

## **Legislative Council**

Wednesday, 15 September 2010

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

### **CANNABIS LAW REFORM BILL 2009**

#### *Petition*

**Hon Sue Ellery** presented two petitions, by delivery to the Clerk, from 240 and 456 persons respectively, calling for the banning of cannabis smoking implements—bongs and water pipes—under the proposed Cannabis Law Reform Bill 2009.

[See papers 2446 and 2447.]

### **STRATEGIC GRAIN NETWORK REVIEW — TIER 3 LINES**

#### *Petition*

**Hon Matt Benson-Lidholm** presented a petition, by delivery to the Clerk, from 173 persons requesting that the Legislative Council investigate ways to ensure a competitive rail system.

[See paper 2448.]

### **KARRATHA — WATER USE**

#### *Petition*

**HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition)** [2.02 pm]: I have a petition containing 164 signatures couched in the following terms —

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

We, the undersigned residents of Western Australia, are opposed to the use of drinking water for dust suppression in the area particularly given the importance of this very limited resource. Your petitioners therefore respectfully request the Legislative Council support our call to the government to cease the use of drinking water for —

- (a) dust suppression of new subdivisions in Karratha;
- (b) construction work at the Burrup;
- (c) wetting down iron or stack in Dampier; and
- (d) use in offshore drilling of oil and gas.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See paper 2449.]

### **PAPERS TABLED**

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

### **CHARITABLE TRUSTS AMENDMENT BILL 2010**

#### *Notice of Motion to Introduce*

Notice of motion given by **Hon Michael Mischin (Parliamentary Secretary)**.

### **SMALL BUSINESS DEVELOPMENT CORPORATION**

#### *Motion*

Resumed from 8 September on the following motion moved by Hon Ljiljanna Ravlich —

- (1) That this house calls on the Minister for Commerce and the Minister for Regional Development to make public their positions on the future of the Small Business Development Corporation in light of the uncertainty in the small business community and given the Chamber of Commerce and Industry's position as outlined in its 2009–10 pre-budget submission to government, which states that —

CCI believes that there are significant opportunities for the core functions of the Small Business Development Corporation (SBDC) to be absorbed by other agencies.

- (2) That this house calls on the Minister for Commerce and the Minister for Regional Development to —
- (a) allay the concern of the small business sector and guarantee that the SBDC will not be privatised in full or part or carved up and its functions distributed to other agencies as part of the government's three per cent efficiency dividend; and
  - (b) confirm that the future of the small business centres around the state is assured and that they will not be privatised in full or part or carved up and their functions distributed to other agencies as part of the government's three per cent efficiency dividend.

**HON LJILJANNA RAVLICH (East Metropolitan)** [2.05 pm]: It is a pleasure for me to be able to get up yet again in this place to bring my concerns to the house's attention. When I last spoke about this issue, I went through the history of some of the concerns expressed by a wide range of people in the small business sector, and concerns have been emerging about the Small Business Development Corporation and its future. Having had these concerns brought to my attention, I have put out a number of press releases expressing those concerns and putting them in the public arena.

Unfortunately, up until now, we have not heard anything from the Minister for Commerce, or indeed from the Minister for Regional Development, about the future of the Small Business Development Corporation—which is obviously the responsibility of the Minister for Commerce because we do not have a minister for small business—or about the network of small business centres that are dotted around the state. I referred to the Minister for Regional Development in this motion because I would have thought that he would be very concerned about any potential threat to the network of small business centres that provide services in all of those regional communities to people who want to set up a business or get advice about the operations of a business or at the very extreme, perhaps even want information about the winding down of a business. Despite having raised my concerns about the future of the organisation and those small business centres, at no time did we hear from the former Minister for Commerce, Hon—what is his name?

**Hon Norman Moore:** Troy Buswell.

**Hon LJILJANNA RAVLICH:** Troy Buswell, how quickly we forget! And I was not even trying to forget him!

I did not hear anything in response to my concerns from the former minister—when he was the minister—and I certainly have not heard anything from Minister Marmion about these matters. Of course, on these issues Hon Brendon Grylls is nowhere to be seen, which would indicate to me that he is —

**Hon Adele Farina:** Missing in action.

**Hon LJILJANNA RAVLICH:** Hon Adele Farina is right; he is definitely missing in action, nowhere to be seen, and clearly not concerned. He probably thinks that this is all very small fry. I make the point again, regarding the motion that we have before the house, that the Ministers for Commerce and Regional Development really should allay the concerns of the small business sector and guarantee that the Small Business Development Corporation will not be privatised, in full or in part, or carved up and its functions distributed to other agencies.

**Hon Max Trenorden:** We could hardly carve it up any more than you did. You took all the people out of the central Wheatbelt, closed them all down —

**Hon LJILJANNA RAVLICH:** The honourable member is more than welcome to get up and make his comments.

**Hon Max Trenorden:** I thought I just made a good contribution then.

**Hon LJILJANNA RAVLICH:** The member should get up on his feet and go through the matter, because quite frankly, I would be most interested to hear what he has to say.

I will continue making the point that I was making; that is, that this would not have been much to ask of the relevant minister who has responsibility for this portfolio. We want an assurance, the small business sector wants an assurance, and the peak body for small business, the Council of Small Business Organisations of Australia, wants an assurance that the future of the Small Business Development Corporation and the network of the small business centres will be guaranteed and appropriately funded so that they can get on with performing the functions that they have for so long performed.

One of the biggest concerns is that any privatisation, in part or full, or carving up of the functions of the Small Business Development Corporation, will mean that the services that the small business sector has become accustomed to being provided free of charge, may have to be paid for.

I will quickly go through the benefits of the small business centres, which offer a range of services to provide assistance and support to new and existing small businesses. Small business centres offer practical help at no cost. They refer small businesses to specialist advisors, such as accountants and lawyers, and help small businesses work their way through a maze of government departments and regulations. Small business centres carry out workshops, provide business information, and assist small businesses with problem solving. The services provided are easily accessible because small business centres are strategically located around regional areas and the metropolitan area. In an increasingly complex world, for a long time small businesses right across the state have valued the fact that these services are provided free of charge. It is unacceptable to the Labor Party and, in my view, to the small business sector, to have that level of support now at risk because the future of the Small Business Development Corporation is not clear.

The agenda for the Small Business Development Corporation was made clear in the “2009–10 Pre-Budget Submission to the WA Government” prepared by the Chamber of Commerce and Industry. When it was reported that there should be a possible carve-up or a privatisation of the Small Business Development Corporation and its network of small business centres, the Combined Small Business Alliance of Western Australia wrote to the Premier. I will put on the public record what was said; it is a view that the alliance still holds. Unfortunately, the Combined Small Business Alliance has still not had any clarity in response to the concerns expressed in correspondence to the Premier on 25 February 2009, which was a long time ago. In that correspondence the position of the Combined Small Business Alliance was made quite clear, but, unfortunately, the government, and the Premier in particular, has been really tardy in dealing with the issues outlined in the letter. That does not mean that the Premier did not write back to the Combined Small Business Alliance. I am sure that the Premier did write to say the government was looking at these issues. But the fact remains that the Combined Small Business Alliance still has the same concerns it had in February 2009 because absolutely no positive action has been taken to allay them. In other words, the former Minister for Commerce basically washed his hands of the issues and walked away, and the current Minister for Commerce has washed his hands and walked away. Quite frankly, time marches on and the problems still exist. I will read a few paragraphs of this correspondence sent by the Combined Small Business Alliance of Western Australia on 25 February 2009. The letter says —

Dear Premier

**Re: 2009–10 Pre-Budget Submission to the WA Government**

We refer to the 2009–10 Pre-Budget Submission to the WA Government by the Chamber of Commerce and Industry WA, in so far as it makes reference, at page 17, to the future of the Small Business Development Corporation (SBDC), as follows:

...

CCI believes that there are significant opportunities for the core functions of the Small Business Development Corporation (SBDC) to be absorbed by other agencies.

There is considerable overlap between the functions of SBDC and a number of other government agencies and the private sector. In particular, SBDC’s role in providing “advice” to businesses, and the attraction and sponsorship of business migrants and investors are functions which are also currently also being provided by regional development commissions, the Department of State Development, and non-government organisations (including CCI) and accordingly could be absorbed into these agencies respectively, or privatised.

In addition, given that the State Migration Centre is not a core service of the SBDC, CCI believes that these services could operate as an independent body, or contracted out to the non-government sector.”

It is very clearly spelt out there. The letter goes on —

It is CoSBA’s submission that we unequivocally oppose and reject in total WACCI’s submission advocating the demise of the SBDC, which is a reprehensible and preposterous proposition. In our judgment, WACCI’s submission pre-supposes a flat-earth one size fits all policy, which clearly demonstrates that it does not present the interests of small business, a contention publicly acknowledged by former Premiers Richard Court and Jeff Gallop. Which further suggest that it does not understand the special needs of small business

In opposing WACCI’s submission, we do seek your confirmation that it is the intention of your Government that the SBDC will, whilst working collaboratively with the new Department of Commerce, continue to operate as it has in the past and governed by an independent Board of Management.

The position of the peak group representing small business in this state is quite clear. I do not want to go through the rest of the letter but I will read the last paragraph on page 2 by way of conclusion, which states —

It is also our submission that it is critical to small business that the role and functions of the SBDC remains as they have in the past, in “playing a significant role” that it has. Accordingly, we seek your Government’s commitment for maintaining the integrity of the SBDC, an agency highly regarded by small business and fundamental to the Government understanding and supporting the special needs and aspirations of small businesses.

That makes it very clear, but what have we seen the government engaged in? We have seen the government not fund one of the small business centres. We have seen the government undertake work into the economic viability of some of the small business centres and find that a number of them are wanting and are not operating in a cost-effective way. We find the government is not providing any assistance or solutions, apart from one-off additional funding for five or six of these regional centres that were not operating in a cost-effective way. We find that the CEO of the Small Business Development Corporation was basically forced into a position where he was sent away, probably because he could see the new direction of the future of the Small Business Development Corporation. In other words, the corporation was going in a way with which he may not have been comfortable; I do not know, but I half suspect that may have been the case. It was not that organisation alone. We have seen other CEOs depart because of the changed direction of government.

As well as those things, the writing is on the wall in the budget papers. One does not have to be a rocket scientist to look at the allocation for the Small Business Development Corporation in the budget papers and notice that there are, indeed, some very serious question marks about the future of this organisation. The funding allocated to this organisation indicates to me that this is an organisation in decline and that this government has not made any effort to secure its future. Page 881 of the 2010-11 *Budget Statements* states that in 2009–10 the estimated actual funding was \$12.4 million; for 2010-11 the allocation has been reduced to \$12.19 million. I understand that \$800 000 was deducted from that 2010-11 figure for the transfer of the skilled migration program to the Department of Training and Workforce Development; if the \$800 000 had been included in the \$12.1 million, the amount would have been slightly higher than the 2009-10 figure. But when we look at the forward estimates projections for 2011–12, there has been quite a substantial drop in total appropriations, with the figure decreasing to \$10.8 million, compared with the \$13 million allocation in 2008-09.

When the Labor Party was in office it was committed—to the tune of \$13 million—to the funding of the Small Business Development Corporation; unfortunately, I do not have the figure for 2007–08 with me to use as part of this comparative analysis. From being \$13 million in 2008-09, the projected forward estimate for 2011-12 has decreased to \$10.8 million.

At the same time as that has been happening, there has been increasing demand for the services of the Small Business Development Corporation, and increasing demand pressures on the small business network. A question was recently asked of the Small Business Development Corporation by the Standing Committee on Estimates and Financial Operations, and the Small Business Development Corporation stated that the number of people accessing its services and its network of small business centres had increased by 50 per cent over the past five years, during which time there has been a trend towards reduced funding. That means that the government is seeking to have this agency do more for less, which is not sustainable in anyone’s books—it is certainly not sustainable now, and it will not be in the future.

I am aware that I am running out of time, but this is a very important motion. In the vicinity of 80 per cent of all businesses are small businesses, and it is critical that we look after and respect the small business sector and its contribution to the state’s productivity. I think it is beholden on the Ministers for Commerce and Regional Development to clearly articulate their plan for small business and the small business centre network in this state.

**HON NORMAN MOORE (Mining and Pastoral — Leader of the House)** [2.24 pm]: This motion was put on the notice paper on 19 March 2009, and it seems that for the year and a half it has been sitting there Hon Ljiljanna Ravlich has been going through a very anxious time, not knowing the answers to some of the questions in her motion. She has spent 18 months in this state of anxiety, waiting for this motion to come on for debate so that she can get the answers to the questions.

If she had any consideration for the amount of time she has used in this chamber to raise matters that are old history, she could have simply asked a question on notice, or without notice, about whether it was the government’s intention to carve up and/or privatise the Small Business Development Corporation; if she had, the answer would have been no. That would have saved her all that anxiety!

**Hon Ljiljanna Ravlich:** Don’t you worry about my anxiety!

**Hon NORMAN MOORE:** I am desperately worried about the member’s anxiety, because she has come into this place and spent 40 minutes telling us how terrible it all is and that there is a state of anxiety in the small business world about not knowing what the future of the Small Business Development Corporation will be, and it has had to wait all this time to find out the answer—that is just ridiculous!

The first part of the member's motion calls on the ministers concerned to make public their position; I will spend some time, in a minute, telling the member what we are doing with the Small Business Development Corporation and what we intend to do with it in the future.

Paragraph 2(a) of the member's motion asks the ministers to —

allay the concern of the small business sector and guarantee that the SBDC will not be privatised in full or part or carved up and its functions distributed to other agencies as part of the government's three per cent efficiency dividend —

I can tell the member right now that that will not happen. It will not be privatised, carved up or distributed amongst other agencies; it will continue as a separate statutory authority—problem solved!

**Hon Ljiljanna Ravlich:** Is it going to be properly funded?

**Hon NORMAN MOORE:** That is the first problem solved—all fixed!

Paragraph 2(b) asks the ministers to —

confirm that the future of the small business centres around the state is assured and that they will not be privatised in full or part or carved up and their functions distributed to other agencies as part of the government's three per cent efficiency dividend.

That is not going to happen, so that is the second problem solved.

We could have done that in three minutes in March last year; instead, this motion has been sitting on the notice paper, consuming trees that have been chopped down to produce the notice paper, for the past 18 months because the member did not simply ask a question in the house. I have just given her two answers, and that hardly took any time at all.

I give the member and the house an absolute assurance that the concerns the member raises in paragraphs 2(a) and 2(b) have no validity whatsoever, and it is not the government's intention to privatise or split up the SBDC or the small business centres—that is not going to happen.

**Hon Ljiljanna Ravlich:** That's what you said about tourism!

**Hon NORMAN MOORE:** I did not say anything about tourism. If the member wants to have an argument about tourism, she should put that on the notice paper and sometime we can have one of those; or, even better, if she asks a question the member will get an answer.

**Hon Ljiljanna Ravlich:** That's in the next batch!

**Hon Liz Behjat:** But wait—there's more!

**Hon NORMAN MOORE:** I know—it will be a long, long time before we get to the next motion.

This is the absurdity of the system we have in place now with motions on notice, Mr President, if I may just make a comment. It is a system that—I will not say “abused” because that is unfair—clearly does not work because we are debating a motion now that was put on the notice paper in March last year.

*Point of Order*

**Hon LJILJANNA RAVLICH:** I object to the notion that, in some way, I have abused this house or its standing orders, given that I made the effort to write a number of motions that are of concern to constituents of mine who brought these matters to my attention. The Leader of the House's suggestion that the Parliament should not be used in this way, and that by using it in this way I am, in some way, abusing —

**Hon Norman Moore:** I did not call it abuse.

**Hon LJILJANNA RAVLICH:** — the standing orders of this house, quite frankly, I find offensive, and he can withdraw it.

**The PRESIDENT:** Order! That is a point of view, not a point of order.

*Debate Resumed*

**Hon NORMAN MOORE:** I reiterate that I did not say that the member had abused the processes of the house. In fact, I quite specifically said that she had not abused the processes of the house. I said that it demonstrates a problem with the system when we are debating a motion now that was put on the notice paper in March last year.

**Hon Ljiljanna Ravlich:** Well, it's timeless!

**Hon NORMAN MOORE:** Well, I regret to tell the member that it is not, because the issues that the member has raised are old history. I have told the member that they are old history. We need to look at some way in which we can resolve the problem of motions that are seriously out of date, and give people a chance to talk

about things that are more contemporary, such as what is happening today or tomorrow, or what happened yesterday, instead of what happened in the member's mind 18 months ago.

I have given the member an answer to part (2) of her motion. It is not going to happen. Therefore, there is no need for the member to worry herself about that any longer. Eighteen months is long enough to worry about an issue. Therefore, I hope that we have taken that off the member's mind and there will be no need for her to worry about that any longer.

What are we doing with the Small Business Development Corporation? I want to make one thing extraordinarily clear to the member about part (1) of her motion. The member seems to think that because the CCI thinks that the SBDC should be absorbed into other agencies, somehow or other that is the government's policy. Well, we agree and disagree from time to time with the CCI, just as I suspect the member agrees and disagrees with the trades and labor council at times. On this occasion, we do not agree with the CCI. That is its position as stated in the letter that the member read from. That is what the CCI thought the government should do. Did the government do that? No. So, as I have said, it is old history. We do not intend to do what the CCI thought might be a good idea. We intend to continue to manage the Small Business Development Corporation in the way it has been run in the past, and that is the way we expect it will be run in the future.

I should say, however, that one matter is being considered at the moment that would make a slight difference to the way in which the SBDC operates. That matter is, as members may be aware, that the government has agreed, in the context of the debate about trading hours and the effect that might have on small business, to the establishment of a small business commissioner.

**Hon Ljiljanna Ravlich:** Yes, but we had to push you to do it!

**Hon NORMAN MOORE:** Ah! I am looking forward to the debate on trading hours so that we can talk about who pushed who on that, and about who is following who on this issue. There is no doubt that the view of the government and the opposition—indeed everybody who has an interest in small business—is that if we do go down the path of deregulating trading hours, we need to put in place some mechanism to look after the interests of small business, and we need to ensure that our commercial tenancies legislation provides the maximum support and assistance to small business. Indeed, in Victoria there is a small business commissioner. We are looking at the way in which that might work in the context of the Western Australian situation. We are considering whether that role could be incorporated into the Small Business Development Corporation, and whether the powers and duties of the SBDC could be expanded to deal more broadly with the commercial tenancies legislation and the consequences for small business of any expansion of trading hours in Western Australia. That is the only contemplated change to the SBDC at this time. I understand that that matter has been discussed with the Leader of the Opposition and that the opposition is aware that the government is contemplating these particular changes. That matter has not yet been determined; but, if that does become the case, I think that will be a good way forward.

It is fair for the member to say that the SBDC has a good track record and is a valuable resource. The government agrees with that. The member has told us how good the SBDC is, and we do not disagree. I think the member is perfectly right. The SBDC works across a number of fronts in small and medium-size businesses. It is an advocate for small business. It advocates on policy development in government. It advocates on getting rid of red tape. So it is, in fact, as a statutory authority, a very good agency to enable government to look at the way in which it manages, if we like, the legislation surrounding small business. It works with new business leaders and with people who are starting in business, giving them assistance to get the foundations of their business right. The intention is, of course, that because many small businesses fail in the early days, we provide as much support and assistance as possible to small businesses in the early days to enable them to get over that initial hump that many small businesses find difficult to overcome.

The SBDC is, as I have said, an independent statutory authority. It is a small agency. But it has not been reduced in size. In fact, we have maintained its budget. It has a pretty good track record in looking after the interests of small business. In fact, in the past financial year, the corporation provided specialist advisory services to more than 50 000 businesses. That is a significant achievement. That certainly does not demonstrate an agency that is being put under pressure by the government to go out of business. It has also responded to about 15 000 inquiries about business licence information, provided expert advice to businesses that have been affected by things such as the Ravensthorpe nickel mine closure, and assisted with ScreenWest, Tourism WA and the Department of Planning and Infrastructure. It has also worked with the Minister for Fisheries on issues surrounding the rock lobster industry and the future of rock lobster fishermen who wish to exit the industry, or those who want assistance in organising their affairs in the context of the new quota system that will come in this season. It is also an agency that is available to other government departments to assist people who may be affected by any policy decisions that are being made in those agencies. Indeed, with respect to Ravensthorpe and the decision that was made by the company to close down that mine, it was important that the government was able to use this particular corporation to assist the people whose businesses would be affected by that decision.

The SBDC also promotes Western Australia to potential business migrants overseas. Last year, it sponsored 447 new business migrants, who are proposing to transfer to the state around \$568 million in new capital. Again, that is a significant contribution to our economy. The SBDC has also been rolling out a range of unique and innovative programs designed to build resilience in the small business sector and to broaden access to its programs and services around the state. For example, it is delivering a \$2 million BiZFiT small business resilience program, in partnership with Curtin University's Centre for Entrepreneurship and the Western Australian Chamber of Commerce and Industry, to build excellence in established small businesses. It is also working with Aboriginal business operators, through the Aboriginal business unit, to build the capacity of new and established Aboriginal businesses. It is working with other jurisdictions on an exciting new project that will offer Western Australian businesses an innovative online gateway to transacting efficiently with government. Right across government, we are looking at ways and means of using the web to enable people to access government agency services and to make applications for various approvals online. The SBDC is working with the government in respect of that.

So, the SBDC is not an organisation that is doing all those things but that is somehow earmarked for the chop, as the honourable member would suggest it is. What we have here, again, is Hon Ljiljana Ravlich trying to frighten people in the community by suggesting that something is going to happen when indeed it is not. We are very pleased with the work that is being done by this organisation.

The honourable member raised the issue of the Economic Audit Committee and the effect of its reports on this corporation. Well, the Economic Audit Committee report "Putting the Public First: Partnering with the Community and Business to Deliver Outcomes", made no reference at all to the small business centres or the Small Business Development Corporation. I have to say that no formal review of the small businesses centres is being undertaken at the present time. So, it is business as usual for the SBDC, albeit that some of these small business centres would like to be given more funding, as would most other organisations in government, and we are doing our best to deliver that. We acknowledge that there is pressure on these centres, particularly in the north, where there are increasing opportunities for small businesses to commence and grow.

The corporation has a number of key performance indicators, which I would like to spend a moment reflecting upon, to give some indication of what the community thinks about this corporation. In other words, is it delivering a bad service, as one might expect after having listened to Hon Ljiljana Ravlich, or is the community generally satisfied? Stakeholders were asked how they would rate the usefulness of the information or guidance provided. The answers were, for 2006-07, 88 per cent; 2007-08, 88 per cent; and 2008-09, 91 per cent. Stakeholders therefore gave a very high rating to the usefulness of the information and guidance provided, and it is increasing, albeit by only a small amount. Stakeholders were also asked whether they would say that their contact with the Small Business Development Corporation or a small business centre directly contributed to their making an informed decision about starting or buying a business. Again, the answers were, for 2006-07, 70 per cent; for 2007-08, 66 per cent; and for 2008-09, it was back to 72 per cent. The next question was about the extent to which the information or guidance received had benefited the operations of stakeholders' businesses. In this area there was a decline over the same period from 95 per cent to 91 per cent and then 81 per cent. We will need to look at that to find out what is causing that problem. The final question was how the stakeholders would rate the value of the information or guidance received, and over the three financial years, the responses were 92 per cent, 91 per cent and 96 per cent. Those sorts of performance indicators demonstrate that the corporation is performing well and is not diminishing its service to small business.

The member was also critical of the small business centre program. It is a part-funded model, and the SBDC is always encouraging individual centres to pursue opportunities to supplement core funding. Under the small business centre program, core funding of \$3.027 million was allocated in 2009-10 across the 25 centres in Western Australia. The current funding model comes from a 2006 review of the program, which was done before the time of the current government. All regional small business centres have continued to operate within the available funding. In 2009-10, the small business centre network received a further \$3.2 million from other sources; \$2 million from the federal government; \$381 000 from local government authorities; \$31 000 from corporate sponsorship; and \$704 000 from fee-for-service activities. There is no change to the way in which those centres are being funded.

The member referred to the growing network, and indeed it is growing. Annual client contacts, in respect of client sessions, have increased from 34 700 in 2007-08 to 45 000 in 2009-10. Workshop attendances have increased from 9 400 in 2007-08 to 11 300 in 2009-10. We recognise that there is a growth in the service that is being provided by this organisation, and it will be funded accordingly. As a result of the economic audit that the member mentioned, recurrent funding of \$300 000 per annum was transferred to the corporation commencing in 2008-09, and there have been a number of one-off funding allocations for specific programs. This includes \$3.07 million over three years to the Go West Now skills attraction campaign; and \$2 million over two years to the BiZFiT small business resilience program. Additional funding is therefore being made available to the organisation for particular purposes. Looking at those figures, there is no suggestion whatsoever that this

organisation is in any way being wound back, gutted or losing its role within government. Indeed, the government continues to hold the corporation in high regard and recognises how important its role is in respect of the small business sector in Western Australia.

The member also asked about the chairman having been engaged for only a one-year term. My understanding is that when Troy Buswell became the minister, the term of the previous chair was about to expire or had expired. As a new minister, Mr Buswell took the view that he would appoint Mr Mountney for a year to see how he and Mr Mountney worked together and to gauge whether it was a good appointment. Every indication is that the new minister is very happy with the way in which Mr Mountney is operating as chairman. Without pre-empting anything, I would expect that his appointment may well be extended.

I think that just about covers all the matters raised by the member in her comments which, as I said, were more of a historical nature than anything else, but I suppose that it is fair enough that we should consider historical issues in this chamber. I have indicated to her that in respect of the first part of the motion, the government's position is that the SBDC has a very strong future, and regardless of the Chamber of Commerce and Industry of Western Australia's views about what should happen to it, the government has taken the view that it should remain as a statutory authority within government and that it should not in any way be split up or have its duties or functions distributed to other agencies. We look forward to it continuing to provide excellent service to the small business community in Western Australia.

**HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary)** [2.46 pm]: I will also respond to this motion, particularly because Hon Ljiljanna Ravlich has mentioned the Minister for Regional Development and asked that he make his position clear on the Small Business Development Corporation. As the minister's parliamentary secretary, I am very pleased to be able to respond and say that the National Party will not support this motion for the reason that it is very evident that the Minister for Regional Development and the National Party are great supporters of small business. The National Party was part of the decision made by the government, confirmed by Hon Norman Moore, to not privatise the Small Business Development Corporation, in full or in part, or to have its functions spread around other agencies. In fact, the National Party is probably the strongest supporter of small business in Western Australia, in many ways, and one of our biggest objections to the expansion of retail trading is that it will not provide the adequate protection to small business that has existed in the past. We certainly commend the government's decision to appoint the small business commissioner alongside the legislation that is about to come into the house, and to look at ways to protect small businesses when they are dealt with unfairly in leasing situations.

The Small Business Development Corporation was absolutely invaluable in our reaction to the closure of Ravensthorpe Nickel. The Minister for Regional Development worked very closely with the SBDC to deliver services to the businesses in Ravensthorpe that are faced with a totally changed business environment and that are in need of legal advice and business planning support. They worked tirelessly in my electorate for weeks and the services provided by the SBDC were greatly appreciated.

Hon Ljiljanna Ravlich refers in her motion to uncertainty in the small business community. As Hon Norman Moore mentioned, this motion dates from 19 March 2009. I would strongly suggest that there is no uncertainty in the small business community. The small business community has been very strongly supported since 19 March 2009, particularly through the offices of the Minister for Regional Development. We have allocated \$40 million to the WA Community Resource Centre network. That is a royalties for regions program that has been able to augment services to small business in small communities so they have access to government services, government information and government support through Community Resource Centres. The expansion of centres into the regions is very different from what was experienced under Labor when Small Business Development Corporation offices closed down and were taken out of the regions.

The regional grants scheme has provided regional development commissions with more than \$4.4 million each in 2008–09 to fund projects that help attract investment, increase the number of jobs and improve the quality of life in regional areas. The flow of royalties for regions funding into regional areas inevitably flows through to small business to assist them to develop and expand, to become strong, and to serve the regions really well. As Hon Norman Moore mentioned, support for small business can also be seen through the Liberal–National government's establishment of the Red Tape Reduction Group in January 2009, which consulted widely with small business. The outcomes of its deliberations are now being implemented through government to try to reduce red tape, to reduce impediments and to enable small businesses to reach their full potential. As I mentioned before, the Ravensthorpe nickel mine is an example of great benefit being achieved in regional areas through the Small Business Development Corporation.

Another possible way to expand the services of the Small Business Development Corporation is for it to work closely with the regional development commissions. That work is being carried out at the moment. There is an opportunity for Small Business Development Corporations to work with regional development commissions and the Regional Development Council to identify ways to expand and strengthen services to small business in



regional areas. A regional development commission review is taking place. I am chairing the review. Part of the focus of that review is to look at ways we can better deliver government services into the regional areas to ensure that our regional areas are places that will attract small businesses to invest, and to deliver services and to grow strong.

I cannot accept this motion moved by Hon Ljiljana Ravlich. What this government is doing for small business, in particular the work being done by the Minister for Regional Development through the Community Resource Centres and through the regional development commissions, in supporting small business has certainly not, as Hon Ljiljana Ravlich claimed, caused uncertainty in the small business community. The small business community is being well served by this government; therefore, we will not be supporting this motion.

**HON JON FORD (Mining and Pastoral) [2.53 pm]:** Once again I am amazed at the National Party's views in claiming there is no uncertainty in small business. The National Party must deal with a different regional small business community than I deal with. Maybe we have differing definitions of "small business". I will meet with the Pastoralists and Graziers Association on Friday. That association has a very different view. It represents a bunch of small businesses, which is the National Party's natural constituency. I can tell the honourable member the PGA does not think the National Party has done anything for them. That is reflected at every meeting I attend. I went to a PGA meeting in Broome at which the Minister for Regional Development once again, according to the PGA members, stood them up; indeed, they asked me to talk to the meeting. That is not a traditional Labor Party heartland meeting, I can tell members. The National Party is obviously dealing with a different region. My memory of the Ravensthorpe disaster was of a government embarrassed into acting. When I went down there with a number of my colleagues, we were told at that stage they had heard nothing from the government. It is a very different story. I will get back to the National Party, one of my favourite topics, later in my response, and its contribution to regional Western Australia. Everyone knows I am happy that the National Party has rediscovered regional Western Australia.

Hon Norman Moore opened his remarks by saying this motion is irrelevant. In a backhanded way, he made an accusation that somehow the opposition could have had these concerns allayed with a simple parliamentary question. There is a big difference between supplying an answer and allaying concerns, I can tell members. Although we welcome the Leader of the House's comments about the current government's position in relation to the Small Business Development Corporation, our constituency is interested in long-term stability. We did not hear the Leader of the House say, "This is the government's policy position. This will be our policy for the life of the government or until the end of the Parliament or until the end of the financial year when we might review." That is very important because the proposition the Chamber of Commerce and Industry of Western Australia put forward in its budget submission is that it believes there are significant opportunities for the core functions of the SBDC to be absorbed by other agencies. It does worry small business. It particularly worries small business in regional Western Australia, and particularly small businesses with relationships with major landholders or business property owners and major resource companies. When small business hears an organisation like the CCI make that statement, for them it is that term that has been used recently—"Game on!" It is seen as a long-term objective of the CCI. To allay concerns, small business needs to hear that the government is committed to the Small Business Development Corporation servicing its needs in the long term.

