decision that the designated authority would make in respect of a declaration; any decision that a court would make in respect of determining a control order, whether an interim one or a final one; and any decision a court would make in formulating conditions to be applied to people under control orders would be governed by, limited to and informed by the purposes of the act. The very idea that somehow the Commissioner of Police might decide that he does not like the local church group, so will instruct his officers to prepare affidavits and applications to a retired judge or a judge who is a designated authority to declare that a criminal organisation, seems farcical to me.

Hon Giz Watson interjected.

Hon MICHAEL MISCHIN: The idea that somehow the Corruption and Crime Commissioner would decide that the local darts club ought to be declared a criminal organisation and make an application to that effect would, I think, be a basis for having him certified and committed to an institution. On the argument that somehow powers can be abused, yes, that is right. Indeed, bills of rights are no guarantee that powers will not be abused. I think the Soviet Union had a terrific bill of rights in its constitution. I am sure a number of other countries do also. I suppose North Korea also has one. But what preserves our system and the moderation in our system is our own common sense and the fact that our body politic is functioning sensibly.

Hon Ed Dermer: The only guarantee is having a sackable minister at the end of the process. Therefore you need a competitive system. That is why it fails in North Korea and in the Soviet Union.

Hon MICHAEL MISCHIN: If this Parliament becomes corrupted to the point at which it would tolerate and acquiesce in absurdities such as the local darts club being rubbed out by being declared a criminal organisation, I think this society will have gone too far down the track. I do not think any rational public officer would contemplate that sort of stuff. With the number of checks and balances in place —

Hon Ed Dermer interjected.

Hon MICHAEL MISCHIN: It is not even a question of the minister. Many of these things are put aside and given to independent authorities to keep them out of the political sphere. For example, the Corruption and Crime Commissioner is an independent statutory authority. The Director of Public Prosecutions makes decisions in accordance with his statute and his prosecution policies, which are public. He cannot be directed by the Attorney General. The Commissioner of Police cannot be directed on operational matters. The whole point of that distancing is to put it at arm’s length from the political influence that the government of the day can exercise.

Hon Ed Dermer: Ultimately, if the system fails, the government of the day pays a price at the election. That is where the political competitiveness brings in accountability.

Hon MICHAEL MISCHIN: Indeed it does. But it all depends on the nature of our body politic and that depends on an awful lot more than bills of rights.

Hon Ed Dermer: Having an honest Electoral Commission is a good start, which we are lucky to have.

Hon MICHAEL MISCHIN: That is right. We are lucky in very many respects, Hon Ed Dermer; I entirely agree. Our society runs the way it does because there is common sense and there is a sense of moderation about it rather than looking at the strict letter of the law. The point I am trying to make here is that this legislation—assuming that just about every public official involved in it does not go insane—is hedged by certain restraints and purposes with a view to preserving or striking a balance between individual freedoms, rights and liberties and a legitimate public policy, which is to protect members of the community against criminal organisations. The government believes that it has found that balance. If there is a problem, that can be dealt with. I am keen to hear about where the bill can be improved. However, at the present time it is unhelpful to simply oppose the bill on the basis that some vague freedom or right may be infringed. The government does have a responsibility to protect its citizenry.

“Criminal organisation” is defined as well. It is not just any collection of people committing any sort of crime. There are limits placed on that, and we will no doubt come to that during the consideration in detail stage. Just in outline, the legislation is framed in a way that it can be engaged only in circumstances when there is a real risk to public safety and order. A declaration can be made under clause 13(1) only when the designated authority is satisfied that members of an organisation are associating for the purpose of organising, financing or facilitating et cetera serious criminal activity and that the organisation poses a serious risk to public safety and order in the state.

“Serious criminal activity” is defined in clause 3. It involves either obtaining material benefits from conduct that constitutes a serious indictable offence or committing a serious violence offence. A “serious indictable offence” is an indictable offence punishable by five or more years’ imprisonment. A “serious violence offence”, if it involves harm or serious risk of harm to a person, is an offence punishable by 10 or more years’ imprisonment. If that is too broad for Hon Giz Watson, I am keen to hear how that might be refined and limited, but that would seem to cover the sorts of evils that we are attempting to address and dispose of.

A number of differing views have been expressed regarding the designated authority. Hon Sue Ellery contended that the Corruption and Crime Commissioner should be the designated authority. Hon Giz Watson suggests it should be the full bench of the Supreme Court. Dealing with that aspect, I think the question was raised by Hon Giz Watson about the provisions in other states. Legislation similar to this bill before the house exists in or is before the Parliaments of Queensland, the Northern Territory, New South Wales and South Australia. In Queensland an application for a declaration is made to a single judge of the Supreme Court. The validity of those provisions is yet to be tested by the High Court of Australia.

Hon Sue Ellery: Is that sitting as a judge as opposed to persona designata?

Hon MICHAEL MISCHIN: I cannot say off the top of my head whether “designated authority” is for a designated person, but I understand it is sitting as the court. I will have clarification of that at the committee stage if members wish to raise it. But all indications are that it is sitting as a court. That may run into the sorts of problems that confounded the two previous cases on the mixture of roles that got to the High Court, but we will leave that aside. It has not been tested at this stage.

Provision for the making of a declaration by a Supreme Court judge acting as a persona designata is contained in the Northern Territory act and in bills that are before the New South Wales and South Australian Parliaments.

Hon Giz Watson: So they are amendments to the existing legislation in New South Wales and South Australia.

Hon MICHAEL MISCHIN: They have taken on board the rulings of the High Court and are attempting to —

Hon Giz Watson: So they are amending their —

Hon MICHAEL MISCHIN: Yes.

The New South Wales legislation considered by the High Court in the case of Wainohu provided for a designated judge of the Supreme Court of New South Wales to make the declaration in that state. The High Court did not accept the argument challenging the validity of that aspect of the New South Wales legislation, and that model has, effectively, been adopted in Western Australia, albeit we have added the requirement that the designated authority provide reasons for his or her decision.

Hon Sue Ellery has foreshadowed amendments to replace a judge or a retired judge with the Corruption and Crime Commissioner as a designated authority. A question arises as to whether or not that position is part of the executive arm of government; yes, the Corruption and Crime Commissioner is. But apart from that, one would think that it would give rise to a serious perception of, if not actual, conflict of interest, because the Corruption and Crime Commissioner or one of his or her staff can apply to the Corruption and Crime Commissioner for a

declaration in respect of an association. If anything would give at least the perception of a conflict of interest, it would be that. We have given the Commissioner of Police and the Corruption and Crime Commissioner the power to make the applications, but have removed it from the sphere of law enforcement and given it to someone who is appointed, on the basis of his or her qualifications and judicial experience, as the designated authority in the confidence that such a person would bear in mind the matters of relevance and the like and have enough judicial training and experience to be able to weigh up the material before them and make a rational and fair decision on the evidence presented. We think we have a model that will withstand challenge, and we will oppose the foreshadowed amendments to substitute the Corruption and Crime Commissioner for a retired judge or judge as the designated authority.

As to the suggestion it ought be done in a court, that is one approach perhaps. But the making of a declaration, in the government's view, does not strictly involve the exercise of a judicial power. It does not involve the determination of the rights, liabilities and duties of either party; it is a precursor to action being taken by a court on the basis of a declaration having been made to make a control order against particular individuals, or as an element of the offence when particular individuals are charged with an offence under the act. The government's view is that the function of making a declaration is better performed by designated judges or retired judges rather than the Supreme Court itself, particularly as the Supreme Court may, in due course, have to hear appeals and challenges to the manner in which the designated authority has carried out his or her function.

Hon Giz Watson raised concerns about the application of the rules of evidence and the use of criminal intelligence information that is not provided to the respondent organisation or its members. The High Court recognised as a legitimate possibility that certain information may have to be kept confidential because it is of a sensitive nature that may endanger informants and the like. When an application for a control order is made in the Supreme Court, the ordinary procedures of that court, including the application of the rules of evidence, will apply. So far as making a declaration is concerned, a designated authority will not be bound by the rules of evidence, and the designated authority may inform himself or herself as he or she sees fit. There is nothing unusual in that. A number of groups already operate on that basis, including royal commissions, the State Administrative Tribunal and so on.

Part 5 of the bill makes provision for the use of criminal intelligence information. A couple of points can be made. Firstly, the validity of similar provisions has been upheld by the High Court. Secondly, those decisions show that the determination of whether material is in fact criminal intelligence information and what are reasonable steps to preserve its confidentiality is a matter for the designated authority or, in the case of a control order application, for the court. It is not a case of the police simply asserting that the information should be kept confidential. It is up to the designated authority or the court to examine that information and decide whether that claim for confidentiality is made out. In terms of procedural fairness, it can make its own directions on how much is revealed and in what manner it is revealed so that people can answer the case against them. Those are the sorts of exercises that occur from time to time in legal proceedings even now.

I have covered the matter of freedom of association. As Hon Giz Watson acknowledged, although article 22 of the International Covenant on Civil and Political Rights recognises the right of freedom of association, it is hedged with sensible qualifications. No society can tolerate people associating for the purposes of criminal activity or activity that would disrupt the fundamental peace and order of that society. Criminal organisation controls are not uncommon around the world, including in the United States, various nations in Europe and so on.

The discretion of the Supreme Court to make control orders is enlivened only once a declaration is made. A declaration can be made only once the designated authority is satisfied that the organisation is a criminal organisation and that it presents a risk to public safety and order. Even then the Supreme Court will make a control order only if it is satisfied that it is appropriate in the circumstances to do so, and that is set out in clause 57 of the bill. So there are a number of hurdles, as it were, that an applicant must clear in order to obtain not only the declaration, but also the control orders that will give effect to restraining people's ability to associate and the like.

As I have indicated, the powers of the bill must be exercised for the purposes of the bill, and clause 4 outlines the purposes of the bill.

The matter of juveniles has been raised. Clause 74 of the bill provides that the legislation will apply to persons between 16 and 18 years of age. Amendments to criminal property confiscation legislation likewise apply to juvenile offenders. The new mandatory sentencing provisions do not apply to juvenile offenders; nor is the provision for a child to have a qualified right to bail taken away. Ordinary principles of criminal responsibility for offences introduced by the bill are those that apply to any other breach of the criminal law. The Attorney General in the other place in *Hansard* on page 431 made clear that the provisions are designed to avoid creating a structure that provides an incentive for criminal organisations to involve juveniles in their activities. In that context, I will read out some aspects of an article that appeared in Adelaide's *The Advertiser* of 20 February

2008. Although it applies to South Australia, it does have reference to other states. It is the sort of situation that was current in South Australia at the time and the sort of situation that we want to avoid in Western Australia if we can. The article is headed “Bikies directing youth gangs” and it states —

YOUTH street gangs are being ordered by bikies to commit increasingly violent crimes across metropolitan Adelaide, police have confirmed.

Special operations have been launched to target three gangs—Team Revolution, Middle East Boys and Rule the Streets—active in the northern and southern suburbs and central business district.

Police intelligence indicates the gangs have formed close links with the Hells Angels, Finks and Rebels, which manufacture drugs sold by their members, who range in age from their early teens to their 30s.

While other youth gangs are predominantly involved in street offences, Team Revolution, Middle East Boys and Rule the Streets are suspected of committing violent home invasions, armed hold-ups and ram-raids.

There is widespread speculation within the criminal legal fraternity that the shooting of a Kadina man two weeks ago —

That was in 2008 —

at Paskeville was committed by “noms”, or young men, wanting to join the Gypsy Jokers.

Other youths, such as the repeat juvenile Aboriginal offenders who comprise the so-called Gang of 49, also are being sent by relatives, including those in prison, to rob sports stores and bottle shops.

Designer sports clothing is then being supplied to the adults, along with alcohol and cigarettes, which are exchanged for drugs such as cannabis, ecstasy and amphetamine.

Youths also are being instructed by adults to rob pharmacies for products containing pseudoephedrine, which is used to manufacture methamphetamine.

...

Crime Gangs Task Force officer-in-charge Detective Superintendent Des Bray yesterday said it was important to distinguish between youth gangs involved in serious crime and other groups who largely met through social links.

This included “gangs” such as Elite Hallett Cove, —

I do not suppose it is any relation to the honourable member —

which was involved in a street brawl with police last weekend after its members gatecrashed a party at Seacliff.

Members of Elite Hallett Cove yesterday told *The Advertiser* they were predominantly Hallett Cove residents who had formed a gang to defend the suburb from attacks by rival youths.

One Year 12 student said people can join the gang if “they’re hard enough, can prove themselves and have a reputation”.

“It’s been going for ages,” he said.

“If a mate gets in trouble just for living in Hallett Cove, so Hallett Cove people start to back up each other and it goes from there ...

Another member, 14, said he joined the gang after moving to Adelaide’s southern suburbs about four years ago.

“You’ll always have back-up and it’s the thrill of getting in trouble with the cops,” he said.

“People have been bottled, put in hospital, it’s mainly at parties and on the street.”

“Bottled” I presume means being struck in the face or head with a bottle.

Therefore, we can see the potential for gangs and criminal associations that are subject to a declaration using juveniles who are already on the fringes of, or are involved in, criminality as their agents and their proxies, so some means of controlling their activities, if necessary by means of a control order, is necessary. It has been limited in the bill to juveniles aged between 16 and 18.

Another point raised by Hon Giz Watson was about clause 17 of the bill, which she said is inconsistent with the presumption of innocence. I am not quite sure that I understand the argument. The point of clause 17 is to ensure that an organisation subject to a declaration does not simply avoid the declaration by changing its name or by having some of its members changed to another organisation. If the character of the organisation is the same, the declaration will apply to it. How does one determine whether that is the case? That will be a matter of fact for the

tribunal that makes a control order in due course, which will be the Supreme Court, looking at the evidence to see whether the character of the organisation has changed, whether it is essentially the same one over which a declaration is being made, or a different one requiring separate proceedings.

I refer to another matter that Hon Sue Ellery raised about the parliamentary commissioner's review being provided to the minister for tabling rather than directly tabled in the house. The relevant clause provides that the minister must table the report that is provided to the minister within 12 sitting days of Parliament. There are sensible practical considerations involved here. The parliamentary commissioner would be reporting activities over a period of time. It may be that the parliamentary commissioner's report contains sensitive information that the minister quite rightly might wish to raise with the parliamentary commissioner, not wanting to change the report or its tone but simply to protect what may be confidentiality. In any event, it is quite legitimate for the minister to see the report on one of the pieces of legislation under his or her responsibility in order to address problems that may be identified with it before it necessarily gets to Parliament.

Hon Sue Ellery: Twelve sitting days is different from 12 working days and it is different from 12 ordinary days. If the minister receives that report in December, and the house rises and we do not come back until March, 12 sitting days is four sitting weeks. That four sitting weeks can actually be spread over two months, maybe even three months, so effectively Parliament might get the report, theoretically, five or six months after it has been tabled. I do not think that is reasonable.

Hon MICHAEL MISCHIN: If the member wishes to propose an amendment to that, it will be considered. At the moment there is no proposed amendment before us. It was something that was acceptable to the other place. I do not recall for the moment whether it was the subject of any significant debate.

Hon Sue Ellery: No, I do not think it was. I read it and raised it with the officers when I was briefed. It seems to me, with the way the sitting patterns are now, that it could be nearly six months.

Hon MICHAEL MISCHIN: Perhaps we can consider that during Committee of the Whole. The idea of it going to the minister first is, I think, what the honourable member's complaint was. I would simply suggest that that is quite a legitimate course. It is not as though it is not going to get to Parliament in due course and be considered and the subject of debate. If something is raised by the parliamentary commissioner that is a legitimate and fixable problem, the minister quite properly has the opportunity to correct that in the interim period and defuse the problem. I take the honourable member's point about the length —

Hon Sue Ellery: Politically defuse the problem.

Hon MICHAEL MISCHIN: In practical terms.

Hon Giz Watson mentioned that grounds for an application for a declaration do not need to be advertised—no; that is right. The content of the advertisement will identify the application being made against a particular organisation. It will contain a brief explanation as to the effect of it. Those who are affected by it will have the opportunity to respond to it. It is not usual to set out in detail anyway, in terms of advertisements and in publications, the grounds for applications of this character.

There was something about a retired judge not having a registrar to assist him or her; I am not quite sure I understand that argument and the effects it might have on the ability of a designated authority to do his or her job, but a registrar does not assist a judge in court in any case; a registrar is simply the agent for the receipt and filing of documents and so forth. The registrar will receive applications, notices of intention to object, correspondence and the like, and pass it on to the designated authority. I am not sure how the presence or absence of a registrar assists the designated authority in carrying out their function.

In respect of the idea of using retired judges, retired judges have an immense amount of experience, and we have had quite a number of retired judges who have, over the years, given sterling service in their retirement, including presiding over royal commissions, some of considerable length and complexity. Many retired judges act as judges to fulfil needs in the District Court, the Supreme Court, the Family Court and even the Magistrates Court. They can perform functions such as being the commissioner for the Corruption and Crime Commission or being a parliamentary inspector; so why they cannot be trusted and be thought to be competent enough to perform the task of being a designated authority defeats me.

I have already touched on what organised crime is and what is involved in being an organisation; otherwise, I think most of the matters that were raised relate to specific provisions of the bill. It is probably more sensible for those to be addressed when we get to specific clauses.

On that note, I commend the bill to the house and move that the bill be now read a second time.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Jon Ford) in the chair; Hon Michael Mischin (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Hon SALLY TALBOT: I have some serious questions that I want to raise on this bill, and I should perhaps explain to members, and particularly to the parliamentary secretary, why I have chosen to make my remarks during the clause 1 debate rather than by participating in the second reading debate. I, as with other members of the opposition, have no objection to the stated policy of this bill, and it is certainly not my intent in raising these questions to delay the passage of this bill in any way. So I thought it was probably more appropriate to raise these concerns during the clause 1 debate rather than take up time during the second reading debate.

When I say that the opposition supports the policy of the bill, I am clearly referring to the purpose of the bill as set out in clause 4. Nobody on this side of the chamber believes that it is not appropriate to take actions to—I paraphrase the words of the bill—disrupt and restrict the activities of organisations involved in serious criminal activity, their members and associates, so as to reduce their capacity to carry out activities that may facilitate serious criminal activity.

While we stay focused on that object, I do not think there will be any disagreement in this chamber. However, as has become apparent during the second reading debate, this bill is full of complexities. That is not a bad thing. I have said many times in this place that we are here to deal with complexities—that is what we do; and when we do it well, it has a profound effect on the lives of ordinary people in this state. What we are dealing with here is organised crime and ways to disrupt and prevent and terminate the occurrence of organised crime.

However, the method that we have chosen to adopt in pursuing this bill is the criminalisation of association. We are criminalising association. One does not have to be a very experienced student of history to know that when we start criminalising association in this state and in this country, and all over the world, we often run into serious difficulties. We start off by criminalising association in relation to criminal organisations, and too often we end up involving organised labour in those measures that are supposed to relate to criminal organisations, and too often we end up involving political organisations in that criminalisation of association. I am not suggesting that is the intent of the government. I am merely pointing out that historically the fact is that when we start to criminalise association, we often end up involving people who were not the intended recipients or the intended subjects of things like control orders when the measures were put in place. In this state, we need look no further than a couple of decades ago when we had the notorious section 54B. Certainly, if we look around the world, we can find very troubling examples of the way in which these kinds of measures can get out of hand.

So in raising these questions about this bill, what I am doing is giving the parliamentary secretary, and therefore the government, the opportunity to put on the record their intentions with regard to certain circumstances. I am asking about the checks and balances that the government believes are in place to prevent the very strong and widespread powers that are contained in this bill from being abused. I am not talking about the way that these measures will stop criminal activity; I am talking about the way that these measures might be abused to stop activity that is not criminal or certainly not the kind of criminal activity that the government is presumably envisaging being caught up in the provisions of this bill.

During the second reading debate the parliamentary secretary said that to oppose a bill because it may be abused is not helpful, or something along those lines; I did not write it down verbatim. I think the parliamentary secretary does the whole process of debate around these kinds of very serious topics some disservice when he is so apparently dismissive of the kinds of concerns that people have been raising. I particularly want to mark the contributions to the debate that have been made so far in this state by Search For Your Rights, particularly by Pearl Lim, who has done a very good job of setting out the concerns of a significant section of this community about this type of legislation. I also refer to the contributions made by some union members, particularly from the Australian Manufacturing Workers' Union, the Maritime Workers' Union of WA and the Construction, Forestry, Mining and Energy Union, about how anti-association laws may impact on their activities in the future.

The government knows that this bill will be challenged. When the Attorney General delivered his second reading speech in the other place, or it may have been during the debate, he said that he knows that this bill will be litigated. I think it is very important that we get these points on the record. If the parliamentary secretary or you, Mr Deputy Chair, would prefer me to pursue these points at specific moments during the committee stage, I am happy to do that, but it is not clear to me where any of these points fit. I will outline my concerns.

The DEPUTY CHAIR (Hon Jon Ford): Perhaps you should ask one question at a time, so we can have a question and an answer.

Hon SALLY TALBOT: The first one that I want to raise relates to a situation in the future in which an organisation related to the labour movement—a trade union—becomes designated as a criminal organisation because of certain activities under the terms of this bill. I would like to hear the parliamentary secretary's

comments about what measures this bill contains to prevent a trade union being designated a criminal organisation.

