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(HANSARD)

THIRTY-NINTH PARLIAMENT
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LEGISLATIVE ASSEMBLY

Thursday, 17 November 2016

Legislative Assembly

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THE DEPUTY SPEAKER (Ms W.M. Duncan) took the chair at 9.00 am, and read prayers.

SCARBOROUGH BEACH PRECINCT — REDEVELOPMENT

Petition

MR C.J. TALLENTIRE (Gosnells) [9.01 am]: I rise to present a petition on behalf of Scarborough's Beach Not Bitumen campaign. It reads —

> **To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.**
>
> We the undersigned residents of Western Australia are opposed to the destruction of natural coastal sand dunes north and south of Scarborough for the proposed extension of the Esplanade.
>
> We ask the Legislative Assembly to:
>
> 1. Request the Minister for the Environment to protect these coastal dunes by adhering to the requirements of State Planning Policy 2.8—Bushland Policy and State Planning Policy 2.6—State Coastal Planning Policy.
> 2. Request the Minister for Planning to reverse the decision to build roads through Bush Forever protected coastal dune reserves north and south of Scarborough Beach.
> 3. Ensure that coastal dune reserves north and south of Scarborough are protected and maintained for the future benefit of all Western Australians.

The petition bears 3 001 signatures and has been certified to conform with the standing orders of the house. I table the petition.

[See petition 434.]

TRAFFIC CONGESTION — DENNY AVENUE, KELMSCOTT

Petition

DR A.D. BUTI (Armadale) [9.02 am]: I also rise to submit a petition on behalf of 707 petitioners. It reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request the Barnett Government provide railway grade separation at Davis Road Kelmscott, or another appropriate area, to address the high level of traffic accidents and congestion on the Denny Avenue Kelmscott intersections and rail crossing.
>
> Denny Avenue is amongst the worst metropolitan roads for motor vehicle accidents. Residents have been subjected to daily traffic congestion for many years and the situation worsens as the population expands.

[See petition 435.]

PAPERS TABLED

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

FLUORIDATION

Statement by Minister for Health

MR J.H.D. DAY (Kalamunda — Minister for Health) [9.04 am]: I rise to briefly update the house on a significant oral health milestone for Western Australia. Tomorrow, 18 November, will mark 50 years since the Fluoridation of Public Water Supplies Act 1966 received royal assent. The act was steered by the then Minister for Health, Hon Graham MacKinnon, and passed after robust debate in both houses of Parliament. It has enabled Western Australia to implement one of the most significant public health initiatives of our time—the fluoridation of drinking water. Fluoridation commenced with the Mundaring Weir and Wellington Dam water supplies in 1968, followed closely by that of the water supplies of towns in the goldfields, great southern and other regional locations, including Geraldton and Manjimup. Today, 92 per cent of the population has access to fluoridated water, with plans to expand the benefits of this public health initiative to Yanchep, Newman and Kununurra in 2017.

Since its introduction, water fluoridation has been one of the most significant factors in improving the oral health of Western Australians. Over this time, the probability of a 12-year-old having one or more decayed, missing or filled permanent teeth has reduced by a remarkable 82 per cent. As a former dentist, I know only too well the impact of tooth decay. As well as pain, infection and tooth loss, tooth decay can disrupt eating, sleeping and social interaction. Ongoing oral infections are associated with heart and lung disease, stroke and poor pregnancy outcomes. Scientific evidence continues to confirm that fluoridation of drinking water at the level of one part per million or less is safe and effective and the most socially equitable means of achieving community-wide exposure to the caries prevention effect of fluoride. Fluoridated water particularly benefits children whose adult teeth are still forming and members of the community who may not access dental services, as it is delivered directly into homes at no incremental cost. It forms part of a suite of caries prevention initiatives that relate to a healthy diet, good oral hygiene, appropriate use of fluoridated toothpaste and regular dental checks.

Last Thursday, I had the privilege of hosting a morning tea here at Parliament House to commemorate the fiftieth anniversary of the act, with attendees including Mr MacKinnon's son, Craig; Dr Richard Lugg and Richard Theobald, chair and secretary of the Advisory Committee for the Fluoridation of Public Water Supplies; and dentist Dr Ray Owen, who was one of the strong advocates for the bill when it was being debated. It was also a pleasure to have the Minister for Water and the shadow Minister for Health in attendance.

The Liberal–National government remains strongly committed to the fluoridation of water supplies as an effective part of WA's oral health strategy. I look forward to the release of the government's inaugural state oral health plan for 2016–2020 later this year, which will act as a strategic road map for identifying and building opportunities to continue improving the oral health outcomes of Western Australians.

PUBLIC HOUSING — TENANT BEHAVIOUR — EAST FREMANTLE

Grievance

MS S.F. McGURK (Fremantle) [9.07 am]: My grievance today is to the Minister for Housing, and I feel a little frustrated that he is not here to hear my grievance. I understand that the minister did ask for a pair for leave from Parliament but was not given one on the basis that there was a grievance before him that needed to be heard as it is our last day of sitting today, so he has chosen to simply absent himself from the Parliament. That is a really unusual move by the Minister for Housing and, as I said, it is a little frustrating. It is not as though I can come in next week or on the next sitting day to present this grievance. It is very frustrating that he has such disregard for his policy responsibilities and for this particular matter, which I will outline to members, that he has simply decided to absent himself from Parliament. I think it not only characterises that particular minister, the Leader of the National Party, Hon Brendon Grylls, but also shows the sort of arrogance that this government has to the sort of policy issues that come before this Parliament when people are frustrated. I will outline my grievance nevertheless, so that it is on the public record.

The issue goes to the processes adopted by the Department of Housing for dealing with antisocial behaviour in public housing. In short, there is confusion and frustration amongst the public about how to make a complaint about disruptive behaviour in Department of Housing accommodation. I want to know what communication the Housing Authority undertakes with the neighbours in streets surrounding public housing so that residents can be clear about how to make a complaint, what detail is necessary in the complaint, and how to take the matter further if they are not getting their views heard. I have read the authority's disruptive behaviour policy and seen the behaviour management flyer online. On reading the flyer, the steps seem logical, but in practice people who are forced to endure unruly, disorderly and often frightening behaviour are often left feeling frustrated and unheard when they contact the authority and ask for action to be taken. They do not feel safe identifying themselves as complainants.

The DEPUTY SPEAKER: Order, members! Too many conversations are occurring in the chamber.

Ms S.F. McGURK: It is not known that they must get evidence or incident —

The DEPUTY SPEAKER: Member for Fremantle, I was speaking. Can members keep their conversations outside; thank you.

Ms S.F. McGURK: Madam Deputy Speaker, I understood that you usually stand if you want members to stop. There may have been some inhibiting factors for you not to do that.

I was talking about why neighbours feel frustrated when they make complaints to the Department of Housing. They do not feel safe identifying themselves as complainants. It is not known that they must get evidence or give incident numbers from police to the Housing Authority. The public is not aware of this. Often no effective feedback is received from the authority about complaints, so people get worn down and give up, even though the problem has not gone away. Finally, neighbours cannot at times be categorical about the source of the disruption, even though their suspicions are strong and the disturbances and resultant anxiety are very real.

This frustration has been all too apparent in a street in my electorate, in a suburb that many might be surprised to hear is the location of significant disruption and dysfunction—the suburb of East Fremantle. At a block of flats located at 50 Alexandra Road, a small number of residents are the source of significant disruption and antisocial behaviour that is driving other residents in those flats, as well as neighbours in Alexandra Road and the surrounding streets, to despair.

In 2015, a resident in an adjoining street made a complaint to the local police, as well as to the Minister for Housing, about that flat. That resident had had a particularly aggressive break-in at his residence. He was told, as I was when my office took up the matter with the Housing Authority, that it had received very few complaints about that block of flats in Alexandra Road. However, in that same year, police told that constituent that they had received 41 complaints from those units in 2015 alone. Obviously, there is a disconnect between what police are experiencing and what the Housing Authority is experiencing with complaints. To further illustrate my point about those flats, I want to briefly quote from an email received from a resident in Alexandra Road. She does not want to be identified, but I believe that these experiences are shared amongst many residents in the area. In her email, the resident describes —

> - A late night fight directly outside our front door which caused us to call the emergency number as we were fearful for our safety;
>
> - Almost daily noise from verbal arguments. Sometimes the arguments include banging doors and smashing glass …
>
> - Regular playing of loud music;
>
> - We have had broken glass thrown into out back garden;
>
> - Rubbish and shopping trolleys are regularly dumped in front of our unit;
>
> - We … had to pay … to remove a music speaker infested with bees from the front of our unit …
>
> - Last night an indigenous lady knocked on our door asking for assistance. She looked distressed and said she was being tormented by two young boys. She said she lived next door at No. 50. We reported the situation to the police;
>
> - There is very bad language and shouting constantly …
>
> - Our elderly neighbours … have told us they have recently had rocks thrown at their back windows by young boys at No. 50.
>
> We have not reported any of the above to the Housing Authority because we understand that we need to inform the Authority which tenants are causing the problems, and we do not have this information.

I want to make clear that this resident states —

> We have no problem living next door to public housing and we feel strongly that public housing should be available in all suburbs. However, we do have a problem when public housing tenants … regularly keep our … daughter awake at night because of their constant shouting, swearing and fighting …

I understand that there is natural justice and that people being complained about have the opportunity to have their story heard. However, at the moment, local residents who are frustrated with disruptive behaviour come up against a faceless, unfeeling and ineffective bureaucracy. There seems to be little or no effective communication with local police, who are often left to pick up the pieces.

MRS L.M. HARVEY (Scarborough — Minister for Police) [9.15 am]: First of all, I want to put on the record that when I became aware that this grievance would be raised, I immediately contacted the Minister for Housing and told him that I had a lot of information about this address and would be happy to take the grievance for him because I knew that he had a prior engagement. I am very pleased to take this grievance on behalf of the Minister for Housing.

This very serious issue was raised recently at a community forum attended by me; the Deputy Commissioner of Police, Steve Brown; and other police officers. Prior to the forum, in response to a letterbox drop that the member for Bateman, Matt Taylor, had arranged, this issue was brought to Matt Taylor's attention and I was very pleased that he raised it with me.

The DEPUTY SPEAKER: Minister, please refer to the member's electorate rather than the name. Thank you.

Mrs L.M. HARVEY: Of course.

Ms S.F. McGurk interjected.

The DEPUTY SPEAKER: Member for Fremantle!

Mrs L.M. HARVEY: Prior to the forum, I was able to seek information from both the Department of Housing and WA Police about the issues at 48–50 Alexandra Road. The Minister for Housing has provided some information in response to the member for Fremantle's grievance today.

Ms S.F. McGurk: But he's too arrogant to come and listen to people's concerns—too arrogant!

Mrs L.M. HARVEY: I am trying to answer the member for Fremantle's grievance. Will she give me the courtesy of being able to answer on behalf of the constituents in that area?

Several members interjected.

The DEPUTY SPEAKER: Member for Fremantle, I call you for the first time.

Mrs L.M. HARVEY: The Department of Housing is currently investigating four complaints of disruptive behaviour. Complainants who have identified themselves will be advised of the outcome. Two current tenants have had previous strikes. However, the strikes were issued more than 12 months ago and have now expired. The complex is still capable of meeting social housing outcomes. The Department of Housing is going to provide some intensive support due to the high demand from the clients in that area and some of the challenging clients who have been housed, not only at 48–50 Alexandra Road, but also in other social housing complexes within that vicinity. The Housing Authority has introduced an intensive tenancy management trial at some of those complexes in East Fremantle. As part of the program, the Housing Authority will conduct property inspections and has, in fact, been conducting property inspections every three months to ensure that all tenants meet their obligations. Some of the tenants at 48–50 Alexandra Road will be subject to that intensive management program.

All the future tenants being considered for 48–50 Alexandra Road will be offered a six or 12-month introductory fixed lease agreement. This will assist tenants to understand their obligations. Tenants who commit antisocial behaviour during the introductory tenancy agreement period will not have their tenancy renewed. This program will give us an opportunity to manage those tenants and move them out if there are any complaints whatsoever about their behaviour. Their tenancy will be almost like a probationary tenancy, and if they do not comply with the obligations to be good neighbours, their tenancy will not be renewed.

A serious issue regarding policing at that location was raised at the forum. It may be the same issue that has been raised with the member for Fremantle. Police were accused of not attending when a distressed female had been acting in a very aggressive manner towards tenants and neighbours of 48–50 Alexandra Road. However, the police did attend and they picked up the female who was causing the issue and she was conveyed to emergency at Fremantle Hospital where she was taken care of by hospital staff. As I understand it, she was drug affected and had mental health concerns and was conveyed by ambulance to hospital as a result of police attending at the location.

The problem with this particular location is that seven prolific priority offenders have been housed at 48–50 Alexandra Road. For those members who may not know, prolific priority offenders are offenders who commit multiple offences, often within the vicinity of their tenancy. Six of those PPOs are currently behind bars for volume crime offences. That means the neighbourhood can expect a significant improvement in the situation because while those offenders are behind bars, they will not be able to engage in the antisocial and criminal behaviour that the neighbourhood has been subject to over the past four years, which, I understand, is how long this has been an issue. It is great that it has been raised on the last day of Parliament. Two prolific priority offenders are due for release this week.

Ms S.F. McGurk interjected.

The DEPUTY SPEAKER: Thank you, member for Fremantle; the minister has the floor.

Mrs L.M. HARVEY: Those prolific priority offenders will be intensively managed by the police. The police have also started active engagement with the Department of Housing.

Point of Order

Ms S.F. McGURK: Madam Deputy Speaker, you understand that there is limited time in a grievance to raise issues. The specific point of this grievance is to understand what communication the Housing Authority has with residents who surround public housing so that those residents understand how to make an effective complaint about difficult residents in a particular public housing block of flats or units. That is the specific question and that is why I addressed my grievance to the Minister for Housing, not the Minister for Police, the Minister for Women's Interests or the Deputy Premier. I wanted the Minister for Housing to respond to my grievance because this is a Housing Authority question and the Deputy Premier has yet to address it.

Mrs M.H. ROBERTS: Further to the point of order, this grievance was listed as a grievance to the Minister for Housing. I well understand that the Minister for Housing is not here and that the Minister for Police is responding on behalf of the Minister for Housing. However, she is not entitled to respond in her capacity and say that the member is now grieving to the police minister. No, this grievance was listed to the Minister for Housing.

A government member interjected.

The DEPUTY SPEAKER: Please do not interrupt a point of order.

Mrs M.H. ROBERTS: The issue I have is that we were not advised that the Minister for Housing would not be available to take this grievance. We anticipated that the Minister for Housing would be here. Had we known that he was not going to be here, we could have chosen to do another grievance. The Minister for Police is representing the Minister for Housing and she needs to respond to the housing grievance that was listed and not give her own rant as police minister about what the police are doing.

The DEPUTY SPEAKER: Under standing order 146, a minister can be deputed to respond to a grievance and it is the minister's prerogative to decide how to respond to that grievance. This is not a point of order. Back to you, minister. Thank you.

Grievance Resumed

Mrs L.M. HARVEY: I thought that the member would be interested to know how this property is being managed in the interests of the constituents of East Fremantle and that was what I was endeavouring to reveal. The police obviously have a high interest in some of the tenants and are working proactively with the Housing Authority so that when there are issues and the police are called out for violent or antisocial behaviour at that address, they will communicate directly with the Housing Authority. The issue for the neighbours of those particularly disruptive people at 48-50 Alexandra Road is that they are frightened of them. They do not want to contact the Department of Housing because they are scared that in response to making that contact, there will be vigilante action. The police are taking the issue away from the neighbours and will intervene with Housing on their behalf. Information will go out to the people in that vicinity. That information will detail what police are doing, what Housing is doing and what we would like those neighbours to do to assist us to manage that tenancy more effectively.

Madam Deputy Speaker, I am very pleased that this issue has finally been raised in the chamber by the member for Fremantle. The member for Bateman contacted me about this issue and, as a result of that contact, action was taken immediately.

PALLIATIVE CARE — COLLIE

Grievance

MR M.P. MURRAY (Collie–Preston) [9.25 am]: I rise today to grieve to the Minister for Health about the issue of palliative care at Collie Hospital and in the Collie region. Palliative care is a very important part of our health system to support not only people with all sorts of illnesses who are entering the final stages of life, but also their families. It is unfortunate that such support is not happening to the degree that it should be happening in Collie. Yes, there is a palliative nurse in Collie, but how can one person do the difficult job of supporting 25 or 27 patients at one time? The workload of that nurse will result in another person becoming ill because of the emotional baggage that he or she has to carry to do the job. I have nothing but admiration for the people who take on that job because one of the hardest things to do is look after the grieving family of an ill person. The mental health care of an ill person and the help that they need is more than simply walking into a room and asking, "How are you today?" It also involves asking, "What is your medication? Is your medication up to scratch? Is your house in order for your final days? Do you need extra care? Do you need a change of bandage?" Those are the things that a palliative care nurse deals with. It is unbelievable to think that one person can look after 27 patients and it is totally unreasonable that that person is expected to look after those patients in only 20 hours a fortnight. The community deserves better.

The minister has been to Collie and commissioned some of the works to upgrade Collie Hospital, but unfortunately opening offices does not improve patients' level of care. Those works may have made the workers in the office area feel better, but the care of palliative patients has been neglected. This is on top of the government deciding to withdraw some procedures, such as tonsillectomies, from being performed at Collie Hospital; indeed, only a small range of procedures are done at Collie Hospital. The government has put up a facade at the front of the hospital at the same time that it has removed services and put extra pressure on individuals who work in this area. This is an area that any health minister should delve into and work away at to make sure that the problem is fixed. The problem is a lack of hours and a lack of people to provide palliative care. Some of us will probably end up in palliative care and we will really appreciate the help that these people give. I have nothing but praise for the people who do the job. People come to me and tell me that palliative care nurses are wonderful and that they have helped them deal with loved ones who are in the final stages of life.

A palliative nurse is available in Collie for only 20 hours a fortnight, which is quite a slap in the face under this system. Minimal money is expended in this area. In many cases, people are sent from major hospitals to Collie Hospital to spend their final days. Those people deserve the same treatment as patients who spend their final days in a larger regional hospital. The Collie community of 9 000 people certainly deserves that. This issue has been neglected by this government. It has built a monument, but it has forgotten about some health services and has taken others away, and that is something I do not quite understand. I ask very strongly that the minister

address this situation. One person cannot carry the weight of a whole community, because we know what will happen—that nurse will end up needing care. I make it very clear that it was not the nurse who came to me and grieved. Her friends and some of her workmates said that she was taking on far too much and working too hard, and that if it continued there would be a breakdown and she would probably not be replaced. The community would then be short of a palliative care nurse. I do not think that anyone here would want that job. I am sure that everyone who passes through that service takes a little bit away from that nurse as they go because those types of nurses work very hard. They try not to be emotionally attached, but, unfortunately, in that job how can you distance yourself? I know that it is the last day of Parliament but the minister has time to rectify this problem. I ask on behalf of the nurses and the Collie community that the minister hold an immediate inquiry to lift the number of hours of palliative care nursing provided in our community.

MR J.H.D. DAY (Kalamunda — Minister for Health) [9.31 am]: I thank the member for notice of the grievance. I agree that the provision of palliative care services in Collie and elsewhere is very important.

Mr M.P. Murray: You might need it soon by the sound of things.

Mr J.H.D. DAY: Hopefully I am not going to need it too soon, not before the end of this grievance anyway.

Ms R. Saffioti: At least you're hanging around for the grievance, minister.

Mr J.H.D. DAY: It is my pleasure.

Several members interjected.

The DEPUTY SPEAKER: Thank you, members.

Mr J.H.D. DAY: I agree that the provision of care and the skills, capacity and commitment of the clinical staff is probably more important than the nature of the building and facilities in which they operate, as important as they can be. As the member indicated, some redevelopment work is underway at Collie Hospital at the moment, but clearly there needs to be sufficient and adequately trained and experienced clinical staff to provide the services out of the hospital. I am advised that currently Collie has one palliative care nurse who is an experienced clinical nurse. I presume that person is a "she"—is that right?

Mr M.P. Murray: Yes.

Mr J.H.D. DAY: She is contracted to work 24 hours a fortnight. When activity increases there is capacity to increase the amount of hours that she works. For the last four weeks, the palliative care nurse has worked 32 to 40 hours a fortnight. I am advised that the current patient load is 26. Not all these patients require active engagement because they are at various stages of their illness. If demand indicates that extra hours are required, there is a plan to increase the current palliative care nurse's hours. Suitably experienced nurses from Collie Hospital can also provide support to the palliative care nurse. Clinical phone support is also readily available through the rural palliative care specialist team, which is based in Bunbury.

Mr M.P. Murray: That is a problem because they are not in the community.

Mr J.H.D. DAY: At least it is backup support that is available. I understand that they are not physically located in Collie, but it is important to have backup services available. I am advised that activity and demand is being closely monitored by the WA Country Health Service, South West health. Currently there are no plans to recruit additional palliative care nurses in Collie. However, I will ensure that WACHS is made aware of the concerns that have been raised so that it can assess the situation. Each district in the area—Wellington, Warren–Blackwood, Vasse, Leeuwin and Bunbury—has a palliative care nurse, and those nurses across the districts may be able to assist in other districts, depending on their workload. I am advised that more widely across the south west resourcing for palliative care services is comparable with the rest of regional Western Australia. Palliative care is provided as a continuum of services that ranges from providing home care through general practices in the community to hospices and emergency departments. WACHS South West health provides palliative care services across the region in line with the rural palliative care model of care. The south west district has a rural palliative care specialist team, which is based in Bunbury. This team provides governance, support and education to district teams, and assists with complex patient care planning, treatment and liaison with medical staff. Across the south west region each district has a specialist palliative care nurse who is supported by the regional palliative care team, and each nurse has a dedicated phone number. These nurses coordinate care for patients within their community and provide some nursing care. They also attend hospitals and care facilities if required. Community palliative care patients are advised to call the local hospital after hours if support is required. Local and palliative care nurses are part of the care team and a clinical handover occurs for specific patient details, medication schedules and care needs. Terminally ill patients have access to in-home palliative care if they wish to be cared for at home, and access to an after-hours palliative care specialist advice line in Perth if required. The general nurses working in the hospital are not required to hold specialist palliative care qualifications. That is some general information.

As I said, there is a capacity to increase the number of hours that the palliative care nurse is contracted to work if necessary. If there is a concern that the nurse is being overworked and is not comfortable dealing with her workload, I will ensure that that is considered by the WA Country Health Service and discussed with her. As the member said, it was not the nurse who raised the issue but her friends, and I am sure that that issue can be considered and investigated and, if necessary, appropriate alternative arrangements made. I am not confirming that any changes should be put in place, but I can assure the member that the issue will be further considered appropriately.

ASCOT KILNS AND STACKS — RESTORATION

Grievance

MRS G.J. GODFREY (Belmont) [9.37 am]: Considering that I have raised this topic in this place a number of times, all members would know that Ascot kilns is a group of kilns situated on Grandstand Road in Ascot opposite the racecourse.

Ms M.M. Quirk: Who is this grievance to?

Mrs G.J. GODFREY: That is a good question.

Ms M.M. Quirk interjected.

The DEPUTY SPEAKER: The member for Belmont needs her time. We will continue with the debate, please.

Mrs G.J. GODFREY: The kilns are, unfortunately, in poor structural condition. For many years Ascot residents and the City of Belmont have expressed their concern about the state of the Bristile kilns and their stacks and the general appearance of the site. During my 2013 campaign this topic was raised often, and residents asked me for help to reach a resolution to this problem. For the last three and a half years I have persistently raised this issue with the Minister for Planning, the Department of Planning's director general, the Western Australian Planning Commission chair and other relevant stakeholders. I am proud to say that we have achieved a great deal of progress during this period. In December 2014, the legal impasse between the WA Planning Commission and the Ascot Waters joint venture was resolved and the Department of Planning started working on a plan for the Ascot kilns site. In May 2015, the 2015–16 state budget included an allowance of $500 000 for the Ascot kilns planning review. In February 2016, the Department of Planning hosted the first community design workshop with local residents.

The DEPUTY SPEAKER: Order, members! There is just too much noise in the chamber. Thank you.

Mrs G.J. GODFREY: In April 2016, a minor amendment to the metropolitan region scheme was gazetted to make the zoning for the whole Ascot kilns site consistent and ready for detailed planning. In May 2016, the Department of Planning hosted the second community design workshop with residents. I thank both the current and the former Ministers for Planning, Hon Donna Faragher, MLC, and Hon John Day, MLA, for their interest and assistance on this matter, which is of great importance to the Belmont community. During the workshops in February and May this year, the Department of Planning advised the community that the draft plan would be finalised and costed by August 2016. By the end of July I contacted the Minister for Planning's office via email inquiring about the progress of the Ascot Kilns Local Development Plan. In response to my inquiry I was advised on 8 August that the draft plan was being finalised for endorsement by the Western Australian Planning Commission and then by the minister. Once endorsed, the draft plan would be submitted to the City of Belmont for assessment and subsequent community consultation.

By the end of September I had contacted the minister's office once more via email to follow up on the information received in August and to check whether the minister had received the draft Ascot kilns local development plan for her endorsement. In response, the minister's office advised me on 5 October that it had been informed that the WA Planning Commission would formally consider the draft local development plan within the following fortnight. If supported, the draft would then be forwarded to the minister for her endorsement shortly after. Unfortunately, the minutes of the WA Planning Commission statutory meetings on 11 and 25 October do not make mention of the Ascot kilns. Around the end of October, I spoke to the WA Planning Commission inquiring about the progress of the draft plan for the kilns which, according to the Department of Planning's letter to the local community, was supposed to be finalised by August 2016. I was then advised that the draft plan would be finalised by December 2016.

Considering that the community was previously told that the plan would go to public consultation around mid-2016, I am disappointed that this process is taking so long and seems to have been relegated to a lower priority by the Department of Planning and the WA Planning Commission. With all this in mind, I ask the minister to provide my constituents with an explanation as to why this plan is not yet finalised and that a confirmation of the December 2016 deadline for the draft development plan be provided for assessment by the City of Belmont and subsequent community consultation.

The DEPUTY SPEAKER: Thank you, member for Belmont. Parliamentary secretary, before you start I remind members that they are supposed to seek permission when they pass between the member on their feet and the Chair. Thank you.

Ms M.M. Quirk: Oh I apologise, Madam Deputy Speaker.

MR J. NORBERGER (Joondalup — Parliamentary Secretary) [9.43 am]: I thank the member for Belmont for raising in Parliament this grievance about the Ascot kilns. I am aware that she has been a passionate advocate for the Ascot kilns and that it is something that obviously she has continued to follow and advocate for in a tenacious manner on behalf of her community. I thank her for raising the issue again today. For the benefit of other members in the chamber, it is perhaps worthwhile going back over some of the history of the kilns, and I will address the member's specific concerns about the draft plan shortly.

The Western Australian Planning Commission purchased the kilns site in 1985 as part of a broader redevelopment initiative and subsequently entered into commercial arrangements with Ascot Fields Nominees Pty Ltd for the redevelopment of the land now known as the Ascot Waters estate. Development of Ascot Waters is virtually complete apart from the 1.6-hectare kilns site itself, which the member refers to in her grievance. Ascot Fields Nominees relinquished its development options over the kilns site in 2015 due to the complexity of achieving a feasible development outcome. As a result, the WAPC resumed sole responsibility for the kilns site and the Department of Planning has undertaken planning and technical studies to ensure that the necessary planning framework is in place to de-risk the site and encourage private sector investment in the restoration of the kilns and adjoining lands for the benefit of the local and wider community. As we heard from the member, there is keen interest from the community to see the site not only developed but also done so appropriately. This planning work involved considerable consultation with officers of the City of Belmont and the State Heritage Office.

In addition, several community workshops, to which the member referred, were held in early 2016 to help shape the proposed approach to future development and heritage retention on the site. Here is the good news: the member will be pleased to know that it is my understanding that the Western Australian Planning Commission recently endorsed a draft local development plan for the Ascot kilns and the accompanying design guidelines, and these will be submitted very shortly to the City of Belmont for approval. The member mentioned the work that the City of Belmont will have to undertake at its site. Part of that is that the City of Belmont will be responsible for advertising and determining the local development plan and design guidelines under its local planning scheme 15. I have no doubt that it will do that with some haste.

The state government continues to be committed to protecting the unique attributes of the Ascot kilns site. The plan provides guidance on the interpretation and management of the site's distinctive heritage elements. It aims to celebrate the importance of the site's history and character by ensuring the integration of the heritage-listed kilns and chimney stacks into future development. The plan will also optimise physical and visual access to the kilns and chimney stacks and encourage excellent design. It will provide areas of high quality public open space as well as a range of building heights and designs that respond to surrounding land uses, including development within Ascot Waters. Ultimately, it will facilitate legibility and connectivity both within and through the site. The city has defined time frames to advertise and decide on the proposal under relevant regulations. The WAPC is now focussing its attention on a delivery strategy that will set out the roles of the state government and the private sector in funding and delivering this exciting, yet complex, project.

Yes, the City of Belmont has some work to do but members can rest assured that the WAPC is still treating this as a priority project. I have no doubt that the member for Belmont will continue to take a keen interest in its further development. Finally, on behalf of the Minister for Planning, I thank the member for Belmont for her interest and advocacy and for the work she has done in supporting this project and maintaining the link between her community and the Department of Planning and the minister's office.

CASCADE–SCADDAN BUSHFIRE REVIEW

Grievance

DR G.G. JACOBS (Eyre) [9.47 am]: At the outset, I thank the Premier for taking my grievance on a further inquiry into the Cascade–Scaddan fire at this hour, as the Minister for Emergency Services has been urgently detained due to personal reasons. My grievance is more about providing information and recognising the 12-month anniversary of the tragic fires in Esperance, particularly the Cascade–Scaddan fire. It was a tragedy in that four lives were lost. This is also an opportunity for the Parliament to proffer its condolences to the four families who lost their loved ones and express our thanks to all the firefighters and, indeed, the community for their resilience, resource and resolve through this difficult time.

It is also an opportunity for me to present the Cascade Scaddan Fire Review Ltd report to the Parliament. I recognise that two inquiries have already been held and two reports presented; however, this report is unique in that it is privately funded and it is through the perspective of those directly impacted. I acknowledge the directors of Cascade Scaddan Fire Review Ltd, David Campbell, Linda Campbell, and Dan Sanderson who is in the

gallery today. I also would like to thank the following for their financial contributions, as this report indicates: 4Farmers Australia, Ratten and Slater, Farmers Centre Esperance, South East Air Ag, Condingup Machinery Wreckers, Farm and General EOPP, Esperance Rural Supplies, South East Petroleum and the many farming businesses and individuals who contributed. The directors of the Cascades–Scaddan review would also like to thank those who contributed time, information and advice, and Pacer Legal Pty Ltd for its professional conduct and for compiling this unbiased, informative report.

I draw the attention of members and the Parliament to the summary of this report around primary areas identified for improvement. The main focus areas of this report were legislation, mitigation, control, aerial support, local resources, communication and the emergency services levy. From this report come 12 recommendations. Particularly relevant to the government, the Premier and the executive is that there are obviously lessons to be learned. It must be recognised that the government has taken on and agreed with the recommendations of the Ferguson report. The group that privately funded this report, Cascade Scaddan Fire Review Ltd, would like to make some recommendations from the perspective of the people directly impacted by this fire, including that the current legislative framework governing the preparation for, mitigation of, and response to, bushfires in Western Australia be simplified, with a focus on plain English and consistency. There was a question around the different acts that relate to firefighting and whether they could be simplified into plain English so that everybody knows who is in control of the fire and the power they have within the act to fight the fire. I understand that the emergency services acts are under review and will be combined into one act, so that we do not have a Bush Fires Act and a litany of other acts. There will be one act in plain English, so that everybody involved—all stakeholders and firefighters—understand their role.

Recommendation 2 is —

> The Office of Bush Fire Risk Management to become an independent body.

Recommendation 3 of the report is —

> Greater funding be made available for mitigation, including funding from the Emergency Services Levy.

Recommendation 5 of the report reads —

> A database be developed for Western Australia identifying all qualifying agricultural pilots who may be called upon to conduct Water Bombing activities during a fire.

The Premier and members have previously heard me say in this place how critical the firefighting response is in the critical phase of a fire, and that early intervention is very important. We all know that early intervention is important to decrease some of the pain created by a wildfire.

Recommendation 6 of the report reads —

> The predetermined dispatch system in Western Australia be updated to include areas of urban and agricultural localities, irrespective of the incident level, so that Water Bombers are part of the first response action.

Recommendation 7 of the report reads —

> Any Water Bomber dispatched in accordance with the predetermined dispatch system be funded through the Emergency Services Levy.

There is another recommendation around accrediting local pilots through the Civil Aviation Safety Authority, so that they can fly early. I have often said that a predetermined dispatch should be a first response before the squadron arrives, if the squadron is at perhaps quite a great distance, particularly because of our geography in Esperance.

Recommendation 11 is to ensure that maintenance and repair is undertaken on all communication infrastructure—that was a significant issue for us. I seek leave to lay on the table for the rest of the day the Cascade–Scaddan fire report.

The DEPUTY SPEAKER: Thank you, member for Eyre. That is on the table for the rest of the day.

[The paper was tabled for the information of members.]

MR C.J. BARNETT (Cottesloe — Premier) [9.54 am]: Firstly, can I simply restate what I think is everyone's sentiment of sympathy for the family and friends of the four individuals who lost their lives in the Esperance fire; not that long after we also had the loss of two lives at Yarloop. With a drying climate, higher temperatures, more frequent electrical and other sorts of storms across the state, there is no doubt that the state is being increasingly exposed to wildfires. Over the last few years we have seen several of those from different causes. The Esperance fire and the Waroona–Yarloop fire were caused by lightning strikes on crown land in extremely remote and inaccessible areas, particularly in Waroona. Both fires were also accompanied with very high temperatures and extremely high winds, and for the Esperance fire the timing could not have been worse. It was

the beginning of harvest, there were full, dry crops and the fire simply raced across those with a speed and intensity that literally nothing could have stopped. The situation in the Waroona–Yarloop fire was the same, and it raced through Yarloop in seven minutes. That is the reality of what was faced. The fire in Esperance also destroyed over 300 000 hectares, fences, farm machinery, sheds and the like.

I congratulate the people in Esperance who commissioned this report. Obviously the government and I have not seen the report, but we will accept it in the way in which it was prepared—in good faith. We will look at the recommendations and consider them very carefully. Following these two fires, Euan Ferguson, who is well experienced in fighting bushfires, was commissioned by the state to do a report, and the government has accepted all his recommendations. Indeed, some have already been implemented. They relate to having preformed emergency management teams. They will not need to be set up when the fire starts; they will be there and ready to operate. Another recommendation was to improve the allocation of resources, including in advance. Following the experience of Esperance last year, two water bombers are right now positioned at Esperance Airport, if a similar circumstance should occur. The vehicle location system is being progressively rolled out—again, it is extremely dangerous for both career and volunteer firefighters in vehicles in unpredictable fire conditions—because to be able to know where people are and where the vehicles are is also important. I think the public is accepting the greater need for controlled burns and mitigation techniques. I know that people get upset when the sky is cloudy and smoky—people with bronchial and asthmatic conditions can find it very difficult—but I think there has been an acceptance that we simply need to burn off a lot more land. Public opinion has changed on that.

I respect that the people who funded and prepared this report are aware that the government has not seen it; it has been made available on this anniversary. We will certainly look at it with great care. I apologise that the Minister for Emergency Services is not here; he has a personal issue he has to deal with. I was quite happy to step into his place.

The emergency services levy was raised within the Ferguson report. There is always the perception that there could be a conflict of interest. We are looking at whether there needs to be a greater degree of independence in the way in which that is allocated; that is one of the recommendations. The major recommendation, and the one that will require a lot of careful thought and a bit of give and take on all sides, is for the establishment of a rural fire service. There is no doubt there are cultural differences between career firefighting organisations and particularly volunteer brigades. There are great variations in the level of local government involvement in these issues from one part of the state to another, and there is a bit of a history of acrimony there. Following recent fires, the relationship between the Department of Fire and Emergency Services and the Department of Parks and Wildlife is probably the best it has ever been. They are working cooperatively. The relationship with local governments and volunteer fire brigades varies greatly around the state. That is one of the dilemmas.

In addition to changing climatic conditions, the other complication is that more housing is being located in bushland areas. I became particularly aware of that when I was down there at the time of the Margaret River fire. What would have traditionally been seen as a fire in a heavily forested area had the potential at one stage to sweep into Margaret River. Some 500 relatively isolated homes with little tracks down to little country lifestyle hideaways were at threat, and there was potential for a major catastrophe to have happened there. That makes it increasingly complex. Protecting homes, getting people out of dangerous situations, is not what volunteer brigades would necessarily expect to be doing. We are getting areas built up in the south west with this mix of a town-type situation and a typical country volunteer fire brigade. I appeal to both career firefighting organisations, the Department of Fire and Emergency Services and the Department of Parks and Wildlife, which, as I say, work together, and I also appeal very much to local governments, and particularly to the over 20 000 people who are volunteer firefighters in their brigades: if we are going to improve the system, there has got to be a better level of goodwill and there has to be a little bit of give and take on all sides. Some suggestions are probably not realistic. Although I have not read the report, I know it will refer to the deployment of crop dusters and the like to fight fires from the air. I do not think that will happen, with all respect. The better solution is what happened this year in getting the water bombers on the site earlier. We have to be very conscious of what people are capable of doing, despite their good intentions, in spite of their bravery and the like, and we cannot have dangerous situations. I do not have any experience in firefighting; I am very much an amateur. There was a real dilemma with a fire a few years ago. The big, red trucks, the white trucks and all the equipment were there and well-meaning locals were turning up with their little trailers wanting to go into extremely dangerous situations. That is the situation we need to deal with. Again, I appeal to all parties to come to the party so we can form an effective rural fire service in Western Australia. I thank people for funding the report, and I assure them that the government will take it seriously.

PUBLIC ACCOUNTS COMMITTEE

Seventeenth Report — "Review of Auditor General Reports No. 5: Selected Reports 2013–2015" — Tabling

DR K.D. HAMES (Dawesville) [10.01 am]: I present for tabling the seventeenth report of the Public Accounts Committee entitled "Review of Auditor General Reports No. 5: Selected Reports 2013–2015".

[See papers 4890 and 4891.]

Dr K.D. HAMES: This is the last of five reports the Public Accounts Committee has tabled outlining the actions taken by agencies in response to recommendations made by the Auditor General in his ongoing series of performance audit reports. Performance audit reports provide an important gauge on the effectiveness and efficiency with which public sector programs are implemented and operated. Recommendations emanating from these reports are designed to improve processes within an audited agency and across the sector more broadly.

Public accounts committees—which I will call PACs from now on—here, and in other commonwealth jurisdictions, often seek to complement the work of their audit offices by following up agencies to ensure proper consideration is given to audit recommendations. This follow-up process has been undertaken in varying forms by consecutive PACs in the Western Australian Parliament since 1996. Throughout the current session of Parliament, this committee has followed up the responses of 124 agencies across 55 separate audit reports. In order to balance the demands of this work with its other inquiry-related activities, the committee has adopted a triage approach to its scrutiny of agency actions and the subsequent reporting of these to Parliament. This approach is explained in chapter 1.