The Small Business Development Corporation is all to do with power relationships. I have been to chamber meetings in small regional towns with the big company on top of the hill; that is, the big mining company or the big oil and gas company. I have sat and talked to people. They all raise concerns about why they do not get the contract to supply the stationery to that business, and how they go about getting into that important opportunity forum. They talk about how they can get into the supply chain of that company to supply tyres or engineering services, or what strategies they need to adopt to try to take part in that business. How do they get involved in transporting the fly in, fly out workers from the airport to the mines? These small business owners are concerned that if the Chamber of Commerce and Industry of Western Australia continues with what they see as a campaign to absorb the functions of the Small Business Development Corporation, they will lose the independence of that corporation. Therefore, when they are sitting at the table with the CCI asking for advice, they are in actual fact talking to people from the organisation that is dominated by the big end of town.

I will give the house another example of this. The CCI currently runs an organisation that is dedicated to maximising opportunities, local content and local participation in the resources sector; it does that under contract. Lots of engineering companies come to me and say they are worried that they are not getting the work. Here we are in what everybody avoids saying is a boom, in which there are huge economic opportunities, yet a heck of a lot of the fabrication shops along the Kwinana strip are empty. Why should they be empty? How could they be empty with the amount of work that is going on in this state? They come to people like me, and, interestingly enough, they go to people in the unions, to argue their case. I have been to meetings sponsored by the Chamber of Commerce and Industry at which these companies are sitting around the table. The big end of town, such as Woodside, Rio Tinto and BHP Billiton, is on one side of the table. The medium-sized contractors such as Henry Walker Eltin and the smaller fabrication shops are on the other side of the table. What the big end

of town says outside the room and how it reacts inside the room are completely different. These small businesses rely on those people. Therefore, they are trying to get a point across without offending the people on the other side of the table who have their livelihoods in their hands. I hear about that issue from regional small businesses, in particular, and their concerns about it. In the past 12 months, I have not heard anything that tells me that small businesses have had their concerns allayed. In fact, only a month ago I had a meeting with a group of about eight small businesses in a shopping centre in my electorate. They were having trouble with their landlord. They found it difficult to raise issues with their own chamber because of the perceived relationship that their chamber has with their landlord. They were desperately looking for independent advice. Again, if the SBDC were absorbed into an organisation such as the CCI, it would cut off their access to that independent advice.

I have to point out that I am not having a go at the CCI about this; I am just talking about natural power relationships that occur in all organisations. An organisation such as the CCI and other organisations such as the Chamber of Minerals and Energy of Western Australia have a huge internal conflict in who they represent and how they give equal advice to all their members, because, strangely enough, the big end of town gets the most say because it is responsible for most of the sponsorship of those organisations. It offers them money for campaigning and resources to assist them in running their businesses. A person may have a small tyre dealership in Karratha or may be trying to crack into the mining game. Another person may be running a small cleaning business that wants to supply services to schools, the resource sector and a major shopping centre. To those people, organisations such as the SBDC are very, very important.

As I said, we welcome the statement by the Leader of the House that at this moment the government intends to maintain the SBDC in its current form, including its independence, and wants to invest in it. The government is taking a different view from that of the CCI. To allay the concerns of these small businesses, the government could go out and talk to them and give them the message. It is simply not good enough for the government to just tell the Parliament. In fact, if Hon Ljiljana Ravlich had not raised this matter, I cannot see how that message would have got out into the regions, in particular my electorate. Therefore, I believe that is very relevant, notwithstanding some of the issues of relevance that the Leader of the House raised regarding other motions. However, I do not think that argument applies to this matter. It seems to me that the most important part of this motion is to allay the concerns of the small business sector and to give a guarantee that the SBDC will not be privatised and fall apart or be carved up. Therefore, it would be nice if the government communicated directly with small business, either through the development commissions or through other organisations, to let people know what its position is.

Hon Wendy Duncan made a statement that I must respond to. She said that it was very evident that the National Party supports small business, and she put forward some argument in support of that. I do not see it. Interestingly enough, in the past two years, I have had more to do with small business than I have previously. That might have something to do with the fact that we are in opposition now and that people tend to come to opposition members with their problems rather than telling them the good things that the government does. However, I find myself dealing with a broad range of small businesses. As I said before, this ranges from shopkeepers in shopping centres to people with pastoral leases. I am always interested in the work that I do with pastoralists, because, on the face of it, they are not the natural constituents of Labor Party members. However, I must say that the longest relationships I have had in my time as a member of Parliament, and the strongest relationships at a personal level that I have with people, turn out to be with pastoralists. Indeed, I have had a longstanding relationship with the Pastoralists and Graziers Association. Interestingly enough, I hear these people talk about the Liberal Party and I hear them talk about the Labor Party in a general context. Of course, there are people in small business who are active on both sides of politics, Labor and Liberal, and I hear them talk about the Minister for Regional Development. The most common comment, and the most recent comment, that I have heard about the Minister for Regional Development was in Broome, not far from Hon Ken Baston's office, and that was that the problem for the Minister for Regional Development is that he went around saying a whole heap of things that he knew he could not deliver. Now we all know that he cannot deliver, and that is creating a problem for him. That is what I hear about the Minister for Regional Development. I hear different things from local government people; they think the Minister for Regional Development is fantastic. The people in my electorate are not so supportive of the Minister for Local Government. But I have been in that position, and I have some sympathy for a minister who has the big job of reforming local government.

**Hon Robyn McSweeney:** Yes, I remember.

**Hon JON FORD:** Yes, that is right. I wear the \$750 000 campaign as a badge of honour. If that is what they spent, they got ripped off.

Hon Wendy Duncan also claimed that there was no uncertainty. I have said before that members must be careful what they say in this house. I do not think there is a business in Western Australia that is not under some stress and is not facing some uncertainty from the global financial crisis. It is very important for businesses to know that support organisations such as the Small Business Development Corporation will be there to look after their

long-term interests. Hon Wendy Duncan, interestingly enough, talked about the trickle-down effect of royalties for regions funding. She said that it inevitably flows down—I think that was the description she used—and supports small business. I do not reckon that that is the case every time. I spoke recently to the owner of a stationery business in Karratha who was very concerned that the business was missing out on contracts. I spoke to a local engineering company in Port Hedland that is watching its work go down south. It is having trouble expanding. I also spoke a couple of weeks ago to a bunch of building tradies in the Fitzroy Valley who are currently worried about contracts being let to companies in the eastern states. That is a national government issue, but it tells me that these businesses are under stress and are facing uncertainty on a daily basis and that everything is not that rosy. Members need to be very careful about making generalised statements. That is why the Small Business Development Corporation is important.

Hon Wendy Duncan also talked about a review of the regional development commissions that she is chairing. That has created some uncertainty. That is inevitable in its own way. The comment that I am hearing from people associated with the development commissions is that there is a fear of amalgamation and centralisation, rather than the development commissions being strengthened. That might not be true, and I will not pre-empt the member's report, but she needs to know, and she should expect, that such a review will invite comments. That brings me back to what I started to say at the beginning of my speech. The parliamentary secretary can stand in the house and assure us that the Barnett government is dedicated to the SBDC, but the fact that a major business representative group such as the Chamber of Commerce and Industry of Western Australia is saying that it sees significant opportunities for the core functions of the SBDC to be absorbed by other agencies does not allay fears. The government needs to talk directly to local businesses and tell them what it has told us. On top of that, it might help if the government told the CCI to stop rattling the cage.

This is a very relevant motion, and it will remain so while the international financial situation remains in its current position and while there is growth. We have also had a national election. All those things add to uncertainty. It is incumbent on the government to allay the concerns of the small business sector. The answer given by the minister to the simple question put to him in Parliament just does not cut it. A dedicated small business minister would send a strong message to small businesses that the government is interested in supporting them. Members opposite should not talk about trickle-down effects, because it is absolute rubbish. What happens when big lumps of money go out to the regions is that some people make a lot of money, not necessarily the people who are being targeted, and it just adds to the concerns of people in those areas. We need strong, vibrant organisations such as the SBDC and a minister for small business. A commissioner for small business does not cut it either, in my opinion. It might be nice to have, but it is second-best to having a minister, because with a minister there is somebody from the executive at the table who can represent small businesses directly when economic decisions are made about the state. I welcome this motion. I have not heard anything in the two responses we have heard from the government benches that will allay the fears of small businesses. I thank Hon Ljiljanna Ravlich for bringing this motion to the house and giving me an opportunity to talk about the small businesses in the Mining and Pastoral Region, the biggest region in the state and, in many respects, the powerhouse of the state, and to represent the concerns of small business interests. I urge the house to support the motion.

**HON MAX TRENORDEN (Agricultural)** [3.17 pm]: I am delighted also to jump into this debate. It gives me a fantastic opportunity to clear the pipes and to express some anger, particularly at the Carpenter administration, which decimated the Small Business Development Corporation and its operations, particularly in the central Wheatbelt and the regions. Where I live, we had four small business advisers. Do members know how many we have now after the Carpenter administration got into it? We have one. I agree with some of the projections of Hon Jon Ford about the world economy. I am a natural optimist, but I think we are in for a second bite.

**Hon Ljiljanna Ravlich:** You'd never know it!

**Hon MAX TRENORDEN:** That is very nasty. I used to sit beside the member. I encouraged her last year when I sat beside her and laughed at her terrible jokes, and now she gets stuck into me! Just because I have moved four seats away, her nature towards me has changed.

Leaving all that aside, I think there is a very big chance that the world will take a second dip into the current problems. We have only to read about Greece, Spain, Portugal, the United Kingdom, Ireland and, let us not say too loudly, the United States of America. Things do not look too good. However, that is not the issue I wish to talk about.

The central Wheatbelt faces a set of circumstances that mean the economy there will be appalling. We will unfortunately almost certainly be using words such as "suicide" next year. Four people in the past could assist business in the agricultural economy, which involves not only farmers, but also all the people who live in that economy. People could go to those advisers and seek advice on how to run their businesses as the economy declined. It has not rained and the income will not come in. The forecast in today's *The West Australian* is for 9.3 million tonnes of grain. I doubt whether we are going to get that. I think it is an optimistic forecast. There

will be a lot of economic pressure in the central Wheatbelt. Previous federal Labor administrations, under a different Prime Minister, poured millions of dollars into the Small Business Development Corporation to assist small businesses in regional Western Australia. Which are those regions? They are Swan Valley, Bunbury, north Perth and south Perth. Did we get a zack in the rural regions? We got not a zack, not a penny. Off the top of my head, I think that the federal government pumped \$2 million into the state. None of it went outside the metropolitan regions, other than to Bunbury.

**Hon Jon Ford:** Will you be expanding the small business corporation back into the Wheatbelt?

**Hon MAX TRENORDEN:** Let us have a little chat about that. We will get there. Perhaps I will get there a little faster than I was going to.

We have taken hold of the nine development commissions, which the Labor Party decimated in its period in government. It turned them from the people's spokesmen to government agencies. They were meant to be the mouthpiece for regional people, and the Labor Party turned them into government agencies. That was never the intent for development commissions. Now, particularly under the National Party's royalties for regions policy, and under this government's role in royalties for regions, those development commissions have purpose. Hon Wendy Duncan is conducting a review of those commissions. The point of that review is to expand their role and let them play their role in governance in whichever region they are in. I know that Hon Jon Ford will agree with me on this: if someone was elected to a local development commission, we would want that person to be the most pre-eminent person in the region, would we not? That is what we have to do. Hon Jon Ford and I will agree on that, without the politics of the argument. It is very important that the leadership and the governance of the development commission are lifted. In any community where we pick a group of people to be on a board, it is pretty pointless to try to keep creating these little boards all over the place. That has been the fault of past governments, both mine and Hon Jon Ford's. We are better off hanging some of that structure under the development commissions, where the same quality board members can play a part in the governance role.

Over the past 15 years of administration there have been telecentres. Many Australian Labor Party members argue about what is a telecentre, what a waste of time it is and so forth. I have heard those debates, but I must admit that I cannot remember any members opposite running those debates. If people live in a Kellerberrin or a Mukinbudin, they know what value a telecentre is to them because it is the only contact centre in the community. Apart from the police and some teachers, no other services are available. The telecentres deliver that service. Part of what we can do is to start linking development commissions with the Small Business Development Corporation and telecentres to try to achieve a common outcome rather than a silo situation in which small business is under one minister and regional development is under another minister and we are not allowed to blend them. Where Hon Jon Ford or I come from, we do not have the resources to have that luxury. We want the good people working together to achieve an outcome.

I am very excited to be able to speak on this subject, because I have a different point of view. I have great concern for the Wheatbelt in general. It is in for a very tough time. Some very good families are under pressure now. That pressure will increase after what should be a harvest. Where will those people go for advice? There are obviously some minor places. If members have ever spoken to some of these people, as I have, they will know that it is really important to see how they react. People with pride have problems with people turning up at their front door when neighbours are watching and thinking that they are obviously under pressure because the small business man has turned up. We have to make arrangements so that people can go to the kitchen table of those families and work with them through problems. When people are in crisis, which I seem to have been all my life, they do not always make the best of decisions. Having someone who can look dispassionately at a crisis and sit with those people allows them the opportunity to sort the chaff from the grain, if I may use that analogy. It is very important to have a calm, stable person say to people that they are in trouble and that there are issues with finances but to keep that in balance with their children, with their wives, with alcohol and maybe drugs and with depression and all those issues that will unfortunately arise in the next 12 months in most of the electorate that I represent.

I think that notice of this motion was given just after the siege of Mafeking. I am not sure whether the Boers had won or lost the war at the time that notice of this motion was given, but it was a long time ago. The budget paper put out by the Chamber of Commerce and Industry of Western Australia prompted the motion. I would say: so what; that is 18 months ago; let us deal with today. The CCI does not have any influence in this chamber other than persuasion, and that is the way it should be. I do not see any member in this chamber becoming highly motivated by it 18 months after the CCI put the paper out. It is very much fish and chips wrapping.

I concede some of Hon Jon Ford's argument on the question of what we are doing about it. We do not want to switch the system back to what it was, because it was really a spot process. We would like to look at a supportive mechanism, starting perhaps with commissions and working down so that all those things are linked and so that the resources of the community that Hon Jon Ford represents and the resources of the community that I represent can be dealt with in a more cohesive manner, and small business does not operate in one silo and regional

development operate in another silo. If the argument is that 18 months have gone by and that the process is too slow, I have heard that argument for 23 years, and I have agreed with that argument for 23 years, but it just happens to be the way that things unfortunately move in administration. I make that point. I do not have any problems with where the current administration stands, because we are working on it. It is not quick enough for me either, because, as I said, I see the problems in my electorate rising like a dark thunderstorm and I am worried about just what will happen when that storm breaks. However, we are working on the processes. If I may have my own little gripe: how do we as a chamber allow ourselves to be debating a motion that is 18 months old?

**HON HELEN BULLOCK (Mining and Pastoral)** [3.29 pm]: I rise to support this motion. I listened to Hon Norman Moore's contribution, and the one thing he did not mention was the global financial crisis. At the time when the motion was put on the notice paper, that was very important, but I will come to that in a little while.

Let us have a look at this motion that calls on the government to make public its position about the future of the Small Business Development Corporation and confirm that the Small Business Development Corporation will not be dissolved and absorbed into other government agencies or privatised. The motion also asks for confirmation that the funding of the Small Business Development Corporation will not be cut. This motion was moved on 19 March 2009, which was a long time ago; however, the motion is still relevant and current because, since then, there has been no indication from the government about the long-term plans for the Small Business Development Corporation, other than a funding cut to one of its business enterprise centres. I agree with what Hon Ken Travers said about Hon Ljiljana Ravlich's motion, which was that most of her motion has stood the test of time.

The concerns about privatisation and amalgamation were first raised by the Chamber of Commerce and Industry of Western Australia's 2009-10 pre-budget submission to the state government. Page 17 of the CCI submission stated that, in the CCI's opinion —

... there are significant opportunities for the core functions of the Small Business Development Corporation (SBDC) to be absorbed by other agencies.

That is a very broad conclusion and statement. Where did that come from? It was raised because, in the opinion of the CCI —

There is considerable overlap between the functions of SBDC and a number of other government agencies and the private sector.

It all started from there.

The CCI submission was made in February 2009, in the middle of a financial crisis, and at that time the government was spending as though tomorrow would never come. In addition to that, the government had to set aside about \$1 billion to satisfy the National Party's demands. Also at that time the exchange rate was playing up a bit, so revenue was down. At the same time, the government was desperately trying to balance its books. It was trying to cut funding from all agencies, all corners, and all areas, the result of which was the uncertainty faced by a variety of service providers that relied on government funding to continue the operation of their services. It was a difficult time for agencies such as the Small Business Development Corporation.

The CCI's submission could not have come at a worse time for agencies such as SBDC; on the other hand, it could not have come at a better time for the government—it was like music to the ears of the government. Not only did it give the government a solution, but it also gave it an excuse and opportunity to dissolve or privatise the Small Business Development Corporation to save a few dollars and balance its books.

The Small Business Development Corporation's fear of funding cuts and privatisation was very well founded. On 29 April last year the chief executive officer of the Belmont business enterprise centre was informed that the centre would not be receiving its \$96 000 in state funding after the end of the 2008-09 financial year. In a sense, that was the first step towards the dissolution of business enterprise centres. I will give members a scenario: a continual reduction in funding would force the centre to reduce services, and the lack of a full range of services due to a shortage of funding would eventually reduce the number of visitors to the centres, which would force the centres to be dissolved or amalgamated with other government agencies, or just taken over by the private sector.

Luckily, the global financial crisis did not affect Western Australia as badly as expected, and Western Australia's economy has grown very strongly in the past year; also, another mining boom is on the way, and there was no mention of amalgamation or privatisation in the CCI's 2010-11 pre-budget submission. On the revenue side, the increases in household utility bills will generate an enormous amount of income. For these reasons, the Small Business Development Corporation was funded as it should have been in the 2010-11 budget, and it is true to say that it does not face a funding cut.

Compared with the last budget year, this budget year shows that we are in good times, but members should not forget that good times do not last forever. Sooner or later this funding cut will be back on the agenda, and the

Small Business Development Corporation will face this problem of funding cuts, amalgamation or dissolution again.

This motion calls on the government to develop a strategic long-term plan for the Small Business Development Corporation, which has not been done. A few months ago, on 23 December 2009, a warning was sent to the government by the departing Small Business Development Corporation managing director, Steve Moir. That is reported in an article in *The West Australian* of Saturday, 2 January 2010. He is quoted in that article as saying that —

... any amalgamation of the corporation would be detrimental to WA's small businesses.

He is also quoted as making the following comment about the SBDC —

“It is the only body of its type in Australia and it is envied by other states because it is the only place where a business person can talk to a real person who has had any real business experience.”

Mr Moir said SBDC's success could be put down to all of its senior advisers being experienced in small business, which was “very different to normal public service-type thinking”.

This is from a man who should know the Small Business Development Corporation better than anybody else. He knew that the Small Business Development Corporation was in danger of being dissolved. He also knew that this could be his last chance to make a very sincere effort to sound the alarm on that issue.

The article goes on to quote a spokesperson for the then Minister for Small Business and Treasurer, Troy Buswell, as saying —

“The minister will be engaging with the SBDC board in the new year in regard to reviewing the long-term plans for the SBDC, ...

However, so far, nothing has been done. I can understand that, because the then Treasurer was very busy, and the new Treasurer has been in his position for only one year, so why bother, I suppose, from his point of view.

We can find some useful information on the Small Business Development Corporation's website. The number of small businesses in Western Australia is almost 200 000. In the past three years, just over 25 000 new business names have been registered in Western Australia. That indicates that the global financial crisis did not significantly affect business start-up confidence. After having provided accounting advice and services to small businesses for six years, I think I have some understanding of them and know how to help them. Professional accountants provide useful and practical advice and services. But those services come at a considerable cost. Members only need to consider the cost of services provided to them by their accountants. Some of these services are available from the Small Business Development Corporation. I have to say that I am very impressed by the information that the Small Business Development Corporation has on its website. It is very comprehensive. It is no less than what an accounting firm could provide to those small business operators, and it is free of charge.

The Small Business Development Corporation is providing a very useful service for small business operators, who have committed themselves to hard work and long hours, and are prepared to take the risks to achieve their goals, ambitions and dreams. Many small business operators have very little business experience. Most of them rely on a bank loan to make a start, and some of them struggle to survive and barely make a living. It is only right that the government would help these small business operators by improving its services to these businesses. Of course that requires increased funding.

In a letter from the Minister for Small Business to the Combined Small Business Alliance of Western Australia, dated 18 December 2008, the minister said —

This Government is committed to ensuring the small business sector in WA remains resilient and that government decision making does not impede the ability of small business owners to trade and grow.

I see the SBDC as playing a significant role in facilitating this. It is the Government's intent to continue actively supporting the small business sector through this agency, and its collaborative work with all government agencies whose functions impact on this important part of the State's economy.

That is very well said. I will remind the government of this in the future whenever the Small Business Development Corporation faces an issue of dissolution, privatisation or reduction in funding.

An article in the *Western Australian Business News* of 20 January 2010 expressed a view that I could not agree with more. That is that SBDC has —

... expended far too much energy ... protecting its existence rather than evolving and refining its role and service offering.

The article said also that the government needs to —

... embrace the reality of the small business sector as: an essential player in a compelling and diversified economy development strategy; a realistic counter-weight within an ill-balanced (overly resource dependent) economy; and a genuine value-adding piece in a composite economic jigsaw.

An influential, informed and adequately funded SBDC and small business centre network is pivotal to achieving this end result.

The article goes on to quote Albert Einstein's statement that, "As a matter of cosmic history, it has always been easier to destroy than to create". The article concludes by stating —

SBDC has decades of knowledge and accumulated experience that with guidance can form the foundation for nurturing future small business success.

I conclude my remarks on that note.

**HON LYNN MacLAREN (South Metropolitan)** [3.50 pm]: I rise to speak to the motion. In some ways I support the motion, but in other ways I am very sympathetic to what the minister said in his response. There are certainly elements of the motion that are of some concern to me, but I will flesh those concerns out as I go on. I appreciate the fact that Hon Ljiljanna Ravlich has given us an opportunity to look at the Small Business Development Corporation and its future in Western Australia. It is understandable that the Labor Party has an interest in looking at this, because I know that it was established in the time that Hon Mal Bryce was the Minister for Small Business. It represented a significant change in the Western Australian business culture to have a government department that actually went some way towards fostering small business in an economy in which large business often has the advantage. That is why it is particularly relevant today to look at the SBDC. We are at the precipice of changing our retail trading environment by extending hours, and the big fear about that is that the bigger players will have an advantage. Therefore, small business is going to need some extra attention to be able to ensure that it can weather this change and maintain its vibrancy as a sector. Although it would have been hard to foresee 18 months ago that this matter would be relevant at this time, at the time it was also hard to imagine that we would be this close to debating bills on retail trading hours. However, that is the situation we find ourselves in, and I take this opportunity to make some comments about that.

As part of the government's reforms in bringing about extended trading hours, it has agreed to establish a small business advocate within the SBDC. Depending upon what one has read, the small business advocate was to be underway before the extended hours were brought into play. We are now hearing that it is part of the same package and that the small business advocate will begin his or her role when the extended trading hours begin. That is a bit of a catch 22, because small businesses are particularly concerned about these changes, and if they do need some help, they will need that help on day one. I, for one, have advocated for the small business advocate to be up and running before we implement extended retail trading hours. That is why this motion is relevant today, because it asks the government to put on the record the nature of its commitment to the SBDC. We would like to have the small business advocate established.

I listened very carefully when the minister rose to address the motion, to find out whether he would put something on the record about whether that commitment would be honoured. It is still unclear to me when the small business advocate will be working. However, I did appreciate the fact that the minister acknowledged that there has been, and will be, no change to the funding of the SBDC, nor to the government's commitment to that very important agency. I felt that that was really good, and I appreciate the fact that the government has made that commitment.

The second part of protecting small business in these times of change is, as was mentioned by the minister, commercial tenancy protections. We have yet to see how they will play out, but we will certainly be watching that. I would expect the SBDC to play a pivotal role in educating small business people about their rights in this time of change so that the big players, the large businesses, do not gain an unfair advantage if trading hours are extended. It is really important to know that 96 per cent of all business in Western Australia is small business. That is a huge sector, and in this post global financial crisis phase, we cannot afford to let them down. We cannot afford to place them in a position of risk, when the laws are changing and they will not have a safety net to catch them so that they can cope with this change. It is critically important that the strategic long-term plan that the government has identified as being necessary is put in place so that even if the small business advocate is not put in place now, we can at least see where it is on the horizon and what that strategic vision is for this corporation. In times of uncertainty, organisations like the SBDC can carry us through, especially when small business is most impacted by changes in the marketplace. I note that more than one-third of small businesses—Hon Helen Bullock may also have mentioned this—are sole traders. That puts a lot of pressure on those businesses. They need to be able to ensure that they can respond appropriately to any change that takes place in the regulatory environment.

I would like to make special note of the comments made by Hon Max Trenorden about the importance of the SBDC in the regions. I was very concerned to learn that the corporation has shrunk in the Wheatbelt from four or

five officers to only one. That is of deep concern because it means that farmers in the Wheatbelt, in a time of climate change when they will be looking at trying to develop new ways of supporting themselves, will no longer have that assistance from the SBDC if there is only one person there to assist them. I therefore urge the government to pay attention to what Hon Max Trenorden said and prioritise the regions when looking at expanding the services that the SBDC offers. We know that the impact of the global financial crisis could have been a lot worse if we had not had supports like the SBDC in place to provide advice from a very independent standpoint. Instead of having to go and pay an accountant, people could go to the SBDC and be provided with some guidance on how to weather that storm. I think that is a very valuable and appropriate role for the government.

It is noted in the motion that the Chamber of Commerce and Industry of Western Australia believes that there are significant opportunities for the core functions of the SBDC to be absorbed by other agencies. The minister seems to have indicated that the government has no intention of following that recommendation, and that is very good, but there may well be some role for further assistance from the private sector that small business can get, so I do not think we should dismiss that idea out of hand. However, I think that the core functions of the SBDC, as I say, have historically assisted Western Australian businesses, and I would like to see it remain there long into the future.

I hope that the remarks that the minister has made today allay the concerns of the small business sector, if indeed it has concerns, about the future of the SBDC. The minister went some way to finally publicly acknowledging that the SBDC is safe and that it is a service that the government is committed to. The only thing that the Greens (WA) would also like to see is for the government to follow through on that commitment to develop the small business advocate within the SBDC.

In concluding my remarks, I would like to support the motion. Although I appreciate the Leader of the House has in many ways addressed most of the concerns, I think it was worthwhile to have those on the record. Therefore, the Greens (WA) support the motion.

**HON MATT BENSON-LIDHOLM (Agricultural)** [4.00 pm]: I rise to totally support my learned colleague Hon Ljiljanna Ravlich. I certainly endorse the remarks of members on this side of the house. I also take note of some of the remarks made by members opposite, in particular Hon Max Trenorden. Hon Max Trenorden made a lot of sense, certainly with respect to the Wheatbelt, where his electorate office is located. The possibility of Australia not being an exporter of primary produce will be a concern in the years to come, I dare say, given climate change coupled with the global financial situation. I tend also to be a bit of a sceptic on the future of the world economy. The statistics very much point in the direction of some sort of correction to the world economic situation, particularly given the debts that many countries have run up and their capacity to trade internationally with countries such as Australia and the world's economic powerhouses such as China, Japan and India. They are of some concern as far as I am concerned. I tend to agree with Hon Max Trenorden in that sense, but he needs to comprehend that in areas such as our Wheatbelt—in fact, across the length and breadth of Western Australia—the big issue is that we need to put in place permanent economic structures to encourage people, and communities for that matter, to diversify their economic base. I know that is easily said, but the role of the Small Business Development Corporation surely must focus well and truly on that. I think Hon Max Trenorden might have been a little liberal in his interpretation that Labor did not play a role in the bush when we were in government. I say to him, from what I can recall, the whole notion of small business development corporations was a Labor initiative that started in the early to mid-1980s. I will stand corrected on that; it is a long time ago these days!

I also make the point that, as a businessperson, I still run, own or am involved in to a greater or lesser extent—I will not say “operate” because I do not get much of a chance to go home these days—a couple of businesses on the south coast. I understand those particular businesses, like 90 per cent of all Western Australian businesses, are small businesses. Small businesses by definition employ fewer than 20 people. Small business owners are generally local people. They are people who go out and make decisions—almost like sole traders. They live and die by the decisions they make; hence the need in many instances to have some sort of recourse to informed advice from organisations such as the Small Business Development Corporation, the various chambers of commerce and industry, business enterprise centres and the like. They form a very significant part of our entire business success. I put it to members that the maintenance of this situation is something that we must very much recommend.

It certainly was comforting to hear the remarks of the Leader of the House when he gave us some sort of guarantee. I may be a bit of a sceptic, Leader of the House, but I would certainly prefer to hear those very words from the mouths of the Minister for Commerce and the Minister for Regional Development.

**Hon Norman Moore:** I am the mouth of the Minister for Commerce in this house!

**Hon MATT BENSON-LIDHOLM:** I acknowledge that. I certainly would very much appreciate a firmer commitment from the government in some sort of official capacity.



**Hon Norman Moore:** I do not know how much firmer the member will get than that!

**Hon MATT BENSON-LIDHOLM:** I trust that is going to happen.

Debate adjourned, pursuant to temporary orders.

### COMMITTEE REPORTS AND MINISTERIAL STATEMENTS — CONSIDERATION

#### *Committee*

The Deputy Chairman of Committees (Hon Jon Ford) in the chair.

#### *Joint Standing Committee on Delegated Legislation — Thirty-sixth Report — “Tabling of Subsidiary Legislation in the Legislative Council” — Motion*

Resumed from 8 September on the following motion moved by Hon Robin Chapple —

That the report be noted.

**Hon NORMAN MOORE:** We began consideration of this report last week. By way of explanation, the Joint Standing Committee on Delegated Legislation in its report outlined some concerns it has about the amount of time it has available to do its work. Although I will not get into any debate about the reasons for that at this time, the government has taken on board the four recommendations contained in the report and has formally responded. The formal response was provided by the Attorney General and me as Leader of the House. Basically, the government is of the view that we would agree with recommendation 1 of the four recommendations put forward by the committee. We did not have to agree to all four recommendations; just one of four. We have agreed that we should proceed with recommendation 1 to change the standing orders of the Legislative Council to provide more time for the house to deal with subsidiary legislation. It recommends that standing order 153(c)(i) be amended by deleting the number “10” and substituting the number “16”. The government has indicated it supports that. I have referred this matter to the Standing Committee on Procedure and Privileges, which, as members know, is looking at the standing orders of the Legislative Council, with a request that the committee consider recommendation 1 contained in the thirty-sixth report of the Joint Standing Committee on Delegated Legislation. That is what is happening at the present time. That will be contemplated by the procedure and privileges committee in due course. It will make its recommendations again in due course on the new standing orders we are currently doing our best to create.

#### **Question put and passed.**

#### *Synergy — Offshore Jobs — Statement by Minister for Energy*

Resumed from 2 April 2009.

#### *Motion*

**HON PETER COLLIER:** I move —

That the statement be noted.

I would like to follow up on this ministerial statement. It was highlighted publicly by Hon Kate Doust that a number of jobs involving Synergy’s new billing system were to go overseas. We were essentially at the height of the global financial crisis, but that situation was unacceptable to me as well. As a result of that, I had a fair bit of consultation in collaboration with Synergy, and expressed my concern about the fact that jobs would be going overseas and that I did not want that to occur. As a result, Synergy was very, very accommodating, and that did not occur; the jobs did not end up going overseas.

I will give the house an update on where we are at with the five-point plan from Synergy that I announced in this ministerial statement. The first was the development of a new industry in Western Australia, with a global service provider establishing a presence in Western Australia. As a result of that, Synergy has engaged Tata Consulting Services—TCS—to establish a presence in Western Australia. TCS is located at Synergy’s head office in Perth. TCS is delivering back-office outsourcing and application maintenance outsourcing services to Synergy under a joint agreement. AMO services have been operational since September 2009, with 20 people now on site at Synergy. That has been a positive step in creating jobs.