Hon MICHAEL MISCHIN: I thought that I had already covered that by pointing out, firstly, the scope of the operation of the bill as set out by its purposes in the long title and, more specifically, by the parameters and the purposes of the bill in clause 4, including the qualification and limitations on its application as an expression of the will of Parliament as to how it ought to be interpreted in clause 4(2). Clause 13 gives the discretion to the designated authority to make an order if satisfied of certain things. I will not go into the detail of that because that can be dealt with when we get to clause 13. In substance, the designated authority has to be satisfied that the respondent is an organisation. We have had some questioning about whether two people or more is an organisation—that will be a matter of fact for the designated authority to determine on the material before him or her—and also whether the members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity.

“Serious criminal activity” is defined in clause 3 as any of the following —

- (a) obtaining material benefits from conduct that constitutes a serious indictable offence;

I have already indicated that a serious indictable offence is an offence that carries a term of more than five years’ imprisonment. The definition of “serious criminal activity” continues —

- (b) obtaining material benefits from conduct engaged in outside this State (including outside Australia) that, if it occurred in this State, would constitute a serious indictable offence;
- (c) committing a serious violence offence;

That is an offence in which harm is caused or threatened to someone and carries a term of 10 or more years’ imprisonment; and, finally —

- (d) engaging in conduct outside this State (including outside Australia) that, if it occurred in this State, would constitute a serious violence offence;

Also, the designated authority has to be satisfied —

Hon Sally Talbot: Sorry, which clause was that?

Hon MICHAEL MISCHIN: Clause 3 on page 7 of the bill defines “serious criminal activity” and a “serious indictable offence”. The definition of “serious violence offence” is on page 8.

The designated authority also has to be satisfied that the organisation represents a risk to public safety and order in this state. There is a very high threshold, the government would say, before a declaration can be made in respect of an organisation.

Hon Sally Talbot: And that is under clause 13?

Hon MICHAEL MISCHIN: Yes. The manner in which it is dealt with is set out in clause 9. Under clause 10(3), people who are directly affected, whether or not adversely, by the outcome of an application have the opportunity to be present at a hearing and to make submissions. Under clause 14, the reasons have to be given for the decision for making or not making a declaration.

One of the mistakes that can be made, with respect, is to look at labels to see whether an organisation is a labour organisation or organised labour, a sporting club, a motorcycle club, a church group or a rotary club, as I think some of the objectors to this legislation have suggested. The label that is put on an organisation does not necessarily govern its character. It may very well be—I do not deny it—that something that portrays itself as an organised labour union and calls itself that either is in fact a front for, or is, a criminal association. That is not unknown. In the United States the mafia used to run unions in a particular way. The intention, however, which is stated in the policy of the bill under clause 4, is that a designated authority, when considering whether or not to make a declaration exercising his or her discretion based on their knowledge and experience as a judicial officer or former judicial officer, will not make a declaration in respect of an organisation that does not fulfil the minimum criteria but is an organisation that is aimed simply at labour organisations or some other harmless organisation. A very high threshold must be met.

Hon SALLY TALBOT: I thank the parliamentary secretary. I will just work through those comments. The member raised the definition of “organisation”. The declared group has to be an organisation.

Hon Michael Mischin: The respondent to an application for a declaration has to be an organisation. You cannot make a declaration that it is a criminal organisation without it being an organisation first and foremost.

Hon SALLY TALBOT: So a trade union would come under that definition.

Hon Michael Mischin: Arguably, yes.

Hon SALLY TALBOT: Arguably, yes, or yes?

Hon Michael Mischin: If it is organised, then it is an organisation, yes.

Hon SALLY TALBOT: That leads me directly to my second question, which relates to the second part of the parliamentary secretary's answer, which was about serious criminal activity. There have been instances—I will not go into specific details, because if people are interested, we can talk about it later—of people employed by trade unions who might be union officials or shop stewards engaging in certain behaviour. Charges have been laid and people have been found guilty of criminal behaviour. I have two questions. The first is: what responsibility would union leaders have for the behaviour, which might be serious criminal activity, on behalf of their employees? I have just looked at clause 3, on page 8, in which that definition that the parliamentary secretary referred to appears. It states —

serious violence offence means an offence for which the penalty specified by a written law is or includes imprisonment for 10 years or more or life ...

Would that render the organisation liable to have an application made in relation to it being a criminal organisation?

Hon MICHAEL MISCHIN: No. If the member reads clause 13(1)(b), she will see that it states that not only must the respondent not be an organisation, but also that members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity. It is not that serious criminal activity of one or more of the members is an incident or a coincidence with their being members of the organisation; the purpose of their association is to effect serious criminal activity. Also, clause 13(3) states —

For the purposes of subsection (1)(b), the designated authority may be satisfied that members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity —

- (a) whether or not all the members associate for that purpose or only some of the members, but if the designated authority is satisfied that only some of the members associate for that purpose, the designated authority must be satisfied that those members constitute a significant group within the organisation, either in terms of their numbers or in terms of their capacity to influence the organisation or its members;

[Quorum formed.]

Hon MICHAEL MISCHIN: The clause continues —

- (b) whether or not members associate for the purpose of organising, planning, facilitating, supporting or engaging in the same serious criminal activities or different ones;
- (c) whether or not the members also associate for other purposes.

Therefore, it would be a question of fact whether an organisation of say 1 000 people and the numbers of those people who choose to associate and use that organisation for the purposes of serious criminal activity form a minority or a majority —

The DEPUTY CHAIR: Order, members. You have gone quiet; I thought you would be asking me why!

Hon MICHAEL MISCHIN: — and the amount of influence that that group might have with what may be legitimate purposes of the organisation. Again, it is a question of fact and a question of degree, but simply because a couple of the leading members of the association decide to use or misuse it for those purposes does not of itself make a criminal organisation for the purposes of the bill.

Point of Order

Hon GIZ WATSON: I do not wish to call into question this debate, but it seems to me that debate on the first clause does not involve going into and responding clause by clause, because we will have to do this all again because I am not asking my questions on particular matters. I took the opportunity to refresh myself on earlier rulings about the purpose of the debate on the first clause. Questions can be raised about various clauses, but if we start to engage in the detailed answers, I think it will get a little problematic, because I wonder whether I should say something now or wait until the actual clause in question comes up. Perhaps I could have some guidance from the Deputy Chair.

The DEPUTY CHAIR (Hon Jon Ford): I think it is really up to the member's discretion in this regard. If I recall, in response to Hon Sally Talbot's first question, the parliamentary secretary referred to three or four different clauses to answer that one question, which seems to be what debate on clause 1 is all about if it is the will of the house. That does not preclude a member from asking detailed questions when debate gets to those particular clauses. It seems to me that they can be asked now and if they are asked at clause 3 or 4 and other clauses still have to be referred to, there is still the same issue the member is talking about. Quite often clause 1 debates go for days and the debate falls away fairly rapidly after that. Therefore, it is the will of the house. Clear as mud?

Committee Resumed

Hon SALLY TALBOT: There are certainly things we can take up there in relation to the specific clauses. I will just phrase the third question and then we can come back to the details when we get to the individual clauses. There is reference in the bill to control orders determining what employment a person can have. I am not sure whether that is the exact phrase, but I gather that people can be prohibited from taking up certain occupations. I will just put a hypothetical scenario to the parliamentary secretary and again, I suspect that the answer will come back in terms of specific clauses. If there are two or three people who were subject to control orders, they may well then be employed on something like construction sites or some kind of workplace around the state where they end up working together on the same worksite. Is it the case that a person subject to a control order could still work alongside others with whom he or she was prohibited from associating—prohibited from having any sort of communication with in terms of what is specified in various clauses in the bill—and that they can do that legitimately while they are, I will just use a shorthand phrase here, on the boss's time? I will perhaps let the parliamentary secretary answer that first.

Hon MICHAEL MISCHIN: The relevant clauses are 58 and 59. Essentially, it depends on the nature of the order that is framed and any exemptions made to the order. Those will be determined by the Supreme Court not only hearing evidence from the applicant for the control order, but also giving the respondent to the control order the opportunity to be heard and explain their situation. They would be informed also by the objectives of the bill, which is to affect the operation of the declared organisation; so, "it would depend", is the answer.

Hon SALLY TALBOT: With respect, parliamentary secretary, I do not see how they can be the relevant clauses because if the control order is determined by the court, how could the court possibly know who else is going to be on a particular worksite who might also be subject to a control order? It would be an impossible calculation to make. Even if the judge could make the calculation at any designated point in time, he could not then assume that determination would be the same tomorrow, let alone in a week, a month or a year.

Hon MICHAEL MISCHIN: There is not a one-size-fits-all answer. It is not unknown for orders made by any court to sometimes be varied; they can be revoked and adjusted to suit particular circumstances. It happens with bail orders and with orders made by the courts when they are sentencing people to community service and the like. There is not a simple answer to say no, it cannot happen or it can happen. Sometimes circumstances change, which is why courts have discretions and powers to change the effect of orders they have made that may have seemed like a good idea at the time, but they may need to be reviewed with changing circumstances or additional information.

But the member is right; those are not the only provisions. Section 77 and onwards deal with non-standard conditions and standard conditions that apply to control orders. At the end of the day, the Supreme Court, which is considering an application for a control order, will not only apply standard orders but also address any additional orders that are sought and calculated to achieve the objectives under the act.

Progress reported and leave granted to sit again, pursuant to standing orders.

NGALA

Statement

HON LINDA SAVAGE (East Metropolitan) [9.46 pm]: I would like to speak this evening about two recent events that I attended and, if time permits, a third one. The first two events that I would like to talk about were both hosted by Ngala. I was very pleased to attend these events. The first one was on 14 March at Government House and was hosted by the Governor and Mrs McCusker for the Friends of Ngala. Hon Sue Ellery attended that function with me.

Amongst the speeches that were given that evening, one was given by Mr Ashley Reid, who has recently been appointed the chief executive officer of Ngala. I would like to put on the record some of what he had to say on that evening, because I am sure that members would be very interested. He began by talking about parenting and the challenges that it can bring and also about the fact that families' needs and relationships are increasingly complex. I will quote from his speech notes, which he sent to me —

In a state enjoying the benefits of economic prosperity there are many families in desperate need, and without attention and support as early as possible, the evidence demonstrates the difficulties that will lie ahead.

...

Ngala is in touch with approximately 40% of all families who give birth in the state.

The parent HELPLINE is staffed by Child Health Nurses and other professionals, and operates from 8am to 8pm every day. Ngala's HELPLINE receives over 20 000 calls each year. This is often the first point of contact for families in need.

Each year over 250 families attend a 4-day overnight stay service at our Kensington facility, over half of these families are experiencing symptoms of Post natal depression or anxiety and many are severely

fatigued. This service has a waiting list of around 4 months and only operates three weeks out of four each month due to lack of funding. ... To reinstate the fourth week each month would cost an additional \$300k a year. 1100 families undertake a Day Stay service, 90% with a baby under 12mths. This service has a 2 month waitlist.

I am reading directly from the speech that was given on that evening. I will continue —

Consultation services are provided to over 500 families a year and over 3000 people a year attend our Parenting Workshops, nearly 30% are fathers as we work towards involving Dads as much as possible.

...

This combination of services, particularly the Day and Overnight Stay are unique in the state.

Mr Reid provided an example —

A recent example of a family in crisis involved a young mother identifying to HELPLINE staff that she was on the brink of leaving her husband and young baby because she simply could not cope. Dad was working away and struggling to remain involved and supportive. Staff were able to help with the immediate concerns, including from a child safety perspective, which is often a difficult part of the service.

Based on urgent need, a Day Service was arranged that led to a 4 day Overnight stay, which included the father. This young mum had herself come from a difficult background. She needed practical advice but also a caring, compassionate, non-judgemental response. I have a letter that states – “Thank you for everything you have done, without Ngala I would have lost my baby girl.”

I believe members would all probably agree that it is concerning that despite the unique services Ngala provides, it is not able to operate that overnight stay service on more than three weeks out of four. In my view, it also reflects perhaps on the diminution of services, particularly with child health nurses.

The second event was held at Ngala’s premises in Kensington on 28 March, and it was a function to launch Ngala’s *Building Brains for Young Children 0–3 Years* DVD. Members know I have often spoken about this crucial period of development, particularly brain development. Approximately 85 per cent of brain development occurs up to the age of three, and it has a lifelong impact on future health and wellbeing. As I have said, early experience is in a sense built into us and we carry it with us throughout our lives. The DVD was launched by Professor Donna Cross, Western Australian of the Year, who is a professor of child and adolescent health at Edith Cowan University. That DVD, having watched it, is, I think, very useful and very accessible.

I will speak very briefly now about an early years seminar held on 1 May. It was organised by the Commissioner for Children and Young People and it featured Dr Clyde Hertzman, who is over here attending and speaking at another conference, but he managed to find the time to speak to this audience. Much of what he said, of course, will be familiar to people who are interested in the neuroscience of the early years and in the developmental and long-term evidence, and particularly interesting for those interested in the revenue implications for state budgets. The knowledge we have now is that by investing in those early years—we should provide support, of course, for much longer than that—there is a far greater return if there is universal support for all children. In fact, he talked about there being a one per cent increase in gross domestic product with every one per cent increase in the early development instrument. The EDI is the equivalent of the Australian early development index, and I understand now that it was developed based on the EDI. As he said, and I have just said, if adverse things occur in the early years, their effects can last a lifetime, and he very much made the point that we are talking now about universal services for children. We know that behaviour, neural circuitry cells and gene function develop in early childhood and set a child on a path which lasts a lifetime and which can be difficult to remediate. What was interesting, though, is that the early development instrument has been done for 12 years, so there are four sets of data. It was found that the reason that 40 to 45 per cent of that group of children were developmentally vulnerable on one or more domains related to socioeconomic status. But what was most significant was that the other half of that group were children who would be described as middle class. I thought that was really important to talk about because I am very aware of the views of Professor Fiona Stanley. She talks about universal targeting, which is what is provided with an adequate number of child health nurses, for example. I think this research underscored the need to provide universal services when it found that half the group were children who would be described as middle class. I found all of that very interesting, and I was certain that members in the chamber would be interested to hear about that.

NGALA

Statement

HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary) [9.56 pm]: It is perhaps by fluke that I also rise to speak in part about Ngala, but perhaps for a slightly different reason, albeit for the same outcome. A couple of weeks ago—you will be aware of this, Mr President—I had the pleasure of participating in

the 2012 Great Pram Push with my husband, Scott, and my lovely daughter, Clare. All funds raised as part of the Great Pram Push went to the Children's Leukaemia and Cancer Research Foundation and Ngala. Like Hon Linda Savage, I, too, am very supportive of the work undertaken by Ngala. Indeed, I have spoken about its services previously in this place, and I will say a bit more about that in a moment. I think members on both sides of the house are very supportive of the work that Ngala does. I know that the Minister for Child Protection, who is in the chamber tonight, is very supportive, and I think that the Department of Health—I may be corrected on this—provides around \$400 000 each year for its helpline. The helpline is just one example of the many programs provided by Ngala, and Hon Linda Savage has touched on those, whether it be the overnight stays, the parent support programs, particularly the new programs relating to fly in, fly out families, or the many other programs that Ngala provides. These programs provide wonderful support, particularly for new families and particularly for new mums. As I have reflected in this house before, I am happy to say that I am one of those mums. When a new little bub comes home, many mums think, "My gosh; what do I do now?" because they no longer have a hospital and all those wonderful midwives who are there to answer every question that goes through their head at a particular time. I still have the magnet on my fridge just in case I need to call Ngala again—and I am quite sure that I will!

I understand that the Great Pram Push started from an idea simply thrown around by a few mums and dads over a chat across a kitchen table about three years ago, and it is increasingly growing in strength. I have to say it was a fantastic morning in Fremantle. It was opened by His Excellency the Governor, Mr Malcolm McCusker, and Mrs McCusker, who is the patron of Ngala, was also in attendance. A few thousand dollars was raised and I know that the organisers are pleased that it is very much growing in strength.

I thank colleagues and friends who supported me in my fundraising effort. I was very lucky to be named the top fundraiser.

Hon Sue Ellery: That's not luck; that's organisation!

Hon DONNA FARAGHER: A good thing was that a couple of prizes went with being the top fundraiser. I made contact with Hon Barbara Scott, who everyone in this house would know well. She is the chair of the Friends of Ngala committee. I asked that those prizes be given to a worthy Ngala volunteer or a family who they felt would appreciate those prizes. But the point is that great things happen from people talking about an idea and getting on and actually making it happen. I know that Rebecca Martin and a number of the other organisers of the event worked extremely hard to ensure that it was a success. I said to them that I look forward to next year's Great Pram Push; so be warned colleagues, I will contact you again next year! The Children's Leukaemia and Cancer Research Foundation was also supported by the event.

From having my own experience in making contact with Ngala as not only a member of Parliament but also a mum, I was very pleased to provide my support to Ngala because, at the end of the day, it is a challenge for many new mums and it is good to have someone on the other end of the line who is non-judgemental and can provide frank and fearless advice. It is very, very good advice, I have to say; Ngala helped very much in making sure that my daughter Clare learnt to sleep a little longer than I was able to get her to sleep for in those early days! I am very grateful for that. I think that the work Ngala does is outstanding and I am very pleased that this government supports it in the work that it does.

YIRIMAN SUICIDE PREVENTION PROJECT

Statement

HON LJILJANNA RAVLICH (East Metropolitan) [10.02 pm]: I want to raise the issue of the Yiriman suicide prevention project and also raise some issues in relation to the comments made by the Minister for Mental Health today during question time.

I only learnt of the Yiriman project recently. When I found out about this project, I realised that it is indeed highly respected and highly thought of by many people. In fact, I understand that in earlier reports about suicides in the Kimberley, the coroner made a recommendation endorsing this project. I also understand that a standing committee of the Parliament has made recommendations in support of this project. This project is unique because it provides a range of activities that focus on the traditional way, if we like, in assisting Indigenous people to deal with some of their issues. For example, the Yiriman project works through cultural leadership and protocols and delivers intensive back-to-country trips with large extended family or clan groups travelling in the desert. It does a range of things. I do not really want to focus on an extensive overview of everything that the project does; however, I want to put on the public record that it is deemed to be a highly valuable project, particularly as a suicide prevention measure.

I made some comments today about how there have been 25 suicides in the Kimberley. I was advised by the Minister for Mental Health in her response that she has no idea where I got the information from, and in fact that it was wrong. I will put on the public record that that information came from an article written by Russell Skelton, from *The Age*, on 19 April 2012. The information was also in *The Weekend West* only a week or so ago.

Members who read *The Weekend West* a couple of Saturdays ago might have read an article about what was happening out in the Kimberley, particularly in the Mowanjum community, which is having a spike in suicides. There was a very, very sorry picture in that paper showing a lot of trees that had been chopped down by community members. Those trees were chopped down because every time there is a suicide, somebody hangs themselves. To avoid these copycat hangings, the community chopped the trees down. There was a photo showing all the trees basically chopped down. Whether it is actually 25 deaths or whether it is 20—no matter how many it is—the fact is there should not be any deaths. Even the minister is reported, in one of the news clippings, as saying that suicide is preventable. There should not be any suicides because suicide is preventable. I have to say that the minister's response today was particularly disappointing. I understand that the Yiriman project is a project that could be funded provided it fitted within the framework of the suicide prevention strategy. We are talking about a worthwhile project, but it does not fit into the minister's framework. Because it does not fit into the One Life strategy framework, it is not going to get funding. I would hate to think what the feeling in the Mowanjum community is, and in the Kimberley generally, because I would think that particularly the Mowanjum community —

Hon Helen Morton: Who said it was not going to get any funding?

Hon LJILJANNA RAVLICH: The minister has said it is not going to get any funding. If she wants to change her mind, she can.

Hon Helen Morton: You're being silly again.

Hon LJILJANNA RAVLICH: Don't accuse me of being silly.

Hon Helen Morton: You are being silly.

Hon LJILJANNA RAVLICH: Don't accuse me—I do not have the problems that you have!

Hon Helen Morton: You are being silly, because no-one said that.

Hon LJILJANNA RAVLICH: Mr President, if the minister is saying that this project will now be funded, then I am happy. If she gives me a commitment now, I will sit down. But if all she is going to do is bark across the chamber, then sorry, that is not good enough. I listened quietly to the minister today. She indicated that she was not going to fund this project. If the minister is telling me now that she is—good!

I want to put this on the public record: from the \$13 million that was promised for the suicide prevention strategy, as at November last year we have a drawdown of \$3 million. In fact as at 19 December 2011, of that \$13 million promised for suicide prevention in this state, a total of only \$3 030 985.10 had been allocated to approved projects. That is allocated—not even spent! Just over \$3 million of \$13 million has been allocated, and a lot of that would not even have been spent. This minister says that she is not going to fund a project in a region that has a totally unacceptable suicide rate. I think the minister will have to do better than that. The minister's suicide prevention strategy is just a bureaucratic mess. The fact is that the money is not getting to the communities where it is most needed. If ever there was evidence of that, it is in the answer that I have here, which shows clearly that the minister does not even consider suicide prevention to be important, because, if she did, she would have made sure that this money flowed to the communities that so desperately need suicide prevention funding and to community members who so desperately want it. We have a situation in the Kimberley that is totally unacceptable. Wes Morris of the Yiriman Project has written to the minister on numerous occasions —

Hon Helen Morton: Twice.

Hon LJILJANNA RAVLICH: Well, I have emails here. He has written to the minister, and she has known about this project for at least a year and a half—maybe two years—and she has done nothing about it.

Hon Helen Morton interjected.