In this report, the committee has concluded 20 agency follow-ups from 15 audits. Although the results of these follow-ups are presented in an abridged form, the committee has included all the responses it requested from agencies as appendices. The committee believes this is an important transparency mechanism that enables Parliament and the public to see the positive actions taken by many agencies. Importantly, it also provides a means by which agencies can be held accountable in the future for any undertakings they have made that remain outstanding.

The committee is pleased to advise that agencies have generally continued to demonstrate an appropriate level of compliance with recommendations put forward by the Auditor General. This has allowed the committee to complete most of its follow-ups without needing to engage in protracted rounds of correspondence and dialogue. One exception, which the committee elaborates on in chapter 3, was the Department of Health's response to the Auditor General's tenth report of 2014, "Universal Child Health Checks Follow-Up". It is important to acknowledge that the department appears to be taking reasonable actions to improve the productivity of its complementary health screening service for WA children. However, the department and the Auditor General had differing views as to the number of additional child health nurses that were supposed to be recruited from a 2012–13 budget allocation of $58.5 million over four years. In this follow-up, the department also confirmed that none of the child health nurses directly recruited in the period since 2012–13 identify themselves as Aboriginal. The department has acknowledged this as a gap that needs to be addressed.

In other areas of this report the committee provides extended commentary on its follow-up of the fifteenth Auditor General's report of 2014, "Working with Children Checks". Although the Auditor General was satisfied with the quality of the framework used by the department to process working with children checks, he still found scope for improvements in several areas, including the timeliness of application screening and assessment processes. The committee concluded this follow-up noting the efforts the department is making to screen and fully assess a substantial number of applications under what can sometimes be a complex and prolonged process.

The committee has dedicated another discrete chapter to its follow-up of the sixteenth Auditor General's report of 2014, "Our Heritage and Our Future: Health of the Swan Canning River System". This audit focused primarily on the management responsibilities of the Swan River Trust, most of which were transferred to the Department of Parks and Wildlife under the amalgamation process that took place after the audit was completed.

In the final chapter, the committee reports on the Housing Authority's response to the recommendations contained in the Auditor General's eighth report of 2015, "Delivering Essential Services to Remote Aboriginal Communities". The focus of this audit was the Housing Authority's management of the remote area essential services program, which provides for the maintenance of water, wastewater and electricity infrastructure in 84 eligible remote Aboriginal communities. The committee sought a written response from the Housing Authority and also called the agency in for a public hearing to discuss the operation of the RAESP in further detail. The committee may have chosen to investigate this issue further if it had had more time within the current session of Parliament. As it stands, the committee struggles to comprehend how the RAESP has failed to achieve better outcomes after 17 years under the Housing Authority's stewardship. The RAESP faces continuing challenges, particularly after the commonwealth government's decision to cease its long-term funding for the provision of municipal services, major capital works and fuel for power sources to remote communities from June 2016. With future funding arrangements still in the process of being resolved, it would be prudent for our committee in the next Parliament to monitor or inquire into the ongoing operation and viability of this program.

Having joined this committee earlier this year, I would like to acknowledge the efforts of the previous committee chairs, Hon Sean L'Estrange, MLA, and Mr Dean Nalder, MLA. I would also like to thank my fellow committee members, Mr Ben Wyatt, MLA, the deputy chairman; Mrs Glenys Godfrey, MLA; Mr Bill Johnston, MLA; and Mr Matt Taylor, MLA, for the collaborative way in which they have worked. On behalf of the committee, I would also like to thank the committee secretariat, Mr Tim Hughes and Ms Michele Chiasson, for their guidance and support throughout this term of Parliament.

MR B.S. WYATT (Victoria Park) [10.08 am]: I rise to make a couple of comments about the Public Accounts Committee's final report for this term of Parliament, "Review of Auditor General Reports No. 5: Selected Reports 2013–2015". As the chairman, the member for Dawesville, pointed out, this has been a key part of the role of the Public Accounts Committee, and during this session of Parliament we have followed up responses of 124 agencies across 55 separate audit reports.

I want to make some comments about the remote area essential services program—RAESP—that the member for Dawesville referred to in his contribution. I note that the commonwealth ceasing to fund its long-term obligations to the municipal services, major capital works and fuel for power sources has been one of the more disappointing decisions made by it in the last couple of years. Anyone who understands the history of how this came about will understand that the abrogation of responsibility by the federal government is really quite outrageous. For the commonwealth government to say to the state government that there is a payment in the order of $90 million, while it walks away from an ongoing responsibility it has had for a long time, particularly when levels of maintenance have not been adequate and so there is a backlog of work required, is a huge denigration of responsibility by the commonwealth government. I am bitterly disappointed that it took that course and that it seems to have gotten away with it without the sort of public response I would have liked to have seen from a government that has long held that responsibility. The member for Dawesville has a bit of history with the remote area essential services program, going back to the time when my dad was still the CEO of the Department of Aboriginal Affairs. The entire committee shared the view; hence, finding 9 at page 45, which in part states —

> … the Committee nonetheless struggles to comprehend how the RAESP has failed to achieve better outcomes after seventeen years under Housing's stewardship.

As a result of RAESP and the federal government abrogating not just its financial, but its moral responsibility to these Aboriginal communities, the Regional Services Reform Unit now has effectively assumed responsibility for trying to develop a coherent approach to the funding and delivery of essential services into the future. As a result of that decision, the government indicated that it wanted to close a large number of remote Aboriginal communities, and I hold the federal government very much to account for that. I have held the state government to account for its language and disrespect, but I certainly hold the federal government to account for putting the state government in that position with simply a one-off payment that effectively amounted to about two years of ongoing funding for the provision of those services.

This is an area that I and, I am confident, the member for Dawesville, who has quite extensive knowledge in this area, would like to have followed up as well if we had had the opportunity and the time. Unfortunately, we did not have the time for a thorough examination and for perhaps the Public Accounts Committee to develop its own recommendations, but we did bring in the Department of Housing for a public hearing on the Auditor General's report, and it provided further information on where things are at.

This is an example of a program that should have delivered so much more failing to do so. A program specifically designed for remote Aboriginal communities failed over consecutive governments, both state and federal, to live up to the expectations that were initially expected of it. I do not think Housing adequately explained the reasons for that ongoing failure. That is not a critique of Housing as such, member for Dawesville; it is simply that this has been around for 17 years and over those 17 years it has failed to deliver on those outcomes.

I want to again emphasise that the abandonment by the federal government of not just the moral responsibility, but also the financial responsibility, has now placed those communities in a situation in which they were denigrated by the state before we finally got to the position we are in with the Regional Services Reform Unit, which hopefully can come up with some form of coherent way forward and hopefully we will hear from it next month when it identifies which 10 communities will receive ongoing support and which ones will not. The federal government has a lot to be held to account for with where it has left a lot of these communities in Western Australia. To this day, I am stunned that it did not get the level of public scrutiny, anger and response that it most certainly deserved.

MRS G.J. GODFREY (Belmont) [10.13 am]: It gives me great pleasure to speak to the Public Accounts Committee report "Review of Auditor General Reports No. 5: Selected Reports 2013–2015". The Auditor General's performance audits assess the effectiveness and efficiency of programs and activities delivered by public sector agencies. The recommendations within these reports are aimed at improving the performance of agencies and thereby facilitating value-for-money outcomes from the expenditure of public funding.

I now refer to chapter 5, "Report 16 of 2014: Health of the Swan Canning River System". The Swan Canning river system, also known as the Swan Canning Riverpark, stretches from near Gingin in the north to Armadale in the south, and has served a variety of users in Western Australia over the years. Unfortunately, human activity has had a significant impact on the river system, and there have been growing concerns regarding its environmental health. The river park is 72 square kilometres of waterways, public land and adjoining river reserves of the Swan, Canning, Helena and Southern Rivers. In this performance audit, the Auditor General examined whether the environmental health of the Swan Canning river system is adequately protected.

The Swan River, or Derbarl Yerrigan, is very important to the people of Belmont. The City of Belmont has over 11 kilometres of river foreshore. The City of Belmont has been an active partner in the projects to improve the Swan River system.

This audit found many efforts to manage the river system were hampered, largely due to dispersed and overlapping authority between state government agencies and local government authorities. The Auditor General made 11 recommendations aimed at improving the management, governance and monitoring of the Swan Canning river system. Of the 11 recommendations, the second recommendation was to take necessary action to have the river protection strategy adopted. I am pleased to say that following the amalgamation of the Swan River Trust and the Department of Parks and Wildlife on 1 July 2015, the department released the "Swan Canning River Protection Strategy" in October 2015.

In conclusion, although the audit found some of the improvement strategies in place are working, overall the condition of the Swan Canning river system is still in decline. As the health of the river system is critical to the state, the committee believes that this issue is worthy of a follow-up audit by the Auditor General during the next session of Parliament.

MR W.J. JOHNSTON (Cannington) [10.16 am]: I rise to make some remarks about the Public Accounts Committee's final report in this Parliament. I commence by thanking the members of the committee for the cooperative and pleasant way that they have been able to work in the committee in most circumstances over the period of this Parliament. I do not know what the election result will be, but I have a very strong view that I will not be on the Public Accounts Committee in the future. Whether I am an opposition member or a government member, I would not want to go back through the pain and agony of dealing with the Auditor General's reports.

Having said that, this is very important work and I want to highlight chapter 3. We followed up on an audit report about universal child health checks. One of the most interesting things that I found was that the Department of Treasury, the Department of Health and the Auditor General talked across each other. We tried to get to the bottom of why the Department of Health said that it had succeeded with the number of additional employees who were to be hired through this program, whereas it had not met the expected numbers that were indicated in the Auditor General's report. It turned out that the Department of Treasury, in preparing the notes for the Economic and Expenditure Reform Committee, used a different salary figure to calculate the number of nurses who would be hired for the given amount of money. The Department of Health believed that the $40.5 million would get 100 full-time equivalents, whereas Treasury said that that would get 128 FTEs. I cannot understand how, at the heart of government, the budget control agency and the line agency cannot even agree on the number of people who will be hired for a given amount of government expenditure. It is just bizarre.

The next thing was that the approval given by the EERC was for this money to be used to support the not-for-profit sector to provide the child health nurses. However, the Department of Health, when it came to implement the program, decided it was better to do that through the government. Now, I am a Labor man, and doing it directly is probably a good idea, but it was not what was approved by the Economic and Expenditure Reform Committee. Again, that was an extraordinary situation in which decisions of government were effectively ignored by the line agency because it thought it knew better. It may be true that it knew better, but it is unusual that it did not go back and get the decision to reflect what it was going to do instead of implementing the decisions of government. That led to many of the issues that we had to investigate in following up the discrepancies raised by the Auditor General. Let us be honest here: had the committee not done those follow-ups, none of those discrepancies would ever have been investigated by anybody in government and there would never have been any exposure of what had happened. The fact that none of the issues that were raised in the original announcement by government were achieved in the manner expected was considered to be irrelevant, so where is the accountability? These things are actually important. If Parliament is to have any meaning, we have to know what the bureaucracy is doing; otherwise, we will have a situation in which it does not matter what is announced and every decision that is implemented will be a success because we are going to change the basis of what we are doing after we have made the decision to do it, and that means we can never have any accountability. We have to know what the failure standards are before we start the work.

As an aside, I will just say that my brother, who worked for the Australian National Audit Office, used to do performance audits of the Department of Defence. It used to change its projects to exactly match whatever the contractor was providing so that all of its contracts were always 100 per cent successful. That was just bizarre. This is actually important, because we can improve only when we know what we have got wrong. If we constantly change the decision after it has been made so that no matter what is announced, it will not matter that it has not been achieved because we will have achieved another thing and therefore we will have succeeded, it will mean that there will never be accountability. There will never be cost controls and there will never be the ability to say, "This is what we're trying to achieve; we've achieved 80 per cent or 100 per cent of it", and it will never be looked at.

I draw members' attention to paragraph 3.22 of the report, which states —

> As a separate issue, the Committee asked WA Health how many child health nurses employed as part of the 100 FTE recruitment target were Aboriginal. The Department confirmed that none of those directly

> recruited in the metropolitan area or through WACHS had identified themselves as Aboriginal. The Department was unable to confirm the figure for those nurses employed through the NGOs, although it 'suspect[ed]' there would have been some Indigenous employees from this sector.

Given that that was an important issue in the original decision, the fact that no monitoring was done to see whether any of that was ever going to be achieved is another example. We saw it with the Ord River scheme—$330 million was spent on that project without any failure standards, and then we said, "Oh well, it was a success because 11 people got a job." We are never going to get value for money out of that process.

This morning the committee also tabled its minutes, and I draw attention to the fact that in October 2013, the committee referred a whole series of questions on the Muja AB scandal to government and to Synergy. We will never know what answers we got from that correspondence because to the extent that any answers were provided, they were not recorded in the minutes. Members will have to understand why not everything we deal with gets reported in our minutes. I also point out that the committee refused to investigate the Muja AB scandal on a 3–2 vote—the member for Victoria Park and I were the two who voted to conduct an inquiry. There was an attempt to change the minutes after they had been created, and that is all recorded in the minutes that have been tabled this morning. The Muja AB scandal was and remains a major breakdown in government in Western Australia. One would think that the Public Accounts Committee, the charter of which is to ensure that taxpayers get value for money, might be interested in investigating probably the largest failure of governance in the current term of Parliament, in which $330 million of taxpayers' money was spent on a project that was supposed to cost nothing. We allowed a private investor to pay $82 000 for 50 per cent of that project. The government put in $330 million and the private partner put in $82 000, and they were considered to be 50–50 shareholders in the joint venture. It is just amazing that the Public Accounts Committee did not investigate that. It is quite frankly a failure of the Public Accounts Committee that it did not investigate that essential task.

We have reached the end of this four-year term of Parliament; Parliament will be prorogued soon and the committee will disappear until it is revived in the next Parliament. I hope that the next Public Accounts Committee is prepared to fearlessly investigate poor management; unfortunately, this Public Accounts Committee chose not to.

EDUCATION AND HEALTH STANDING COMMITTEE

Eleventh Report — "Learnings from the message stick: The report of the Inquiry into Aboriginal youth suicide in remote areas" — Tabling

DR G.G. JACOBS (Eyre) [10.26 am]: I present for tabling the eleventh report of the Education and Health Standing Committee, entitled "Learnings from the message stick: The report of the Inquiry into Aboriginal youth suicide in remote areas". I also table the open submissions received by the committee during the course of the inquiry, and I take the opportunity to table the message stick from the community of Beagle Bay. This message stick was handed to the member for Kimberley in 2013 by the families of Beagle Bay who had lost relatives to suicide. The message stick has been described as "the baton of life", in the hope that it will encourage better approaches to suicide prevention, and I table it today in conjunction with the many other submissions received during this inquiry, in recognition of the Aboriginal voices that contributed to the committee's work.

[See papers 4892–4894.]

The ACTING SPEAKER (Mr P. Abetz): Members, before the member for Eyre continues his speech, I wish to provide some information on the tabling of this message stick. Standing order 151 provides that records in any form may be laid upon the table of the house by the chair of a committee when presenting a report. Given this, and the importance of the message stick as part of the Education and Health Standing Committee's inquiry into Aboriginal youth suicide, I think it is appropriate for the chair to table the message stick in conjunction with other evidence received during the committee's inquiry. Although the message stick will be treated as any other tabled paper, a photograph will be taken in order to make it available online via the Parliament's website. I also direct that it lay on the table of the house for the duration of this day's sitting, after which arrangements will be made for it to be displayed in a public area of the Parliament.

Dr G.G. JACOBS: Of all the work this committee has done in this term of Parliament, this inquiry has been the largest and the most challenging. The challenge lay in not only the complexity of the work but also the committee's social responsibility to contribute to reducing the number of young Aboriginal people surrendering their own lives. The background to this inquiry was the Kimberley region of Western Australia having the unfortunate and tragic claim to being home to one of the world's highest suicide rates, with one recent study finding that the rate may be as high as 74 per 100 000 residents, compared with the rate for the general population of all Australians of 12.2 per 100 000.

Since her election to the Western Australian Parliament in 2013, Ms Josie Farrer, MLA, the member for Kimberley, has consistently spoken about the ongoing tragedy of suicides in the Kimberley. In her inaugural speech to the Legislative Assembly, the member for Kimberley told Parliament that the issue had been

"in her heart for a long time" and asked why "so many Kimberley children feel that the only option they have is to take their own life?" The member for Kimberley has been a strong advocate for her constituents continuing to discuss the ongoing tragedy in the Kimberley and indeed in the state of Western Australia.

The member for Kimberley on 16 March 2016 moved a motion in the Legislative Assembly that this house urgently calls for a parliamentary inquiry to determine what more can be done to halt the worrying number of youth suicides among Aboriginal youth in Western Australia, particularly in remote communities and to determine what resources have been set aside to tackle this crucial issue facing our state. The Education and Health Standing Committee, in recognising the motion moved by the member for Kimberley, resolved to inquire into Aboriginal youth suicide in remote communities on 22 March. The terms of reference of this inquiry can be found in appendix 1.

Before I read the terms of reference of the inquiry, we were conscious as a committee of the plethora of inquiries that have already been conducted. We felt that to contribute to Parliament and indeed contribute to Western Australia and the communities, we should look at some of the inquiries that have already been done, what they have recommended, how those recommendations were or were not implemented, where the gaps are and what we can do about those gaps. In light of that, the Education and Health Standing Committee set the terms of reference as follows —

(a) The status of previous inquiry recommendations related to Aboriginal youth suicide in remote areas.

(b) The allocation of resources to current Aboriginal youth suicide prevention strategies and services in remote areas, and the effectiveness of these strategies and services.

(c) The gaps in strategies and services available to reduce Aboriginal youth suicide in remote areas and ways to address these gaps, including broader mental health strategies and services.

The committee resolved to report to the Parliament by today.

Before I forget, I indicate the challenges of the work that we had to do to bring this report to Parliament today. I recognise the committee staff, who have done an enormous job in this inquiry. The body of the report is around 200 pages and it involved looking at 40 reports and their recommendations. I will go into those a little later but I would like to recognise the principal research officer Alison Sharpe, who is in the gallery today, and the other research officers, Alice Jones and Catherine Parsons, and Franchesca Walker in the latter phases of our inquiry. I also recognise Mat Bates for his involvement as a consultant, if you like, on some of the issues and matters that we had before us. I also recognise the members of the committee: Janine Freeman, MLA, member for Mirrabooka; Hon Rob Johnson, MLA, member for Hillarys; Murray Cowper, MLA, member for Murray–Wellington; and the co-opted member, as I have mentioned, Josie Farrer, MLA, member for Kimberley.

Mr M.J. Cowper: Rita Saffioti.

Dr G.G. JACOBS: I also recognise Rita Saffioti, the deputy chair, the member for West Swan. I hope she will forgive me; I skipped to members and did not see the deputy chair. I am very sorry about that.

Ms R. Saffioti: That is okay, Graham.

Dr G.G. JACOBS: She will have her chance.

As I mentioned, there have been many, many inquiries undertaken, reports written and recommendations made that attempt to address the crisis of Aboriginal youth suicide. Significant government funds have been spent, providing a variety of programs and services to address the complex and interrelated risk factors that may contribute to a young person's suicide. It was important to the committee to not just repeat what has been done in the past. As such, it decided to analyse the many recommendations of those 40 reports that I mentioned and look at whether they had been effectively implemented. In many cases, we found that they had not. The rising rates of suicide clearly confirm this.

The committee travelled in this inquiry; it had not travelled much previously. Part of that travel was our trip to the World Indigenous Suicide Prevention Conference in Rotorua, New Zealand. I want to share with you the words of Sir Mason Durie, who presented at the world conference on First Nation people and their experience in New Zealand. Sir Mason Durie spoke of the determinants of suicide as the six Ds. Forgive me if I simplify this, but it made an important impact on me. Although most of us are aware of the role of disadvantage, destructive environments and disorders, the effect of dispossession, desertion, and indeed becoming dispirited are particularly relevant when considering how to respond to the unique nature of Aboriginal youth suicide. As one witness put it, the culmination of these factors is a feeling of hopelessness and helplessness, which are at the core of Aboriginal youth suicide.

The various reports and inquiries that the committee considered during this time made a broad range of recommendations. Perhaps the most important, yet least enacted, was the role of Aboriginal culture as a primary protective factor to build resilience in young people and to ensure that programs and services are culturally

appropriate. How many times did we see that communities were serviced by a half-day or one-day service from the closest larger centre—drive in, drive out? Similarly, many recommendations advocated for greater engagement of Aboriginal people in developing the strategies, programs and services, yet the committee was presented with little evidence demonstrating that the government was meaningfully consulting or partnering with Aboriginal communities.

Many programs and services offered have never been evaluated so their effectiveness is unknown. It was telling from way back from the Gordon inquiry in 2002; having spent significant amounts of money, the real meaningful evaluation of that program was eventually abandoned. The effectiveness of programs is really unknown. Further, the disconnected way in which government agencies operate means only a murky picture of the distribution of funding can be gleaned. Perhaps there is no better example of that than the implementation, as I mentioned, of the outcomes from the Gordon inquiry, which goes back some 14 years now. Monitoring of the implementation was eventually stopped as it became too difficult to track the progress of actions against particular recommendations. Further, an accurate account could not be provided of the $72 million in expenditure spent across a large group of agencies.

A glaring matter for us was that no one organisation or agency takes ownership or leads the response to improve the wellbeing of Aboriginal people. The committee could not identify who takes ultimate responsibility and is accountable for government action. In order to take responsibility, as government and as part of the broader community, we must work together to ensure that the human rights of all Aboriginal young people are upheld.

Before I make some closing remarks, if I may, Mr Acting Speaker, I will give the house a flavour of some of the report's 44 recommendations.

> **Recommendation 1**
>
> That Western Australian Government agencies revisit reports listed in Appendix Six —

Which is very good; it is in here —

> and outline their actions of how the intention and recommendations of these reports will be implemented.
>
> **Recommendation 2**
>
> That the Premier coordinates and provides a response to the recommendations of this Inquiry which have not been directed to a specific agency or Minister.
>
> **Recommendation 3**
>
> That the Premier and each Minister to whom recommendations are directed should report to Parliament at six monthly intervals for no fewer than five years after the tabling of this report on the progress of implementing recommendations made in this report.

Some of those recommendations include: that the Mental Health Commission broadens its scope of suicide prevention for Aboriginal people to encompass all the identified risk factors; that Western Australian government agencies recognise the importance of cultural knowledge as a protective factor preventing Aboriginal youth suicide; and that the Western Australian government set aside an appropriate portion of grant expenditure to fund more culture-embedded programs for Aboriginal young people.

These matters are important in order to make a difference in the alarming events that face us as a First World nation and as a state. As a Parliament, this is our responsibility—where we can and where it is our role—but also as a community. To reiterate, in order to take responsibility, as government and the broader community, we must work together to ensure that the human rights of all Aboriginal young people are upheld. We must walk the journey with Aboriginal young people to turn hopelessness into hope, and helplessness into empowerment.

Again, I thank the members and the staff of the committee. All the members on the committee will make comments to this report as an indication of the importance of this matter and this report. We hope it will make a contribution to reducing the number of these tragedies in Western Australia.

The ACTING SPEAKER (Mr P. Abetz): Member for Maylands. Sorry, the member for Maylands got up, so —

Several members interjected.

Ms R. Saffioti: I feel a bit invisible today—Miss Cellophane.

The ACTING SPEAKER: Member for West Swan.

MS R. SAFFIOTI (West Swan) [10.45 am]: I rise to speak to the committee's report, "Learnings from the message stick: The report of the Inquiry into Aboriginal youth suicide in remote areas." I start by thanking my colleagues on the committee. I especially acknowledge the chair, the member for Eyre, for his conduct

throughout the entire term and the fact that he managed our committee very well given some of the strong personalities on it. Can I also acknowledge the member for Kimberley, who was co-opted onto this committee, and her role in helping frame this report. I want to say up-front that I did not travel to some of the places that my colleagues went so I did not have the opportunity to attend many of the meetings and forums. However, I know that my colleagues learnt a lot from those visits and that helped to frame the report. I also acknowledge the committee staff. There was a lot of information to try to go through and it basically took a big effort to produce this report in such a short period.

It is a big report and there are a number of recommendations and findings so I want to focus on three key areas. Firstly, particularly for youth suicide in remote areas, we need to take a holistic approach and look at the entire set of conditions that many Aboriginal people are in. Secondly, it is about capacity building in remote areas. Thirdly, it is also about government coordination and how we operate as a government to deliver these services. The recommendations and findings that I want to talk about relate specifically to these three areas. Firstly, I will turn to recommendation 2. It states —

> That the Premier coordinates and provides a response to the recommendations of this Inquiry which have not been directed to a specific agency or Minister.

I want to highlight the point made by the member for Eyre that governorship and service delivery to Aboriginal people, particularly in remote areas, is very disjointed and there is no coordinated front. As a result, there are massive gaps in service delivery and there is a lack of consistency in how we deliver services. I want to talk about finding 27, which states —

> Despite its name, the Department of Aboriginal Affairs has a limited administrative responsibility in responding to matters relevant to Aboriginal people.

Further, recommendation 27 states —

> That the Premier, in conjunction with Cabinet, create or designate a government agency or authority to lead the Western Australian Government's actions in responding to issues affecting Aboriginal wellbeing.

In addition, the agency should be fully resourced and provided with sufficient authority to fulfil its leadership role.

I think this is an acknowledgement that, across government, different approaches have been taken by different agencies and there is a lack of consistency. I think the member for Kalgoorlie outlined the fly in, fly out or drive in, drive out approach to service delivery in much of regional Western Australia. In dealing with remote communities and Aboriginal communities in particular, a consistent approach is needed as well as a commitment to building relationships. Without them, some of these services fail. I think that is a very, very important part of our recommendations.

In relation to a holistic approach to mental wellbeing, I will talk to finding 5, which states —

> Mental health in an Aboriginal context is a holistic concept, incorporating the social, emotional and cultural wellbeing of the individual and their community.

It is about understanding that Aboriginal communities face unique challenges and issues. It notes that we cannot look at just one part of a problem but must take a holistic view whether it be building capacity in community leadership, which recommendation 17 suggests as follows —

> That the Western Australian Government support the development of future Aboriginal leaders, by providing support and funding to existing leadership development organisations, funding scholarships and connecting future leaders with secondments opportunities to gain specific skills, and assisting with the early identification of leaders through school based programs.

It is all about encouraging Aboriginal leaders and ensuring employment opportunities and future career paths so that many can look to and work towards a future. Recommendations throughout this report are about creating or improving employment targets and encouraging local employment in many instances. We have had discussions about local employment and, in many instances, we have seen Aboriginal people lose out on local employment opportunities. A lot of government agencies are delivering a lot of services and if they were to encourage and work with Aboriginal people in delivering these services, that would be a much, much better policy.

Another point I note is about spending and resources. What came out a lot during the committee's inquiry was that money is spent in many areas but the issue is: is it well spent and does it reach the people it needs to? Members on the committee all acknowledged that that money could be much better spent working with and empowering local Aboriginal communities and fostering the leaders and service deliverers of tomorrow so that people are not continually going in and out of communities, trying their best but developing relationships that are too short to make a long-term, meaningful difference.

Spending on Aboriginal communities is a problem. We spoke to a number of agencies. The Gordon inquiry is a good example of how, initially, its objectives were being monitored to see where they were being met.

However, particularly after the change of government, it is evident that over time, monitoring or reporting on any of those targets stopped. That is not a good thing. The Gordon inquiry was a significant inquiry and to have lost some of what we learnt from that is not good.

I refer to finding 42 of the report. We asked the Department of Regional Development to outline how much royalties for regions funding had been directed towards Aboriginal specific or youth specific prevention or postvention initiatives. It was very little. We heard that $6.9 billion in RFR had been spent over the past number of years. I cannot remember the number but hundreds of thousands had been allocated to specific initiatives in this area.

This report of the inquiry into Aboriginal youth suicide in remote areas is a significant report and we hope the future government will look at it and allow it to become a blueprint for how government services are organised in the future to work with Aboriginal communities to ensure that what is happening with very, very young Aboriginal people taking their lives does not continue and that we create for them more opportunities and a better future.

MR M.J. COWPER (Murray–Wellington) [10.53 am]: I would like to make a contribution to the tabling of this report of the inquiry into Aboriginal youth suicide in remote areas. From the outset, I would like to thank my colleagues in this chamber for being part of what I think is the most important inquiry I have been associated with in all the years I have been in this place. Although I acknowledge the Joint Select Committee on Aboriginal Constitutional Recognition that I was on with the member for Victoria Park, this has greater significance inasmuch as Western Australia is a great state and Australia, generally, is a great country. We are capable of marvellous things, particularly with advancements in technology: we have wonderful hospitals and various other facilities. However, there is a dark side—an underbelly—to this state. It is the manner in which our people live in remote areas, specifically Indigenous remote areas of Western Australia. The terms of reference of this inquiry are to examine —

(a) The status of previous inquiry recommendations related to Aboriginal youth suicide in remote areas.

(b) The allocation of resources to current Aboriginal youth suicide prevention strategies and services in remote areas, and the effectiveness of these strategies and services.

However, this inquiry was not intended to be another inquiry aimed at being a fix-all. It was to try to work out what was working, what was not working and why those that are working are working well and why we are maintaining strategies that are not as successful. That in itself becomes a very complex issue across the broad spectrum of Western Australia.

As a Western Australian underbelly, a section of our community is crying out for support and that is evidenced by the message stick placed on the table from the Nyul Nyul people of Beagle Bay who had a lawman from the desert bring that stick to the Parliament. I suspect that we as Caucasian Australians do not understand its significance. It was brought to this place on another occasion and its significance was not understood. Although it was presented in the Parliament, it left here because no-one knew how to deal with it. If members care to look at YouTube, they we will see a video that deals with it and the very heartfelt sorrow felt by the people of the Beagle Bay community at the loss of a number of young people from their community. That is reflected right across Western Australia, but in preparing this report we had to confine it to the Kimberley region of Western Australia due to the time frames. It also coincided with the motion the member for Kimberley brought to this place some time ago.

I became a member of the Education and Health Standing Committee a little over 12 months ago. I have been involved in a number of other inquiries, but I was very keen to look at this issue because of my experience as a young police officer in the Kimberley for a number of years. I was immersed in the culture of Indigenous people in that area and learnt many, many things. I was privileged and honoured to be part of their community. When I was in the Kimberley all those years ago, some things troubled me about the life and hopes of people in the Kimberley and how we deal with them on an ongoing basis. Probably, in a fashion, one of the reasons I came to this place was to try to improve the lives of others. When I went back with the Education and Health Standing Committee to visit the Kimberley, we visited a number of Aboriginal communities I had previously been to and it came as something of a shock to see the current state of play. A number of communities—I will not mention their names—are doing okay, while some communities are doing not so well at all. On visiting some of these communities, discord in the delivery of services became apparent to me. I will relate to the Parliament one example that struck me of a community that had a very poor water supply for the town people to drink but a different water supply for the local oval to be watered and cared for. Unfortunately, the pump that supplied the water for the recreation oval failed to operate and there was no money to maintain the serviceability of that piece of equipment, yet they had recently taken delivery of a brand-new lawnmower worth several thousand dollars. They had this state-of-the-art lawnmower, but no capacity to use it, which was nonsensical. That shows, by way of an example, the sometimes terrible lack of coordination in being able to deliver services. That is just a minor

issue by comparison with the health, education and employment, and a whole range of other issues that this report touches upon. I hope members of this place will take the time to refer to this document on an ongoing basis, because it serves as a very good blueprint for the circumstances that attend the challenges of the people who occupy that area. I am sad to report that in some of the communities we visited, there is a distinct loss of hope by some people about their future prospects and, that being the case, they are losing their culture and, if you like, their will to go on.

The committee travelled quite extensively. We had a chance to go to New Zealand and we attended a world Indigenous conference there. It was very interesting to see that this phenomenon is evident in not only our Australian Indigenous community, but also other cultures. We know that the North American Indian First Nations also had similar experiences with high rates of suicide and we know that other jurisdictions, particularly the Maori community, face similar issues. This phenomenon is not unique to Australia or Western Australia, but what is unique to us is that we have a vast and differing cultural platform that we need to address in dealing with this issue. I take some pride in saying that this Parliament had representation at an Australian conference in Alice Springs. I suppose some of us were a bit like fish out of water when we went to that conference, but I am glad that we did go, because probably for the first time the Western Australian Parliament was recognised for at least identifying that there is a problem and at least trying to address these issues because of the desperate situation that exists. When I heard about the tragic loss of a young girl in a community in the Kimberley at a tender age, I had cause to ring the chair of this committee, my colleague the member for Eyre, and say to him that we really do need to do something about this tragic situation. I am not comfortable in saying, as an Australian, that we have a great, progressive state if we do not engage and involve everyone along the way. We will never progress to be the great nation that we can be unless we take these people on this journey.

I also would like to take the opportunity to thank the staff. The body of work in this document was achieved in an almost superhuman fashion. I thank Alison, Alice, Catherine and Franchesca for their great work. There are some personalities on this committee and trying to control them was a bit like herding cats! I thank the staff for their great effort.

MS J.M. FREEMAN (Mirrabooka) [11.03 am]: I am privileged to stand here to make a contribution to this report, "Learnings from the message stick: The report of the Inquiry into Aboriginal youth suicide in remote areas". The message stick looks fantastic on the table next to the Mace. It would be amazing if we could grow into a community that went beyond what are still vestiges of the commonwealth—I understand its parliamentary system—and looked to the history of this nation as one of a continent of many nations. One part of those nations came to us in this Parliament and gave us a very important message and asked us to respond. I thank the member for Kimberley for raising this issue. This Parliament asked us to respond to the issue of suicide among fly in, fly out workers and we took that on. There was no empirical evidence for that as such—there was a concern about whether the level of suicide amongst that group was different from that in the mainstream community—yet that issue got lots of talkback, lots of publications and lots of highlighting about how we as a community could respond and assist and ensure the wellbeing of those people.

It is really clear to me that we needed to respond to a crisis in our community to ensure that those people who can best deal with these problems in their communities are empowered to do so. This is a mammoth report, but no more so than many other reports. This report tries to bring together other reports to give them some coherence and to ask the government to look at what it has been asked to do before, to report back and to do those things that many other learned people have told it to do. The report refers to Aboriginal suicide as being different, but, in saying that, it does not try to marginalise it. I go to paragraph 2.9 on page 19 of the report, where it outlines some evidence given to the committee as follows —

> Dr Tracy Westerman, a psychologist and Managing Director of Indigenous Psychological Services, has a broader view of mental health and mental illness which incorporates the importance of culture and cultural norms in understanding and identifying mental health in different cultural contexts. Dr Westerman cautioned against creating a different set of criteria or measurements to explain Aboriginal suicides.

We do not want to use this report or any other to marginalise the issue of Aboriginal suicide. We want to say that this is a concern for all Australians. At page 118 of the report, it states that the work of Michael Chandler notes —

> *[a] far reaching consequence of attempting to paint the whole of the Indigenous world with the same broad and indiscriminant brush is that doing so promotes the dangerously mistaken assumption that it is reasonable to imagine arriving at some ideal, one-size-fits-all intervention approach; some nation- or province-wide suicide prevention strategy that lends itself to being universally put in place.*

When we talk about this issue, we need to know that there are some very healthy Aboriginal communities as well. We need to understand that some communities need to be able to find solutions for themselves to youth suicide, but we also need to understand that there are other communities in remote areas with entrenched wellbeing and health, which assists them in dealing with the many difficult issues that are faced in remote areas.

I will also talk about the staff and thank them—Alison Sharpe, Alice Jones, Catherine Parsons and Franchesca Walker—and my colleagues. They were great. We did have some very informative trips. We had the experience of going up to the Kimberley, but as the member for Kimberley will point out, the Kimberley is not Broome! We did also go to Derby and Kununurra. When we were in Kununurra, the member for Kimberley, the committee staff and I had the opportunity to meet with a group of women. They were really concerned about their children and the impact and the devastation and suffering that this blight on the community is causing. One of the members of that community gave me a letter of which some extracts I want to read into *Hansard.* It states —

> This letter concerns, about the people aboriginal and non—aboriginal about the white card, it's not right for the Federal Government to dictate people's lives.
>
> They have taken away community living rights on their community and never talk to their owner the corporations like MG Corp and Warrigarri Corp threw the people out of their community from all the funding's that came into Kununurra, they were left out in the dark in 2004.

She goes on to state —

> I am Tired of seeing children suiciding from Derby, Broorne, Kununurra, Fitzroy Crossing, Halls Creek, Wyndham, Mullan Community, Balgo, Kalumburu since 2007. It hurts me so much that family ask for help from me that, I cannot manage this crime will not stop because of the funding is going in the wrong hands. From the 70's until 90's people lived happily and culture was strong.
>
> Now the elders are gone we have young dictators that run corporations and unable to speak language they do not even support their own people in the community. Now the new generation of kids, were the "children are lost without their country" and "the country is lost without the children"

She was very concerned about these issues.

I want to finish by referring to action on the ground. I point the house to Alive and Kicking Goals! and I particularly point to the action being taken on the ground by the Kimberley Aboriginal Law and Cultural Centre. The coordinator, Wes Morris, who is an absolute advocate in this area, told the committee —

> … culture is the compass that can guide young people away from suicide and towards increased resilience.

I want people to look at the report's chapter about culture and identity and perhaps reflect on the words of Tracy Westerman, who explained —

> … that those who have a robust sense of cultural identity are at lower risk of suicide.

She goes on to say —

> The group that has the highest rate of suicide, in her experience, are:
>
> > *The people who are caught in the middle … who just do not fit anywhere, they are marginalised, they could not fit in their communities, they do not fit in mainstream for whatever reason and they are the ones who have the highest rates of suicide.*

I note the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project report and the following recommendation in the Education and Health Standing Committee report —

> That the Western Australian Government urge the Commonwealth Government to now release the funds for the National Aboriginal and Torres Strait Islander Suicide Prevention Strategy.

I note most of all that this says that we need to be on the ground. It needs to deliver on the ground, and it needs the government agencies to do so.

In conclusion, when we look at this mace and our role and some of the things that we can do, we have made great strides in this Parliament, but we could go beyond those and start to look at other measures. We now fly the Aboriginal flag outside Parliament House, and Parliament should be congratulated for that. I take members to recommendation 21, which states —

> That the Western Australian Parliament explores the option of employing an Aboriginal liaison officer based on the Queensland Parliament's experience.

Queensland has an Aboriginal liaison officer in its Parliament. This recommendation should be adopted not just so that we in this place have a better understanding of the first nation's people, but that people, including Aboriginal people, who visit can get a better understanding of how the commonwealth parliamentary system operates and how they can make sure that the system serves the first nation's people to benefit the community as a whole and to address this crisis—this terrible blight of health consequences for people. I commend this report to the house. It is an important report. I was very privileged to be involved with it, and I thank all members of the committee.

MR R.F. JOHNSON (Hillarys) [11.14 am]: I also wish to make a very small contribution to this very, very important report. Before I run out of time, I start by thanking our committee staff who have done a fantastic job and worked way beyond the duties that would be expected of them. They spent many hours putting this report together, arranging hearings and arranging travel for members of the committee. Like the deputy chair, the member for West Swan, I was unable to go on the committee travel to New Zealand, Alice Springs and even some remote parts of WA, but we benefited tremendously from the members who travelled and imparted the information, research and knowledge gained in those areas. I thank Alison Sharpe, Alice Jones, Catherine Parsons and Franchesca Walker for the tremendous work they did, and in putting up with us sometimes, because some committees are not always happy little places. I have to say that this committee was a very well balanced committee. There were no arguments amongst any committee members. No politics were involved whatsoever in this committee. Every single committee member was committed to this final report. We were committed to doing this and finding out what we could in order to try to address a very, very serious issue that is one of the most important issues in the world—that is, the tragic suicide death of any person, and particularly young persons. We wanted to try to make a difference in some way by carrying out the work, the inquiries, the hearing and all that goes with it.