The second point was the appointment of Stellar in Joondalup to provide contact centre capability while Synergy trained staff on its new customer care and billing system. This would create an additional 31 jobs in the short term for Stellar and Western Australia. Temporary assistance is now complete. However, Stellar is providing selected contact centre services on an ongoing basis. I will talk more about that in a second regarding the fourth point.

The third point was the engagement of Stellar to provide selected contact centre services on an ongoing basis, keeping these jobs in Western Australia for the long term. In an update on that, Synergy understands that Stellar has created 139 positions at its contact centre to undertake this work for Synergy. This is an overall net increase

in employment of more than 50 full-time equivalent positions. Stellar takes approximately 70 per cent of incoming calls to Synergy. The remaining 30 per cent of calls are answered by Synergy.

The fourth part of the five-point plan was the appointment of local information technology service partner Alphawest to support Synergy's data centre and IT services for five years, and to build a new IT network. Synergy selected Alphawest to be its infrastructure partner, supporting Synergy's data centre over the next five years. Synergy understands that this has created approximately five jobs at Alphawest.

The final point of the five-point plan was investing \$2 million in training employees to acquire new skills, demonstrating Synergy's commitment to maintaining a local skilled workforce. This has occurred. Synergy has invested approximately \$2 million in job redesign and training its employees to acquire new skills. That has meant that, yes, Synergy has kept the jobs onshore. A new IT industry has been created in Western Australia for the new billing system. A number of Western Australians find the notion of taking calls overseas difficult to comprehend, particularly when we have the capacity to provide those services in Western Australia. As a result of that and as a result of Synergy's five-point plan, that has been avoided.

There have been some issues with the billing system, and I acknowledge that. I was told at the outset, just after we took office, that this brand spanking new billing system was going to provide a raft of different services to the Western Australian public. It is actually a better billing system. Unfortunately, the implementation of it has had some teething problems, as we are all aware, but they are being smoothed out as we speak. Considering Synergy is dealing with almost a million customers, it was inevitable that there would be some teething problems.

There was another issue with the new billing structure. In the ministerial statement, I stated —

Synergy's plan will achieve cost savings and benefits worth \$75 million over the next five years and it will have a positive impact on customers' electricity bills at a time of rising electricity tariffs.

I am pleased to report that by the end of the financial year 2009–10, which is now, Synergy will have achieved cost savings of \$16.7 million per annum, increasing to \$25.2 million per annum by 2013–14. Over five years, this will amount to in excess of \$100 million. These savings reflect reduced call volumes through web self-service, increased interactive voice response automation, e-billing, optimisation of collections processes and other activities, as well as reduced recurrent expenditure in areas such as consultants, promotions and advertising, and entertainment and travel.

That is a brief comment on that ministerial statement. Synergy has been true to its word. It has implemented the five-point plan to ensure that ultimately those jobs will be kept onshore in Western Australia. That has had a positive impact on businesses in Western Australia, in particular the IT business in Joondalup, and there will be cost savings for the Western Australian consumer.

**Committee interrupted, pursuant to temporary orders.**

[Continued on page 6610.]

*Sitting suspended from 4.15 to 4.30 pm*

**QUESTIONS WITHOUT NOTICE**

DISABILITY SERVICES COMMISSION — SEXUAL ASSAULT AT RESPITE FACILITY

**662. Hon SUE ELLERY to the Minister for Disability Services:**

I refer to the critical incident analysis report into the sexual assault incident at a respite facility funded by the Disability Services Commission on 14 August 2010, a copy of which was provided to the commission.

- (1) Has the minister read the report; and, if not, why not?
- (2) Is the minister satisfied with the decision not to supply the mother of the young woman assaulted with even the extracts of the report that relate the matter she reported?

**Hon SIMON O'BRIEN replied:**

I thank the member for her concern in this matter.

- (1)–(2) The review that I referred to in an answer I gave to her question on, I think, 8 September was an independent critical incident analysis commissioned by two non-government organisations directly involved in the circumstances surrounding an incident that allegedly occurred at a respite facility on 14 August 2010. That independent critical incident analysis was undertaken by Chris Roberts, the principal of C.R. Roberts Health, on behalf of those two non-government organisations. It relates to an alleged incident. One of the matters that flow from that will be that the alleged perpetrator will be appearing in court, I think, on 17 September, which is this Friday.

In relation to the question about where the report has gone, a copy of the report has been provided, as I understand, to the Disability Services Commission. It has been done as a courtesy, because the report was commissioned by two funded agencies that the Disability Services Commission has contracts with, but it was provided in certain circumstances. The report has not been read by me and not been provided to me. The ownership of the report is with C.R. Roberts Health and the two organisations that commissioned the report. The Disability Services Commission is not at liberty to distribute information from the report in whole or in part for two principal reasons: first, Mr Roberts carried out his review and obtained the cooperation and assistance of people from whom he sought information, partly through the guarantee of complete confidentiality as to whatever they discussed with him in his pursuit of his review of the systems that operated in those two organisations. It would therefore be a grave breach of confidence for the Disability Services Commission to now release that information. The second reason is that the police themselves are pursuing matters through the courts, where a charge will again return to court in relation to this matter on Friday. That is another reason that the commission certainly has no role, as indeed arguably do others involved, in making this report public. If the honourable member wishes to ask further questions today or elsewhere, that is fine. I am prepared to offer her, on behalf of the Disability Services Commission, a full, confidential briefing about the circumstances, which may assist her in making sure that the Disability Services Commission, amongst others, has discharged its responsibilities in this matter faithfully and competently.

DEPARTMENT OF HOUSING — MAINTENANCE CONTRACT

**663. Hon SUE ELLERY to the Leader of the House representing the Minister for Housing:**

I refer to the Department of Housing's new maintenance contract with Transfield Services.

- (1) Has Transfield submitted any invoices since 1 July 2010; and, if yes, how many?
- (2) What is the total value of payments made to Transfield?
- (3) How many work orders does this represent?

**Hon NORMAN MOORE replied:**

I thank the member for some notice of this question. Please note that the department's current system does not record the number of job orders submitted, only those paid once acquitted.

- (1) Yes, work—job—orders have been submitted. For the number paid, see (3).
- (2) The total value is \$1 767 174.97.
- (3) This represents 9 258 work orders.

SOLAR CITIES PROGRAM

**664. Hon KATE DOUST to the Minister for Energy:**

I refer to the Perth's Solar Cities program.

- (1) Is the minister aware that some residents who had already paid for and installed a smart meter have had those meters replaced with a poorer quality meter as part of this program?
- (2) What has the minister done to ensure that all residents, and not just those who complain, who had already paid for a smart meter before this program began, are refunded?
- (3) Why were those residents with a superior smart meter not allowed to keep those meters when the rollout occurred?

**Hon PETER COLLIER replied:**

I thank the member for some notice of this question.

- (1) Yes, I am aware that the existing bidirectional meters have been replaced as part of the Perth Solar City program. However, the new smart meters installed by Western Power offer a range of functionality above and beyond any other meter currently installed in residential Western Australia. This functionality is enabled by a two-way communication system that allows the meters to remotely provide information to Western Power.
- (2) While the new smart meters offer a suite of benefits not afforded by any residential meter previously used in Western Australia, Western Power and Synergy recognise that residents within the trial area who have recently paid for a bidirectional meter would have had little opportunity to realise the benefits of their investment prior to the change. For this reason, Western Power and Synergy have arranged for an automatic refund for all customers who paid for a bidirectional meter up to five months prior to the start of the new smart meter trial. Those who paid for bidirectional meters before 1 January 2010 are invited to contact synergy, and the provision of a refund will be assessed on a case-by-case basis.

- (3) As a result of the way in which smart meters need to communicate with one another and back to the network, Western Power must install meters to allow for full coverage in each area. This is the only way to ensure the trial provides all the necessary information for Western Power to examine exactly how the network operates and to identify the most cost-effective solution.

## DEPARTMENT OF WATER — WATER QUALITY

**665. Hon SALLY TALBOT to the parliamentary secretary representing the Minister for Water:**

- (1) How much is allocated by the Department of Water in this year's budget to servicing the environmental aspect of the desired outcome of ensuring sufficient water quality to support the needs of the community, environment and state's development?
- (2) From how much of this activity is the Department of Water planning to withdraw?

**Hon HELEN MORTON replied:**

I thank the member for some notice of this question.

- (1) Consistent with the 2010–11 budget papers, the Department of Water's budget is allocated to meeting the desired outcome of sufficient quality of water to support the needs of the community, environment and state development. This is undertaken through the three services also identified in the budget papers. It is not possible to identify the specific allocation as requested, given the integrated nature of work undertaken across the Department of Water.
- (2) Despite the member's interpretation of a journalist's recent opinion, the minister has no plan to withdraw environmental services from the Department of Water. Our purpose is to support the state's economic and population growth, ensuring the right quality water is available to meet the needs now and for the future. In doing this, we clearly have a leadership role in water quality and in ensuring that water availability and quality is protected for the future, as well as for today. This gives us an ongoing role in protecting water, and we have no intention of stepping back from that.

## WESTERN AUSTRALIA POLICE — SURVEILLANCE DEVICE WARRANT RECORDS

**666. Hon GIZ WATSON to the minister representing the Minister for Police:**

- (1) Does Western Australia Police currently have a central record of the number of convictions achieved as a result of product obtained via warrant pursuant to —
- (a) the Surveillance Devices Act 1998;
  - (b) the Telecommunications (Interception) Western Australia Act 1996, and/or the commonwealth act to which it relates; and
  - (c) the number of such warrants in relation to which products have been destroyed?
- (2) If no to any part of (1), why not?

**Hon PETER COLLIER replied:**

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

- (1)
- (a) Western Australia Police does not currently have a central recording system for convictions recorded for Surveillance Devices Act warrants.
  - (b) Western Australia Police provides a report annually to the Attorney General in relation to convictions achieved as a result of warrants obtained from telecommunications interceptions warrants.
  - (c) Western Australia Police has just completed an extensive destruction process of intercepted material, during which it destroyed product relating to 900 warrants accumulated over 13 years of interception.
- (2) WA Police currently assists investigators in the preparation of affidavits and the obtaining of warrants in relation to the Surveillance Devices Act. The capture, storage, processing, recording and reporting of surveillance devices material is currently managed by individual investigators and is not centrally recorded.

## FREMANTLE PORT — CONTAINER MOVEMENTS

**667. Hon KEN TRAVERS to the Minister for Transport:**

- (1) How many containers were moved through Fremantle port in 2009-10?
- (2) How many of these containers were transported by rail?

- (3) What was the subsidy paid for each container moved by rail?
- (4) How many containers is it estimated will be moved through Fremantle port in 2010–11?
- (5) How many of these containers is it estimated will be transported by rail?
- (6) What is the subsidy for each container moved by rail?

**Hon SIMON O'BRIEN replied:**

I thank the honourable member for notice of the question.

- (1) A total of 556 622 containers were moved through Fremantle port.
- (2) A total of 60 060 containers were transported by rail.
- (3) The subsidy was \$45 a twenty-foot equivalent unit.
- (4) On a five per cent growth projection it is estimated that 584 000 containers will be moved through Fremantle port.
- (5) On a five per cent growth projection it is estimated that 64 000 containers will be transported by rail.
- (6) The subsidy for each container moved by rail is \$45 a twenty-foot equivalent unit.

URANIUM REGULATIONS — PEER REVIEW PROCESS

**668. Hon JON FORD to the Minister for Mines and Petroleum:**

I refer the minister to the press release of 22 August 2010 entitled “Independent expert panel appointed to investigate uranium regulations”.

- (1) How will the peer review process work?
- (2) Will the peer review reports be made available to the public?
- (3) If no to (2), why not?

**Hon NORMAN MOORE replied:**

I thank the member for some notice of this question.

- (1) The peer review process will allow the Department of Mines and Petroleum to have access to third party expertise when it assesses mining proposals for uranium projects.
- (2) The reports will be regarded as internal government documents in the same way that other reports on the assessment of mining proposals would be regarded. A summary of the assessment report will be made publicly available.
- (3) Not applicable.

LNG PRECINCT, KIMBERLEY — PLANNING AND ENVIRONMENTAL ISSUES

**669. Hon ROBIN CHAPPLE to the Leader of the House representing the Minister for State Development:**

Further to question without notice 636 asked on Thursday, 9 September 2010 and a question without notice asked last night —

- (1) Is the statement pertaining to the compulsory acquisition—notifications of intention to take—of 20 571 hectares of land and sea, as stated by the Kimberley Land Council on the ABC, correct?
- (2) If no to (2), why not?
- (3) Will the minister table a map or maps of areas of the notifications of intention to take by the government outlining the 7 457 hectares of land and the 2 664.6 hectares of seabed?
- (4) If no to (3), why not?

**Hon NORMAN MOORE replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) It appears that the Kimberley Land Council’s estimate of 20 571 hectares has been derived from an incorrect summation of the areas referred to in three separate public notifications, where the roads and service corridors and overlapping areas appear to have been counted multiple times.

As stated in *Hansard* in answer to question without notice 653, it is proposed that the following areas of land will be acquired by government for the Browse LNG precinct: 2 090 hectares for processing and

port land; 400 hectares for accommodation and light industrial land; and 1 040 hectares for port waters. An additional unfenced ancillary area is required for onshore pipelines, roads and services that will total up to 968 hectares of land. Up to 1 197 hectares of seabed is required for offshore pipelines out to the three nautical mile limit of state waters. To allow sufficient flexibility to identify a final location for each component of the Browse LNG precinct and associated infrastructure, taking into account Aboriginal cultural heritage concerns as well as environmental and geotechnical considerations, the total physical area of land the subject of compulsory acquisition is 7 457 hectares, and 2 664.6 hectares of seabed.

- (3)-(4) The deposited plans referred to in the above public notifications are public documents and are available from Landgate. The notices indicate that the plans may be inspected at the Department of Regional Development and Lands, Midland Square, Midland from Monday to Friday between 8.00 am and 5.00 pm, except on public holidays.

WA POLICE — SOUTH EAST METROPOLITAN POLICE DISTRICT UPGRADES

**670. Hon LJILJANNA RAVLICH to the minister representing the Minister for Police:**

I refer to the upgrades or refurbishments to WA Police facilities in the south east metropolitan police district.

- (1) What upgrades or refurbishments are planned or scheduled for the next 10 years, and where are they located?
- (2) When will the work commence, and what is the scheduled completion date for each of these?
- (3) What is the scheduled budget cost of each of these?
- (4) What upgrades or refurbishments have been undertaken since 23 September 2008?
- (5) Has there been any deferral of these works in the past two years; and, if so, what are they, why were they deferred, and when is it anticipated that the projects will commence?

**Hon PETER COLLIER replied:**

I thank the member for some notice of this question.

It is not possible to provide the information in the time required, therefore I ask the member to place the question on notice.

DHARMIC PTY LTD — INVOICE YIH 0625

**671. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Agriculture and Food:**

- (1) Is the minister aware of the document purported to be invoice YIH 0625 from the Yunnan Industrial Hemp Company Inc of the People's Republic of China made out to Dharmic Pty Ltd?
- (2) Will the minister confirm that this document is on record at the WA Department of Agriculture and Food?
- (3) Did the Department of Agriculture and Food rely to any extent on this document in order to establish that Dharmic was legally entitled to import and use a particular variety of industrial hemp?
- (4) Is the minister aware of a Mandarin language letter and its certified English language translation from the Yunnan Industrial Hemp Company in which that company states that purported invoice YIH 0625 is a false document?

**Hon ROBYN McSWEENEY replied:**

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) The department did not establish that Dharmic was legally entitled to import and use a particular variety of industrial hemp. The department considered this document, and other documents and information, when determining what, if any, steps it or the registrar should take under the Industrial Hemp Act 2004, and also in referring a person who raised concern about these matters to other appropriate authorities.
- (4) Yes.

ROTTNEST ISLAND — DEVELOPMENT AND ACCOMMODATION

**672. Hon LYNN MacLAREN to the minister representing the Minister for Tourism:**

- (1) Is the government currently considering two applications for the development of the Mt Herschel site on Rottneest Island? If yes —

- (a) Given the great public interest in Rottnest Island, will the community be given the opportunity to comment on the applications before a final decision is made?
- (b) Will the applicants be required to comply with the Rottnest Island Authority's planning and development guidelines?
- (2) Does the government have any plans for increasing the amount of affordable accommodation on Rottnest Island?
- (3) What is the current state of progress of the Rottnest Island Authority Act 1987 review?
- (4) When will public consultations on the review take place?

**Hon DONNA FARAGHER replied:**

I thank the member for some notice of this question.

- (1) Yes.
  - (a) In the negotiations that will follow the naming of the successful tender, there will be a 21-day period for public comment on the scale and scope of the design of the new development. Community consultation has already taken place on the concept of a hotel at Longreach Bay as part of the Rottnest Island management plan 2009-2014.
  - (b) Yes.
- (2) Yes. Options are being investigated to develop a new permanent camping ground, to replace old fibro units in the settlement, and to investigate options for guest accommodation on a South Thomson Bay site.
- (3) A Rottnest Island Authority Act review board subcommittee has been established, and several minor amendments are under consideration.
- (4) As provided for in the Rottnest Island management plan, public consultation will take place at a time yet to be determined.

CHILD AND ADOLESCENT MENTAL HEALTH SERVICE — SOUTH WEST REGION

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

I refer to the child and adolescent mental health service.

- (1) In the south west region, how many children and adolescents were assessed by CAMHS in 2008–09, 2009–10, and 2010 to date?
- (2) How many psychiatrists, counsellors and psychologists are employed with CAMHS, and where are they located?
- (3) How many people employed with CAMHS work in the south west region, and what are their positions?

**Hon HELEN MORTON replied:**

I thank the member for some notice of this question. Providing the information in the time required is not possible, and I request that the member place the question on notice.

MINISTER FOR AGRICULTURE AND FOOD — MEETINGS WITH CLIVE PALMER

**674. Hon HELEN BULLOCK to the minister representing the Minister for Agriculture and Food:**

- (1) Since 23 September 2008, how many times has the minister met with Mr Clive Palmer, and on which dates did the minister meet with him?
- (2) What was the subject matter of the meetings, and will the minister table any minutes taken at any of these meetings?
- (3) Who was present at each of the meetings?
- (4) Has Mr Palmer provided any hospitality, gifts or assistance to the minister?

**Hon ROBYN McSWEENEY replied:**

The member did not ask what they ate!

Several members interjected.

**Hon ROBYN McSWEENEY:** They are all awake, Mr President!

I thank the member for some notice of this question. The answer is as follows —

- (1) Twice: 11 August 2009, dinner at Parliament House; 26 March 2010, National Party conference corporate program in Albany.
- (2) No minutes were taken. Dinner, subject matter was Mineralogy projects; Albany, subject matter was conference issues.
- (3) Dinner, Brendon Grylls, Wendy Duncan, Terry Redman, Terry Waldron, Clive Palmer, Michael Palmer; Albany, Brendon Grylls, Terry Redman, Terry Waldron, Colin Holt.
- (4) No.

#### TOURISM AREAS — PROTECTION FROM MINING

**675. Hon ALISON XAMON to the Leader of the House representing the Minister for State Development:**

I refer to the minister's recent statement that he would consider special legislation to protect the Margaret River region from mining, similar to the Swan Valley Planning Act.

- (1) Does the minister acknowledge that there are other burgeoning wine, food and tourism areas, such as the Chittering Valley, that are similarly threatened by mining and similarly opposed to mining in their community?
- (2) Will the minister also consider legislating to protect these areas, which are in the process of developing viable long-term industries, from the threat of mining?

**Hon NORMAN MOORE replied:**

I thank the member for some notice of this question.

- (1)–(2) Western Australia has a strong economy, with major and valuable contributors being the mining and agricultural sectors. This government's general policy approach is to balance competing land uses, wherever possible, with new proposals being assessed on their merits through rigorous assessment processes, when appropriate.

#### BENTLEY ACUTE ADOLESCENT UNIT

**676. Hon LINDA SAVAGE to the parliamentary secretary representing the Minister for Mental Health:**

I refer to question without notice 617 concerning the Bentley adolescent unit. When does the minister intend to increase the number of beds available for adolescents at that unit?

**Hon HELEN MORTON replied:**

I thank the member for some notice of this question. Both inpatient and community services for adolescents and youth will be considered as part of the state mental health plan. The plan is currently out for consultation, with responses due back by 29 September 2010. Following this, a blueprint will be prepared for development of services, including the Bentley adolescent unit.

#### CONTAMINATED GROUNDWATER — MIRRABOOKA–DIANELLA

**677. Hon ED DERMER to the Minister for Environment:**

I refer to the contaminated groundwater in the Mirrabooka–Dianella area.

- (1) Has Atlas Group completed its contaminated site investigation?
- (2) Has the Department of Environment and Conservation completed its investigation into the contamination and developed a management and remediation plan?
- (3) If the investigations are ongoing, when does DEC aim to complete them?
- (4) Will the findings be publicly released?

**Hon DONNA FARAGHER replied:**

I thank the member for some notice of this question.

- (1) Atlas Group has completed the preliminary investigation, which is the first stage of the investigation process for this site.
- (2) The investigation and development of any management or remediation plan required is the responsibility of the site owner, not the Department of Environment and Conservation. DEC is monitoring progress of the investigation to ensure that it is undertaken in accordance with DEC's contaminated sites management series guidelines.



- (3) The next stage of the investigation by the site owner will define the extent of the groundwater plume and the levels of contamination in it. These are detailed and complex investigations and will form the basis for a management and remediation plan.
- (4) I table a basic summary of records under the Contaminated Sites Act 2003, which sets out the basis for the classification of the site and the need for these further investigations. Access to the preliminary site investigation report, as well as other reports as they are subsequently completed, can be requested by lodging an application with DEC for a detailed summary of records under the Contaminated Sites Act 2003.

[See paper 2450.]

MINISTER FOR REGIONAL DEVELOPMENT — MEETINGS WITH CLIVE PALMER

**678. Hon SUE ELLERY to the parliamentary secretary representing the Minister for Regional Development:**

I refer to the minister's meetings with Mr Clive Palmer since 23 September 2008.

- (1) Was fundraising for the National Party ever discussed at these meetings?
- (2) Did Mr Palmer ever hand over a cheque at any of these meetings?

**Hon WENDY DUNCAN replied:**

I thank the member for some notice of this question.

- (1)–(2) No.

WESTERN AUSTRALIAN BIOTECHNOLOGY INDUSTRY DEVELOPMENT STRATEGY

**679. Hon KATE DOUST to the Leader of the House representing the Minister for Science and Innovation:**

I refer to the Western Australian biotechnology industry development strategy.

- (1) Can the minister outline, by specific project, how much of the \$4.17 million previously allocated for this strategy's implementation has been spent to 30 June 2010?
- (2) What funding, by project, was included in the government's 2010–11 budget?

**Hon NORMAN MOORE replied:**

I thank the member for some notice of this question.

This is actually quite a long answer, part of which is in tabular form. I seek leave to have the answer tabled and incorporated into *Hansard*.

Leave granted. [See paper 2451.]

The following material was incorporated —

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**Answer**

**I thank the Hon. Member for some notice of this question.**

1. In 2007/08 the previous Government allocated \$4.17 million over three years to the implementation of the Western Australian Biotechnology Industry Development Strategy.

To 30 June 2010 the following has been spent on the implementation of the Strategy:

<b>Key Action/Project from Strategy</b>	<b>Expenditure</b>
Funding the Biotechnology Pipeline — Innovation to Commercialisation <i>Narrowing the gap in funding for early stage commercialisation of new biotechnology products and discoveries</i>	\$565,000
Biodiscovery <i>Promoting a biodiscovery industry based on Western Australia's native terrestrial and marine biota</i>	\$8,880
Infrastructure <i>Building critical mass: assessing and addressing gaps in physical infrastructure requirements</i>	\$113,250
Think Global, Act Local — Collaboration <i>Strengthening collaboration with international, national and local biotechnology research and industry groups to build relationships and facilitate partnerships</i>	\$84,300
Skilling Biotechnology — Innovation to Commercialisation <i>Facilitating skills development for the Western Australian biotechnology industry</i>	\$317,637

Promoting Western Australia <i>Raising the international and national profile of Western Australia's biotechnology industry to promote Western Australia's capabilities</i>	\$265,953
International Linkages <i>Facilitating linkages between Western Australian biotechnology companies and international markets</i>	\$464,700
	<b>\$1,819,720</b>

\$1 million of the Western Australian Biotechnology Industry Development Strategy implementation funding was re-allocated in May 2009 to the Square Kilometre Array project. Therefore the revised total Western Australian Biotechnology Industry Development Strategy implementation budget is \$3.17m.

2. The Government has allocated \$175,000 funding in the 2010/11 Budget as follows:

Key Action/Project from Strategy	
Funding the Biotechnology Pipeline — Innovation to Commercialisation <i>Narrowing the gap in funding for early stage commercialisation of new biotechnology products and discoveries</i>	\$50,000
Skilling Biotechnology — Innovation to Commercialisation <i>Facilitating skills development for the Western Australian biotechnology industry</i>	\$125,000

#### DEPARTMENT OF WATER — CHANGE OF FOCUS

**680. Hon SALLY TALBOT to the Minister for Environment:**

I refer the minister to question without notice 646, which she answered on 14 September 2010. What specific references were made to the Swan River Trust in the Department of Water's decision to withdraw its environmental services?

**Hon DONNA FARAGHER replied:**

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

I have been advised by the Minister for Water that the Department of Water is not withdrawing its environmental services, but it is recognised that in addition to the Department of Water, other agencies, such as the Swan River Trust, also have responsibility for protecting and enhancing our waterways. It should be noted that the existing memorandum of understanding between the Department of Water and the Swan River Trust, which outlines, amongst other things, that each agency has responsibilities relating to the protection and management of the Swan and Canning rivers, is currently being extended.

#### PROFESSIONAL COMBAT SPORTS COMMISSION — AUDIT OF PERMIT APPROVAL PROCESS

**681. Hon KEN TRAVERS to the Leader of the House representing the Minister for Sport and Recreation:**

- (1) Does the inquiry by Hon Geoffrey Miller, QC, have any terms of reference?
- (2) Did the minister approve the terms of reference; and, if not, who did?
- (3) Will the minister table the terms of reference or any other document outlining the nature or scope of the inquiry; and, if not, why not?
- (4) When is the inquiry due to report?

**Hon NORMAN MOORE replied:**

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

- (1) Yes. Hon Geoffrey Miller has been engaged to conduct an audit of the WA Professional Combat Sports Commission's permit approval process.
- (2) The minister endorsed the procedural audit being undertaken by Hon Geoffrey Miller.
- (3) Hon Geoffrey Miller will audit the commission's process for awarding promotion permits.
- (4) The audit will be undertaken at the completion of the Professional Combat Sports Commission's inquiry into the Green-Briggs fight.

## NATIVE VEGETATION CLEARING — REVIEW

*Question on Notice 2645 — Answer Advice*

**HON DONNA FARAGHER (East Metropolitan — Minister for Environment)** [5.01 pm]: Pursuant to standing order 138(d), I inform the house that the answer to question on notice 2645, asked by Hon Giz Watson on 10 August 2010 of me as Minister for Environment, will be provided on Thursday, 23 September.

### QUESTION ON NOTICE 2658

*Paper Tabled*

A paper relating to an answer to question on notice 2658 was tabled by **Hon Helen Morton (Parliamentary Secretary)**.

## COMMITTEE REPORTS AND MINISTERIAL STATEMENTS — CONSIDERATION

*Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon Matt Benson-Lidholm) in the chair.

*Synergy — Offshore Jobs — Statement by Minister for Energy — Motion*

Committee was interrupted after Hon Peter Collier had moved the following motion —

That the statement be noted.

**Hon PETER COLLIER:** I will conclude my comments to reinforce that the five-point plan introduced as a result of the changes to the billing structure is being implemented. There have been cost savings and, ultimately, there will be a more efficient billing system for Western Australian householders through Synergy.

**Hon KATE DOUST:** I did not have any intention to speak to this ministerial statement, but while the minister was on his feet and I was listening to his update on what has happened, I looked back at *Hansard* and saw that this matter was first raised on 18 March last year. I had a quick flick through the *Hansard* to remind myself of the discussion that had taken place, and I was reminded of the minister's initial reluctance to address the issue of Synergy to find out what was actually happening. I note with interest that tonight he has said that he actually sought Synergy out to follow up on that and to express his concern. I am pleased that the minister expressed his concern about jobs going overseas at such a difficult financial time for our community, but that is what we wanted him to do in the first place. It is a shame that it took weeks to get his attention to actually take up the issue. Although he is saying that Synergy has now made savings, over the past year we have seen a fairly monumental stuff-up on its part with the introduction of its new billing system. I probably should put another question on notice to find out whether everyone has received their up-to-date bill, because it dragged on and on for months and many thousands of people had to wait for their power bills. It was actually causing quite a bit of distress, particularly for those people on low incomes, seniors, or families who have been struggling to pay their power bills as this government has steadily increased them over the past two years. It was with interest that I noted that the minister is now saying that everything is fixed, Synergy is on track, it is saving money and everything has worked out. I am glad it is all working out slowly, but we have had one calamity after another with energy utilities over the past two years under the minister's watch. I suggest that the minister take a more hands-on approach, which is what we have asked him to do on a number of occasions; that would be appropriate. The minister has had to step in with the other utility, Western Power, because it seems to be having a range of problems. It now has to make decisions on a case-by-case basis. I think the minister needs to have a good look at how these utilities are being managed, and if substantial changes are going to be made, they need to have a very serious look at the long-term implications before they actually roll them out.

**Hon Peter Collier:** It was your billing system. You introduced it. The billing system was signed off by Eric Ripper.

**Hon KATE DOUST:** The billing system was rolled out under the minister's watch.

**Hon Peter Collier:** It was signed off by Eric Ripper.

**Hon KATE DOUST:** I understand that that is not the case. The billing system was rolled out under the minister's watch and it was a fiasco. It took people months and months to get their bills. When I went out to retirement facilities in Forrestfield earlier this year with the member for Forrestfield, Mr Andrew Waddell, there was great ferocity of feeling from those people about the lack of response from Synergy on billing problems and its tardiness in sending bills. They were very upset, and they were representative of the rest of the community. Although the minister is saying that everything is now all hunky-dory, at the time we raised these matters he was quite dismissive, and it took a number of attempts to get this issue up for his attention so that he would actually do his job. I am pleased to see that things are finally moving forward. However, it is a shame that every time we

raise with the minister the issues that have been raised with us by either concerned constituents or people involved in the energy industry, he has been dismissive or has refused to engage with the utilities concerned and take the issues. He tends to stand back and let things run. On a number of occasions we have seen that when he does that, problems arise that then take longer to deal with.

I only wanted to say a few words; we are now well and truly more than a year down the track. I might pick up on the comments made earlier by Hon Max Trenorden about the difficulty of waiting 18 months to have the opportunity to speak on a matter. I think that sometimes when we are dealing with ministerial statements or committee reports that have been hanging around for a long time, they perhaps no longer have the same degree of urgency or importance in people's eyes because they happened so long ago. I say to the Leader of the House that when he is looking at his review of standing orders, his committee might consider a mechanism by which it can address the timeliness with which committee reports and ministerial statements are dealt with, so that we do not have to wait 12 or 18 months before we have an opportunity to speak on them. I know that he cannot talk to us about that.

**Hon Norman Moore:** It has been considered, but it is a very difficult one, because everyone wants to talk on reports, motions and statements. That is how long it takes to get it done within the hour we have each week.