Hon LJILJANNA RAVLICH: I am not interested in what else he gets; the fact is that he has come to the minister and she has rejected him. In rejecting him and not supporting his project, she is not providing that community with the resources it needs to address a very, very serious issue. If the minister thinks it is acceptable for her to knock back an application for funding when she has expended only \$3 million from her suicide prevention strategy funding, I beg to differ. The minister should, as a matter of priority, do the right thing by the people of the Kimberley and the Mowanjum community to —

Hon Helen Morton: He's not even in the Mowanjum community!

Hon LJILJANNA RAVLICH: But there is a major problem —

The PRESIDENT: Order! You both have an awful habit of talking over the other whenever the other is on her feet, and —

Hon LJILJANNA RAVLICH: Well, I sat in silence today, and —

Hon Helen Morton: You did not!

The PRESIDENT: That proves my point, I think. Order! I think Hon Ljiljanna Ravlich has 21 seconds; I think we can hear her in silence.

Hon LJILJANNA RAVLICH: I am going to interpret the minister as having said that she would now provide funding to the Yiriman Project; that is what she has said. Is that correct, minister, or is it not correct?

Hon Helen Morton: I'm not allowed to interject!

Hon LJILJANNA RAVLICH: Well, I am going to take that as a yes, and I will follow it up!

BRUCE BENNETT

Statement

HON GIZ WATSON (North Metropolitan) [10.12 pm]: On a different note, I want to take a little time tonight to acknowledge a very significant member of Australia's literary community and a well-known Western Australian, Bruce Bennett, who has recently died, and whom I had the good fortune to meet. He was described in *The Canberra Times* as the foremost scholar of Australian literature of his generation. I knew Bruce as he was the father of Michael Bennett, who worked for the Greens for a number of years here in Parliament. I was saddened to hear about Bruce's death, and I want to raise it in the house tonight.

Bruce was a great literary ambassador for Australia, working tirelessly to promote the study of Australian literature and culture overseas. Since his death on 14 April, after a long battle with illness, tributes have poured in from all over the world, celebrating not only his work as an academic and educator, but also his qualities as a kind and caring colleague and friend. I should say that I am referring to an article that appeared in *The Canberra Times*, to give it due credit.

Bruce Bennett was born and raised in Western Australia, and his youth and early manhood were dominated by sporting and academic achievement. He played Australian football and cricket and captained the Subiaco Colts footy team.

He took his first degree from the University of Western Australia, and followed this with a Diploma of Education from Claremont Teachers College. In 1964, he won a Rhodes scholarship and spent the next three years studying at Pembroke College, Oxford University. It was at this time that he first began to read the literature of his own state and country. He also met and married Patricia—the beginning of a lifelong and devoted partnership.

On his return to Australia in 1968, Bennett was appointed to a lectureship at the University of Western Australia. It was the beginning of a stellar career. At UWA, Bennett was successively promoted to senior lecturer and associate professor. He became the Director of the Centre for Studies in Australian Literature. He co-edited the literary magazine *Westerly*. He was on the board of the Black Swan Theatre Company and acted in an advisory capacity to the Fremantle Arts Centre Press. He was head of the English department and an elected member of the university senate. With colleagues, he inaugurated a biannual symposium which addressed itself to the literatures in English of the Asia-Pacific region. He also spent a study leave in London, gaining a master's degree in education. He put this to good use in his own teaching and in serving on a wide range of committees and advisory bodies dealing with the place of Australian literature and Australian studies in secondary and tertiary curricula both in Australia and overseas. He was a member of the Australian National Commission for the United Nations Educational, Scientific and Cultural Organization from 1985 to 1990.

In 1993, Bennett took up the chair of English at the University of New South Wales at the Australian Defence Force Academy in Canberra, where his work continued with unabated energy. In 1994, he was made an Officer of the Order of Australia for his services to literature and education. He was already a Fellow of the Australian College of Education, having been elected to that body in 1990, and in 1995 he became a Fellow of the Academy of the Humanities of Australia. He was appointed honorary professor at the University of Queensland in 2002 and adjunct professor at the Humanities Research Centre, Australian National University, in 2003. He was awarded a Doctor of Letters by the University of New South Wales in 2004. This last was recognition of his published contributions to academic literature, which include 28 books edited or sole-authored, and more than 150 articles, essays and reports to government and learned societies. His sole-authored books include his seminal study of Peter Porter's life and work, *Spirit in Exile*, which won the WA Premier's Award for historical and critical studies in 1992; his definitive history of the Australian short story; his wonderful collection of essays, *Homing In*; and his study of spies in literature, *The Spying Game: An Australian Angle*, which will be published shortly by Australian Scholarly Publishing. Of his many other publications, *The Oxford Literary History of Australia*, which was co-edited with Jenny Strauss, is one of the most significant.

Bennett's international work continued after his appointment at the UNSW Canberra. He advised universities and governments in a number of countries, including Vietnam, India and the Philippines, on approaches to Australian studies, as well as promoting interest in Australian literature in Europe, Canada and the United States.

He was Group of Eight Professor of Australian Studies at Georgetown University in 2005–06 and was a member of the Australia–India Council from 2002–08.

Despite the reach and breadth of his work and the various honours bestowed upon him in recognition of that work, Bennett was extraordinarily modest. He was a quiet, considerate, courteous and kindly man who wanted to help, encourage and support anyone who shared his passion for literature in general and Australian literature in particular. Two things unite his work: an intense thoughtfulness, and an intense desire to communicate and stimulate such thoughtfulness. His work is always respectful and deeply sensitive towards the object of his study—the poems, plays and novels he loved. He was the least critical of literary critics in the sense that he was not interested in easy judgements, literary league tables or wielding literary battleaxes. Bennett's sympathies were egalitarian and anti-authoritarian. His life and work are about the pursuit and promotion of understanding, the fostering of tolerance between people and nations, and the forging of connections and links to promote a more generous and humane world.

Bennett is survived by his wife, Trish; his children, Michael and Cathy, and their partners, Serena and James, who are all good friends of mine; his grandchildren, Natasha and Lara; and his brothers, Jack and Glen.

House adjourned at 10.18 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MENTAL HEALTH AND WELLBEING OF YOUNG PEOPLE — TREATMENT SERVICES

5065. Hon Alison Xamon to the Minister for Mental Health

I refer to recommendation 14 of the Commissioner for Children and Young People's Report on the Inquiry into the Mental Health and Wellbeing of Children and Young People from April this year, which calls for increased funding for the State's Infant, Child, Adolescent and Youth Mental Health Service (ICAYMHS) so that it is able to provide comprehensive early intervention and treatment services for children and young people across Western Australia. I note especially that ICAYMHS estimates that it is currently only funded to provide service to 20 per cent of the children and young people who require it. I refer also to the 2007 Review of Child and Adolescent Mental Health Services in Western Australia and the Mental Health Commissions WA Mental Towards 2020: Consultation Paper which found that ICAYMHS was under-resourced, unable to meet the needs of its client group and that operating procedures and structures were inconsistent between ICAYMHS clinics. And I ask —

- (1) Will the Government commit to increasing funding to ICAYMHS (through the Child Adolescent Health Service and the Western Australia Country Health Service) in the 2012–13 Budget so as to meet the needs of children in Western Australia suffering from mild, moderate and severe mental illnesses, and if so, by how much?
- (2) If no to (1), why not?

Hon HELEN MORTON replied:

- (1) The Western Australian (WA) Government has committed new targeted growth funding of \$6.54 million in 2012–13 to Child and Adolescent Health Services and the WA Country Health Service for mental health initiatives in metropolitan and regional areas. The Government made a commitment in 2011–12 to increase funding for infant, child and adolescent mental health services. Recruitment to positions is underway and the full deployment of the new investment is anticipated in 2012–13. Funding is recurrent and will continue to see the expansion and enhancement of services and supports available to infants, children and young people experiencing mild, moderate and severe mental illnesses.
- (2) Not applicable.

GORGON GAS PROJECT — DOMESTIC CONTRACTS

5107. Hon Robin Chapple to the Minister for Energy

I refer to VERVE Energy and Synergy having signed separate contracts with the Chevron-led Gorgon joint venture for the supply of domestic gas totalling 125 terajoules per day for 20 years from 2015, and I ask —

- (1) Will the Minister table those contracts?
- (2) If no to (1), why not? By what method will the gas be delivered to shore by the Chevron-led Gorgon joint venture?
- (3) If by pipeline, will the Minister provide —
 - (a) an outline of those development timelines;
 - (b) the proposed route;
 - (c) approvals procedures;
 - (d) cost estimates; and the funding base for such a pipeline?
- (4) Will the State Government provide any infrastructure or funds to facilitate VERVE Energy and Synergy accessing gas produced on Barrow Island?

Hon PETER COLLIER replied:

- (1)–(2) No, these contracts are commercial-in-confidence.
- (3)–(5) These questions should be directed at the Department of State Development.

BROWSE LNG PROJECT — ABORIGINAL HERITAGE SITES

5110. Hon Robin Chapple to the Minister for Indigenous Affairs

With regard to Woodside's ground breaking work at James Price Point and the risk of damage to registered Aboriginal sites, I ask —

- (1) Has the Department of Indigenous Affairs (DIA) investigated whether Woodside has undertaken drilling within the Walmadan registered site (DIA site 13076), between 21 July 2011 to 26 July 2011, or any other period?
- (2) If yes to (1), what was the outcome of the investigation?
- (3) If no to (1), will the DIA investigate this?
- (4) If no to (3), why not?
- (5) Has the DIA investigated whether Woodside has undertaken drilling or clearing work within any registered, unregistered or protected Aboriginal sites at James Price Point since 11 July 2011?
- (6) If yes to (5), what was the outcome of this investigation?
- (7) If yes to (1) or (5), under what authority did any damage to Aboriginal sites proceed?
- (8) If no to (5), why not?
- (9) Has the DIA investigated whether conditions imposed on the s16 provided for James Price Point been complied with? (10) If yes to (9), what is the outcome of this investigation?
- (11) If no to (9), why not?
- (12) If no to (9), will the DIA investigate whether conditions of the s16 approval have been complied with, including the condition to consult with Mr Joseph Roe?
- (13) If no to (12), why not?
- (14) What action, if any, is the DIA taking to protect registered Aboriginal sites at James Price Point?
- (15) Is the DIA responsible for investigating and prosecuting offences under the Aboriginal Heritage Act 1972?
- (16) If no to (15), who is the prosecuting authority?
- (17) Is it departmental policy to prosecute if there are reasonable prospects of a conviction for unauthorised destruction of a registered Aboriginal site?
- (18) Under what circumstances would the DIA prosecute?

Hon PETER COLLIER replied:

- (1) Yes
- (2) Yet to be completed.
- (3)–(4) Not applicable.
- (5) Yes
- (6) Yet to be completed.
- (7)–(8) Not applicable.
- (9) Yes
- (10) DIA was satisfied that the conditions were complied with.
- (11)–(13) Not applicable.
- (14) The DIA is investigating whether there has been any damage to sites at James Price Point. This has included conducting interviews and visiting the sites.
- (15) DIA investigates allegations of offences under the AHA.
- (16) The State of WA through the Minister for Indigenous Affairs.
- (17) The Minister, based on advice from the State Solicitor, makes the decision on whether there is sufficient evidence to prosecute.
- (18) See (17).

ABORIGINAL CULTURAL MATERIALS COMMITTEE — SPECIALIST ANTHROPOLOGIST

5113. Hon Robin Chapple to the Minister for Indigenous Affairs

With reference to the functions of the Aboriginal Cultural Materials Committee (ACMC) and the specialist anthropologist, I ask —

- (1) Will the Minister table a list of all the specialist anthropologist who have served in this function on the ACMC since this Government came to power?

- (2) Will the Minister provide a list of all the service periods for the specialist anthropologist for the period outlined in answer to (1) above?
- (3) Will the Minister provide the reasons given for the specialist anthropologist leaving this function on the ACMC?
- (4) On what dates and by what method were expressions of interest sought by the Department for Indigenous Affairs for specialist anthropologist to fill the vacant positions?
- (5) How many applications were made on each occasion a vacancy occurred?
- (6) Where any of those applications in (5), not successful and why?
- (7) Where specific specialist anthropologist sought from the Universities of Western Australia?
- (8) If yes to (7), how were these sought?
- (9) Will the Minister table a list of specialist anthropologist sought from the Universities of Western Australia?
- (10) If yes to (8) and (9), why did those specialist anthropologist decline the invitations?

Hon PETER COLLIER replied:

- (1)–(2) April 2008 to May 2009 — Mr Michael Robinson;
July 2009 to July 2010 — Mr Kado Muir; and
December 2011 to present — Mr Michael Robinson.
- (3) Messrs Robinson and Muir tendered their resignations on 6 May 2009 and 23 July 2010 respectively.
- (4)–(6) In May 2009, the Registrar of Aboriginal Sites consulted with the University of Western Australia and Curtin University about suitable candidates to fill the specialist anthropologist position.

Of a panel of seven suitable candidates, five declined to be considered. The Minister for Indigenous Affairs then selected one of the two remaining candidates, Mr Kado Muir, for appointment.

On 2 March 2011 and 6 April 2011, an advertisement was placed in *The West Australian* newspaper calling for expressions of interest for membership of the Aboriginal Cultural Material Committee, including the specialist anthropologist position.

The Registrar also consulted with relevant tertiary institutions.

Three applications for the specialist anthropologist position were received and put to the Minister for consideration.

Mr Daniel Bruckner was subsequently appointed as specialist anthropologist in September 2011, however, he did not accept the position.

Mr Michael Robinson, the deputy specialist anthropologist, was appointed to the position of specialist anthropologist in January 2012.
- (7) No
- (8)–(10) Not applicable.

PERTH WATCH HOUSE — DRUG/ MEDICINE MANAGEMENT

5116. Hon Giz Watson to the Minister for Energy representing the Minister for Police

- (1) For each schedule to the *Poisons Act 1964* that relates to medicine or drugs —
 - (a) how many officers/staff at the Perth Watch House are currently authorised to dispense, distribute, supply or administer medicine/drugs listed in that schedule to detainees;
 - (b) by what legislative authority (please identify section of Act/regulation number) or other authority is this permitted;
 - (c) is at least one officer/staff member who has the necessary authorisation to dispense, distribute, supply or administer medicine/drugs listed in that schedule on duty at the Perth Watch House at all times;
 - (d) if no to (1)(c) —
 - (i) why not;
 - (ii) what process applies when a detainee requires treatment by a medicine/drug listed in that schedule but no officer/staff member with the necessary authorisation is on duty;

- (e) what records are completed whenever a medicine/drug listed in that schedule is dispensed, distributed, supplied or administered to a detainee at the Perth Watch House;
- (f) how long are those records kept;
- (g) in what circumstances is the dispensing, distribution, supply or administration of a medicine/drug under that schedule to a detainee at the Perth Watch House video recorded;
- (h) how long are such video records retained;
- (i) in what circumstances is the dispensing, distribution, supply or administration of a medicine/drug under that schedule to a detainee at the Perth Watch House not video recorded; and
- (j) how often does this occur?
- (2) What coronial recommendations have been made regarding the provision of medicine/drugs to detainees at the Perth Watch House and/or otherwise in police custody?
- (3) Will you please describe in full the extent to which each of these recommendations has been implemented?
- (4) Have you discussed with the Minister for Health whether there is a need for amendment to the *Poisons Act 1964* or *Poisons Regulations 1965* to enable medicine/drugs to be provided to detainees in police custody?
- (5) If yes to (4) —
 - (a) what was the nature of those discussions; and
 - (b) what was the outcome?

Hon PETER COLLIER replied:

- (1) (a) None.
- (b)–(j) Under the definition of Section 36 and 52 of the Poisons Regulations officers at the Perth Watch House do not dispense, distribute, supply or administer medicines or drugs.
- (2) No such recommendations have been identified.
- (3) Not applicable.
- (4) No.
- (5) Not applicable.

BURU ENERGY — ABORIGINAL HERITAGE ACT COMPLIANCE

5153. Hon Robin Chapple to the Minister for Indigenous Affairs

I refer to the Buru Energy Limited (Buru) Canning Superbasin exploration program and their operations at Ungani, Valhalla and Yulleroo, and ask —

- (1) With respect to the above, what role does the Western Australian Department of Indigenous Affairs (DIA) take in ensuring that all processes required under the *Aboriginal Heritage Act 1972* (AHA) are complied with?
- (2) Was Buru advised that there needed to be a review of site data held by the DIA to ensure no historic Indigenous registered sites were at the locations of Ungani, Valhalla and Yulleroo?
- (3) If yes to (2), did this occur?
- (4) If no to (2), why not or is it not the role of DIA to advise proponents of their responsibilities?
- (5) Was Buru advised by the DIA that there needed to be Indigenous site clearances at the locations of Ungani, Valhalla and Yulleroo?
- (6) If yes to (5), were site clearances carried out?
- (7) If no to (5), why not or is it not the role of DIA to advise proponents of their responsibilities?
- (8) If yes to (6), when were these site clearances carried out and were applications to disturb required under the AHA?
- (9) Is the DIA aware if a review of site data held by the DIA was carried out by Buru?
- (10) If yes to (9), on what date?
- (11) Is the DIA aware if site clearances were carried out by Buru at the Ungani, Valhalla and Yulleroo drilling, laydown, accommodation and access roadway locations?

- (12) If yes to (11), when did these occur?
- (13) As Buru now enters their development stage (ASX announcement 14 December 2012) will they be required to carry out heritage surveys, of the areas of impact, under the AHA?
- (14) If no to (13), why not?

Hon PETER COLLIER replied:

- (1) The Department of Indigenous Affairs (DIA) has a role in advising stakeholders of obligations and procedures relating to the Aboriginal Heritage Act 1972 (AHA), and investigating allegations of damage to sites and compliance matters.
- (2) No
- (3) Not applicable.
- (4) The DIA provides advice to Landowners, or other stakeholders such as companies or government agencies, in relation to development proposals. Buru has not approached the DIA seeking advice for their operations at Ungani, Valhalla and Yulleroo. Neither has the DIA received any report of damage to sites in these areas.
- (5) No
- (6) Not applicable.
- (7) See question (4).
- (8) Not applicable.
- (9) No
- (10) Not applicable.
- (11) No
- (12) Not applicable.
- (13)–(14) There is no requirement in the AHA that surveys be undertaken. A Landowner requiring to use land where a site might exist can apply to the Minister for Indigenous Affairs for consent under section 18. The usual methods employed by Landowners to determine the risk of damage to an Aboriginal site is to investigate the Register of Aboriginal places and objects and to undertake heritage surveys..

LUMEN CHRISTI CATHOLIC COLLEGE — QUARRY BOUNDARY

5156. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

With reference to four questions asked by Hon Derrick Tomlinson: 2004–03–02 number 11, 2004–03–30 number 1736, 2004–05–04 number 249, 2004–05–06 number 286, Supplementary Information No. B5 provided in the other place on Thursday, 3 June 2010 in respect of Division 67, Environment and Conservation and photos taken in 2011 at <http://www.robinchapple.com/qdata> 'Lumen Christi Science leaf photos.pdf', I ask —

- (1) Since the questions were asked in 2004 has the quarry expanded?
- (2) If yes to (1), by how much in terms of area and production tonnages?
- (3) Has the boundary of the operating quarry moved closer to the Lumen Christi Catholic College since 2004?
- (4) If yes to (3), what is the current distance between the operating quarry and the Lumen Christi Catholic College?
- (5) What was the distance between the operating quarry and the Lumen Christi Catholic College in 2004?
- (6) Can the Minister advise whether the Department of Environmental Protection or the Environmental Protection Authority has formed opinions that dust from the CSR Ltd quarry in Gosnells represents environmental nuisances, environmental hazards or health hazards to residents in adjoining land?
- (7) How many times in 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 did the quarry breach a national environmental protection measure (NEPM) for fine dust?
- (8) Who are the current owners and operators of the quarry?
- (9) When was the local air quality monitoring program initiated?
- (10) How many monitors are there and what are their locations?
- (11) Why is the Gosnells monitoring station not operational for the entire year?

- (12) What percentage of the time does the Gosnells monitoring station operate?
- (13) On what dates did the Gosnells monitoring station not operate over the last five years?
- (14) The 2002 report titled 'Buffer and Odour Assessment — Proposed West Martin Residential Project' commissioned by the City of Gosnells from environmental consultants Sinclair Knight Merz, identified a number of potential breaches. Are these breaches still occurring?
- (15) The above report indicated that a portion of Lumen Christi College and some residents are in a zone which could expect four to six exceedences of the PM10 (10 µm) standard per year from quarry activities. Are these expectations still current?
- (16) Is the Lumen Christi College and some residential housing in a zone which could expect exceedences of the PM2.5 (particles less than 2.5µm in diameter) standard per year from quarry activities?
- (17) If yes to (16), how many exceedences are recorded or could be expected to occur?
- (18) Does a notional buffer zone or buffer zone exist for the quarry and when was it introduced?
- (19) If yes to (18), what is the distance of the buffer zone from the edge of the quarry workings and will the Minister table a map of any buffer area?
- (20) How far outside the buffer zone is the Lumen Christi College?
- (21) If the Lumen Christi College is not outside the buffer zone, what is being done to mitigate the impact of fugitive respiratable particulates?
- (22) Are the Lumen Christi College students and staff continually advised that dust from the quarry has potential health risks?
- (23) If no to (22), why not?
- (24) If yes to (22), is this information made available to the students, parents and staff?
- (25) If no to (24), why not?
- (26) Has the Minister's department staff visited the Lumen Christi College in respect of the impacts of wind blow dust?
- (27) If yes to (26), when was the last visit and what was the purpose of that visit?
- (28) Has the department been advised of the significant dust impact at the Lumen Christi Catholic College as a result of fugitive emissions from the adjacent quarry (see photos at www.robinchapple.com/qdata 'Lumen Christi science leaf photos')?
- (29) If no to (28), will the department investigate the impacts of nuisance dust and respiratable particulates at the Lumen Christi Catholic College?