Without the member for Kimberley's presence in the committee, we would not have the knowledge that the committee has today. The knowledge she imparted to committee members was invaluable. Her cultural knowledge, her knowledge of all the people who the committee met, including those who attended hearings, and her knowledge of Aboriginal culture throughout the whole of Western Australia, not just in the Kimberley, that she imparted to the committee members was absolutely invaluable. She was an absolute gem for the committee.

I would also like to acknowledge the member for Murray–Wellington, because in his earlier days when he was a young man and he had hair, he was a very hardworking police officer who spent a lot of time in areas the committee visited that suffered tragic Aboriginal youth suicides. With those two particular committee members, we had an advantage, without a doubt, because they both had much knowledge acquired over many years that was totally invaluable to the committee—and that goes without saying.

There are not many recommendations in this report. I have served on many committees in the 24 years that I have been in this place, and they have all been important—but any committee that deals with tragic suicide deaths, particularly of young people, is very important. I refer to not only young people, but everybody who feels that they can no longer live on this earth and they take the option of ending their life. It is tragic—absolutely tragic. When it is young people, and very, very young people, the tragedy is even more compounded. We learned that there were far too many—we would all like to see a zero number for this for young people, particularly in the Aboriginal community—taking their lives and depriving their families and society for the loss of the input they could make over many years. It is truly a tragedy. I think that was felt by every single member of the committee.

There are some very important recommendations in this committee report, one of the most important of which is that the Premier and cabinet take a very serious look at this report and coordinate a response. This applies whoever the Premier might be after next March. I do not think anybody will do anything between now and March. We have to accept reality. We will be in caretaker mode in the not-too-distant future. I cannot imagine for one minute that any minister or the Premier will make a response to this report before this Parliament is prorogued, after which the government cannot table a paper in this Parliament. We must look to after the March election. It will probably be a month or two at least after that before we can in any way expect to have a response to this committee report.

From my perspective, I found also was that the Department of Aboriginal Affairs virtually has been neutered. It is not carrying out the sort of functions that one would expect of a government department.

One would think that with the words "Aboriginal Affairs" in the department's title, it would encompass so much more for Aboriginal people and be of assistance to them, but they have very few facilities. It seems that many different government departments want to have input in some way but they are not coordinated properly. It should be done through one agency. As I said, the Premier should take charge of this—whoever that might be after March—and he or she should ensure that we have a Minister for Aboriginal Affairs who is truly dedicated to this portfolio and to assisting Aboriginal people, particularly young people in remote communities because they need the help, but it must be coordinated. We cannot have so many different people going in and doing what they think is best. They all go in there with the best will in the world, but they are not coordinated enough to produce results. I have been in this Parliament when other inquiries have taken place; in fact, many have taken place and we have seen no massively successful outcomes from those inquiries. The reports seem to have gathered dust, as so many of them do, on the shelves of Parliament House. I hope that that does not happen with this particular report. As I said, I have served on many committees and it upsets me to think about that when members have spent so much time on a committee and been truly committed to achieving positive outcomes through the findings and the recommendations of an inquiry. One wants to make sure that a committee report such as this does not simply sit on a shelf somewhere in Parliament House, gathering dust and not achieving the outcomes that certainly every member on this particular committee would want to achieve.

I would like to thank the Chairman of the Education and Health Standing Committee. The member for Eyre has done a tremendous amount of work and he is a truly committed chairman. He has spent many hours working on this outside of normal committee times. I have seen him at meetings around Parliament House and I know that he has come up —

Dr G.G. Jacobs: That is what I am paid to do.

Mr R.F. JOHNSON: I am praising you, my friend, because you are a very committed chairman.

The member for Eyre has a big heart and he certainly puts everything he has into whatever he does—he certainly did that with this committee work. As I said, every committee member is committed to a positive outcome, but I just want to thank the chairman for chairing these meetings in a very positive and absolutely apolitical way—no politics were involved in this whatsoever, and nor should there be. I thank all my fellow committee members: the member for Mirrabooka; the deputy chair, the member for West Swan; the member for Murray–Wellington; and a particular thankyou for and recognition of the member for Kimberley, Josie Farrer. Once again I will say that without the presence of the member for Kimberley, we would not have the knowledge that we have today to impart to this Parliament and the people of Western Australia. I say thank you to each and every one of them. I hope that members take the opportunity to read this very important report because it deals with the lives of young people, and we have to try to keep as many young people alive as we can.

MS J. FARRER (Kimberley) [11.23 am] — by leave: First of all, I would like to pay my respects to the Education and Health Standing Committee that I was co-opted onto to talk about young Indigenous suicide. I personally would like to thank Graham Jacobs for his patient way of really listening and understanding. I would also like to thank the deputy chairman, Rita Saffioti, for her understanding as well and the committee members Janine Freeman, Rob Johnson and Murray Cowper, whom I have known for a long time. I would like to thank them all for co-opting me onto this committee to assist with that part of the report that deals with Indigenous youth suicide.

I would like to start by saying that I never knew that this committee existed, especially its report on suicide in the fly in, fly out work system—I was not aware of it. In a sense, this really opened up my thinking, especially with the death of a 10-year-old Indigenous girl at Looma that became something of an alert that something really bad had happened and that we should take notice of it. Between all those talks and me saying that we should have a parliamentary inquiry into the death of this little girl, I wondered why some members said that we could not have one because we already had—I did not know that. This takes me back to when I was first elected to Parliament and made my inaugural speech. I talked about the loss and the suicide of my young grandson and how much it deeply affected not only us and the local community, but also communities right across the Kimberley. When a suicide happens, nearly every member of any family in the Kimberley, even though they do not know the affected family, goes along to pass on their condolences and to say goodbye and pay their respects in that way. Indigenous people have had to come through a long line of survival. Our people were taken from their homelands and put onto pastoral stations to work. This created intergenerational trauma that has been passed down to families. We have this survival instinct because we have always been subject to trauma, and I think that makes the Indigenous suicide experience very different from that of non-Indigenous suicide, because we are people of the land. Our people lived on their own lands and did not go into another person's area. I guess that that social impact on our people right from the beginning up until now has had a tremendous effect on our young people. First we had the gathering up of Aboriginal people who were taken in and used to work on pastoral stations, and they also experienced abuse. From there, our people were taken and put into missions where they were taught about the spiritual beliefs of some of the different denominations. Aboriginal people have their own spiritual belief that is more closely attached to our land and everything that surrounds us, so all of that had an effect on our people as well. Some people have said that it was good for them to be brought up in missions and they gained a lot of things from that experience—I was even taken and put on a mission in Fitzroy Crossing—but we do not really understand how those types of things will affect us and our kids later on.

We were all part of this thing called "Aboriginal affairs" whereby somebody was set up as a minister to administer what they thought was best for us and how our lives should be. It was a way of dictating to people how they should live their lives, and this is how we have been living ever since. The 1967 referendum then came along and, all of a sudden, Aboriginal people were thrown off stations and plonked onto the edges of towns. That had another impact on our people.

With the referendum and the change to accept us as being equal, or part of the mainstream, our people were introduced to alcohol. That was one of the biggest downfalls for our people. My old tribal father worked on the station and I heard one of his co-workers say to him, "Hey, mate, you blackfellas can drink just like us now." That started something that our people have never been able to get off—that train of consuming alcohol. It is still rife; it is very rife to this day. Our children have been through all this and they pass that on to their children. This is the social impact that has been placed on us. We need guidance, because a lot of our people have never been taught to live in houses, to drink alcohol and to do the things that they do now. All that has had a big impact and our kids suffer, our young people suffer, because they do not know what is right for them. We talk about cultural activities for our kids, and some of us would like to take our kids back onto our own country to teach them about

culture, but some of us are prohibited from going on country. We have all these things that are against us as well. I would like for this government to support us; it needs to show that support. We have the Minister for Aboriginal Affairs and he needs to be a part of this. We need them altogether to sit down and listen to what we are talking about. I am glad that this report and its findings have been written, because that is the way that I guess the mainstream deals with things, but I am just giving an overview of the whole impact of how we have journeyed and been able to survive. For the future, if we do not do things now, our young people will not be our future leaders; they will probably not survive a lot of the changes. But thanks once again.

MS S.F. McGURK (Fremantle) [11.32 am] — by leave: I want to make some comments on the eleventh report of the Education and Health Standing Committee entitled "Learnings from the message stick: The report of the Inquiry into Aboriginal youth suicide in remote areas". I thank the committee for its work on this important report. In particular, it is timely I should make my contribution after the member for Kimberley, who talked about the decades of disadvantage and disruption that have occurred for Aboriginal people of the state and this country, which has led to the situation considered in this report.

There were a few things raised in the report that I want to make mention of. Some of the themes covered include the lack of evaluation of government programs, and I think that is important work that could be done better. As shadow Minister for Community Services, I have been discussing that with a number of not-for-profit agencies, and some organisations such as the Centre for Social Impact at the University of Western Australia have started to work with the not-for-profit sector to look at how there can be better evaluation of what social programs are taking place in our community sector. This is nothing revolutionary. It is something that could be done a lot better, and government has a role to play. At the moment it is not particularly engaged in that important work, despite putting millions and millions of dollars into important community programs. The work on evaluating those programs is still relatively rudimentary.

The committee report also refers to data collection and again, I think, the government has an important role in not only utilising its own data collection, but in liaising with agencies in the not-for-profit sector and research agencies such as those at the university I mentioned and organisations such as the Telethon Institute. They could do some really important analysis of what exactly is going on in the social sector generally so dollars spent can be better targeted and there can be a better understanding of how work can be more effective through the government partnering with the not-for-profit sector and research institutes and better utilising data.

I particularly wanted to mention the references in this committee report about it making sense to invest in the early years of childhood. It can pay important dividends when it comes to child–parent bonds and can address developmental issues for young people. That has been recognised for a number of years. In WA it is recognised when we invest in a Commissioner for Children and Young People and ask that person to give us advice about how we properly look after young people in our community. On page 169 of the report comment is made that parenting programs need to be invested in and that it needs to be ensured that young people are connected with the people closest to them—that is, their parents—and that that bond is fostered and invested in. In 2011, the Commissioner for Children and Young People recommended that funding be increased to ensure the availability of universal and targeted parenting programs across WA and that the then Department of Communities lead the coordination program delivery. Yet, just this year there was the cutting of important early intervention work for young Aboriginal people, with the cutting of the Best Start program. That was a program targeted at young Aboriginal people from zero to five years old. In this year's *Economic and Fiscal Outlook* that program only warranted one paragraph. The *Economic and Fiscal Outlook* stated the following —

> To avoid duplicating the Kindilink program run by the Department of Education, the Department will cease the Best Start program at the end of the 2016 school year, delivering net savings of $3.9 million.

The problem with that analysis is that KindiLink is targeted at three-year-olds to get them ready for kindergarten; it is a great program, but the Aboriginal Early Years Best Start program looked at children aged zero to five years, so the very important early years. When we think of the billions of dollars that the National Party boasts has been spent as part of the royalties for regions program, its members could have not only spoken in defence of the Aboriginal Early Years Best Start program, but found the $3.9 million in this government's budget to invest in that program. I am disappointed that no members of the National Party have seen it fit to be in the house at the tabling of this report or to speak on this important issue. I continue to want to work with the member for Kimberley and other members of this house to make sure that we do what we can to stop the terrible incidence of Aboriginal youth suicide and, importantly, to invest in early years programs amongst the Aboriginal community.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Eighty-ninth Report — "Annual Report 2016" — Tabling

MR P. ABETZ (Southern River) [11.39 am]: I present for tabling the eighty-ninth report of the Joint Standing Committee on Delegated Legislation, titled "Annual Report 2016".

[See paper 4895.]

Mr P. ABETZ: The report I have just tabled advises the house of the activities of the Joint Standing Committee on Delegated Legislation during 2016 and comments on significant issues that have arisen during that time. The committee continues to scrutinise a large number of instruments of delegated legislation. Up to 31 October 2016, the committee was referred 340 instruments, including 168 sets of regulations and 104 local laws. In that same period, only two instruments were disallowed by this house on the recommendation of the committee, with all other problematic instruments dealt with behind the scenes. It is this method of handling problem cases, without recourse to the disallowance powers of the house, that is one of the major strengths of the committee.

Other matters dealt with in the report include the effect of the passing by this Parliament of the Local Government Legislation Amendment Bill 2014; the inclusion of administrative appeal rights in hospital and TAFE by-laws; the release of the committee's reports this year into access to Australian standards incorporated in delegated legislation; and the use of determination devices by local governments to sub-delegate administrative decisions.

The committee takes this opportunity to thank the ministers, departments and local governments that provided assistance during the year. The committee appreciates the work performed by local governments that often, with limited resources, undertake the difficult challenge of drafting local laws. The committee also appreciates the contributions made by the Department of Local Government and Communities and the Western Australian Local Government Association in assisting local governments with drafting their local laws. Personally, as chair of the committee for the last four years, I would like to thank the staff for their excellent work. I commend the report to the house.

Ninetieth Report — "Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2016" — Tabling

MR P. ABETZ (Southern River) [11.41 am]: I present for tabling the ninetieth report of the Joint Standing Committee on Delegated Legislation, titled "Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2016".

[See paper 4896.]

Mr P. ABETZ: The report that I have just tabled is the committee's disallowance report in support of Legislative Council order of the day 1, Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2016—disallowance, currently scheduled for debate on 24 November 2016. According to the explanatory memorandum supplied to the committee with this instrument, one of the fees amended by it resulted in a cost recovery by Synergy of some 157 per cent. In correspondence appended to the report, the Minister for Energy revised the costings, but even that revised figure resulted in a cost recovery of some 143 per cent of the actual costs incurred by Synergy in pursuing customers who are late in paying their electricity bills.

The committee takes the view, as it has long done, that any cost recovery in excess of 100 per cent results in the imposition of a tax. As members will be well aware, only Parliament may impose a tax; it cannot be imposed by the executive under delegated powers in the absence of a specific taxing provision in the empowering act. It is not in dispute that the empowering statute in this case, the Energy Operators (Powers) Act 1979, lacks such a taxing provision. It is therefore the conclusion of the committee that the amendment made to item 10 of schedule 4 to the Energy Operators (Electricity Generation and Retail Corporation) (Charges) By-laws 2006, by row 4 of the table in by-law 5 of the Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2016, is beyond the powers delegated to Synergy, with the approval of the Governor, under section 124 of the Energy Operators (Powers) Act 1979, and should be disallowed. I commend the report to the house.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Thirty-third Report — "The ability of the Corruption and Crime Commission to charge and prosecute" — Tabling

MR N.W. MORTON (Forrestfield) [11.43 am]: I present for tabling the thirty-third report of the Joint Standing Committee on the Corruption and Crime Commission, titled "The ability of the Corruption and Crime Commission to charge and prosecute".

[See paper 4897.]

Mr N.W. MORTON: The Joint Standing Committee on the Corruption and Crime Commission originally commenced an inquiry into the Corruption and Crime Commission being able to prosecute its own charges on 26 June 2014, and was due to report to Parliament on the matter by 30 December 2015. In July 2015, however, an appeal was made to the Supreme Court by a former police officer that challenged the power of the CCC to charge and prosecute for an alleged assault while he was on duty. When the committee became aware of this appeal, it resolved to put its initial inquiry on hold, pending the outcome of the appeal.

The Court of Appeal handed down its decision in A v Maughan [2016] on 15 July 2016. As part of its judgment, the Court of Appeal held that the commission's powers and functions did not extend to the prosecution of persons for matters investigated by the commission that are otherwise unrelated to the administration and enforcement of the legislation establishing the commission. Following the judgment, the committee resolved to continue its inquiry, but with amended terms of reference. This is not the first time the issue of the commission's prosecution powers has been questioned and this report describes earlier debate and previous recommendations made regarding its power to lay charges and prosecute. The committee describes the recommendations made in the Archer review in 2008, as well as approaches taken by past and present CCC commissioners and Parliamentary Inspectors of the Corruption and Crime Commission.

This report provides a summary of the opinions and advice the commission has received on its power to charge and prosecute. The report also reviews the power to prosecute held by a number of Western Australian government agencies. The Department of Fisheries, the Department of Mines and Petroleum and the Department of Commerce all have acts they administer that allow them to commence prosecutions. These powers are clear and specific in their respective legislation, but, in the main, any charges are laid and prosecuted by the State Solicitor's Office. An examination of integrity agencies in other jurisdictions reveals that most of these agencies have powers to refer matters arising from investigations to a relevant prosecutorial agency. None has the express power to prosecute in their own right, other than the Independent Broad-based Anti-corruption Commission in Victoria.

This report also provides the background to the Supreme Court appeal that arose following a CCC investigation into the conduct of a former Western Australia Police officer who was alleged to have used excessive force on a detainee in the Broome Police Station in March and April 2013. The former police officer was later charged by the CCC and his hearing was held on 17 April 2014 in the Kalgoorlie Magistrates Court before Magistrate Andrew Maughan, who handed down his decision on 28 November 2014. The former police officer sought an application for review of Magistrate Maughan's decision not to grant a permanent stay in relation to the prosecution initiated by the commission. There were four grounds of appeal by the applicant—three relating to an alleged abuse of process, and the fourth challenging the CCC's authority to prosecute him.

The Corruption and Crime Commissioner, Hon John McKechnie, QC, told the committee that prior to the decision in A v Maughan, the commission had commenced prosecutions against 140 people for offences arising from its investigations. These did not include proceedings initiated by the commission for contempt of the commission. The committee was advised that the commissioner had made arrangements with the Director of Public Prosecutions and the State Solicitor to deal with prosecutions arising from CCC investigations in anticipation that the judgment in A v Maughan would find that the commission did not have the power to charge and prosecute.

The current process the commission uses to charge and prosecute people following A v Maughan is described in the report. That process requires the commission to refer a prosecution brief to the State Solicitor for his consideration, if it forms a view during an investigation that an offence has been committed. If the State Solicitor believes that there is a prima facie case against the accused, and that it is in the public interest to prosecute, he will commence proceedings. When the alleged offence is a "simple offence", the prosecution will be conducted by the State Solicitor. When the offence is an "indictable offence", the proceedings will be taken over by the DPP at the committal stage.

The Court of Appeal left open the issue of whether the CCC has the power to prosecute its own charges in matters related to the administration and enforcement of the Corruption, Crime and Misconduct Act 2003, and the commissioner said that, having regard to the reasoning behind the decision, it was difficult to see how there could be such a power. The commissioner told the committee during a public hearing that this matter needs to be put beyond doubt.

The committee received 24 submissions to its inquiry, including from the Attorney General, Hon Michael Mischin, MLC; the Corruption and Crime Commissioner, Hon John McKechnie, QC; and the Parliamentary Inspector, Hon Michael Murray, QC. It undertook closed hearings with the CCC commissioner and PICCC, as well as with the State Solicitor, Mr Paul Evans, and the Director of Public Prosecutions, Mr Joseph McGrath, SC. The evidence obtained by the committee overwhelmingly supports the maintenance of a separation between the investigation of serious misconduct and the prosecution of criminal offences. It has considered the approach taken by interstate and international anti-corruption agencies. At the present time, the committee is not persuaded that it is either necessary or desirable for the CCC to be empowered to commence or conduct prosecutions for offences unrelated to the administration and enforcement of the Corruption, Crime and Misconduct Act 2003.

The committee has recommended that the Corruption and Crime Commission include a specific update on the efficiency and effectiveness of its arrangements with the State Solicitor for the commencement and conduct of prosecutions in its annual report for 2016–17 and that the Attorney General undertake a review into the efficiency and effectiveness of the commencement and conduct of prosecutions arising from CCC investigations, and table a report on that review within 12 months of the tabling of the commission's annual report for 2016–17.

I would like to take this opportunity to thank all the people who contributed to the committee being able to complete its inquiry in a timely fashion since the A v Maughan judgement, in particular those from other jurisdictions who interrupted their busy schedules to brief the committee in a very open fashion on the involvement of their oversight agencies in prosecutions. I would also like to thank my fellow committee members whose contribution to the thirty-third report of the committee in this thirty-ninth Parliament I have very much appreciated: the committee chairman, the member for South Metropolitan Region, Hon Nick Goiran, MLC; the deputy chairman, the member for Albany, Mr Peter Watson, MLA; and the member for South West, Hon Adele Farina, MLC. Of course, the committee members would have been unable to complete this report in the limited window of time available without the support of the committee's secretariat, Dr David Worth and Ms Jovita Hogan.

EDUCATION AND HEALTH STANDING COMMITTEE

Twelfth Report — "Committee's objection to the Government's response to IPS Report Card: The Report of the Inquiry into the Independent Public Schools initiative" — Tabling

The ACTING SPEAKER (Ms L.L. Baker): Member for Eyre.

DR G.G. JACOBS (Eyre) [11.51 am]: Madam Acting Speaker, you were going to call me the member for Esperance, I know! I present for tabling the twelfth report of the Education and Health Standing Committee entitled, "Committee's objection to the Government's response to *IPS Report Card: The Report of the Inquiry into the Independent Public Schools initiative*."

[See paper 4898.]

Dr G.G. JACOBS: The committee was of the view that it behove us to redress the allegations to us as a committee of bias, lack of objectivity and erroneous findings and recommendations made by the government in its response to our report, "IPS Report Card: The Report of the Inquiry into the Independent Public Schools initiative."

The Committee undertook significant work as part of its inquiry into the independent public schools initiative. I draw the Assembly's attention to the 32 submissions received and eight hearings conducted during the course of the inquiry upon which the report is based. At no time in the beginning, middle or the end was the committee biased in conducting its inquiry. Highlighting the number of negative findings compared with positive findings in the government's response does not, in our view, indicate our bias or a lack of objectivity. Rather, it indicates our aim of identifying matters that need attention for the purpose of making the initiative better. Indeed, we support the autonomy concept. We also continue to stress that all education reform needs to be based on the paramount principle of improving student outcomes. I will say that again because I think it is, really, very important. We stress that any education reform needs to be based on the paramount principle of improving student outcomes, otherwise, what is it all about? In particular, as the chairman, I would like to address that the committee responded to the government's allegedly more misleading and erroneous claims of the report. I will list the responses as follows—there are four, Madam Acting Speaker. The first states —

- Despite the government response's long-winded account of the papers which supposedly support the link between autonomy and improved student outcomes, we refer again to the significant volume of literature discussing the complexities of the relationship, as noted in the University of Melbourne's review of the IPS initiative in 2013. As the Director General of the Department of Education said at hearing, "you can find research either way about a direct correlation with greater autonomy and student outcomes."

This indicates that there is no scientific evidence or repeated evidence of a correlation between autonomy and improved student outcomes. We can postulate how student outcomes could be affected and how autonomy could improve it, but we are saying that there was no literature evidence that that was the case. The other issue around the long-winded response to the education department is that we have not waited long enough. A report from New Zealand states that we have to wait for two generations before we can see an effect. The IPS initiative has been around for about six years now since the first schools were introduced. We would expect that there would be some evidence of improved outcomes.

The second response states —

- The Committee's concerns that the IPS initiative exacerbates a two-tiered system by allowing IP Schools to select the more appropriate teachers, leaving less suitable —

The words are chosen very carefully —

> teachers available for positions at non-IP Schools, was a major concern raised by many submitters and witnesses at hearings.

It was not only us who raised these concerns —

> To suggest that these concerns originate from a regressive centralised unionised lobby is insulting.

The third response states —

- It is difficult for the Committee to understand the Government's position that principals in IP Schools are not faced with increased administrative duties.

Again, we are not saying this; it is the information we were getting —

> The increased autonomy of an IP School by its very nature increases the workload of principals as administrators, chief executive officers, chief financial officers, and educators. How can principals be more autonomous yet not have more administrative tasks? Further, the Director General of the Department of Education would simply not have time to effectively line manage 445 (now 524) principals, providing them with appropriate levels of mentoring and support.

This is particularly the case as the model for directors and principals has now been disbanded.

The final response to the allegations in the response to our report is very short. It states —

- The Committee's justified concerns about the rigour of school performance monitoring are demonstrated by the inconsistencies between schools being selected to become IPS, findings of the Department of Education Services' reviews and findings of the Expert Review Group.

There was evidence of a particular school that was subject to an expert review and, in fact, it actually became an IPS. We sometimes question some of the inconsistencies in the rigour of school performance and monitoring. That is the point we make. I reiterate that we supported the concept of the IPS initiative and, to put it in education parlance, we believe that there were some lessons to be learnt! We provided those lessons in this report and to Parliament. The concerns raised by the committee did not materialise out of thin air. We worked very hard at this and we did not think it up of own volition; we actually listened to the people who came before us at the hearings and read the submissions that we received. That is what a committee does and should do.

Nothing in this world is ever perfect; we are not perfect. I think it is really important to have a parliamentary committee system so that we can look at matters forensically and listen to the people involved in education—in this case in the independent public school system—and report to this place after due consideration as a committee. The concerns we raised were based on the evidence received during the inquiry. They highlight ways in which the initiative can be improved so that, most importantly—this is the most important matter—our kids receive the best education. That is what we want. I am happy to provide this report. I think it was important, as part of the committee process, to redress some of those allegations and again justify our concerns, but that justification is well based.

I have thanked the executive, but I want to thank it for the work over the term. I think we have been a pretty good committee that has worked pretty well and played the ball. We wanted to play the ball, not the man. I think that is an important contribution. I thank all the members of the committee: the member for West Swan, the member for Mirrabooka, the member for Hillarys and the member for Murray–Wellington. I thank the committee staff for their great work: Alison Sharpe, Catherine Parsons, Alice Jones earlier, and Franchesca later in the proceedings, particularly in the Aboriginal youth suicide inquiry, the report on which we presented earlier today.

I wish everybody a merry Christmas, and I look forward—the constituents and God willing, but not necessarily in that order—to seeing you next year.

[Quorum formed.]

MR R.F. JOHNSON (Hillarys) [12.04 pm]: I wish to follow on from what the Chairman of the Education and Health Standing Committee has said. In doing so, I first of all thank my colleagues on the committee for the work they did on the inquiry into the independent public school system, including you, Madam Acting Speaker (Ms J.M. Freeman), but I know you cannot respond from your current position. I once again thank the committee staff for the tremendous work they did on all the reports we delivered to Parliament, but particularly this one because of the very, very short time frame we had to respond to what I found to be an appalling response from the Minister for Education. It was not necessarily a government response; it was from the Minister for Education. I have known him a long time, and I could tell from the way the report was written that it almost certainly came from his ministerial office rather than the Department of Education. I found the description he gave to the committee I serve on absolutely insulting. He described the committee as biased. I have never really seen that before. That is a disgraceful term to use against a committee. If there was any bias, I would say it was coming from him rather than the committee members.

The committee members took on this inquiry in good faith. No politics were to be involved—none whatsoever. There was a genuine concern. It was either you, Madam Acting Speaker, or the member for West Swan who wanted to have a close look at the independent public school system. I was more than happy to go along with that and we carried out a very thorough inquiry. Many people gave evidence at the hearings, and as a committee all we did was take that evidence, compile it in a report and deliver that report to Parliament. Because the report did not find that the IPS system was a 100 per cent wonderful utopia at this stage—I stress "at this stage"—the minister got

a bit precious and started insulting members of this committee. It was absolutely insulting; I had never seen it before. The independent public school system was initiated under, from what I remember, Hon Liz Constable, who was an extremely good and honourable Minister for Education. I think she did a fantastic job. Her life as a minister was cut short by eight months, which was unnecessary. She should have been allowed to carry on, and I think she would have carried on with the independent public school system that she had put in place.

Many people came forward who were very much in favour of the independent public school system, and indeed I think I am. My background is in independent public schools in the United Kingdom. We had local communities that ran or oversaw the schools. The governing body, or school council as we would call it here, had the right to take on their own principals. They also had local representatives on the school councils, and the principals had the authority to select and employ the best teachers who they thought would deliver the best education for their pupils. At the end of the day all we are really interested in as a committee and as a Parliament is providing the best education we can to the children of this state. The committee set out to try to find out whether it is the best system, and it certainly came up with a view that it is a very good system. It is not perfect, and there are some shortcomings. We accept that after such a small number of years it is very difficult to have 100 per cent positive outcomes. But why would the Minister for Education be so precious and sensitive to take such offence at a committee report in which there was no bias whatsoever? I took great offence at his comments that the report's authors lacked objectivity. The committee finds those statements offensive and unfounded.

The minister said that the report was heavily biased. I do not believe it was heavily biased. I think it was very accurate. The report was obviously authorised and adopted by the members of the committee, but the staff put a lot of this together on the evidence and submissions given to the committee. The minister should not shoot the messenger just because we delivered an honest report. The minister may be a bit precious and sensitive about it, but any reasonable person would accept some criticism of a system and say, "Okay, we accept that and we'll try to do better." That has not been the case. The Minister for Education is accusing members of a committee I serve on as being biased. That is an insult to not only the members of the Education and Health Standing Committee but also everyone who gave evidence—the members of the public, the members of the teaching profession, the members of the State School Teachers' Union, the principals and the deputy principals. I believe he has insulted all the people who gave evidence to our committee with his comments that their evidence was biased. People from all walks of life gave evidence; some were for it and some were against it, but they came forward with honest submissions, some of which were critical and some were not. Overall, the committee thinks the IPS initiative is quite a good system but it is a bit early to say it is an absolute success. I suggest that the Minister for Education take a good look at himself in the mirror and see whether he is doing the best job he should be doing and can accept honest criticism from members of the public and people from the teaching profession—not from the committee. The committee was simply reporting what the witnesses said to us as a committee. That is all we are doing.

As far as I am concerned, no bias was shown whatsoever in that committee. Some people say it is an opposition committee because there are three former ministers and two Labor members on it. I take that as an insult. That has been said by certain ministers and certain people in and around this place. Members of our committee do an honourable job. They feel insulted and I feel insulted. I did not want to simply take on the chin the minister's comments and say that the minister can have his own way and he can have the last word without responding to what I believe was a disgraceful submission from the minister himself. This submission was from the minister; it was not from the education department. The minister needs to take good stock of himself, stop being so precious and try to do a better job as the Minister for Education.

DR A.D. BUTI (Armadale) [12.12 pm] — by leave: I was listening to the comments of two members on the Education and Health Standing Committee's report entitled "Committee's objection to the Government's response to *IPS Report Card: The Report of the Inquiry into the Independent Public Schools initiative*", which I have not seen but I want to make a couple of comments because I sit on the school management committees of about eight or nine of my local schools. All bar one are independent public schools, and the last one is about to become an IPS. I think the IPS philosophy is appropriate. We should be trying to involve more local decision-making in education. However, we must be very careful with the potential for inequality to become greater in the sense of independent versus non-independent schools. From the way things are going, I think all schools will soon be IPS. I think 50 or 60 schools became IPS this year. I think government and the Department of Education have to make a decision about whether the department will continue with the IPS model, and I think it will. I think every school should become an IPS, but, of course, they must meet certain eligibility criteria, otherwise the problem of the divide mentioned by the member for Eyre will occur. The majority of so-called more able teachers will want to go to IP schools. Some very good schools are not IPS and they are being unfairly tarnished as non-IPS and that is the problem with a two-tier system.

We have to be careful when we say IPS. It is not a full IPS scheme. The department still has a great deal of control. In some ways it has allowed the government and the department to very nicely get around funding issues by saying, "It's a one-line budget, you deal with it." Non-IP schools also now have one-line budgets. Whether

they are IPS or non-IPS, schools have a one-line budget. Many of the principals in my electorate are tearing out their hair trying to make sure that the money stretches, but they are told by the department, "You've got the one-line budget; you sort it out." The philosophy behind IPS is the way forward because if the principal has a greater say in recruiting staff and, ultimately, the ability to terminate staff employment, it can create a better linkage between the principal, the school and the teacher. If a monolithic department such as the Department of Education determines where people go, they become a number in the system. I was formerly a teacher in a private school and did relief teaching in a public school; I did not do full-time teaching in a public school. In a public school, teachers are generally numbers but in a private school, they have a greater affinity with the school and the administrative staff. As the member for Hillarys said, it is too early to be definitive, but I do not think we can say at this stage that IPS has resulted in improved academic achievements. I think the committee's report came to that conclusion. Although I am in favour of IPS because I think it allows very good principals to be more innovative and more flexible and to match the number of staff to the student population, we cannot at this stage say it is improving academic performance. That will come about with better teachers, better resourced teachers and better education assistants et cetera.

In conclusion, I have two comments. There is a requirement now that all students pass the Online Literacy and Numeracy Assessment before they can graduate from secondary school. The problem with that is that many, many students from culturally and linguistically diverse and Indigenous backgrounds and students with special needs will never graduate from secondary school. That is a crying shame. The member for Forrestfield mentioned, I think in estimates hearings, that a couple of students in one of his schools are A-students but they have a learning problem that prevents them from passing OLNA, so they cannot graduate. I think that is absurd. Everyone should be able to graduate. Perhaps the graduation certificate should indicate whether they have passed OLNA or not. It is a real shame that policy has resulted.

I have forgotten the other point because I did not prepare any notes, so hopefully, I will remember it over the Christmas break. I thank members for their indulgence in allowing me leave to make a few comments.

RESTRAINING ORDERS AND RELATED LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2016

Second Reading

Resumed from 16 November.

DR A.D. BUTI (Armadale) [12.18 pm]: I would like to make a contribution to this very important Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. Unfortunately, I was not here to hear the debate that commenced last night, because, as we know, school graduation times have arrived.

Mr J.H.D. Day: I was happy to carry the debate over to allow you to speak.

Dr A.D. BUTI: Thank you very much. I really appreciate that, Leader of the House. You have always been a gentleman and you showed that last night.

As I am sure speakers on this side of the house mentioned, the opposition supports this bill. It is a shame it has taken so long for it to come before this house. As we know, there have been many reports on family violence. The Law Reform Commission of Western Australia "Enhancing Family and Domestic Violence Laws" final report came down in June 2014. This bill is allegedly the response to the Law Reform Commission report. I am told that the Attorney General has been sitting on this. People in the community involved in family violence have known about this bill for a long time. They have been wondering when it would come before Parliament. For some reason, the Attorney General has waited for the penultimate hour to bring it before the house. It is just a shame that for something this important, the Attorney General waited so long before bringing it to Parliament.

I think members who spoke last night would have mentioned some other reports, including the Ombudsman's report "Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities", which was handed down last year. Only last week a report was tabled one year on from that first report, headed "A report on giving effect to the recommendations arising from the *Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities*". There has been a lot of work done in this space. What do we have now? We have this bill before the house. As other speakers on this side and I have stated, we are supportive of the bill. However, having said that, we do not see it as being the ultimate bill that should have come before the house—the Rolls Royce version—but it does make some significant inroads into the legislative framework to fight this scourge in our society. If we happen to win the next election, I am sure that we will come back not long after Parliament commences with improvements and further legislative reform. I am sure that if we are unsuccessful, which I hope is not the case, and the government shows a bit more urgency in this area, we would support any measures that deserved to be supported in trying to fight this crime.

The definition of "family violence" in the bill follows the definition in the commonwealth Family Law Act, and that is something we would agree with. However, one has to be a little careful. Although we should have a broad definition of "family violence", it may be important to also have a sub-definition of "intimate partnerships" or

"intimate relationships". That would pick up on the traditional domestic violence scenario of a husband and wife or de facto couples, which is different from the issue of violence between a father and a grown-up son or between two brothers. That is all family violence, which this bill is dealing with, and we agree with that, but we need to look at the different relationships. I do not think that one bill should treat all family violence as similar issues; we need to also look at the intimate partnership. If one looks at the intimate partnership, it cannot be denied that family or domestic violence is a gender-based crime. There are males who are victims of intimate relationship violence, but generally it is male-on-female violence. I should say that there has been an increase over the years in domestic or family violence in the lesbian, gay, bisexual, transsexual, intersex community. I wanted to make that point because in the Ombudsman's report that I mentioned, which investigated 30 homicides over an 18-month period, there were, I think, 12 cases in which there was a male victim, which is unusually high. If we look at that, we see that some of it related to grown-up brothers, for instance. Often that was a one-off scenario—there was one argument. Of course that is terrible, and this piece of legislation is trying to assist, but what I am saying is that that is a different factual scenario from what has traditionally been considered to be domestic violence.

Before I go on, I acknowledge the students, staff and parents from Comet Bay Primary School in the electorate of the member for Warnbro. You have an outstanding local member there. Hi. How are you going? I hope they have enjoyed their day in Parliament.

The Deputy Premier, who has responsibility for this bill in this house, mentioned that the bill has four main objectives. I do not think anyone can complain about those objectives; they are things that we need to attend to. The first objective is that the bill introduces a new category of restraining order crafted specifically to deal with family violence. We do not have an issue with the new definition of "family violence". The minister's second reading speech referred to the important issue of cyberstalking and the distribution of intimate images, and that should be applauded. Another issue that was mentioned was risk-management approaches in the courts. That is very important. We will have to see whether more funding needs to be provided for that. The second objective is that the bill includes a range of criminal law amendments aimed at strengthening the criminal justice system response to family violence. Of course, we would not disagree with that. The third objective is to make amendments to the Prisons Act and the Sentence Administration Act. The fourth objective deals with two interesting issues—the first is in regard to amendments to section 281 of the Criminal Code, which I will talk about shortly, and the second is the issue of violence against a pregnant woman, or pregnant person. It is only women who are pregnant, is it not?

Ms L.L. Baker: Generally.

Dr A.D. BUTI: Generally; well, I think all the time actually!

Before I forget, I seek an extension of time.

[Member's time extended.]

Dr A.D. BUTI: One never knows; I might have forgotten.

The amendment to section 281 of the Criminal Code is interesting. Back in 2012, the Leader of the Opposition, Mark McGowan, introduced a bill that sought to amend section 281 to increase the maximum penalty to 20 years. The government said no to that. Only this year, the Leader of the Opposition introduced another bill, one of the clauses of which dealt with amending section 281 of the Criminal Code. The government voted against it. If I recall correctly, in 2012 when the opposition first introduced a bill to seek to amend section 281, the Attorney General lambasted it and said that it was grandstanding. It is interesting that we now have in this bill an issue on which the government seeks to amend section 281 of the Criminal Code, which we commend. This is where I am not sure that the Attorney General gets it when it comes to family or domestic violence. The Attorney General, and, I think, the Deputy Premier, mentioned that this bill before the house is in response to a report by the Law Reform Commission of WA. Recommendation 44 of that report states —

> That s 281 of the *Criminal Code* (WA) be amended to provide that if the offence of assault causing death is committed in circumstances of aggravation the maximum penalty for the offence is 20 years' imprisonment.

The issue there is the term "in circumstances of aggravation". One of those circumstances of aggravation is family or domestic violence. I am trying to make the point that this is different from other murders that are prosecuted under section 281. The minister made the appropriate point that it is erroneously referred to as one-punch homicides. I get what the Deputy Premier was saying, but in effect that was the motivation for the initial section 281, because there was an issue with the situation in which a stranger punched someone and did not intend to kill them but they hit their head and they died. Although we of course supported it—we had been advocating for the maximum penalty to be increased to 20 years—we were actually arguing for it to apply in cases of family and domestic violence. What the government has done in this case is to just make it a blanket 20-year maximum penalty regardless. That argument can be made—I am not saying that it cannot—but it would

have been nice in this bill, which has "family violence" in its title, to actually make the distinction that it would be only in circumstances of aggravation such as family violence that the penalty would be increased to 20 years. Unfortunately, the Attorney General did not see fit to do that.