**Hon KATE DOUST:** Is it worth looking at a system similar to that in the other place? I do not know the details, but I understand that when a committee report is tabled in the other place, the members of the committee get the opportunity to speak to that report on the same day, so it is done and dusted while it is still timely and relevant, rather than waiting 12 to 18 months later. There are a number of reports on this list that have been hanging around for an extended time. When members finally get to talk on them, they struggle to recall the details of the inquiry, matter or statement. If there were some mechanism by which we could bring these matters on in a more timely fashion, relevant to when they are tabled —

**Hon Norman Moore:** I don't disagree with you, but even though they're very out of date, it doesn't stop members from talking on them.

**Hon KATE DOUST:** No, it does not. That is what we are doing today. I am taking this opportunity —

**Hon Norman Moore:** Short of stopping people talking, I am not sure of the answer.

**Hon KATE DOUST:** I am taking this opportunity, when talking about quite an outdated ministerial statement, to raise this as a matter of concern to see if this is something that we can perhaps look at. I think it might be a bit more productive for our chamber.

**Hon Norman Moore:** It is being considered by the committee.

**Hon KATE DOUST:** Good. Thank you.

**Hon LJILJANNA RAVLICH:** I forgot about this ministerial statement. In fact, I wanted to speak on this last time but I forgot that at the heart of this statement was the implementation of a customer care and billing system that was supposed to deliver new and better products and services for Western Australian energy users and also establish an information technology centre. At one time all this was at risk of going offshore. The minister was able to work with whoever he worked with and consequently we have it here.

I have a problem because this is not a world-class customer care and billing platform. Through this minister's implementation, we have a dog's breakfast!

**Hon Peter Collier:** Who signed off on it?

**Hon LJILJANNA RAVLICH:** The minister is implementing it. It is his responsibility. He has been in government for two years. He is as slippery as an eel and ought to grow up and accept his ministerial responsibility!

**Hon Peter Collier:** I accept it fully.

**Hon LJILJANNA RAVLICH:** No, you don't accept it fully.

**Hon Peter Collier:** Who signed off on it?

**Hon LJILJANNA RAVLICH:** The minister has the responsibility to implement it.

**The CHAIRMAN:** Order, members!

**Hon LJILJANNA RAVLICH:** I brought to this place my concern about Mr Maurizio and his billing. I was told time and again by this minister over there, "We have looked at his meter and there is nothing wrong with it. As far as I'm concerned, Mr Maurizio has spoken to a couple of people at Synergy and he's happy." I must have heard "He's happy" 50 times! He is not happy!

**Hon Peter Collier:** I challenge you to find it in *Hansard*. I have spoken to him.

**Hon LJILJANNA RAVLICH:** I am not happy and he is not happy, because the minister's billing system is corrupt! It does not work. There is something wrong with it. I want to put this on the public record. I would appreciate it if the minister kept his voice down. This goes to the heart of the matter. I actually think a lot of pensioners cannot explain the magnitude of these increases. In a two-month period, albeit it is colder, Mr Maurizio's bill has increased from \$366 to more than \$800.

*Point of Order*

**Hon NORMAN MOORE:** We have just heard a suggestion made by one member that these things take a very long time. The matters members talk about should relate to the ministerial statement. There is an issue of relevance here. If members want to talk about everything they can think of to do with energy, we could be here for the next week. I ask the Chairman to rule on the question of relevance.

**The CHAIRMAN:** I take notice of the fact that Hon Ljiljanna Ravlich has the ministerial statement in her possession and certainly commenced her discussions with respect to that. I trust she will continue to do so.

*Committee Resumed*

**Hon LJILJANNA RAVLICH:** At the heart of this —

**Hon Norman Moore** interjected.

**Hon LJILJANNA RAVLICH:** Hang on! Leader of the House, six paragraphs down the statement says —

The plan ensures Synergy can implement a new, world-class customer care and billing system, which delivers new and better products and services for the State's energy users. It would also establish a new IT centre of excellence in WA.

It then goes on about back-office expertise and so on.

**Hon Norman Moore:** The member was going off to talk about the price of energy.

**Hon LJILJANNA RAVLICH:** No; the point I want to make is that Mr Maurizio is not happy, and I have evidence here that lots of people are not happy with the system.

**Hon Peter Collier:** I will respond to that tonight.

**Hon LJILJANNA RAVLICH:** All right; the minister will respond to it because I will raise it again. I will put on the public record that I asked my electorate officer to contact Mr Maurizio to ask him whether he is indeed happy because I have been told by the minister that he is happy. In fact, I have been told 10 times by the minister that he is happy! This is what I received —

He hasn't had the inspection of his house done yet but will let us know.

He apparently phoned Synergy himself. Mr Maurizio is an Italian–Australian gentleman who does not speak fantastic English. I will continue —

Told them he still wasn't happy because he hadn't done anything different and the new charges are too much to explain. Said he told them he hasn't used the pool pump because of winter and he has hand swept the pool instead; reiterated that his wife only has the aircon on in one room. He apparently told Synergy they were good at wanting money off people but when it came to Synergy owing money like in Toodyay, they won't pay but they expect others to do so.

This is what Mr Maurizio told Synergy. I want to put this on the public record. Here are some of the other problems with billing that were mentioned on radio 6PR yesterday. At 9.37 am Julie phoned. My note reads —

**Julie,** is ropable at the moment; has rung Synergy for the fourth time asking for her last electricity bill and they say they can't do it because of a glitch in the system; as she insisted on speaking to a supervisor today and the girl hang up on her; has not had a paper bill since 9<sup>th</sup> of May.

Ron called in at 10.47 am. My notes read —

**Ron,** has been waiting for accounts from Synergy; last account he had was from Feb; rang Mr Collier and he said he would talk to them; wrote a letter to the Premier and nothing has happened; just can't get anywhere. Put solar panels on his roof and does not know how he is going.

At 11.45 am John phoned in. My notes read —

**John,** re people complaining not receiving Synergy bills; he works for Aust Post, and says Synergy tells people that Aust Post is not delivering them and then they start getting complaints; at least they are starting to admit there is a computer glitch.

I am not making this up. There were another couple of e-comments. Julie made an e-comment to Beaumont. It says —

**Julie**, thanks Beaumont because now Synergy has got back to her re her bill.

Clearly, Synergy is are not answering complaints and inquiries in a timely way. Another e-comment reads —

**Greg**, had a problem with Synergy billing system; undocumented bill should be penalty free.

**Penny**, have not had a Synergy bill since March.

So, the minister can have confidence that what I say is true. I will get my staff to go through all the people who have rung 6PR in the past six months. I am probably going to do it for 720. I might even do it for one of the FM stations. I will record the people who have complained about the billing system and their bills; then the minister should try to address these issues. He is in a total state of denial. On the one hand the minister comes into this place and would like to present the image that everything is going beautifully and that he is implementing a world-class customer care and billing system. Well, I am sorry, there is nothing world class about the minister's implementation of it! It is leaving many pensioners, many people who are disadvantaged, and in fact the average person, high and dry. The minister is leaving them with not enough food on the table. The minister may think I am pathetic but it shows how out of touch he is. There is nothing pathetic about me and everyone knows that! I think the minister should move on to the real issue. The real issue is the minister's lack of acceptance of his ministerial responsibility. When people bring matters of public concern to the minister's attention, and there are many of them —

**Hon Peter Collier**: I phoned the gentleman the member raised. I had a chat with him.

**Hon LJILJANNA RAVLICH**: No. The minister has told me time and again in this Parliament that Mr Maurizio was happy. He is not happy.

**Hon Peter Collier**: Show me in *Hansard* where I said that. You said 50 times. Stand up and show me where I said it 50 times.

**Hon LJILJANNA RAVLICH**: The minister said that he is happy. My office has told me that he has had —

**Hon Peter Collier**: He was happy after Synergy contacted him, and I will talk about that later.

**Hon LJILJANNA RAVLICH**: He is not happy.

**Hon Peter Collier**: I was going to leave it, but I will talk about it tonight.

**Hon LJILJANNA RAVLICH**: The minister should contact him. I would love the minister to contact him.

**Hon Peter Collier**: I did. I spoke to him last week, and I'm going to have a say about it tonight. Don't you worry; I'll have my say tonight.

**Hon LJILJANNA RAVLICH**: He is not happy.

**Hon Peter Collier**: I didn't want to bring it back into the chamber. I have to say that I thought it was inappropriate.

**Hon LJILJANNA RAVLICH**: Well, the minister can take it from me that I am not going to fix the minister's problems behind the Chair or anywhere else.

**Hon Peter Collier**: You didn't fix it.

**Hon LJILJANNA RAVLICH**: I am using the chamber, as the chamber should be used, to bring the concerns of the people to the Parliament and, through the Parliament, to the minister so that he can take remedial action. I will not do some sweetheart deal with the minister or make some arrangement on the side. The minister, in his typical fashion, cannot be trusted to deliver anyway, so what is the point of that? No; I will use the Parliament for the purpose that is intended, and I expect that the minister will step up to the mark and eventually do something about these accumulating issues.

**Question put and passed.**

*Joint Standing Committee on Delegated Legislation — Thirty-seventh Report —  
“Unauthorised Disclosure of Confidential Committee Correspondence by the City of Joondalup”*

Resumed from 26 November 2009.

#### *Motion*

**Hon NORMAN MOORE**: I move —

That the report be noted.

Very quickly, this report relates to an issue to do with the unauthorised disclosure of confidential committee correspondence by the City of Joondalup. The report has been tabled in the Parliament. Fundamentally, the recommendation of the report was that the Minister for Local Government circulate the report to all local

governments to outline the concerns of the committee about unauthorised disclosure of confidential committee correspondence. That has happened; the minister has sent the report, plus a letter, to all local government authorities, and the minister has responded to the committee's report, as he is required to do.

I will take about two seconds to indicate that the issue surrounding parliamentary privilege and how correspondence can and cannot be used is being considered by the Standing Committee on Procedure and Privileges. Correspondence sent by committees to various individuals has, for reasons that I understand, regularly contained a note at the bottom reminding those in receipt of the letter that it is a privileged document. That has, in my view, gone beyond what the Select Committee of Privilege report recommended. For example, I have received letters requesting that I attend the committee as a witness, and the letter says at the bottom that it is confidential and covered by privilege. Therefore, I cannot even tell my appointments secretary to put it in my diary, because that would be disclosing the content of the letter. I think this has gone a bit too far. The government's response, via the Minister for Local Government, suggests that we might need to be a bit more flexible in these issues of what constitutes privilege and what does not. I think that members are gaining an increasing understanding of this issue. Hopefully, the Standing Committee on Procedure and Privileges will come up with some recommendations on how we should go forward on this matter. However, the Joint Standing Committee on Delegated Legislation's report is fair and reasonable in respect of the issues that the committee has raised, and the response from the government is contained therein, and, as I said, the Minister for Local Government has sent that report to all local authorities.

**Hon ROBIN CHAPPLE:** There has been quite a considerable amount of discussion by the committee about how the notice is applied in communication. Quite often, as the Leader of the House said, it is just a small line at the bottom of the document that we tender. Unfortunately, unless a person goes to the bottom of the document and physically reads it, that person does not get the message. Therefore, a process is now in place whereby the notice about privilege and/or confidentiality of the documents is stated at the beginning of the main body of the document. I think that was part of the problem that we experienced, especially in this case; the information that identified privilege was not readily visible at one level. Therefore, the process has been changed. Certainly, in this case, it was by accident, and not with any malice, that this occurred, and the committee received sincere apologies from the council involved in this matter.

**Hon NORMAN MOORE:** I want to make one further comment that I neglected to make a moment ago. In this issue, the letter from the committee to the council was such that the council was of the view that it should go to the councillors, and therein lay the problem, because the letter was addressed, I think, to perhaps the chief executive officer. Therefore, I think that the committee needs to take into account that sometimes when it is writing to a local authority, the members of the local authority collectively need to be aware of the content of the correspondence. That needs to be taken into account by the committee in considering who can and cannot have access to that document so that the question of breach of parliamentary privilege does not arise if the council, doing the job that it is supposed to do, is considering correspondence from the committee.

**Hon KEN TRAVERS:** I am trying to frame my comments, because I am about to agree significantly with the Leader of the House —

**Hon Norman Moore:** Where did I go wrong?

**Hon KEN TRAVERS:** — which I know always upsets him! I think we are allowed to talk about the Standing Committee on Procedure and Privileges, and I think members will find that the Leader of the House and I share more in common on a lot of these matters than we would probably like the rest of the chamber to know at times.

I say at the very beginning of my remarks that one of my great fears about these matters is that I do not want us to try to codify parliamentary privilege to any great degree, because that has equally as many problems as has the situation under which we have operated. It has operated under, effectively, for want of a better term, common law principles for many years. It is about the matter coming back to the chamber and the chamber having control of its own destiny on these matters. Also, a number of reports have now come out of the Standing Committee on Procedure and Privileges that make reference to some of the tests. I do not know that we always have the balance right. In more recent times, we have tried to go down the path of looking at whether it has caused an adverse impact on the operations of the committee. I must say—this is not a criticism of the Joint Standing Committee on Delegated Legislation—that I am finding it a bit hard to see where this information being made public has impacted on the operations of the committee. However, I can understand that in other matters that may be the case.

The Leader of the House also made the point, and I think it needs to be balanced, that when we are dealing with local governments, although they are not covered by parliamentary privilege, they also have an important role to play in our community. As a member for the North Metropolitan Region, I am aware of the processes that the City of Joondalup went through to arrive at its cat laws. It went through an extensive public consultation process. It has dealt with a couple of matters, such as the cat laws and also smoking on beaches, that have elicited quite significant responses from its community about what it wanted to do. Again, I suspect that the Mayor of

Joondalup probably does not want people to know that he and I agree on a lot of things from time to time, even though we sit on opposite sides of the political fence. However, I believe that, compared with where the city was some years ago in its processes of engagement with its local community, it has gone ahead in leaps and bounds.

I have put this for the committee to consider for future circumstances: the issue that I have with this matter is that if the committee writes to a council and asks it to withdraw a law, on which the council has gone through an extensive consultation process, I do not think it is unreasonable for the council to think that it should go through a public process about how it responds. From reading the report, that is what I think the council has done on this occasion. I think the council has put the item, together with a report from its officers, onto its agenda for an ongoing council meeting and has decided to have it in a public forum. To be honest, I think that is an absolutely appropriate response from the council. I urge the committee to look at this. The issue is that maybe we need to clear up this matter. I urge the committee to look at whether there is some way it can make it very clear. I think there is an argument within parliamentary privilege that if councils are going through their correct processes for dealing with this matter, they are not doing anything that is breaching parliamentary privilege.

By way of another example, the Leader of the House made mention of what he does when he receives a letter from a committee. If we go back to the famous report about parliamentary privilege that was tabled in this house, it was even accepted by that committee that people may be authorised by the committee to talk to other people, but that has, by its nature, the automatic flow-on that there may be others involved. The Leader of the House gave the example of receiving a letter inviting him to appear before a committee. It would have been sighted by somebody else, because I suspect that the Leader of the House does not handle all his mail. I do not think that anyone in this place says that that is wrong and is a breach of parliamentary privilege. I suspect that it is then processed by a number of people in his office before it even gets to the Leader of the House. The information is probably entered into his diary by somebody else. I do not think that any member of this place would say that is a breach of parliamentary privilege. May I say that I do not think it is either.

If such a letter also asks for a response on some policy matters, rather than it being an invitation, I am quite sure that the responses that we get from ministers of the Crown dealing with correspondence are not written by ministers of the Crown. They may be signed off by ministers of the Crown and they may be amended, but in the first instance they will be sent down to a minister's department for advice and a draft letter to be provided to the minister to send back to the committee. Again, numerous people within the agency deal with that process. All of that is considered a logical extension when such a letter is sent out. I do not think that any of us say that that is a breach of parliamentary privilege. I think that we would find things would grind to a halt, and I suspect that committees would never get responses from ministers, if we were to do it any other way; for example, if we expected the minister to personally open the mail, personally research the letter and personally write a response to the committee. I think we must keep it in context. It may be something that we need to pick up in a bit more detail and to provide more advice to the committees. As I say, I am very cautious. Without any offence to lawyers in this place, often the response of lawyers is to seek to try to codify it. I am not a fan of that. It is a question of coming at it from a sensible viewpoint.

Although I am not being critical of the committee, I certainly urge committee members to take those points on board, because I think that if a committee is asking the council of a local government to come to a decision and to make a response to the committee about a matter on which the council has had extensive consultation, it is not unreasonable for the council to say that it wants to do it in an open and public way. I am sure the people of Joondalup who supported these cat laws will ask how the committee made the decision, why it made the decision and why it wants the law removed. They might say that the council should have stood up and fought for it. There might be a lawyer sitting somewhere in the City of Joondalup who has an extensive knowledge of these matters. I am sure there are not too many of them around, but there may be one who believes that the cat law is a good law and might have said that he would attend public question time and put a view to the council that would have given it the arguments to enable it to say to the Parliament of Western Australia that the Parliament is wrong and that the council does have the powers to apply the cat law within the existing act, or it has them by some other means.

With those comments, I put those matters on the record. I think there are probably two jobs here: one is for the Joint Standing Committee on Delegated Legislation to go back and have a look at these matters and think about how to proceed with it; and I think there is another job for the Standing Committee on Procedure and Privileges to take a proactive role in providing advice. I also note that Hon Robin Chapple is the senior member of either house on the Delegated Legislation Committee. I am sure that Hon Robin Chapple would acknowledge that he has had one term as a member of this place but has not had extensive experience in the chamber. I understand why these things arise. I also understand that we are dealing with not only relatively new members, but also members who are particularly nervous and whose senses are heightened about these matters, because of the events of the last Parliament when, in my view—the house has determined it—there were clear breaches of parliamentary privilege. We do not need to have the actions of certain members codified to work out that they were breaches. I know that we will have debates about the degree of the actions of those certain members and



whether or not the penalties that were proposed were appropriate for the actions that they took. I understand all of that.

I must say on that point that I also think it is outrageous that we are still sitting here as a Parliament and dealing with another matter of privilege, when the Director of Public Prosecutions, some three years later, still has not made a decision about whether two of those members will be prosecuted. I would have thought that after three years they either should not be prosecuted or the Director of Public Prosecutions should get on and prosecute them. I think that leaving it and making no decision is probably a debate for another day, and probably an area where again I get to agree with somebody on the other side of the chamber, Hon Anthony Fels, on that particular point about either charging and getting on with it or, if there is no evidence, dropping the charges. I thought the Leader of the House was about to —

**Hon Norman Moore:** I was going to, but I desisted. There is no way, in my view, that they can be charged, because the evidence is privileged.

**Hon is KEN TRAVERS:** We referred it off to a committee so that it could be.

**Hon Norman Moore:** I think they have probably made the wrong decision.

**Hon KEN TRAVERS:** That may be the case. As I said, there will be various views around the house. Maybe the Leader of the House can take it up with the Attorney General and see whether there is anything we can do. I think it is outrageous that three years on those certain members have not had a decision from the DPP.

**Hon LIZ BEHJAT:** I do not want to make any particular reference to the matter that is the substance of this report. I know others have mentioned it, but I want to bring to members' attention appendix 4 of the report, which is the letter from the City of Joondalup to the chairman of the Joint Standing Committee on Delegated Legislation in response to his letter to the city, bringing to the attention of the city the unauthorised disclosure of the committee communications. As most members of this house would know, in previous employment prior to becoming a member of Parliament, I worked with the now Mayor of Joondalup. I know him particularly well. I am also very familiar with the hardworking CEO of the City of Joondalup. I know for a fact that Mayor Pickard is someone who certainly dots the i's and crosses the t's in everything that he does in his personal and working life. We can see by the response given to the committee that the council in no way knowingly intended to breach parliamentary privilege. As soon as the matter was brought to the council's attention, it rectified the matter and has now taken steps to ensure that all council members and officers are now better informed of the restrictions when dealing with matters that are before the Joint Standing Committee on Delegated Legislation.

I just wanted to put those thoughts on the record and to say that it is probably a good idea that all councils take note of this, because I am sure that other councils have from time to time breached, knowingly or unknowingly, parliamentary privilege. Again, I commend the City of Joondalup on the actions it took. As soon as it became known to it that there was an unauthorised disclosure of committee communications, the council took the appropriate actions, and I commend the council for those actions that it took.

**Hon ROBIN CHAPPLE:** Just in response to members' comments, I make it very clear that the Joint Standing Committee on Delegated Legislation did indeed accept the very sincere apology from Troy Pickard on this matter. It highlighted for the committee how we identify those issues, especially to local government and indeed to agencies that have no understanding of parliamentary privilege.

**Hon Ken Travers:** My point is that I'm not convinced that it was an unauthorised disclosure.

**Hon ROBIN CHAPPLE:** Can I come to that in a second?

Certainly we made it very, very clear that, from here on in, there will not be a necessity for privilege in certain areas, and we are advising councils, and others, on who can be privy to the information. The problem was that the committee sent out a letter that, basically, set us on a train that we could not get off. The letter read —

*Note that this document (including any attachments) is privileged.*

Maybe the letter should not have been privileged. The letter further read —

*You should only use, disclose or copy the material if you are authorised by the Committee to do so. Please contact Committee staff if you have any queries.*

That letter provides the ability, at that stage, for the council—or whoever is involved—to come back and consult with the committee.

I really need to point out that, notwithstanding the privilege status attached to this letter, the committee had no objection to the City of Joondalup discussing the contents with the Department of Local Government, the Department of Regional Development and Lands, the Western Australian Local Government Association and/or its legal advisers. Unfortunately, what the city did was not so much discuss the issues the committee was investigating, but quote verbatim the committee's deliberations in both the media and on its website. That was

the problem. That was something the committee did not wish to be involved in, and I am sure the council did not wish to be involved in it, but the council found itself in that set of circumstances.

The report was written with the intention of bringing this matter to the attention of the Minister for Local Government, and to inform local governments that they need to have a cautionary principle around this, such that if a letter contains privileged material, councils need to understand what that means. But this issue has brought to the attention of the committee the need to modify correspondence to limit the confidentiality and privilege so that it can be made public.

**Hon KEN TRAVERS:** I note the comments made by Hon Robin Chapple, and, after what has happened, I understand why the committee is now doing what Hon Robin Chapple has proposed. The point I wish to make is that there is a question, in my view, about whether an unauthorised disclosure occurred. Obviously, it is a matter for the committee to make that determination, but it raises an issue about how the house regards parliamentary privilege.

The wording of the committee's letter was —

*You should only use, disclose or copy the material if you are authorised by the Committee to do so.*

The committee was not writing to the mayor or individual councillors; it was writing to the City of Joondalup. When we held an inquiry into the City of Joondalup, I learnt that only the 15 elected members of the City of Joondalup make decisions. That is who the City of Joondalup is, although sometimes there were a couple of lawyers who thought they were the City of Joondalup—anyway, that is another story!

If the City of Joondalup is written to by way of a letter like that and if the city goes through its processes in the normal way—for example, having its officers prepare a report for it, placing that on its agenda, and then considering it at a meeting of the council—that is doing things in an appropriate way, in my view. Obviously, if the committee is of the view that that was not what it intended, that is the committee's right, and I accept that. In light of that, the action taken that has been outlined to us today is an appropriate course of action.

If other committees write to a body and the committee knows the processes and the way in which that body reaches a decision, I do not think it is unreasonable for that body to go through its processes. It is not as though it has gone outside its normal processes or done something different from the way in which it would usually deal with this matter and reach a decision. The City of Joondalup was asked to reach a decision, and the only way it could do that was by doing what it did. That can be taken to a finer point in that if it had been established that the body had done something wrong, the second test would be applied—that is, whether the wrong action had had an adverse impact on the operations of the committee.

It is best that the confusion be cleared up, and I would love to see the committee present a further report to the house detailing how these matters will be dealt with in the future. I think there is a danger that if we leave things unsaid, a precedent will be set. Someone may come along at a future time and say, “Hon Norman Moore asked the Department of Mines to provide a response, and that got sent off to somebody at the Meekatharra office of mines”—is there still an office at Meekatharra?

**Hon Norman Moore:** There certainly is, yes.

**Hon KEN TRAVERS:** If that happened, that could be regarded as an unauthorised disclosure. Again, I would say that it was not, because it was appropriate for the officer at Meekatharra to be involved in drafting the response to the committee.

**Hon Norman Moore:** As long as the Meekatharra guy goes to jail; not me!

**Hon KEN TRAVERS:** The danger is that if we do not heed these comments that are being made now and if we do not think about what we are actually doing on our respective committees and how we are doing it, there could be problems.

I actually think that the council, having received this letter and having then gone through its normal processes to arrive at a decision to respond to the committee, fulfilled an inherent expectation. I do not think that a committee could not foresee that as an inherent response to it writing that letter to the council and asking the council to state its position. I have not done any research, but I suggest that there may have been thousands of letters sent out by the delegated legislation committee in the past asking councils to give commitments, and the councils will have done exactly that. In fact, I would be very concerned if councils had responded without going through council processes. I would suspect that probably hundreds of letters have been sent by the delegated legislation committee to local government councils over the years asking them to give undertakings or to change or modify their local laws, and they will have gone through a public process. To me, that is not a breach of privilege.

We are only noting the report today, but part of the onus reverts back to the committee and its expectations and beliefs about those processes, and that issue is brought into play with parliamentary privilege. I think we have probably got a way of moving forward, but all committee members need to consider carefully the words —

*You should only use, disclose or copy the material if you are authorised by the Committee to do so.*

If a committee is asking a council to provide a commitment, there should be inherent authorisation, because how else can a council provide a response to that matter? I for one would be very concerned if we said that every time a parliamentary committee writes and asks for a council to state its position, we are asking it to do it behind closed doors. I say that as someone who has always had the approach, on committees or anywhere else, that we should be as open as possible.

**Hon ROBIN CHAPPLE:** I do not want to drag this debate out.

**Hon Ken Travers:** But it is important.

**Hon ROBIN CHAPPLE:** The member is dead right. I think we have to realise that the committee deals with many instruments, and it, basically, has a stock-standard statement that goes out to whomever we deal with, and in many cases the information is extremely privileged, so there must be variances in the correspondence at times.

The other thing we need to remember is that when most councils deal with these issues, they deal with them with their staff and everybody else involved, but deal with them in camera or in a closed hearing because of the privilege attached.

What occurred was an oversight by the City of Joondalup, and it was mortified when we pointed out that it had breached privilege.

**Hon Ken Travers:** No doubt. I concur with Hon Liz Behjat's comment that it would not have done it deliberately. I would be very surprised if any of the people I know at the City of Joondalup had done it deliberately.

**Hon ROBIN CHAPPLE:** One of the problems that arose in this particular case is that it was a very emotive situation, and the committee had representation from members of the public who were reading the committee's deliberations in the newspaper and on the webpage, and then were coming back and making comment to us. That is what alerted us to the issue.

**Hon Ken Travers:** But that emotiveness was part of it. The council had gone through that emotive debate to arrive at its laws. So, for it to withdraw its laws in a private session, after having had a very public session, would also have been a huge problem, in my view, and would have made it subject to substantial criticism.

**Hon ROBIN CHAPPLE:** That is a pretty long interjection!

**Hon Ken Travers:** I thought you had sat down!

**Hon ROBIN CHAPPLE:** Yes! What I will point out in relation to that is, yes, we know that when we deal with matters that are before the committee, and when we have deliberations in the committee, we are not allowed to articulate those deliberations. But we can articulate the general sort of view, or whatever, that may occur out of that. It was quite clear that the council could have made some general comments that the delegated legislation committee had had some concerns about the legislation, and those concerns were around these issues—but not to cut and paste.

**Hon Ken Travers:** But if you accept your argument that it was a breach of privilege, then to even do what you are saying would still be a breach of privilege.

**Hon ROBIN CHAPPLE:** But the council had to at least identify to the community that it was changing its cat laws on the advice and/or whatever else.

**Hon KEN TRAVERS:** But if you take a strict interpretation of the wording that you are using, it would not be able to disclose it in any way.

**Hon ROBIN CHAPPLE:** It cannot disclose committee deliberations.

**Hon Ken Travers:** The problem is that if you go down that path, you would be saying that it would have to just drop the law and not tell anyone. In fact, I think the council would then be in breach of the Local Government Act, because it would not even be able to report its minutes at the end of the closed session, because it would be disclosing a deliberation of the committee; that is, the fact that you had written to it.

**Hon ROBIN CHAPPLE:** Most probably. But the issue is that we have not had a problem with this before, because, quite clearly, councils were going, "Oops; this is identified in the material that we received as privileged, and we will treat it as such." As I have said, this was a mistake. It was an unfortunate mistake. The problem was that even though many mistakes like this may have been made in the past, this mistake was public and in the media. Therefore, the committee became embroiled in a public debate that was using our deliberations, and that is what alerted us to the issues around this matter.

**Question put and passed.**

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

**APPROVALS AND RELATED REFORMS (NO. 1) (ENVIRONMENT) BILL 2009***Third Reading*

**HON DONNA FARAGHER (East Metropolitan — Minister for Environment)** [5.54 pm]: I move —

That the bill be now read a third time.

**HON SALLY TALBOT (South West)** [5.54 pm]: I point out to members opposite that it was never a foregone conclusion that we on this side of the chamber in the Labor Party would oppose the third reading of this bill. The reason that it was never a foregone conclusion is that we are not opposed to the policy of the bill. We are also not opposed to the principles of the bill as set out in the second reading speech and the explanatory memorandum. We need go no further than the first paragraph of the explanatory memorandum, headed “Overview of the Bill”, to see those objectives spelt out. It states that the Approvals and Related Reforms (No. 1) (Environment) Bill 2009 amends the Environmental Protection Act 1986 “to remove duplicative or unnecessary appeal rights”. It then goes on to refer to a few other things. The core of the matter is summed up in the words “to remove duplicative or unnecessary appeal rights”. Nobody in the Labor Party on this side of the house is opposed to those objectives. Why would we be? Of course procedures should be regularly scrutinised to see whether they are fulfilling the original intent for which they were designed, to see whether best practice has been followed, and to see whether the everyday, practical applications of laws and regulations are providing the best possible outcomes. To set out to see whether there are appeal rights that are duplicative or unnecessary is of course something that a good government would do on a regular basis. Therefore, we did not oppose at the outset, and have never opposed during the course of this debate, the process of making sure that we get the best possible system.

But the question that remains is whether the appeal rights that are being removed and changed in this bill are indeed duplicative and unnecessary. I put it to members that it is up to the minister on this bill, as it is up to ministers on every bill that comes before this house, to demonstrate—by the time we get to the third reading of this bill and so that everybody in the chamber will be convinced—that the policy as laid out in the second reading speech and the new procedure that this bill will put in place will serve the purposes that are explicitly intended. That is the case particularly during the course of consideration in detail of the bill at the committee stage. It may be the case in this chamber, and has been on many occasions in the past, that we get to a point during the committee stage when the government realises that things may be improved above and beyond the provisions it has laid out in the bill. Members will remember very well a recent occasion dealing with a bill concerning development assessments when that was indeed the case. In the case of that bill, the opposition approached the bill with a spirit of cooperation, and we indicated from the beginning that we agreed with the basic objectives of the bill. However, during the course of consideration in detail at the committee stage, the government was prepared to concede several points on which the bill could be made better than it was when it first got to this place.

As I have said, our initial statement that we would oppose this bill at the second reading stage did not commit us irrevocably to opposing it at the third reading stage. Had the minister been able to demonstrate, particularly during the committee stage, that the principles and objectives set out in the second reading debate were indeed going to be met, and that our objections at the earlier stages of the bill were based on misunderstandings or gaps in our knowledge about what was going on, the minister should have been able to persuade us to support the third reading. However, that has not been the case. I therefore put it to members that this bill should not be read for a third time.