Hon HELEN MORTON replied:

- (1) The quarry operation is managed under an Extractive Industries Licence administered by the local government. The Department of Environment and Conservation (DEC) cannot make any comment on the expansion of the quarry. Holcim (Australia) Pty Ltd undertakes crushing, screening and stockpiling activities at the same premises. These activities are licensed by DEC. DEC has advised that the annual throughput for the licensed activities has not changed since 2004.
- (2) Not applicable
- (3) No. DEC has viewed aerial photographs from 2005 and 2011 and it appears that the western boundary has not changed in that time.
- (4) Not applicable
- (5) Based on aerial photographs from 2005 and 2011, the distance between the operating quarry and Lumen Christi College is approximately 1050 metres.
- (6) DEC and the Office of the Environmental Protection Authority have not formed opinions relating to any dust from the quarry.
- (7) There was no dust (PM10) monitoring carried out by the then Department of Environment between 2004 and 2006, nor by DEC until November 2007. DEC conducted PM10 monitoring at the LumenChristiCollege between 22 November 2007 and 18 September 2009. There were seven exceedences of the National Environment Protection (Ambient Air Quality) Measure (NEPM) standard for PM10 (50 micrograms per cubic metre average over a 24 hour period) recorded in 2008 and one exceedence during the first eight months of 2009. There were no exceedences during the short monitoring period of 2007. The NEPM allows exceedences of the PM10 ambient air quality standard

five days per year, to allow for circumstances such as extremely strong winds, bushfires and high pollen counts.

Holcim has been monitoring PM10 since August 2007, on a dust monitor that is designed to monitor PM10 for dust management purposes only, not for monitoring compliance with the NEPM. The monitoring results suggest no exceedence of the NEPM standard in 2007, six in 2008, three in 2009, none in 2010, one in 2011 and none in 2012.

- (8) Holcim (Australia) Pty Ltd.
- (9) There is no local air quality monitoring program. On 15 August 2007, Holcim implemented a dust monitoring program based on real-time PM10 monitoring at the western boundary of the premises. This monitoring program is ongoing. It is not a requirement of the licence issued by DEC, however, it is a requirement of the City of Gosnells Extractive Industries Licence. Monitoring conducted by DEC is described in the answer to (7).
- (10) There is currently one dust monitor in operation, located at the western boundary of the premises near Lumen Christi College.
- (11)–(12) Holcim's dust monitoring station is operational for the whole year. The monitor is taken off-line only in the case of a malfunction, power failure or for maintenance.
- (13) According to information received from Holcim, the dust monitor was not in operation on the following dates:
 - 29 February–4 March 2008
 - 2–3 June 2008
 - 8 June 2008
 - 16–30 June 2008
 - 18–19 July 2008
 - 23–26 July 2008
 - 28 July–2 August 2008
 - 8–24 December 2008
 - 12–13 March 2009
 - 3–6 May 2009
 - 29 May–2 June 2009
 - 6–8 June 2009
 - 13–14 July 09
 - 22–24 July 2009
 - 30–31 July 2009
 - 17 August 2009
 - 19 August–6 October 2009
 - 15 October 2009
 - 17–22 October 2009
 - 24–25 October 2009
 - 27–28 October 2009
 - 31 October 2009
 - 3–4 November 2009
 - 8 November 2009
 - 21–25 November 2009
 - 30 November–1 December 2009
 - 1–8 February 2010
 - 25 March 2010
 - 13–14 May 2010
 - 12–16 June 2010
 - 27 June–3 July 2010
 - 31 July–5 September 2010
 - 13–15 September 2010
 - 29 January–2 February 2011
 - 11–22 February 2011
 - 20 March 2011
 - 4 April 2011
 - 7–13 July 2011

It should be noted that there were other dates where flow/data errors were recorded for short periods during the day.

- (14) The Sinclair Knight Merz 2002 report is a modelling report supplemented with limited monitoring (one month) and was used as a planning tool. The modeling is not a record of compliance. Consequently, the report cannot determine actual breaches.
- (15) No. Due to changes in management practices at the quarry since the modelling report was released, DEC expects no visible dust to cross the premises boundary, and therefore no exceedence of the NEPM standard from quarry operations. From time to time, dust from other sources in the area may affect Lumen Christi College.
- (16) This is unlikely as the majority of particle emissions from quarry operations are typically coarse particles containing the larger size fraction with a low proportion of PM_{2.5} particles.
- (17) Not applicable
- (18) This question should be referred to the Minister for Planning. Nevertheless, in June 2005 the Environmental Protection Authority (EPA) published guidance for the assessment of environmental factors 'Separation Distances between Industrial and Sensitive Land Uses, No 3'. This guideline is taken into consideration with other information, including modelling, when assessing buffer distances in planning decisions.
- (19) The EPA guidance statement No. 3 recommends 1000 metres. The buffer can be reduced if the premises can demonstrate effective management of emissions. [See paper 4460.] showing the buffer areas recommended in the guidance statement.
- (20) This question should be referred to the Minister for Planning. Lumen Christi College is approximately 50 metres outside the EPA's recommended separation distance for the quarry operation.
- (21) Not applicable
- (22) This question should be referred to the Minister for Health.
- (23)–(25) Not applicable
- (26) Yes
- (27) A briefing on the findings of the particle study conducted by Environmental Resources Management consultants in 2005 to 2006 was held on 21 November 2006 with the Principal of Lumen Christi College and the then local West Martin Residents Group.
- The last contact was made in September 2009 advising the Principal and the groundskeeper of the decommissioning of DEC's particle monitor, which was used to monitor particles between November 2007 and September 2009.
- (28) No
- (29) Yes, DEC will contact Lumen Christi College to investigate the impacts of dust emissions from the quarry.

100 HOMES PROGRAM

5157. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the 100 Homes and Personalised Planning and Support, and I ask —

- (1) How many people have been identified for this program to this date?
- (2) How many accommodation units have been spot purchased to this date, and at what cost?
- (3) How many accommodation units have been tagged to be built to this date, and at what cost?
- (4) Is this program to be capped at 100?
- (5) If yes to (4), for how long?
- (6) If no to (4); when will it be reviewed?

Hon HELEN MORTON replied:

100 homes, personalised planning and support is identified as the Individualised Community Living strategy.

- (1) 98 individuals are currently identified.

In addition (taking the total to 100):

- one person is being identified as a replacement for a previously identified individual who withdrew from the process;

- the process for one individual identified is on hold awaiting outcome of a court hearing. The outcome will determine whether the place on the program is held (custodial — dependent on length / non-custodial sentence).
- (2) As at 16 April 2012, 49 properties have been acquired to the value of \$21.63 million. A number of other properties are pending approval.
- (3) Four properties have been approved for construction, valued at approximately \$1.6 million.
- (4)–(6) The funding was for the 2011/12 financial year, to procure 100 properties for accommodation. Any expansion of the program is being considered.

REGIONAL HEALTH SERVICES — NON-GOVERNMENT ORGANISATIONS

5158. Hon Ljiljanna Ravlich to the Minister for Mental Health

For the following Regional Health Services —

- (a) Kimberley Health;
- (b) Pilbara Health;
- (c) Midwest Health;
- (d) Goldfields Health;
- (e) Wheatbelt Health;
- (f) South West Health;
- (g) Great Southern Health; and
- (h) Southern Inland Initiative —
 - (i) how many non-government organisations (NGO) operate in these areas;
 - (ii) where are the NGO situated; and
 - (iii) how much funding have these NGO received for the years 2008–2009, 2009–2010, 2010–2011 and 2011–2012?

Hon HELEN MORTON replied:

(a)–(h) [See paper 4461.]

KALGOORLIE HOSPITAL — CHIEF PSYCHIATRIST'S REVIEW INTO DEATHS

5159. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the Chief Psychiatrists' review into the deaths at Kalgoorlie Hospital, and I ask —

- (1) What is the current status of the review?
- (2) If finished, will the Minister table the recommendations in Parliament?
- (3) If no to (2), why not?

Hon HELEN MORTON replied:

- (1) The Chief Psychiatrist is not undertaking a review into deaths at Kalgoorlie Hospital.
- (2) Not applicable.

CHILD AND ADOLESCENT MENTAL HEALTH SERVICES — WAIT LIST

5160. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) How many children are waiting for appointments to Child and Adolescent Mental Health Services?
- (2) What is the average length of waiting time for children in —
 - (a) North Metropolitan; South Metropolitan; and Regional Mental Health Services?

Hon HELEN MORTON replied:

- (1) As at 12 March 2012 there are:
 - 234 children waiting for appointments at the metropolitan Child and Adolescent Mental Health Services (CAMHS).
 - 165 children waiting for appointments to the WA Country Health Service (WACHS) CAMHS.
- (2) (a)–(b) CAMHS is no longer structured under north and south metropolitan districts.

In the case of an emergency, the families of children are encouraged to go to the Emergency Department of their local hospital, with Princess Margaret Hospital having access to 24/7 mental health support.

Wait times at specific services range from:

Acute CAMHS — across the 7 services provided there are 0 days wait time for Psychiatric Nurses PMH Emergency Department to 39 days waiting times for Paediatric Consultation Liaison Outpatients.

Specialist CAMHS — across the 8 services provided there are 0 days wait time for Youth Reach to 90 days wait time for Complex Attention and Hyperactivity Disorder Services.

Community CAMHS — across the 10 metropolitan services there are 16 days wait time at Warwick CAMHS to 182.5 days wait times for Fremantle CAMHS.

The wait time variation is due to the range of services provided and the number of clinicians at the service.

- (c) Children that require urgent assessment are seen within 24 hours. The median wait time for an appointment at WACHS CAMHS can range from 7 to 100 days.

REGIONAL HEALTH SERVICES — OLDER ADULTS

5161. Hon Ljiljanna Ravlich to the Minister for Mental Health

For the following Regional Health Services —

- (a) Kimberley Health;
- (b) Pilbara Health;
- (c) Midwest Health;
- (d) Goldfields Health;
- (e) Wheatbelt Health;
- (f) South West Health;
- (g) Great Southern Health; and
- (h) Southern Inland Initiative —
 - (i) what older adult services are available;
 - (ii) how many beds are available for older adults; and
 - (iii) where are these beds situated?

Hon HELEN MORTON replied:

- (a)–(g) (i) The following services are available in all the WA Country Health Service (WACHS) regions:
- Aged Care Unit — WA Country Health Service
 - Aged Care Assessment Team
 - Assistance with Care & Housing for the Aged (Kimberley only)
 - Care Awaiting Placement
 - Community Aged Care Packages
 - Commonwealth Respite & Carelink Centre including National Respite for Carers Program
 - Extended Aged Care at Home (EACH) and EACH (Dementia) packages
 - Home and Community Care
 - Older Patient Initiative
 - Friend in Need Emergency — complex care coordination
 - Subacute Care — Visiting Geriatric Service, Visiting Psycho-geriatric Service, Geriatric Clinical Support Service (South West has a resident Geriatrician)
 - Residential Care
 - Respite Care

The Midwest, Goldfields, Great Southern and South West also have inpatient and outpatient subacute rehabilitation.

- (ii) There are 2798 residential care beds available in country WA for older adults.

433 residential care beds attached to Multi-Purpose Services (MPS) and 51 residential aged care beds are available for older adults in small country hospitals.

As at March 2012, a total of 2314 Commonwealth funded Residential Care beds were also available. These are usually privately owned and managed but where there is no private provider, they are managed by WACHS. (73 of the fully funded Commonwealth beds are owned and managed by WACHS; those at Kununurra, Hedland and Pingelly — see the attached table).

- (iii) [See paper 4462.]
- (h) (i)&(iii) Not applicable as the Southern Inland Health Initiative (SIHI) is not a health service.
- (ii) Under Stream 6 of SIHI, Incentive funding of \$20 million is available for private and not-for-profit residential aged care providers to build an aged care facility within the SIHI catchment area.

CONSUMERS OF MENTAL HEALTH WA — FUNDING

5162. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the Consumers of Mental Health Western Australia (COMHWA) an independent consumer peak body, and I ask —

- (1) Is the Minister aware that COMHWA has gone to Lotterywest for funding?
- (2) Has the Minister looked into funding COMHWA?
- (3) If no to (2); why not?

Hon HELEN MORTON replied:

- (1) CoMHWA successfully applied to Lotterywest for a grant in early 2010 to assist the organisation to develop a Strategic Plan. This was prior to CoMHWA being appointed as Western Australia's first consumer peak association of mental health consumers. CoMHWA currently has no current or pending grant applications being considered by Lotterywest however CoMHWA is open to apply to Lotterywest as they deem necessary and appropriate.
- (2) On the 18 September 2011, the Minister announced the appointment of CoMHWA as Western Australia's first consumer peak association of mental health consumers. The Mental Health Commission has allocated \$1.37 million over five years for the Association, giving mental health consumers a voice to influence Government and public sector agencies, private organisations and the community sector. A further \$225,000 over 2 years was awarded to the Western Australia Association for Mental Health to provide intensive mentorship and development support to CoMHWA as it establishes itself as the Association.
- (3) Not applicable.

REGIONAL HEALTH SERVICES — ABORIGINAL

5163. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) What specialist comprehensive assessment and treatment services are available to Aboriginal people in areas covered by the following Regional Health Services —
 - (a) Kimberley Health;
 - (b) Pilbara Health;
 - (c) Midwest Health;
 - (d) Goldfields Health;
 - (e) Wheatbelt Health;
 - (f) South West Health;
 - (g) Great Southern Health; and
 - (h) Southern Inland Initiative,
- (2) How many full time equivalents (FTEs) are required for full staffing of all Mental Health services in the following categories —
 - (a) psychiatrists;
 - (b) child psychiatrists;
 - (c) psychologists;
 - (d) child psychologists;
 - (e) mental health nurses; and
 - (f) occupational therapists?
- (3) How many FTEs are currently employed in the above categories for the Statewide Specialist Aboriginal Mental Health Service?

Hon HELEN MORTON replied:

- (1) (a)–(g) Aboriginal people have access to a range of specialist public mental health assessment and treatment services across WA Country Health Service (WACHS) Regions. Services available include:
- Community mental health services for children and young people (0–17 years) and adults (18 years+) across all WACHS Regions. Specialist community mental health services are available for older adults (65 years+) in the Goldfields, Great Southern, Midwest, South West and Wheatbelt, with a visiting Psychogeriatric Service available in all WACHS Regions.
 - In reach community mental health services are provided through regular scheduled visits to rural and remote communities across all WACHS regions.
 - Inpatient mental health services are located in Albany (Great Southern), Bunbury (South West) and Kalgoorlie (Goldfields), with another facility soon to open in Broome (Kimberley). Community mental health services provide a mental health consultation and liaison service to all WACHS Regional and District hospitals.
 - All WACHS Hospital Emergency Departments provide emergency and after hours assessment and treatment for people presenting with an acute mental illness.
 - Rural Link telephone support line provides after hours access to specialist mental health advice, support and referral. All WACHS Mental Health Services employ Aboriginal mental health staff who work alongside mainstream services to engage with Aboriginal communities, facilitate access to mental health services, ensure cultural safety and promote cultural competence of mental health services.
 - WACHS Kimberley and Pilbara also have integrated Mental Health and Drug and Alcohol Services.
- (h) Not applicable. The Southern Inland Health Initiative is not a regional health service.
- (2) Actual FTE is the approved method of reporting staffing levels to Parliament, Government and the Department of Treasury and Finance.
- (3) [See paper 4463.]

MENTAL HEALTH — EMPLOYMENT VACANCIES

5164. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) Can the Minister please provide the vacancy rates for —
- (a) mental health nurses;
 - (b) psychiatrists;
 - (c) psychologists; and occupational therapists,
- (2) in all the health services for the last two financial years?

Hon HELEN MORTON replied:

- (a)–(d) The Department of Health does not maintain vacancy rates/ FTE data for historical period as it only uses vacancy rates to identify and manage current and immediate staffing needs. This information is not maintained for retrospective periods. .

MENTAL HEALTH — NON-GOVERNMENT ACCOMMODATION

5165. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to non-government organisations (NGOs) that provide long term accommodation for adults with a mental illness, and I ask —

- (1) How many NGOs supply long term accommodation for adults with a mental illness?
- (2) Who are these organisations?
- (3) How many received funding for the years —
- (a) 2008–2009;
 - (b) 2009–2010;
 - (c) 2010–2011; and
 - (d) 2011–2012?

- (4) How many of these organisations are consulted with as a part of the discharge protocol when a consumer is released from hospital?

Hon HELEN MORTON replied:

Please note: "long term accommodation" is defined as accommodation that is licensed as a psychiatric hostel under Part IIIB section 26D of the Hospitals and Health Services Act 1927 and which provides accommodation for a period longer than 12 months per person.

- (1) 16
- (2)
1. AJH Nominees Pty Ltd
 2. Albany Halfway House Association Inc
 3. Amana Living Inc
 4. Casson Homes Inc
 5. Fusion Australia Ltd
 6. Legal Accounting and Medical Syndicate
 7. Mediwest Pty Ltd
 8. Meski International Pty Ltd
 9. Nowicki Family Trust
 10. Pu-Fam Pty Ltd
 11. Richmond Fellowship WA
 12. Roshana Pty Ltd
 13. St Bartholomew's House Inc
 14. St Vincent De Paul Society (WA) Inc
 15. Southern Cross Care WA
 16. Wortley Developments Pty Ltd
- (3)
- (a) 17
 - (b) 16
 - (c) 16
 - (d) 16
- (4) When a public mental health service discharges a patient/client/consumer to an organisation that provides long term accommodation the service consults with that organisation as part of the discharge protocol and planning process.
- The Mother and Baby Unit (MBU) at the Womens' and Newborn's Health Service, has only on rare occasions, discharged patients to a non-government organisation (NGO) accommodation provider. In the event this occurs, prior to discharge, there is extensive liaison and planning with the relevant NGO and the MBU continues to provide community mental health nurse follow up review post discharge to the patient. Sometimes, prior to discharge, a trial period of leave for the patient will be negotiated with the accommodation service to ensure it is appropriate for the patient to be discharged to this service.
- For the WA Country Health Service (WACHS), all NGOs affiliated with the Community Supported Residential Units (CSRU) are consulted as part of the discharge planning for residents and potential residents of this accommodation.

MENTAL HEALTH — ESPERANCE FACILITIES AND SERVICES

5166. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to Mental Health services and accommodation in the Esperance region, and I ask —

- (1) Why has the undertaking by former Minister, Dr Graham Jacobs MLA to reopen the town's short stay mental health acute unit been ignored by the current Minister?
- (2) What is the Minister doing about accommodation services for the mentally ill?

Hon HELEN MORTON replied:

- (1) When I visited the Esperance Hospital on 14 February 2012, I was especially pleased to consult with clinicians both at the Community Mental Health Service, and Esperance Hospital. After these discussions and viewing the hospital facilities, I am satisfied that the current manner in which these services jointly manage mental health inpatient admissions is appropriate to consumer and service needs.
- (2) Every option is being explored to source additional funds to develop accommodation services in Esperance.

MENTAL HEALTH — PATIENTS IN EMERGENCY DEPARTMENT

5167. Hon Ljiljanna Ravlich to the Minister for Mental Health

By hospital, over the past 12 months, how many people with a mental health diagnosis have been patients in the emergency department, or the observation ward in the emergency department, for the following length of time —

- (a) one to two days;
- (b) two to three days;
- (c) three to four days;
- (d) four to five days;
- (e) five to six days;
- (f) six to seven days;
- (g) seven to eight days;
- (h) eight to nine days;
- (i) nine to ten days; and
- (j) more than ten days?

Hon HELEN MORTON replied:

(a)–(j) [See paper 4464.]

MENTAL HEALTH ACT — STATUS

5168. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the new *Mental Health Act*, and I ask —

- (1) What is the current status of the proposed Act?
- (2) What is the forecast for the Act to be released for debate in the Parliament?

Hon HELEN MORTON replied:

- (1) The period for submissions on the draft Mental Health Bill closed on 9 March 2012. Submissions are now being reviewed and this may result in some redrafting.
- (2) The timeframe for introduction of the Bill into Parliament will depend on the time in which the review and any redrafting can be completed. It is hoped to introduce the Bill during the Autumn term.

MENTAL HEALTH — PRISONERS' ACCESS TO SERVICES

5169. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to Mental Health and the Prison system, and I ask —

- (1) What provisions is the Minister proposing for offenders in the prison system to receive mental health treatment?
- (2) How many full time equivalents are there for mental health consumers in the prison system in the following areas —
 - (a) psychiatrists;
 - (b) psychologists;
 - (c) mental health nurses; and
 - (d) occupational therapists?
- (3) How many beds are available in the Frankland Centre?
- (4) What are the occupancy rates of those beds?
- (5) Is there a waiting list for the beds at the Frankland Centre?
- (6) If yes to (5), how many are on that list?
- (7) Where are consumers on that waiting list housed?

Hon HELEN MORTON replied:

- (1)–(2) These questions fall under the portfolio of Corrective Services. As such I would ask the Member to refer them to the appropriate Minister.
- (3) 30 beds in total.

- (4) Occupancy rate varies between 90 to 95%.
- (5) Yes.
- (6) As at the 22 March 2012 there were three people on the wait list.
- (7) All are currently in custody.