It is of course better that we have the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 than nothing; the opposition has been calling for something since 2012. The well-known, sad case of Saori Jones was of course the catalyst. The Attorney General tabled a report in the other house about two years ago on the operation of section 281 that recommended what we brought before the house. This blanket approach to the issue of section 281 of the Criminal Code is a bit strange.

I believe the member for Fremantle will introduce an amendment to provide special witness status to victims of family violence. To tell members the truth, I am very surprised that this bill does not include such a clause. It is a very simple clause—it was in the bill that the Leader of the Opposition introduced a while ago—and I look forward to the member for Fremantle introducing that amendment. Hopefully, the government will support it, because I cannot see how it could be contentious. Surely we want to reduce the trauma that victims of family and domestic violence face in the court system. If the victims have to be in the same courtroom as the perpetrators, it will only re-traumatise them. If a perpetrator is self-represented, they have the right to cross-examine the victims. Surely that is something we should be strongly working against; it is a real problem in the Family Court.

I have not had a chance to look at the speech the member for Fremantle gave last night, but I am sure she mentioned something about housing issues. Granted, they probably should not go in this bill, but it is an important issue. The Labor Party took the issue to the last election, seeking amendments to legislation to provide better housing protection to victims of domestic violence. Often, the mother and her children have to leave the house. It is very difficult to find shelter, particularly if they have a son aged 15 or 16 because a lot of shelters will not allow males to stay overnight. The policy we took to the last election was to provide protection to victims of family and domestic violence, particularly those who live in public housing, if they were not at fault for a breach of the tenancy agreement. We believe they should be protected and be able to stay in their house because it makes more sense if the children are going to nearby schools et cetera; we would obviously have to ensure the victim's safety. It is very, very important to provide legal protection for the accommodation and housing rights of victims of family and domestic violence. If the Labor Party is elected next year, hopefully we will pursue that.

Another report I have so far not mentioned has come out about family and domestic violence. It is from the Community Development and Justice Standing Committee, of which I am a member. The committee handed down a report titled "A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence". The report looked at how Western Australia Police evaluates its work in the area of family and domestic violence. I am not sure whether it has been improved, but at that time there was only one key performance indicator on this. Also, under the Frontline 2020 model the specialised family and DV units stationed at stations such as Armadale or Cannington were disbanded. I have questioned the minister on this a number of times. She has a different point of view from me, but the evidence presented to the committee strongly suggested that those units need to come back into operation.

On the issue of police, I want to relay a story. On Monday one of my constituents approached me in a panic. She said, "Tony, I need your legal advice." I asked what the issue was, and she said, "My daughter was subjected to violence from her partner on the weekend." She said she could not go to Armadale Police Station, obviously, because Armadale Police Station is not open on the weekend.

Ms L.L. Baker: You should do something about that!

Dr A.D. BUTI: Where is my T-shirt?

This is a serious matter. She went to Cannington Police Station, which is a 24/7 public access police station. Of course I was not there—I am only relaying what the mother said to me. She said that when they went in seeking a violence restraining order, which of course the police cannot actually issue but they could have issued police orders, allegedly the police officer said, "There's nothing I can do." This woman was a victim of domestic violence over the weekend. She could not go to Armadale Police Station, she went to Cannington Police Station and the police officer allegedly said, "There is nothing I can do." That is an appalling situation. I am more than prepared to give the minister the details if she wishes to follow that up, because I do not think that would be an appropriate response if it did happen.

Mrs L.M. Harvey: Is that the same issue that you were talking about before that has been followed up?

Dr A.D. BUTI: Has it?

Mrs L.M. Harvey: And the officer who gave the inappropriate information has certainly received counselling with respect to that.

Dr A.D. BUTI: Very good, thank you.

Mrs L.M. Harvey: I believe that the victim in that instance is being cared for appropriately too, now.

Dr A.D. BUTI: Great. I thank the minister very much for that.

We need to constantly educate our police officers about this situation. It is very difficult because police have to deal with many different issues, but the rate of family domestic violence assaults has increased enormously. One of the arguments will be that there is better reporting; people are more prepared to report because police will respond, generally, more appropriately than at Cannington that day. That is true; I do not deny that. But last year, I think in a 12-month period, there was a 100 per cent increase in homicide as a result of family violence. That cannot be down to an increase in reporting, because all homicides are reported. If there has been a 100 per cent increase in homicides in a family violence scenario in 12 months, it shows that this scourge is a real problem. That is why we need the legislation that is before the house today. The minister could have brought this legislation in last year, but the minister has waited until not the penultimate day but the ultimate day in the Legislative Assembly. I cannot understand why this Attorney General has been so unwilling to bring this legislation before the house. I understand he has been sitting on this for a long time, and shame on him for waiting so long to bring it before the house.

There is no doubt that this bill will reduce some of the difficulties a victim has in obtaining a violence restraining order, and that is to be applauded; however, issues remain. The Labor Party policy from the last election states —

> The only recommendation of the 2008 Review Report of the Restraining Orders Act 1997 not to be incorporated into the 2011 amending legislation was recommendation 8. This recommendation supported domestic and family violence victims being granted an automatic VRO during criminal proceedings if the offender was charged and convicted of a family or domestic violence related offence against them.
>
> The 2008 Review Report noted a large volume of submissions supporting the intent of recommendation 8, which sought to reduce unnecessary duplication, re-traumatising, anxiety, distress and inefficiency that can result "when violence restraining order applications are not adequately integrated with the criminal offence process where the incident giving rise to both proceedings is the same".
>
> Although pursuant to section 63 of the Restraining Orders Act 1997 criminal courts have discretion to make VROs during criminal proceedings, the discretion has rarely been exercised. What is needed is legislation providing for automatic VROs for family and domestic violence offences. Such legislation has been in existence in NSW for some time without creating problems.

Granted, this legislation is an improvement, but it does not go to that degree. This brings me to a couple issues raised by government members last night; I managed to have a quick read of these. I thought that the member for Southern River made some interesting comments. He talked about the concern of reducing the evidentiary burden for people seeking to apply for a violence restraining order. He refers to a *Quadrant* —

The ACTING SPEAKER (Ms J.M. Freeman): Member, you cannot quote from the uncorrected *Hansard*.

Dr A.D. BUTI: I am not going to quote. I am using it just as a reference.

The member for Southern River referred to a report in *Quadrant* by Dr Augusto Zimmermann from Murdoch University raising concerns about reducing the evidentiary bar. He also talked about how that may result in false accusations and people obtaining violence restraining orders when they should not. I think that is worth the risk. I do not think that it happens very often. He mentioned that more people have come to his office complaining about the misuse of violence restraining orders. Of course, his electorate is different from mine, but I will tell members one thing: that has not been the case in my electorate. I have had the victims of domestic violence coming into my office to complain—for example, the woman who came in last Monday or her mother. It is a shame that I was not in the house last night, but I would really like to know how many people have gone into the member for Southern River's office and complained about having a violence restraining order issued against them when that should not have been the case. Having worked as a lawyer previously, I have to say that one rarely finds anyone who has had a violence restraining order issued against them who believes that they should have had it issued against them. That is not unusual, but they have not come into my office to say that. Victims come into my office. I was very concerned to read that comment from the member for Southern River.

He also talked about the injustice that takes place—I am not quoting *Hansard*, Madam Acting Speaker—when people are falsely accused of domestic violence and the consequences. At this stage, if a VRO is issued, it is not a criminal offence; it is the breach that is a criminal offence. Of course, if a potential employer finds out that a VRO has been issued against a person, it might have some consequences—but it is not a criminal offence at that stage. My view is that maybe it should be, but it is not. It is only the breach that is a criminal offence. The consequences of a wrongly ordered violence restraining order are minuscule compared with the consequences of not issuing a violence restraining order when it should be issued. The member for Southern River has his priorities wrong. If he is more concerned about the possible injustice that might be caused by the issuing of a violence restraining order vis-a-vis the consequences of not issuing a violence restraining order, the difference is chalk and cheese, but the consequences of not issuing are far worse.

The member raised the matter of interim violence restraining orders being issued without evidence from the defendant, but the whole point of an interim measure is that it is used in an emergency. A violence restraining order needs to be issued, then there is a full hearing and a determination is made about whether that violence restraining order should remain in place. The final violence restraining order is not issued without the ability of the defendant to present their case. The member for Southern River must have a completely different electorate from mine if he thinks that the major concern is people being issued a violence restraining order when they should not be issued with one. I am not saying that that it is not an issue, because some people falsely use it as a weapon; I understand that. But the consequences of that are nowhere near as bad as the consequence of not providing the appropriate protection for victims of family violence—although, as we know, VROs often do not protect people. The disgraceful situation involving Andrea Pickett shows that it does not provide foolproof protection, which is why we need GPS tracking. We finally have that provision in the sentencing legislation that has just been passed, although I am not 100 per cent sure about that; I was not involved in that process with that legislation. I presume that that happens only after a person has been incarcerated. Is it right that a GPS will not be issued to a person who has had a VRO issued against them if they have not gone to jail?

Mrs L.M. Harvey: It can be somebody who has not spent any time in custody, as I understand it.

Dr A.D. BUTI: Okay.

In my final couple of minutes, the member for Eyre raised an interesting issue about this Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 and the offence that is created when a pregnant woman is assaulted in a domestic violence situation. I know that proponents or supporters of pro-choice—I am also a pro-choice supporter—have concerns about this. I think that some of that concern is mislaid. The Attorney General explained this issue reasonably well in his second reading speech, but there is a difference with this situation: we are considering the greater harm that is inflicted upon a pregnant woman if she is assaulted and it results in some damage to the foetus. This is different from saying that this now leaves what possibly could be the reopening of the abortion debate. That is not really the case because we are talking about the reproductive choices of the victim. In an abortion scenario, the pregnant lady has made that choice. In this scenario, she has not made the choice to be assaulted and for her foetus to be damaged. People are worried about the legal status of the foetus. The foetus does not have full legal status, but we can deny that with the current law that the foetus has a legal status, because even under our abortion law a woman cannot just go and have an abortion; she has to follow certain procedures.

I have run out of time; what a shame.

MS L.L. BAKER (Maylands) [12.48 pm]: I have about two minutes before 90-second statements commence. I would like to contribute to this discussion and I will hopefully pick it up again as soon as we come back after question time.

The Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 covers an area that I am particularly interested in. The law around family violence and restraining orders, as the minister quite rightly pointed out, is challenging and involves a wide range of complex human interactions, behaviours and relationships. In particular, I would like to focus on the coexistence that has been well documented now between family violence and animal cruelty. I would like to talk in some detail about the international and local research into this area and the strategies that we should be progressing to address this coexistence because, clearly, we find that animals are commonly harmed or killed as a form of family violence. A significant number of women and their children remain in abusive relationships due to concerns for the safety of the animals in their family. It is with great interest that I intend to pursue this in some detail after the break and focus on the issues that have come to light from research—in particular a major piece of research conducted in New Zealand several years ago. That report has some very good pointers to the way we might try to understand the role of pets and incidents of animal cruelty, understand the way perpetrators use pets to prevent victims being able to leave a violent home and to identify the barriers and the facilitators to victims of family violence being able to extricate themselves from family violence situations while they are safeguarding animals.

Debate interrupted, pursuant to standing orders.

[Continued on page 8361.]

PUPPY FARMS

Statement by Member for Maylands

MS L.L. BAKER (Maylands) [12.50 pm]: In May 2015 WA Labor released our consultation paper asking for views and comments on what we should do to stop puppy farming. As this is a complex issue, I invited key stakeholders to come together to share their expert knowledge, and to investigate and report into best practice solutions. The committee met over twelve months to undertake its research and formulate its final report. The report from this committee titled "Puppy Farming in Western Australia—why this trade needs to end and recommendations to achieve this" was released publically in September 2015 in a media conference with the

support of DogsWest, Shenton Park Dog's Refuge Home, RSPCA, Oscar's Law, veterinarians, lawyers and expert advocates. In the following weeks committee members presented the report and provided briefings to the Premier and the Leader of the Opposition.

In May 2016, using the recommendations from this committee and reflecting responses to our consultation paper, WA Labor released our policy to stop puppy farming. Central to the success of this policy will be the formation of an advisory group of industry experts to drive the staged implementation of our policy including a centralised registration system, education for consumers, mandatory standards and prosecuting responsibility, and transitioning pet shops into adoptions centres that can sell puppies only from rescue organisations or approved animal shelters. Since the release of our policy, I have personally tabled supporting petitions from 2 475 signatories. I have another 604 signatures still to be tabled, which means a total of more than 3 000 signatures. Dogs are important members of many families and they deserve our love and protection. Together we must put an end to puppy farming and the supply chain that underpins it.

ALAN RUSSELL LLOYD

Statement by Member for Joondalup

MR J. NORBERGER (Joondalup — Parliamentary Secretary) [12.52 pm]: Today I would like to publicly acknowledge an outstanding member of the Joondalup community, namely Mr Alan Russell Lloyd. Alan was born in Toowoomba, Queensland in 1931 and went on to study geology at the University of Queensland and an honours degree in geology through the University of Adelaide. Alan has had a truly distinguished career as a geologist, working throughout the Asia–Pacific region and helping many developing countries unlock the riches of their mineral and petroleum deposits.

Perhaps the most striking aspect of Alan's life that has impacted me is his passion for authoring books. Alan has written literally hundreds of books, some published and some not. His books range from technical journals to personal reflections, but either way they are imbued with his passion for life and attention to detail. Alan published his first book in 1966 entitled, *Possible Miocene Transgression in Northern Australia*, and has never looked back. In retirement, Alan has turned his passion to chronicling his own upbringing as well as the city that he loves, Perth. Having had the opportunity to meet Alan at this home, I was privileged to look over the vast array of books that he has so passionately written. Alan is a true Australian character—witty and entertaining. I certainly have been impacted by his contribution to our community and thank him for all his efforts. The good news is that Alan is not done yet—onward and upward for this great author.

FITZROY RIVER — PROTECTION

Statement by Member for Kimberley

MS J. FARRER (Kimberley) [12.53 pm]: I was proud to play a key role in a landmark meeting on 2 and 3 November with the traditional owners of the Fitzroy River in the Kimberley. We are concerned about the extensive development proposals facing the river and its catchment and the potential for cumulative impacts on its unique cultural and environmental values. At our meeting, traditional owners agreed to work together to action a process for joint prescribed body corporate decision-making on activities in the catchment; create a buffer zone that prohibits activities that would adversely impact on the catchment; develop a management plan and management body for the Fitzroy catchment; engage with local and state governments on the agreed joint process; and investigate legal options to strengthen our declaration under existing state and federal legislation, as well as specific legislation aimed at protecting the Fitzroy River and catchment. The unique cultural and environmental values of the Fitzroy River and its catchment are of national and international significance and must be protected for current and future generations.

CASCADE–SCADDAN BUSHFIRE — ANNIVERSARY

Statement by Member for Eyre

DR G.G. JACOBS (Eyre) [12.54 pm]: I rise to recognise the anniversary of the Cascade–Scaddan fires of 17 November 2015. The community has rebounded, stronger and with a united sense of purpose. The need to rebuild has proven that community members are resilient, innovative and blessed to be surrounded by a strong community. The Scaddan community has chosen a design for a redeveloped country club, following damage in the fires. At 2.00 pm today, there will be a minute's silence in Esperance to remember lives lost. This will be supported by many schools and workplaces and is an initiative of the Shire of Esperance. I congratulate it for initiating this minute of silence and the memorial service. Later on today, at 4.30 pm, Scaddan and surrounding communities will stop for a memorial for those lives lost. Grigg Road, where the tragic loss of four lives occurred, will be closed to traffic, and a harvest ban will be imposed in the area to ensure everyone is able to pause and reflect. It was a privilege to present the report inquiry of the Cascade–Scaddan fire, and hopefully the government will adopt the recommendations and reform how we fight the tragedy of fires in Western Australia.

BOB MCDONALD — MANDURAH FOOTBALL IDENTITY

Statement by Member for Mandurah

MR D.A. TEMPLEMAN (Mandurah) [12.56 pm]: I wish to acknowledge Mandurah resident Bob McDonald for his contribution to Australian Rules football in Western Australia. Mr McDonald has recently retired after a 63-year career in the sport, having played more than 300 West Australian Football League and amateur league games, and umpiring more than 2 000 WAFL and Peel Football League games. He played for West Perth and Subiaco in the WAFL, and then for Wembley and Bayswater in the amateur league, the latter of which he was a premiership captain and coach. During his time as a player for Wembley, he played in the first direct televised football game that was seen by Western Australian viewers, in 1959. He has also umpired seven state and interstate games and 50 grand final games, including the 2007 Peel League grand final, which he umpired at the age of 77 years. His dedication to football has led to him receiving a West Australian Football Commission appreciation award for services to umpiring, Peel Football's Umpires Association Clyde Smith award, an induction into the hall of fame of champions, and life membership with both the Bayswater Football Club and the Peel Football Umpires Association. Mr McDonald's career in football, one that started in 1953 and ended last month, is something that needs to be recognised as an amazing achievement, and I wish him all the best in his retirement. I thank him for his contribution to football in Western Australia.

CONSTABLE CARE CHILD SAFETY FOUNDATION — THEATRICAL RESPONSE GROUP

Statement by Member for Balcatta

MR C.D. HATTON (Balcatta) [12.57 pm]: I proudly stand here today as a board member of the Constable Care Child Safety Foundation to acknowledge the foundation as a recognised leader in safety education for children and young people throughout Western Australia. Through its rich 26-year history, the Constable Care Child Safety Foundation has effectively communicated safety and crime prevention concepts through theatre and performance-based education. In 2014, the foundation launched TRG—the Theatrical Response Group—a theatre-in-education program designed specifically around the needs of secondary school students to assist with the social issues and health pressures affecting their day-to-day lives. TRG is an Australian-first, cutting-edge program that empowers young people to work together, support each other and practice responses to a range of complex issues, such as peer pressure, social isolation, bullying, relationship violence, alcohol and substance abuse. Recently the TRG has been working in partnership with Belmont City College, a very well known and respected school in Belmont. The highly skilled TRG facilitator engaged students to address issues around drug use amongst young people, with particular focus on the dangers of the drug ice and its effects on the local community. The students, over a number of weeks, produced a theatre performance called *Candy Shop*. On 2 November I attended the college, along with my colleague Glenys Godfrey, state member for Belmont, to watch the performance. I stand here today in this Parliament to say that the student-centred performance was powerful, with impacting and strong messages on drug abuse. I congratulate and commend the Constable Care Child Safety Foundation and the great work of Danielle Antaki, the arts and education manager, and the whole theatre group.

Sitting suspended from 1.00 to 2.00 pm

LEGISLATIVE ASSEMBLY CHAMBER — PHOTOGRAPHER ACCESS

Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): I wish to advise members that I have approved the presence of a photographer in the press and public galleries during question time today.

QUESTIONS WITHOUT NOTICE

BARNETT GOVERNMENT — PERFORMANCE

933. Mr M. McGOWAN to the Premier:

I refer to the Premier's eight years in office, with a record mining boom that delivered record revenue, and the fact that the Premier's record is now the worst jobs crisis in Western Australian history, with 92 500 unemployed people, a 63 800 increase in the number of unemployed people since the Liberal–National government came to power, the worst job figures in the country, 22 consecutive months of job losses, and the worst debt and deficit —

Several members interjected.

The SPEAKER: That is enough. Just get to the point, please.

Mr M. McGOWAN: Mr Speaker, I will start again.

The SPEAKER: No, you do not need to start again.

Mr M. McGOWAN: I think members opposite need to hear this.

Several members interjected.

The SPEAKER: That is enough!

Mr M. McGOWAN: To summarise: the worst jobs crisis in WA history, 63 800 increase in unemployed, the worst jobs figures in the country, 22 consecutive months of job losses, the worst debt and deficit in WA history —

Mr S.K. L'Estrange interjected.

The SPEAKER: Member for Churchlands, I was trying to allow the question to be asked. That is enough.

Mr M. McGOWAN: And I ask —

Several members interjected.

The SPEAKER: Okay; carry on, Leader of the Opposition.

Mr M. McGOWAN: Has the Premier's record not been a complete, utter and abysmal failure of economic and financial management?

Mr C.J. BARNETT replied:

Mr Speaker —

Several members interjected.

The SPEAKER: Thank you. The wall of noise is coming from both sides.

Mr C.J. BARNETT: I was disappointed this morning with the unemployment figures.

Mr D.J. Kelly: Disappointed?

Mr C.J. BARNETT: Yes, I was. There is no doubt that, as I have said a lot of times, Western Australia is a specialist, export-oriented economy. We ride the Asian tiger. It is a ride we have got to have, but it is a rough ride.

Several members interjected.

Mr C.J. BARNETT: Mr Speaker, they cannot concentrate.

The SPEAKER: We have been here about five minutes and we have not even started, so if you want to have only two questions, and people having an early rest, carry on the way you are going—both sides.

Mr C.J. BARNETT: During a period that I never described as a mining boom, because I have seen them come and go —

Mr M. McGowan: You did say it was a boom.

Mr C.J. BARNETT: I did not. However, that is semantics; that is not important.

We had a record rise in Australia's terms of trade, with commodity prices at unprecedented levels. We saw, as a result, mass migration, international and interstate, into Western Australia. Our population, with natural growth, grew by nearly 500 000 people. We have seen a doubling of mineral production, particularly iron ore. We have seen a trebling of liquefied natural gas, we have seen the Ord River project, and we have seen reform in disability, the greatest conservation measure the state has ever seen in terms of the Kimberley protection, heritage projects brought back to life, 2 000 to 3 000 hotel rooms under development, and so on. We have seen a complete renaissance of the City of Perth.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the first time.

Several members interjected.

The SPEAKER: Member for Cannington, I call you to order for the first time. I call to order the member for Joondalup for the first time. Thank you.

Mr C.J. BARNETT: On almost all the major projects that have been achieved over the past eight years, the one constant has been the opposition and the criticism by members opposite on everything—on Elizabeth Quay, on the stadium, on the Ord River and on genetically modified crops; I could go on and on and on. All we get is negativity.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I call you to order for the first time.

Mr C.J. BARNETT: We have two significant issues. They should be items of public debate in the election campaign, and they will be. I am as conscious as anyone that many people have lost their jobs. From a period only two years ago when the resources industry was saying that it was 200 000 people short—I never said that

because that is the cycle, and cycles come up and go down—a lot of people have been displaced, a lot of people have lost their jobs, and a lot of people are concerned about job security and their financial position. That is the rough ride that we have. Insecurity about unemployment and employment is probably the most important issue and it is therefore important that we have a state government that is capable of making decisions and growing mining, farming, tourism and all of those activities, not an opposition that simply criticises. That is all the opposition does—knock, knock, knock, criticise. We have a financial issue. Yes, state debt is far higher than I, the Treasurer or anyone else would want. When this state loses $4.7 billion this financial year to the other states, there is no circumstance in which this state could run a surplus—none at all.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I call you to order for the second time.

Mr C.J. BARNETT: If we were to say that we would run a surplus while we get 30c in the dollar GST —

Mr B.S. Wyatt: You knew about that; you could have seen that coming.

Mr C.J. BARNETT: Surpluses are on an annual basis, July to June. That is the way it works. If we were to say that there must be a surplus, do you know what we would have done? We would have had to fire teachers and nurses, close schools—all those sorts of things would have happened, and we were not prepared to do that. We have funded disability; we have funded people who needed care in our community—child protection and all of those things. If the opposition wanted to have a balanced budget in this environment, tell us how many nurses would be sacked, which schools would be closed, and how many people would lose their disability benefits. That is the issue that the opposition can never face.

I will make one point. I was not going to say this, but I will. In four years—eight years of government, but let us just look at the four years—when did the opposition have this government under serious pressure? When?

Several members interjected.

Mr C.J. BARNETT: Tell me the issue. Tell me the issue, because when the opposition was in government —

Several members interjected.

The SPEAKER: Thank you!

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler!

Mr C.J. BARNETT: When the Labor Party was in power, we had member after member before the Corruption and Crime Commission. We had them reeling. Through the Gallop and Carpenter governments, it went on and on and on. The whole Parliament was just a fiasco!

Going for a third term is not easy, I recognise that. I recognise that the economy is going through not a recession, as the opposition would say, but a difficult time. But when did the opposition land a knockout blow? Did it do it once? No, it did not. It could not even do it! Members opposite banged on about the water park at Elizabeth Quay. Big deal! They picked on Troy Buswell when he had a mental health problem. That is what they did. They picked on someone who had —

Several members interjected.

The SPEAKER: Thank you. All right—10 seconds.

Mr C.J. BARNETT: Probably the most contentious issues were the issues relating to Troy Buswell. We saw that just in the last week with a report. The opposition looked for the smoking gun; it thought there was a cover-up and there was not. There was none. The CCC found no cover-up, no smoking gun; that is as close as the opposition got to landing a big punch, and it could not do that!

BARNETT GOVERNMENT — PERFORMANCE

934. Mr M. McGOWAN to the Premier:

I have a supplementary question.

Several members interjected.

The SPEAKER: Member for Wanneroo, I call you to order for the first time; member for Victoria Park, for the first time.

Mr M. McGOWAN: I have a supplementary question.

Mr J. Norberger interjected.

The SPEAKER: Member for Joondalup, I call you for the second time.

Mr M. McGOWAN: As the Premier who has presided over a higher unemployment rate than South Australia and Tasmania, and after having ignored all the warning —

Mr S.K. L'Estrange interjected.

The SPEAKER: Member for Churchlands, I call you for the second time.

Mr M. McGOWAN: As the Premier who has presided over higher unemployment than South Australia and Tasmania and as the Premier who has failed to diversify and broaden the Western Australian economy as called upon to do so by many people, why has he not got a plan for jobs like WA Labor has a "Plan for Jobs"?

Several members interjected.

Mr C.J. BARNETT replied:

Here we go! Have we got a plan? We are growing the tourism industry; we support genetically modified crops; we are developing the Ord River; and I could go on and on and on. I do not hold up a flimsy little bit of paper —

Several members interjected.

Mr C.J. BARNETT: Call it—you or whoever—a plan for Western Australia! When did we make the decision on Elizabeth —

Several members interjected.

The SPEAKER: Sit down.

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park, I call you to order for the second time.

Mr N.W. Morton interjected.

The SPEAKER: Member for Forrestfield, I call you to order for the first time.

Several members interjected.

The SPEAKER: Member for Swan Hills, I call you to order for the first time. Member for Armadale, I call you for the first time. I do not need another speech.

Mr N.W. Morton interjected.

The SPEAKER: Member for Forrestfield, I call you for the second time.

Mr N.W. Morton interjected.

The SPEAKER: Member for Forrestfield, I call you for the third time.

Mr C.J. BARNETT: So, Mr Speaker —

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I call you for the third time.

Mr C.J. BARNETT: This, presumably, will be the last day of sitting for the Assembly and then we will be in an election campaign; there is no doubt about that. People will look. The Leader of the Opposition's supplementary question refers to South Australia. Where would members want to live? Where would a young family want to be—in Western Australia or South Australia? Where do members reckon they would want to be?

The comparisons that the Leader of the Opposition makes are from one year to another. He does not understand the difference between comparison over time and looking at absolutes. If we look at the absolutes, we see that this state produces nearly 45 per cent of Australia's export. We dominate Australia's international trade. We dominate Australian investment. We have the highest productivity and the highest incomes, and we dominate it. If the Leader of the Opposition wants to go live in South Australia, they deserve him; they can have him.

PERTH STADIUM — LOCAL JOBS

935. Mrs G.J. GODFREY to the Minister for Sport and Recreation:

On behalf of the member for Dawesville, I welcome to the Speaker's gallery today students from Glencoe Primary School and their teacher.

Can the minister please update the house on the progress of the Perth Stadium and what it means for local jobs?

Several members interjected.

Ms M.J. DAVIES replied:

Thank you, Mr Speaker.

Mr D.J. Kelly: Where's your boss today?

The SPEAKER: Thank you!

Ms M.J. DAVIES: I will tell members where he is; I am glad they asked. For 13 weeks he sat in this house and the opposition did not ask him one question about the thing —

Several members interjected.

Ms M.J. DAVIES: He is in Kalgoorlie talking to the people of Kalgoorlie about a policy that opposition members do not have the —

Several members interjected.

The SPEAKER: I want to tell you I have been reluctant —

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah! I have been reluctant to send anybody out to have an early cup of tea, but the way things are going, there is going to be a few people who will have company. I am going to ask you to let us get on with the business.

Ms M.J. DAVIES: For the kids in the gallery today, we are building the most magnificent stadium, the best in Australia. It is for the future, for those kids to be able to enjoy, with their families. Whether they are on the pitch or there as a spectator, it will be a magnificent piece of infrastructure.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Ms M.J. DAVIES: I was out there yesterday. The pitch works are under construction. The facade is going up. Every time I go past, it is looking absolutely fabulous.

Several members interjected.

The SPEAKER: Member for Bassendean, I call you for the first time. Member for North West Central, I call you for the first time.

Ms M.J. DAVIES: The fit-out is well underway and there will be grass on the pitch.

Mr D.J. Kelly: Grass!

Ms M.J. DAVIES: There will be grass on the pitch by the beginning of next year. Then, I think, we will start to see the helicopters going over to have a gander at what is going on inside the stadium, because it will look magnificent. I was out there yesterday, talking to some of the workers who are employed on site, and that is what I want to talk about today. A significant number of people are employed on this project, and well before the doors open to this magnificent piece of infrastructure, we are delivering benefits for Western Australians. We have created 420 new jobs in the construction of the stadium and we have sustained more than 2 300 existing jobs in Western Australia. Eighty per cent of the contracts, something that these members over here —

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the second time.

Ms M.J. DAVIES: Eighty per cent of the contracts we have let for the stadium have been let to Western Australian businesses. Seventy-seven businesses have more than $450 million worth of contracts as a result of this stadium. I can tell members that 20 contracts have gone to Australian businesses, with a value of $78.9 million, and only two have gone to overseas businesses. We made a commitment to the Western Australian public that we would make sure that taxpayers' dollars would be invested back into the state to help build this iconic piece of infrastructure. It was not done by mistake; it was part of the tender to make sure that we prioritised businesses here in Western Australia to get the work.

What was really pleasing when I was out there yesterday is that I spoke to a young lady called Jasmine. Jasmine is working for Barclay Engineering. She is an apprentice—one of 100 apprentices on site; that number will increase to 109 this month. Jasmine is a young Aboriginal woman who has started her apprenticeship and who is working with Barclay Engineering.

Mr D.J. Kelly interjected.

The SPEAKER: That is enough, member for Bassendean.

Ms M.J. DAVIES: She has done the balustrading around the perimeter of the stadium. She is absolutely delighted to have been given the opportunity to start her apprenticeship on this iconic project. She is also a young female footballer and one day hopes to be able to run out and represent either the Dockers or the Eagles. She was just beside herself with excitement and she was very happy to talk about how she really enjoys coming to work every day. Every time I go out, people are excited about the opportunity that this project has given them not only to work but to work on a really important project for Western Australians.

Before I sit down, can I say that this project was started by the Premier and the previous Minister for Sport and Recreation, "Tuck" Waldron, who delivered his valedictory speech yesterday. A significant number of new pieces of infrastructure and programs have been funded in Western Australia through the sport and recreation portfolio since 2008. Tuck is beloved in that sector, but we do it as a state government because we understand how important sport and recreation is to having healthy and happy communities. I pay my respects to the former minister for his efforts in making sure that cabinet and the Premier were supported in delivering those projects.

STATE ECONOMY — TREASURER'S COMMENTS

936. Mr B.S. WYATT to the Treasurer:

I refer to the Treasurer's proposed third-term fiscal strategy that, and I quote —

> Iron ore prices will be back and everything will be hunky-dory.

Given the disastrous unemployment figures released today, to what level does the Treasurer's hunky-dory fiscal strategy assume the iron ore price will rise?

Mr C.J. Barnett interjected.

Dr M.D. NAHAN replied:

He forgets things. He is a young man but he forgets. He asked me a question yesterday about the outcome of the election. I made a flippant —

Several members interjected.

Dr M.D. NAHAN: When I said "hunky-dory", I meant us on this side—we will be back!

Mr B.S. Wyatt interjected.

Dr M.D. NAHAN: We will be back and the member will be mired in opposition for the rest of his political career.

The real question he should have asked, instead of flippancy, was: what are we doing about the key issues of jobs?

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park, I have called you twice and I have been lenient on you.

Dr M.D. NAHAN: As the member for Victoria Park said, governments can do three things—he is right—to facilitate jobs. They can sell assets to invest in capital. They are not doing that —

Point of Order

Mr B.S. WYATT: Mr Speaker, you made the point only yesterday about short questions and short answers. My question was simply: to what level does the Treasurer assume the iron ore price will rise under his hunky-dory strategy?

The SPEAKER: Thanks. That is it. It is a simple question.

Questions without Notice Resumed

Dr M.D. NAHAN: I assumed that it was a serious question. I am treating it seriously —

Several members interjected.

The SPEAKER: I did ask for short questions and short answers. We had a very long first question, and I do not want a very long third answer.

Dr M.D. NAHAN: I am trying to answer his question but he is not allowing me.

The SPEAKER: Through the Chair—let's go.

Dr M.D. NAHAN: Why do I think Western Australia, the economy and the politics will improve from here? That is quite true—hunky-dory and terrific; yes. I will start with the politics, because we are going to win the next election. That is good. Starting there—good government will continue!

Several members interjected.

Dr M.D. NAHAN: The member just asked me a question. That was the question and I am giving the answer.

Second, on the economy, if members look, there are green shoots of the economy all over the place. What happened to the employment rate today? What happened to employment growth? There were 6 800 additional jobs in Western Australia in October. There were 6 800 jobs! There was also growth in the participation rate. Why did that happen? It was because people are getting more confident about going back to look for work. That is what the data shows. Opposition members of course look at everything from the gutter and in the ground—negativity. Look at iron ore prices, look at gold, look at investment in drilling, look at investment, look at mineral processing and look at lithium plants. They are growing. Members opposite cannot see it. We can! Who do the people of Western Australia want to govern—people who cannot see things or people who have vision? It is not people who have little, empty books that say the same things three times.

Several members interjected.

Dr M.D. NAHAN: Will the Western Australian economy go back to its growth? Yes. We can see the signs now. Will the opposition's plan of empty, vacuous statements help? Absolutely not. It is irrelevant. What counts is for government to govern well and invest in infrastructure during a downturn in investment. We are doing it and we will continue to do it. The simple fact going forward is that the Labor Party has no capacity to invest anything like it is promising. It has no capacity. It has ruled out asset sales. The member for Victoria Park has not. The Leader of the Opposition promised to do it, but the member has ruled it out! The Labor Party has promised to keep expenditure low. It is going out there promising, like it did last time, great expenditures, and it is a big mirage.

STATE ECONOMY — TREASURER'S COMMENTS

937. Mr B.S. WYATT to the Treasurer:

I have a supplementary question. Time and again the Treasurer has stated in this place that monthly figures should not be taken into account. After 22 months of deteriorating unemployment, at what point will the Treasurer start to take an interest?

Dr M.D. NAHAN replied:

I admit that every month you guys come out and say, "This month is bad", and then you shut up when it is good! All I can say —

Several members interjected.

The SPEAKER: That is enough!

Dr M.D. NAHAN: The member asked a question about the unemployment figures. What do they say? Six thousand eight hundred additional jobs, 4 000 full-time jobs and a large increase in the participation rate, which is two to three percentage points above the rate in any other state. Those are the facts. Do I think it is going to continue? It is going to be erratic. But do I think we are going to have continual improvement? Yes. I have confidence in Western Australia. I have confidence in the growth of Western Australia. If members opposite do not, give up!

ROAD TOLL — STRATEGIC TRAFFIC ENFORCEMENT GROUP

938. Mr R.F. JOHNSON to the Minister for Police; Road Safety:

Mr Speaker —

Mr J.M. Francis: Valedictory!

Mr R.F. JOHNSON: That interjection may be your valedictory, sunshine!

The SPEAKER: Member for Hillarys, I gave you the call. Just ask a question.

Mr R.F. JOHNSON: Thank you, Mr Speaker. I got a rude interjection from the member for Jandakot.

The SPEAKER: I never heard it, so ask the question through the Chair.

Mr R.F. JOHNSON: My question is to the Minister for Police; Road Safety. I am sure the minister is aware that the road toll to date is higher than last year's total of 161 deaths.

(1) Does the minister accept that she has much more funding available to her than was the case with any previous minister—namely, about $130 million per year?

(2) Does the minister accept that her road safety strategy is not working and that there is still around $100 million sitting idle in the road trauma trust account while people are dying on our roads?

(3) Will the minister now accept my proposal, which has been endorsed by the WA Police Union and the RAC, to increase the strategic traffic enforcement group by 400 police officers, funded out of the road trauma trust account, thereby having a much bigger presence on our roads, which would save lives; and, if not, why not?

Mrs L.M. HARVEY replied:

I thank the member for Hillarys for this question on road safety.

(1)–(3) It is true—the road toll this year is appalling. As members in this house will know, having lost a family member to a road crash, I have an intimate understanding of the trauma that that inflicts on a family for many years post an accident or a crash that takes a life or indeed causes a serious injury. What are we doing about it? This year we have allocated a record $155 million from the road trauma trust account towards road safety initiatives. That is going towards addressing the major causes of road crashes, fatalities and serious injuries in the state. The funding is going, for instance, to regional areas—putting rumble strips in and sealing the shoulders on regional roads to try to prevent run-off-road crashes. I am expanding the fleet of red-light and speed cameras from 30 to 90 because we know that where we put those red-light cameras in at intersections, we get a 64 per cent reduction in crashes. We know they

work. That is why we are expanding the camera fleet. We are putting $4 million this year into education campaigns targeting the key target groups that we need to get to; that we know are represented in our road stats. They are younger men who are risk-takers. They are people who routinely speed. In relation to seatbelts, we have education programs going out targeting regional areas in particular where we have low compliance with seatbelts.

We have recommendations from my wheatbelt highway safety review and my motorcycle safety review that we are in the process of implementing. We are performing intersection upgrades wherever we can in metropolitan areas. We will continue with our commitment to the Towards Zero strategy, which aims to reduce fatalities and serious injuries on our roads by 40 per cent by the year 2020. I am not happy with the road toll this year. No-one can be happy with it, because one death is too many, but with $155 million going into road safety initiatives, the government is doing everything it can based on the expert advice it receives from road safety experts as to what it needs to do to reduce the road toll.

ROAD TOLL — STRATEGIC TRAFFIC ENFORCEMENT GROUP

939. Mr R.F. JOHNSON to the Minister for Police; Road Safety:

I have a supplementary question. With the RAC and Department of Health members on the Road Safety Council resigning from the council because it is no longer independent, is it not now appropriate for the minister to take the honourable action and resign?

Mrs L.M. HARVEY replied:

I answered questions on the Road Safety Council last week. That answer is already on the record. Member for Hillarys, your last question in this place—goodbye!

Several members interjected.

The SPEAKER: That is enough. That question is finished.