*Sitting suspended from 6.00 to 7.30 pm*

**Hon SALLY TALBOT:** I was making the point before dinner that although it was never a foregone conclusion that Labor would oppose the third reading of this bill, it was nonetheless incumbent on the minister to explain why the objectives and principles set out in the second reading speech and the explanatory memorandum are served by the substance of the bill. The reason we have now decided that the bill should not be read a third time is simply that the case has not been made. But, even worse, during the second reading debate, and particularly during the committee stage of this bill, the Minister for Environment has revealed herself to be a person with such a slender grasp of the arguments that have been advanced that our initial resolve to oppose the bill has only strengthened during the days during which we had this debate.

It is our contention that the bill should not be read a third time because we have been unable to get answers to the questions we have asked about how certain elements of this bill will result in a better process; specifically, how the removal of the appeal points on the level of assessment and particularly on the status of a project as a derived project will make the approvals and the appeals process better. It must be said in making this case for the bill not being read a third time that the minister and the government was not short of evidence suggesting that, in fact, the measures contained in this bill would make the approvals process less transparent and would actually result in a less efficient system. We need go no further than the report of the Standing Committee on Uniform

Legislation and Statutes Review. Hundreds and hundreds of pages of evidence was taken by that committee; it is all publicly available. The report of the committee has been sitting in this place now for many, many weeks. The committee heard from a number of witnesses, all of whom have produced evidence that should have introduced a high degree of disquiet in members of the government.

There has been no shortage of evidence that the bill will result in a less efficient appeals process and process for examining and providing public comment on proposals. There has been no shortage of argument in this chamber. The debate has gone for many, many days and issues of real substance have been raised by my colleagues in the Labor Party and members of the Greens. There has also been no shortage of evidence provided from the Environmental Stakeholder Advisory Group—the minister’s own reference group, which includes not only people with reputations as environmental activists but also people with reputations as being industry advocates, like the Chamber of Minerals and Energy and the Australian Petroleum Production and Exploration Association. That body itself has pleaded with the minister to reconsider.

**Hon Donna Faragher:** I think you might be wrong there; I think they have actually spoken to you.

**Hon SALLY TALBOT:** A number of them have spoken to me, indeed.

**Hon Donna Faragher:** To encourage you to deal with the bill.

**Hon SALLY TALBOT:** Not at all. I think the minister has been seriously misinformed. I am more than happy to share with the minister some of the concerns that have been put to me, but I simply cannot believe that she has not heard them. I do not kid myself that these people come to me because they think they will get a more sympathetic hearing or because I will be able to deal with their concerns more efficiently. For goodness sake; she is the minister, not me. They come to me to let me know what their concerns are so that I can do whatever I can, but I cannot believe that the minister can sit in this place and look me in the eye and tell me that she is simply unaware of the concerns —

**Hon Donna Faragher:** I didn’t say that. I just said that I understood that they had come to see you about progressing the bill.

**Hon SALLY TALBOT:** I think that is a conversation we might have behind the chair, minister. If that is what they have told the minister, I can assure her that either she has misunderstood them or they are being less than straightforward with her.

There was one dissenting voice in the stakeholder advisory group. The minister knows that as well as I do. The dissenting voice put its views on record. There was only one dissenting voice, and it was not the Chamber of Minerals and Energy of Western Australia or the Australian Petroleum Production and Exploration Association Ltd. That is something that the minister is going to have to deal with over a period, because that group clearly feels that it has been sidelined in this whole process.

One of the reasons that the debate was quite lengthy is that the bill was subject to various amendments during the committee stage. On my part at least, I can assure the government that there were no tricks intended in any of the amendments that I moved. I waited to hear the arguments for not accepting those amendments, but those arguments simply were not forthcoming. I do not know whether the government thought it was a trick to try to make the administrative procedures more transparent. Certainly, if the government had agreed to consider the amendments that I put forward on that matter, we might have been considering a different response to the third reading debate. I moved two different amendments, and I expressed thanks at the time to Hon Giz Watson for holding back on her final amendment, which we ended up supporting with some reluctance so that we could test the government on this issue. If the government had shown any willingness at all to engage on the concerns that we raised, we might have been looking at a different outcome during the third reading debate. But, no, once again we just got the talk-to-the-hand response, because the minister was not listening to what we were saying.

I will summarise the extent of the opposition’s reluctance to vote for the third reading of this bill by asking what the circumstances might have been that would have led us to support the third reading. I have already referred to the first circumstance, and that was the opportunity that we gave the government to give additional scrutiny to the administrative procedures. As I said, if the government had shown any willingness to engage with us on that issue, we could have made real headway. One of our concerns is that because the administrative procedures will be subject to no parliamentary scrutiny whatsoever—the minister herself conceded that point—any administrative procedures that are proposed to be changed with the stated objective of maintaining transparency, openness and community involvement in the process can be changed on a whim. They can be changed if there is a change of minister or a change of authority at the Office of the Environmental Protection Authority or the Environmental Protection Authority, and that is simply not good enough. We might have supported the third reading if we had some concrete evidence that the removal of the appeal points will not mean that appeals and objections are pushed later in the process, because that is a very real concern to us. Again I make reference to the minister’s stakeholders advisory group. It is a concern that has been well articulated by the members of that group. It is a concern that has been well aired in public comments made by many, many sectors of the

community. If the minister had been able to produce some concrete evidence that there would not be an increase in appeals at the stage at which it is much less easy for a proponent to tweak a project or to make the adjustments that would accommodate the concerns being raised, then we would have reconsidered our decision to vote against the third reading, but that did not happen.

We might have supported the third reading if the minister had been able to produce some concrete evidence that transparency and accountability in the process of appealing proposals and assessing proposals were not being reduced. If the minister had been able to convince us that procedural fairness was being respected, we might have been able to make some headway towards supporting the bill on this side of the house. Indeed, the third reading might have been supported by us if the minister had shown any evidence that the removal of the appeal rights would result in significant saving of resources; that is, saving time and money on the part of officers of the department involved in processing appeals. More especially we would have been receptive to consideration of that evidence if the resources could be shown to be put towards a worthwhile end. Goodness knows there are enough worthwhile ends to which they could have been put in the whole question of environmental assessments and project approvals.

We might have been persuaded to support the third reading if we could see some evidence that projects involving issues other than land clearing would not be subject to a less rigorous investigation as result of these changes. That was an issue that we debated at some length during the committee stage. The fact that the minister was not able to follow her own responses to the evidence that was heard by the committee I think is one of the most troubling aspects of this debate for people on this side of the house.

We would perhaps have been persuaded to give the third reading more sympathetic consideration if we had seen some evidence that the minister had listened to the concerns that had been raised by the stakeholders advisory group and that had been raised by the committee. I am sure, to members of the committee, who of course, I must say, included Hon Nigel Hallett and Hon Liz Behjat as well as my colleagues on this side of the house, it was a great disappointment that their hundreds of pages of report elicited only a couple of pages of response from the government. If we had seen some evidence that the minister had listened to those concerns with sufficient engagement to have consented to their assumptions being tested in a review, indeed we might have reconsidered our position on the third reading.

Finally, I point out that our view on the third reading might have been different if we had received some assurance that projects would not avoid public scrutiny and would not be subject to disappearing appeals processes and consultation involving community input when they were claiming to be a derived project many years after a strategic assessment had been completed. It has been highlighted in commentary on this issue that there are likely to be some projects assessed under the provisions of the strategic assessment that are very significant projects for the state's development—that is, the development of industry in this state and the development of large and significant planning proposals. We heard by the minister's own admission that derived projects may come along years after the original assessment has been done. The fact that we have not received an assurance that projects will not avoid public scrutiny is another reason that we are forced into the position of having to vote against the third reading of the bill. The fact is that we received no assurance relating to any of the circumstances that might have led to us supporting the third reading.

We saw in this place an absolute debacle over the scrutiny of the administrative procedures. The minister read from a different version of the administrative procedures than those that had been provided to members on this side of the house. It transpired that the minister did not even have a complete set of the administrative procedures. If nothing else had aroused our discomfort about this bill and added to our resolve to subject it to the most rigorous analysis in committee, that in itself was a real indictment of the way that the Minister for Environment is deporting herself and the government in general is deporting itself.

I said that we might have been persuaded to look more sympathetically at the third reading if we had seen some concrete evidence that appeals would not be pushed to a later stage in the process. I refer members to a discussion we had about the use of the section 43 provisions in the Environmental Protection Act. We produced evidence in the chamber that needed to be addressed by the minister to persuade us to support the third reading of the bill. We produced evidence from experts who said that there were likely to be more appeals under section 43 as a result of the removal of these appeal points. When we got to that point in the debate, I was astonished to hear the minister say that that was just someone's opinion. That is not how we conduct debate in this place. We are supposed to be persuading each other that the stance we are taking is right. We are supposed to persuade each other not just by the assertion of raw numbers in this place, but by the strength of our arguments. The minister showed us that she was simply not prepared to engage on that point even though the people who made that judgement have far more experience and expertise in that field than I.

On the question of the reduction of transparency and accountability and the assurance that procedural fairness would be respected, again, we saw the minister fall back on the tired old empty defence that everyone is entitled to their opinion, and that it was not hers. We were not interested in her opinion; we were interested in her

arguments to support the measure that she is trying to put in place. We looked for evidence that the changes would result in a more efficient system and that there would be a significant saving of resources. In that regard, I remind honourable members that if we are being asked to take the third reading seriously, we should now be in a position to consider concrete evidence about the time-saving implications of the removal of these appeal rights. Far from being able to show us how time will be saved, the minister had to admit, at least in respect of one of the appeal rights—the appeal status of a derived project—that there had never been an appeal. The argument that was canvassed in the explanatory memorandum and in the second reading speech about increasing efficiency simply falls away because the minister is unable to show us that there will be any significant saving.

In relation to the removal of the other significant appeal right—the appeal against the level of assessment—again the minister was able only to agree with the committee report that there are only a handful of appeals every year and that most of those appeals are dealt with very efficiently and many of them have historically been brought by the proponent. I understand perfectly the argument that because of the reduction of appeal levels to two, it is unlikely that proponents will appeal, because almost always they will appeal only to increase the degree of scrutiny. Nevertheless, we did not see any evidence that suggested a massive logjam would be unblocked by these moves.

When it came to providing some evidence of projects involving stakeholders who want to claim that there are issues other than land clearing involved, the minister, again, was only able to say that the view that they would now be subject to less rigorous assessment was simply someone's opinion. She dismissed out of hand the fact that those opinions were expert opinions from people with a lot of experience of how the system worked, and there was not one voice amongst those opinions that said that the projects in that category would not be subject to a less rigorous investigation once these changes had taken place.

Of course, we then came to the Labor Party's amendment—moved with the support of the Greens (WA)—to put a review process in place, and we saw another debacle. Hon Liz Behjat, who is a member of the uniform legislation committee, suggested that the review should be done by the uniform legislation committee, which I would have been happy to take on board. Then Hon Simon O'Brien put forward a lengthy argument that was full of errors and mistakes, and was simply misleading as to the whole nature of the debate. He must be embarrassed when he looks back at *Hansard* and sees —

**Hon Simon O'Brien:** You are an absolute joke! I think the members actually received my comments in the spirit that they were intended, and they were not erroneous.

**Hon SALLY TALBOT:** Hon Simon O'Brien had a very funny idea about the spirit of the debate at that stage.

**Hon Norman Moore:** You've got a funny idea of what a third reading speech is supposed to be about.

**Hon SALLY TALBOT:** Hon Simon O'Brien managed to prolong the debate by something like 30 minutes by making comments that were simply wrong about committees that could self-refer and that sort of thing. Anyway, I am not going to engage in that debate again because, quite frankly, it was a wicked waste of time.

**Hon Norman Moore:** This is the third reading debate!

**Hon Simon O'Brien:** You've got to get over it, you know; you've got to get over the fact that as you, as state president, lost an election. That's what you've got to get over; stop being so bitter and twisted!

**Hon SALLY TALBOT:** I will lend Hon Simon O'Brien my copy of the Ray report.

**Hon Simon O'Brien:** Stop being so bitter and twisted.

**The DEPUTY PRESIDENT (Hon Helen Morton):** Order! Can we please focus on the third reading debate? I am sure that Hon Sally Talbot is aware that the third reading debate is meant to be concise and of short duration.

**Hon Simon O'Brien:** Sad little person that she is!

**Hon SALLY TALBOT:** I am; and I am sure that your reminder has been heeded by those who are interjecting, presumably to prolong the debate!

Several members interjected.

**Hon SALLY TALBOT:** Again, if the government and the minister had been serious about wanting us to support the third reading of the Approvals and Related Reforms (No. 1) (Environment) Bill 2009, the least they could have done was to engage seriously in the arguments we put up, to the extent that they were prepared to have their assumptions tested by including a review clause in the bill.

**Hon Michael Mischin** interjected:

**Hon SALLY TALBOT:** It was not a trick.

**Hon Simon O'Brien:** But we never expected you to support this. You can't help yourselves; you're so miserable and negative.

**Hon SALLY TALBOT:** I do not know where Hon Simon O'Brien gets that from.

Several members interjected.

**Hon SALLY TALBOT:** I am sorry, but Hon Simon O'Brien said the government never expected the Labor Party to support this bill.

**Hon Simon O'Brien:** No!

**Hon Michael Mischin:** That's right; I never expected it.

**Hon SALLY TALBOT:** That is very interesting; we might just have to test that assumption as we move through a few other bills. Can I just get on with this?

**The DEPUTY PRESIDENT:** I would prefer it, and I think it would be very, very wise to stay with the third reading debate on this bill and see if we can bring it to a conclusion in the near future.

**Hon SALLY TALBOT:** To summarise my points: we were looking for some assurances, and we were looking for some concrete evidence that the measures that were purported to be put into effect by this bill would indeed be put into effect, but we got nothing. We got no assurances or evidence to test the assumptions that were being made.

**Hon Michael Mischin** interjected.

**Hon SALLY TALBOT:** I will finish by explaining exactly why we are going to oppose the third reading. In short, we oppose the third reading because although the minister's second reading speech said that the legislation would remove uncertainties and delays, we find that in fact the bill will have the effect of increasing uncertainties and delays. Although the second reading speech and all the minister's statements talked about more efficiencies, our conclusion is that the bill will in fact lead to fewer efficiencies. The bill uses language such as "strengthen" and "streamline" about what it will do for the system; in fact, our belief is that the result will be a system that is weakened and prolonged. Although the minister uses empty rhetoric about accountability and transparency, it is our conclusion that the bill will in fact reduce accountability and transparency. That is why we will not support the third reading of the bill.

In conclusion, I thank my colleagues on this side of the house who contributed to the debate and joined me in the attempt to get the government to persuade us to support the third reading. I thank the members of the Greens who worked very cooperatively with us, which is great, on getting our points up. I also thank the advisers who provided me with some good briefings. The debacle of a committee stage, to which I referred with particular reference to a couple of points that we raised, is not supposed to reflect on the quality of the advisers or the advice that they gave. It is simply that the government is set on an agenda that is not open to reasoned argument. I end by acknowledging that indeed some great work is done by the Environmental Protection Authority and its officers. Nothing that we have said in this debate can be taken by the minister to reflect to any extent on the way that some of our best public servants in this state are operating. All my comments in leading to the conclusion that we cannot support the third reading of the Approvals and Related Reforms (No. 1) (Environment) Bill, all my criticism, is aimed at the minister and at a government agenda that is fundamentally corrupting the process of environmental assessment.

**HON GIZ WATSON (North Metropolitan) [7.57 pm]:** I just want to say a few words on the third reading of the Approvals and Related Reforms (No. 1) (Environment) Bill 2009 to indicate that the Greens (WA) will not support the third reading.

We have had a lengthy debate on this bill and a lot of matters have been tested and teased out. One of the fundamental problems that we had was the failure by the Committee of the Whole to take on board any of the amendments raised from the Standing Committee on Uniform Legislation and Statutes Review's very comprehensive report on this bill. I commend the committee again for its work and I note that it was a unanimous committee report. I think it is a shame when standing committees take the time to do the work on behalf of the community and the Parliament to take on board additional evidence and witness information and make recommendations to the house that are not taken up. I think that is one of the important roles of our standing committees; members on those committees are from all sides of politics and reflect the composition of this house. As I said, I think that this committee report was particularly thorough and raised some very important points, but unfortunately the house has chosen not to accommodate any of those recommendations.

The fundamental issue for us is that this bill will remove legislative checks and balances in offering points of appeal for the environmental assessment process and replace them with procedural requirements that are not subject to the same level of scrutiny. That is one of the fundamental matters reinforced in the committee's report and reinforced in community participation in this debate.

These changes are also premature in that we know that the Environmental Protection Authority has undertaken its own review of its procedures in response to comments about efficiency and the need to review its processes.



The EPA has embarked on a process of administrative change, which has not even been tested yet to see whether it will actually achieve what this legislation purports to try to achieve—that is, efficiencies in the system. Like other members, we are not opposed to any part of the governance system being reviewed and assessed to see whether improvements and changes can be made to achieve all the outcomes and all the objectives of that particular department or agency. Our concern is that we can tell from the title of this bill—we have had this debate about the title—that this bill is about approvals. This bill is not about environmental assessment, which is actually the charge of the Environmental Protection Act in this state. We see this bill as it is now before us, unamended, as a bill that seeks to streamline and speed up the environmental approvals process for proponents who are putting their proposals before the system for assessment. We are, therefore, unable to support this bill. I have followed the debate in this place very closely. I particularly want to acknowledge the contribution of Hon Adele Farina and her detailed understanding of the operation of the bill that is before us.

**Hon Ljiljana Ravlich:** Forensic.

**Hon GIZ WATSON:** Forensic is perhaps the word I should use.

Although I know by the nature of the numbers in this place that this bill will go through this house tonight, I reaffirm to members opposite—members of the National Party and members of the Liberal Party—that attempts to pitch the environmental assessment process in this state more clearly in the direction of proponents and exploiters of the environment may be successful tonight, but it will not reduce the commitment of those of us who are committed to environmental protection. I am sure that the consequence of this bill will be that we will see matters disputed, whether that be in a court or in other ways, to achieve environmental protection in this state. This bill has certainly upped the ante. I believe it displays a lack of spirit on the part of the government in listening to all the stakeholders on this very important matter of environmental protection in this state. I put the National Party and the Liberal Party on notice that if we cannot have good, strong environmental protection legislation, and if we are going to see that eroded, there are other ways in which we will seek to protect the important environmental values that are unique to Western Australia.

Question put and a division taken, the Deputy President (Hon Helen Morton) casting her vote with the ayes, with the following result —

Ayes (19)

Hon Liz Behjat	Hon Brian Ellis	Hon Alyssa Hayden	Hon Helen Morton
Hon Jim Chown	Hon Donna Faragher	Hon Col Holt	Hon Simon O'Brien
Hon Peter Collier	Hon Philip Gardiner	Hon Robyn McSweeney	Hon Max Trenorden
Hon Wendy Duncan	Hon Nick Goiran	Hon Michael Mischin	Hon Ken Baston ( <i>Teller</i> )
Hon Phil Edman	Hon Nigel Hallett	Hon Norman Moore	

Noes (14)

Hon Matt Benson-Lidholm	Hon Adele Farina	Hon Linda Savage	Hon Alison Xamon
Hon Helen Bullock	Hon Jon Ford	Hon Sally Talbot	Hon Ed Dermer ( <i>Teller</i> )
Hon Robin Chapple	Hon Lynn MacLaren	Hon Ken Travers	
Hon Sue Ellery	Hon Ljiljana Ravlich	Hon Giz Watson	

Pair

Hon Mia Davies

Hon Kate Doust

Question thus passed.

Bill read a third time and transmitted to the Assembly.

**PUBLIC SECTOR REFORM BILL 2009**

*Report*

Report of committee adopted.

**CANNABIS LAW REFORM BILL 2009**

*Second Reading*

Resumed from 14 September.

**HON GIZ WATSON (North Metropolitan)** [8.07 pm]: The next issue I want to take up in respect of the Cannabis Law Reform Bill 2009 is the level of evidence actually used to inform the decision to introduce this bill. I ask the minister representing the Minister for Police what informed the decision to introduce a bill in this form, because the bill clearly does not conform with the recommendations of the review. It might conform with some aspects of the review, but it certainly does not conform with the overall thrust of the recommendations of the review. Secondly, I ask the minister whether any consultation was carried out with anybody on this bill,

including community members and members of that section of the public health sector that deals with drug use and the health aspects of drug addiction. Which groups or community members were consulted when drafting this bill? I seek a response from the minister to those questions. Was there any input from the Department of Health on this bill and its likely implications in terms of dealing with people who use cannabis or who might, indeed, be addicted to cannabis use? I took the time to consult a key non-government organisation that deals with drug and alcohol use in the community of Western Australia, the WA Network of Alcohol and Other Drug Agencies. It is worth looking at the written submission that organisation made on this bill in October last year. In summary, it supported evidence-based recommendations that were in the statutory review of the Cannabis Control Act 2003. WANADA supported only the elements of the Cannabis Law Reform Bill that are consistent with the act. Interestingly enough, it found quite a few elements of this bill that are not consistent with the recommendations. I quote from the written submission WANADA provided to the Legislative Assembly on 14 October 2009 as follows —

WANADA supports strategies that enhance individual and community access to information on cannabis and other drugs.

The Statutory Review Cannabis Control Act 2003 ... recommended 15grams

That is as the cut-off point —

The Review provided statistics supporting the rationale for 15 grams

Reducing this to 10 grams, without evidence/support rationale, will result in an unnecessary increase in individuals having a criminal conviction for minor uses of cannabis.

While the number of convictions for people in possession of 10 – 15 grams may be small, this will contribute to court pressures.

WANADA welcomes the inclusion of Juveniles in the scheme.

That is not something we disagree with. WANADA had concerns about the ability of individuals to access the CIRs in the required 28 days, and noted that considerations are needed for regional, rural and remote individual minority group members or those with communication barriers, generally, to avoid discrimination. WANADA noted also that, while extensions may be granted, this appears to be discretionary within the act. It went on to say —

The cannabis intervention requirement scheme does not consider the current capacity of the alcohol and other drug ... sector to meet this need. This capacity would include increased staff members in the sector and infrastructure and other administration support.

As per above re potential discrimination of some individuals and the capacity of the AOD sector.

That is, to actually deal with the increased demand for counselling. I will say at this point that I am aware that money has been allocated in the budget to deal with the increased demand, but the information I have is that this is likely to be wholly inadequate. The figures I have provided by way of information for the briefing is that the 2010–11 police budget has funds set aside for law reform of \$398 000 for one-off capital expenditure and a number of amounts. These are, in 2010–11, \$575 000; 2011–12, \$646 000; and, 2013–14, \$712 000.

**Hon Peter Collier:** How much is the total?

**Hon GIZ WATSON:** The figure I have for capital expenditure is \$398 000. In 2010–11 there is \$575 000; 2011–12, \$646 000; 2013–14, \$712 000. Those figures are from the budget papers. The concerns that have been fed back to me from the sector is that the guesstimate of the costs we have for the additional expense that is likely to be incurred as a result of these changes is at least \$1.6 million based on the number of offenders the government has assumed will be referred in the first 12 months. That is the best estimate that I have as of today from the Western Australian Network of Alcohol and Other Drug Agencies. That amount in the budget will not be enough, particularly when dealing with remote and regional communities, which are the communities most likely to be impacted by these changes, particularly Aboriginal communities where, unfortunately, the use of cannabis is very high. This area in particular is of great concern to me. The percentage of Aboriginal participants in diversionary programs is about 12 per cent in regional and metropolitan areas. About 78 per cent to 80 per cent of those participants do not pay their fines, nor do they attend any kind of treatment session. Although some money is going towards increasing the capacity of counselling services, the advice from the sector is that it will not go anywhere near meeting the increased number of people who will be required to attend those counselling services.

The other issue that I wish to highlight is that the extension of time to attend sessions in remote areas beyond 28 days has not always been looked at favourably by the police, particularly because of the additional paperwork involved in granting an extension. In some cases, the police attitude towards diversion has not always been favourable. That discretion is potentially problematic, particularly in remote and regional Aboriginal communities.

What else did WANADA say? I think those were the key points. It was concerned about the discretionary aspect, the 28 days to comply and the funding. It also made the point that this bill—and, indeed, the direction that the former government was going to take in responding to the review—was not consistent with the recommendations of the review.

My next point is more general about the legislative responses to complex problems of human behaviour and social dysfunction, which I guess excessive drug use is about in principle. Legislation such as this is actually a cheap option in that it costs nothing to put a bill through Parliament and it looks good. We need to adequately fund the support services and the community education that is required to successfully divert people from further offending. If there is one thing that is acceptable about this bill, it requires that counselling be given for a first offence. I have no problem with counselling people to assist them in reducing their use of harmful drugs or desisting from using harmful drugs. That is not the question at all. It comes down to whether this government has put aside anywhere near sufficient funds in the budget to achieve that outcome in a very difficult environment. The cohort of people who will be affected by this legislation is quite likely to be those in remote and regional communities, particularly Aboriginal people.

I want to touch on some of the comments that have come to me directly from community members regarding their concerns about this bill. I have touched on them before but I think they are worth reiterating. The following comments have been forwarded to me in my office: this bill will force people into contact with dealers. They will no longer be able to control what they get, whereas before they were able to grow plants for their own use and were able to control what they grew. I agree with concerns that have been expressed in this debate about the strength of the cannabis —

**Hon Donna Faragher:** It is hydroponically grown.

**Hon GIZ WATSON:** I was going to say the amount of tetrahydrocannabinol that is actually in plants that are grown hydroponically and the strains of cannabis that are grown hydroponically. There is certainly no doubt that they are much more potent than perhaps what was around 30 years ago. That is a concern. If people are growing plants for their own use, they are much more able to control that.

My notes continue: people who buy drugs from dealers will now establish relationships with them and are more likely to buy other drugs as an inevitable follow-on from that contact. Cannabis certainly is a gateway drug in that environment because dealers want to sell something that is a lot more valuable than a bit of dope. This move to remove the capacity for people to grow up to two plants for personal use will do nothing other than drive people into contact with those who wish to profit from the sale of drugs and encourage people to use other more expensive drugs. It is the dealers who will profit from this new law.

Again, this is a submission from community members to my office: most cannabis users are responsible and law-abiding citizens. They should not be made to feel like criminals with a criminal record hanging over their heads if caught and charged. This will affect their ability to gain employment, to receive a police clearance and to gain insurance cover. Cannabis use is a health issue, not a criminal issue. Police resources should not be tied up charging many offenders with minor offences. As I pointed out previously in my contribution to this debate, police do not go out and deliberately target the confiscation of cannabis. Cannabis is confiscated or found incidental to other contacts with police.

I have a short while before my time expires. I will make a couple of comments about where the various political parties stand on this issue and the support for this bill. I note the Labor Party is indicating that it will support this bill. Although I am not surprised, I find it deeply disappointing that the Labor Party is also unwilling to look at evidence-based legislation. After the cannabis legislation review was completed, the former government was certainly looking at tightening up and including further restrictive measures in laws around cannabis, despite the fact that the review said that the existing provisions were working well. It is one of these areas of legislation about which, in the more basic public debate, it is very easy to make mileage out of a “soft on drugs” simplistic approach to drugs. But, as I say, that ignores the much broader debate about which drugs really do impact on our community. What are the drugs that really cost our society?

If we look at it as a comparator, alcohol is way out there ahead of anything else. In a hearing before the Standing Committee on Estimates and Financial Operations not that long ago—not on a matter particularly related to drugs—the Commissioner of Police was asked what the main drug of concern was in terms of violence in Northbridge and police time and resources. The response was very clearly alcohol. That is where we really need to be focussing our energy and attention, as well as on other very damaging drugs such as amphetamines. Amphetamines have extraordinarily negative impacts on people very quickly and also take up an enormous amount of police time and resources to deal with people who are affected by them. If one talks to people in hospital emergency departments and in the mental health sector, it is evident that the damage that has been caused to people who are amphetamine users is fairly immediate and fairly permanent and is very, very difficult to deal with. My plea is that we have a calm, considered and evidence-based debate about what drugs have the

most impact on and significance to the community in Western Australia. Beating our chest about cannabis is not very constructive in the overall debate. We need an overall decision about how we might use public funds to reduce the harm that is caused both to individuals who might choose to use drugs or who are addicted to drugs and to their families and the community. In this I would like to say that I think all other political parties are failing in this arena. I note that the Nationals are giving their support to this bill, even though at their state conference in 1998 they passed a motion that said the Nationals endorsed state council action to accept the proposal that first and second-time offenders found to be in possession of small quantities of cannabis for personal use are issued with an infringement notice rather than face court action —

**Hon Max Trenorden:** That was 12 years ago!

**Hon GIZ WATSON:** Yes, I know it was 12 years ago. My point is, where is the Nationals' current policy on this issue?

**Hon Max Trenorden:** We lost the election and we have a brand-new policy.

**Hon GIZ WATSON:** What is the policy, and where do I read it?

**Hon Max Trenorden:** On our website. If you cannot find it on our website, we haven't got one.

**Hon GIZ WATSON:** It is not on the website, and the honourable member knows that very well, so that is totally fatuous! The National Party has no policy.

**Hon Max Trenorden:** So why are you reading that out?

**Hon GIZ WATSON:** Because I am telling the member that this policy was passed at the National Party state council —

**Hon Max Trenorden:** I was there!

**Hon GIZ WATSON:** Yes, good! Was it ever rescinded?

**Hon Max Trenorden:** A policy runs for four years. When you lose an election, you start again.

**The DEPUTY PRESIDENT (Hon Helen Morton):** I am certain that Hon Giz Watson can conduct the debate without this level of interjection.

**Hon GIZ WATSON:** Suffice to say, I would be most interested if anybody can present the current Nationals policy on drugs.

**Hon Donna Faragher:** Maybe we should look at the Greens policy.

**Hon GIZ WATSON:** Our policy is readily available to everybody, and I am more than happy to stand in this place, as I am now, and explain why we have the policy that we have. I think it takes some courage to say that the current policies are not working. In fact, the current policy, which was enacted by the former Labor government, of a cautioning system, which we thoroughly supported and were behind its implementation, was working, and we saw that the level of marijuana use in the state was dropping. I am suggesting to members that we need to be a bit more realistic about the drugs that are impacting on our community and not embark on cheap political point-scoring in an ill-informed debate in the public arena that says we are all going to be killed because people get picked up on a traffic offence and happen to have 10 grams of marijuana in their back pocket. That is not what is causing the impact on our community from addictive behaviour and the actions of people who are self-harming and harming their family and everybody else as a consequence.

**Hon Donna Faragher:** Mental illness, schizophrenia and all of those sorts of things, and you will not recognise that! That is an impact.

**Hon GIZ WATSON:** I know. Honourable member, I do recognise that, as I have said.

**Hon Donna Faragher:** Well, it doesn't sound like it to me.

**Hon GIZ WATSON:** How do we deal with that? The government is putting these people into prison. When successive governments, including this government, cannot keep drugs out of prisons, how on earth does the minister suggest that giving people a criminal record is going to make them less likely to use drugs? We know that people who go to prison are more likely to use drugs when they come out. This sort of hysteria about drugs is an absolute indictment when there is still ready access to drugs in supposedly the most secure place in the state—our prisons. Yes, mental health is a significant issue, and my colleague Hon Alison Xamon will speak to that very shortly.

**HON NICK GOIRAN (South Metropolitan) [8.29 pm]:** I am very pleased to rise this evening to provide a brief contribution to the Cannabis Law Reform Bill 2009. I am even more pleased to do so following the comments of the previous speaker. It is a very good thing for the Greens (WA) to come into this place and show their true colours. I acknowledge that the previous speaker is absolutely correct in that the policy of the Greens is on its website. I took the opportunity yesterday evening to take a brief look at it. I will not say that it is the

easiest website to navigate; nevertheless, if members bother to spend the time, they can find it. They will have to wade their way through all these environmental policies and whatnot, but if they look closely enough, they can find it. I understand that this policy is under the social justice umbrella. It is very comprehensive and reads something along the lines of the following —

The regulation of drugs should be moved outside the criminal framework and be based upon known health effects.