MENTAL HEALTH COMMISSION — SERVICE REVIEW

5170. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the service reviews into funded supported accommodation services and telephone support services being undertaken by the Mental Health Commission, and I ask —

- (1) Have the reviews commenced?
- (2) For each review, when did these reviews commence and when are they likely to be finished?
- (3) At what cost were these reviews carried out?
- (4) How many full time equivalents were assigned to each review?
- (5) Will the Minister table the results of these reviews?

Hon HELEN MORTON replied:

- (1) The evaluation (review) of supported accommodation services has commenced. The review of telephone support services has not commenced.
- (2) The evaluation of supported accommodation services commenced on 14 February 2012 and is expected to be completed at the end of June 2012.
- (3) The evaluation of supported accommodation services is being conducted by independent evaluators at a cost of \$94,422.
- (4) Not applicable
- (5) The results of the evaluation of supported accommodation services are expected to be made available.

MENTAL HEALTH COMMISSION — MAPPING PROJECT

5171. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the mental health sector mapping project which has been funded by the Mental Health Commission and carried out by the Western Australian Association for Mental Health, and I ask —

- (1) Has the mapping project commenced?
- (2) What is the cost of the mapping project?
- (3) How long is the mapping project expected to take?
- (4) When will the directory of non-Government organisation mental services be publicly available?
- (5) Who will manage the directory?
- (6) How many full time equivalents will be needed for the management of the directory?

Hon HELEN MORTON replied:

- (1) Yes
- (2) \$200,000.
- (3) The report on the project is currently under review and is expected to be finalised by April 2012
- (4) May 2012.
- (5) Mental Health Commission
- (6) Not applicable.

MENTAL HEALTH COMMISSION — NON GOVERNMENT ORGANISATIONS

5172. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to non-government organisations (NGOs) utilised by the Mental Health Commission, and I ask —

- (1) How many NGOs have been commissioned?
- (2) How many consumer's do these NGOs cover?
- (3) Will there be any more NGOs commissioned in 2012?

- (4) If yes to (3), how many?
- (5) How many full time equivalents are required to manage the NGOs at the Government level?

Hon HELEN MORTON replied:

1. As at 15 March 2012 there are 91 commissioned Non Government Organisations.
2. The total number of reported people that accessed supports in 2010/11 was approximately 11,000 (in addition a high number of people received services through various education and information programs and telephone services, that are not included in this figure). Note an approximate number of people have been provided as non-government organisations do not have unique identifiers to enable accurate counting of individuals across organisations. Accordingly, some individuals may be counted more than once.

The total number of individuals supported by the above 91 organisations will not be available before the end of the financial year.
3. Several budget submissions for new service initiatives are currently being considered as part of the 2012/13 budget process. If approved, these initiatives will be commissioned through open tender and may result in additional Non Government Organisations.
4. It is unknown how many new Non Government Organisations will be commissioned as a result of future tendering processes.
5. There are currently seven (7) full time equivalents managing the Non Government Organisations within the Mental Health Commission.

MENTAL HEALTH — EARLY INTERVENTION SCHOOL INITIATIVES

5173. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the early intervention school initiatives for young people's understanding and awareness of mental health, and I ask —

- (1) What initiatives have been put in place in schools for the promotion of this initiative?
- (2) In which schools in the metro area have these initiatives been implemented?
- (3) In which schools in the regional areas have these initiatives been implemented?
- (4) Will the Minister be working with the Minister for Education to place more full time equivalent psychologists in schools for easier access by children?
- (5) If no to (4), why not?

Hon HELEN MORTON replied:

- (1) The Mental Health Commission (the Commission) provides funding to Curtin University for the Aussie Optimism program. Aussie Optimism is a mental health promotion program aimed at upper primary and lower secondary school aged children. It aims to promote resilience and protect children from developing depression and anxiety.

The Commission also funds Arafmi Western Australia (Mental Health Carers Arafmi (WA) Inc.) for the Changing Minds School Education Program. Changing Minds is an innovative mental health/mental illness program aimed at dispelling the myths and misconceptions surrounding mental illness and promoting mental health. The program is aimed at secondary school young people. Arafmi's main aim is to address the stigma of mental illness. However some schools have certain issues they face and the program caters for those needs and presents on specific issues like depression and eating disorders.
- (2) Aussie Optimism and/or Changing Minds have been implemented, or have provided resources to the following schools in the metropolitan area: Perth Modern; Kelmscott Senior High School (SHS); Sevenoaks Senior College; Applecross SHS; Morley SHS; Southern River College; Scotch College; Mercy College; John Forrest SHS; Bullsbrook District High School; Mindarie Senior College; Lakelands SHS; Rockingham SHS; Cyril Jackson Senior Campus; Woodvale SHS; Lockridge SHS; Trinity College; Ocean Reef SHS; Guildford Grammar; St Marks Anglican Community School; Darling Range Sports College; Leeming SHS; Churchlands SHS; Cecil Andrews SHS; Willetton SHS; Girrawheen SHS; Warwick SHS; Eastern Hills SHS; Carine SHS; Aquinas College; Kalamunda Senior College; Canning Vale College; Sowilo Community High School; Lesmurdie SHS; Chisholm Catholic College; St Stephens School-Carramar; Presbyterian Ladies' College; Servite College; Rehoboth Christian College; Kinross SHS; Methodist Ladies' College; Como Secondary College; Rossmoyne SHS; John Septimus Roe Anglican Community School; Aranmore Catholic College; Armadale Senior High School; Atwell College; Ballajura Community College; Cannington Community College; Dale

Christian School; Gilmore College; Governor Stirling SHS; Greenwood SHS; Helena College Senior School; Hospital School Services; John Wollaston Anglican Community School; Kensington Secondary School; Kent Street SHS; Kingsway Christian College; La Salle College; Langford Islamic College; Perth College; Santa Maria College; Serpentine-Jarrahdale Grammar School; Seton Catholic College; Somerville Baptist College; St Brigid's College; St Hilda's Anglican School for girls; Swan Christian College; Swan View SHS; Thornlie SHS; Treetops Montessori School; Wanneroo SHS; Christmas Island District High School; Penrhos College; Clarkson Community High School; Shenton College; Mirrabooka SHS; Christ Church Grammar School; North Balga Primary School (PS); Newton PS; East Kenwick PS; Dryandra PS; Secret Harbour PS; Riverside PS; Warnbro PS; Fremantle PS; Kardinya PS; Oberthur PS; Ashfield PS; Willandra PS; Attadale PS; Carmel Adventist College; Graylands PS; Ursula Frayne College; Bicton PS; Richmond PS; Good Shepherd School; Bentley PS; Melville PS; Hillman PS; Endeavour PS; East Fremantle PS; Lynwood PS; Dudley Park PS; North Parmelia PS; Safety Bay PS; Greenfields PS; Bungaree PS; Middle Swan PS; St Anthony's School; Kelmscott PS; Baldivis PS; Charthouse PS; South Coogee PS; Montrose PS; Parkwood PS; North Woodvale PS; Brookman PS; Jandakot PS; South Lake PS; Hale Junior School; St Mary's Anglican Girls' School; Winterfold PS; Brentwood PS; Bicton PS; Orelia PS; Leda PS; Thornlie PS; Coogee PS; East Victoria Park PS; Our Lady of Mercy PS; Sacred Heart PS; Atwell PS; East Hamilton Hill PS; St Augustine's PS; Liwara Catholic PS; Huntingdale PS; Joondalup PS; Rockingham Beach PS; Belmont City College; Mt Claremont PS; Warriapendi PS; Dalkeith PS; Morley PS; Lance Holt School; Holy Rosary School; Bletchley Park PS; North Parmelia PS; Lake Gwelup PS; Tuart Hill PS; Wesley College; Bull Creek PS; St Dominics PS; Ellenbrook PS; Craigie Heights PS; Gibbs St PS; Greenwood PS; Westminster PS; Landsdale PS; Ashdale PS; Madeley PS; Swan District PS; Emmanuel Catholic College; Comet Bay College; St Andrew's Catholic PS; West Leederville PS; Ranford PS; Springfield PS; Queens Park PS; Gwynne Park PS; St Kieran PS; Mel Maria Catholic PS; Saint Peter's PS; Waikiki PS; Maddington PS; Landsdale Gardens Adventist School.

- (3) Aussie Optimism and/or Changing Minds have been implemented, or have provided resources to the following schools in regional areas: Dalyellup College; Newton Moore High School-Bunbury; Harvey SHS; Australind SHS; Mandurah Senior College; Bruce Rock District High School; Bunbury Catholic College; Manea Senior College (Bunbury); Bunbury SHS; Eaton Community College; Bunbury Cathedral Grammar School; Glencoe PS (Mandurah); Margaret River PS; Kirup PS (Capel); Bridgetown PS; Picton PS (Bunbury); Margaret River SHS; Boyup Brook District High School; Dunsborough PS; South Bunbury PS; St Joseph's School (Northam); Cooina PS (Bunbury); Leschenault Catholic Primary (Australind); Karridale PS; Yarloop PS; Withers PS (Bunbury); Eaton PS; Assumption Catholic PS (Mandurah); Adam Rd Primary (Bunbury); Manjimup PS; Collie SHS; Balingup PS; Busselton PS; Broome Senior High School; Halls Creek District High School; Bromehill PS; Boddington District High School; Boyanup PS; Cape Naturaliste College; Mt Barker Community College; Narrogin PS; Ballidu PS; East Narrogin PS; John Wilcock College (Geraldton); Rangeway PS (Geraldton); Yuna PS (Geraldton); Carnarvon SHS; Carnarvon PS; Cadoux PS (Busselton); Buntine PS; Breaside PS (Katanning); Pegs Creek PS (Karratha); Waggrakine PS (Geraldton); Geraldton PS; Mt Tarcoola PS (Geraldton); Eneabba PS; Useless Loop PS; Dongara District High School; Bluff Point PS; Pia Wadjjarri Remote Community School; Katanning PS; Pingrup PS; Meekatharra School of the Air; Dandaragan PS; South Newman PS; Carey Park PS (Bunbury); Gingin District High School; Watheroo PS; Miling PS; Badgingarra PS; Karratha SHS; Millars Well PS (Karratha); Dumbleyung PS; Margaret River Independent School.
- (4) Not at this time.
- (5) The Minister for Education is responsible for the staffing complement for the Department of Education.

MENTAL HEALTH SECTOR — STAFFING LEVELS

5174. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to answers you provided in the Estimates Committee Agency Annual Report hearing for the Mental Health Commission — upon asking the Minister about the purchases of services from the Health Department and the Minister's comment 'the extent to which the organisation that provides the service requires a certain number of staff or a certain mix of staff or how they go about delivering the service is their business.' I ask the following —

- (1) Why is the Minister leaving the decisions of staffing levels and needs for the Mental Health Sector in the hands of the Department of Health?
- (2) Is the Minister and her department the Mental Health Commission not aware of the staffing needs for the Mental Health sector?

- (3) Is it not the responsibility of the Minister and Mental Health Commission to see that the staffing levels, mix of staffing and the delivery of those services meets the requirements of the Mental Health sector?
- (4) Can the Minister please explain why the Mental Health Ministry and the Commission was formed if the crucial decisions about staffing and service delivery to the Mental Health sector are going to be left in the hands of the Department of Health?

Hon HELEN MORTON replied:

- (1) Decisions regarding staffing levels and needs for the whole mental health sector are not being left to the Department of Health. The Mental Health Commission contracts with the Department of Health to deliver a wide range of services according to price, location and quality requirements. The Department of Health is responsible for making decisions about the staff required to deliver the services they are specifically contracted to provide through the Service Agreement with the Mental Health Commission.
- (2) The Minister for Mental Health and the Mental Health Commission are aware of the workforce needs of the mental health sector and the Mental Health Commission is working with numerous government and non government organisations as part of an ongoing and collaborative process to develop and maintain a sustainable, well trained and capable workforce.
- (3) The Mental Health Commission is responsible for planning and purchasing the services that are required to meet the needs of the population. It is the role and function of individual service providers to make decisions regarding the specific staff required to deliver the mental health services they are contracted to provide.
- (4) The Mental Health Commission was formed to take responsibility for ensuring that mental health services and supports are planned, purchased and delivered in line with Government policy to meet the needs of the population, and that services meet the relevant standards of quality, efficiency and effectiveness. The Department of Health is required to report to the Mental Health Commission on the services they deliver through the Service Agreement.

MENTAL HEALTH — DISCHARGED PATIENTS RETURN TO HOSPITAL

5175. Hon Ljiljanna Ravlich to the Minister for Mental Health

How many patients with a mental health diagnosis have returned to Graylands Hospital within 72 hours after discharge for 2011?

Hon HELEN MORTON replied:

24.

CULTURALLY AND LINGUISTICALLY DIVERSE POPULATION — SERVICES

5177. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) I refer to the culturally and linguistically diverse (CALD) population in Western Australia and the services available to them, and I ask what specialist comprehensive assessment and treatment services are available to the CALD population in the following areas —
 - (a) Child and Adolescent Health Service;
 - (b) North Metropolitan Health Service;
 - (c) South Metropolitan Health Service; and
 - (d) Western Australia Country Health Service?
- (2) How many full time equivalents (FTEs) are required for full staffing for a service for the CALD population in the following categories —
 - (a) psychiatrists;
 - (b) psychologists;
 - (c) mental health nurses; and
 - (d) occupational therapists?
- (3) How many FTEs are currently employed in the above categories for the CALD population?

Hon HELEN MORTON replied:

- (1) (a) Child and Adolescent Health Service:
There are two Integrated Services Centres (ISC) which cover designated population catchment for Koondoola Primary School and Parkwood Primary School. The ISCs provide assessment

and treatment services for primary school aged children, their parents and family who are attending the respective Intensive English Centres at each of the schools, and who are humanitarian entrants to Western Australia (WA).

At each of the Koondoola and Parkwood ISC site there is a fulltime Senior Social Worker employed by the Child and Adolescent Mental Health Service (CAMHS); Community Health Nurse employed by Child and Community Health (CACH); and a Multicultural Liaison Worker and Administrator employed by Edmund Rice Centre (non-government organisation).

Warwick CAMHS employs a cross-cultural clinician, which provides specialist assessment and treatment services for culturally and linguistically diverse (CALD) young people residing within the catchment area. This full-time position is a generic position, open to clinicians with tertiary qualifications in psychology, social work, occupational therapy or nursing. This position provides specialist clinical services in conjunction with the community CAMHS team at Warwick, and hence has access to other mental health clinicians, including consultant psychiatrists, clinical psychologists, mental health nurses and social workers. The position is currently occupied by a senior social worker.

(b) North Metropolitan Area Health Service:

All North Metropolitan Area Health Service Mental Health (NMAHS MH) employees undertake a compulsory online multicultural training module. The new National Cultural Competency training tool has just been released and is being reviewed by NMAHS MH to ensure suitability for local use. Contracted interpreter services are part of the CALD service provision.

For the NMAHS MH Adult Program, each catchment has a defined staff member with a CALD portfolio to support other case managers.

Mirraboopa Community Mental Health has a Memorandum of Understanding (MOU) with the Fremantle Multicultural Centre's Mental Health Access Service. The MOU governs continuity of care for consumers, their families and carers, accessing mental health support services through shared case management.

The Stirling Catchment Mental Health Services have an Indigenous Mental Health Worker positioned within the Stirling Assessment and Treatment Team.

The Statewide Aboriginal Mental Health Service provides liaison support to consumers in all catchments.

The Multicultural Mental Health centre run by the Department of Health based at Mirraboopa can link women into childcare, the Moslem Women's Association, gym groups and English as a second language classes among many other supports.

Matri Mental Health Service is serving the mental health need of people of diverse languages and cultures. Matri Mental Health Service can arrange driving classes in different languages, coordinates refugee housing, and has a refugee nurse with whom Swan mental health staff liaise. As part of the nurse's duties an interest is taken in refugee general health and the nurse can accompany clients to their GP.

Mental health access workers for migrants and refugees can be accessed through State Migration Centre WA. Not run by NMAHS

The Trans-cultural Mental Health Service based at Royal Perth Hospital is a tertiary referral resource for NMAHS MH.

(c) South Metropolitan Area Health Service:

Cultural psychiatry provides CALD and Aboriginal patients' mental health assessments and treatments in both outpatient and inpatient settings. Counselling and psychotherapy is available through clinical psychology. There is community follow up and support with the clinical nurse specialist.

(d) WA Country Health Service (WACHS):

There are no specific specialist assessment and treatment services for people from CALD backgrounds in country WA. People for CALD backgrounds can access all WACHS services. Services are culturally sensitive and telephone interpreting service is available for people who require an interpreter.

- (2) (a)–(d) There are no agreed benchmarks for specific CALD services as the Western Australian population has significant and ever-changing cultural groups.

(3) The Trans-cultural Mental Health Service based at Royal Perth Hospital includes:

- 2 Consultant Psychiatrists (1 FTE);
- 1 Clinical Nurse Specialist (1 FTE); and
- 1 Clinical Psychologist (0.8 FTE).

South Metropolitan Area Health Service includes:

- 1 Area Mental Health Coordinator (1 FTE); and
- 1 Clinical Psychologist (0.9 FTE).

MENTAL HEALTH STRATEGIC PLAN

5178. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the Mental Health Strategic Plan, and I ask —

- (1) What is the status of the plan?
- (2) What is the likely release date of the plan?

Hon HELEN MORTON replied:

- (1) Mental Health 2020: Making it personal and everybody's business, sets out a 10-year strategic policy for the Mental Health Commission. Work is progressing under each of the nine action areas of Mental Health 2020 listed below:
 1. Good planning
 2. Service working together
 3. A good home
 4. Getting help earlier
 5. Specific populations
 6. Justice
 7. Preventing suicide
 8. A sustainable workforce
 9. A high quality system
- (2) I refer the Member to my Ministerial Statement of 18 October 2011.

MENTAL HEALTH — ESCORT AND TRANSFER OF PATIENTS

5179. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the escort and transport of involuntary mentally ill patients that is now done by police officers, and I ask —

- (1) Has the Commissioner of Police approached the Minister or her office requesting a third party provider to be written into the new *Mental Health Act*?
- (2) If yes to (1), when?
- (3) Will a third party provider be written into the Act?
- (4) If yes to (3), will it be for the escort or transport function, or both?
- (5) At what cost is the third party provider for the escort and transport function?
- (6) Who are the front-running organisations being looked at for the escort and transfer functions?
- (7) Can the Minister give an assurance that security guards will not be used in the escort or transport of involuntary mental health patients?
- (8) If no to (7), why not?

Hon HELEN MORTON replied:

- (1)–(2) I regularly engage in discussions on a range of issues with officials whose work intersects with mental health and have met with the Commissioner of WA Police. Those discussions would include the changes to the Mental Health Bill which include transport of mental health patients. No specific third party provider has been suggested by the Commissioner of Police
- (3) The Mental Health Bill regulations will specify who will be authorised other than police to provide transport for mental health patients placed on transport forms.

- (4) The model being proposed is a Mental Health Patient Transfer Service which will conduct transfer of mental health patients who have been placed on forms between hospitals within the metropolitan area. Community to hospital mental health escorts or transports will remain unchanged.
- (5) The estimated cost is being finalised and will then be subject to the budget process.
- (6) There is no preferred provider or front running organisation
- (7) The successful tender applicant for the Mental Health Patient Transfer Service will need to demonstrate that it has staff who have appropriate mental health competencies and access to clinical staff and suitably equipped ambulance and transfer vehicles commensurate to the complexity of working within this setting. .

MENTAL HEALTH – FTE STAFF IN REGIONS

5180. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) For the following Regional Health Services —

- (a) Kimberley Health;
- (b) Pilbara Health;
- (c) Midwest Health;
- (d) Goldfields Health;
- (e) Wheatbelt Health;
- (f) South West Health
- (g) Great Southern Health; and
- (h) Southern Inland Initiative,

how many full time equivalents (FTEs) are required for full staffing of all Mental Health services in the following categories —

- (i) psychiatrists;
- (ii) child psychiatrists;
- (iii) psychologists;
- (iv) child psychologists;
- (v) mental health nurses; and
- (vi) occupational therapists?

- (2) How many FTEs are currently employed in the above categories?

Hon HELEN MORTON replied:

- (1) Actual FTE is the approved method of reporting staffing levels to Parliament, Government and the Department of Treasury and Finance. (See Question 2 that provides current Actual FTE).
- (2) [See paper 4465.]

MENTAL HEALTH SERVICES — CLARKSON AND MORLEY

5182. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) Is the Clarkson Adult Mental Health Service slated for closure shortly?
- (2) How are those clients being accommodated with Joondalup case mix given that there is a wait list?
- (3) If Clarkson Adult Mental Health Services is slated for closure, does that include the Clarkson Child and Adolescent Mental Health Service?
- (4) If yes to (3), where are those clients being redirected to?
- (5) Is the Minister aware that Medicare Locals are not running in those catchments areas yet and therefore there is a supply and demand problem?
- (6) Is the Minister aware that General Practitioners (GP) in Joondalup area are not taking new mental health clients on their books?
- (7) Can the Minister please explain how closures such as Morley Adult Mental Health in 2009 and now Clarkson Adult Mental Health proceed when services and/or GP supports have not been significantly increased to cater for the needs of these people?

Hon HELEN MORTON replied:

- (1) No.
- (2)–(4) Not applicable.

- (5) The Perth North Medicare Local (PNML) which is running in this catchment area began its operation in July 2011. Its catchment area is between Woodlands and beyond Two Rocks and west of Alexander Drive. Clarkson, surrounding suburbs and Joondalup Health Campus are within PNML catchment. Mental health is a key strategic objective of PNML. PNML opened a new Headspace Office for the northern suburbs in March 2012 focussing on youth mental health.