HEALTH SECTOR INVESTMENT

940. Mr C.D. HATTON to the Minister for Health:

The Liberal–National government has an unmatched record in the health portfolio, having increased the state budget —

Several members interjected.

The SPEAKER: Member for Mandurah, member for Cockburn, for the first time.

Mr C.D. HATTON: I will start again. Minister, the Liberal–National government has an outstanding and very good unmatched record in the health portfolio, having increased the state budget investment in this area by close to 80 per cent since 2008. Can the minister please update the house on recent achievements made in the health sector in this time?

Mr J.H.D. DAY replied:

Indeed, the health system in Western Australia is one of the many areas of responsibility for which this government has a very strong and enviable record.

Ms S.F. McGurk interjected.

The SPEAKER: Member for Fremantle, I call you to order for the first time.

Ms S.F. McGurk interjected.

The SPEAKER: Second time. Thank you.

Mr J.H.D. DAY: There has been a very substantial transformation of the public hospital and health system right across Western Australia in the eight years that we have been in government—it will be eight and a half years at the time of the election in March. For example, as the member indicated, there has been an almost doubling of recurrent expenditure, up from $4.8 billion to $8.6 billion a year, and there has been a $7 billion investment in rebuilding the hospital and health system. Those rebuilding projects range from the very large well-known projects in the metropolitan area, including Fiona Stanley Hospital, Perth Children's Hospital and Midland Public Hospital, to many other locations in large and small centres in regional parts of Western Australia, including Albany, Esperance, Kalgoorlie, Carnarvon, Hedland, Karratha and Busselton, and many others, as well in smaller locations. For example, there have also been improvements to remote health facilities such as Indigenous health clinic upgrades, which are very important for remote Indigenous communities. There has been some significant funding from the government's royalties for regions program to expand regional health services, including enabling and expanding the emergency telehealth service, for example, which is now available in over 70 hospitals, health centres and nursing posts right around Western Australia; and there are innovative new services, including the telestroke service, which is providing care, coordination and outcomes for country patients. In the last financial year, 2015–16, there were almost

33 500 occasions of clinical services delivered by telehealth across regional WA. I am pleased to advise that in a recent patient survey, 98 per cent of respondents indicated that they were satisfied with the telehealth service and 79 per cent were very satisfied. In order to provide support for regional patients who need to attend specialist appointments in person, since 2008–09 the government has also facilitated a 77 per cent increase in trips provided under the patient assisted travel scheme. Although there has been a substantial increase in expenditure, there has also been a significant focus on ensuring we have a financially sustainable health system. In the current financial year, the increase in expenditure is expected to be slightly less than five per cent, at about 4.8 per cent. A lot of effort has been put in to try to ensure we have an affordable and sustainable system from within our state's finances, given the enormous pressure, for reasons that are completely beyond the government's control and that everybody is well aware of. That has been partly achieved through the 1.5 per cent pay increases that have been agreed to across the health sector and in other areas of government responsibility this year.

The SPEAKER: Minister, 30 seconds!

Mr J.H.D. DAY: In 2016–17, our recurrent budget allows hospitals to provide for over one million emergency department patients, with 600 000 admitted to hospital, 2.5 million patients who have outpatient appointments and 80 000 having elective surgery. I make reference to one particular project that was given recognition at the WA Health Excellence Awards a couple of weeks ago.

Several members interjected.

The SPEAKER: That is enough. Member for Willagee, I call you to order for the first time. Minister, you have now got 15 seconds.

Mr J.H.D. DAY: The people involved in the WA trachoma project need appropriate recognition for their work in the *Hansard* of the Western Australian Parliament. They received the director general's award for their efforts in reducing the incidence of trachoma in Aboriginal communities from 24 per cent —

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park, I call you to order for the third time.

Mr J.H.D. DAY: The WA trachoma project has reduced the incidence of the eye infection trachoma from 24 per cent down 2.6 per cent over the last 10 years, and the program is expected to eliminate completely the very serious eye infection in Western Australian Aboriginal communities by 2020. That is just one example of the work that is occurring in our health system. I could give many other examples, but I commend all those involved in the WA trachoma project as part of the Western Australian health system.

ESPERANCE BUSHFIRES — WATER BOMBERS

941. Mr M. McGOWAN to the Minister for Emergency Services:

I refer to the report released today into the Esperance bushfires, which highlighted a phone call between the member for Eyre and the minister on Tuesday, 17 November 2015 requesting water bombers for the blazing fires.

(1) What actions did the minister take immediately after this request?

(2) Why was action not taken earlier to send water bombers to Esperance?

(3) Why did the minister tell the member for Eyre that water bombers could not be deployed until a fire is classified as level 3, when the Department of Fire and Emergency Services has stated that this is incorrect?

Mr J.M. FRANCIS replied:

(1)–(3) I thank the Leader of the Opposition for giving me this opportunity.

Mr R.F. Johnson interjected.

The SPEAKER: Member for Hillarys, I call you to order for the first time.

Mr J.M. FRANCIS: I cannot understand the gobbledegook coming from over there.

Let me take the opportunity to make it crystal clear going into this fire season, as I have done in this place over a number of years to all members, how the level 1, 2 and 3 scale escalates, who has responsibility, who has command and control and what assets can be deployed for use. Obviously, a level 1 fire is a very basic fire that is first attended, generally in regional Western Australia, by the local volunteer bush fire brigade; they would be the only ones in attendance normally for a level 1 fire. If they needed support and needed to bring in resources from outside their area, including aerial assets, if requested, that would then be called a level 2 incident. Just two days ago, on Tuesday, when I was speaking in question time about emergency services, I pointed out that about 40 bushfires were burning across the state, none of which were level 3 incidents, but anyone who watched the television news would have seen that a significant number of aerial assets had already been deployed to those fires on Tuesday night. A fire does not have to be a level 3 incident —

Mr M. McGowan: Why didn't you tell the member for Eyre?

Mr J.M. FRANCIS: Leader of the Opposition, no-one asked me until right now whether that is correct or whether the member for Eyre maybe misunderstood it. Let me tell members something else. I heard the Leader of the Opposition's comments about what he said earlier in a press conference about why the minister did not organise aerial assets. Let me tell members something else—beware the state of Western Australia if the Labor Party ever has its hands on emergency services. I will tell members why, and this is a message for all members of Parliament regardless of which side they are on. I will tell members how it does not work. It does not matter whether a member is a backbencher, a minister, a shadow minister or anyone else with the loudest voice and my phone number; I will never direct the resources of emergency services personnel during a crisis. I will never ring the commissioner and say that he has a well-trained team 24/7 at the state operations centre —

Several members interjected.

The SPEAKER: We are running out of time. I want the minister to address this thing about a water bomber and level 3.

Mr J.M. FRANCIS: It is a very, very serious answer because every fire season I get phone calls from members of Parliament on both sides saying things like, "Hey, minister, can you ring the commissioner and get the incident manager to let me through a boundary to go into a fire district?" The answer is no; I will not do that. I will not put people's lives at risk. That is because members of Parliament are no more important than the people whom we represent. We have no more rights on a fireground than the people whom we represent. Another thing I will not do is ring the commissioner and instruct him to advance resources, whether they be tankers or fire trucks —

Several members interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the second time. Member for Warnbro, I think you have been very lucky; this is only the first time. I must be sleeping, member for Warnbro.

Mr J.M. FRANCIS: That is not how emergency services are deployed across the state of Western Australia, when professionals who are in the state operations centre 24/7, with a helicopter view of the entire state's requirements, make a judgement call. It does not work like that. If the Leader of the Opposition thinks it works like that, heaven help the people of Western Australia if he ever sits on this side of the house again.

ESPERANCE BUSHFIRES — WATER BOMBERS

942. Mr M. McGOWAN to the Minister for Emergency Services:

I have a supplementary question. I refer to the desperate call by the member for Eyre on the afternoon of Tuesday, 17 November, requesting the presence of water bombers to attempt to save lives in that fire. Did the minister take any action whatsoever post that phone call from the member for Eyre; and, if so, what was it?

Mr J.M. FRANCIS replied:

As I said, I have told every member in this place time and again how levels are escalated and I have told them time and again when they ring me during a fire and request resources that it does not work like that. We are a responsible government. If we were not —

Several members interjected.

The SPEAKER: Member for Girrawheen, for the third time.

Mr J.M. FRANCIS: If we were not in government and if the Labor Party was in government, we can imagine what would happen. Bushfires in Labor seats would be put out and bushfires in Liberal seats would be left to burn. Members with the loudest voice and the best phone numbers would be the ones who had best service for their electorate. We do not politicise emergency services. We do not prioritise assets depending on whether or not a member has the minister's phone number. It does not work like that.

The SPEAKER: That concludes question time.

Several members interjected.

The SPEAKER: Thank you. I call the Premier to order for the first time. I would like to call everybody else to order for the first time, but I cannot write that quickly. Please settle down.

EXECUTIVE OFFICER REMUNERATION (GOVERNMENT ENTITIES) LEGISLATION AMENDMENT BILL 2015

Returned

Bill returned from the Council without amendment.

SCHOOL CURRICULUM AND STANDARDS AUTHORITY — "2015–16 ANNUAL REPORT"

Correction — Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): I have received advice dated 17 November 2016 from the Minister for Education highlighting an error in the School Curriculum and Standards Authority's "2015–16 Annual Report", which was tabled on 22 September 2016. The minister has attached an erratum to correct the transposition of a figure that appears on page 23 of the report. Under standing order 156, I have authorised that the necessary correction be attached to the tabled paper.

[See paper 4905.]

PAPERS TABLED

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

RESTRAINING ORDERS AND RELATED LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2016

Second Reading

Resumed from an earlier stage of the sitting.

MS L.L. BAKER (Maylands) [2.47 pm]: I return to the debate that we began before the lunchbreak on the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. Before I return to the topic that I wish to focus on, which is known as the cruelty connection, I will pick up on an issue that was raised by three members before the break. My colleague the member for Armadale —

Point of Order

Dr A.D. BUTI: Mr Speaker, I am seeking to hear the member for Maylands and even though she is next to me, I cannot hear a word.

The SPEAKER: Members, please stop your private meetings.

Debate Resumed

Ms L.L. BAKER: When this debate commenced, two speakers referred to issues of family and domestic violence and the gender perspective on the breakdown on men and women as victims of family and domestic violence. I say emphatically that of course there will always be men who are subject to violence and who become victims of domestic violence in a home. However, historical and current research is completely clear; the figures show that 80 per cent of the victims of family and domestic violence are women or children. That means that a very small proportion of resourcing would be allocated to target men in these circumstances. I do not want anyone in the chamber to think that it is okay to argue for an equal share of the resources when 80 per cent of victims of family and domestic violence are women and children. The murder of women in these circumstances has no comparison.

The ACTING SPEAKER: Members, there is a general rumble in the jungle. Member for Cockburn and Leader of the House, if you need to have a discussion, you can take it outside. We need to give our attention to the member for Maylands.

Ms L.L. BAKER: Just to underline and put a highlighter through the point that I am making, the majority of resources that go into protecting people from family and domestic violence are quite rightly and quite justly targeting women and children who are victims of this heinous crime. Although I am not saying that men do not suffer from this sort of violence, if members compare the 20 per cent of men who are victims of family and domestic violence with the 80 per cent of women and children who are victims of family and domestic violence, that should give them some gauge of the severity of this issue on a gender basis. It is important that I put my feelings about that on the record, because I am concerned that sometimes we get incorrect information, or different people's perspectives, and that clouds the issue. There is no doubt that women suffer from domestic and family violence way more than our male counterparts.

I will now return to the topic that I started with before the break for question time. I am particularly interested in the link between animal cruelty and abuse, and domestic and family violence. As far as I am aware, there is not much current research in Australia. However, in 2012, a seminal piece of research was conducted in New Zealand by the Royal New Zealand Society for the Prevention of Cruelty to Animals, which is the New Zealand equivalent of the Royal Society for the Prevention of Cruelty to Animals, assisted by surveys from women's refuges. This piece of research is called "Pets as Pawns: The Co-Existence of Animal Cruelty and Family Violence". I want to put on the record why this is extremely important. I should start by saying that I understand that proposed new section 5A of the bill address how the crime of animal cruelty and violence is classified. I am heartened that the minister who has carriage of this bill has acknowledged that this issue requires attention and should be taken forward in the next Parliament. I have just heard that the United Kingdom Parliament is currently discussing a piece of legislation that will put crimes against animals on a different level in the court system and enable them to be punished more severely. I look forward to seeing the results of the debate on that bill.

A common feature of what the literature calls the cruelty connection—namely, the link between violence to animals and family and domestic violence—is that the perpetrator of the violence often uses either an overt or covert threats to harm animals as a mechanism to attain, and maintain, control of their family. There are a number of manifestations of this type of cruelty. I will put some of those on the public record now so that we can discuss them as this legislation is rolled out and address them in the future, perhaps in separate clauses or separate legislation.

The New Zealand study found that animal cruelty is manifest in two main ways—cruelty to animals within and during the relationship, and cruelty to animals after leaving the relationship. The study contained a detailed analysis of what this means. It found that animal cruelty within and during a relationship manifested as normalised violence and psychological and emotional abuse. Animal cruelty commonly occurs as a normalised demonstration of anger. Gradual exposure to a partner's violence towards animals results in women learning to fear their partner's capacity for harm, and to the fear that their partner's violence could escalate to a physical attack on them or their children. Because of this fear, women often describe guilt at not intervening to defend an animal, because they either knew from previous experience, or suspected, that any attempt to rescue the animal would result in them or their children being hurt. The perverse satisfaction gained from hurting animals is identified as a separate classification, because the animals that are hurt or killed are generally the family's domestic pet. Further, the cruelty was orchestrated, and the perpetrator actively sought out the animal in order to injure them. The cruelty also generally occurred with no anger. That is an issue in itself that reflects the kind of emotional torture that a perpetrator of this type of crime is likely to bring to bear. Although this form of violence generally excludes animals and family pets, the fact that the perpetrator inflicted the pain on the animal in the presence of family members establishes a context of fear.

Cruelty to animals is often used as a punishment for unsatisfactory behaviour. Family violence-related animal cruelty was most commonly reported as a form of punishment. The cruelty involved injury or death of an animal in retribution for a family member's unsatisfactory behaviour. As such, the animal cruelty is orchestrated to directly hurt the woman and her children. The outcome of the abuse is a level of intimidation that secures the family's compliance and obedience for fear that their cherished animal will be beaten or killed. Another motivating factor for engaging in aspects of animal cruelty factor is the perpetrator's jealousy of his partner or child's animal. In these situations, the perpetrator will harm an animal with which his partner and/or her children have a close connection, to give the non-verbal message that family members should not have affection for anyone or anything other than the perpetrator. This form of abuse is identified as one of the first indicators of family violence. The nature of the violence will often escalate and broaden to include physical violence towards family members. This form of animal cruelty differs from normalised violence because no apparent anger underpins the cruelty. There is a significant list of circumstances in which animal cruelty is manifest during and within a relationship.

I will now mention some of the circumstances in which animal cruelty can manifest after a woman has left a relationship. It is common for a perpetrator to communicate via telephone, text or a third party their intention to harm animals left in their care. This can create anxiety for a women and her children and is commonly cited as a reason for a woman to return to a relationship. There are numerous reports of perpetrators who have harmed or killed animals left in their care. Harm and/or death are interpreted as a malicious punishment for the woman leaving the relationship.

I will give members a bit of personal experience. About six years ago, I was involved in an equine rescue charity and was delivered a horse that had been rescued from the specific circumstances I have just described. The partner had decided that his wife and children were paying too much attention to the animal. Emotional things were happening in the relationship and the relationship had broken down, so the perpetrator had taken it upon himself to torture the horse. When the horse was delivered to me, it had been severely abused. On the scale of condition of the RSPCA, and I think also the Department of Agriculture and Food, the abused horse was at the lowest level of condition, which is basically that we were lucky it was still standing, let alone breathing. This was a very young and very big thoroughbred. He was not quite four years old and was just over 17 hands. He was in an appalling situation when he got to me. He had been left in a small yard, with his rugs on, and had developed a fungal infection under his rugs. He had not been given any care, food or attention. I am happy to say that when the horse left me and was rehomed, he was very fat and his coat was shiny. That is a personal example of how a perpetrator will take out his anger by punishing an animal that is left in his care. Another manifestation is isolating a woman and her children from a third-party support system. Although it is not often discussed, it has been reported that perpetrators have harmed the pets and animals of friends and extended family members in retribution for helping their partner and children escape a relationship. That is also not unheard of.

The Women's Council for Domestic and Family Violence Services has introduced a system whereby when a woman comes to a shelter, one of the questions they are asked is whether they have any pets or dependent animals that they are worried about. The problem is that there are no related services to help that woman and her children find a home, move the animal and put it into circumstances in which they can trust that it is safe. I will

talk about that at the end of my presentation because the RSPCA WA has offered to do exactly that. I want to put that on the record before I sit down today. It is quite clear that many women will delay leaving a relationship because of the animals. They have an overwhelming fear of leaving because of what will happen to their family pets or the animals that they or their children love.

Some women said that at the time they were going to leave a relationship, they had ceased caring about the welfare of the animal and were solely focused on their own and their children's wellbeing. Members can well imagine why that would have happened and quite rightly so. They would be very concerned when their children are being threatened as an escalation of this behaviour. When escalation of family violence occurs, women fear directly for the most vulnerable in the family. The most vulnerable members of the family are, obviously, children, but pets or animals in the family are also vulnerable. A number of stories are told of women walking the streets with their three-year-old holding their hand and with a labrador tied to a piece of string in their other hand, looking for somewhere to find a home to escape violence. There are a number of structural barriers to women leaving violent relationships—for instance, a lack of rental accommodation available to people with animals, prohibitive cost and an insufficient amount of kennel or animal boarding facilities. This is particularly the case when a large animal is involved—a horse, a cow, a goat, a sheep or something like that. It is very hard to find somewhere to put them.

[Member's time extended.]

Ms L.L. BAKER: There are a number of logistical difficulties with and structural impediments to finding a way to move animals, particularly big animals, including the cost of transporting an animal. A woman may be escaping a violent situation and not have a car or simply not be able to afford the petrol to take the animals with her. A series of misconceptions may stop women reporting to the RSPCA, such as suspect information and misinformation. A woman might think that if she calls the RSPCA to help, the animal will be under the threat of euthanasia if she cannot pick it up or that there will be a time limit for the RSPCA's ability to look after that animal. That points to one of the recommendations that I think need to be made about giving the public, particularly women in these situations, better advice about what services are available.

There are also legal considerations and issues about police responsiveness that we have heard others speak about today. I have a lot of information about quantitative findings, particularly from a New Zealand study that was a survey of women's refuge clients carried out to better understand the role of pet and animal abuse within violent situations and to estimate the scale of the issue.

On threats and actual injury or death, women's refuge survey participants were asked whether a family member or partner had ever threatened to kill or injure one of their pets and whether a family member or partner had actually gone ahead and injured or killed one of the animals or farm animals. Of the survey respondents, 54.7 per cent said that at some point a family member or partner had threatened to kill pets, animals or farm animals. Of that number, 79 per cent stated that at least one threat had occurred within the previous two years. Those who reported abuse occurring within the previous two years equated to 42.9 per cent of the respondents.

Regarding perpetrators, the majority of respondents reported that it was their partners who had threatened to either harm or actually injure or kill their pet or animal. Approximately 90 per cent of threats and actual harm to those creatures were made by the partners and 32.7 per cent stated that one or more of their children had witnessed their partner or family member living at home threaten to injure or kill a pet or an animal. The point about this issue is that the link between abuse of and cruelty to a vulnerable creature and how that escalates into a more serious and more violent crime is very well documented in medical journals, criminal justice journals and other journals. If somebody has a propensity to take their anger out on something that is more vulnerable, as their confidence builds and they cause more abuse or threaten to kill, or kill a creature, it is more likely that they will escalate into violent behaviour towards their partners or towards adults. The Federal Bureau of Investigation in America has significant research that tracks the basis of what we call in modern society serial killers. It looks at their behaviour as children; they have often tortured or abused their own or other people's family pets. This is only hearsay—I cannot remember the details—but I remember someone telling me many years ago that somebody in Darlington had found that a number of pets had been killed and left under the boards of their house. It was tracked back to somebody who lived there as a child who had gone on to commit other offences against people. Again, that is hearsay and I do not have the facts about that, but it is an interesting story that links to this issue. Approximately one-third of respondents to the survey in this New Zealand report reported having stayed in their relationship for fear that their partner would injure their pets or animals. Other obvious reasons we have problems in this area are a prohibitive cost of care, lack of care options and a lack of alternative accommodation. The issue of the coexistence of animal cruelty and family violence should be made public in the community so that people are aware of how perpetrators work and how they use power and abuse in relationships to conduct these violent attacks.

One of the things that is done in other countries and the eastern states about this issue is that the police, the RSPCA, child protection and family services work very successfully together with shared information

agreements. At the moment, we know that an RSPCA general inspector or someone who works for the RSPCA is quite probably not an expert in family violence. The same thing applies when the shoe is on the other foot. A person who works for a child protection agency will not necessarily be able to spot the characteristics that show that the pet in the family has been the subject of abuse. Those key agencies should be brought together. If, for example, an RSPCA inspector is called to a home where pets have been reported as not being fed properly, being violent or being injured, and sees that, along with the two cats and the four dogs that are all suffering from various injuries, are very malnourished and are clearly cowering in the corner, three children are behaving in the same way, there is no protocol that directly says that the information that the RSPCA collects should be put through to police so that the police can investigate what is going on. I know that the police do not need more work, but this is family and domestic violence and it is a pretty significant issue. The same is true the other way round. When WA Police go in, the police are, of course, generally much better equipped to recognise the abuse and torture of animals. If they are called to a domestic violence situation, seeing whether the cat is okay will not be their highest priority; it clearly will not be. If a neighbour reports a case of domestic violence and the police go into a house, taking the most amazing risks that they take every day during their career, to break up or investigate a situation of family and domestic violence, the woman knows that she can confidently ask that officer to put the cat in the car, put the dog in the car, drop them off at the vet or find a place where these creatures can be safe because her kids will be really worried if they are left at home. That has to be a good outcome. That would require better discussions between the RSPCA, family services, child protection and WAPOL. Those protocols are in place in other countries. In the eastern states, I know that the police have regular meetings with the equivalent agencies that I have just named when they discuss these issues and how to share information between departments.

Some of the recommendations that the New Zealanders made in this report that I have been referring to are that RSPCA staff and the WAPOL equivalent, New Zealand police, have extensive training with the women's refuge's involvement on the co-existence of animal cruelty and family violence. Also, training should provide police and the RSPCA staff with the ability to understand that animal cruelty is a form of family violence; understand that animals are used as pawns to keep women and children in a relationship; understand difficulties experienced by women choosing to disclose this information; treat the disclosure of animal cruelty as a component of family violence as confidential; investigate or refer the case to an appropriate agency in the event that that animal cruelty indicates possible family violence; minimise a host of barriers associated with animals that prevent the woman leaving the relationship, like the cost of kennelling, surrender fees and difficulties finding alternative accommodation; and, finally, identify and develop a network of provider agencies that can result in appropriate and timely responses to animal and family violence.

Numerous other recommendations are made but I turn to our own RSPCA in WA. It has recognised these issues in a document that it produced for its readership—"Animal Welfare Matters in the 2017 WA State Election". It is a pre-election description of the things that it thinks are important. Area 5, "Supporting family and domestic violence victims", states —

> For many West Australians, a decision to leave their home because of a domestic violence situation becomes all the more challenging when family pets are involved.
>
> ...
>
> Some refuges have foster care arrangements for some types of pets, especially dogs, but most are not able to cater for any type of pet. RSPCA WA Inspectors frequently investigate animal cruelty cases linked to family violence and it is clear that a dedicated Pets in Crisis program is needed, aimed at providing facilities for the care and rehabilitation of affected animals and a 'release' for affected people.
>
> This initiative would directly support *The National Plan to Reduce Violence against Women and their Children 2010–2022* and the State Government's *Western Australia's Family and Domestic Violence Prevention Strategy to 2022*.

To provide this support, the RSPCA is asking for very modest one-off funding of $100 000 from whoever is in government after March. It wants to establish a pets in crisis support program for domestic and family violence victims, which would have the capacity to help 30 families and their companion animals at any one time through providing veterinary assistance, animal health and behavioural training services and foster care programs. I know that both sides of this house are aware of this issue. It might seem like a minor or small issue but as a driver of violence in the house, as a predictor of escalating violence and as a very strong behavioural indicator of problems in a family, we cannot possibly overlook animal cruelty and violence. It should be one of the top tick boxes that are looked for by all who are involved in protecting women and children from family and domestic violence. It should be something that the state government takes seriously and it should invest this particularly small amount of money that the RSPCA has identified to help slow the rate of abuse and try to break the nexus between animal cruelty and domestic and family violence.

MR C.J. BARNETT (Cottesloe — Premier) [3.16 pm] — in reply: I thank members for their contributions to the second reading debate. I assume that members opposite wish to go into committee. Is that the case? On behalf of the minister, I thank members for their comments. I am sure the minister will answer any questions during consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

[Quorum formed.]

Consideration in Detail

Clause 1: Short title —

Ms J.M. FREEMAN: During my speech on the second reading, I referred to the Council of Australian Governments agreement and the current Victorian legislation. If someone under a restraining order flees across the border into South Australia or another state, how will this apply? If the minister has the opportunity to answer that during consideration of the short title, that would be great.

Mrs L.M. HARVEY: Under part 7 of the act, an individual who has a family violence order in place to protect them can have that order enforced in Western Australia. They would need to apply under the provisions set out in section 7 to have the order enforced or recognised in Western Australia. However, some work is being done nationally, between jurisdictions, to streamline the recognition of violence restraining orders across separate jurisdictions. There are some significant information technology issues and data matching challenges, but it is a focus of the officers' group that sits beneath the ministerial council to try to achieve that outcome.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 3 amended —

Ms L.L. BAKER: I refer to proposed section 5A(2)(f). I wonder whether the minister might like to say a bit about her thinking behind the inclusion of this paragraph in section 5A, "Term used: family violence". The minister was talking about examples of behaviour that may constitute family violence including but not limited to the listed examples. Proposed paragraph (f) reads —

> causing death or injury to an animal that is the property of the family member;

I thought the minister might like to take the opportunity to comment on that.

Mrs L.M. HARVEY: Clause 5(3) includes the words —

> ***family violence*** has the meaning given in section 5A(1)

Section 5A is actually dealt with under clause 7. However, the member is quite right—proposed section 5A(2)(f) reads —

> causing death or injury to an animal that is the property of the family member;

This is now deemed to be one of the definitions of behaviours that would constitute family violence.

Clause put and passed.

Clause 6: Section 4 amended —

Dr A.D. BUTI: Clause 6 amends section 4 of the Restraining Orders Act. I refer the minister to proposed section 4(3), which reads —

> In this Act a person is a ***family member*** of another person if the persons are in a family relationship.

Obviously, that would be the case, but is the family relationship determined by the particular culture of the victim, or is there a legislative definition?

Mrs L.M. HARVEY: "Family relationship" is a defined term, under section 4 of the act. It is a close family member.

Dr A.D. BUTI: Of course it is defined; I read it out. However, my point is, what about cultural differences? If there is a culture that has a different view on what a family relationship is, such as an Indigenous community, that definition may not actually catch the whole situation.

Mrs L.M. HARVEY: Yes indeed, member. In the Restraining Orders Act, section 4(2) goes into a further definition of "family relationship". It reads, in part —

> ***related***, in relation to a person, means a person who —
>
> (a) is related to that person taking into consideration the cultural, social or religious backgrounds of the 2 persons; or

Clause put and passed.

Clause 7: Section 5A inserted —

Dr A.D. BUTI: Clause 7 includes various examples of family violence, which are quite comprehensive. On page 8, proposed section 5A(2)(g) reads —

> unreasonably denying the family member the financial autonomy that the member would otherwise have had;

Proposed paragraph (h) refers to unreasonably withholding financial support needed to meet reasonable living expenses et cetera. I do not argue that this should not be included, but my question is one of determining, on an evidentiary basis, that someone is being denied financial autonomy. In England now this has become a criminal offence, and there is an issue of how we actually go about obtaining evidence to a sufficient standard to be able to prosecute the situation.

Mrs L.M. HARVEY: The advice I have received is that the expectation is that this is based on a civil standard, and that the court will determine the threshold. However, this definition, I am advised, exists in the Family Court Act 1997, so there would be some interrelationship as to where the threshold would be in denying a family member financial autonomy.

Dr A.D. Buti: So this would relate only to civil prosecutions, and would not relate to criminal law?

Mrs L.M. HARVEY: No; this is a civil application for a family violence restraining order. It is not a criminal offence.

Clause put and passed.

Clauses 8 to 13 put and passed.

Clause 14: Parts 1B and 1C inserted —

Ms S.F. McGURK: I refer to proposed section 10D on page 14, "When FVROs may be made". This relates to the question I raised in my second reading contribution about the circumstances in which a restraining order is not given or an interim order is not given, and the matter is simply held over, and there is a period in which the person making the application is left without any protection. That issue was raised by some of the networks of lawyers who represent victims of family violence. They were concerned that there was a gap there. I was looking forward to the minister responding to that issue, but perhaps she will do so in her third reading speech; I am not sure. In any case, can the minister say whether that issue has been contemplated in this legislation, or how we can ensure that an applicant is protected?

Mrs L.M. HARVEY: I missed responding to the second reading debate, because I was given to understand that the member for Girrawheen was going to make a contribution, and I was, sadly, caught on a phone call. This is a very important new part of the legislation. We have narrowed the discretion of the court to refuse an order. In doing that, we expect the court to take into consideration the objects of the act, outlined in proposed section 10A, under which the courts are required to make sure that they are maximising the safety of persons who have experienced or may be at risk of family violence, preventing or reducing if possible their exposure to violence, protecting the wellbeing of children, encouraging perpetrators to accept responsibility, and making perpetrators accountable. Under proposed section 10D(1)(b), if a person is seeking to be protected, or a person is applying for the order on part of that person, we expect the court to grant a family violence restraining order if it has reasonable grounds to apprehend that the respondent will commit family violence against the person seeking to be protected. Proposed section 10D(2) puts the onus on the court to make the order unless it perceives that special circumstances would make the order inappropriate. This very much shifts the focus, if you like, of course, back to the objects of the act to protect the applicant and also to err on the side of issuing a family violence restraining order in certain circumstances, unless there is a special circumstance that would prohibit it or make it inappropriate.

Ms S.F. McGURK: Could the Minister for Police advise whether rules exist in other jurisdictions whereby that gap would be closed even further? Could there be, for instance, an appeal against the refusal to grant an interim order or an interim VRO? Are there jurisdictions in which that appeal could take place? That was one of the requests, again, of the advocates of the victims of domestic violence, that by having some appeal mechanism if a magistrate refused to grant a restraining order or an interim restraining order, it would put the onus on the magistrate to issue reasons for that decision and to get them to think even more carefully about their refusal, leaving the victim possibly exposed without protection.

Mrs L.M. HARVEY: At present, there is an issue with whether there should be a right to appeal an adjournment of an application. At present that right does not exist—that is, appealing an adjournment on an interim application for an FVRO. It is under consideration. However, it should be emphasised that the Attorney General's view is that the bill requires the court to give reasons for an adjournment and those reasons need to directly address the objects of the act and the safety principles in that new principles clause—that is, taking preventive action, taking a risk-management approach and ensuring that the objects are taken into consideration. I believe those reasons need to be detailed if an application is going to be adjourned, so that is a very high threshold for a respondent to request an adjournment of an interim family violence restraining order application.

Ms S.F. McGURK: Could the minister outline under which provision the magistrate is required to give reasons for deciding to simply adjourn the case without giving the protection of an interim order or granting a substantive application?

Mrs L.M. HARVEY: That is further along in the bill. It is an amendment at clause 72, which provides for proposed new section 63D, in which the court is required to give reasons for certain decisions. We will no doubt come to that in due course, but given that we are discussing that matter now, it provides that a court must give reasons for making an order relating to an FVRO under various sections or for refusing to make an order under section 43(1) relating to an FVRO. Also, the reasons must address the principles referred to in sections 10B(1)(a), (b) and (c).

Ms S.F. McGURK: For the record, I thank the minister. I appreciate that provision being pointed out, but there is still a gap whereby the VRO is not refused but the application is simply held over. Someone may make an application and it may not be that necessarily the application is refused; it may be that an interim order is not given and the original application is just held over. I am told by practitioners in this area that that can be for weeks and it can also be for months, which leaves people applying for a VRO possibly exposed to violent activity; in fact, it could be seen by the perpetrator as, if you like, an aggressive move to protect themselves and that can be a disincentive for people to seek protection.

Mrs L.M. HARVEY: If we look at what proposed new section 63D actually means, we see that it states that the court must give reasons for making an order and that that order may be for a family violence restraining order to be granted, for an interim order, or for an adjournment but that the court must give reasons for doing so. I understand that the Domestic Violence Legal Workers' Network has consulted with and written to the Attorney General about its concerns about an applicant for a family violence restraining order being able to appeal should there be an adjournment of the application. It sounds like it should be simple, but my understanding is that to write that into the legislation, firstly, is not a simple amendment; and, secondly, it may in fact delay processes to a point at which the applicant may be less protected, because in the normal course of things, an adjournment in these circumstances would generally be heard in an earlier time frame than an appeal could be lodged. The Commissioner for Victims of Crime, Jennifer Hoffman; the Attorney General's office; and the Domestic Violence Legal Workers' Network will continue to consult on these matters. We will certainly keep a close eye on what, if any, issues may arise.

However, I refer to the objects of family violence restraining orders. We have put in tests whereby the first consideration of the court always has to be the protection of the applicant, children, the prevention of violence, and the principles that need to be considered and the tightening up, if you like, whereby we have put the onus on the court to err more on the side of granting the FVRO for the applicant rather than not granting it. This will all be, no doubt, addressed at the two-year review of the legislation, at which point it may well be that amendments that could have addressed these concerns, if they had arisen, would then be put forward.

Clause put and passed.

Clauses 15 to 103 put and passed.

New Part 3 Division 5A —

Ms S.F. McGURK: I move —

Page 80, after line 6 — To insert —

Division 5A — *Evidence Act 1906* amended

103A. Act amended

This Division amends the *Evidence Act 1906*.

103B. Section 106A amended

(1) In section 106A delete the definition of ***victim***.

(2) In section 106A insert in alphabetical order:

FVRO has the meaning given in the *Restraining Orders Act 1997* section 3(2);

victim means —

(a) in relation to a serious sexual offence or a criminal organisation offence — a person upon or in respect of whom it is alleged that the offence was committed, attempted or proposed; and

(b) in relation to an FVRO — the person seeking to be protected by the FVRO;

103C. Section 106R amended

After section 106R(3B) insert:

(3C) Despite subsection (3), in an application for an FVRO an order must be made under subsection (1) in respect of the person seeking to be protected by the FVRO unless the court is satisfied —

(a) that subsection (3) does not apply to the person; and

(b) that the person does not wish to be declared to be a special witness.

I am grateful to the parliamentary staff and Parliamentary Counsel for their assistance with this amendment. Essentially, it will make people giving evidence in applications for FVROs or any criminal matters relating to family violence to be treated as special witnesses. That means that the default position would be that they could give evidence remotely or by using CCTV. In fact, it is only if they choose to be present in the court that that would occur.

I hope it is fairly obvious to people participating in this debate that people should have the protections afforded to them, particularly when they are applying for a restraining order or, in the circumstances of family violence, that they are given every protection and consideration available to them.

One other consideration in support of that application is when the defendant—the alleged perpetrator of the violence—could be representing themselves in those matters; so the applicant would have to be cross-examined or forced to answer questions by the perpetrator in court. For many obvious reasons, as many protections as we can put in place should be included for those victims; and I commend the amendment to the Parliament.

Mrs L.M. HARVEY: The government is not going to accept this amendment, but I will detail the reasons. We understand the intent of the amendment and we certainly have some sympathy with it. I acknowledge the member for Fremantle has raised this issue previously in debates around family violence. The issue of automatic special witness status for victims of family violence is now being considered as part of a broader review of the whole issue being undertaken by the Commissioner for Victims of Crime. There is quite a complex collection of provisions and different categories for witnesses, depending on whether the witness is a victim of sexual assault, a child victim, a child witness or another type of victim. As we know, victims of family violence can also be child victims of sexual assault. It is not as simple a matter as inserting a new provision that says family violence victims are automatically entitled to special witness status.

The other issue related to the extension of special witness status is that the capacity of our court facilities would need to be taken into account. Although extensive work has been done about upgrading court facilities across the state, not every court would be equipped to comply with this amending legislation. A consultation process will begin shortly, as part of this broader review, undertaken by the Commissioner for Victims of Crime. That consultation will occur with the judiciary. This state has the separation of powers. The judiciary have autonomous control of the running of their courts. We would rather the judiciary were part of the consultation process. They know their court facilities intimately. They would know the workability of this special witness status being automatically extended to victims of family violence. We want to ensure that the judiciary are involved in the consultation. Obviously, if there is a requirement for innovative solutions in different parts of the state, depending on the existing facilities, we would need to incorporate that into a funding proposal to ensure that legislation that is passed through this Parliament—particularly around something as important as legislation granting automatic special witness status to victims of family violence—would need to be funded appropriately and addressed strategically by government. That would ensure we have closed-circuit televisions, videoconferencing, separate interview rooms or whatever it is that may be required to ensure we can extend the standard expected for the privacy of a witness with special victim status. That is why the government will not support the proposed amendment. I very much appreciate that the member for Fremantle has raised this issue. It is an important issue, but at this point the government is not prepared to accept the proposed amendment. I would expect that at the two-year review of this legislation, this amendment would be considered.

Ms S.F. McGURK: I understand the Deputy Premier said that she thinks this is a valid point but there are resourcing implications and, for that reason, she would like to hold off to see whether this can be either afforded or is necessary in future years after a two-year review. If the idea has merit, that is a very valid reason to give them special witness status. If people who are applying for family violence restraining orders or are appearing in court on a domestic violence matter feel more secure and more likely to go before the court to seek protection because they do not have to face the perpetrator, that is a very valid reason. During question time today, the government talked proudly of its record in eight years, but it has taken it eight and a half years to bring any substantive legislation to protect and improve Western Australia's family violence provisions. But now, at five minutes to midnight of this term of government, it is saying it does not have the resources to protect witnesses in family violence matters. That is a very shameful position. Can I clarify what the minister said? Did the minister say she thinks this idea has merit but there are resourcing implications and, for that reason, she cannot support it?

Mrs L.M. HARVEY: Member, it is not just resourcing implications, if she goes back to what I said. The judiciary has autonomous control of the courts. We need to have some consultation with the judiciary as to these sorts of changes. In addition to that, I think it is very important that members understand, and for the purposes of *Hansard* that this is recorded: victims of family violence at present can apply for special witness status. The government will do whatever it can in those circumstances to ensure that all the protections afforded to special witnesses are made available to victims of family violence; that is, those who the court decrees, on application, should be afforded special witness status. They are not denied the opportunity to be considered as special witnesses at this point in time; it is just not an automatic status that is extended to every single applicant. It is important to know the protection is there. In some circumstances, victims apply for special witness status and

that is afforded to them for their own safety. However, the way that the world works, should the government, by accepting this amendment, include this in the legislation, even if it is not proclaimed until the work is done and we understand what needs to happen in the courts, the courts will respond to the intention of the government and the intention of Parliament. This could well have resourcing and time-to-trial ramifications. There could be some delays in hearing some of these trials should this be an automatic expectation for the many thousands of family violence restraining orders that are heard in court every year. The government does not want that ramification. Time-to-trial delays definitely work against victims. They work against swift justice and they would certainly work against the intent of this family violence restraining orders legislation. As I said, the government will not be accepting the proposed amendment but work is in train to look at what would be required to extend automatic special witness status across the board to all family violence restraining order applicants.