That is about the extent of what I could find on the website. I think it is particularly useful to focus on the final portion; that is, the regulation of drugs should be based upon known health effects. One thing I have noted in the speeches that have been delivered over the past couple of days is that there seems to be a reluctance to acknowledge the health effects. There were snippets of acknowledgements, but it seemed almost as though there was great difficulty in muttering the words that there were problems.

As I have said, I am pleased to make a brief contribution to this bill, which in my view is one of the best things that the Barnett government has done since it came to power. I know that that will be very difficult for a couple of members to hear, but that is my view. The beauty of this place is that we have the opportunity to share our views on some of these matters should we desire to do so. I would like to do something that the previous speaker did not do. I flag that at some point I will seek leave to table a comprehensive research paper that sets out the consequences of acute and chronic cannabis use. It is very easy to come into this place and spruik the hard evidence and to say things such as, “I’m not making this up; these are the facts” and words to that effect. If members cannot be bothered to table some of this hard evidence, I question the validity of those comments.

**Hon Giz Watson:** All my comments were referenced, honourable member, and that goes into *Hansard*.

**Hon NICK GOIRAN:** I will certainly take the opportunity in due course to seek the leave of the house to table this document.

**Hon Ken Travers:** And it will have to be the whole house, not just the leader; you will have to convince us all.

**Hon NICK GOIRAN:** It will be a matter for the house to determine, as has been mentioned by Hon Ken Travers.

This particular document is entitled “Cannabis—suicides, schizophrenia and other ill-effects”. It is a review prepared by Drug Free Australia. It is the first edition of March 2009, so I would say that it is fairly current. I will take the opportunity just to read briefly from the foreword, which has been written by Heather Ashton. Members might ask the question: who is Heather Ashton? She is Emeritus Professor of Clinical Psychopharmacology at the University of Newcastle upon Tyne, United Kingdom. Professor Ashton has conducted laboratory research on the effects of smoking cannabis on the brain and performance, and has carried out surveys on the extent of cannabis use in UK university students, including separate surveys on medical students, dentists and junior doctors. She has written extensively in professional journals on the adverse effects of cannabis use. Lest it be misunderstood that Professor Ashton is the sole author of this extensive research, she is far from it; in fact, a vast range of experts in the field have contributed to this document. If the paper is tabled, hopefully, members will have an opportunity to review it. I will take this opportunity to read briefly from the foreword, which reads —

This research paper gives a concise, clear, accurate and logical account of the main mental and physical risks of cannabis consumption, particularly for young users. The aim is to provide information and advice to politicians, decision-makers and researchers in order to ensure that the level of cannabis use in Australia is markedly reduced. The report provides practical recommendations towards this end and makes a valuable contribution to public knowledge and to the framing of government policies.

It is right that the emphasis is on young people since the age of first cannabis use is declining, and children and adolescents are the most vulnerable to the adverse effects. These include severe psychiatric disorders, cognitive impairment, and progression to other illegal drugs. It may be noted that the age of continuing cannabis use is also increasing and contributing to public risks, such as traffic and other accidents. These issues underline the importance of the addictive nature of cannabis, particularly in its increasingly more potent forms—unfortunately nurtured by burgeoning trafficking in hydroponically grown cannabis.

The widespread use of this pervasive and addictive drug demands urgent attention to the problem of quitting in people already cannabis dependent. None of the present methods, which rely mainly on psychological approaches, is highly effective. Further research, perhaps including the judicious use of cannabinoid antagonists combined with psychological therapies, needs to be explored, instigated and financed.

The report is written in a style easily accessible to the layman but is firmly based on hard scientific evidence, carefully selected from the vast amount of literature on cannabis that has accrued over the years. Policy makers would do well to heed its messages and recommendations.

As I say, I will seek leave in due course—I just flag that—to table the document for consideration by the house.

I would like to cover a couple of other areas. I will start by just looking at the landscape that we find ourselves in and how that has changed over time. I make the observation that the desires, the concerns, the pressures and subsequent responses of people today, especially our youth, are so different from what many of us were exposed to when growing up. I will quote from Dr Stuart Fowler, who has written an excellent book on the subject, *Living the Good Life in Today's World*. He writes as follows, according to my notes —

There is no shortage of symptoms that indicate that Western Society is in crisis. Widespread drug abuse, violence, an alarming increase in youth suicide, lack of social cohesion, poverty of cultural creativity, obsession with material values, and a weakening of family and other communal relations are some of the more obvious symptoms.

Dr Fowler writes on the changes to what he describes as a new humanity—society's addiction to immediate gratification, technology and consumerism that have all changed the sociological landscape of what it means to be a human being in Western society. I would say that the challenge for us as legislators is to inquire into how legislation brought before us will manage this change while best protecting the interests of our current populace and future generations. I argue that this is a good example by the Barnett government of such a policy and such a piece of legislation.

Members would be aware that the drug culture has proliferated. In Perth, as in most western societies, drug use has been on the increase, particularly the use of ecstasy and methamphetamines. I will refer to a couple of studies that have been undertaken. In particular some researchers in the US have found that young people who started using cannabis tended to progress to increasingly stronger drugs. This was documented as long ago as 1998—that seems to be the popular year to be quoting today—in a report by Ramstrom entitled “Adverse Health Consequences of Cannabis Use”. A study by Fergusson and Horwood entitled “Does cannabis use encourage other forms of illicit drug use?” found that heavy cannabis users were 60 times more likely than non-users to take other illicit drugs. That study was published in the *New Zealand Herald* in May 2000. According to my notes, a report by the Australian Institute of Health and Welfare on the statistics of drug use in Australia in 2006 states —

Certain groups within our population experience a greater risk of developing harmful drug use behaviours or experiencing drug-related harm. As such, these groups may require a greater level of attention than that given to the general community in terms of education, treatment and prevention programs.

I note that the report goes on to define young people as people aged between 12 and 17 years, and that Aboriginal and Torres Strait Islander people are two of the larger groups. That is interesting because people who are in favour of decriminalising cannabis usually talk about the educated 40-year-old male who enjoys smoking the odd joint. I argue that we are talking about a much larger and more impressionable group of people who should be protected from the emerging drug culture that they are at threat of being swept away by. An article in Queensland's *The Sunday Mail* of April 2003 said that one in three teenagers who smoke cannabis every week become hooked by their early 20s. A program from the BBC *Panorama* series suggested that cannabis use can cause long-term chemical changes in the human brain, making users more likely to take other drugs. The research findings, combined with anecdotal evidence, such as the excerpt from the article in *The Australian* on 24 April 2007, paint a very distressing picture. That article reports that the continual slide deeper into drug use and the gothic culture ultimately led to a 16-year-old girl savagely murdering her friend, the Perth Children's Court was told. The teenager and her 16-year-old friend pleaded guilty to wilfully murdering Eliza Jane Davis, 15, in the mining town of Collie, 200 kilometres south of Perth in June 2006. The court was told that there was no apparent motive for the killing. In sentencing submissions to the court, one of the girls' lawyers, Michael Clarke, said that his client had begun smoking cannabis at the age of nine before turning to amphetamines, heroin, LSD and ecstasy by the age of 14.

It would be remiss and, perhaps, hypocritical of me if I concluded my comments without making some reference to the health risks to users of cannabis, so I will take that opportunity now. Numerous reports refer to the health findings about, and the consequences of, cannabis use. If members asked themselves whether it would be acceptable to give someone a substance that would lead to psychological distress, respiratory problems, increased cancer risk, abnormalities in reproductive functioning, schizophrenia and an increased incident of psychosis and suicide, members would presumably respond with an emphatic, “Of course not!” I want to note some of the health findings this evening for the purpose of making the point clear.

Firstly, a causal link has been established between schizophrenia and cannabis; secondly, the Fergusson study conducted in New Zealand that I referred to earlier shows a clear increase in the rates of psychotic symptoms after the start of regular use of marijuana; thirdly, a person who smokes three to four joints a day suffers associated health conditions such as bronchitis equivalent to that of a 20-a-day cigarette smoker; and, fourthly, cannabis smoking is associated with an increased risk of cancer of the lung, throat, nodes, tongue and gut. I

would like to refer to a very recent 2010 study entitled “Association Between Cannabis Use and Psychosis-Related Outcomes Using Sibling Pair Analysis in a Cohort of Young Adults”. That study was undertaken by a gentleman by the name of John McGrath—not to be confused with the member from the other place—from the Queensland Brain Institute, which is part of the University of Queensland. John McGrath and his colleagues studied 3 801 young people who were born between 1981 and 1984, and, from what I understand, this is the most recent study that links cannabis use with psychosis. Amongst all the participants, the longer the period of time since they first used cannabis, the greater the connection with multiple psychosis-related outcomes. I will quote briefly from that study —

Compared with those who have never used cannabis, young adults who had six or more years since first use of cannabis —

That is, those who commenced use when aged 15 years old or younger —

were twice as likely to develop a non-affective psychosis and were four times as likely to have high scores on the Peters et al Delusions Inventory ...

That is a measure of delusion —

There was a ‘dose-response’ relationship between the variables of interest: the longer the duration since first cannabis use, the higher the risk of psychosis-related outcomes.

These and other scientific findings indicate that early intervention programs are necessary to disconnect users from cannabis use. According to my notes, the Drug Advisory Council of Australia has stated that now is an excellent time to introduce an intensive drug demand reduction campaign for the diversion of identified cannabis users into rehabilitation to get them free of cannabis use.

As I move towards concluding my remarks, I take this opportunity to highlight not only the risks to the user, but also the risks to the non-user, because, in my view, cannabis use is not a victimless crime. A report entitled “The Incidence of Drugs in Drivers Killed in Australian Road Traffic Crashes” by Drummer states that cannabis was detected in the blood of 13.5 per cent of drivers involved in fatal crashes that occurred in Victoria, New South Wales and Western Australia between 1990 and 1999. I think that that 13.5 per cent of fatalities would undoubtedly have devastating and harrowing effects on the lives of innocent people. Many mothers, fathers, children, brothers and sisters would have experienced great grief during those times. The article by Drummer also reported that the prevalence of drugs, particularly cannabis and opioids, detected in fatally injured drivers increased over the decade while the prevalence of alcohol decreased. Cannabis had a larger prevalence in motorcyclists, 22.2 per cent, whereas stimulants had a much larger presence in truckers, 23 per cent.

I also note that drug use tends to have a bit of a domino effect on the community, or perhaps a better metaphor would be that it is octopus-like in the sense that its tentacles weave their way into the fabric of our society. For example, drug use can create increased feelings of aggression in users, which can lead to more aggravated assaults. The dollar costs to maintain a drug habit or addiction can lead to an increased incidence of burglary and in some instances, as we know, an increase in prostitution. There can be increased psychological illness in users, which obviously greatly increases the cost on our already growing health system. The list goes on and it certainly does not require an economist, mathematician or accountant to work out the huge economic burden that encumbers our state as a result of drug use.

Why do we legislate the wearing of seatbelts and bicycle helmets and the use of electrical safety devices and the like? Obviously, it is to protect members of our community from harm, injury and horrible deaths. I firmly believe that harm-minimisation strategies communicate a message condoning drug use, a message that I do not espouse and that I suggest that we, as legislators, should not either. Furthermore, in my view, harm-minimisation strategies have been an abject failure, and examples from countries, such as Sweden, prove this.

I also note that the former mayor of New York, Rudolph Giuliani, enforced a zero-tolerance policy towards all types of crime, including cannabis possession, from 1994 to 2001. New York subsequently experienced an extraordinary 44 per cent drop in overall crime and a 61 per cent drop in murder, giving New York the title, surprisingly enough, of the safest large city in America. I think that it would be a great legacy if this Legislative Council could be remembered for doing what was best to knit the social fibres of a healthy society. Although we are prepared to legislate against drug use, let us also be prepared to do what we can to support those people who are addicted to drugs by supporting rehabilitation to get illicit drug users drug-free. To conclude, I seek leave to table the review that I referred to earlier.

Leave granted. [See paper 2453.]

**HON COL HOLT (South West)** [8.53 pm]: I will make some brief comments about the Cannabis Law Reform Bill 2009 and ask the minister responsible some questions that back up some of the comments made by Hon Giz Watson and Hon Kate Doust.

Obviously, a lot of the legislation that we deal with in this place is really a very blunt instrument to bring about a change in behaviour. I note that this bill provides for first-time offenders to be directed to mandatory cannabis education programs. Although it is a noble idea, I have to raise some concerns about access to those programs in regional Western Australia and how the government will meet those obligations. If the government is going to introduce mandatory education sessions, it obviously needs to take that to the people who will be affected by it. I would hate to see an instance in which a person in Newman is charged for a first offence and is required to attend an education session in Perth or somewhere else. There is a great challenge in terms of that mandatory requirement and delivering it to regional and remote Western Australia, as Hon Giz Watson spoke about in her address.

There is a budget for this, obviously, as has been pointed out. But we all know the challenges that exist in regional Western Australia. Getting professional people to go into the regions is not always just about money. We talk often in this house about the shortage of professional services in the bush. That includes health services and counselling. Although a lot of money is potentially being offered to people to provide those services, we still cannot find people who are willing to go to the regions and do the work. The more remote the area is, the more challenging the problem becomes. I would, therefore, like to hear from the minister with responsibility for the bill in this chamber how the government intends to overcome those sorts of challenges. Obviously there will need to be a commitment from the government to fulfil that need for mandatory education. It will be interesting to see how the government does that. I will also be interested to see, if we can get a report back about this, how it is going down the track, and how people in remote and regional Western Australia who have committed a first offence are sent to an education program, and how that education program is run. I will also be interested to see whether people who do not attend because of the tyranny of distance or because of the time frame, because there is a time frame in the legislation as well, will be disadvantaged by that part of the legislation. I look forward to some comment about that.

**HON ALISON XAMON (East Metropolitan)** [8.57 pm]: As has been noted by my colleague Hon Giz Watson, the Greens do not support the Cannabis Law Reform Bill 2009. It has been interesting to hear people's interpretations of what the Greens' policies actually are, not only around the issue of drug use, but overall. Of course, our policies are well advertised and promoted. We certainly do not hide them at all. I am, therefore, a bit surprised that people cannot seem to quite fathom the fact that we are happy to be very public about where we stand on the issue of drugs. Just to reiterate some fundamentals that underpin our drugs policy, we do support criminal penalties for the supply and sale of drugs. We do not support the legalisation of currently illicit drugs. We support an approach of decriminalisation. We absolutely support a harm-minimisation approach. We approach drug usage primarily from a health perspective. This is an approach that is heavily backed by health experts. It is a policy that is firmly grounded on compassion for human beings and actually recognises that we need to look at the core reasons that people use drugs in the first place and assist people through that process, hopefully to stop them from taking drugs. I am interested in long-term effects. I am interested in genuine effects on people.

To be very clear, I am not of the belief that cannabis is a safe drug, and I am offended by any suggestion by anyone in this place that I think otherwise. If anyone is going to suggest that to me, then, frankly, they are telling a lie. I would really appreciate it if people could be far more careful with those sorts of accusations that they make against people.

A review of the existing act was carried out by the Drug and Alcohol Office in 2007. The review found that there has not been an increase in the use of cannabis resulting from the introduction of the Cannabis Control Act reforms; that the prevalence of cannabis use has been in decline for the past decade; and that there is no evidence to show that the shift to issuing infringements rather than prosecuting minor cannabis offenders has increased the prevalence of cannabis use in the community of Western Australia. The review found that reduction of harm resulting from not prosecuting minor cannabis offenders and the indication that this has not increased cannabis use in the community provided a sound foundation to recommend continuation of the scheme. If this is what the review has found, and we all agree that the endgame is to try to reduce cannabis usage, it really begs the question of why on earth we are moving away from a system that has been demonstrated to work.

I would like to make some comments on the implications of this legislation for people with mental illness. The relationship between cannabis use and mental illness is a complex one; there is a significant connection between cannabis use and mental illness, and there are many facets of this connection that we do not yet fully understand. There is credible research to suggest that the excessive use of cannabis can cause psychosis, particularly schizophrenia, and that this can happen particularly with young people. We also know that many of the risk factors for mental illness are similar to those for substance abuse. They include poor education, lack of occupational and social opportunities, poor economic circumstances and poor family relationships. We know that people with a mental illness use more cannabis more often than people without a mental illness. We also know that some mental health consumers report using cannabis as a form of self-medication. I am not necessarily condoning this and I am not suggesting that this is wise or helps their mental illness in any way, but



it is important that we acknowledge that a lot of people who use cannabis are doing so as a form of self-medication to deal with their mental illness.

These findings should have a significant bearing on how we address cannabis use in our society. In my opinion and the opinion of the Greens (WA), the effective addressing of cannabis use cannot and should not be done in isolation from the mental health system. We know that the mental health system is in crisis, and I still frequently hear from people in our community that they or their loved ones are unable to access the mental health treatment that they need, when they need it, and that is happening already, without this legislation having yet proceeded. There are high levels of distress in the community at the absence of services or the inadequacy of the services that are available to people with co-occurring mental illness and substance abuse. A submission from the Mental Health Council of Australia's 2005 report on mental health care in Australia states —

Recognition of cannabis abuse and dependency as a problem that can be treated needs to be heightened. Most people would be able to find a Quit group for smoking quickly and easily, however there is very limited availability of Quit groups for cannabis and no public health messages as to where to find them. Access to inpatient psychiatric care should be much more readily available to those who need it.

This legislation proposes to toughen the approach taken to cannabis use in our society by mandating a one-off counselling session for people caught with less than 10 grams of cannabis in their possession, and to prosecute subsequent possession offences as criminal offences. People who do not attend the intervention can be prosecuted. I have a number of concerns about these provisions. Firstly, evidence suggests that a one-off counselling session is unlikely to be of much use to people with complex issues, including mental illness and other mental health issues. Effective intervention needs to be multifaceted and sustained. Again, as noted by the Mental Health Council of Australia, the evidence shows that the effectiveness of cannabis interventions deteriorate over time, indicating that any response must be sustained to ensure that the benefits from counselling do not erode. Secondly, I do not believe it is in our best interests to deal simplistically with drug possession as a criminal issue, particularly in the case of people with complex conditions, including substance abuse and mental health issues. As such, I do not believe it is helpful to toughen our cannabis laws. Should we really be treating all people who use cannabis as though they are criminals? There are serious consequences to having a criminal conviction. It is estimated—obviously it is very unclear here—that between one in two, and perhaps one in three, people have used cannabis at some point. I do not like to think of good members of our community facing the possibility of the adverse implications of a criminal conviction, including the potential impact on future employment and travel opportunities, due to possession of cannabis. In the overall scheme of things, I believe that possession of small amounts of cannabis should be treated as a health issue, not as a major criminal undertaking. I simply cannot support pushing more people into our overstretched criminal justice system, particularly those who have an existing mental illness.

I acknowledge the need to minimise the harm that people suffer from the misuse of drugs, particularly in relation to that interaction between mental illness and substance abuse. However, I argue that the very last thing these people need is to be put into the criminal justice system. We can send the message to the community, as I think we should, that cannabis is harmful, in ways that are far more effective, less damaging and less punitive than by criminal convictions, just as we do now on cigarettes and just as we do now on alcohol. Our community responses to drug misuse need to get better. Given the early onset of both mental illness and the initiation into cannabis use, we should be concentrating our prevention and the early intervention efforts on younger age groups. As drug use itself is multilayered —

**The DEPUTY PRESIDENT (Hon Michael Mischin):** Order, members! I can hear several audible conversations going on in the chamber. I should be able to hear only one person speaking.

**Hon ALISON XAMON:** Thank you, Mr Deputy President. Drug use itself stems from multilayered issues and involves individuals and their relationships with their peers, their family, their schools and their community as well as broader structural factors, all of which interconnect and impact on a young person's health outcome. In the same way, our responses need to be multifaceted and they need to be targeted and sustained. According to the Mental Health Council of Australia, the principles of effective drug education programs are now well established, and effective implementation depends largely on political will. This will has been lacking, as demonstrated in the failure to achieve the systemic implementation of evidenced-based programs and the failure to install effective accountability mechanisms.

I acknowledge that there has been a limited effort on the part of the government to recognise this and I note that, according to a press release from the Minister for Mental Health, "the state is investing more than \$6 million in cannabis-related prevention and treatment across the next four years, particularly targeted at reaching young people." I am pleased to hear that, but I would like these areas, as opposed to criminal justice, to be the focus of that political will. That amount is just a drop in the bucket; it is nowhere near the sort of money we need to be considering. We need to see more resources of exactly these sorts of initiatives when it comes to dealing with the issue of cannabis use in our community.

I would also like to briefly mention the resource implications of the provisions in this bill. This issue has been raised by a number of members in this place. If we are going to look to the drug and alcohol sector to undertake mandatory counselling sessions, we have to ask whether this sector has the capacity to take on the extra load without impacting on its delivery of other vital services. Also, how will the enactment of this legislation, including the access to proposed therapeutic sessions, work in rural and remote areas, as Hon Col Holt has already asked? We know that there is significant use of cannabis in remote communities and that heavy cannabis use is also significantly more evident in Indigenous populations. Police in rural and remote areas are often under-resourced and face a raft of significant challenges in undertaking their normal duties. Requiring people to attend an intervention session in 28 days may not be practical in a remote location. Furthermore, would these same people then have an option to receive referral for a further treatment if that was needed, or would they just be left?

I am also concerned about the impact of this bill on young people. There is broad understanding, although that does not mean we necessarily need to have acceptance, that young people do experiment and they are often risk takers. I also appreciate that, although drug use is by no means confined to any specific geographical area or segment of the population, the outcome of young people's experimentation with illicit drugs often varies widely depending on their background. Much of this is related to the support they receive and the support mechanisms that surround them. A young person from the western suburbs who begins taking drugs is possibly more likely to be sent off to counselling and has a good chance of a positive outcome. In contrast, many young people, certainly many young people in my electorate, come from extremely difficult home environments. More than 5 000 young people in WA are homeless. That is the Mental Health Council's estimate. Accessing support is virtually impossible for many of these people. This is a complex area. It is not just about providing enough programs. It is about access to the programs and ensuring that there is widespread knowledge about their availability. It is about how we as a society support young people when their families are unwilling or unable to do so. It is about having GPs who are more youth friendly and more aware of the support programs out there and who take drug taking seriously and ensure support is given to the young people who need it.

We do know that cannabis is readily available and it is relatively inexpensive. We know that many young people will experiment and there is nothing to be gained from an overly punitive response to cannabis. In contrast, there is much to be lost. Personally, I am not a fan of cannabis, and I do not think that marijuana is a harmless drug. I do not want to be falsely accused of sending mixed messages to the community about cannabis. We know that cannabis can be a harmful drug that can damage individuals and families. Some people mistakenly believe that cannabis is not addictive. We know that this is incorrect. According to the Mental Health Council of Australia, about 10 per cent of people who try cannabis will develop dependence at some point in their lives. However, I believe the frameworks used to combat the misuse of drugs in our society should be realistic and based on sound evidence of what actually works. I believe it is really important that we make it a priority to gain more knowledge about the nature of the links between cannabis use and mental illness in order to develop the best strategies for effectively addressing cannabis misuse.

The Minister for Mental Health noted that solutions need to be based on evidence, not driven by popular and often misguided notions of how harm can be reduced. We are talking about people and we are talking about families. Often we are talking about parents and the children of people who have addictions. Research suggests that overly punitive regimes do not work. Directing addicts and young people and people with mental health issues into our criminal justice system does not work to reduce the harm caused by drugs in our society.

As I say, the Greens (WA) want an evidence-based harm minimisation approach to the misuse of all drugs whilst at the same time maintaining penalties for sale and supply. The existing infringement notice system is effective. It has been working; it has been driving cannabis use down. We should not lose sight of that fact. Increased and sustained drug education programs and better resourcing of the mental health sector, including a focus on prevention and early intervention strategies, should be a core strategy of drug harm minimisation in our community, not automatically putting these people into prison.

**HON SIMON O'BRIEN (South Metropolitan — Minister for Transport)** [9.16 pm]: I will not be recounting what I already have put on the record in this place. At some length during a previous debate in 2003, when we had an extensive debate about the very proposals that there now seems to be broad support for repealing, I opposed, as did the Liberal Party, the then Labor government's proposals to decriminalise cannabis for all the very good reasons that are now being repeated by members in this house who support the Cannabis Law Reform Bill 2009 currently before us. I do not need to go over that again, but I certainly welcome the support of the Labor Party. I am surprised by its support for this bill. It must have taken it some consideration to come to that conclusion.

I want to remind the house of the processes that brought us to this stage and where these current laws came from. There was a very contrived process earlier this decade to try to convince the public of Western Australia that the decriminalisation of cannabis is what they wanted. That is what the then ruling powers set out to do. They tried to promote the idea that there was some sort of overwhelming demand for the view that cannabis needed to be

decriminalised; that it would be a very good idea. I had a contrary point of view. I claimed then—I think I was right—that the motivation was quite different. I think I was right then when I claimed that it was a contrivance and that in fact the fundamental view of the Western Australian community taken as a whole is that it is not kindly disposed to the normalisation of drug abuse, whether it be cannabis or any other illicit substance. It is the general view of the vast body of Western Australian community opinion that drug-taking behaviour in the form of cannabis usage, of illicit drug injection or snorting, or whatever the drug of abuse might be, is something that should be discouraged. I am glad to see that at least the mainstream parties in this house have finally come to understand and accept that.

I want to remind members of what happened during this time in an exercise that was embarked upon with all the resources of government to try to convince members of the Western Australian public of something that in their hearts and minds they did not, and would not, agree with. It was a process which became known as the Drug Summit. The Drug Summit was championed by the then Minister for Health —

**Hon Max Trenorden:** Jim McGinty.

**Hon SIMON O'BRIEN:** No, it was Hon Bob Kucera. I think the honourable member might recall that Mr McGinty was the Attorney General at that stage, and he remained as such. But “Hamburger Bob” was the health minister who actively promoted the idea of normalisation of drug use through this Drug Summit in pursuit of some agenda that I do not think even he believed in. This was a fake exercise, a fraudulent exercise. I say that because it pretended to be a genuine consultation, a genuine methodical evaluation based on evidence to produce meaningful, reasoned and open outcomes. It was nothing of the sort. It was a contrivance to produce several preordained outcomes to adopt the then government’s policy of decriminalisation of cannabis and one or two other things, including the introduction of so-called safe injecting rooms and so on.

At the start of this debate I said that this is what happens when we have a Labor government that does not really know how it is going to do what it wants to do, so what does it have? A summit! In recent history, not so many years before that time, there had been a tax summit run by a federal Labor government when they purported —

**Hon Sue Ellery:** Fifteen years before, but let’s not rewrite history.

**Hon SIMON O'BRIEN:** No. This is an ongoing tactic that we have seen by Labor governments of both state and federal persuasions. They have a summit at which they purport to get together all the brains, all the representatives of the community, to brainstorm and come up with the solutions that they need. The solutions that are produced by that process must be good and must have merit and must be implemented! As recently as the last federal election just gone we saw them at it again, when they were proposing to have another summit—a mining tax summit, I think it was—with 150 people.

**Hon Sue Ellery:** Is this government legislation?

**Hon SIMON O'BRIEN:** This has got everything to do with this legislation.

We will see where that goes, but I would have thought that we just had an election to produce 150 representatives, and that is called the House of Representatives; it is not some appointed group of people. If we go back to the origin of the legislative provisions that we are now by this bill seeking by and large to repeal, we will see that their genesis is relevant. We need to remember how the legislation came about.

The Drug Summit was an interesting exercise for many of the participants, because a lot of them were there in very good faith. They were genuine people with a variety of views and backgrounds who were said to be representative of the community. Indeed, that is what they were held up to be. We had people from the country and from the city, we had gender balances, and we had different age groups—all were represented. Some people there were also known to be strongly opposed to the provisions that the government wanted to put through. The Labor government was trying to make it seem to be a balanced group, but the fact of the matter is that it was not balanced. It was a hand-picked audience intended to be seen as representative, but it was anything but. There is even a formula—I mentioned this some time ago during the 2003 debate—that the Labor Party has for these summits, be it tax, water, drugs or other. Basically, the then Labor government got 100 participants—which is a nice figure because it can produce easy to work out percentages when they ballot—with a ratio of 65 who thought the government’s way to 35 who thought the other way. There was a big portion of participants—35—who were its biggest critics, but it invited them to participate just to show how democratic and fair it was. I did the numbers by looking at the people who were involved in this summit on day one and I reckon it was 65 to 35. When the recommendations of this Drug Summit went through, we found that the vast majority of the recommendations that were thrown up after all these days of consideration and expert advice were a range of motherhood statements—apple-pie statements—that predictably were passed by the overwhelming number of delegates because they were reasonable, fair and sensible. As I say, they were motherhood statements.

**Hon Helen Morton:** Don’t you dare put mothers down like that!

**Hon SIMON O'BRIEN:** No; I believe in the sanctity of motherhood and so do the majority of Western Australians.

Curiously, I do not think any recommendations ever got up by 100–zip. There must have been a few ornery creatures there, because sometimes the vote was 99–1 or 98–2. By and large, all these matters were approved, apart from the controversial ones. There was a prewritten recommendation that, at the insistence of the organisers, had to be considered by several of the relevant groups to put to the plenary session. It was not generated from the floor; it was put in by ministerial staffers. The proposal was for the decriminalisation of cannabis and of growing plants at home. Can members guess what the vote was? It was just about the 65–35 that I had worked out some time prior to that. It was indeed an interesting exercise, but it was a fraudulent exercise. It produced the results that it was engineered to produce and they were without merit, yet the summit was given this veneer of respectability and correctness. For heaven's sake, the government even got its hand-picked so-called representatives to meet in the Assembly chamber as though some representative role had been given to them by the people of Western Australia. They met in our representatives' house, but they were not representatives; it was just a veneer that had been manufactured.

Now, a few years down the track, we are undoing the things that flowed from this improperly conceived exercise. What is the proof of what I am saying? Where is the ultimate reliance in the truth of what I am saying that it was a misconceived exercise, that it was a contrived exercise, that it was done to manufacture an outcome and that, ultimately, it was flawed not only in process but also in intent? Where is my proof that when I assert those things, it is true? The truth of it is that members opposite are now supporting this government's bill to undo their legislation. I have listened to the likes of Hon Kate Doust speak in 2010 about how they support these measures and how the things that are being done away with need to be done away with. They have produced as their argument the experiences that they have had with their own families. Do members know what? I believed Hon Kate Doust when she said it, because I was in this place to hear the tone of her voice when she was part of a team that argued the opposite. I think from what I remember seeing here in this very chamber in 2003, for a lot of members opposite their hearts were not in it. That is the final element of what was ultimately a fraudulent exercise. But the ultimate truth is that this Australian Labor Party is now turning around and disowning the legislation that it should never have pushed through back in 2003. I thank both sides of the house for their support.

**HON JON FORD (Mining and Pastoral)** [9.30 pm]: Hon Simon O'Brien has made an extraordinary contribution on a government bill. For the life of me, I do not quite understand the contribution and why he would do it, because I would have thought that would not be the contribution of the minister who has carriage of the bill. I know that he has a bit of trouble in getting legislation up in the chamber at the moment and he might feel the need to settle it in and fill out the time in this house, but if he is actually dedicated to this bill, I would have thought that he would be trying to push the bill through. There is plenty of time for political point scoring. I noticed that he received a pretty bad score from Mr Taylor, so perhaps this was the minister's contribution to lift himself up on the scorecard. But I will get on with the bill.