There are approximately 93 GP practices in the area to cater for the population.

- (6) The GP liaison officer, who is employed by NMAHS Mental Health is unaware of issues of GP practices not taking on new mental health clients within the area. On a more general note the GP liaison officer is aware that some GPs do close their books to all new clients whether they are general or mental health related.
- (7) Clarkson clinic is not closing. Residents of the Morley area have full access to community mental health services, with no reduction in staffing for those residents. Services are provided through the clinics closest to home which include the Inner City, Mirrabooka and Swan Community Mental Health clinics.

MENTAL HEALTH SERVICES — SUBIACO AND OSBORNE PARK

5183. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) Does the Mental Health Commission or the Health Department (as contracted mental health services), plan to close, merge/divert Subiaco Adult Mental Health clients to Osborne Park Adult Mental Health in the future?
- (2) If yes to (1), when is this due to occur?

Hon HELEN MORTON replied:

- (1) The Mental Health Commission has no plans to close, merge or divert Subiaco Adult Mental Health clients to Osborne Park Adult Mental Health.
- (2) Not applicable.

MENTAL HEALTH SERVICES — INNER CITY AND MIRRABOOKA

5184. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) Does the Mental Health Commission or the Health Department (as contracted mental health services), plan to close, merge/divert Inner City with Mirrabooka, closing two further sites?
- (2) If yes to (1), when is this due to occur?

Hon HELEN MORTON replied:

- (1) The Mental Health Commission has no plans to close, merge or divert Inner City with Mirrabooka.
- (2) Not applicable.

MENTAL HEALTH — HOSPITAL PATIENT DEATHS

5185. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) How many Mental health deaths have been recorded by hospital in the following years —
- (a) 2009–2010;
 - (b) 2010–2011; and
 - (c) 2011–2012 to date;
- (2) For each death by hospital please provide the suspected cause of death?
- (3) Which of the cases by death and hospital were investigated by the Chief Psychiatrist?
- (4) By hospital and patient death, please indicate which were the subject of a Root Cause Analysis, Sentinel Event Review or other?
- (5) For each death by hospital, can the Minister provide the hospital report to the Chief Psychiatrist?
- (6) If no to (5), why not?

Hon HELEN MORTON replied:

- (1) [See paper 4466.]
- (2)–(3) Data is not available. Information on every death reported to the Chief Psychiatrist is reviewed by the Chief Psychiatrist. The information provided to the Chief Psychiatrist is preliminary information and it is not possible to identify whether the death is a ‘mental health death’ or by physical or natural causes.

- (4) All reported Severity Assessment Code 1 and sentinel event reportable deaths have either undertaken or are in the process of undertaking an Root Cause Analysis or similar investigation or review.
- (5)–(6) The Chief Psychiatrist receives reports of a death directly from the health service.

MENTAL HEALTH SERVICES — COMMUNITY AND HOSPITAL ACCOMMODATION

5186. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) Can the Minister please provide a schedule of —
- (a) Hospitals; licensed psychiatric hostels; group homes; community supported residential units; and community option homes,
that have authorised beds and how many beds are in each of them?
- (2) Can the Minister please provide a schedule of —
- (a) Hospitals;
- (b) licensed psychiatric hostels;
- (c) group homes;
- (d) community supported residential units; and community option homes,
that do not have authorised beds and how many beds are in each of them?

Hon HELEN MORTON replied:

(1)–(2) [See paper 4467.]

CHIEF PSYCHIATRIST — TREATMENT DECISION REVIEW

5188. Hon Ljiljanna Ravlich to the Minister for Mental Health

How many instances has the Chief Psychiatrist had to review any decision of a psychiatrist as to treatments and vary or rescind or substitute the decision of the psychiatrist for the years 2009–2010 and 2010–2011?

Hon HELEN MORTON replied:

The Chief Psychiatrist reviews all information he is provided with or obtains via his functions under the Mental Health Act 1996 in regards to the treatment of patients with a mental illness.

There are no available records as to the numbers of discussions the Chief Psychiatrist has had with Psychiatrists about the treatment of mental health patients. On some occasions, Psychiatrists may have varied the treatment according to advice provided by the Chief Psychiatrist. There have been no instances requiring a formal rescindment or substitution of treatment decision. .

MENTAL HEALTH BODIES — COMPLAINTS RECEIVED

5189. Hon Ljiljanna Ravlich to the Minister for Mental Health

How many consumer and/or family/carer complaints (no duplicates) has the Mental Health Commission, the Minister for Mental Health, Health Consumers' Council and the Office of Health Review received for the years 2009–2010 and 2010–2011?

Hon HELEN MORTON replied:

The Mental Health Commission and the Minister for Mental Health are contacted daily by consumers and/or families and carers. Compiling the information requested would require significant time and divert staff from their normal duties, which represents an unreasonable allocation of government resources.

As the Health Consumers' Council and Health and Disability Services Complaints Office (previously Office of Health Review) fall under the responsibility of the Minister for Health, the Member is advised to refer this question accordingly.

MENTAL HEALTH SECTOR — CHIEF PSYCHIATRIST REFERRALS

5190. Hon Ljiljanna Ravlich to the Minister for Mental Health

Could the Minister please list how many matters and what those matters were that have been reported to the Director General of Health or the Mental Health Review Board from the Chief Psychiatrist for the years 2009–2010 and 2010–2011?

Hon HELEN MORTON replied:

The Chief Psychiatrist meets with the President of the Mental Health Review Board at least every eight weeks to discuss matters relevant to the functions of the Mental Health Review Board. The Chief Psychiatrist reports

regularly to the Director General of Health regarding all activities of the Office of the Chief Psychiatrist and the statutory functions of the Chief Psychiatrist.

MENTAL HEALTH FACILITIES — SUSPECTED SUICIDES

5191. Hon Ljiljanna Ravlich to the Minister for Mental Health

(1) For each of the following hospitals —

- (a) Albany Regional Hospital, Mental Health Unit;
- (b) Armadale Health Service, Leschen Unit;
- (c) Child and Adolescent Health Service, Bentley Adolescent Unit;
- (d) Bunbury Regional Hospital, Acute Psychiatric Unit and Psychiatric Intensive Care Unit;
- (e) Bentley Hospital and Health Service, Mill Street Centre;
- (f) Fremantle Hospital and Health Service, The Alma Street Centre;
- (g) Frankland Centre, State Forensic Mental Health Service;
- (h) Graylands Hospital, Adult Mental Health Services;
- (i) Joondalup Health Campus, Mental Health Unit;
- (j) Kalgoorlie Regional Hospital, Mental Health Inpatient Service;
- (k) King Edward Memorial Hospital, Mother and Baby Unit;
- (l) Mercy Hospital, Ursula Frayne Unit;
- (m) Selby Older Adult Mental Health Service; and
- (n) Swan Health Service, Swan Valley Centre and Boronia Inpatient Unit,
 - (i) how many suspected suicides were there for the years 2009–2010 and 2010–2011 within 24 hours of being discharged from each of the facilities; and
 - (ii) how many suspected suicides were there for the years 2009–2010 and 2010–2011 within 72 hours of being discharged from each of the facilities?

(2) For the following licensed psychiatric hostels, group homes, community supported residential units (CSRU's) and community options homes —

- (a) Albany CSRU;
- (b) Burswood Psychiatric Hospital;
- (c) Casson Homes Inc;
- (d) Devenish Lodge;
- (e) Franciscan House;
- (f) Ngatti, Fremantle Supported Accommodation for Homeless Youth;
- (g) Ngurra Nganhungu Barndiyigu;
- (h) St Judes Hostel;
- (i) East St Lodge;
- (j) Romily House;
- (k) Rosedale Lodge;
- (l) Richmond Fellowship East Fremantle Service;
- (m) Bunbury CSRU;
- (n) Busselton CSRU;
- (o) Mann Way;
- (p) Ngulla Mia;
- (q) Richmond Fellowship Queens Park Service;
- (r) Honeybrook Lodge;
- (s) BP Luxury Care;
- (t) Salisbury Home;
- (u) SCC Bentley House;
- (v) SCC Mount Claremont House;
- (w) SCC Stirling House;

- (x) St Bartholomew's Arnott House;
 - (y) St Bartholomew's Bentley Villas;
 - (z) St Bartholomew's Swan Villas;
 - (aa) Vincentcare Bayswater House;
 - (bb) Vincentcare Coolbellup House;
 - (cc) Vincentcare Duncraig House;
 - (dd) Vincentcare South Lakes House;
 - (ee) Vincentcare Swan View House;
 - (ff) Vincentcare Vincentian Village; and
 - (gg) Vincentcare Warwick House —
- (i) how many suspected suicides were there for the years 2009–2010 and 2010–2011 within 24 hours of being discharged from each of the facilities; and
 - (ii) how many suspected suicides were there for the years 2009–2010 and 2010–2011 within 72 hours of being discharged from each of the facilities?

Hon HELEN MORTON replied:

- (1) The Department of Health does not record this information on a database with specific fields such as time since discharge.
- (2) The reporting from these facilities relates to deaths whilst resident in that facility, and does not take into account deaths that occur when the resident has left the service.

MENTAL HEALTH FACILITIES — ELECTROCONVULSIVE THERAPY

5193. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to hospitals and licensed psychiatric hostels that carry out electroconvulsive therapy (ECT), and I ask —

- (1) How many people have had ECT in the years 2009–2010 and 2010–2011?
- (2) What are the processes by which information regarding procedures of ECT are recorded by each of the nine ECT licensed facilities in Western Australia and provided to the Department of Health?
- (3) Has a report been compiled on how these processes can be improved?
- (4) If yes to (3), can it be tabled in Parliament?
- (5) If no to (4), why not?

Hon HELEN MORTON replied:

- (1) ECT is not administered in licensed psychiatric hostels.

2009/10: 429

2010/11: 392

Note: These person counts include patients treated in both public and private hospitals.

- (2)–(5) The Chief Psychiatrist has written a draft report examining 'Information Data Flow' by the 9 facilities that perform ECT. I have not as yet been provided with the report.

MENTAL HEALTH FACILITIES — ELECTROCONVULSIVE THERAPY

5194. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to electroconvulsive therapy (ECT) as a treatment used primarily for patients with severe depression and other types of mental and physical illnesses, and ask can the Minister advise for the years 2009–2010 and 2010–2011 —

- (1) How many ECT courses were administered in Western Australia?
- (2) How many ECT treatments were administered in Western Australia?
- (3) Given that consent can be given for a number of treatments in one course, what is the maximum number of treatments that can make up one course?

Hon HELEN MORTON replied:

- (1) A course of ECT does not constitute a defined number of treatments. The numbers of ECT treatments making up a course can be different for each patient. Numbers of courses are not collected by the Department of Health.

- (2) 2009/10: 5338
2010/11: 4626

Note: These treatments include those administered in both public and private hospitals.

- (3) The numbers of treatments are specified in the patient consent process.

FREMANTLE HOSPITAL — INQUIRY

5195. Hon Ljiljanna Ravlich to the Minister for Mental Health

In terms of the Inquiry announced for the Fremantle Hospital to be done by the Chief Psychiatrist —

- (1) What are the terms of reference for the inquiry?
- (2) How long do you expect the inquiry to take?
- (3) Will the Minister be tabling the results in Parliament?
- (4) If no to (3), why not?

Hon HELEN MORTON replied:

- (1) [See paper 4468.]
- (2)–(4) The reports are to be completed in April 2012 and I intend to make the findings public while respecting the privacy of the people mentioned.

KALGOORLIE HOSPITAL — SUICIDES

5196. Hon Ljiljanna Ravlich to the Minister for Mental Health

How many unconfirmed suicides have been reported from Kalgoorlie Hospital for this financial year to date?

Hon HELEN MORTON replied:

This information is unavailable. The WA Coroner investigates and makes a determination regarding suicide.

MENTAL HEALTH REGIONS — CLINICAL GOVERNANCE REVIEWS

5197. Hon Ljiljanna Ravlich to the Minister for Mental Health

How many Clinical Governance Reviews (CGR) have been conducted since September 2008 in the following Mental Health Regions —

- (a) North Metropolitan MHS;
- (b) South Metropolitan MHS; and
- (c) Western Australia Country Health Service?

Hon HELEN MORTON replied:

- (a) The following services in the North Metropolitan Mental Health Service (NMMHS) were actively engaged in the Chief Psychiatrist's Clinical Governance Review process since September 2008:

Swan Mental Health Service including:

Swan Mental Health Inpatient Wards

Swan Adult Community Mental Health Service (MHS)

Swan Child and Adolescent MHS

Swan Older Adult MHS

Adult Inpatient Unit within NMMHS including:

Sir Charles Gairdner Hospital — Ward D20

Hawthorn House

State Forensic Mental Health Service — 3 inpatient wards of the Frankland Centre

Graylands Hospital including 9 inpatient wards and the Triage Unit

- (b) The following services in the South Metropolitan Mental Health Service were actively engaged in the Chief Psychiatrist's Clinical Governance Review process since September 2008:

Bentley Mental Health Service including:

Bentley Mental Health Inpatient Wards

Bentley Adult Community MHS

Bentley Child and Adolescent MHS

Bentley Older Adult MHS

Armadale Mental Health Service including:

Armadale Mental Health Inpatient Wards

Armadale Adult Community MHS
 Armadale Child and Adolescent MHS
 Armadale Older Adult MHS
 Fremantle Mental Health Service including:
 Fremantle Mental Health Inpatient Wards (4 wards)
 Fremantle Adult Community MHS
 Fremantle Living Skills
 Fremantle Consultation — Liaison Unit
 Fremantle Mental Health Emergency Department Liaison
 Fremantle Child and Adolescent MHS
 Fremantle Older Adult MHS

- (c) The following services in the WA Country Health Service were actively engaged in the Chief Psychiatrist's Clinical Governance Review process since September 2008:

South West Mental Health Service including:
 Acute Psychiatric Inpatient Unit (Bunbury)
 Bunbury Community Mental Health Service
 Busselton Community Mental Health Service
 Margaret River Community Mental Health Service
 Bridgetown Community Mental Health Service
 Great Southern Mental Health Service including:
 Albany Mental Health Inpatient Unit
 Lower Great Southern Community Mental Health Service (Albany)
 Central Great Southern Mental Health Service (Katanning)
 Upper Great Southern Mental Health Service (Narrogin)

MENTALLY IMPAIRED PERSONS — TASER USE BY POLICE

5199. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) Does the Office of the Chief Psychiatrist formally monitor the use of Tasers by Western Australian Police (WAPOL) on people with mental health illness?
- (2) Will the Office of the Chief Psychiatrist work with WAPOL to develop a state-wide protocol for the apprehension of mental health persons by police?
- (3) Can the Minister please provide to the Parliament a progress report on the Mental Health Operational Review Committee's recommendations that Mental Health —
 - (a) develop an agreed protocol with WAPOL to ensure information about the use of Taser on an apprehended person is always made available to the receiving Mental Health Service;
 - (b) includes in a training package for medical and nursing staff the higher duty of care owed persons entering the Mental Health Service who have been Tasered by police;
 - (c) develop and promulgate clear guidelines for medical and nursing staff on the importance of a thorough physical and medical examination at point of entry to the Mental Health Service; and
 - (d) undertakes further research to ascertain if there is any evidence of a particular risk to persons who are taking atypical anti-psychotic medications that may compromise their cardiac health by the use of a Taser?

Hon HELEN MORTON replied:

- (1) No.
- (2) The Chief Psychiatrist is a member of the Mental Health Operations Review Committee (MHORC). MHORC is working with the Western Australian Police (WAPOL) to update the 'Protocol Between the Western Australian Police Service and the Mental Health Division of the Health Department of Western Australia' that includes procedures for the apprehension by police of persons suspected of having a mental illness.
- (3)
 - (a) WAPOL now ensure that any person that is tasered is taken to the Emergency Department for assessment. This information is included in subsequent transfer documentation.
 - (b) The Triage and Assessment of Referrals policy has been updated to include information and guidelines for care of people who have been tasered. Education regarding policies is ongoing.
 - (c) Policies around admission of patients (including the needs for physical examination) are clear and reviewed regularly.
 - (d) A literature review has not been conclusive on this issue.

CHIEF PSYCHIATRIST — COMPLAINTS RECEIVED

5200. Hon Ljiljanna Ravlich to the Minister for Mental Health

How many complaints were made to the Chief Psychiatrist in —

- (a) 2008–2009;
- (b) 2009–2010; and 2010–2011,
about the quality of mental health in accordance with the right of patients under the *Mental Health Act 1996* by the —
 - (i) patient;
 - (ii) relative;
 - (iii) carer;
 - (iv) advocate; or
 - (v) provider with the permission of the patient?

Hon HELEN MORTON replied:

- (a) ‘Complaints and Issues’ made to the Chief Psychiatrist in 2008–2009 regarding ‘Rights, Respect and Dignity’ by:
 - (i) Patient: 81
 - (ii)–(iii) Relative/Carer/Next of Kin (NOK): 3
 - (iv) Advocacy Agency: 19
 - (v) Health Professional: 6
- (b) ‘Complaints and Issues’ made to the Chief Psychiatrist in 2009–2010 regarding ‘Rights, Respect and Dignity’ by:
 - (i) Patient: 59
 - (ii)–(iii) Relative/Carer/NOK: 5
 - (iv) Advocacy Agency: 12
 - (v) Health Professional: 12
- (c) ‘Complaints and Issues’ made to the Chief Psychiatrist in 2010–2011 regarding ‘Rights, Respect and Dignity’ by:
 - (i) Patient: 74
 - (ii)–(iii) Relative/Carer/NOK: 4
 - (iv) Advocacy Agency: 7
 - (v) Health Professional: 8

MENTAL HEALTH SERVICES — ABORIGINAL

5201. Hon Ljiljanna Ravlich to the Minister for Mental Health

- (1) What specialist comprehensive assessment and treatment services are available to Aboriginal people in the areas covered by the following Regional Health Services —
 - (a) Kimberley Health;
 - (b) Pilbara Health;
 - (c) Midwest Health;
 - (d) Goldfields Health;
 - (e) Wheatbelt Health;
 - (f) South West Health;
 - (g) Great Southern Health; and
 - (h) Southern Inland Initiative?
- (2) How many full time equivalents (FTEs) are required for full staffing of the Statewide Specialist Aboriginal Mental Health Service in the following categories —

- (a) psychiatrists;
 - (b) child psychiatrists;
 - (c) psychologists;
 - (d) child psychologists;
 - (e) mental health nurses; and
 - (f) occupational therapists?
- (3) How many FTEs are currently employed in the above categories for the Statewide Specialist Aboriginal Mental Health Service?

Hon HELEN MORTON replied:

- (1) See answer to Parliamentary Question 5163.
- (2) Actual FTE is the approved method of reporting staffing levels to Parliament, Government and the Department of Treasury and Finance. See answer to Parliamentary Question 5163 for current Actual FTE.
- (3) See answer to Parliamentary Question 5163.

DRINKING WATER — TESTING PROCEDURES

5220. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

- (1) Will the Minister please provide a complete list of the agricultural and veterinary (agvet) chemicals that are tested for in Western Australian drinking water —
 - (a) before the water has been treated and made ready for human consumption; and
 - (b) after the water has been treated and made ready for human consumption?
- (2) For each agvet chemical listed at (1), what limits apply to the detection process that is used for testing?
- (3) Will the Minister please provide a complete list of which water sources are tested for agvet chemicals?
- (4) For each water source listed at (3), how frequently does the testing take place?
- (5) For each water source listed at (3), when the last time testing took place —
 - (a) what was the date;
 - (b) which agvet chemicals were tested for (please provide a complete list) —
 - (i) before the water was treated and made ready for human consumption; and
 - (ii) after the water was treated and made ready for human consumption;
 - (c) at each of those two stages, and for each agvet chemical tested for, what levels were detected; was there a report(s) made of the outcome of testing;
 - (d) if yes to (5)(d), will the Minister please table the report(s); and
 - (e) if no to (5)(e), why not?

Hon HELEN MORTON replied:

(1)–(2) Note that for the purposes of this response:

- the term ‘pesticides’ has been used when referring to ‘agricultural and veterinary (agvet) chemicals’;
- the term ‘raw water’ has been used when referring to water before it has been treated and made ready for human consumption; and
- the term ‘treated water’ has been used when referring to water after it has been treated and made ready for human consumption.

The Water Corporation has a Western Australian Department of Health approved standard, based on the Australian Drinking Water Guidelines, which outlines the regular monitoring programs required to confirm the quality of drinking water supplied in any Corporation managed water supply system.

The monitoring programs cover microbiological, chemical, including pesticides, radiological and aesthetic parameters. Microbiological testing occurs most frequently as the water quality can be more variable and the health effects of contamination more acute. Other parameters, including pesticides, are tested less frequently as their concentrations are more stable and acute health impacts less likely.

Samples are taken by Water Corporation from representative sample points in each water supply system and submitted to independent National Association of Testing Authorities accredited laboratories for analysis.

The Water Corporation routinely tests for 40 pesticides. These pesticides together with the limit of reporting and Australian Drinking Water Guidelines (ADWG) health guideline value attached. [See paper 4470.]

- (3) The Water Corporation manages 244 water supply systems and a list is provided [See paper 4470.]
- (4) In accordance with our Western Australian Department of Health approved standard, based on the Australian Drinking Water Guidelines, the Water Corporation routinely assesses water quality for pesticides at least annually in all 244 water supply systems.

The monitoring frequency is also risk based, so some water supply systems will have a more frequent sampling program for pesticides where land use or activity in or adjacent to the water source may result in the potential for pesticides to be present.