Dr A.D. BUTI: The minister raised a few issues. She said that even if this bill is not proclaimed, the court will instigate it. That does not make sense. If it is not proclaimed, the provision for automatic status will not be law so it will not be automatic status. The minister then said to the member for Fremantle that witnesses can still apply for special witness status. They can do that now, so it makes no difference whether this bill passes today but is not proclaimed until government has the resources. It is a fact that we have special witness status now. The courts must have provisions to allow special witness status to operate. The minister also made the interesting statement that there is a separation of power; in fact, there is no legal separation of power under the WA Constitution—that is the federal Constitution, but we will leave that aside. The minister said that the government leaves the courts to manage courts. I can tell the minister that is not correct. The magistrate at the Armadale courthouse wrote to the Attorney General seeking to partition off one of the waiting rooms to make another court and the Attorney General wrote back and said he would not allow that to be done. The minister cannot tell me that the government does not have some say in how the courts operate. The courts do not operate independently of what the government of the day says.

The minister mentioned that a person can apply for special witness status. They can, but victims of domestic violence should not have to go through the added stress of applying. It is clear that victims of family violence should automatically have the protection of being a special witness. It does not mean that they have to take that up, but they should be given the option. In introducing similar provisions, the Queensland Attorney-General stated that a recurring theme in submissions to its task force was that victims were traumatised by having to repeatedly tell their stories. She said that when criminal charges were laid, police reported there was often difficulty pursuing the prosecution, given the reluctance of a victim continuing with a criminal prosecution because of fear of being in the same courthouse as the alleged perpetrator. I cannot think of anyone, bar a child witness, who is more deserving of special witness status. The minister let the cat out of the bag when she referred to resource implications. As the member for Fremantle said, the government should not allow resource implications to affect the quality or merit of legislation. But we know what happened here: the Attorney General did not want to bring this bill to the Parliament. The opposition has been going on about the need for major legislative reform in the domestic and family violence area for a number of years, but as usual the Attorney General did not lift a finger. He received a massive Law Reform Commission report, but he did nothing. The opposition introduced a bill this year, and the Attorney General comes out on the weekend talking about introducing Saori's law and something else, but he did not know whether he would get it through the Parliament. I wonder whether there was a discussion between the Attorney General and another member of the Legislative Council in which the other member pushed the Attorney General to bring this bill to Parliament. I understand the Attorney General did not want this bill to come before the Parliament and be passed this year, but he was pushed by other members of the Liberal Party. The member for Swan Hills may shake his head, but he knows that is true. For the government to bring on this bill in the eleventh hour of this Parliament, at four o'clock on the last sitting day, is an absolute disgrace. The government is lucky that the opposition is very supportive of law reform in this area—unlike members opposite when they voted against a bill that the opposition brought to this place about two months ago. That bill included some of the provisions in this bill.

Should resource implications be an overriding factor in reducing traumatisation of a domestic violence victim? Of course, they should not. This is a good amendment by the member for Fremantle and the minister should be applauding and supporting it. The minister cannot say that the government does not interfere with or have some say in the management of courts. If she does, I will produce the letter from the magistrate from the Armadale Magistrates Court and the reply from the Attorney General that shows the courts do not have autonomy.

Mrs L.M. HARVEY: I will address some of those issues that the member for Armadale raised. Serious sexual assault and child witnesses are extended special witness status already. We see more examples of the extension of special witness status in serious prosecutions in a higher court. Applications for family violence restraining orders occur in the lower courts right across the state. There are different facilities in the high-level courts compared with the mid-level courts. There are two different sets of facilities. There is a big difference between an opt-in and an opt-out scheme. It will be interrogated as part of the second tranche of work that the Commissioner for Victims of Crime is undertaking. Other parts of this bill are aimed at limiting and reducing trauma to victims of family violence; for example, the rules of evidence amendments and those sorts of things. Although there are good ideas for all sorts of things out there, at this point in time the government is unwilling to

accept this amendment for the reasons I have outlined. Notwithstanding that we understand where it has come from and that this initiative is also being interrogated in other states, work needs to be done but it needs to be done appropriately and in a way that does not have ramifications for the operations of our courts. If we interrupt the operations of our courts, the outcomes for victims are dire, and victims need to have access to the courts and not experience long delays. The government is not prepared to accept this amendment at this point. It would also like this legislation passed through the Parliament and, obviously, it is very important legislation. Much has been said about the time it has taken to bring it to the Parliament; however, there has been an exhaustive process in bringing this legislation together. There was a discussion paper, a Law Reform Commission report that came out of the consultation that occurred as a result of the discussion paper and then, following that, the Law Reform Commission made a number of recommendations. From those recommendations, there was seven months of consultation with 24 stakeholder groups that work on the front line in the family violence area. That is why it has taken some time to bring this bill to the Parliament.

Dr A.D. Buti: The bill was ready months ago.

Mrs L.M. HARVEY: The Attorney General has been very keen to see this legislation pass and in fact has asked me about it every day this week.

Ms S.F. McGURK: I want to make clear my frustration at a response that says that when an amendment is put up that the Deputy Premier admits is a good idea, and that there should be protections for witnesses in the case of family violence matters, it has ramifications for the courts and it therefore will not be supported. Of course, any improvement to family violence matters for victims, women and children in particular, will have implications for the courts. That is the whole point. We want improvements in our systems and the courts and the criminal justice system changed so that it can deal with particular circumstances of family violence. We have not done that to date. We are failing to do that. This government has failed to do that in the eight and a half years it has been in office. That is why in the last 12 months Western Australia has had 53 500 reported cases of family violence. There have been 19 fatalities, which is a doubling of fatalities. We have to do better. We have to encourage victims to come forward to seek protection. They need to know that they have the protection of the courts and of the police system, and the support of the community. This government is saying that it thinks the amendment has merit and it is a good idea to put protections in place for witnesses, but it has resource implications and ramifications for our courts, so it is not prepared to do it. Guess what? It is four o'clock on the last sitting day after two terms in government and government members want a break; they want to get on the election trail and they do not have time to deal with this. That is shameful, Deputy Premier. As Minister for Police; Women's Interests, I cannot believe the minister would not support this sort of measure.

Division

New part put and a division taken, the Acting Speaker (Mr N.W. Morton) casting his vote with the noes, with the following result —

Ayes (20)

Ms L.L. Baker	Mr W.J. Johnston	Mr M.P. Murray	Ms R. Saffioti
Dr A.D. Buti	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Mr R.H. Cook	Mr F.M. Logan	Mr J.R. Quigley	Mr P.C. Tinley
Ms J.M. Freeman	Mr M. McGowan	Ms M.M. Quirk	Mr B.S. Wyatt
Mr R.F. Johnson	Ms S.F. McGurk	Mrs M.H. Roberts	Mr D.A. Templeman *(Teller)*

Noes (31)

Mr F.A. Alban	Ms E. Evangel	Mr A. Krsticevic	Dr M.D. Nahan
Mr C.J. Barnett	Mr J.M. Francis	Mr S.K. L'Estrange	Mr D.C. Nalder
Mr I.C. Blayney	Mrs G.J. Godfrey	Mr R.S. Love	Mr J. Norberger
Mr V.A. Catania	Dr K.D. Hames	Mr W.R. Marmion	Mr A.J. Simpson
Mr M.J. Cowper	Mrs L.M. Harvey	Mr J.E. McGrath	Mr M.H. Taylor
Ms M.J. Davies	Mr C.D. Hatton	Mr P.T. Miles	Mr T.K. Waldron
Mr J.H.D. Day	Mr A.P. Jacob	Ms A.R. Mitchell	Ms L. Mettam *(Teller)*
Ms W.M. Duncan	Dr G.G. Jacobs	Mr N.W. Morton	

Pairs

Mr P.B. Watson	Mr I.M. Britza
Ms J. Farrer	Mr D.T. Redman

New part thus negatived.

Clauses 104 to 112 put and passed.

Title put and passed.

Third Reading

Bill read a third time, on motion by **Mrs L.M. Harvey (Minister for Police)**, and passed.

STATUTES (REPEALS) BILL 2016

Second Reading

Resumed from 16 November.

MR J.R. QUIGLEY (Butler) [4.05 pm]: I will be brief in my comments on this bill. The Statutes (Repeals) Bill seeks to repeal several pieces of legislation that are obsolete and can with safety and confidence be repealed. The bills that will be repealed by this legislation are the Coal Industry Tribunal of Western Australia Act 1992, the Labour Relations Reform Act 2002, the Spear-guns Control Act 1955, and the Western Australian Marine (Sea Dumping) Act 1981. The Labor opposition supports this bill in its entirety.

I would like to say something about the preparation and passage of legislation through this chamber. The bill that preceded this bill is the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. That bill had 104 clauses. As I said during the second reading debate on that bill, those clauses were drawn from the report of the Law Reform Commission on restraining orders legislation. Those clauses were sound. However, as I also mentioned during that debate, we do not believe those clauses go far enough. The consideration in detail of the restraining orders legislation went for less than an hour and the bill had a quick and compliant passage through this chamber.

The bill that preceded the restraining orders bill was the Sentencing Legislation Amendment Bill 2016. The debate on that bill went on for quite a while. The government sought—disgracefully—to gag the debate on that bill when we were dealing with a very nutty constitutional issue. For those members who supported that gag, let that hang as a badge of shame around their neck. The opposition is conscious that the community needs, and wants, both this repeal bill and the restraining orders bill. The government brought the restraining orders bill before this house at the eleventh hour, on the last day of this sitting, after years of having it on the agenda. We have been pushing for that bill for months and months.

The government embarked on a disgraceful stunt today in relation to the proposed amendments to the Bail Act. That was, again, driven by the absolute incompetence and laziness of the Attorney General. The Attorney General introduced those amendments in June 2016. He then let them lie on the notice paper. In August 2016, after a circumstance of high political controversy in which a paedophile, after pleading guilty, was released on bail, the Attorney General said that the government would move to block that straightaway by amending the Bail Act. The opposition moved a motion in this chamber calling for the dismissal of the Attorney General for allowing this to happen. In response to that motion, the Deputy Premier said that the government would move to attend to the matter immediately and that the Attorney General would move to block it immediately. That was in August 2016. Then, yesterday shortly before 12.00 noon, a Mr Jerga, a reporter with Channel Nine, rang me to ask what was happening with the bail bill. I said that he would have to ask the Attorney General. He rang the Attorney General at 12 o'clock. The Attorney General had done nothing of what he promised to do immediately and what the Deputy Premier undertook to this house would be attended to immediately, the Attorney General having been asleep at the wheel and incompetent. Today he handed the opposition a draft of an amendment to the government's amendment to the Bail Act. When I looked to the footer of the draft, I noticed that that draft was prepared at 1.18 pm yesterday, so nothing had happened. Talk about immediate action; nothing had happened at all until there was a media inquiry. Then the Attorney General had the gall to say that his move on this amendment was not a stunt. Members of the public will not be duped; they know.

The DEPUTY SPEAKER: Member for Butler, I have given you considerable latitude in your preamble. Can you now please direct yourself to the bill.

Mr J.R. QUIGLEY: I am talking about the preparation of legislation.

The DEPUTY SPEAKER: We are not talking about the preparation of legislation; we are talking about the Statutes (Repeals) Bill 2016.

Mr J.R. QUIGLEY: I note that the Premier is pleased with the ruling, because he does not want the government's incompetence and laziness further canvassed in this chamber. If I am not allowed to speak about the preparation of the bills, I have nothing more to say on this bill.

MR D.A. TEMPLEMAN (Mandurah) [4.12 pm]: Obviously, this Statutes (Repeals) Bill 2016 is a repeal bill. Being a historian—not being a historian, but having an interest in heritage—I want to make note that we are in fact repealing a very historic piece of legislation as part of this repeal bill, that being the bill referred to in part 6, Escheat and forfeiture of real and personal property of 1834. The explanatory memorandum states that the bill covers the transfer and forfeiture of real and personal property to the Crown or the state. The matters covered by the bill are now addressed in more modern legislation. There is a historical aspect to the legislation. I always look with interest at repeal bills, particularly those that jettison acts of Parliament to history.

Mr C.J. Barnett: Perhaps you can then tell me what "escheat" means.

Mr D.A. TEMPLEMAN: I do not know.

Mr C.J. Barnett: Okay; we will rely on the clerks to do some research.

Mr D.A. TEMPLEMAN: I would be very interested to know that. I do not even know whether I pronounced it correctly. How did the Premier pronounce it?

Mr C.J. Barnett: I followed your lead!

Mr D.A. TEMPLEMAN: I would not be overly confident in following my lead!

The legislation is of interest. When we jettison legislation through repeal bills, I think it is a moment to reflect on the historical nature of that legislation. I will give an example of a past repeal bill in which this Parliament ultimately repealed legislation regarding burials around the Christ's Church in Mandurah. I reflected on the history and the importance of that legislation at the time of the state's development. Of course, that bill dated back to 1872 and related to where people could be buried in the City of Mandurah town site so as not to have a detrimental health impact on access to water.

As the member for Butler highlighted, we have these bills that have suddenly been thrust upon us in the dying days of this government and this Parliament. It is important to reflect on the jettisoning of legislation, particularly legislation that dates back to 1834. I do not know whether the Premier has been given the definition of "escheat".

Mr C.J. Barnett: Yes; I have done a lot of research!

Mr D.A. TEMPLEMAN: I thought the Premier had!

Mr C.J. Barnett: It is the reverting of the state's land back to the Crown in the case of someone dying without leaving a will or legal heirs. So there you go. They thought of everything back in 1834!

Mr D.A. TEMPLEMAN: We learn something.

Mr C.J. Barnett: As a self-professed historian, I thought you would have known that!

Mr D.A. TEMPLEMAN: I cannot profess to know everything!

Mr W.J. Johnston: What?

Mr D.A. TEMPLEMAN: It has been a total facade for the last 16 years!

In the spirit of this, I note that the Spear-guns Control Act 1955 will also be repealed because there is more modern legislation that defines "spear guns". From my reading of the explanatory memorandum, that legislation was superseded by the Weapons Act and therefore it will be repealed. I think it is quite interesting that in the history of our legislation, there is very specific legislation regarding the control of spear guns. I assume that in 1955 the use of spear guns became more prevalent. That is probably when they started being more widely used and there was therefore a need to actively regulate them by appropriate legislation. But on this historic day in the last moments of this government, it is interesting that we are repealing legislation that dates back to 1834 and also the Spear-guns Control Act that dates back to 1955. I note the historic nature of that.

MR C.J. BARNETT (Cottesloe — Premier) [4.18 pm] — in reply: I thank members for their support of the Statutes (Repeals) Bill 2016. It repeals five obsolete or redundant pieces of legislation. It is a bit more than housekeeping, but obviously we should get rid of redundant legislation to keep the statute book as concise as it can be. Every time a piece of legislation comes in, it imposes costs, and there can be cross-references to legislation because obsolete legislation exists, even though it is not used, and that can result in consequential amendments and the like. Every year, Parliaments produce more new legislation than they get rid of, but I think it is a proper requirement that we continually try to remove unnecessary and obsolete legislation. I thank members for their support.

Question put and passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by **Mr C.J. Barnett (Premier)**, and passed.

PILBARA PORT ASSETS (DISPOSAL) BILL 2015

Council's Amendment — Consideration in Detail

The following amendment made by the Council now considered —

New Clause 46A, page 35, after line 16 — To insert —

46A. Preservation of rights to future access

(1) In this section —

access means access to a service;

access capacity means the capacity to provide services of the person who owns, controls or operates a port facility;

eligible request for access means a request for access that would not, if granted, result in the proportion of the access capacity taken up by protected users exceeding 50%;

prescribed period for a request for access means 180 days, or such other period as is specified in regulations, after the day on which the request is made;

prescribed user means a person specified in regulations as a user or potential user of a service;

protected user means a user or potential user of a service other than a prescribed user;

service has the meaning given in section 46(1).

(2) It is a condition of the operation of a port facility that, subject to subsection (3), 50% of the access capacity must be reserved for protected users.

(3) Despite subsection (2) if a request for access made by a prescribed user would, if granted, result in the proportion of the access capacity taken up by prescribed users exceeding 50%, the request may be granted as long as it is granted on terms that would not prevent a protected user who subsequently makes an eligible request for access from being provided with access within the prescribed period or at a later time agreed to by the protected user.

Dr M.D. NAHAN: I move —

That the amendment made by the Council be agreed to.

As members may remember, the Pilbara Port Assets (Disposal) Bill 2015 was transmitted to the other house on 25 February 2016. The Legislative Council referred the bill to the Standing Committee on Legislation, and during the course of that inquiry, the committee received eight submissions and held four hearings over three days. On 25 August 2016, the committee tabled report 33 on the bill. As a process to address the recommendations proposed by the committee, the government introduced an additional clause to improve access to the Utah Point bulk handling facility for junior miners. Members may remember that there was a whole range of conditions in the bill that passed this house that led to priority being given to junior miners. This amendment augments that and I will go through it.

The additional clause—clause 46A—to the Pilbara Port Assets (Disposal) Bill 2015 provides for greater access protection measures to be extended to junior miners, which are defined in the bill as "protected users", by ensuring that at least 50 per cent of the bulk handling facility's capacity must be made available within the prescribed period of 180 days. This will allow protected users—that is, junior miners—the ability to access the facility, if sought, within the prescribed period or at a later time as agreed with the protected users in the circumstances in which the Economic Regulation Authority has approved, through regulations, the use of the facility for a non-junior miner. New clause 46A provides significant additional protection for junior miners, while it also ensures that the asset is not at risk of being stranded and unused if no protected or junior miner users were able to use the facility. Asset protection measures extend to 50 per cent of the facility's capacity. It provides a balanced approach to maximising efficient use of the asset in the event that the prescribed users—that is, the larger miners—are granted approval to use the facility. I reiterate that that can occur only if no junior miners are seeking access to the capacity.

In addition, in response to the committee's report and comments from the Australian Competition and Consumer Commission, the government amended the proposed access and pricing regime for the Utah Point bulk handling facility by adopting the negotiate and arbitrate regime to access pricing. Previously, a price monitoring regime, regulated by the ERA, was proposed. Under the new amended regime, pricing will be negotiated between the parties, with binding independent arbitration in the case that parties fail to agree. I also note that Rod Sims, the chairman of the ACCC, commented at the Ports Australia conference in Melbourne in October 2016 —

> In 2015 the ACCC engaged with the Victorian government regarding the privatisation of the Port of Melbourne and, more recently, the ACCC had been talking with the WA government about privatisation of … Utah Point bulk handling facility at Port Hedland.
>
> We saw some positive results from our engagement with the Victorian government last year …
>
> However, an even more pleasing result has been our recent engagement with the Western Australian Government on the proposed privatisation of the Utah Point bulk Handling Facility.

After the ACCC pointed out the limits of price monitoring to constrain pricing, the WA government now proposes to replace the monitoring regime with a negotiate and arbitrate framework. We consider that this will provide a credible constraint and monopoly pricing, while still allowing users to commercially negotiate terms of access.

Adoption of the regime with the regulations still provides flexibility for the regulator to determine more stringent measures; these changes are in regulations rather than in the bill. They provide more flexibility for the regulator to determine more stringent measures should the regime be found to achieve its desired outcomes. This will allow for timely modifications to be made to the access and pricing regime without the need to seek amendments to existing legislation, which would be time-consuming and potentially disadvantageous to the users or the terminal operator in a period prior to effecting any necessary remedial action.

Fundamentally, issues of pricing will be a matter for commercial negotiation between the operator and the users of the bulk handling facility, with the backing of a comprehensive negotiate and arbitrate access pricing regime that stipulates protection and preferences for junior miners. It should also be noted that the current customer contracts will continue and will be transferred from the PPA to the terminal operator as part of the lease package of the facility. Therefore, the access and pricing regime will provide the framework for negotiation between operators and customers.

Mr W.J. JOHNSTON: I reiterate at the start that the Labor Party is opposed to this legislation. We now want to go through some of the issues in detail regarding this amendment. The first issue I would like to ask the Treasurer to explain is about subclause (3) of the amendment, which reads —

> Despite subsection (2) if a request for access made by a prescribed user would, if granted, result in the proportion of the access capacity taken up by prescribed users exceeding 50%, the request may be granted as long as it is granted on terms that would not prevent a protected user who subsequently makes an eligible request for access from being provided with access within the prescribed period or at a later time agreed to by the protected user.

This is all quite complicated, as necessary legal language is used. My point is that a prescribed user is one of the large companies—BHP Billiton, Rio Tinto et cetera—and a protected user is of the type that currently uses Utah Point; that is, a junior mining company. I would like the Treasurer to describe the purpose and effect of this subclause, and then I will raise some issues with him.

Dr M.D. NAHAN: I thank the member for the question. I would like to indicate to the member how this fits with the various measures already in place to ensure that the junior miners—I will not use those other terms—have preferential access to this facility, for which it was designed. Let us take the scenario in which the junior miner flags that it will stop operating. If a junior miner stops operating, which Atlas did last year, nothing takes place for three months. The terminal operator may then issue a show cause notice, asking whether it will come back. Importantly, the terminal operator has a right to use the facility but it does not have a minimum throughput requirement on these contracts. When the terminal operator issues a show cause notice, it can sit there for up to three months. If shipping has not resumed, the contract can be terminated. There is a period of three months until after shipping and then the contract may be terminated. The terminal operator would then advertise for capacity. Junior miners may apply. The facility sits there for three months. There are nine months after the cessation of the operation.

Mr B.S. Wyatt: Is the advertising period three months?

Dr M.D. NAHAN: Yes. It sits there for three months, which is nine months cumulative at that point. If no junior miner responds, the terminal operator may then apply for ERA approval to negotiate with a non-junior miner. Let us say that a non-junior—one of the majors—wants to use it, and the terminal operator wants to issue a contract with it. That has to go to the ERA. If the ERA says no, it will not happen. If the ERA says yes, the terminal operator will advertise the capacity. The junior miners may apply at that time, and it has to sit there for three months. There is a period of 12 months from the cessation of, let us say, throughput to the junior miners to the point at which a non-junior can use the facility. Basically, it is a stranded asset for up to 12 months or more if the ERA takes some time and recommends to the minister, and the minister can take it if he wishes. That is all in the existing bill. We are now dealing with supplemental amendments that take it from the point that the ERA and the minister have approved a major miner to access the facility. That is what we are dealing with in the amendment. The amendment states that a long-term contract can be issued to the major miners for 50 per cent of the facility. Above 50 per cent, contracts can be issued to the major miners for the duration of 180 days only. The major miners can go into a long-term contract for 50 per cent of the facility; the other 50 per cent can have contracts of up to 180 days. These contracts must be relinquished after 180 days if a junior miner wants the facility. That is essentially what we did. It is complicated but that is what we have done.

There is another six-month period to negotiate a contract between the owner of the asset and the major miners. There is a 12-month waiting period. If the junior miner drops out, there is a waiting period of 12 months. During that time, a junior miner can come back in, and if they come back in, they get to use the capacity. If the junior miner is not there after that 12 months, the owner can look to the bid side but they can go into a long-term contract with the bid side for only 50 per cent capacity. The other 50 per cent of the capacity has to be made available to the junior miners.

Mr W.J. JOHNSTON: I understand that this provision is not separate from the bill. I appreciate that. I appreciate the regime that is in place before the port owner can grant access to the berth to a major producer. It

seems to me that this clause defeats the purpose of building Utah Point. The Treasurer is saying that if the new owner of the port goes through the procedures that he has described and signs an agreement with a major miner—a prescribed user—only 50 per cent of the capacity of Utah Point will be available to the junior players. We should remember that this provision applies only if they have already been through the procedures that the Treasurer described in his access and pricing regime. They have been through the access and pricing regime and granted a large company access to the facility. Then the new owner is obliged to provide access to only 50 per cent of Utah Point, not 100 per cent of Utah Point. Given that Utah Point was created for the specific purpose of providing access to the junior miners, is that simply defeating what we intended?

I draw the Treasurer's attention to the media release of Friday, 13 March 2009 from Hon Norman Moore and Hon Simon O'Brien in which they state that the capacity was intended to support the junior miners. I do not understand why we are providing this guarantee of a minimum 50 per cent access to Utah Point—let us understand that that is what this is—to the prescribed users, being the large miners. This provision comes into effect after the access and pricing regime has been applied. If they get through the access and pricing regime, at least 50 per cent of Utah Point will be used by large producers and a maximum of 50 per cent of Utah Point will be used by the junior players. I understand that that will increase the value of the Utah Point sale because we will have better credit quality for the potential port users and therefore people will be prepared to pay more for the asset. The government is providing half of Utah Point's capacity; it is effectively guaranteed for large users if they pass the access and pricing regime. I do not understand why the government would choose the figure of 50 per cent. That was the question I asked this morning at the briefing. I appreciate the briefing that the Department of Treasury provided to me. The simple questions I asked were: What was the basis of determining that 50 per cent? Why is it not 40 per cent or 80 per cent? I appreciate the advice that has been sent through the Treasurer's office from Treasury. It states that there were three points in that decision-making process: first, commercially viable throughput to sustain efficient pricing; second, sufficient volume to attract the interest of non-juniors; and, third, logistical considerations of the facility. None of those issues rates the demands and needs of potential junior operators—that is, junior miners—as one of the considerations. That seems to totally turn everything on its head. Utah Point was created for the sole purpose of allowing the junior players to access export facilities. Instead, we are bringing in these other issues that are not related to those needs.

Mr C.J. TALLENTIRE: I am keen to hear more from the member for Cannington.

Mr W.J. JOHNSTON: I hope the Treasurer can understand the point that I am making. Why 50 per cent? Why do we not say that 100 per cent is exclusively available for the protected users? It would result in the proportion of the access capacity taken up by prescribed users exceeding zero per cent. The large companies could be totally excluded from Utah Point if this were to be done. The new port owner would be able to come to an arrangement through the access and pricing regime to provide access to the large players if no junior is taking up the capacity. Then, if a junior subsequently comes up with a financial plan that will deliver a project, it could return to Utah Point and use all of the facility. The efficiency would be maintained, because 100 per cent of the capacity of Utah Point would still be used. The commercially viable throughput would be there to sustain the investment of the new owner, and the logistical considerations would be taken into account. However, what would change is that the junior players would have the right to 100 per cent use of Utah Point. That is why Utah Point exists.

I acknowledge that that would reduce the sale price of Utah Point, but that is neither here nor there, because we cannot base the sale process on the need to maximise the price. It has to be to ensure the continuing access to the facility for the junior players. In the same way as a prescribed user—a large company—would have to have its rights set aside for its capacity in excess of 50 per cent of the capacity of Utah Point, all I am saying is that that situation would apply to all of the capacity utilisation of Utah Point. Given that 180 days' notice is given for the company to give up its capacity, that would not be a great loss for the major users. We would instead be protecting the companies that we should be most interested in—that is, the junior players who are the sole reason that Utah Point was created. It was not created for the use of the large companies; it was created for the use of the junior companies. What I am suggesting would ensure that that overriding principle would be maintained.

Dr M.D. NAHAN: Let us go back to the history of this facility. First of all, it is part of the port of Port Hedland, which is operating the facility now. It was started on the watch of the previous government. The first business case, I have been told, is in the committee report, which outlines the history. It was initially envisaged that it would be a 15 million tonne port, of which 6 million tonnes would go to BHP. It then evolved as a port and expanded its capacity to over 20 million tonnes. At that time, BHP, in a very convoluted way, contributed to the building of the facility, as did other miners at the time, the largest one being Atlas. Those contributions have been paid back in full, with interest, so they were quasi-loans, but the port has a history of building the facility. Right from the start it was envisaged that BHP, which is one of the large miners by definition, would be a potential user, and it was used to facilitate the miners that demanded additional capacity at the time, including Atlas and FMG. FMG was another company that thought about using it; it has not, but it is described in the act as a major miner. There were a number of other firms, such as FMG, Consmin, Polaris and others that do not exist now.

Let us get this right. This was initially designed to facilitate the throughput of the people demanding additional capacity in the port at the time, including junior miners and some of the largest miners. The project evolved. BHP did not want to take up its capacity. FMG, I assume, got other access as things evolved, and so it came out to facilitate the junior miners at the time, the largest being Atlas. Mineral Resources has come up as a major user since then. It will remain that; that is the intention. As I say, the starting point for this is the contracts that exist now. The contracts from Atlas, which is by far the largest user, although Mineral Resources is growing, goes to 2025 with a five-year option for renewal, so the Atlas contract, as long as Atlas keeps going, is out to 2030. The issue we are trying to deal with, and it is a real issue, is that when the price dipped very low a year ago, Atlas ceased operations. The contract with Atlas and other junior miners is that they have rights to capacity but they do not have a minimum throughput.

The issue we are trying to address, and it is real whether it is owned by the port of Port Hedland or by another buyer, is that if the junior miners fell off and went away and no longer exported through the facility, would we have this stranded asset? I can tell the member that if it was owned by the port of Port Hedland, it would not. In fact, it would not be allowed under its act to push back other people from using the port. Under the relevant act, it is not allowed to do it. If the state owned it, and the junior miners, God forbid, fell off and did not want it, under this bill the potential purchaser would basically have to leave it stranded for 12 months. That is part of the legislation. I do not know what the port of Port Hedland would do, because it would be required to find some other use for that asset. That is what the government wants it to do. Whether it is a major miner, a junior miner or some other miner other than iron ore, it would try to utilise the asset. We are trying to deal with a situation that is real facing the port of Port Hedland or a potential buyer.

So what did we do? First of all, we put more stringent requirements on the purchaser of this asset than we would on the port of Port Hedland. If the junior miners fell over now, the port of Port Hedland would probably wait, and if there was a chance they would not come back, it would try to find somebody else to use it. There is no doubt. We have, essentially, a 12-month period of stranded assets before a major miner can use it. Then we had to make a rational decision on how long and how much of the asset could go to the big side of town, if you wish, and we decided on 50–50, a reasonable outcome.

Mr W.J. JOHNSTON: I understand what the Treasurer is doing. As he says, if all the juniors fell over and there was no throughput he would want to allow the new owner to allow the large companies to put volume over the wharf, so that it is not a stranded asset. I understand that, and I accept the Treasurer's argument there. However, that is not what this provision is about. This provision is actually about when the juniors get back into the situation in which they can regain export volumes. I accept what the Treasurer is doing; I am not even saying that he is wrong.

I am saying, okay, the juniors fall away, access is allowed for the major miners and everybody is happy. Then, subsequently, a junior gets into a position to either restart operations or commence operations for the first time. What happens to it? Because there has been a downturn, instead of having access to 23 million tonnes a year, it now has access to only 11.5 million tonnes a year. This is actually halving the volume that can be done by the juniors. The point I am making is that, if this figure was zero instead of 50, Utah Point would always be 100 per cent utilised because some would be from the majors and some would be from the juniors, but the juniors would have a right to use 23 million tonnes. Utah Point would still be 100 per cent utilised, but the juniors would have the right to use it. Otherwise, we would be giving away half the volume to the large operators. I make the point, as we discussed with the advisers this morning—I am not picking on BHP—that BHP is the biggest user up there. Let us say that in the future it produces 240 million tonnes. It would not be very difficult for BHP to put five per cent of its product through the wharf at Utah Point. That would not significantly impact on the balance of its business. Once this provision goes through in the form that it is in, the major operators would be able to get control of half the volume at Utah Point to the exclusion of the junior operators. That cannot possibly be what we are trying to do, because the development at Utah Point, as the Treasurer said, started when Labor was in government. The media release of the two government ministers makes that point; it notes that the dredging was done in May 2007. This was always about the junior operators, yet now we are moving away from that. Let us understand that this is the world's largest bulk port. Apart from Utah Point and the public wharf, everything is controlled by the operators. FMG has its facilities, BHP has its facilities and Roy Hill has its facilities; everybody has their own facilities except for this one. This is the only port that the junior players can get access to, and that is why this is so critical. If we proceed down the path that the government is providing, the juniors will suffer. If we were to change the "exceeding 50 per cent" to "exceeding zero", that would fix the matter. It would still maximise the value of the sale, if that is what the government is trying to do, because the purchasers would know that they can keep the place running at 100 per cent capacity, but the juniors would know that if they got into financial difficulty and had to go into care and maintenance or shut-in, or whatever, they would still have access to the full 23 million tonne capacity. This matter is critical and I do not understand why we have to have this long debate; it is fundamental to the whole operation of the port. If the juniors are not given access, they will not have access anywhere else. The juniors are potentially losing 11.5 million tonnes of capacity. I do not understand why the Liberal and National Parties are supporting the large companies over the junior companies. It just does not make any sense.

Dr M.D. NAHAN: Let us go back to the history of the port again. It was built to supply panamax ships, which are the smaller ships. It has been dredged to a certain depth and there is a problem because there is an old BHP tunnel that limits the depth, and at that time the juniors were not restricted from using it. The government wanted to facilitate the juniors. There is no doubt that junior companies were growing at that time. FMG indicated that it had a desire to potentially use the new facility and develop a conveyer belt to the new berth. At its origin, it was not just about juniors; it evolved into that as FMG got its own facilities, was funded and probably grew in size. BHP had indicated no desire to use the facility. It then morphed into a port that was used solely by the juniors, and there are long-term contracts around that.

The issue we are facing is that if the juniors fall away, do not exist, or do not express any desire to use the facility for a minimum of 12 months, their access will not exist. We are allowing the port, just like the port of Port Hedland would do if it were publicly owned, to go out and look for customers. To my knowledge, BHP has expressed no interest in the port, but we never know what is going to happen in the future. Something that may happen is that intermittent shipments of ore in smaller ships may be made to India. That is probably one hypothetical case that one could think of. However, they would be periodic shipments. Who knows what is going to happen in the future? This bill covers use of the port only to 2030 to a large extent, so long as Atlas continues to operate.

If no junior miner wants to use the port for 12 months and if another firm, a new major or existing major, decides to use this port—although it is unlikely because of the type of ship that they use; all the majors do not use those smaller ships right now, but you never know—and if it wants to enter into short-term contracts, that would be great. It might, however, want a regular contract—let us say a shipment to India—with panamax ships, and then it might have to invest in infrastructure at the port to facilitate the loading and unloading of those ships. We decided that 50 per cent is a good figure, because we want this facility to be used. We have no desire to leave it vacant as a stranded asset, whether it is publicly or privately owned, but we will require that 50 per cent to be contestable in the longer term by juniors, noting that at that time the juniors will not exist or want to use the port, by definition.

Essentially, we have set up a system whereby half of the thing will be only for spot sales or shipments, which may never be taken up. There is no demand for that right now, but who knows what will happen a long time from now? We are basically locking in a system so that if the juniors fall away permanently—with today's prices that is not going to happen, but we never know—that will probably strand 50 per cent of the asset, which means lower prices. That is a big impact. I think it is a stronger commitment to the juniors than exists now and existed when the facility was first built. The juniors have no access, other than within the contracts they have with the port of Port Hedland. If those contracts with the port of Port Hedland fell over right now—that is, Atlas stopped producing and abandoned the facility—the port of Port Hedland would be required to go and get business. That is what it is required to do. If the business came from, let us say, the member's example of BHP, the port of Port Hedland would take it. This provides better long-term support and capacity for the juniors than exists now.

Mr W.J. JOHNSTON: I want to make sure that people realise that the argument that this amendment will provide greater protection is not true. At the moment the port is subject to direction by the minister. The only way large companies can use Utah Point is if the government wants that to happen. Let us get that straightaway off the table, because a publicly owned asset is subject to decisions of government. We are talking about a situation in which the port will no longer be subject to decisions of government but rather will be subject to decisions of the private owner.

I repeat that I accept the argument that we need to ensure that the Utah facility continues to operate at an economically viable throughput if the juniors shut-in for whatever reason. The only way we could imagine that happening is through low prices. I accept that. That is not the issue we are discussing. The issue we are discussing is, having had the juniors shut-in but now coming back onstream—one would assume the only reason they would come back onstream would be that the price had gone up again and the projects were viable—we would need to provide them an opportunity to export. What the Treasurer is saying is that in those circumstances he is happy to provide an 11.5 million tonne per annum opportunity for the juniors to export. The Labor Party is saying that that capacity should be 23 million tonnes per annum. I think that is pretty damn fundamental. I do not understand why the Liberal and National Parties would want to limit the opportunities for a recovery—assuming that there is a problem in the future for the junior players—and limit the capacity for those junior players to only 11.5 million tonnes. As I say, I understand that this comes into play only if we go through the pretty picture on the access and pricing regime. It is not an automatic right for the majors to use it—all those other rules need to apply. Having been through that gateway, the situation in the end is that the operator of the port should be allowed to keep 11.5 million tonnes with the large players and 11.5 million tonnes with the junior players. I explained why this is such an important issue. The junior players are never going to be as good a counterparty as the major players. It is axiomatic to their operations. They are junior players. They have a smaller balance sheet and a smaller opportunity for funds. If we do not provide this additional protection to them, they will not get that capacity back at the port. They will probably not be able to export through any other mechanism either because they do not have the balance sheet to build a large facility.

The Treasurer referred to the fact that Fortescue Metals Group was once considered a user of Utah Point. Of course, once upon a time FMG exported no iron ore. As FMG itself says, it is the new force in iron ore. It is an amazing success story. Excluding these juniors from accessing 23 million tonnes makes it harder for us to have another success like FMG. How many times have we had the debate about getting the juniors onto rail infrastructure? How many times have we debated getting the juniors access to port infrastructure? These matters have been to the High Court on a number of occasions. There have been commercial negotiations—everything—for as long as people have been kicking rocks over in the Pilbara. The Labor Party says it accepts the government wants to allow the owner to get value for money out of their operations, but when the juniors recover we want to give them access as well. I do not understand why the Liberal and National Parties are opposed to helping the junior players.

Dr M.D. NAHAN: I will go through a couple of points. Firstly, FMG started out as a small operation. It had big dreams and fulfilled them. It is a great firm. It built its own facility. It was successful because it got to a certain scale. Just to go back, this facility was not initially planned just for the junior miners; it has evolved into that. We have a very rigorous process to ensure that it remains. We are dealing with the issue about what happens if the juniors fall away for at least 12 months. How much of that asset will we keep stranded? I go back to the issue that it is government owned. The member says that if it is government owned, the minister of the day can direct it to keep the asset unused—that is true.

Mr W.J. Johnston: No, I did not.

Dr M.D. NAHAN: The member did say that. One can say we have restricted the use only to junior miners, and maybe on spot sales to major miners. The minister can direct it but it would be uncommercial. The minister would be required to sign an edict—in electricity, it is a section 68; I am not sure what it is here—to direct the port of Port Hedland to act in an uncommercial way. He or she might be required to compensate it through the consolidated fund for the losses incurred in the direction. In other words, the port of Port Hedland will have to be subsidised to keep the asset stranded just in case a junior miner might come up again, but there is none there now, by definition. The government disagrees with that. The Labor Party can propose that, but we disagree with that.