Several members interjected.

**The DEPUTY PRESIDENT (Hon Michael Mischin)**: Order, members! I want to hear the honourable member who has the call.

**Hon JON FORD**: Thank you, Mr Deputy President. The fact of the matter is that the minister is in government. The government sets the agenda in this place and we make decisions in our caucus on priorities. I will touch on priorities. Part of those priorities is whether we oppose, support or try to amend the bill.

**Hon Nick Goiran**: Drugs are not a priority for the Labor Party.

**Hon JON FORD**: Drugs are a priority.

**Hon Nick Goiran**: That is what you just said.

**Hon JON FORD**: It is the crow on the back fence. I always look forward to his contribution. I realise the mistake I made in walking into the chamber just a bit too early—I had to catch the end of a member's contribution. I was very interested in Hon Col Holt's contribution, because it was along the lines of what I was going to talk about, and that is some practical aspects of this bill, and particularly how one-off counselling sessions are going to work. I cannot see how they will work in Fitzroy Crossing, Jarlmadangah or Balgo; in fact, I cannot even see how they are going to work with many of the fly in, fly out workers from Brisbane or New South Wales. All I can see is a heck of a lot of work for police officers and a heap of grief for young and older people. If people get busted for a bit of cannabis in Broome —

**Hon Max Trenorden**: Can you remember the 60s?

**Hon JON FORD**: The 60s? I think I was in primary school or maybe kindergarten. In 1969, I was in the fifth grade at a primary school in Lawson. That was the year when man landed on the moon.

Someone from Jarlmadangah might visit Broome and be frisked for being publicly drunk or being too enthusiastic at a party and could be found to have a bit of cannabis on him and end up in court. He will disappear back into Jarlmadangah and have to find his way back within 28 days to attend a counselling session. You can bet your bottom dollar that there will not be a counsellor in Fitzroy or in Derby—although there might be one in Derby because of the medical centre. That person will have to find his way there, if he remembers.

**Hon Max Trenorden:** They will have one in Nullagine, don't worry about it.

**Hon JON FORD:** Yes. There are a number of practical issues. We will see people who should not end up in the front line of the criminal justice system, who will end up in it, again. A number of recent tragedies have involved people getting into the justice system for committing offences that, if they occurred in the city, would never involve them being transported in vehicles over long distances. This will be a big cost to the state, the criminal justice system and individuals. I look forward to hearing the minister's response about how this will work and what resources have been allocated to it.

I heard members talk about mental health issues. I consider substance abuse to be a health issue. When I was working in Norway in the late 1990s, I saw that Norway treated its heroin users and most other drug users as a public health issue. That policy is supported by very strict Criminal Code provisions. Nevertheless, it is considered to be a public health issue. I worked with a number of Norwegians who held senior engineering positions who were heroin addicts. Their addiction was managed by the state through the health system. The result of treating the addiction as a health issue and of having the strong support of the community enabled those people to contribute to their community in a very active way. In fact, I read that two per cent of one per cent of the whole population was involved in drug-based criminal activity. That is a very low figure. That sovereign state takes a very different approach to drug use from Western Australia.

For the life of me I do not know why, if we are to look at all the options we have to treat substance abuse, alcohol was not considered to be the major issue that we need to address. A prohibitive approach has been taken to the provision of alcohol in certain regional centres in Western Australia. The liquor restrictions have tended to have a bit of an effect at the beginning. However, as questions without notice and questions on notice have shown, initially we have seen a decline in the number of petty crimes committed, such as break-ins, in places like Halls Creek, but over time, the number of crimes has increased to the same level it was prior to the introduction of the liquor restrictions. Different crimes are being committed, but they are still crimes. In some cases, it has increased to more than what it was before the liquor prohibitions were brought in. That has happened because the prohibitive approach works in the short term, but in the long term it does not achieve the desired outcomes. They can be achieved only by investing a lot of time, effort and money, ultimately, into supporting people to make decisions that will get them out of that cycle.

Of all the available drugs, including alcohol, I would have thought that the use of methamphetamines was probably the biggest single challenge. When I talk to police, they talk about the use of alcohol and methamphetamines, which are both bad for people's mental health. I bet most of the unprovoked violent crimes against people reported in the newspaper are associated with methamphetamine abuse. People who are struggling to get out of that cycle encounter all sorts of issues, because methamphetamine affects people's ability to produce dopamine, endorphins and other body chemicals that make people feel good about themselves, and so they slip down into very, very bad mental illness and need strong support and drug supplements to lift them out of that. A high proportion of those users end up either back in the criminal system or killing themselves out of desperation because they do not have the support they need.

I would have thought they would have been the priorities, but the government of the day has chosen to prioritise cannabis. The opposition does not support cannabis use, but I do not know whether the Cannabis Law Reform Bill 2009 will do the job. The government has the right to pursue the priorities that it thinks it needs to pursue, and time will tell if this legislation produces any real benefits for the people of Western Australia. During the third reading debate we will hear whether the opposition has been convinced by the arguments about how regional Western Australia will be dealt with, and how we are going to avoid creating problems for, particularly, young people in regional Western Australia and law enforcement agencies. I feel, not having heard the minister's response, that the law enforcement agencies will have to divert valuable resources into chasing people up for something that I do not think will work. Hon Alison Xamon talked about how one session of counselling will not help people.

I will conclude with those few comments, and I look forward to the minister's response to the good contributions that have been made on the concerns about this bill.

**The PRESIDENT:** I will give the call to Hon Linda Savage, but noting the time, I think we can go straight to members' statements.

Debate adjourned, pursuant to temporary orders.

**BICKLEY WARD PROGRESS AND RATEPAYERS ASSOCIATION — TRAIN STATIONS***Statement*

**HON ALISON XAMON (East Metropolitan)** [9.44 pm]: I rise tonight to tell the house about an open meeting of the Bickley Ward Progress and Ratepayers Association that I attended on Monday night. I understand that the association wrote to a number of members of this place, particularly members who represent the East and South Metropolitan Regions, and invited them to come to the meeting and hear its concerns about the state of its local train stations and its broader concerns about what was happening, or not happening, rather, with the precinct of Kenwick and the surrounding suburbs. In essence, I will quote from part of what the association sent —

It has long been acknowledged of the poor state of the railway stations in our area, particularly when compared to train stations on the Northern Suburbs Railway line ... The Maddington Train Station upgrade was promised by the Gallop Government to be upgraded by September 2005, but little or no work has been performed that would upgrade the facilities. Our Association is of the understanding that some train stations on the Northern Line have recently received significant funding to increase the number of car parking bays, yet our train stations remain in what the Premier Colin Barnett described as “disgusting and prehistoric” condition.

I share the association’s concerns about the state of some of the train stations along that line. I have been talking about this issue regarding the state of the train stations along the eastern lines—namely, the Armadale and Midland lines—particularly in estimates hearings, for the past two years. Certainly, some train stations have been upgraded and are gorgeous, frankly; they look absolutely wonderful! However, they stand in stark contrast to far too many of the other train stations. These residents were particularly concerned about the Beckenham, Kenwick and Maddington train stations. However, their concerns are echoed by many people who live in the eastern suburbs and can be extended, as I mentioned, to a whole range of train stations across the area. I think it is significant that in the association’s call to draw attention to this issue, it made it very clear that it was not after special treatment; all the residents want, effectively, is to have what the other lines have.

When I raised the issue in estimates in 2009, I got an undertaking from the then head of the Public Transport Authority to come with me on a trip on one of the eastern train lines to see firsthand the standard of those train stations. He acknowledged that the status of far too many of those train stations was really dire, but there was simply no money within the transport budget to prioritise those upgrades. The failure to upgrade the train stations does impact quite adversely on the effectiveness of our public transport system. We know that at stations that have not been upgraded, particularly along those eastern lines, there is a disproportionate increase in the levels of violence. They are generally unpleasant stations to be at, and the lack of amenity around these stations contributes to that quite significantly. I applaud the PTA for the really good work that it is doing with closed-circuit television cameras. In the hub at the train station, I was fortunate enough to see for myself what the cameras actually do and how easily they can home in on antisocial behaviour. This is excellent, but it is insufficient on its own. We need to create attractive train stations so that more people will go to them. It becomes a self-perpetuating exercise, because if more people use the trains, it serves to mitigate a lot of the antisocial behaviour that occurs. When the train stations are not attractive, people do not want to take the trains, which means that the antisocial element gets to take over, which further means that people do not want to take the trains. Therefore, we really need to look quite urgently at upgrading these stations so that we can put paid to this cycle.

The other issue the residents raised was what they deem to be a quite disproportionate level of funding provided to upgrade car parking at train stations. At the meeting they produced, angrily, three press releases that came from the transport minister. One press release indicated that there would be 176 new parking bays at Greenwood station, bringing it up to 900 bays; that there would be 950 bays at Cockburn Central; and that work had started on a \$5.3 million upgrade at Edgewater station. What they retorted very angrily at this meeting was that, in comparison with those stations, Maddington, Kenwick and Beckenham combined currently have only 400 car park spaces. They said that is also becoming a major contributing factor to people not using the train stations. So, the questions that they are asking over and over again are: Where is our chop out? When are we going to be able to get an increase in standards as well? Understandably, the people of Kenwick believe that they are being left behind, and they are asking why. They do not know why they are being left behind. What they are saying is: Is it because we are not being vocal enough? Is it because we have traditionally voted rusted-on Labor?

**Hon Helen Morton:** Who is their local member?

**Hon ALISON XAMON:** They want to know why the eastern suburbs are not getting their fair share.

Several members interjected.

**Hon ALISON XAMON:** The other thing is that they made it very clear that —

Several members interjected.

**The PRESIDENT:** Order! I know who has the floor, and that is Hon Alison Xamon.

**Hon ALISON XAMON:** Thank you, Mr President.

They made it very clear that disability upgrades are not enough. I really do appreciate the disability upgrades that are occurring in a number of stations—and not before time—because we absolutely need to make sure that that is occurring. But in the overall scheme of things, it is only a drop in the ocean compared with what is needed to bring our train stations up to scratch. The reality is that when looking at the overall transport budget, the commitment that is being demonstrated by this government to improve our public transport system is insufficient. I argue very strongly that I believe the problem is that we are simply prioritising the issue of roads over the importance of our public transport system.

We need to invest in our public transport system to encourage people to use it. The irony is that the more people who use it, the less money we will need to invest in our roads. So I share the concerns that were raised by the ratepayers' association. It is an issue that is very dear to my heart. It is an issue that I have raised in a series of estimates hearings, and I will continue to raise it. But, in the meantime, I urge the Minister for Transport to look at the status of the train stations that are on the eastern line, and prioritise in particular those stations that are attracting very high levels of antisocial behaviour and see what can be done to make these urgent upgrades to improve their amenity and to improve their suitability. Hopefully we will then be successful in encouraging more people to use the trains.

### SYNERGY — ELECTRICITY CHARGE INCREASES

#### *Statement*

**HON PETER COLLIER (North Metropolitan — Minister for Energy)** [10.03 pm]: I would like to respond to some comments that were made by Hon Ljiljanna Ravlich today with regard to one of her constituents, whom I have assisted. First of all, I want to make a point about the fact that Hon Ljiljanna Ravlich suggested that I was somewhat naive in wanting to resolve this issue behind the Chair. If she feels that way, I do not have a problem with that. I do not mind dealing with issues in the chamber at all. But when we are dealing with individual constituents, I like to think that we can deal with that either by correspondence or behind the Chair. That may be naive of me, yes, and I will wear it on the chin if that is the case. But I will say that I get, virtually on a daily basis, letters from both sides of the chamber about issues, for one reason or another, and I deal with them, and I think I deal with them expeditiously.

Hon Ljiljanna Ravlich also accused me of saying constantly—in fact, she said on several occasions that I have said it about 50 times—that her constituent is “happy”. I say at the outset that on no occasion have I ever said that. If Hon Ljiljanna Ravlich refutes that, she should check *Hansard* tomorrow. It is not the case. The closest that I came was in an interjection during one of the honourable member's statements on 7 September, when she was talking about the billing system. This is after I had actually intervened with regard to this gentleman. She was talking about the billing system, and I said, “He is satisfied with the situation as I understand it”. That is as close as I got to saying he is happy. I spoke with the gentleman last week and he is happy with the way that Synergy has handled this. He is not happy with his bill; of course he is not, but he is happy with the way Synergy has handled it. That is what I was referring to. Of course the gentleman is not happy with his bill, but I will talk about that in a moment. I say to the honourable member that she perhaps needs to go back and look at *Hansard* to see how she went on about this ad infinitum today, and she was actually inaccurate.

I will not refer to the gentleman by name, but for the information of the house, we have assisted him as best we can. Synergy spoke with him again on 3 September 2010. At that time, as I understand it, representatives from Hon Ljiljanna Ravlich's office were present, so she understands this. It was established that the gentleman used 50 units per day last year and that at the equivalent time this year he was using 66 units per day, so his actual consumption had increased considerably. The meter was tested, for which no fee was charged at all by Synergy. Synergy was very accommodating and did not charge him any fee. The gentleman then accepted that the bill was correct and was based on a correct reading. Yes, he is not happy with the bill, and I have never said that he was, but he is satisfied that Synergy has done all it possibly can to assist him. I spoke with him personally last week and he reinforced that. He is a terrific gentleman; he really is. The member is quite correct; he has broken English, but we had a very good and fruitful conversation and I explained to him that I would like to do as much as I possibly could to assist him, and he was very happy with the service that he had received from Synergy. I emphasise once again that, contrary to Hon Ljiljanna Ravlich's assertion that this is a billing issue, it is not a billing issue. There was no problem with the bill whatsoever in terms of it or the meter being inaccurate. It is nothing to do with that. There was a quite significant increase in consumption. Synergy has offered a free energy audit for this gentleman and he has accepted this offer, and I reinforced that with him the other day. Synergy will go to the gentleman's house and assist him with regard to his energy usage. In addition, Synergy has waived all automated late fees and granted him a payment extension until the end of October. It has been as accommodating as it possibly could be; it really has. The gentleman is receiving all the rebates to which he is entitled.

I have heard the message about increased electricity prices, but that is an issue for another day. If Hon Ljiljanna Ravlich or anyone else from the opposition wants to have a debate about that, I will. I do not mind having that debate, but the issue raised by Hon Ljiljanna Ravlich has absolutely nothing to do with —

**Hon Ken Travers** interjected.

**Hon PETER COLLIER:** That can be part of it.

Several members interjected.

**The PRESIDENT:** Order! One member has the floor.

**Hon PETER COLLIER:** If the member wants to bring that up for debate, I do not mind.

This is not an issue about billing. If Hon Ljiljanna Ravlich wants to again stand and make this an issue about billing, she is inaccurate. It is not an issue about billing, it is an issue about consumption, and I am very comfortable with the fact that Synergy has done all it possibly could to assist this gentleman. It has been very accommodating and has worked very closely with the honourable member's office to ensure that this gentleman has been assisted, and I have personally spoken with him and have reinforced the information that Synergy has given me.

### OPRAH WINFREY — AUSTRALIAN VISIT

#### *Statement*

**HON LJILJANNA RAVLICH (East Metropolitan)** [9.58 pm]: I rise tonight on the matter of Oprah Winfrey. I was going to speak about Oprah yesterday, because her visit to Australia had by yesterday become quite controversial in relation to —

**Hon Michael Mischin** interjected.

**Hon LJILJANNA RAVLICH:** No, she will when she gets here!

The fact is that Oprah is coming to Australia. She is going to three states—New South Wales, Victoria and Queensland—but she is not coming to Western Australia, or it is highly unlikely that she is coming to Western Australia. To top it all off, she is coming in John Travolta's jet, with 300 other people in it.

The ratings indicate that Oprah is indeed very successful. She is very well recognised and liked as an entertainer on the international stage. In fact, I think she attracts an audience of some 75 million people worldwide across some 145 countries. The marketing impact for Western Australian tourism if she were to visit here would be absolutely phenomenal. This is recognised by the WA tourism industry and by just about everyone in this state. However, it does not seem to have been recognised by the minister or, indeed, the chair of Tourism WA, Kate Lamont. One of the things that has surprised me about this and the course of events leading to the decision by Oprah not to visit Western Australia is just how little attention has been given to it by the chair of Tourism WA as Western Australia's representative on Tourism Australia. I am surprised that she has not pushed the case for Western Australia to secure, if not a visit to, at least some involvement of Western Australia in December this year when Oprah Winfrey visits Australia. Once again, I think we see a minister who is not on top of the game. She did not know that the Red Bull Air Race had been cancelled until after the event. She did not know that Oprah Winfrey intends to visit Australia and will be promoting tourism and tourism sites in the three states I have mentioned. She has not had the capacity in fact to deal with this issue. There is no doubt that it is highly embarrassing now that Tourism WA is scrambling to pick up the crumbs that have been left by the other states in trying to at least secure some involvement in what will be the biggest show in the history of this town.

Having said all that, I want to put on the public record that I commend the Australian Hotels Association because it has stepped up to the plate. It announced today under the banner "Tourism WA offers free accommodation for Oprah visit", the following —

Free accommodation for up to 300 people has been offered to entice Oprah Winfrey to Perth when she visits Australia in December.

The Australian Hotels Association of Western Australia has written a letter to Winfrey offering more than \$100,000 worth of free accommodation.

That might get a response. Anyone who is interested in popular culture will know that the benefits of being on *The Oprah Winfrey Show* are phenomenal. Her marketing exposure reaches some 140 countries and an audience of anywhere between 75 million and 100 million. It is amazing that one individual such as Oprah Winfrey can have that sort of reach into so many countries and so many people's lives.

**Hon Robyn McSweeney:** Are you hoping to be discovered tonight?

**Hon LJILJANNA RAVLICH:** No; I do not really want to be. I watch *Oprah* because that show goes on before *Days of Our Lives*, and I am quite interested in what happens on *Days of Our Lives*. I do like Oprah. Mr President is in shock! I really like *Days of Our Lives*.



**Hon Alison Xamon:** Oprah is awesome.

**Hon LJILJANNA RAVLICH:** Yes, she is. Anyway, I just want to put on the public record —

**Hon Michael Mischin:** Just send her a copy of your speech.

**Hon LJILJANNA RAVLICH:** I could do.

I just want to put on the public record the fact that I congratulate the Australian Hotels Association. I know that it is disappointed because its members miss out. When tourists do not come to Western Australia, it means that they do not book into hotels, they do not eat in our local restaurants and they do not catch our local transport. The economic impact of having Oprah in Western Australia is almost incalculable in terms of —

**Hon Robyn McSweeney:** You just want to be on TV.

**Hon Liz Behjat:** Harpo Productions is coming here next week. Haven't they shared that information with you?

**The PRESIDENT:** Order! We are actually on TV now if anybody cares to watch it.

**Hon LJILJANNA RAVLICH:** I am quite satisfied with the small camera and the limited exposure for the time being.

I do want to put on record my thanks to the AHA because it has recognised how significant this issue is. It has recognised what a parlous state we find Tourism WA in and it has kindly put this offer to Oprah. It has secured \$100 000 worth of free accommodation. I plead with the minister and the chair of Tourism WA to support this bid by the Australian Hotels Association because both the minister and the chair of Tourism WA should be doing everything in their power to at least get some involvement of Western Australian tourism in Oprah's show. There is no doubt that we have a lot of tourist attractions that rival anything that is available anywhere else in the world. I think it is wonderful that Oprah will be celebrating the twenty-fifth year of her show and that she has chosen Australia as the country in which she wants to do it, but we want her here.

#### INDIAN OCEAN DRIVE — OPENING

##### *Statement*

**HON BRIAN ELLIS (Agricultural)** [10.07 pm]: On Sunday I will be attending the opening of Indian Ocean Drive, a wonderful project that has taken a long time to complete. It will be such an advantage and an asset to the people of those communities that it will affect. They have been lobbying to have this road completed for more than a decade. It includes 56 kilometres of new sealed road between Lancelin and Cervantes, 20 kilometres of side roads and improvement works on the nine-kilometre Pinnacles Drive, six stopping places at prominent tourist locations and a viewing platform in Nilgen Nature Reserve. The new road will cut half an hour off the Perth to Geraldton trip and separate tourists and like traffic from the heavy haulage traffic on Brand Highway.

I have had a long association with the progression of this section of road, or the non-progression, I suppose; it has taken a long time. When I was chair of the regional road groups of local councils we lobbied Hon Murray Criddle, the then transport minister, and we got a commitment of \$30 million. Then there was an election and a change of government. It has been an interesting decade since that change of government. Despite Labor claiming that the road was a funding priority at the 2001 election, only 10 kilometres had been constructed when it lost government more than seven years later. I congratulate those communities that have been waiting for the completion of this road for their patience. I congratulate a government that has finally finished the project. As I said it has taken a long time. There is an interesting story. I think I will let *Hansard* tell the story of progress over the past seven to eight years. On 31 May 2001, there was a parliamentary question from Bill McNee, MLA, to Minister MacTiernan. The answer, in relation to the progress of Indian Ocean Drive, was —

Government has no intention of reviewing the project ... The Government is hopeful of being able to provide the funds for the project to be finished in 2003.

On 21 August, three months later, Hon Graham Giffard, on behalf of Minister MacTiernan, in response to a question from Hon Murray Criddle, stated —

At this stage, it is anticipated the project will be completed in 2005.

On 22 August 2001, one day later, Hon Graham Giffard, on behalf of Minister MacTiernan, in response to a question from Hon Murray Criddle, stated that the completion date is expected to be 2005–06.

On 11 September 2001, in response to a question from Terry Waldron, MLA, Minister MacTiernan gave the following commitment -

The Government has undertaken to complete that road by 2005 at the latest.

**Hon Ljiljanna Ravlich:** So what is the member's point?

**Hon BRIAN ELLIS:** Does the member want me to say it slower!

However a month later, 16 October 2001, Bill McNee, MLA, asked why Minister MacTiernan —

... stated at the Mid West Economic Summit held in Geraldton recently that ‘the Labor Government has different priorities to the previous Government and Indian Ocean Drive is not one of them’?

McNee also queried why the project had been delayed for two years when financing to the tune of \$1.35 million towards the cost of the road would be lost if the project did not proceed on time.

A couple of years later, on 22 November 2005, there was a petition carrying 1 268 signatures calling on the Legislative Assembly to direct the Minister for Planning and Infrastructure to take immediate action to honour the government’s original election commitment to construct the final 65-kilometre link of the Indian Ocean Drive commencing in the first half of the 2006–07 financial year.

On 30 May there was another parliamentary question from Gary Snook, MLA, which stated —

The government initially promised that this project would be completed by March 2003. It now appears that this completion date has been pushed back by almost a decade.

The Minister for Tourism, Hon Sheila McHale, answered —

The first stage of this road will be completed by 2007.

On 31 May 2006 there was a motion moved in the Legislative Assembly condemning the Labor government for its failure to provide and maintain key road infrastructure around Geraldton and the Mid West. Gary Snook, MLA, made these comments —

Not long after the Premier’s appointment to the position of Premier he visited Geraldton ... The Premier said that the proposal was in the pipeline; however, everything had to be fitted in, other issues had to be considered and the priorities had to be right.

Mr Snook went on to say that the Mid West Development Commission had produced a report that referred to a study prepared in 2003 by Praxis Management Consultants in which the road construction cost was \$32 million. It had carried out what was considered to be a conservative analysis, which inferred that the road would pay for itself. Mr Snook stated —

... the conservative estimate for Indian Ocean Drive was that over a 10-year period the state government would receive \$3 273 000 from land tax ... over a nine or 10-year period, there would be almost a \$2 million return from property development and those types of stamp duties - conveyance duty.

...

Conveyance duty totalled nearly \$29.8 million.

Mr Snook then outlined environmental benefits to discourage motorists taking illegal shortcuts through the national park. He also noted it would take half an hour off the travel time from Perth to Geraldton.

I will move on, as time limits me. I have to comment on a dorothy dixer from Shane Hill, MLA, on 19 March 2008 to Minister MacTiernan on the progress of the project. Minister MacTiernan bragged that stage 1 had been completed and the government had opened 10 kilometres of fabulous road! Wow!

**Hon Robyn McSweeney:** How many?

**Hon BRIAN ELLIS:** Ten kilometres—I need to say that again! After seven years in government, it had managed 10 kilometres, and stage 2 still had not been started. It was clear that Labor had forsaken Indian Ocean Drive to prioritise the Perth–Mandurah railway, which chewed up 65 per cent of the budget surplus. I wish it had been a little less than 65 per cent! By comparison, the Barnett government has completed this project within two years of being elected.

**Hon Ken Travers:** Who started it? Are you going to point that out?

**Hon BRIAN ELLIS:** The Labor government definitely started it—10 kilometres in seven years, and the Barnett government finished it within two years of being elected. It has fully funded the \$95 million project and delivered it under budget and nine months ahead of schedule. On Sunday, the central west and the Mid West will finally have what will be a beautiful tourist drive that will open up coastal towns such as Lancelin, Jurien and Cervantes to tourism and settlement.

**Hon Ljiljanna Ravlich:** You can thank Labor!

**Hon BRIAN ELLIS:** I thank Labor for the 10 kilometres it started.

About 3 500 extra cars a day are expected to pass through Jurien, doubling the current number. I am proud to be a member of this government and proud to be associated with a minister who can deliver on the government’s promises.

## ROAD AND RAIL PROJECTS

### *Statement*

**HON KEN TRAVERS (North Metropolitan)** [10.17 pm]: I need to add a couple of things to the statement made by Hon Brian Ellis. The first one is the funding for Indian Ocean Drive, which will be opened on Sunday, was included in the 2008–09 budget. Labor put \$110 million into the budget to get on with that project.

**Hon Brian Ellis:** It was included every year!

**Hon KEN TRAVERS:** No, it was not. However, the member is right that we had not built it as quickly as we would have liked. There are many projects across the state that are not built as quickly as people would like. However, it is wrong to suggest that this was not commenced by the previous Labor government—it was. In fact, I suggest to Hon Brian Ellis that instead of trying to claim credit for the projects that were commenced by the last Labor government, maybe he should be putting some pressure on the current government, which is slashing road funding in this state. I put the challenge out to Hon Brian Ellis to name one major road project in this state that has commenced under this government. The member cannot answer me because there has not been one! In the two years of this government, it has not commenced one major new road project in Western Australia. In addition, the grain rail freight network is falling into disrepair. Members opposite have been in government for two years and they have not put one dollar into the tier 3 lines. We heard from the Minister for Transport the other day that they are going to be closed and the government does not have the money to upgrade the roads that will be taking the trucks. I suggest to Hon Brian Ellis that, instead of trying to gloat about a road that was commenced by the last Labor government, he should get on and put some pressure on his government to start to deliver on new future road projects for Western Australia and to deliver for his electorate with the grain rail freight. I have not heard Hon Brian Ellis say a word about that, yet we heard from his minister the other day that it does not have a dollar to fix the roads but it is going to put all the trucks on them! That is where I suggest the member should put his focus, instead of trying to claim the credit for a road that was commenced by the previous Labor government. Congratulations to Alannah MacTiernan, who built roads across this state. If it were not for the federal Labor government, we would not have any road projects happening across regional Western Australia. There are hundreds of millions of dollars worth of projects in Karratha and Port Hedland. That would not be happening if it were not for the federal Labor government. Members should look at the budget figures. This government's budget for roads is a sick beast. It is propped up only by the federal Labor government with deals that were negotiated by Alannah MacTiernan.

Several members interjected.

**The PRESIDENT:** Order! We are nearly there.

### INDIAN OCEAN DRIVE — OPENING BICKLEY WARD PROGRESS AND RATEPAYERS ASSOCIATION — TRAIN STATIONS OPRAH WINFREY — AUSTRALIAN VISIT

### *Statement*

**HON SIMON O'BRIEN (South Metropolitan — Minister for Transport)** [10.20 pm]: I wish to briefly respond to members who have raised some issues. I think Hon Brian Ellis is right to mention that Sunday will be a cause for some celebration. It is true that some projects do endure over successive governments because of their scale. Indeed, the Indian Ocean Drive project had its origin in the Court government, and it will finish under the Barnett government.

**Hon Ken Travers:** And I will give credit for the first stage; I would never deny that.

**Hon SIMON O'BRIEN:** I also recognise that in the early part of this decade, the Labor government also had to make priorities in accordance with the budget situations of the day. Politically, governments are judged according to the priorities that they make, and that is fair enough. Sunday will be a time to acknowledge the contributions made by the people who have built this road. It will be another day when I can remind Hon Ken Travers of some of the projects that I have commenced —

**Hon Ken Travers:** Name one now.

**Hon SIMON O'BRIEN:** I am going to, if the member will stop interjecting. I did not interject on him. If he wants to talk about one major road project, how about a \$155 million major road project—Mandjoogoordap Drive, the Mandurah entrance road, which I brought forward by more than 12 months. I doubled its scope.

**Hon Ken Travers:** And how are you funding that—with federal government money?

**Hon SIMON O'BRIEN:** No. The deal to make that happen involved a new proposal to the federal government to go 50–50 in the extras to do the job properly and to realise its full scope, with all the railway tunnels and the other things that were never conceived by the other government. We will open that road next month. Not only

has that been brought forward a year but also it is several months ahead of the timetable. Members can argue these things back and forward, as I am sure we will, but I speak with goodwill.

In relation to the matter raised by Hon Alison Xamon, I indicate to her that a representative of one of the Liberal members was at the meeting and that person bore a detailed letter from me to the meeting with comments. I was not able to be there at short notice, but I did have a conversation with David Munut, the secretary of that association, and indicated that I would be more than happy to meet with its members on-site at some stage in the future and we will discuss the issues then. There will be more about that on another occasion.

In relation to one final matter, I have to agree with Hon Ljiljana Ravlich: we think it is a great thing. In government, we recognise that the stunning announcement about *The Oprah Winfrey Show* is a great thing. That will be a great boost for Australian tourism. I like Oprah as well, so she does not have a monopoly on that. I assure her that the Western Australian government tourism authorities will look to capitalise on the opportunities that that presents.

### **PROHIBITED BEHAVIOUR ORDERS BILL 2010**

#### *Receipt and First Reading*

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

#### *Second Reading*

**HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary)** [10.23 pm]: I move —

That the bill be now read a second time.

The Prohibited Behaviour Orders Bill 2010 aims to provide courts with a mechanism to restrict a person who has a history of antisocial offending from activities or associations that the court considers are preparatory to or otherwise increase the likelihood of a person committing another relevant antisocial offence.

In Western Australia, there are certain categories of criminal offending that have traditionally been considered particularly grave by Parliament and the courts. These offences carry high maximum penalties and often result in terms of immediate imprisonment. In addition to those forms of homicide involving a willed act to assault a person, some of the offence categories the Supreme Court appears to view as being amongst the most serious crimes include aggravated burglary, which in *Rodriguez v The Queen* were considered by the legislature to be an extremely serious offence; serious sexual offences against children, which in *The Queen v Wilson* were said, as a general rule, to be regarded as so grave that they require significant custodial sentences; armed robbery; and drug-related offences involving sale or supply, which in *Mishal v The Queen* the court observed would often result in the imposition of lengthy sentences of imprisonment.

This bill fulfils a key Liberal Party commitment given during the 2008 state election campaign, which is driven by what is, in the government's view, significant, ongoing and informed concern amongst the community about several categories of lower level, higher volume antisocial criminal offending.

This bill seeks to target the types of offences that, when viewed in isolation, are of less gravity than the most serious or grave criminal offences in the statutes of Western Australia, such as those I have just described, but which have a considerable cumulative impact on the lives of ordinary Western Australians. I do not propose to list in this second reading speech all classes of offence that could conceivably amount to such antisocial offending; indeed, it is not the government's position that it is possible to exhaustively do so. However, we are generally referring here to offences of the nature of graffiti, general damage to property, disorderly conduct, hooning, shoplifting and threatening or violent offending in public or against persons providing public services.