- (5) (a) All 244 water supply systems listed [See paper 4470.] have had water analysed for the pesticides listed in (2) since 1 January 2011, with continued monitoring during 2012.
Since 1 January 2011, the Water Corporation has detected pesticides in:
 - One water supply system in the treated water; and
 - Seven water supply systems in the raw water.
- (b)–(f) The date, location, pesticide, measured concentration and 2011 Australian Drinking Water Guidelines Health Guideline Value for the most recent treated water detection in each water supply system is provided [See paper 4470.].

SUICIDE — CHILDREN BEREAVED

5222. Hon Alison Xamon to the Minister for Mental Health

I refer to children bereaved by the suicide of a parent, and I ask —

- (1) What specialty programs are available in Western Australia specifically for children bereaved by the suicide of a parent? Which agency or organisation delivers each of the programs in (1)?
- (2) Please provide a brief description of any programs identified in (1)?
- (3) How much State Government funding has been directed towards each of the programs from (1) in —
 - (a) 2008–09;
 - (b) 2009–10;
 - (c) 2010–11; and
 - (d) 2011–12?
- (4) What is the referral process for each of the programs referred to in (1)?
- (5) Does the Minister intend to investigate the possible establishment or funding of any new specialist programs for children bereaved by the suicide of a parent?

Hon HELEN MORTON replied:

- (1) There are no programs specifically for children bereaved by suicide in Western Australia (WA). However, there are a number of services for bereaved children, postvention supports, and dedicated youth mental health and family services offered in WA.
- (2)–(4) [See paper 4469.]
- (5) Children can be referred via their GPs, health service, Police, Coronial Counselling Service, schools and family.
- (6) Following my meeting with the Member in which these matters were raised, my staff have been investigating this issue and will be liaising with the Mental Health Commissioner on any future initiatives.

DEPARTMENT OF MINES AND PETROLEUM— OFFICE OF THE ENVIRONMENTAL PROTECTION AGENCY LIAISON

5234. Hon Alison Xamon to the Minister for Energy

I refer to the Memorandum of Understanding between the Department of Mines and Petroleum and the Office of the Environmental Protection Agency, and I ask —

- (1) What is the formal process for ensuring that all environmental staff in the Department of Mines and Petroleum are operating with the same understanding of 'significant environmental impact'?
- (2) Do the departments engage in cross-agency training?

Hon PETER COLLIER replied:

- (1)–(2) This question should be directed to the Minister for Mines and Petroleum and the Minister for Environment.

GNANGARA MOUND — WATER LICENCES

5237. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

I refer to non-licensed users on the Gnangara Mound, and I ask —

- (1) How many unlicensed bores are estimated to tap into the Gnangara Mound?
- (2) Would the Minister please provide estimates of the volume of water cumulatively consumed through unlicensed means on the Gnangara Mound?
- (3) Could the Minister please advise the methods by which the answer to (1) has been determined?

Hon HELEN MORTON replied:

- (1) 67 200 (as at June 2011).
- (2) 27.2 gigalitres (as at June 2011).
- (3) Figures from the Australian Bureau of Statistics and bore survey data.

DEPARTMENT OF WATER — COMPLIANCE AND ENFORCEMENT UNIT

5239. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

I refer to the Compliance and Enforcement Unit of the Department of Water, and I ask —

- (1) How many full time equivalents are assigned to this unit?
- (2) What was the dollar value of fines issued through compliance and enforcement measures in 2010–11?
- (3) Was all of the money referred to in (2) received by the department?
- (4) If no to (3), please advise how much money was received by the department as payment of fines?
- (5) Is the money received by the department as payment for compliance and enforcement measures utilised for special purposes, taken into general revenue or used for some other purpose?
- (6) How much of the anticipated increase in income from regulatory fees and fines in the 2013–14 financial year is expected to be from —
 - (a) fines; and
 - (b) from fees?

Hon HELEN MORTON replied:

- (1) 2 FTEs in the unit supporting 77 FTEs statewide with compliance and enforcement responsibilities.
- (2) \$62 600
- (3) No
- (4)–(5) Money is taken into general revenue.
- (6)
 - (a) Nil
 - (b) Subject to consideration by Government..

ESL AREAS — WATER SUPPLY

5243. Hon Sue Ellery to the Minister for Energy representing the Minister for Emergency Services

- (1) What areas currently listed as 'ESL 1' do not currently have reticulated water supply?
- (2) What areas currently listed as 'ESL 1' do not currently provide fire fighters with access to hydrant water supply?

Hon PETER COLLIER replied:

The Fire and Emergency Services Authority (FESA) advises —

- (1)–(2) ESL Category 1 is comprised of the Perth Metropolitan Fire District being primarily protected by a network of 23 Career Fire and Rescue stations. ESL 1 extends from Butler in the north to Port Kennedy in the south and eastwards to Darlington.

A Water Corporation reticulated network with fire hydrants extends throughout this area to provide hydrant coverage appropriate to the prevailing land use. It should be noted that there are enclaves within ESL 1 that are undeveloped at this point of time, and these would not have reticulated water. However during the ensuing development and subdivision process, mandatory planning and fire protection requirements ensure that reticulated water and hydrants are installed to provide for fire emergencies.

JOONDALUP FIRE STATION

5244. Hon Sue Ellery to the Minister for Energy representing the Minister for Emergency Services

- (1) What are the plans for moving the Joondalup career fire station?
- (2) What is the time frame for any move?
- (3) What is the time frame for construction of a replacement station?
- (4) Has a new site been identified for the new station and, if so, where is that site?

Hon HELEN MORTON replied:

The Fire and Emergency Services Authority advises

- (1) Nil.
- (2)–(4) Not applicable.

FIRE AND EMERGENCY SERVICES AUTHORITY — SPOTLESS CONTRACT

5245. Hon Sue Ellery to the Minister for Energy representing the Minister for Emergency Services

- (1) In total, what amount was paid by the Fire and Emergency Services Authority to Spotless Maintenance for maintenance at career fire stations in the financial years 2010–2011 and to date 2011–2012?
- (2) Under the contract with Spotless, what is the standard amount charged for changing —
 - (a) a tap washer; and
 - (b) a light bulb?
- (3) Under the contract with Spotless, what is the standard amount charged for pruning and tree removal?
- (4) What is the most that has been charged for changing a tap washer, and at what site?
- (5) What is the most that has been charged for changing a light bulb, and at what site?

Hon PETER COLLIER replied:

The Fire and Emergency Services Authority advises:

The Fire and Emergency Services Authority of Western Australia (FESA) advises:

- (1) \$543,526 for 2010–2011; and \$210,058 to date for 2011–2012.
- (2)
 - (a) Spotless contacts a contractor on the Building Management and Works (BMW) approved list to undertake the required work and these rates vary according to the specific contractor.
 - (b) Spotless contacts a contractor on the BMW approved list to undertake the required work and these rates vary according to the specific contractor.
- (3) The hourly contractor rates vary due to the company and the type of work that is involved.
- (4) FESA records do not indicate any repairs for changing a tap washer.
- (5) \$139.50 at Rockingham Fire Station. This includes the cost of hiring a cherry picker to assist the electrician change the lights in the appliance room which is two storeys high. .

EMERGENCY RADIO NETWORK PROJECT

5247. Hon Sue Ellery to the Minister for Energy representing the Minister for Emergency Services

- (1) Has the Western Australian Emergency Radio Network (WAERN) project been completed?
- (2) If no to (1), why not, and when does the Minister anticipate it will be completed? If yes to (1), what areas are now covered by the network? If yes to (1), what areas still experience blackout or some level of radio interference requiring other means of communication?

Hon HELEN MORTON replied:

The Fire and Emergency Services Authority advises

- (1) No.
- (2) As per response to LA QON 5673, the WAERN rollout is due to be completed mid-2012. The project is currently on track to meet this planned completion date.

(3)–(4) Not applicable

PRISONS — MENTAL HEALTH SERVICES

5255. Hon Linda Savage to the Minister for Mental Health

- (1) Has the Minister consulted with the Minister for Corrective Services about transferring responsibility for mental health services in prisons to the Mental Health Commission?
- (2) Has the Attorney General raised the issue of the establishment of a secure facility for children under 18 years of age, similar to the Frankland Centre, with the Minister for Mental Health?

Hon HELEN MORTON replied:

- (1)–(2) As the Minister for Mental Health, I am concerned about the effects of mental health issues on all people, including those involved with the criminal justice system. I regularly engage in discussions with my Parliamentary colleagues to collaborate and consider the means by which we can achieve the best outcomes for people experiencing mental illness.

SYNERGY — JOBS OUTSOURCING OVERSEAS

5257. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to recent reports about Synergy outsourcing work overseas, and I also make reference to the Minister's statement of 2 April 2009 relating to Synergy and jobs where it was claimed, and I quote, 'keep jobs in Western Australia, support local industry and establish a new industry which brings new skills and knowledge to this State', and I ask —

- (1) What exactly is the nature of the work that it couldn't, as claimed, be carried out by Western Australian workers?
- (2) Exactly how many jobs have been lost to Western Australians as a result of this outsourcing?

Hon PETER COLLIER replied:

- (1) The work referred to which cannot be carried out in Western Australia relates to activities performed using SAP utility billing software. Due to a lack of specific SAP utility billing software programming skills in WA, offshore application management outsourcing (AMO) was required.
- (2) Synergy engages Tata Consulting Services (TCS) who are paid a fee for service, and the number of people doing the work will fluctuate at different times depending on required work volumes. TCS will determine their requirements to fulfil their obligations and as they do this work for utilities around the globe, they have the capacity to manage the fluctuations. TCS are performing the work for Synergy both locally, and off-shore in India.

POLYTECHNIC WEST — WELDING COURSE COST

5258. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the course AS1796 in relation to the welding trade where some apprentices were apparently undertaking this course for a cost of around \$350 at Polytechnic West. As it has been reported to me that the course fees have now increased to around \$3,500, I ask —

- (1) What can possibly justify such a huge increase?
- (2) If the shortage of funds is the reason these course fees to have increased, why is there a lack of funding?

Hon PETER COLLIER replied:

- (1) The AS1796 Coded Welding course had previously been publicly funded as an accredited training course under the Metal and Engineering Training Package (MEM). After a review of the delivery of the course it was decided that the course is no longer aligned to the accredited training package and therefore is no longer eligible for public funding. As a result, Polytechnic West decided to continue providing the coded welding training option under a fee-for-service arrangement.
- (2) Lack of funding is not the reason for the change in course fees.

CENTRAL INSTITUTE OF TECHNOLOGY — DIPLOMA OF APPLIED LANGUAGE COURSE

5259. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the course Diploma of Applied Language (LOTE) at the Central Institute of Technology, and I ask —

- (1) Why have fees increased so prohibitively that students who expected to take their Diploma in some of the LOTE courses this year now find after two years of study they are unaffordable?

- (2) Is the Minister aware that some of these LOTE courses are being discontinued because these substantial fee increases mean the minimum enrolment number is not being met?
- (3) Why are concession rates or payment plans no longer available, as they have been previously?

Hon PETER COLLIER replied:

- (1) To meet growing demand in areas of skill shortage and areas of priority, like health, it has been necessary to reallocate available public funding away from the language qualifications, such as the Diploma of Applied Language (LOTE), where the majority of students undertaking the programs do so for non-vocational reasons.

Fees have increased for the Diploma of Applied Language (LOTE) qualification following the decision to reallocate public funding elsewhere. The Diploma of Applied Language (LOTE) is now being provided on a commercially costed basis.

The Central Institute of Technology is providing assistance to current students to enable them to complete their language qualification to Diploma level. The majority of current Central Diploma of Applied Language (LOTE) students have either completed the qualification or are currently enrolled to undertake the outstanding units needed to complete their qualification.

- (2) There is a minimal enrolment number required for a Diploma of Applied Language (LOTE) course to be financially viable. Accordingly, Diploma of Applied Language (LOTE) may eventually be discontinued for some Diploma level languages where there continue to be persistently low student numbers.

In determining whether it is viable to offer any particular language, the total enrolments across the Diploma level program are taken into consideration. A language course with a slightly lower than minimum enrolment number may therefore be able to continue to operate, if there is an offset from another language that has greater than the minimal number of required enrolments.

- (3) Concession rates and payment plans are not available for Diploma of Applied Language (LOTE) courses that are now provided on a commercial basis. The Diploma of Applied Language (LOTE) course fees have been calculated on a minimal cost recovery basis to keep the fees as low as possible. The fees do not include any allowance for concessions or payment over an extended period of time..

CENTRAL INSTITUTE OF TECHNOLOGY — DIPLOMA OF APPLIED LANGUAGE COURSE

5260. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the course Diploma of Applied Language (LOTE) at the Central Institute of Technology, and I ask —

- (1) Why is the Institute experiencing 'limited funding'?
- (2) What caused the 'limited funding'?
- (3) What is the Minister going to do for the students who have undertaken courses to Diploma level so that they can actually gain that Diploma rather than have the years they have spent studying so far go to waste?

Hon PETER COLLIER replied:

- (1) The Central Institute of Technology is not experiencing 'limited funding', however public funding is not available for every course sought after by students.
- (2) To meet growing demand in areas of skill shortage and areas of priority, like health, it has been necessary to reallocate available public funding away from the language qualifications, such as the Diploma of Applied Language (LOTE), where the majority of students undertaking the programs do so for non-vocational reasons.
- (3) The Central Institute of Technology is providing assistance to current students to enable them to complete their language qualification to Diploma level. The majority of current Central Diploma of Applied Language (LOTE) students have either completed the qualification, or are currently enrolled to undertake the outstanding units needed to complete their qualification.

PROPOSED BURRUP PENINSULA CONSERVATION RESERVE

5262. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

With regard to the Proposed Burrup Peninsula Conservation Reserve (PBPCR) Draft Management Plan and submissions to the Burrup Peninsula Conservation Reserve Planning Advisory Committee, I ask —

- (1) How many submissions were made on the PBPCR?

- (2) Will the Minister provide a list of all the names of submitters to the Burrup Peninsula Conservation Reserve Planning Advisory Committee?
- (3) Will the Minister provide or make available copies of all the submissions on the PBPCR?

Hon HELEN MORTON replied:

- (1) 58
- (2) Yes. The Minister for Environment has asked the Department of Environment and Conservation to forward a list to the Honourable Member.
- (3) No. Submissions are treated as confidential documents which are only released with the agreement of the submitter. An analysis of submissions will be made available when the management plan is released.

SOUTH WEST INTERCONNECTED SYSTEM — RESIDENTIAL RECONNECTIONS

5263. Hon Kate Doust to the Minister for Energy

- (1) In regional areas on the South West Interconnected System, how many residential reconnections were carried out by Western Power in 2010–11?
- (2) Of these reconnections, how many were performed —
 - (a) 1–2 days after notification;
 - (b) 3–4 days after notification;
 - (c) 5–6 days after notification; and
 - (d) 7 or more days after notification?

Hon PETER COLLIER replied:

- (1) 2,923
- (2)
 - (a) 2,403
 - (b) 315
 - (c) 156
 - (d) 49.

BURSWOOD TRAIN STATION — GOVERNMENT PLAN

5264. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

I refer to the Minister for Transport's recent claim that 35,500 people will be cleared by trains from the proposed Burswood Station within an hour, and ask –

- (1) How many trains will be required to achieve this task?
- (2) How many rail car sets will need to be used to achieve this task?
- (3) How many trains can travel down a single track on the Perth rail network in an hour using the current signalling?
- (4) What upgrades to signalling and tracks are required to remove 35,500 people within an hour?

Hon SIMON O'BRIEN replied:

The Public Transport Authority advises:

- (1)–(4) Please refer to QON 5272, 5273.

GOLDFIELDS — AIR QUALITY ISSUES

5265. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to the Review of the Environmental Protection (Goldfields Residential Areas) (Sulfur Dioxide) Policy at http://www.epa.wa.gov.au/docs/AnalysisofSubmissions_EPAWebsite_2.pdf, and my previous question without notice No. 1394, and ask —

- (1) Has the Department for Environment and Conservation (DEC) undertaken further investigations throughout the Goldfields region on air quality issues identified as a result from the consultation of the discussion paper?
- (2) If yes to (1), please table the results of these studies?
- (3) If no to (1), why not?

- (4) Has the DEC advised the Department of Health (DOH) of the recommendation at 'Issue 14' 'Department of Health to conduct epidemiological studies alongside the suggested monitoring from DEC, industry and local government.'?
- (5) If no to (4), when will DEC advise DOH?
- (6) If yes to (4), when was DOH advised?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response.

- (1) No
- (2) Not applicable
- (3) The Department of Environment and Conservation (DEC) and the Environmental Protection Authority (EPA) have been working with industry to address air quality issues in the region. At the request of DEC and the EPA, industry is currently undertaking several studies to better understand the air quality in the region. DEC has commenced scoping the requirements for a Kalgoorlie Air Quality Management Plan and intends discussing this with industry stakeholders in mid-2012.
- (4) No
- (5) The EPA has responsibility for the Review of the Environmental Protection (Goldfields Residential Areas) (Sulfur Dioxide) Policy 2003. The EPA informed the Minister for Environment of the outcomes of the Review in March 2010. There was no recommendation for the Department of Health to undertake epidemiological studies alongside suggested monitoring from DEC, industry and local government in the outcomes of the Review.
- (6) Not applicable

JAMES PRICE POINT — ENVIRONMENTAL DAMAGE

5266. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to the issue of damage to vegetation and sand dunes at James Price Point by Woodside, and ask —

- (1) Has the Department of Environment and Conservation conducted an investigation into reports of damage to sand dunes and associated vegetation near James Price Point by Woodside or its contractors?
- (2) If yes to (1), when did the investigation begin and when did it end?
- (3) If yes to (1), what did the department investigate and what were the findings of the investigation?
- (4) Did the department find that there was any damage to the dune system at James Price Point?
- (5) Did the department find that there were established access tracks into and across the dune system?
- (6) If yes to (5), who created the access tracks and when were they established?
- (7) Does the department have a map of the established tracks in the dunes south of James Price Point?
- (8) If yes to (7), will the department publish the map?
- (9) If yes to (4), what action did the department take?
- (10) Is there a map of the access tracks and will the department table them?

Hon HELEN MORTON replied:

- (1) Yes
- (2) 16 to 19 May 2011
- (3) The Department of Environment and Conservation (DEC) investigated complaints from members of the public that damage to vegetation had occurred when Woodside Energy Ltd contractors used a vehicle to access sites between Quandong Point and James Price Point in May 2011. The investigation found evidence of the ongoing use of pre-existing tracks. There was insufficient evidence to prove beyond reasonable doubt that Woodside Energy Ltd's staff had, in isolation of all other track users, caused unauthorised clearing of native vegetation.
- (4)–(5) Yes
- (6) Unknown
- (7) No
- (8) Not applicable

- (9) None. The available evidence indicated that the vehicle referred to was driven on what appeared to be pre-existing tracks of various ages that were created by persons unknown. The impact caused in this instance, in isolation, is no different to the impact caused by previous track users.
- (10) DEC is unaware of the existence of a map showing access tracks in the James Price Point area.

CARNABY'S BLACK COCKATOOS — AUTOPSY RESULTS

5270. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment

- (1) Is the Department of Environment and Conservation is aware of any observations or autopsy results which indicate that Carnaby's Black Cockatoos that consume green canola pods suffer paralysis? If yes to (1), will the Minister table copies of any observations or autopsy results that relate to this problem?
- (2) What work is being done to assess this risk to this highly threatened species?
- (3) Will the Minister table details of any work that has been done?

Hon HELEN MORTON replied:

- (1) No
- (2) Not applicable
- (3) Autopsies are regularly undertaken on suspicious deaths of Carnaby's cockatoos. Perth Zoo has advised that there is no evidence from post mortems, pathology or similar studies at Perth Zoo or the Department of Agriculture and Food to support any claim that the consumption of green canola pods by Carnaby's cockatoos causes them to suffer paralysis. Field observations have indicated that these birds may benefit from eating canola seed, as well as the related weed species wild radish and wild turnip.
- (4) There are no studies to table to support this proposition.

AMRIT PAL SINGH — TAXIDRIVER LICENCE

5274. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

- (1) On what date did Mr Amrit Pal Singh receive a Western Australian Taxi Licence?
- (2) Did Mr Singh qualify for his license by undertaking all the requirements in Western Australia or under mutual recognition provisions from another state?
- (3) If Mr Singh was initially qualified in another state, which state?
- (4) Prior to 5 February 2011, had the Department of Transport received any complaints about this driver?
- (5) If yes to (4), what was the nature of the complaints?
- (6) Prior to the 5 February 2011, was Mr Singh in breach of any of the conditions of his taxi licence?
- (7) If yes to (6), what was the nature of the breach?
- (8) Had Mr Singh received any infringement notices, cautions or warnings?
- (9) If yes to (8), what were they for?

Hon SIMON O'BRIEN replied:

The Department of Transport advises:

- (1) 29 July 2009.
- (2) Yes, this included an aptitude test conducted by Mr Paul Smith in November 2008.
- (3) Not applicable
- (4) Yes
- (5) 2009 — driver asking for sex in lieu of the fare.
2010 — overcharging.
- (6) Yes
- (7) Overcharging.
- (8) Yes
- (9) 2010 — received a caution for overcharging. .

PRABHJIT SINGH GILL — TAXIDRIVER LICENCE

5275. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

- (1) On what date did Mr Prabhjit Singh Gill receive a Western Australian Taxi Licence?