The member for Cannington is right: we could go 100 per cent spot market or limited-term contracts for majors. It would be a long time out and pretty speculative. Under those conditions, it would probably be a stranded asset for long periods. There might be some spot market sales in the market, but taking the market now, if that was done and the juniors fell off, it would be a stranded asset. The $200 million loan would have to be repaid. The port of Port Hedland would not have any revenue to pay off that debt. Somehow it would have to be repaid. The government does not agree with that. We think we have a modicum. There are 12-month safeguards in place in going through and advertising to search out a junior miner to use the facility. We think keeping 50 per cent there to be used by the majors only on spot or limited-term contracts and 50 per cent for longer term contracts is a reasonable outcome. It is actually greater protection for the juniors than would exist in government ownership. The Labor Party disagrees—fair enough.

Mr W.J. JOHNSTON: I was not going to get back up again, but I cannot let this go past. I am holding in my hand a direction tabled today by the Minister for Energy entitled "Electricity Corporations Act 2005: Ministerial Direction". It is a direction to Synergy to get rid of 380 megawatts of its generation capacity by 1 October 2018. It is not as though it is an unusual direction for a government trading enterprise to do these things. That is what happens. That is why we have ministers and that is the whole thing about a GTE. The idea that I am arguing that the facility should remain vacant if the juniors fall away is simply a fabrication; that is not what I am arguing. I am saying that the junior miners should be protected—not to an 11.5-million tonne capacity but to a 23-million tonne capacity. I recognise the elaborate access and pricing regime; I already said that. I do not understand why that has even been raised. I never said that the Labor Party would direct Utah Point to sit idle. I have never said that, and I am not saying that now. The Labor Party believes Utah Point should be for the use of junior miners if they are available to use the facility. I do not understand why the Liberal and National Parties do not want to support that. That is what industry wants and that is what the users of the port want. I do not understand why there is an argument. I imagine that this is actually an argument about the sale price. The Treasurer said there is $200 million—I am not quoting him, but I think this is what he said—of debt on the Utah Point facility. Is that what the Treasurer said?

Dr M.D. Nahan: Around.

Mr W.J. JOHNSTON: It is around $200 million. I understand that the minister suggested the state will get $300 million for the facility.

Dr M.D. Nahan: Did I say that?

Mr W.J. JOHNSTON: That is a $100 million net value of the facility. What does the Treasurer expect to get for the facility?

Dr M.D. Nahan: Ask me a question and I will give an answer. I have never said $350 million. I do not know where you're getting that figure from.

Mr W.J. JOHNSTON: I have read that.

Dr M.D. Nahan: I do not know.

Mr W.J. JOHNSTON: What does the Treasurer expect to get for that facility?

Dr M.D. Nahan: I will get up and answer.

Mr W.J. JOHNSTON: Fair enough. The Treasurer does not have to accept by way of interjection. I was happy to listen to him.

The Treasurer is suggesting this is nickels and dimes off the side of the budget—less than a week's borrowing by the government. It is not a major part of what we are doing in Western Australia. It will not provide any effective debt relief. It will not do any of those things. Surely, industry development should be what we are doing here rather than being worried about the nickels and dimes off the side of the table. Yes, what I am suggesting will reduce the value of the sale of Utah Point. That means it will increase the value of the junior mining sector. I made this point when this bill went through the first time: one person's profit is another person's loss. The total value of the export is the same because that is set by the international price. It is just about who shares that. I am saying the juniors should have to share that; not the purchasers of the port. Under the Treasurer's proposal, the purchasers of the port will be able to get 50 per cent of the capacity of the port, backed by the huge balance sheets of large companies like BHP Billiton and Rio Tinto, except for FMG, compared with the tiny balance sheets of the junior players. I am saying that that is not the right approach. This should be about industry development. Industry development is about giving the benefit to the junior players so they can make the smaller margin. Their costs are higher because of the structure of the industry. This is a volume industry. High volume means low cost. The juniors are low volume and therefore higher cost. It is just the way the system works. I am not making any of this stuff up. The Labor Party is saying they should have access to 23 million tonnes. Who will pay for that greater access? The government will, because in the sale of the proceeds, the sale proceeds will be lower.

Dr M.D. NAHAN: I will answer a bit of that. We disagree. I reiterate that the issue about the share will arise. The government has received advice from experts that if the port is kept available only after 12 months for majors on limited-term contracts, there would be next to no demand for it. That is the advice we have been given. Effectively, putting 100 per cent of contracts up to 180 days would strand the asset entirely. That is not a good idea and not even the Labor Party would instruct the port of Port Hedland to do that. Atlas was a beautiful Western-Australian based company. It was struggling and it did a great job of pulling its costs down; it was a great reform story. Its largest asset holder is Glencore, the largest commodity trading house in the world, which has a massive balance sheet. It is a complicated arrangement and I cannot describe it all, but Atlas has big backers with giant balance sheets that would probably be larger than Fortescue Metals Group or Roy Hill. Let me make it clear that junior miners are not necessarily owned by junior miners. The government made a decision after receiving recommendations from an upper house committee that went through this issue in great detail; it comprised members from most parties in the upper house. The government had extensive negotiations on this and we said that, if it is the case that junior miners, as defined in the act, do not use the port for 12 months and do not demand or seek to use or are not exporting, at least through this port—they might have another port in the future—then we will allow the port company to go into long-term contracts for 50 per cent of port capacity, but restrict 50 per cent on up to 180 day contracts and keep the facilities there available for what we call junior miners. It is a reasonable compromise. As I said, it is a lot more than would have been allowed under the Port Hedland Port Authority Act. I might add that my view for a long time is that India is one of our greatest export potentials, but I can guarantee that a lot of the pieces of the puzzle still need to fit together, particularly for panamax exports. I understand Atlas and Roy Hill and somebody else were trying to explore spot market sales with very little luck so far. There might be potential for it, but that is all speculation for 15 years or so in the future. We came to a 50–50 compromise, which is a reasonable thing to do, and it sustains 50 per cent of the port facility forever for junior miners. It utilises the facility and pays off the $200 million debt, which is not chickenfeed. I think it is a reasonable compromise. Atlas is owned by a very large firm.

Mr P.C. TINLEY: Picking up on what the Treasurer said on repeated occasions that there was 50 per cent of capacity available for the spot market on 180-day short-term contracts, which therefore restricts 50 per cent for use by the protected miners—the junior mining sector of the Pilbara, which would access this facility. Does the Treasurer accept that when the Pilbara is operating in boom periods and the installed capacity of all those miners potentially in the boom when the capacity of all those miners is coming to book that this bill will restrict the growth of the junior mining sector? The port's capacity will have gone from 23 million tonnes to 11 million tonnes, which is the limitation for anyone to get up a bankable project. Does the Treasurer accept this would be a limitation on getting a bankable project up for a junior?

Dr M.D. NAHAN: The scenario to which the member refers is that a junior miner falls off and is not exporting for 12 months, and then something happens and they come back on—either old ones or new ones—and there is demand for throughput. That scenario assumes the port company has entered into long-term contracts with

majors. Right now, if they tried to do that, they would get zip. The information I have is that none of the majors are interested in doing that, mainly because of the size of the ships. Hypothetically, the port company finds a major to use 50 per cent of its capacity and the industry booms again, and a whole range of new or existing old or new junior miners spring up, with demand exceeding 11 million tonnes. In that case, there are plenty of facilities to build another port.

Mr W.J. Johnston: Yes, but at a higher cost.

Dr M.D. NAHAN: Was Utah Point high cost? It has a debt of $200 million. They can always build another port facility; in fact, when we were looking at this asset to sell or to cap, we looked at packaging up other parcels of land that could have been used to expand facilities. The port of Port Hedland had identified land for multiple other ports. In the scenario the member painted in which the junior miners froze again, which would be a good outcome after a period of cessation, they came back and they demanded more than 11 million tonnes in the capacity of the port—I assume, and I do not know this, the capacity is fixed at 23 million tonnes and it is at full capacity; it is really pumping out exports. The port has land to expand its facilities. There is no limitation in this bill for Pilbara Ports or another party to build another port in Port Hedland. If the member's scenario worked out, we could address it, just as we did in the last boom.

Mr W.J. JOHNSTON: I want to clarify something that the Treasurer just said. I want to make it clear that the reason that is not a possibility and why we do not have lots of ports in the Pilbara is because to get a port built, somebody's balance sheet has to balance the risk of the port operator. That is the way it works. From what the Treasurer has said, we will end up with the same situation that occurred in Esperance. Let us understand what happened there. All these junior players wanted access to the port but nobody could come up with a plan that allocated the risk amongst the partners, so in the end nothing happened. If someone is in the game like I am as shadow Minister for State Development, people are constantly describing their wonderful plan to build a port; they are going to build a deep channel or do this barge exporting thing. They come to me all the time. The reason they do not actually build anything is because they cannot get anybody's balance sheet to take the risk. The Treasurer is proposing that we get the exact same problems into the future. That is why we built Utah Point, and the reason it was so important is that we de-risked all that. It was the state's balance sheet that took the risk. Juniors come and go, as these things happen, but the state is there to carry it forward. The government is going to sell it to some other private sector operator, and the opposition disagrees with that, but the government cannot then say it does not matter because they can always build a new port. That is why we ended up where we were before Utah Point: nobody could build a new port because there was nobody to take the balance sheet risk over 20 or 30 years on a port, because they only had a 10, eight or seven-year project, or some tiny operator had a 30-year project but no capital. This bill will make things worse and I do not understand why the government would do that.

Dr M.D. NAHAN: Let us go to this interesting scenario, which is all hypothetical. What would happen if Utah Point was being used to full capacity and prices were pretty good? What would happen if a new Atlas sprung up—a new junior miner—and there was no capacity? What would we do? We would do what we did in building Utah Point. We would find space in Port Hedland; it would not be a new port, but space for a new berth in Port Hedland and no doubt we would use the government's balance sheet to do it. That is what we would do, I am sure. We would have to have some confidence that the price would remain high for a while. We would probably enter into contracts. That would be the same in the scenario that the member for Willagee hypothesised in which juniors disappeared and 50 per cent of the capacity went in a long-term contract to the majors and 50 per cent remained for juniors, but there was a burgeoning of demand beyond the capacity at Utah Point. What we would do is use the balance sheet of the state to build a berth—not a port—in Port Hedland. There are many berths there. Port Hedland is the largest port in the world in terms of volume. It is a pretty well-run facility. We would build another berth at one of the various places that have been identified for these purposes. It would probably be a better facility—it might be deeper, because it would not have the problem underneath. That is what we would do. It would be lovely if we could do that to expand the throughput of the port and increase the exports of iron ore from this state.

Mr P.C. TINLEY: I want to move to a slightly different point. If a protected user with a long-term contract for access to Utah Point were to be acquired by a prescribed user, and if that prescribed user were to split its business units—as they do—would it keep its protected user status as a solely-held entity and not one that was operationally joined?

Dr M.D. NAHAN: That is a good question. This is essentially what happened when Atlas Iron went through the restructuring of its debt and whatnot. It was basically bought out by a number of overseas bodies, including Glencore, which I understand is the largest quasi-equity holder in Atlas. We start with Atlas as the entity, defined, owned by a number of bodies, and its contract will remain up to 2015, with an option for five more years. If, hypothetically, BHP were to buy Atlas, either from Glencore or otherwise, Atlas would become a prescribed user according to the ownership. The minister would also have the ability to amend the regulations to allow that to happen. It gives the minister flexibility.

Mr P.C. TINLEY: Just for clarity, and for the record, if a prescribed user were to acquire a protected user, at what percentage of ownership would they lose their protected ownership status?

Dr M.D. NAHAN: There is no set ownership structure. It is up to the government of the day to define when a protected user will become a prescribed user. If, hypothetically, BHP were to buy 100 per cent of the business of Atlas, I think the minister of the day would say it is no longer a protected user, potentially. It is up to the minister of the day. There could be complications. Let us say BHP gets into a business —

Mr P.C. Tinley: South32.

Dr M.D. NAHAN: Yes. That is a pretty big one, though. Let us say it buys Atlas, which has a contract with the existing user of the facility, and BHP buys a share into it. Let us say it even buys 100 per cent, but it operates as a standalone business, separately, filling a different niche than BHP senior. It would be up to the minister of the day to decide whether it would retain its protected user status.

Mr P.C. TINLEY: The Treasurer said that it is up to the minister of the day. There are many things on our statute book that are up to the minister of the day. Would the Treasurer agree that, by his own words, he has created further uncertainty about how a purchaser of this asset will see value in it? The Treasurer is creating uncertainty, because he cannot determine what a prescribed user is. I will give the Treasurer a further example, which is in and around competitive behaviours. What would happen for the purpose of Utah Point and the Pilbara Ports Authority if Rio were to buy Atlas? Would Rio be a prescribed user?

Dr M.D. NAHAN: Rio is a prescribed user, yes.

Mr P.C. TINLEY: It is not a user of that port.

Dr M.D. NAHAN: I know. We have defined the prescribed users as Rio, BHP, FMG, Roy Hill and Vale. However, they do not all use that facility or that port. We have defined them quite broadly. We never know what is going to happen. Rio might buy BHP.

Mr P.C. Tinley: It tried, and it cost it a motza!

Dr M.D. NAHAN: Yes, and there is surplus capacity in the building, too. There are a lot of risks in this business. We would describe this as flexibility to address an uncertainty. For instance, is Atlas a junior miner? It is in Australia. In Western Australia, it is a small miner, and we have defined it as a protected user for these purposes. The fact that it is owned by a big company is not relevant to this issue, but it would be relevant if Atlas were to be bought in part or in full by one of the prescribed users. In order to deal with that degree of uncertainty, we have built in flexibility to the access regime—reasonable, and transparent. Any buyer would look at this. This is one of the risks that they would have. I cannot tell the member how they would rate it. I assure the member that they would like the minister of the day to have the flexibility to reasonably look at and make a legitimate choice about who is prescribed and who is protected, while still subject to the regulations. I cannot say whether it would significantly diminish the value of the asset, but I think this is a good way to approach the issue.

Mr W.J. JOHNSTON: I have already outlined, but I will repeat, the three criteria that were used to choose the figure of 50 per cent. I make the point that, as I understand it, that was informal modelling, if you like. I know the Treasurer has advisers and that he has not sought to work out the impact of this provision on the valuation of the facility. That is from the advice that I received this morning. I am just putting that on the record, basically. Can the Treasurer let us know which person or organisation will be responsible for monitoring compliance with the provisions of proposed section 46A?

Dr M.D. NAHAN: Two bodies—the Pilbara Ports Authority, and the Economic Regulation Authority. The Pilbara Ports authority is effectively the contractor. The ERA is the regulator of the access regime.

Mr W.J. JOHNSTON: Will the future owner be required to tell the ERA and the port authority the commercial arrangements it has entered into with these bodies? I will give an example. I understand the access and pricing regime. I appreciate it. They have gone through all that. They have left their facility idle for a year and they have their approvals. They let the facility out to the prescribed users. The protected users then come along and seek access to 11.5 million tonnes but they are given access to only nine million tonnes. How will the government know that 2.5 million tonnes is still with the prescribed user and not with the protected user?

Dr M.D. NAHAN: Those contracts are all published; they are publicly available. The ERA has a monitoring and reporting role. Let us say that the junior miners wanted 11 million tonnes and were allocated only nine million tonnes. The ERA has the power to rule on whether they were discriminated against on the basis of not being allocated their full request of 11 million tonnes—that is, capacity.

The regulator must publish an annual report on access and pricing of regulated services. The regulator will review the regime to ensure that it is still achieving its objectives every three years, initially, and then every five years. It will also make recommendations to the minister whether a different form of access and pricing regulation is required. Defined events will also trigger a requirement for the regulator to review the regime,

which include the following: if the regulator grants approval for a terminal operator to negotiate with a non-junior miner; if the regulator considers the terminal operator has engaged in conduct that unreasonably prevents or hinders a person from accessing services, such as the situation the member just referred to; if the regulator considers that the terminal operator has unfairly differentiated between users in a way that has a materially adverse effect on the ability of one or more of the users to compete with other users; if a junior miner that uses the facility ceases to use the facility; or if the lease or port services agreement is amended.

In other words, if a junior miner gets less capacity than it wants and there is capacity there, the junior miner has the ability to go to the ERA and the ERA has the ability and powers to review that lack of full allocation.

Mr W.J. JOHNSTON: If the ERA discovers that the port operator has not complied with subsection (3) of the amendment, what penalty would be applied?

Dr M.D. NAHAN: It is a big answer! If the ERA finds a situation in which the operator has failed to meet its requirements to provide fair access to the facility, it is a breach of the lease and the port of Port Hedland has the power to threaten the removal of the lease. It has a pretty powerful influence. The penalties for some breaches will be prescribed in regulations, but I do not have the types of breaches yet.

Mr W.J. Johnston: Do you for this particular circumstance?

Dr M.D. NAHAN: We are still drafting those—my advisers cannot confirm.

Mr W.J. JOHNSTON: If the ERA finds that subsection (3) has been breached, of course, the ERA cannot enforce its own orders; it is not a judicial body. I imagine that the first thing the port operator would do is appeal the findings of the ERA to a competent authority. This is what happens every time there is a regulatory decision; they can all get appealed!

Dr M.D. Nahan: Member, I'm not arguing against you.

Mr W.J. JOHNSTON: The Treasurer can instantly see the point I am making here. If the only penalty is the underlying lease, it would be extraordinary for the government to exercise that provision, given that it will be so complicated to reach a conclusion on a breach of proposed section 46A(3). If the only penalty is the big stick, the big stick will not be used. Surely there should be some other arrangement that makes it easier to give a smaller penalty rather than using the big stick of cancelling the lease. We are not discussing the whole bill; we are discussing only proposed section 46A, and this becomes a moot point if no genuine penalty is available under the act.

Dr M.D. NAHAN: The member is right. If the breach is significant but not major, it is highly unlikely that a lease will be removed, but the provision does give significant powers to the port of Port Hedland. My advisers say that we are in furious agreement with the member and his questions will be addressed in the regulation of the penalties. That will be in the regulations.

Mr W.J. JOHNSTON: I will move onto a new topic. The ultimate restriction on the port, of course, is the channel. Has the government thought about reserving 23 million tonnes capacity in the channel, even though it is only reserving 11.5 million tonnes of capacity at Utah Point? In other words, even though a major user is taking 11.5 million tonnes out of this port, there will still be 23 million tonnes of capacity in the channel. The issue is that other users are expanding into the port and we might end up with the channel reaching capacity. If a second junior facility was to be created, it still could not get ore out because the channel would be full. Has the Treasurer given thought to effectively quarantining channel capacity as a compromise to the Labor Party's position of keeping the terminal facility for the juniors?

Dr M.D. NAHAN: Let us say that Utah Point is full no matter who uses it, but there is additional demand for junior miners beyond the capacity of the port of Port Hedland. Can the port of Port Hedland find that additional capacity? Right now it is at only 23 million tonnes of C-class capacity. Let us say that if we did build a different facility, we would get a larger, deeper port. Right now only 23 million tonnes of C-class capacity is allocated to the port of Port Hedland. The real question is: does the port of Port Hedland have the ability to find additional capacity for junior miners beyond the existing allocation? We are not the port of Port Hedland, but it has been able to expand the capacity of the port to meet increasing demand. I guess that is the best way that I can answer that question.

Mr W.J. JOHNSTON: I note the Treasurer's answer and I am going to move on to another issue. We are talking about one thing, which is the prescribed period. New clause 46A states —

> ***prescribed period*** for a request for access means 180 days, or such other period as is specified in regulations, after the day on which the request is made;

Is the Treasurer saying that 180 days could in fact be 365 days because in the regulation 365 rather than 180 days are specified?

Dr M.D. NAHAN: It is 180 days. There is some flexibility because a protected user might say that it will take them a year to get going. They want to get access, but they will not be ready in 180 days and it might take them

a year, and they want the contract to be kept going until they are ready. That is the flexibility with that. It is envisaged that it will be 180 days unless a protected user asks that the berth be used while they get ready to access it when they can.

Mr W.J. JOHNSTON: I thank the Treasurer for that answer. I suppose the 180 days give the prescribed user a bit of time before they have to get out, because they have their own supply chain that they have to sort out themselves. The Treasurer described the example of a junior saying they do not want access in 180 days' time but 250 days' time, but equally, the large user could say that they cannot give it away in 180 days' time because they have all these other problems and they need 400 days. It seems to me that 400 days could be prescribed by regulation, which would be over a year. That would be a way of having the major user, the prescribed user, hold out the protected user and that would be a problem. I want to give the Treasurer a complete picture before he gets up so I do not have to get up again. The definition could be amended to read "prescribed period for a request for access means 180 days, or such other period as is specified in regulations, and with the consent of the protected user, after the day on which the request is made".

Dr M.D. NAHAN: The definition states —

> ***prescribed period*** for a request for access means 180 days, or such other period as is specified in regulations …

If there was a desire to go beyond 180 days, the regulations would have to be changed.

Mr W.J. Johnston: Yes, but you could do that instantly. You could walk down to the Governor's house and change the regulation right now.

Dr M.D. NAHAN: It would be subject to disallowance by Parliament. The regulations state 180 days, as does any regulation, and it is up to the government, subject to parliamentary recognition, to change those regulations, but the intent here is to have 180 days.

The SPEAKER: The question is that the amendment —

Mr W.J. JOHNSTON: Mr Speaker —

The SPEAKER: I live in hope, member for Cannington!

Mr W.J. JOHNSTON: I have plenty of questions; I am not going over the same ground each time, Mr Speaker, as you can see.

Prescribed users and protected users are prescribed in the regulations. Does the Treasurer have a draft of those regulations? I can understand why the government would want to have them prescribed in the regulations, but has the Treasurer given thought to providing just here in the chamber for the benefit of *Hansard* some sort of undertaking about how the prescribed and protected users will be arrived at?

Dr M.D. NAHAN: The protected users are not listed, just the prescribed users. Those five companies will be Rio Tinto, BHP Billiton, Fortescue Metals Group, Roy Hill and Vale.

Mr W.J. Johnston: Who are the protected users?

Dr M.D. NAHAN: They are not listed. We only define the prescribed and everybody else is protected. Of course, if another major crops up we would have to amend the regulations to add that new major miner in there. I can show the member the draft regulations if he wishes.

Mr W.J. Johnston: That would be great. Could you table them?

Dr M.D. NAHAN: Yes.

[See paper 4906.]

Mr P.C. TINLEY: Just to indulge me, Treasurer, how does a protected user graduate to prescribed user status?

Dr M.D. NAHAN: When they are added to that list! I think they will do so willingly. If Atlas becomes BHP, the owners of Atlas will smile brightly.

Mr W.J. JOHNSTON: Does the minister accept that, given the functions of the port authority to facilitate trade through the port, this clause 46A is really about increasing the value of the port? If he agrees, does he think that is consistent with the functions and powers of the authority under the act?

Dr M.D. NAHAN: As I mentioned, I think this strengthens the safeguards to junior miners using the facility more so than what currently exists for the operation of the public port. It prescribes quite clearly a whole raft of conditions put on non-protected users from accessing the port—more than exists now. Of course, it is government-owned; therefore the government can make all sorts of directions, but my own view is that the port of Port Hedland will push very hard to get maximum throughput through its facility and is not likely to be stranded. That is what it would do to repay the debt and recoup the capital on asset that is vested in it by the state. This additional clause 46A augments that to a greater extent than what exists now, so it very definitely is focused on the facilitation of trade and sustaining and expanding the junior mining industry.

Mr W.J. JOHNSTON: I thank the minister very much and appreciate his comments. We obviously disagree with him and I think many people in the industry would disagree with him. I want to draw the minister's attention to the advice I received this morning. I asked how much had been spent by the government on advisers as part of the process and the email I received said that as at 31 October 2016, total project expenditure on external consultants was $5.896 million as follows: $1.387 million for the lead financial adviser, which I think is Rothschild; and $4.509 million for secondary advisers, including legal. That is an enormous amount of money, let me tell the minister that. Secondly, could the minister tell me how much more he is expecting to spend prior to the sale proceeding?

Dr M.D. NAHAN: We have spent $5.9 million out of an allocation of $8.6 million for advisers. That is not necessarily what we will spend; it is the amount of money we are allocated for the purpose—$8.6 million. A lot of the work has been done. The next exercise, as I understand it, once we do this, is to go out and —

Mr W.J. Johnston interjected.

Dr M.D. NAHAN: Yes.

Mr P.C. TINLEY: Noting that the Treasurer does not intend to spend the full $8 million, it has obviously been allocated for a reason, because there is the potential for it to be expended. Has the Treasurer received any advice, either from the market or otherwise, about the impact of new clause 46A—this amendment—on the valuation and/or the discount to a valuation?

Dr M.D. NAHAN: That is a good question. No, we have not. We have not gone to the market since we brought this legislation into Parliament. We wanted to make sure it was a relevant asset to go to the market with, and also to know what we were going to bring to the market. Now we bring to the market the bill plus the amended clause, and we will go and see. I was told, before we brought this measure to Parliament and had the work done, that there was substantial interest in this facility. That was at a time when the prices were much lower than they are now. I will leave forecast iron ore prices to the iron ore gods, but there was a substantial interest. The member's question is, will this affect the value? It is definitely a risk, but it is a risk that we have decided to take.

Mr P.C. TINLEY: I just want to be clear. There is a sense amongst the Treasurer and the Treasury team that there is a risk that this amendment could put downward pressure or create a discount on the valuation of the asset. Given the Treasurer's comment about the price of iron ore and the interest that was shown previously, is it not better to delay the sale until we see a better outcome?

Dr M.D. NAHAN: I do not know what the member means by a better outcome.

Mr P.C. Tinley: Is this the right time to be selling an asset, at the bottom of the boom?

Dr M.D. NAHAN: It is not the bottom. I thought the price today was $72 a tonne, which is a pretty good price. In Australian dollars that is pushing it into the 90s; that is a pretty good price if members opposite want to know. If they tell me that this is the bottom of the market, and it is going way above $100, give me some guarantees; maybe they are right. Do the restrictions we place and the protections for junior miners in this amendment and in the bill restrict the value of the asset? They will probably reduce the value, but those are the choices we had to make to facilitate trade and protect junior miners.

Mr W.J. JOHNSTON: I think this will be the last time I stand up, Mr Speaker, and I am sure that that will bring joy to your face—and I am right! We oppose the sale of Utah Point because we do not think it makes any sense, and we are opposing this clause because we think that it does not work. This clause is subject to the access and pricing regime; I understand that. The new owner must go through all the steps before it can allow the majors in. This was one of the most important issues we discussed when we dealt with the principal legislation. We have been through a range of questions here. We have not repeated questions. We have been very good to the chamber, to make sure that we do not waste its valuable time, but I think we have highlighted and exposed a whole series of holes in this regime. I know, because they talk to me regularly, that the users of the port are very disappointed with the government's performance, and I make another point about that. At the moment, the junior players are receiving a discount of $2.50 or $3.50 on the operations at the port, and that discount will disappear. There is no effective protection of price or access for those junior players, and that is quite disappointing to us. We will end up with a situation in which there will be no guaranteed access for the junior players in the future. After all, that is why we built this facility.

We are disappointed that the Liberal Party and National Party are not prepared to provide these additional protections. All the government has to do is change the 50 per cent to zero per cent, which would guarantee that the Utah Point facility would be available for the juniors forever. I make the point that a future government of any persuasion could change that figure from 50 per cent to zero per cent by an act of Parliament without compensation to the purchasers of the port. It would have the effect of protecting the juniors in the way that we think they should be.

Dr M.D. NAHAN: I thank members opposite for all the questions. They were kept to the amendment. This government has done a lot for the junior miners. We built the facility. We gave them access roads. When they got in trouble, we gave them temporary royalty relief, reductions on the road charges and reduced costs of using the facility to help them restructure themselves and keep alive. That was successful in facilitating Atlas at least staying in business. It went out for a while and then came back. This regime gives the junior miners greater clarity and greater assurance and access than would exist under public ownership. I know that members opposite do not believe in asset recycling but this amendment allows the state to do it. We built a facility. It is operating. It allows us to take the money from it and put it into other capital. Whether that be another facility in Port Hedland or wherever, this is just a reasonable thing to do and it gives greater assurances to the junior miners than exist now.

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

The Council acquainted accordingly.

AQUATIC RESOURCES MANAGEMENT BILL 2015

Council's Amendments — Consideration in Detail

The following amendments made by the Council now considered —

No 1

New Part 19 Division 1, page 210, after line 1 — To insert —

Division 1 — *Biodiversity Conservation Act 2016* amended

288A Act amended

This Division amends the *Biodiversity Conservation Act 2016*.

288B Section 5 amended

(1) In section 5(1) delete the definitions of:

fish

pearl oyster

(2) In section 5(1) insert in alphabetical order:

aquatic organism has the meaning given in the *Aquatic Resources Management Act 2016* section 3(1);

(3) In section 5(1) in the definition of ***biodiversity conservation measures*** delete paragraph (g)(v) and insert:

(v) aquatic resource use plans and management plans under the *Aquatic Resources Management Act 2016* and measures under Part 6 of that Act relating to the control of declared organisms or biological threats;

(4) In section 5(1) in the definition of ***fauna processing establishment*** delete "fish or pearl oyster," and insert:

aquatic organisms,

288C Section 7 amended

In section 7(1) in the definition of ***relevant authorisation*** delete paragraphs (d) and (e) and insert:

(d) the *Aquatic Resources Management Act 2016*; or

288D Section 12 amended

Delete section 12(1) and insert:

(1) This Act, other than Part 9, does not apply to or in relation to any aquatic organism that is the subject of —

(a) aquaculture, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or

(b) commercial fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or

(c) recreational fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1).

288E Section 54 amended

In section 54(2)(b) delete "*Fish Resources Management Act 1994*." and insert:

Aquatic Resources Management Act 2016.

288F Section 132 amended

Delete section 132(3)(a)(ii) and (iii) and insert:

(ii) if the species to which the order relates is a species of aquatic organism—the Minister responsible for the administration of the *Aquatic Resources Management Act 2016*;

288G Section 145 amended

In section 145 in the definition of ***fauna*** delete "fish or pearl oyster." and insert:

aquatic organisms.

288H Section 151 amended

(1) In section 151(1)(a) delete "fish or pearl oyster); and" and insert:

aquatic organisms); and

(2) In section 151(2)(a)(i) delete "fish or pearl oyster); and" and insert:

aquatic organisms); and

288I Section 153 amended

(1) In section 153(3)(a) delete "fish or pearl oyster); and" and insert:

aquatic organisms); and

(2) In section 153(4(a)(i) delete "fish or pearl oyster); and" and insert:

aquatic organisms); and

288J Section 158 amended

In section 158(1) in the definition of ***fauna*** delete "fish or pearl oyster." and insert:

aquatic organisms.

288K Section 166 amended

In section 166 in the definition of ***flora*** delete "fish." and insert:

aquatic organisms.

288L Section 190 amended

In section 190 in the definition of ***aquatic-eco tourism delete*** "*Fish Resources Management Act 1994* section 4(1);" and insert:

Aquatic Resources Management Act 2016 section 3(1);

288M Section 194 amended

In section 194(3) delete "*Fish Resources Management Act 1994*" and insert:

Aquatic Resources Management Act 2016

288N Section 274 amended

In section 274(1) in the definition of ***information sharing agency*** —

(a) after paragraph (a) insert:

(aa) the department of the Public Service principally assisting in the administration of the *Aquatic Resources Management Act 2016*;

(b) delete paragraphs (e) and (h).

288O Schedule 1 amended

In Schedule 1 item 2 delete "fish or pearl oyster)," and insert:

aquatic organisms),

No 2

Clause 312, page 220, line 22 to page 221, line 8 — To delete the lines and insert —

(2) Delete section 101B(3)(a) and (b) and insert:

(a) the *Aquatic Resources Management Act 2016*,

Mr J.M. FRANCIS — by leave: I move —

That the amendments made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.

LIMITED PARTNERSHIPS BILL 2016

First Reading

Bill read a first time, on motion by **Mr A. Krsticevic (Parliamentary Secretary)**.

Explanatory memorandum presented by the parliamentary secretary.

Second Reading

MR A. KRSTICEVIC (Carine — Parliamentary Secretary) [6.01 pm]: I move —

That the bill be now read a second time.

The purpose of the Limited Partnerships Bill 2016 is to repeal and replace the Limited Partnerships Act 1909. The state government's purpose in introducing the bill is to rewrite existing legislative provisions that govern the formation of limited partnerships to provide a new and more modern legislative framework, as well as to introduce a new form of limited partnership—the incorporated limited partnership.

The act is over 100 years old and has not been the subject of significant reform during that time. The state government believes that the time has come to modernise the law to enable Western Australian investors to invest venture capital into innovative businesses. This sentiment is echoed in the recently tabled Economics and Industry Standing Committee report "Growing WA through Innovation: The Western Australian Government's role in fostering innovation to expand and diversify the economy", which recommended that the state government, as a priority, complete the review of the act and introduce legislation to amend the act to allow the formation of venture capital limited partnerships in Western Australia.

Limited partnerships are a special statutory form of partnership designed to facilitate business investment. The special feature of a limited partnership is that at least one of the partners in the partnership is a limited partner whose liability under the partnership is limited to the amount of their capital contribution to the partnership. Because of their unique structure, limited partnerships provide an attractive investment vehicle for investors. In particular, the structure has come to be favoured by the venture capital investment industry, in part because of taxation treatment of investments into limited partnerships. In order to take advantage of the taxation benefit, however, venture capital investors must invest through a limited partnership structure registered under state legislation.

As the act has not been amended in over 100 years, the primary purpose of the bill is to provide investors in this day and age with the certainty they require with regard to their limited liability. In addition, and as part of the modernisation of the regulatory framework, the bill will also provide for the registration of incorporated limited partnerships—a new modern limited partnerships structure developed specifically for use with the Venture Capital Act 2002. By allowing incorporated limited partnerships to register in Western Australia, a barrier to venture capital investment in Western Australia will be removed.

The reforms in this bill are long overdue. The time has now come to modernise the act and enable Western Australian investors to invest venture capital into innovative businesses with the security of knowing that there is a best-practice regulatory structure in place. The state government is a strong supporter of innovation and these reforms are in line with the state government's commitment to foster a culture of innovation in Western Australia. I commend the bill to the house.

MR P.C. TINLEY (Willagee) [6.03 pm]: I rise on behalf of the opposition to provide full support for the passage of the Limited Partnerships Bill 2016. I thank the government, the Leader of the House and, of course, the opposition's shadow Minister for Commerce, Hon Kate Doust, for allowing the bill to get through the house. The member for Bateman approached me about it this afternoon. There was a real risk that this bill would not pass this place prior to the proroguing of Parliament and that there would be a further delay to what is seen on this side, and on all sides, as being not the silver bullet, but a big step forward in providing some relief for people

who put capital at risk in the early stage of investment in innovative business ideas, not just necessarily around inventions themselves but innovation and innovation businesses generally. I sat on the Economics and Industry Standing Committee that produced the report, but finding this was by no means original to our committee. This has been a longstanding concern of both the sector and those who are particularly interested in providing a flowthrough opportunity that in some way assists in the management of the downside risk of investing in these early stages. I note that in our investigations, the committee found that the most recent discussion paper put out—there is a long list of them—by the Department of Commerce was in 2013. Although it received only a modest number of submissions, the submissions made were quite significant submissions and represented a large amount of early stage capital that was in the jurisdiction of Western Australia, and there was one from the national side.

Venture capital and venture capital managers are very rare in Western Australia. There are only 12 venture capital managers nationally and two are in South Australia. I am talking about general venture capital, not normal funds representing large sovereign funds and other endowments. This is a very important step, in my view, in sending a signal to the market that Western Australia is very much open for business and very much looking to diversify in all aspects across our economy to ensure that the risk is in some way managed and attracts more capital potentially from our north, dare I say. There is a lot of pent-up capital in our time zone. As of last quarter, China is now a net exporter of capital; by value, it is its largest export. That will not just slow down. This, as I said, is not a silver bullet. It is a step in the right direction. It is not the end; it is the beginning of the conversation in which we can reach out and turn the light on brighter—because it is always on—to the globe and our region and let them know that we are open for business and ready to accept investment in the early stages in whatever form it can take. I commend the bill to the house.

MR I.C. BLAYNEY (Geraldton) [6.07 pm]: I am very happy that the Limited Partnerships Bill 2016 is going through at such a late hour. The bill will make a big difference. It is a very positive way to see out the year and the Parliament with bipartisan support for a measure that was recommended by one of our bipartisan committees. I am slightly disappointed that the government did not endorse creating a direct agreement with Israel for the purposes of innovation, but that is something for me to pursue next term if I am here in this Parliament. Innovation means being a bit bold and this is a really great step for Western Australia.

MR A. KRSTICEVIC (Carine — Parliamentary Secretary) [6.08 pm] — in reply: I thank the member for Willagee and the opposition for their support of the Limited Partnerships Bill 2016. I also thank the member for Bateman for helping me to get it over the line today. It is obviously a great way to finish off the year and I look forward to the break. I wish everyone a great break and a great Christmas, and I hope everyone wins their seat at the next election.

Question put and passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by **Mr A. Krsticevic (Parliamentary Secretary)**, and passed.

The SPEAKER: I will move to the Leader of the House, but first I have messages. The upper house is, to use an Australian saying, cooking with gas!

BILLS

Assent

Message from the Governor received and read notifying assent to the following bills —

1. Retail Trading Hours Amendment Bill 2015.
2. Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2016.
3. Royal Perth Hospital Protection Bill 2013.

BILLS

Returned

1. Misuse of Drugs Amendment (Search Powers) Bill 2016.
2. Oil Refinery (Kwinana) Agreement Amendment Bill 2016.
3. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016.

Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE

Special

MR J.H.D. DAY (Kalamunda — Leader of the House) [6.11 pm] — without notice: I move —

That the house at its rising adjourn until a date and time fixed by the Speaker.

We have come to the conclusion of another year of parliamentary sittings and, indeed, we have come to the end of the parliamentary sittings for this term of government. We are at the stage of the year when we say farewell to each other as far as Parliament is concerned, at least for the time being. In moving the motion, I will take the usual opportunity to make some comments and express some well-deserved thanks to reflect both on this past year and on the past four years of this government.

As far as government business in Parliament is concerned, we commenced sitting this year on Tuesday, 16 February. Today is the sixty-first sitting day of the year. It has included three days of budget estimates hearings and the recall of Parliament by proclamation to appoint Patrick Dodson to the Senate. On average, the house sat for about seven and a half hours each sitting day, although I am sure on many days it seemed like more than that! Some days have been shorter; some have certainly been much longer. Forty-four bills were introduced into this house this year. Of that number, 14 were received from the Legislative Council; 40 bills were government bills. I note that the government introduced approximately 164 bills in this house during the thirty-ninth Parliament. So far this year, 37 bills have received royal assent and eight are awaiting assent. There will be one or two more with the passage today of further bills. With the passage this week of quite a number of bills in the house, as well as various Assembly bills that are in the process of being considered in the Legislative Council, I expect the total number of bills to be passed this year will be more than 50 when the Council rises next week. By comparison, in 2015 the number of bills that received royal assent was 40; in 2014, that figure was 35; and in 2013, it was 25. We have made reasonable progress this year in comparison with 2013, which was of course an election year.