- (2) Did Mr Gill qualify for his license by undertaking all the requirements in Western Australia or under mutual recognition provisions from another state?
- (3) If Mr Gill was initially qualified in another state, which state?
- (4) Prior to 5 February 2011, had the Department of Transport received any complaints about this driver?
- (5) If yes to (4), what was the nature of the complaints?
- (6) Prior to the 5 February 2011, was Mr Gill in breach of any of the conditions of his taxi licence?
- (7) If yes to (6), what was the nature of the breach?
- (8) Had Mr Gill received any infringement notices, cautions or warnings?
- (9) If yes to (8), what were they for?

Hon SIMON O'BRIEN replied:

The Department of Transport advises

- (1) 15 July 2009
- (2) Yes
- (3) Not applicable
- (4) Yes
- (5) Abusive behaviour towards a passenger.
- (6) Yes
- (7) Failing to behave in a courteous manner.
- (8) Yes
- (9) Failing to behave in a courteous manner.

FREMANTLE PORT OUTER HARBOUR — FREIGHT TRAINS

5279. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

What is the estimated number of trains expected to carry freight into the Fremantle Port Outer Harbour in —

- (a) 2012;
- (b) 2013;
- (c) 2014;
- (d) 2015; and
- (e) 2016?

Hon SIMON O'BRIEN replied:

The Fremantle Port Authority advises:

- (a)–(e) Further train numbers are currently a part of the Department of Transport's future planning activities and cannot be estimated until planning is complete.

SOUTHERN RIVER DEPOT — TRANSPERTH SECURITY

5281. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

- (1) Were there any changes to the level of Transperth security provided in the area of the Southern River Depot between 1 January 2011 and 31 December 2011?
- (2) If yes to (1) —
 - (a) on what date were the changes implemented;
 - (b) when were the changes made and what bus routes were affected by the changes; and
 - (c) what was the reason for the change in the level of security?

Hon SIMON O'BRIEN replied:

The Public Transport Authority advises:

- (1) No
- (2) (a)–(c) Not applicable.

PUBLIC AIRPORT — FEASIBILITY STUDY

5283. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

- (1) Has the Government conducted any feasibility studies into a public airport for the northern corridor?
- (2) If yes to (1) —
 - (a) when did the study commence;
 - (b) what is the cost of the study; and
 - (c) what are the terms of reference for the study?
- (3) Does the Government intend to conduct any feasibility study into a public airport for the northern corridor?
- (4) If yes (3) —
 - (a) when will the study commence;
 - (b) what are the terms of reference; and
 - (c) what is the estimated cost?
- (5) Has a general area been identified for the airport and if yes, where?

Hon SIMON O'BRIEN replied:

The Department of Transport advises

- (1) No
- (2) (a)–(c) Not applicable
- (3) Yes.
- (4) (a) 2012.
 - (b) The terms of reference for the new study are being finalised.
 - (c) Publication of the estimated cost or budget for the study would prejudice the competitive tender process.
- (5) No specific details have been finalised.

GOVERNMENT OFFICE ACCOMMODATION

5298. Hon Ken Travers to the Minister for Finance

- (1) Which Government departments and agencies are located in each of —
 - (a) Dumas House;
 - (b) Albert Facey House;
 - (c) Gordon Stephenson House; and
 - (d) Governor Stirling Building?
- (2) For each department and agency in each location —
 - (a) how many staff in full time equivalent (FTE); and
 - (b) how much floor area does each department or agency occupy?
- (3) Are any staff for these departments or agencies located in other buildings in the central business district or central business district fringe?
- (4) If yes to (3), for each department and agency, in each building —
 - (a) how many staff in FTE; and
 - (b) how much floor area does each department or agency occupy?

Hon SIMON O'BRIEN replied:

- (1)–(4) [See paper 4456.]

DUMAS HOUSE — UPGRADE COSTS

5299. Hon Ken Travers to the Minister for Finance

- (1) What is the current estimated cost to upgrade Dumas House in terms of —
 - (a) refit and refurbish for additional departments and agencies;
 - (b) ensuring compliance with current Western Australian and National building codes and disability access codes;

- (c) installation of fire sprinkler systems; and refurbishment of the building exterior?
- (2) What is the current estimated cost to upgrade Hale House in terms of —
 - (a) refit and refurbish for additional Departments and Agencies;
 - (b) ensuring compliance with current WA and National building codes and disability access codes;
 - (c) installation of fire sprinkler systems;
 - (d) installation of air-conditioning systems; and
 - (e) refurbishment of the building exterior?
- (3) What are the costs to upgrade AB Facey House in terms of —
 - (a) refit and refurbish for additional Departments and Agencies;
 - (b) ensuring compliance with current WA and National building codes and disability access codes;
 - (c) installation of fire sprinkler systems;
 - (d) installation of air-conditioning systems; and
 - (e) refurbishment of the building exterior?

Hon SIMON O'BRIEN replied:

- (1) (a) The approved budget to upgrade Dumas House is \$55.8 million (excluding GST). However as with any project of this scale and complexity, particularly involving a heritage building, cost variations are encountered.
 Variations to date include a higher than expected tender (\$1.24 million), plus \$1.58 million of base build variations, including toilet upgrades (\$390,000), fire systems (\$700,000) and work to the ceilings (\$490,000).
 The final cost will not be known until construction is complete.
- (b)–(c) The costs for these items are incorporated within the building contract and are not in a format that allows the particular item costs to be readily extracted.
- (d) The approved budget is \$8.9 million. This figure is included in the total figure in 1 (a) above.
- (2) (a) The approved budget to upgrade Hale House is \$25.5 million (excluding GST). The works are in progress and the project is tracking within budget.
- (b) See (d)–(e).
- (c) There is no requirement under the Building Code of Australia for fire sprinklers to be installed. Other fire fighting systems are provided in accordance with relevant building codes and regulations.
- (d)–(e) The costs for these items are incorporated within the building contract and are not in a format that allows the particular item costs to be readily extracted.
- (3) (a) The approved budget to upgrade Albert Facey is \$33.6 million (excluding GST). Works on this project are complete and total costs are being finalised. The project is tracking within budget.
- (b)–(e) The costs of these items are incorporated within the building contract and are not in a format that allows the particular item costs to be readily extracted. .

GOVERNMENT OFFICE ACCOMMODATION

5300. Hon Ken Travers to the Minister for Finance

- (1) At what stage is the Expression of Interest (EOI) phase for government accommodation in the —
 - (a) North Metropolitan area;
 - (b) South Metropolitan area; and
 - (c) Greater Bunbury area?
- (2) What opportunities are currently being pursued by Government regarding the EOI process for placement of government departments and agencies to —
 - (a) Metropolitan activity centres; and
 - (b) Greater Bunbury?
- (3) When is the EOI phase expected to be finalised and when will we see government departments and agencies start to be established in metropolitan activity centres and Greater Bunbury?

- (4) What was the total leasing costs for government departments and agencies for each financial year —
- 2007–08;
 - 2008–09;
 - 2009–10;
 - 2010–11; and
 - 2011–12?
- (5) Can the Minister provide a breakdown of the leasing costs in (4) by geographical area —
- Metropolitan;
 - Perth Central Business district; and
 - Central Business district fringe?
- (6) What will be the projected total leasing costs for government departments and agencies for each financial year —
- 2012–13;
 - 2013–14;
 - 2014–15; and
 - 2015–16?
- (7) Can the Minister provide a breakdown of the leasing costs in (6), by
- geographical area —
 - Metropolitan;
 - Perth Central Business district; and
 - Central Business district fringe?

Hon SIMON O'BRIEN replied:

- (1) (a)–(b) The Expression of Interest for 15,000 to 25,000 sqm of leased office accommodation in several metropolitan activity centres was advertised in September 2010 by the then Department of Treasury and Finance and formally closed on 15 November 2011.
- (c) No expression of interest has been conducted in regional areas.
- (2)–(3) Planning for metropolitan and regional areas (including Greater Bunbury) is being progressed. On Government endorsement of the plan a procurement process will be undertaken.
- (4)–(5) Total leasing costs managed by the Department of Finance for government departments and agencies are:

Financial Year	(4) Total (\$)	(5)(a) Metropolitan (\$)	(5)(b) Perth CBD (\$)	(5)(c) Perth CBD fringe (\$)
2007–08	127,840,267	28,119,056	75,049,186	13,521,085
2008–09	153,234,759	37,505,285	86,519,489	16,735,494
2009–10	172,433,224	47,443,485	91,800,139	19,988,282
2010–11	206,118,500	54,718,626	116,042,997	21,470,181
2011–12*	173,729,618	46,405,336	95,695,530	18,631,099

* reflects actual total leasing costs from 1 July 2011 to 28 March 2012, and includes April 2012 rent paid in advance.

- (6)–(7) Accurate projections of total leasing costs on a whole-of-portfolio basis are not currently available. Further data will be released in the budget. .

GOVERNMENT DEPARTMENTS AND AGENCIES — TENDERS, CONTRACTS OR CONSULTANCIES

5352. Hon Ed Dermer to the Minister for Finance

- (1) Have any of the following companies been awarded a tender, contract or consultancy to provide engineering services or design information for any agency, utility or department within the Minister's portfolio of responsibilities —

- (a) BG&E;
 - (b) BG Engineering;
 - (c) Sinclair Knight Mertz;
 - (d) BG Structural Engineering; and
 - (e) Parsons Brinckerhoff?
- (2) If yes to (1), which companies were awarded a tender, contract or consultancy, and for each of them —
- (a) when was the tender, contract or consultancy awarded;
 - (b) what was the cost of the tender, contract or consultancy;
 - (c) how was the tender, contract or consultancy advertised; and
 - (d) what was the nature of the service for which the tender, contract or consultancy was awarded?

Hon SIMON O'BRIEN replied:

Department of Finance

(1)–(2) [See paper 4457.]

Department of Commerce

- (1) No.
- (2) Not applicable.

Small Business Development Corporation

- (1) No.
- (2) Not applicable.

WorkCover WA

- (1) No.
- (2) Not applicable.

C Y O'CONNOR COLLEGE — COURSES FOR PRISONERS

5357. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the termination of courses being taken by prisoners at Acacia Prison in Woorooloo through C Y O'Connor College, and I ask —

- (1) What other arrangements, if any, have been made for those prisoners who were part-way through their courses to undertake their study elsewhere?
- (2) How many prisoners would have been undertaking their Diploma this year?
- (3) When will courses through C Y O'Connor be re-instated?
- (4) Have any prisoners based at any other prisons had their training courses terminated due to lack of funds?
- (5) If yes —
 - (a) which prisons have been affected; and
 - (b) how many prisoners have been affected?

Hon PETER COLLIER replied:

- (1) No C Y O'Connor Institute courses delivered to Acacia prisoners have been terminated. However, some training was delayed in 2011 while the financial arrangements supporting the delivery were negotiated between Serco and the Institute.
- (2) Nil.
- (3) All course delivery that was delayed in 2011 has now resumed.
- (4) No.
- (5) Not applicable.

APPRENTICES — DROP-OUT RATE

5358. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the article in the *West Australian* Newspaper on 29 February 2012 about the high number of apprentice dropouts, and I ask what evidence does the Minister have to authenticate his claim that most cancellations of apprentices dropping out is because many of them are lured by big pay packets of unskilled jobs at the mines?

Hon PETER COLLIER replied:

In the article, I stated that many of those apprentices that have dropped out were lured by the big pay packets of unskilled jobs in the mines.

My comments were based on the many discussions and comments relayed to me by a range of stakeholders. As I talk to representatives of all industries, I am constantly told that one of the key issues around retention of apprentices is the attraction of jobs in the mining industry that result in many of them dropping out of their apprenticeships.

SKILLS SHORTAGE — IRISH WORKER PLAN

5359. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the Minister's plan to bring 150,000 workers to Western Australia from Ireland. Recent figures released by the Real Estate Institute of Western Australia (REIWA) show the vacancy rate for rental properties was only 1.6 per cent in February. On 20 March 2012, REIWA reported that there are currently only around 2,000 rental properties on a market which is considered to be at crisis point. Therefore, I ask where does the Minister expect the 150,000 workers from Ireland to be housed?

Hon PETER COLLIER replied:

I have no plans to bring 150 000 workers to Western Australia from Ireland.

The number you have quoted seems to refer to research by the Department of Training and Workforce Development, as reported in Skilling WA, which forecasts that Western Australia may experience a labour deficit of 150 000 workers by 2017.

I reiterate that the State Government's first workforce development priority is the training and preparing of Western Australians for the workforce. However, the scale of the expected labour demand over the coming years means that targeted skilled migration will be a necessary strategy.

And yes — this will mean additional infrastructure such as housing. As the Hon Member is aware, the State Government has recently released "Affordable Housing Strategy 2010–2020: Opening Doors to Affordable Housing". Further, the Government has also established the Office of Land and Housing Supply. These two initiatives are focused on increasing the availability of affordable housing, for Western Australia's growing population.

SKILLS SHORTAGE — LOCAL WORKERS

5360. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the many statements made by the Minister and the Premier of this Government's plan to bring workers from overseas. As these statements immediately prompt a spate of media reports in print, radio and electronic media from Western Australians, both skilled and unskilled, who are continually seeking work in the resource sector, but are unsuccessful, I ask —

- (1) What, if anything, has the Minister done to assist these workers to obtain work in this industry?
- (2) Has the Minister made any approach to the resource industry to ascertain why so many Western Australians keep reporting that they are available to work but are never given the opportunity of gaining a position with this sector?
- (3) If no to (2), why not?

Hon PETER COLLIER replied:

- (1) The Government's first priority is to continue its focus on providing record levels of funded training places to ensure Western Australians have maximum opportunity to participate in the workforce. This includes places for occupations relating to the resources and construction sectors.

My Department of Training and Workforce Development is also providing career and job advice through its Career Centre and network of workforce development centres.

Notwithstanding this, current forecasts indicate that as the pipeline of major resources and infrastructure projects come on line over the next few years, the State's employers will face a potential labour shortfall of some 76,000 workers by 2015.

This will necessitate targeted migration where jobs cannot be filled locally.

- (2) I am in regular communication with a number of peak industry bodies and employers representing the resources industry in Western Australia. These include the Chamber of Minerals and Energy of Western Australia, the Australian Petroleum Production & Exploration Association and the Resources Industry Training Council.

Our discussions relate to training and workforce development issues, including employment within the resources sector.

I have recently called on resource companies operating in Western Australia to increase their take-up of apprentices. This is important in ensuring that the State grows its local workforce and that Western Australians benefit from the predicted economic expansion being driven by the resources sector.

- (3) Not applicable.

TAFE COLLEGES — GOVERNMENT BUSINESS ENTERPRISES

5362. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to a report to the new Victorian Government recommending that their TAFE colleges be converted to government business enterprises, and I ask —

- (1) Has the Minister commissioned any investigations into the business models of Western Australia's TAFE Colleges?
- (2) If yes to (1), have those investigations concluded?
- (3) If yes to (1), will the Minister table the results?
- (4) Has the Minister received any advice from either public service or private sector sources recommending changes to the statutory structure of Western Australia's TAFE colleges?
- (5) If yes to (4), will the Minister table that advice?
- (6) If no to (4), why not?
- (7) Will the Minister give an undertaking that Western Australia's TAFE colleges will not be privatised or converted to government business enterprises?
- (8) If no to (7), why not?

Hon PETER COLLIER replied:

- (1) No.
- (2)–(3) Not applicable
- (4) No
- (5) Not applicable
- (6) There has not been any consideration of alternative arrangements to the current statutory authority status of State Training Providers, because the current structures are working effectively.
- (7) Yes.
- (8) Not applicable

YOUNG PEOPLE IN CARE — TRAINING COURSE FEES

5375. Hon Sue Ellery to the Minister for Training and Workforce Development

I refer to the announcement of an agreement between Western Australia State Training Providers and the Department for Child Protection to waive training course fees for young people in care, and I ask —

- (1) What is the cost of this initiative and which agency is meeting that cost?
- (2) How were the costs determined?
- (3) How many young people are expected to take up this opportunity in —
 - (a) 2012; and
 - (b) 2013 and beyond?
- (4) Are any courses exempted from the waiver scheme and if so, which ones?

Hon PETER COLLIER replied:

- (1) It is estimated that the cost will be approximately \$50,000 per year. The cost will be met by State Training Providers.
- (2) The Department of Child Protection anticipates there are likely to be around 50 young people per year taking advantage of the fee waiver scheme. State Training Providers have estimated that the average cost of the fee waiver is approximately \$1000 per student.
- (3) (a)–(b) The Department of Child Protection anticipates there are likely to be around 50 young people taking advantage of the fee waiver scheme in 2012 and each year beyond.
- (4) No publicly-funded training courses are exempt from the fee waiver scheme.

APPRENTICES AND TRAINEES — DROP-OUT RATE

5383. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to Western Australia's alarming dropout rate of apprentices and trainees, in particular for the period of 12 months from 1 September 2010 to 1 September 2011, and I ask —

- (1) How many apprenticeships were cancelled in that time?
- (2) Of those cancellations, what occupations were affected and how many cancellations were in each of those occupations?
- (3) How many apprenticeships were suspended in that time?
- (4) Of the suspended apprenticeships, how many were for the following reasons —:
 - (a) downturn of employer's business;
 - (b) medical;
 - (c) misconduct; and
 - (d) personal?
- (5) How many traineeships were cancelled in that time?
- (6) Of these cancellations, what occupations were affected and how many cancellations were in each of those occupations?
- (7) How many traineeships were suspended in that time?
- (8) Of those traineeships that were suspended, how many were for the following reasons —
 - (a) downturn of employer's business;
 - (b) medical;
 - (c) misconduct; and
 - (d) personal?

Hon PETER COLLIER replied:

- (1) There were 3057 apprenticeship cancellations in the 12 months from 1 September 2010 to 1 September 2011.
- (2) [See paper 4458.]
- (3) 610 apprentices suspended their contract in the 12 months from 1 September 2010 to 1 September 2011.
- (4)
 - (a) 26
 - (b) 347
 - (c) 17
 - (d) 130
- (5) There were 5729 traineeship cancellations in the 12 months from 1 September 2010 to 1 September 2011.
- (6) Please refer to [See paper 4458.]
- (7) 327 trainees suspended their contract in the 12 months from 1 September 2010 to 1 September 2011.
- (8)
 - (a) 57
 - (b) 127
 - (c) 0
 - (d) 9.

ABORIGINAL HERITAGE SITES — DAMAGE COMPLAINTS

5392. Hon Robin Chapple to the Minister for Indigenous Affairs

With regard to investigations by the Department of Indigenous Affairs (DIA) in heritage matters, I ask —

- (1) Has the DIA investigation into complaints of damage to Aboriginal heritage sites at James Price Point been completed?
- (2) What is the outcome of this investigation and will the Minister table the findings?
- (3) When will DIA inform people who lodged complaints of the outcome of the investigation?
- (4) Has the DIA investigation into the allegations raised by Sue Singleton, relating to conduct of Fortescue Metals, been completed?

- (5) What is the outcome of the investigation and will the Minister table the findings?
- (6) Is DIA investigating the allegations of unlawful damage to Yindjibarndi sites by Fortescue Metals?
- (7) Has the investigation been completed?
- (8) What is the outcome of the investigation and will the Minister table the findings?
- (9) What is the budget allocation for the DIA Compliance Unit?
- (10) How many other matters have been investigated by the compliance team?

Hon PETER COLLIER replied:

- (1) No
- (2) Not applicable.
- (3) When the investigation is completed.
- (4) Yes
- (5) There is not sufficient evidence to pursue the matter any further. The company has undertaken to strengthen its internal procedures.
- (6)–(7) Yes
- (8) There is not sufficient evidence to pursue the matter any further.
- (9) Approximately \$300 000.
- (10) For the period of 1 July 2011 until present — 137.

ABORIGINAL HERITAGE SITES — DE-REGISTERED

5395. Hon Robin Chapple to the Minister for Indigenous Affairs

With regard to procedures within the Department of Indigenous Affairs (DIA) in relation to Aboriginal Heritage, and further to question without notice number No. 004, I ask —

- (1) Have any Aboriginal Heritage sites been de-registered in the past 12 months?
- (2) If yes to (1), will the Minister table a list of these sites, with an explanation of the basis for de-registration?
- (3) If no to (1), why not?
- (4) What is the timeline for the adoption of the new policy and guideline material?
- (5) Will the Minister undertake to inform the Parliament of the new policy and guidelines prior to their adoption, and table the procedures?
- (6) If no to (5), why not?
- (7) Do DIA Heritage Officers attend Aboriginal Cultural Material Committee (ACMC) meetings?
- (8) If no to (7), when was this practice stopped, and why?
- (9) What experience or expertise in Aboriginal Heritage does Mr Gavin Fielding, Chair of the ACMC have?

Hon PETER COLLIER replied:

- (1) In the past 12 months, 27 sites with a status of either “registered site”, “insufficient information” or “lodged” have been determined not to be sites under the Aboriginal Heritage Act 1972 (AHA).
 - (2) [See paper 4459.] The status of the sites was changed following consideration of information by the Aboriginal Cultural Material Committee (ACMC).
 - (3) Not applicable.
 - (4) It is anticipated that the Department of Indigenous Affairs (DIA) will adopt a range of new internal procedures over the coming 12 months.
 - (5) DIA will publish any new policies or guidelines on its website and notify stakeholders.
 - (6) Not applicable.
 - (7) The DIA Chief Heritage Officer and the Registrar of Aboriginal Sites attend ACMC meetings.
 - (8) Not applicable.
 - (9) Mr Fielding was appointed as Chair due to his extensive experience as a chair and member of high level boards and committees. Heritage expertise is provided by other members of the ACMC or DIA staff as required.
-