I have often made the comment, and I am sure many others have observed, that the measure of success is not taken by the number of bills introduced or passed, but by the significance of the legislation and the benefits they bring to the Western Australian community. Many bills could be briefly referred to, but some that I will mention include the Biodiversity Conservation Bill, which marks the most significant legislative achievement for the Western Australian environment in decades. The deficient 66-year-old Wildlife Conservation Act was replaced with modern legislation that provides major advancement on every measure of biodiversity protection for this state. The Misuse of Drugs Amendment (Search Powers) Bill will enhance the ability of police to disrupt the transport and supply of methamphetamine into and around Western Australia. Members from both sides of Parliament hear far too many stories about the enormously destructive effect that methamphetamine abuse is having in our state. It puts pressure on the justice system, it puts pressure on police and it puts pressure on hospital emergency departments. It causes enormous disruption and disadvantage to families. The Motor Vehicle (Catastrophic Injuries) Bill introduced a no-fault insurance scheme for people catastrophically injured in motor vehicle accidents. The Health Services Bill updated 89-year-old legislation to modernise the delivery and oversight of health services throughout the state by devolving decision-making to a more local level within a framework that provides clarity of roles and responsibilities. I acknowledge the former Minister for Health, who played a significant role in that.

We finished off the second of the aquatic resource management bills late this afternoon. They represent the first major overhaul of fisheries legislation in more than 20 years. They will provide an innovative, world-class legislative framework for ensuring the ecologically sustainable development of Western Australia's aquatic resources for many years to come. The Sentencing Legislation Amendment Bill will, among other matters, provide for serious offenders to be strictly supervised for two years after their sentences have finished. It will allow for GPS tracking and provide victims with a greater say at the sentencing stage, as well as at the potential release stage. I refer also to the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016, which also has just been completed in this chamber this afternoon. I thank the opposition for its cooperation in facilitating the passage of both the bills that I just referred to. The Public Health Bill has updated 105-year-old legislation, including outdated provisions such as the treatment and custody of lepers, to provide a modern, proactive and flexible risk-based framework to benefit the health and wellbeing of our community.

As at lunchtime today, members of the opposition had placed 1 124 questions on notice and the government had responded to 1 103 and responded to 938 questions without notice. This brings the total for the thirty-ninth Parliament to approximately 5 923 questions on notice and 3 922 questions without notice. I acknowledge the role of the many members of the public service and staff in ministerial offices who work very hard to answer these questions. They can involve a great deal of time and effort.

Mrs M.H. Roberts: To respond to; not necessarily answer them.

Mr J.H.D. DAY: We do our best to provide intelligent and meaningful answers. They do not necessarily provide the answers, I guess, on some occasions that the opposition would like. For questions on notice, but also questions

without notice, I know that in many cases, a huge effort is required within the public service to put together the quite large amount of detail that is needed. I acknowledge all those members of the public service, as I said, in the general public sector and within our ministerial offices who put in such a large effort in that respect.

As the thirty-ninth Parliament is drawing to an end and the festive season is approaching, I thank the many people who have been involved in ensuring the machinery of this place runs smoothly. I acknowledge all members of the house who have made a contribution in one form or another on the government side, of course, led by Premier Colin Barnett, and on the opposition side by the Leader of the Opposition, Mark McGowan, and all members, as I said. We can disagree strongly with each other over various issues but the fact that we have Parliament and that it works smoothly is the pinnacle of the expression of democracy, apart from elections, and is a very significant aspect of our society. There has generally been a spirit of cooperation between both sides of Parliament. That does not happen all the time, of course, but that is the nature of Parliament and I acknowledge that that is most generally the case.

I thank you, Mr Speaker, all the Acting Speakers and the Whips, especially the member for Vasse, who has filled the role very proficiently since assuming the role this year. I must say that as government Whip she has been very proactive.

Mr C.J. Barnett: What a charming person she is.

Mr J.H.D. DAY: She has been very proactive in communicating with members of the government and, as I said, has filled the role very proficiently. I acknowledge also her predecessor, the member for Carine, who has passed on his extensive experience to her. I thank him also for his role as government Whip prior to his being elevated to the role of parliamentary secretary earlier this year. Both Whips have been assisted by Jeanette Bourke in the Whip's office, who is very important in assisting behind the scenes, of course.

I thank my opposite number as Leader of the House, the manager of opposition business, the member for Midland, for her spirit of cooperation, particularly in the last few weeks. I appreciate the facilitation of legislation going through that is in the community's interests. I acknowledge the role and work of the opposition Whip, the member for Mandurah, who is kept on his toes, I am sure, by his own members—probably less so by members on our side.

We very much value and rely on the knowledge, advice and assistance of all the staff of the Legislative Assembly led by the Clerk, Kirstin Robinson, who has fulfilled her first year in the role following the retirement last year of Peter McHugh, her predecessor. I am sure that everyone will agree it has been very much a seamless transition and I think everybody will support me in saying: Kirsten, you have handled the role with calmness and serenity; thank you.

Mr D.A. Templeman: Particularly when I adjourned the house at the end of last year and I tested you.

Mr J.H.D. DAY: As I observed on the equivalent day last year, Kirsten's abilities and skilfulness, and those of her colleagues, were very much put to the test, but things were put back on track with good advice.

I also thank Scott Nalder, Deputy Clerk; Clerk Assistants, Liz Kerr, who is no doubt listening, and Mathew Bates; the Sergeant-at-Arms, Isla Macphail, who is in the chamber at the moment I am pleased to say; and all the chamber staff, including Rachel Wells, Denis Hippolyte, Lachlan Gregory, Maddison Barnsby, Daniel Govus, Nikolas Carbone, Alison O'Shaughnessy, and Glen Whitting—I hope that covers everybody; Anne Day as executive assistant to the Clerk; Jackie Berry as executive assistant to the Speaker; and a very important person, the Speaker's steward, David Griffiths, who has done an expert job of looking after the Speaker's suite by providing afternoon tea in such a pleasant and charming manner and who has followed on from the much-loved Vince La-Galia, who is undergoing significant medical treatment at the moment, and we all send our very best wishes to Vince and we miss him in the Parliament here.

Thank you to all the staff of the committees' offices who have assisted the Assembly's standing committees to produce an amazing 27 reports during 2016. It was certainly a very big effort by all the staff who have ensured that those reports could be completed and presented, not always to the welcome response of government, but that is the role of committees and Parliament of course.

I thank and acknowledge the role of all the Education Office staff and the Parliamentary Services Department staff, led by Rob Hunter and Patricia Traegde, and I congratulate them on their appointments this year. The Parliamentary Services Department, of course, has an essential role in looking after the practical management of Parliament, including the Hansard services led by Laurie Mansell. Thank you to all the Hansard reporters, who are put under so much pressure by us sometimes in ensuring that what is presented in the written form is much more intelligible than in the spoken form.

I thank the Library and Information Services staff led by Judy Ballantyne. I have said before that I think the Parliamentary Library in this building is probably the best part of Parliament House, but, unfortunately, over the last four years, I have had little opportunity to visit as much as I would like, but it is a wonderful service.

Mrs M.H. Roberts: Maybe next year.

Mr J.H.D. DAY: We are not working on that, member for Midland.

I thank Catering Services staff led by Enno Schiff. All the catering staff, and those in the bar and dining room, look after our needs very obligingly I must say. Security is an increasingly important aspect of what is provided here in Parliament House, and I thank all the staff led by Tony Paterson. I thank all the Information Technology Services staff led by John Buchanan, the Finance staff led by Elma Ozich, the Human Resources staff led by Tina Hunter; and the Building Services staff, who provide the very important gardening, cleaning and reception services, and also look after the gymnasium.

Can I thank, personally, all the staff in my ministerial office who ensure that it is a very productive workplace. It is a harmonious workplace and is very responsive, we seek to ensure, to all members, whatever their party is in Parliament. It is led by chief of staff, Denise Mitchell. I would like to thank all those, including in my own ministerial office and the Department of the Premier and Cabinet, who ensure that legislation is prepared and available. Staff are needed here and behind the scenes a little—they are just in the office next to the Premier's office. They ensure that government business is dealt with here in the most efficient and seamless manner possible. I would like to thank Thamis Kint, who is now, I am delighted to say, in my own office, and also Nick Hagley and Rebecca Nielson from the Cabinet Secretariat of the Department of the Premier and Cabinet and all the policy and other administrative staff in my own office. I also thank all the staff within the Premier's office, who play such an important role and, of course, work exceptionally hard.

I hope that everyone will join me in celebrating the end of another productive year in this place and, in particular, farewelling those four members who we know are retiring: the members for Bunbury, Dawesville, Kalgoorlie and Wagin. We heard their valedictory speeches yesterday. They have all made very valuable contributions and had interesting parliamentary careers. I wish them well on their next adventures. From the government's point of view, we hope there are no forced retirements at the next election. We will be quite satisfied if the membership, apart from those four, stays pretty much as it is. Of course, it is up to the voters of Western Australia to express their views on that next March.

Finally, I wish everyone a very safe and happy Christmas and new year as we look forward to what will be a very exciting next four months or so. I look forward to being back here next year together with, as I said, as many as possible of the current members, apart from the four who are consciously retiring.

MRS M.H. ROBERTS (Midland) [6.27 pm]: I, too, wish to thank a number of people, including the Leader of the House, who I have enjoyed a cooperative relationship with over my time as manager of opposition business and also those who had that role before he did. I would also like to thank the Clerk, Kirsten Robinson, the whole team and all the staff of Parliament, including the chamber staff, catering, admin staff, gardeners, library, security, and basically all those who are always so courteous to us and so diligent in their work.

I would like to extend my thanks to you, Mr Speaker, and to the Deputy Speaker, who is retiring. I thank you for the job that you have done. I know it is testing and trying at times, but you have certainly taken on the challenge and I thank you for that. I also thank those people of both sides of the house who fill in the role of Speaker from time to time, who, I am sure, attempt to do their best too. I would like to particularly thank my colleagues on this side of the house. In my role as manager of opposition business, I call upon them to do a lot and most of them do it very willingly and sometimes even exceed what is asked of them. I have a great relationship with our Whip, the member for Mandurah. He does his job with more good humour than most. I also want to wish well those who are retiring: the members for Dawesville, Bunbury, Wagin and Kalgoorlie. At an election there are always a few extra involuntary retirements. I wish everyone in this house all the best for their future. We are, of course, hoping that some members do not have a future in this house and that maybe there are bigger, better and brighter things for them other than returning here. The time is up on the thirty-ninth Parliament. We are hoping that the time is up for this government and that we will have the opportunity to form government next year. As the Leader of the House pointed out, that is up to the community of Western Australia.

We will certainly be doing our best, as I believe we have over the last four years, to make our case. We have taken the challenges up to the government and argued case by case and portfolio by portfolio. We have supported some legislation that is certainly in the community's interest, as most legislation brought before this house is irrespective of who is in government. I certainly thank our leader, Mark McGowan, for the leadership he has shown to our team on our side of the house, and I hope he is successful in becoming the next Premier of Western Australia.

The SPEAKER: Leader of the National Party—minister! Potential leader, sorry!

MS M.J. DAVIES (Central Wheatbelt — Deputy Leader of the National Party) [6.31 pm]: Thank you, Mr Speaker!

I, too, rise on behalf of the National Party today to note the enormous privilege that we all have in this house to play a part in the centre of democracy in Western Australia. I would like to acknowledge the very dedicated and highly competent staff in the chamber led by Kirsten Robinson, but everyone who supports and makes this

chamber work well. I also acknowledge the staff of Parliament House. The adjournment speeches yesterday noted the fact that we all appreciate the work that the staff of this house do to make us feel comfortable. We spend a great deal of time here. They are courteous; we are difficult at times to deal with. It has never been said that a member of Parliament does not have an ego and this is a roomful of egos on any set day, and the staff all do it with good grace and are very pleasant. Thank you to everyone who goes above and beyond, including Basil, who helped me pull my telephone from out underneath the front seat of my car the other day, after I had been scrambling around for some time. That is just the nature of the very lovely staff who work at Parliament House.

I wish to talk about my National Party colleagues—leader, Brendon Grylls, and my ministerial colleague, Terry Redman. I have had the privilege of being deputy to both of these incredible regional champions, and I am always very proud to sit aside my parliamentary colleagues, all of whom are local champions. Every member knows the challenge of balancing parliamentary duties with their family and electoral commitments. As country members of Parliament there is sometimes an added challenge, and we spend a great deal of time in each other's company. From my perspective, it is always done with good humour and seems almost like a second family.

On a personal note, I would like to extend my thanks to the ministerial staff of the ministerial offices of our three ministers. They spend a huge amount of time ensuring that they are providing support to us in our duties, and their effort and dedication should be noted on behalf of the people of Western Australia. I cannot go past electorate officers, as well. Yesterday, we heard the retiring members talk of the role that they play in our electorates. They are enormously valuable people in our communities and I extend sincere thanks to not only our team, but also everyone who takes on that role because it is an enormous job.

I wish to speak now of particularly Terry "Tuck" Waldron and Wendy Duncan, our retiring members, but also of John Castrilli and Kim Hames. Terry and Wendy—all those members—have contributed significantly to Western Australia. They are beloved by their electorate and will be sorely missed. I have no doubt that both Terry and Wendy will continue to make an enormous contribution to their communities in whatever pursuit they pick up. I am proud of all our members of Parliament, all of whom have been local champions and passionate about regional Western Australia, and that is what we have been tasked to do in this place.

To our parliamentary colleagues from the Liberal Party, Premier Colin Barnett—our alliance partners—thank you very much for working with us. We do not always agree, but I think part of what we do is about making sure that we have strong and robust discussions about how best to take this great state forward. It has always been a privilege to serve as part of the government, and we thank you for all the effort, discussions, conversations and debates over the past year. It has certainly been a huge privilege.

To the opposition and our colleagues in this house, I extend our great thanks. We all have our differences. However, when I meet people in the street who ask me what I do, I am always quick to say that no matter which party we are from, we are all as members of this place passionate representatives and work on behalf of our constituents.

We are about to enter election mode. I wish every member of Parliament who is continuing on the very best of luck. Everyone will be working incredibly hard. I hope the members of all political parties will run a campaign that inspires and unites this great state. There will, no doubt, be some very contentious moments as we progress, and we would expect that when we are seeking to be at the biggest decision-making table in the state. I wish every member the greatest of luck as they go about their job of representing their constituents and forming government.

To everyone, have a safe and happy Christmas. Thank you very much, Mr Speaker.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [6.35 pm]: I will speak just briefly. This is a good opportunity, actually, to say some nice things. As all members know, often niceness is not one of the things that we associate with being a member of this place. This is a time to reflect on all the work that people have done, particularly in this place. I want to start by thanking the staff in the chamber, particularly Kirsten Robinson, and the staff throughout the building, particularly the ones we interact with the most—in the dining room and the members' bar—and the kitchen staff, and also the Hansard staff, for their kind support for members of Parliament. I also want to thank the outside staff, who we do not talk to as much as we should, for the good work that they do in often very hot and difficult conditions. While we are in this lovely air-conditioned chamber, they are out in the heat, making this parliamentary precinct a beautiful place for Perth.

I acknowledge all the retiring members. Unfortunately, I had to leave halfway through the member for Kalgoorlie's speech last night, but I thought the first part of her speech was very good. I also acknowledge the speeches of the other three retiring members. I thought they were all very good, passionate, funny and interesting reflections on their parliamentary life. I congratulate each and every one of the four retiring members for their contribution last night. I thought it showed a great deal of quality. I was a bit concerned about the handballing ability of the member for Wagin. I think the Premier might have been right—the member for Wagin is not good at handballing, and he demonstrated that last night. I am not from a football background but I am pretty sure I could handball better than the member for Wagin did last night.

I also thank all my colleagues, the members of the State Parliamentary Labor Party, for the work they have done over the past four years—indeed, the last eight years—of opposition. It is difficult at times to be in opposition. The spoils of opposition are not great and the reward for effort is often not there. The joy of public life is being able to do things, and the capacity to do things in opposition is not there. However, the striving and straining to form government and to put forward good ideas for the future of the state is worthwhile in itself. I thank all my colleagues for doing that and for the work they have done throughout the last eight years. I wish each and every one of my colleagues all the best on being re-elected at the next election. In fact, every single one of my colleagues will be standing again, both lower and upper house members. I wish them all the best in the lead-up to the next election. Fight hard and do your best.

I acknowledge the members of the State Parliamentary Liberal Party and the State Parliamentary National Party on their work for their constituents and their work in Parliament. On these occasions it is time to show a bit of good spirit toward members of the government. So, well done. I have good relationships with some—not all—members of the government. I wish you all the best over this Christmas period.

I worked out today that I am coming up to my sixth election and have had 20 years in Parliament. The sad thing about this time in Parliament, which is towards the end of the year, is that some people will not be here after next March. Some people have worked all their lives to get here and strived to get here, but there is a lot of unfairness in political life and sometimes all the work they do is not rewarded. Sometimes, for reasons beyond their control, they no longer have a parliamentary career; it ends and they have to go off and find something else to do with their life. It is a very debilitating and disturbing experience for many people. They say that every political career ends in tears, which I think, from my experience, is largely true.

Mr J.H.D. Day: If you stay there long enough!

Mr M. McGOWAN: If you stay there for a short time, it is absolutely true! There is probably a middle course that gives people a better prospect of it not being true. They say that every political career ends in tears, which is a truism, but it is unfortunate because when they finish their parliamentary careers, members often feel unhappy with what they achieved. They think to themselves: I could have done this and I could have done that. Why did I not get this position or that position? That goes through the minds of not every member of Parliament I have ever known who has left, but most of them. They always seem to forget that just being here in the first place and getting elected to Parliament is a great honour. Members should treasure that they represented the people and were able to speak in this place. They had their voices heard and actually achieved and did things in one way or another as members of Parliament. For those people who are not here in March next year—I suspect there will be a few—it is important to remember that just being here in the first place was a significant achievement and they should never underplay the fact that they were here in the first place.

To the Premier, my opposite number, best wishes in the contest to come. I am sure he will make a speech saying the same to me!

Mrs G.J. Godfrey interjected.

Mr M. McGOWAN: None of the press is listening, so we can talk honestly! They are all out there drinking at the moment. Best wishes in the contest to come, Premier. I think the next three and a half months will be very demanding on the both of us.

Can I touch on one thing? It has been a big year. It has been a big four years. One thing that was not mentioned—it is probably something that we do not like to talk about—was that over the course of this year, each of us in a position of leaders of their party in this place was challenged. Two of us survived and one did not. We went through an interesting set of challenges, which were, again, demanding and interesting. I think mine was probably the most unusual—unconventional, if you like—of the three challenges, but it certainly focused my mind on whether or not I wanted to do the job and what I wanted to do. For that reason, if nothing else, I think in my case the experience was certainly worthwhile. For the member for Warren–Blackwood, who lost his position, I am sure it was very difficult for him. The Premier and I both survived an interesting set of events over the course of about five or six days. In both our cases, in some ways, the challenges came out of nowhere. I think, if we are looking at the purely political aspect of the year as opposed to the legislative aspects, they were probably the most politically interesting events.

In closing, I thank my staff in particular—they are probably out there having a drink at the moment—for all the work they have done throughout the year. In absolutely closing, I thank my own family—my wife and children—for their support throughout the year. I am very much an absent father much of the time, about which I often feel some guilt. However, when I do get to spend time with my wife, Sarah, and my children, Samuel, Alexander and Amelia, I try to make it quality time. Families in this business often endure a lot. On behalf of all members of Parliament, particularly those who have significant roles in the government or the opposition, or regional MPs who spend a lot of time away, I thank all the families of members of Parliament across Western Australia for their support and forbearance on behalf of their family members in this place.

MR C.J. BARNETT (Cottesloe — Premier) [6.45 pm]: To all parliamentary staff and members of Parliament, I simply wish you, those you love and those who love you a very happy Christmas and a safe new year. I guess it's game on! Thank you.

THE SPEAKER (Mr M.W. Sutherland): Thank you very much. I will just close off if I may. Every time I have to say a few words, which is not often, I find out I have been gazumped. Today I was gazumped by the Leader of the House, who mentioned everybody by name. Thank you to Kirsten Robinson, who does a great job as the Clerk of the Legislative Assembly. Every morning I come into my office and I always say to her, "Kirsten, what international incident do we face today?" She normally says to me, "Nothing, Mr Speaker", which is lucky. Kirsten also has a very nice way about her and tells me what to do in the nicest possible terms, so thank you for running the department so efficiently. Also thank you to the Deputy Clerk, the Clerk Assistant and the Sergeant-at-Arms, Isla Macphail. People do not realise the amount of work that these people do in the backgrounds, the myriad committees that we serve on, which are all necessary make the Parliament operate very smoothly. I also with to thank all the chamber staff who ensure that this Parliament operates par excellence. The Legislative Assembly works very closely with the Parliamentary Services Department under the guidance of Rob Hunter. We are also very lucky that the President and I have a very collaborative relationship. We have been able to make many improvements to the Parliament, which make it better for not only the members, but also the people who come to visit here. The Leader of the House has mentioned all the various departments. I would like to personally thank Jackie Berry and David Griffiths, who work very closely with me. Thanks also go to the Deputy Speaker, Wendy Duncan, who has been a great support to me. We wish you all the best with the new challenges that you will face. I do not think that you are on the scrap heap, as somebody suggested last night when they sent you a card. It has been a pleasure working with you and you will find new challenges and you will rise to those new challenges. It is a pity because I thought you would have made a very good minister, but as the Leader of the Opposition said, very often things do not happen the way that you want them to happen in Parliament, so good luck to you. I extend my thanks to the Acting Speakers: Janine Freeman, the member for Mirrabooka; the member for Maylands; the member for Morley; the member for Southern River; the member for Forrestfield; and our great reserve, Ian Blayney, the member for Geraldton, who was always available to stand in when we were short, and sometimes we were about three short. I think we have done as good a job as we can as Speaker and Acting Speakers. I have certainly enjoyed the role. It has been a great privilege to have been given this role by the government for four years. I really have enjoyed it and there were very few instances when things became really unpleasant, which is the main thing. The main job of the Speaker is to keep the ball rolling so that we can all try to get as much work done as possible. As has been said by previous speakers, good luck to everybody in the election. We never know which way the ball will roll. Sometimes, as the Leader of the Opposition said, circumstances are out of your control and you can only do your best. It has been a great honour for me to have been the Speaker and I wish you and your families a merry Christmas and a prosperous new year. Hopefully you will have a good rest over the break. Thank you very much.

Question put and passed.

House adjourned at 6.48 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR WATER — PORTFOLIOS — TEMPORARY STAFF

5896. Mr M. McGowan to the Minister for Water; Sport and Recreation; Forestry:

For each of the financial years 2013–14, 2014–15 and 2015–16 can the Minister provide:

(a) the total dollar amount spent on temporary workers by each department or agency under the Minister's control;

(b) the total number of temporary worker contracts by agency and their position and level;

(c) how many temporary workers are currently employed in each department or agency under the Minister's control; and

(d) how many temporary workers have worked in the same position for longer than 6 months?

Ms M.J. Davies replied:

The Public Sector Commission has advised there is no accepted government definition of a temporary worker. In order to answer this question, the Member will need to provide further detail on the nature of the employment contracts in question.

ATTORNEY GENERAL — PORTFOLIOS — GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION

5917. Mr M. McGowan to the minister representing the Attorney General; Minister for Commerce:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

(a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;

(b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;

(c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;

(d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and

(e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Mrs L.M. Harvey replied:

Corruption and Crime Commission

(a)–(e) [See tabled paper no 4899.]

Commissioner for Children and Young People

(a)–(e) [See tabled paper no 4899.]

Department of Commerce

(a)–(e) [See tabled paper no 4899.]

Department of the Attorney General

(a)–(e) [See tabled paper no 4899.]

The Gifts, Benefits and Other Rewards Policy form part of the Department of the Attorney General's Fraud and Corruption Control Plan. The Policy provides that where a gift, benefit or other reward with a value in excess of $25 has been offered, the business area must ensure that the item is included on the Department's Gift Register and that utilisation should not occur prior to the approval of the delegated authority. Benefits include hospitality, access to training, events and functions.

For the period 1 October 2015 to 11 October 2016 inclusive, officers of the Department of the Attorney General registered receipt of the following gifts, benefits, hospitality, accommodation and travel in accordance with the policy.

Office of the Director of Public Prosecutions

(a)–(e) [See tabled paper no 4899.]

Equal Opportunity Commission

(a)–(e) [See tabled paper no 4899.]

Office of the Information Commissioner

(a)–(e) [See tabled paper no 4899.]

Legal Aid

(a)–(e) [See tabled paper no 4899.]

Legal Practice Board of Western Australia

(a)–(e) [See tabled paper no 4899.]

Legal Profession Complaints Committee

(a)–(e) [See tabled paper no 4899.]

The Department of the Registrar, WA Industrial Relations Commission

(a)–(e) [See tabled paper no 4899.]

WorkCover

(a)–(e) [See tabled paper no 4899.]

MINISTER FOR HEALTH — PORTFOLIOS — GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION

5920. Mr M. McGowan to the Minister for Health; Culture and the Arts:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

(a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;

(b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;

(c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;

(d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and

(e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Mr J.H.D. Day replied:

(a)–(e) [See tabled paper no 4900.]

MINISTER FOR WATER — PORTFOLIOS — FRINGE BENEFITS TAX

5931. Mr M. McGowan to the Minister for Water; Sport and Recreation; Forestry:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16:

(a) how much of that was in respect to entertainment;

(b) how much was the underlying expenditure that attracted the entertainment FBT; and

(c) what are the details of the expenditure?

Ms M.J. Davies replied:

Aqwest

Total FBT for 2015/16 was $29 216.74.

(a)–(b) Nil.

(c) Not applicable.

Busselton Water

Total FBT for 2015/16 was $26 176.29.

(a) $5852.56.

(b) $11 129.34.

(c) Meal entertainment.

Combat Sports Commission

Nil expenditure on FBT for 2015/16.

(a)–(b) Nil.

(c) Not applicable.

Department of Sport and Recreation

Total FBT for 2015/16 was $137 374.44.

(a) $4479.

(b) $8144.50.

(c) Meal entertainment.

Department of Water

Total FBT for 2015/16 was $228 094.51.

(a) $5290.38.

(b) $10 060.77.

(c) Meal entertainment.

Forest Products Commission

Total FBT for 2015/16 was $18 700.85.

(a) $472.

(b) $899.

(c) Meal entertainment.

VenuesWest

Total FBT for 2015/16 was $64 000.86.

(a) $34 267.

(b) $32 584.

(c) Meal entertainment.

Water Corporation

Total FBT for 2015/16 was $1.207m.

(a) $180 000.

(b) $338 000.

(c) Meal entertainment – $333 000.

Recreational entertainment – $5000.

Western Australian Institute of Sport

Total FBT for 2015/16 was $28 082.05.

(a) $13 832.26.

(b) $127 113.32.

(c) Meal entertainment.

ATTORNEY GENERAL — PORTFOLIOS — FRINGE BENEFITS TAX

5934. Mr M. McGowan to the minister representing the Attorney General; Minister for Commerce:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16:

(a) how much of that was in respect to entertainment;

(b) how much was the underlying expenditure that attracted the entertainment FBT; and

(c) what are the details of the expenditure?

Mrs L.M. Harvey replied:

Corruption and Crime Commission

For the Corruption and Crime Commission the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $209,976.27.

(a) $610.78.

(b) $2,121.30.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Commissioner for Children and Young People

For the Commissioner for Children and Young People the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $18,513.

(a) Nil.

(b) N/A.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Department of Commerce

For the Department of Commerce, the total expenditure on Fringe Benefits Tax (FBT) for FBT year 2015–16 was $588,484.12.

(a) $3,457.83.

(b) $3,287.89.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Department of the Attorney General

For the Department of the Attorney General the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $3,253,783.26.

(a) $3,851.57 was in respect to entertainment.

(b) $6,658.68 was the underlying expenditure that attracted the entertainment FBT.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Office of the Director of Public Prosecutions

For the Office of the Director of Public Prosecutions the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $265,487.

(a) Nil.

(b) N/A.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Equal Opportunity Commission

(a)–(c) Nil.

Office of the Information Commissioner

For the Office of the Information Commissioner the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $2,997.31.

(a) Nil.

(b) N/A.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Legal Aid

For Legal Aid WA the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $82,228.24

(a) Nil.

(b) Nil.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Legal Practice Board of Western Australia

For Legal Practice Board WA, the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $9,600.

(a) Nil.

(b) N/A.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

Solicitor General's Office

(a)–(c) N/A.

The Department of the Registrar, WA Industrial Relations Commission

(a)–(c) N/A.

WorkCover

For WorkCover the total expenditure on Fringe Benefits Tax for the FBT year 2015–16 was $65,938.

(a) $4,703.

(b) $8,953.

(c) Expenditure on meals, refreshments and gifts from third parties, is in accordance with the Australian Taxation Office's requirements for FBT.

LANDS — MOOLA BULLA LEASE — HALLS CREEK

5958. Ms J. Farrer to the Minister for Lands:

I refer to Question on Notice No. 3616 regarding Moola Bulla Lots 360 and 361, and I ask:

(a) how many dwellings are currently located on Lots 360 and 361;

(b) who are the stakeholders that the Minister has worked with to resolve the land tenure issues of the site;

(c) is the Minister aware of the Shire of Halls Creek's concerns in regards to Lots 360 and 361;

(d) how many structures located at Lots 360 and 361 have had building approvals;

(e) has an assessment of the risks to health and safety been carried out on Lots 360 and 361;

(f) what risks to public health and safety have been identified;

(g) has the Minister received any advice regarding this matter from the Aboriginal Affairs Coordinating Committee;

(h) if yes to (g) will the Minister table that advice; and

(i) what future actions does the Minister plan to implement to resolve this ongoing issue?

Mr D.T. Redman replied:

(a) The exact numbers are unknown.

(b) The Department of Lands, for and on behalf of the Minister for Lands, is consulting with various stakeholders including the Department of Aboriginal Affairs, Department of Housing, Regional Services Reform Unit at the Department of Regional Development, Department of Planning, Department of Premier and Cabinet, Department of Water, Water Corporation, Kimberley Land Council and Shire of Halls Creek.

(c) The Department of Lands has been in discussions with the Shire of Halls Creek regarding risk management on Lots 360 and 361. The Department of Lands is continuing to work with the Shire and other State agencies to consider the issues and formulate workable approaches in order to address them.

(d) The Shire of Halls Creek has informed the Department of Lands that none of the structures have received building approvals.

(e) No, the Department of Lands is currently looking for an appropriate and safe method to communicate with the occupants and inspect the land.

(f) The Shire of Halls Creek has advised the Department of Lands of a potential fire risk. The Department of Lands is currently consulting with the relevant agencies (Department of Fire and Emergency Services and the Department of Parks and Wildlife) and has sought further information from the Shire and the Department of Water regarding other potential risks to public health and safety.

(g) No.

(h) Not Applicable.

(i) The Department of Lands went to Halls Creek on 9 November and met with the Shire of Halls Creek. Further data collection and consultation with the Shire of Halls Creek, Kimberley Land Council and the Aboriginal Affairs Coordinating Committee is required before any decisions are made regarding granting of any tenure of the land. I recognise that this issue requires a whole of government approach

HEALTH — PRE-TERM BIRTHS — ABORTION

5959. Mr P. Abetz to the Minister for Health:

(1) What is the earliest gestation at which a baby was born alive and subsequently released from hospital alive in Western Australia?

(2) How many medical abortions resulting in the birth of a live child were recorded for the combined years of 2010 to 2015 inclusive?

(3) How many medical abortions were performed at post 20 weeks gestation with the reason being "Trisomy 21" for the combined years of 2013, 2014, 2015?

(4) How many approved facilities for medical abortions of any gestation operate in Western Australia?

(5) How is feticide performed for those cases where there is an expectation that the unborn baby would survive if it were to be delivered?

Mr J.H.D. Day replied:

(1) 22 weeks.

(2) 12.

(3) Five abortions at gestation of at least 20 weeks were performed with at least one reason being "Trisomy 21".

(4) One facility is approved by the Minister for Health as required by the *Health Act 1911* for abortions at gestations of at least 20 weeks.

For all abortions Section 199 (1) of the *Criminal Code* only has requirements on the medical practitioner performing the abortion and no requirements for approval of facilities. There is no general provision within a hospital's licence that states abortions can or cannot be performed.

(5) Feticide is performed under conscious maternal sedation using ultrasound guided injection of potassium chloride or lignocaine into the fetal circulation causing cessation of fetal cardiac activity.

MINISTER FOR WATER — AGENCIES — DIGITAL WA — INFORMATION AND COMMUNICATIONS TECHNOLOGY COMPATIBILITY

5967. Mr M. McGowan to the Minister for Water; Sport and Recreation; Forestry:

I refer to ICT compatibility in relation to the Digital WA strategy, and ask for each department and agency under your control:

(a) are all computers currently utilising Microsoft software that is supported by Microsoft (only versions since 2014);

(b) how many computers are currently using Windows XP;

(c) how many computers are currently using Internet Explorer version 10 (IE10) or older;

(d) what is the privacy risk for your departments and agencies for using software that is no longer supported by Microsoft; and

(e) have you been made aware of the potential for information to be externally accessed by your departments using software no longer supported by Microsoft?

Ms M.J. Davies replied:

Aqwest

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

Busselton Water

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

Combat Sports Commission

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

Department of Sport and Recreation

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

Department of Water

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

Forest Product Commission

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

VenuesWest

(a) No.

(b) Nil.

(c) 23.

(d) Minimal.

(e) Not applicable.

Water Corporation

(a) No.

(b) 78 of which 20 are on the corporate network. No internet or email access is available on these machines and USB ports are disabled. Remote access is controlled by two-factor authentication.

(c) 568.

(d) Minimal. All systems containing customer information operate on Microsoft server operating systems that are supported and regularly updated.

(e) No.

Western Australian Institute of Sport

(a) Yes.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Not applicable.

MINISTER FOR HEALTH — AGENCIES — DIGITAL WA — INFORMATION AND COMMUNICATIONS TECHNOLOGY COMPATIBILITY

5973. Mr M. McGowan to the Minister for Health; Culture and the Arts:

I refer to ICT compatibility in relation to the Digital WA strategy, and ask for each department and agency under your control:

(a) are all computers currently utilising Microsoft software that is supported by Microsoft (only versions since 2014);

(b) how many computers are currently using Windows XP;

(c) how many computers are currently using Internet Explorer version 10 (IE10) or older;

(d) what is the privacy risk for your departments and agencies for using software that is no longer supported by Microsoft; and

(e) have you been made aware of the potential for information to be externally accessed by your departments using software no longer supported by Microsoft?

Mr J.H.D. Day replied:

Animal Resources Authority

(a) Yes.

(b)–(c) Nil.

(d)–(e) Not applicable.

Department of Health

(a) No.

(b) 400.

(c) 700.

(d) The privacy risk is considered low.

(e) Devices are protected by WA Government firewalls, WA Health firewalls and secure proxy services. WA Health's anti-virus software is still supported on devices.

Health and Disability Services Complaint Office

(a) No.

(b) One.

(c) One.

(d) The privacy risk is considered low.

(e) ICT support services are provided by WA Health and devices are protected by WA Government firewalls, WA Health firewalls and secure proxy services. WA Health's anti-virus software is still supported on devices.

Healthway

(a) Yes.

(b)–(c) Nil.

(d)–(e) Not applicable.

Department of Culture and the Arts (including State Records Office)

(a) No.

(b) Nil.

(c) One.

(d) The privacy risk is considered low.

(e) Yes – Devices are protected by WA Government firewalls, Department of Culture and the Arts firewalls, secure proxy services and anti-virus software.

Art Gallery of Western Australia

(a) No.

(b) One.

(c) One.

(d) The privacy risk is considered low.

(e) Yes – Devices are protected by WA Government firewalls, Department of Culture and the Arts firewalls, secure proxy services and anti-virus software.

State Library of Western Australia

(a) No.

(b) One.

(c) Nil.

(d) The privacy risk is considered low.

(e) Yes – Devices are protected by WA Government firewalls, Department of Culture and the Arts firewalls, secure proxy services and anti-virus software.

Western Australian Museum

(a) No.

(b) Five.

(c) Four.

(d) The privacy risk is considered low.

(e) Yes – Devices are protected by WA Government firewalls, Department of Culture and the Arts firewalls, secure proxy services and anti-virus software.

Screenwest

(a) Yes.

(b)–(c) Nil.

(d)–(e) Not applicable.

Perth Theatre Trust

(a) No.

(b) Four.

(c) Five.

(d) The privacy risk is considered low.

(e) Yes – Devices are protected by WA Government firewalls, Department of Culture and the Arts firewalls, secure proxy services and anti-virus software.

MINISTER FOR HOUSING — AGENCIES — DIGITAL WA — INFORMATION AND COMMUNICATIONS TECHNOLOGY COMPATIBILITY

5975. Mr M. McGowan to the Minister for Housing; Racing and Gaming:

I refer to ICT compatibility in relation to the Digital WA strategy, and ask for each department and agency under your control:

(a) are all computers currently utilising Microsoft software that is supported by Microsoft (only versions since 2014);

(b) how many computers are currently using Windows XP;

(c) how many computers are currently using Internet Explorer version 10 (IE10) or older;

(d) what is the privacy risk for your departments and agencies for using software that is no longer supported by Microsoft; and

(e) have you been made aware of the potential for information to be externally accessed by your departments using software no longer supported by Microsoft?

Mr B.J. Grylls replied:

Department of Racing, Gaming and Liquor

(a) Yes.

(b) Nil.

(c) Nil.

(d)–(e) The Department's policy is not to use unsupported software.

The Housing Authority advises:

(a) No.

(b) Nil.

(c) Nil.

(d) Not applicable.

(e) Yes.

FINANCIAL COUNSELLING SERVICES — FULL-TIME EQUIVALENT STAFF — MANDURAH AND PEEL REGION

5981. Mr D.A. Templeman to the Minister for Community Services:

I refer to financial counselling services in Mandurah and the Peel Region, and ask:

(a) can the Minister detail the current full-time equivalent (FTE) financial counsellors for Mandurah and the Peel Region, and the organisations that employ them;

(b) can the Minister confirm that Finucare only has 1 FTE financial counsellor and Anglicare only 0.5 FTE financial counsellor (delivering a service to the Byford Area);

(c) with the current FTE service provision having been cut in half in September 2012 and the current economic downturn and the fact the Mandurah is now the second highest place of unemployment nationally, how does the Minister expect existing services in the Peel Region to cater for an increase in demand;

(d) what is the Minister doing to restore funding to agencies in Mandurah and Peel;

(e) when is the Minister going to provide additional financial resources to the Peel Region in order for the increase in demand for financial counselling services;

(f) how many financial counsellors (FTE) are currently available in the City of Rockingham local government area and what agencies employ those FTE's; and

(g) how many financial counsellors (FTE) were available in the City of Rockingham Local Government area and what agencies employed those FTE's in the financial year 2012/2013, 2013/2014 and 2014/2015?

Mr P.T. Miles replied:

(a)–(g) The Liberal National Government contributes $5.6 million for financial counselling services in Western Australia. This is amongst the highest funding in Australia, exceeded only by the much more populous states of New South Wales and Victoria.

Funding is provided to Finucare for financial counselling services in the Mandurah/Peel region and Anglicare is funded for services within the southeast metropolitan region, including Byford. Funding is also provided to the Financial Counsellors Association of Western Australia for a state-wide helpline.

The contracted service providers are responsible for determining how this funding is used to deliver their service. Therefore, the determination of staffing levels (FTEs) is at the discretion of each service.

My department will continue to work with contracted service providers and partners in local, State and Commonwealth Governments to target services to those most in need.