This type of crime is sometimes referred to by law enforcement officers as volume offending, and because of its volume it impacts significantly on the community in a variety of ways. First, it is necessary to note that some crime impacts on the community in a significant way simply because there is a lot of it. In 2009, 43 495 property damage offences were reported to police; there were 72 252 instances of theft; 23 194 assaults; and 5 635 instances of threatening behaviour. Within each of those offence categories there will be a significant range of criminality that, in a strictly comparative sense, will range from the relatively minor to the extremely serious. However, experience demonstrates that the majority of these offences that are charged will be dealt with in the Magistrates Court and the quite overwhelming majority will, having regard to the appropriate existing law and comparative sentencing practices, not be considered serious enough in any given discrete instance to be dealt with by a term of imprisonment. This proposition is borne out when the volume of traffic through the Magistrates Court is considered proportionate to the number of cases dealt with in the higher courts.

In the year following March 2008, there were 2 578 convictions in the District Court. In the same period, there were 98 411 convictions in the Magistrates Court, of which less than three per cent were considered in all

circumstances to justify a term of immediate imprisonment. Matters dealt with in the District Court and the Supreme Court are more likely to be recorded and at times are subject to intense media reporting and scrutiny. In comparison, the passage of matters through the Magistrates Court is possessed of the opposite characteristics, in that it is a vast and often not publicly reported volume of crime. If criminal justice were an iceberg, the higher court matters are the tip of that iceberg and the Magistrates Court is the mass of ice beneath the surface.

The second point is that volume crime often impacts very publicly. Some kinds of criminal activities that I have mentioned—for example, graffiti and hooning—often occur literally on public property, or at least within the public view. Other categories—disorderly conduct would be the prime example of this—include as a statutory element of the offence that they occur in public. Other categories of offending impact on places and people who are providing a public service; for example, aggressive and threatening behaviour on public transport or in hospitals and emergency rooms. Other categories of offending, because of their comparatively very frequent occurrences, impact on people's quiet enjoyment of their own premises or their livelihood in a way that is so commonly known and experienced that they become public concerns. Simple, non-aggravated home burglaries and shoplifting would fall into this category as does, I would suggest, the majority of low-level drug-related offending. Because these offences impact publicly on all ordinary Western Australians, it is perhaps not surprising that they feature heavily amongst perceived problems in neighbourhoods. The Australian Bureau of Statistics publication "Crime Victimization, Australia, 2008–09" includes a survey of perceived problems in neighbourhoods. Respondents were asked what forms of crime they viewed as problematic in their neighbourhood. In Western Australia, 55 per cent of respondents reported that dangerous driving is a problem in their neighbourhood; 45 per cent reported graffiti or vandalism to be a problem; 40 per cent said burglaries were a problem; and car theft, youth gangs, drunkenness and drugs as a problem were each reported by 20 per cent of respondents.

The third point is that the rate at which many of these volume offences are being dealt with in the lower courts is, based on the experience of the last decade, increasing. Between 2000 and 2008, there was a 147 per cent increase in the number of traffic and vehicle offences dealt with in the Magistrates Court. In the same time frame, there was a 73 per cent increase in public order offences, a 59 per cent increase in property damage offences and a 59 per cent increase in acts intended to cause injury dealt with in the Magistrates Court. Consequently, there is an understandable and very strong community concern about the forms of offending to which I have referred, and a clear mandate exists to legislate in a new attempt to curtail the activities of the perpetrators of antisocial offending.

Every member in this place will have heard from constituents who have experienced these forms of criminality in their lives to the point at which the constituent considers the situation to have become intolerable. The manner in which police, courts and corrective services can presently deal with such offending is limited. This is because of the sheer volume of charges and individuals they are required to deal with coupled with the comparative lack of seriousness of each specific instance of offending when considered in isolation. These are very difficult forms of offending to police. They are also, at least in relation to repeat offenders, sometimes difficult forms of offending for courts to deal with appropriately. Imprisonment is, very properly, a sentence of last resort in relation to the overwhelming majority of criminal offences in this state. This means that courts ordinarily will not impose a term of imprisonment unless they consider that it is the only justifiable punishment or that the protection of the community requires it, having regard to the seriousness of the offence and the offender's criminal record, as well as due consideration being given to a range of other aggravating and mitigating factors.

In relation to these lower level offences, it is often the case that sentencing principles will militate against sentencing courts imposing terms of imprisonment. This is so, even when the offender has been convicted of a significant volume of offences because of the fact that the offender, who might demonstrate a substantial criminal record, has repeatedly committed offences that in a comparative sense, when considered against more grave offences, are at the lower end of the spectrum of seriousness. Several pieces of available criminological data highlight this phenomenon of the sustained existence of repetitious, high volume, low-grade offending. One example is provided by a 2004 study of the Children's Court by the Crime Research Centre of the University of Western Australia. This analysis tracked the passage of a group of young offenders through the juvenile justice system and found that, of the sample examined, approximately 75 per cent of young offenders who initially came into contact with the system had four or fewer subsequent contacts with the juvenile justice system, but about five per cent of the offenders had 12 or more contacts with the juvenile justice system after their initial contact. This data demonstrates that in the very early stages of offending the state has considerable success in ensuring that juveniles who offend once or twice are diverted away from the system and do not reoffend. Equally, and notwithstanding the state's best efforts at diversion, a small group of juvenile offenders persist in their offending behaviour over a number of years by repeatedly committing individual antisocial offences. Similarly, in the Magistrates Court, we know that 30 adult offenders in the past three years have each been sentenced in connection with offending on at least 19 separate occasions. This group of offenders averages some 44 distinct charges each and these figures exclude charges involving driving without a licence.

The way in which the Sentencing Act 1995 constructs principles of sentencing will be such that over a two or three-year period the most prolific offenders, in terms of their number of charges and convictions, will necessarily be those who do not commit grave offences which activate the last resort sentence of a jail term, but rather those who repetitiously commit offences that, when considered individually, are not of a sufficiently serious nature to warrant imprisonment. However, when these types of offences are considered collectively for their cumulative effect on our community, the relevant offending represents a serious impact on local communities.

The Prohibited Behaviour Orders Bill 2010 seeks to give police, courts and, indeed, the community a meaningful and practical way of responding to this category of serial antisocial offenders. It will provide courts with a mechanism, the imposition of a prohibited behaviour order—PBO—to restrict a person who has a history of such offending from activities or associations which the court believes increase the likelihood of the person engaging in further antisocial behaviour, including by engaging in acts preparatory to offending.

This concept is related to a particular form of antisocial behaviour order used in the United Kingdom, known as criminal antisocial behaviour orders, which can be made only following conviction for a criminal offence. In crafting this legislation, the government has paid close attention to those elements of the UK scheme that have been most efficient. Targeting this form of intervention against persons already engaged in repeat criminal offending means that the focus of police and courts will squarely be on the persistent group of offenders who are responsible for a disproportionate amount of antisocial behaviour.

Under the Prohibited Behaviour Orders Bill 2010, PBOs are orders that are civil in nature but can only be made once a person has been convicted of a criminal offence. These orders ban people from doing acts, which, whilst not unlawful in themselves, contribute, assist or relate to that person's offending. In keeping with the bill's focus on serial offenders, PBOs may only be made against an offender who has committed multiple relevant offences and is either an adult or a juvenile aged 16 years and over. Details of offenders subject to a PBO will ordinarily be subject to publication, although courts retain some discretion in this regard, and a breach of a PBO will be a criminal offence. A PBO may be made either upon application of a prosecutor or at the discretion of the court. In either instance, the court must be satisfied that grounds for making a PBO exist. The grounds that must be satisfied for a court to make a PBO are as follows. Firstly, an offender must have been convicted of a relevant offence and, in the three years prior to that conviction, must have been convicted of another relevant offence. Relevant offences are defined in the bill as an offence involving antisocial behaviour. Antisocial behaviour is in turn defined as behaviour that causes, or is likely to cause, harassment, alarm, distress, fear or intimidation to one or more persons; or damage to property. To assist the courts in their understanding of how this definition should be applied, and to enhance the efficacy of the bill, offences may be prescribed by regulation as being presumed to involve antisocial behaviour in the absence of proof to the contrary. It should be noted that these prescribed offences are not the only offences that might, in specific instances, involve antisocial behaviour; rather, this list exists to provide guidance as to the kinds of offences that should ordinarily be taken to involve antisocial behaviour without further inquiries and are of the nature of offending that Parliament seeks to target with this bill.

The second ground requires a court to be satisfied that, unless constrained from certain otherwise lawful behaviour, the person is likely to commit another relevant offence. This ground requires the court to assess whether the person is likely to commit a further relevant offence, and whether there are lawful activities and behaviour which, if not constrained, will assist or contribute to that person's future offending.

Finally, the court is required to assess whether making a PBO is appropriate in all the circumstances. In considering whether to make a PBO, a court must have regard to the matters set out in the bill. First and foremost, a court must have regard to the desirability of protecting other persons and property from relevant offences. This underlines the bill's intended application to those cases in which a person's offending has had such a detrimental impact that a court must first and foremost have regard to providing the police and the community with an enhanced method to prevent and respond to further offending by that person, even in a manner that restricts the offender's civil liberties. The court must also consider the degree of hardship caused to the person if a PBO is made, and it may consider any other relevant matters that the bill permits.

A PBO may impose such constraints on lawful behaviour as is considered reasonably necessary to reduce the likelihood of the person committing a relevant offence. The bill does not seek to exhaustively list all forms of constraints that may be imposed. The forms of lawful conduct that the bill would anticipate may be constrained, if a court considered it reasonably necessary to do so, are effectively unlimited. Situations that were contemplated in the drafting of this bill include banning being in or entering a particular place, such as a suburb where a person has offended, a particular shopping centre, or a hospital, or associating with co-offenders, or being in possession of particular items, such as spray paint or alcohol.

A necessary aspect of the bill is that details of a PBO can be published. The purpose of publication is to enable members of the public to report breaches of a PBO to police. This is particularly important for offenders who

repeatedly offend within a local community or against specific people or in specific places, and publication exists to provide such people, and the broader public, with a better means of assisting police and law enforcement by being made aware of the forms of behaviour that are prohibited for the person the subject of a PBO. A judge or magistrate who makes a PBO can order that all details or certain specified details relating to the restrained person must not be published if it is believed there are circumstances justifying suppression. In the case of a youth, the judge or magistrate must have regard to the wellbeing of the youth when deciding whether to publish the details of the PBO. Details of the PBO that will be published, unless suppressed by the court that made the PBO, include the name of the constrained person, a photograph of the constrained person, the town or suburb where they live, and the constraints imposed on otherwise lawful activities and behaviour.

A court will not be able to issue a PBO to a person under the age of 16 years. Where a PBO is being considered for a person aged 16 or 17 years, the court must follow the principles of the Young Offenders Act 1994 in determining whether a PBO is appropriate in that instance. These principles will also apply in the event of a breach of a PBO. Having regard to the nature of offenders that the bill seeks to target, it is the government's expectation that the general principles of juvenile justice are such that they will be unlikely to conflict with the primary importance of the desirability of protecting other persons and property from acts that constitute relevant offences.

The imposition of a PBO is not intended as a punishment. They are designed as a practical mechanism to prevent further offending by enhancing the capacity of the state to restrict and monitor the behaviour of such offenders. Breaches of PBOs are criminal offences punishable by, if the PBO was made in the Children's Court, a fine of \$2 000 or imprisonment for two years, or both; if the PBO was made in the Magistrates Court, a fine of \$6 000 or imprisonment for two years, or both; and if the PBO was made by the Supreme or District Court, a fine of \$10 000 or imprisonment for five years, or both.

In all instances, it should be recognised that despite criminalising behaviour that would otherwise be lawful, PBOs will be applied in situations in which offenders have engaged in a pattern of sustained unlawful behaviour. They recognise that in spite of the limited gravity of a single relevant offence, the cumulative effect of such offences on the public is considerable and significant. Accordingly, it is expected that a breach of a PBO will be recognised as a serious matter by courts, which will result in very significant penalties up to the statutory maximums, having regard to ordinary sentencing principles, including the need to protect the community. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

*House adjourned at 10.40 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.
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**DEPARTMENT OF AGRICULTURE — PATRICK FELS — ALLEGATIONS INVESTIGATION**

2650. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food  
Further to the answers given to question on notice No. 2214, dated 25 May 2010, I ask —

- (1) Regarding the answers given to question (11), on or about 7 February 2008, did the Department's then Acting Director General Rob Delane advise Patrick Fels, that there would be an investigation into an allegation by Mr Fels, that the Department should have received revenue from some brassica intellectual property, used by a commercial breeding program?
- (2) If yes to (1) —
  - (a) when did that investigation commence;
  - (b) what were the terms of reference of that investigation;
  - (c) who carried out that investigation;
  - (d) how was that investigator selected; and
  - (e) has that investigation been completed?
- (3) If no to (1)(e), when will that investigation be completed?
- (4) If yes to (1)(e) —
  - (a) what was the outcome?
  - (b) will the Minister table a report of the investigation and its findings?
- (5) Has all information arising from that investigation been made available to the following, for the purposes of their separate investigations into allegations by Mr Fels —
  - (a) Gold Security Group International fly Ltd;
  - (b) Ombudsman; and
  - (c) Corruption and Crime Commission?
- (6) If yes to (5)(a), (b), (c) or (d), when was the information provided?
- (7) If no to (5)(a), (b), (c) or (d), why not?
- (8) Did the investigation by Gold Security Group International Pty Ltd have available to it all information arising out of the investigation by the Office of the Public Sector Standards Commissioner, including the report that was prepared by the independent investigator hired to carry out that investigation?
- (9) If yes to (8), when was that information provided?
- (10) If no to (8), why not?
- (11) Further to the answer given to (12)(f), of question on notice No. 2214, dated 25 May 2010, has the investigation by Gold Security Group International Pty Ltd now been completed?
- (12) If no to (11), when will it be completed?
- (13) If yes to (11), has all information arising from that investigation been made available to the following, for the purposes of their separate investigations into allegations by Mr Fels —
  - (a) Ombudsman; and
  - (b) Corruption and Crime Commission?
- (14) If no to (13)(a) or (b), why not?
- (15) Further to the answer given to (17)(a)-(e) of question on notice No. 2214, dated 25 May 2010, to the knowledge of the Department has the government unintentionally relinquished canola, wheat, barley or other seed crop intellectual property rights to —
  - (a) Monsanto;
  - (b) Nufarm;
  - (c) Intergrain;
  - (d) Cropcare; and
  - (e) any other business?



- (16) If yes to any of (15)(a), (b), (c), (d) or (e), will the Minister please provide full details?
- (17) Further to the answer given to (18)(e) of my Questions On Notice No. 2214 dated 25 May 2010, has the Minister provided the allegations and supporting material of Mr Fels to the Corruption and Crime Commission in their entirety and without amendment?
- (18) If no to (17) —
- (a) will the Minister please provide full details of all amendments and omissions; and
  - (b) what is the reason for the amendments and omissions?

Hon ROBYN McSWEENEY replied:

Department of Agriculture and Food

- (1) On 7 February 2008 the then Acting Director General Rob Delane advised Mr Fels that the matter is being further investigated. This was an internal review, not a formal investigation.
- (2)
  - (a) An internal review of the file commenced in January 2008.
  - (b) There were no terms of reference as it was an internal review of the file in response to an email from Mr Fels.
  - (c) The internal review was conducted by the Intellectual Property & Commercialisation Group within DAFWA.
  - (d) The Intellectual Property & Commercialisation Group conducted the review because of their involvement in the divestment process and access to relevant information, including files.
  - (e) Completed in January 2008.
- (3) Not applicable
- (4)
  - (a) The outcome of the internal review was that under the 1988 agreement a royalty was only payable under limited circumstances and given the facts of the current situation it was not deemed an economic option to pursue this further.
  - (b) This was not a formal investigation and no report was prepared.
- (5)
  - (a) Yes, all information and files related to intellectual property, including all papers relating to the internal review conducted in 2008, were made available to Gold Security Group (International) Pty Ltd during the course of the formal investigation conducted between February and June 2010.
  - (b)-(c) No, the Ombudsman & Corruption and Crime Commission have only been provided with a copy of the formal investigation report prepared by Gold Security Group (International) Pty Ltd. However further information, including documents reviewed both as part of the internal review and the formal investigation, is available on request.
- (6) See 5(a)  
Please note 5(d) does not exist.
- (7) See 5(b)-(c)  
Please note 5(d) does not exist.
- (8)-(10) Please refer to Legislative Council question on notice 2649.
- (11) Yes
- (12) Not applicable
- (13) (a)-(b) The formal investigation report prepared by Gold Security Group has been provided to both the Ombudsman & Corruption and Crime Commission. Further information, including documents that were examined during the course of the investigation, is available upon request.
- (14) Not applicable
- (15) (a)-(e) No
- (16) (a)-(e) Not applicable
- (17) Yes, Mr Fels' email to the Minister was forwarded to the Corruption and Crime Commission on 3 February 2010. A hard copy of the email, including all attachments, was also couriered to the Corruption and Crime Commission.
- (18) (a)-(b) Not applicable

## GNANGARA MOUND — WATER EXTRACTION

2651. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water

I refer to water extraction from the Gngangara Mound, and ask —

- (1) What is the current status of the Gngangara Mound groundwater bore monitoring, metering and compliance project?
- (2) How much has the Gngangara Mound groundwater bore monitoring project cost (please provide detailed costs including staffing, communications, hardware, water user support, analysis and compliance activity)?
- (3) How many metres have been installed for each of the four years of the project?
- (4) What volumes of water were metered users licensed to extract?
- (5) How many of those licensed and metered users have extracted less water than their water allocation license?
- (6) How many of those licensed and metered users extracted a volume of water equal to their allocation license?
- (7) How many of those licensed and metered users extracted a volume of water equal to their allocation license?
- (8) For the categories of user referred to in (5), (6) and (7), please provide total volumes of water extracted during —
  - (a) 2008–09;
  - (b) 2009–10; and
  - (c) July 2010 to present date?
- (9) What was the total volume of water extracted by licensed and metered consumptive users above their allocation license across the period the project has been in operation (since 2006)?
- (10) If the users referred to in (9), were required to pay for the water they extracted above their license allocation, at the rate paid by average public customers of drinking water in the Perth metropolitan area, how much would this amount be?
- (11) Has the Department of Water issued any warnings, fines or prosecutions stemming from the metering project findings?
- (12) If yes to (11) —
  - (a) How many warnings, fines and prosecutions have been issued for the years —
    - (i) 2008–09;
    - (ii) 2009–10; and
    - (iii) July 2010 — current date
  - (b) What volumes of water were identified for each breach; and
  - (c) What value of fines, costs and prosecutions have been issued and recovered from users who have used more water than their water allocation license?
- (13) If no to (11) —
  - (a) why not; and
  - (b) when will the project change focus towards compliance in the way water is used from the Gngangara Mound?

Hon HELEN MORTON replied:

I note in effect the Member has asked 20 questions within this one question which required a considerable amount of time for the Department of Water to supply an answer for.

- (1) Funding for the Gngangara metering pilot ended on 30 June 2009. The Department of Water (DoW) continued to fit meters into 2009 and will continue to undertake a level of monitoring of those meters. The DoW made a submission for further Commonwealth funding and is awaiting the outcome of that submission. The metering data collected to date has assisted the DoW in determining actual water usage. The DoW is currently reviewing its compliance and enforcement model as a separate project which is due for completion by July 2011.

- (2) To 30 June 2010, since its commencement in 2005, the Gngara Mound Metering project has cost a total of \$ 8,361,949 comprising:
- Staffing (metering staff) = \$2,282,881
  - Communications and water user support = \$51,080
  - Hardware = \$5,024,578
  - Analysis and compliance activity = \$1,003,410
- (3) The number of meters installed, by year, as follows:
- 113 meters in 2005
  - 203 meters in 2006
  - 293 meters in 2007
  - 321 meters in 2008
  - 343 meters in 2009
- Total of 1273 meters now installed.
- (4) Meters were progressively installed on licensed drawpoints with annual licensed entitlements of between 5,000 and 500,000kL.
- The total metered licensed entitlement (not including the Water Corporation's licences) was per year as follows:
- 2006/07 10.42GL (across 115 licences)
  - 2007/08 14.35GL (across 297 licences)
  - 2008/09 19.32 GL (across 436 licences)
  - 2009/10 24.92GL (across 646 licences).
- (5) For each year of this period, the following number of users extracted less than their annual water entitlement:
- 2006/07 — 66 users
  - 2007/08 — 205 users
  - 2008/09 — 336 users
  - 2009/10 — 543 users
- (6) For each year of this period, the following number of users extracted a volume of water that was within 5% of their annual entitlement:
- 2006/07 — 5 users
  - 2007/08 — 10 users
  - 2008/09 — 16 users
  - 2009/10 — 25 users
- (7) Answered in (6).
- (8) (a) For those licensed users referred to in Q5, total extraction was 6.09GL. For those licensed users referred to in Q6, total extraction was 1.85GL
- (b) For those licensed users referred to in Q5, total extraction was 8.61GL. For those licensed users referred to in Q6, total extraction was 7.79GL
- (c) Readings are taken annually. Data has not been collected since 1 July 2010.
- (9) For those licences exceeding their annual allocation in:
- 2006/07 — 1.58GL
  - 2007/08 — 4.75GL
  - 2008/09 — 2.23GL
  - 2009/10 — 2.33GL
- A total of 10.9GL over four years.
- (10) The Water Corporation currently charges public consumers of drinking water extracting over 950kL/year at a rate of 177.9c/kL which covers the cost of infrastructure, treatment and distribution.
- Bore users pay for their own infrastructure and supply costs.
- (11) Yes.

- (12) (a) (i) 35 formal warnings were issued to users exceeding their annual entitlement. A number of other warning letters were also sent to metered licensees relating to other non-compliance issues such as a failure to submit meter readings.
- (ii) Nil (warnings issued to licensees exceeding licensed entitlements.)
- (iii) Water use data is currently being reviewed for the 2009/10 water year.
- (b) For the 35 users identified at Q12(a)(i), 7 users exceeded their annual water entitlement by less than 10%, 10 users by 10-25%, 8 users by 25-50% and 10 users by 50% or more.
- (c) Nil
- (13) (a)-(b) Not applicable.

#### WATER PRESSURE REDUCTION TRIALS

2652. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water

I refer to the pressure reduction trials in Rossmoyne, Shelley and Waterman that were able to achieve significant savings of water akin to additional supply costed at between 12 cents and 74 cents a kilolitre, and I ask —

- (1) Given the significant water savings that can be gained cheaply through a roll-out of network optimisation – pressure reduction trials, what progressive roll-out has the Water Corporation devised for this program?
- (2) In line with the recommendations from the Water Corporation network optimisation final report released August 2009, when will the State of Western Australia see the rapid deployment of pressure regulation in suitable areas in the water reticulation network?

Hon HELEN MORTON replied:

- (1) The results of the pressure management trials show that they were a success, with a total reduction in water supplied of 13.5%, 11.9% and 18.9% for Waterford, Shelley and Rossmoyne respectively. This outcome was achieved while continuing to provide essential services to the communities involved. Following these trials a comprehensive planning study has been completed which has identified and prioritised those parts of Perth where pressure management could potentially be implemented.
- (2) Based on the findings of the planning study, the prioritisation and allocation of capital funding is currently being considered in the compiling of the Water Corporation's future Capital Investment Program. A broader roll-out of pressure management program will involve significant capital investment as well as ongoing operating expenses to maintain the infrastructure required. Both the timing and the rate of implementing a pressure management program for Perth are included in these considerations.

#### BUSSELTON WATER SUPPLY — PROPOSED CHLORINATION

2658. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water

I refer to the information sessions conducted by Busselton Water regarding the proposed chlorination of the Busselton water supply, and ask —

- (1) Has Busselton Water consulted with customers regarding the proposed chlorination of water within its operational area?
- (2) If yes to (1), what have been the results from that consultation?
- (3) If no to (1), is it a condition of its operating license issued by the Economic Regulatory Authority that Busselton Water must consult and solicit customer opinion regarding the provision of water services?
- (4) If yes to (3), what have been the results from that consultation and solicitation of public opinion?
- (5) Has Busselton Water complied with the conditions of its operating license?
- (6) Is the Minister aware of significant public unrest, about the way Busselton Water has conducted consultation and solicitation of opinion from customers?
- (7) What public health risk assessment has Busselton Water undertaken, in addition to the commissioned Hunter Water review?

Hon HELEN MORTON replied:

- (1) Yes. Busselton Water's ongoing consultation with customers, included surveys carried out between 2007 and 2009 (which included questions to solicit customers' opinions with regards to the preferred methods of disinfection used).

Busselton Water had informed its customers in 2008 that service planning was underway to ensure compliance with the 2004 ADWG and to review the necessity for chlorination equipment for Busselton Water to discharge its service delivery obligations. Namely:

- 1) the 2007/2008 and 2008/2009 Annual Reports published by Busselton Water confirmed the engagement of Hunter Water Australia to assist Busselton Water to meet the requirements of the 2004 ADWG; and
- 2) the 2008/2009 Annual Report states:
 

"Water quality is the organisation's highest priority and with a now more collective focus on water quality issues a number of accomplishments have occurred. These include:-

  - The commissioning of a report into available and recommended disinfection regimes
  - The acquisition of 3 portable chlorination units
  - The appointment of a dedicated Water Quality Projects Co-ordinator"

As part of the ongoing engagement with the community on this important issue, Busselton Water has twice written to its customers, has held information forums to assist people to understand the decision, compiled and distributed a vast array of additional information and met with people when requested on a number of occasions to discuss the matter.

- (2) The customer surveys had repeatedly indicated that customers preferred UV as the method of disinfection and were not in favour of chlorination of the water supply.
- (3) Albeit the answer to question (1) is "Yes" it should be noted that:

Busselton Water's Operating Licence and Customer Charter do not require specific consultation to occur prior to decisions being made. Rather, customer consultation must occur to inform customers and proactively solicit customer opinion with respect to Busselton Water's 'operations and delivery of services'.

This has occurred both prior to and after the receipt of expert advice, and the Board's deliberations into full-time chlorination. Busselton Water has additionally been meticulous in following up and considering all issues raised via forum feedback sheets, unsolicited letters, letter to the press, local government requests etc. This constitutes part of the ongoing customer consultation regime reflecting a genuine and open approach to customers.

- (4) As stated: The customer surveys had repeatedly indicated that customers preferred UV as the method of disinfection and were not in favour of chlorination of the water supply.

Feedback received post the decision has been mixed. A large number have understood the reasons for the decision whilst others reiterated they were not in favour.

The Busselton Shire Council has publicly advised that it supports the decision of the Board of Busselton Water

- (5) Yes
- (6) The Board has a duty of care to provide a safe and reliable supply of drinking water. The Minister is aware of some concerns being expressed by persons not in favour of the Board's decision relative to chlorination. The Minister has no statistical evidence that these persons constitute "significant public unrest" as far as Busselton Water is aware.

Busselton Water has worked closely with the Minister for Water and the Minister for Health relative to the Board's decision to chlorinate the water supply to protect the health and safety of the people of Busselton.

- (7) Hunter Water Australia are experts in their field and operate both nationally and internationally. Their advice and that received at an officer level from the Department of Health are what the Board of Busselton Water has used in its determinations.

In addition and subsequently:

- Dr. Richard Lugg of the Department of Health has publicly briefed the Shire Councillors, and the public of Busselton on chlorination and water safety [See paper 2452.]
- Dr. Clemencia Rodriguez of the Department of Health attended 3 of the 4 community forums to answer community questions.
- Dr. Rino Trolio briefed Shire Councillors, public gallery and shire staff on Naegleria Lovaniensis and Naegleria Fowleri control measures using chlorine as a residual.

## BULLYING IN HIGH SCHOOLS — STUDENT SERVICES PROGRAM

2662. Hon Matt Benson-Lidholm to the Minister for Energy representing the Minister for Education

In light of the increased incidences of bullying in Western Australian Schools, I ask —

For Senior High Schools and District High Schools in regional Western Australia —

- (1) How are student services structured and delivered?
- (2) How many FTEs are allocated to student services?
- (3) What funds were allocated to students services in the areas of programmes and FTEs for the following financial years —
  - (a) 2008-09;
  - (b) 2009-10; and
  - (c) 2010-11?

Hon PETER COLLIER replied:

- (1) Principals make local decisions about the way student services are structured and delivered in their school. The decisions are dependent on the student population and their needs. Schools have a staffing profile, school grant and supplementary funding through the School Support Programs Resource Allocation. Schools allocate staffing and funding according to their local needs. All schools have access to the School Psychology Service and Student Services support through the local district office.
- (2) Schools may choose to have a range of staff working in this area including Student Services Coordinators, Year Coordinators, Mentors, School Volunteers, Chaplains, School Nurses, Attendance Officers and others. These positions are funded from the individual school's staffing allocation and/or supplementary funding and grants.

Staffing allocated to programs in rural senior and district high schools across the state from district or centrally funded programs include:

- School Chaplaincy program — 32.2 chaplain FTE across 50 schools
- School Nurses — 47.05 FTE
- Participation Coordinators — 20.5 FTE
- Classroom Management Strategies — 9.2 FTE
- School Psychology Service — school psychologists are currently appointed through the district office. Some schools also choose to fund additional school psychologist time.

The following school psychologist FTE is allocated to rural education districts:

<u>District</u>	<u>FTE</u>
Albany	6.7
Bunbury	9.6
Esperance	5.6
Goldfields	2.4
Kimberley	4.8
Midlands	6.6
Mid-West	7.6
Narrogin	4.8
Pilbara	7.1
Warren-Blackwood	5.8

- (3) (a)-(c) School Support Programs Resource Allocation funding may be used for Student Services staffing and programs in addition to their staffing profile and allocation of School Psychology Service and School Nurse time. The total SSPRA funding allocated to regional senior high schools and district high schools is:

2008/09 — \$4 931 739

2009/10 — \$7 170 709

2010/11 — \$7 921 647

Please note that the School Support Programs Resource Allocation commenced in 2009. For 2008/09 the funding includes Behaviour Management and Discipline Strategy funding for January to June 2008 and School Support Programs Resource Allocation for July to December 2009.

## EVENTSCORP — ADVERTISED EVENTS FUNDING

2665. Hon Ljiljana Ravlich to the Minister for Environment representing the Minister for Tourism

I refer to the Eventscorp Calendar for 2010 and 2011, and I ask —

- (1) How many events advertised on the Eventscorp calendar for 2010 are not funded by Tourism Western Australia or Eventscorp, and which ones are they?
- (2) How many proposed events on the 2011 Eventscorp calendar are not funded by Tourism Western Australia or Eventscorp, and which ones are they?

Hon DONNA FARAGHER replied:

- (1) The below 39 events, featured on the back page of the 2010 Eventscorp calendar, are not sponsored by Eventscorp or Tourism Western Australia, as stated at the bottom of that page on the calendar.

Australian Athletics Championships	KFC Twenty20 Big Bash (10 Jan)
AWESOME Festival	Kings Park Wildflower Festival
Ballet at the Quarry Season	Leeuwin Concert Series
Big Day Out	Mundaring Truffle Festival
Blues at Bridgetown	Nannup Flower and Garden Festival
Bunbury Carnaval	Perth Cup
Christmas Pageant	Perth Royal Agriculture Show
City of Perth Australia Day Fireworks	Quit Targa West
City of Perth Winter Arts Season	Racing The Planet
City to Surf	Rottnest Channel Swim
Derby Boab Festival	Southbound
Discover the Round	Spring in the Valley
Eat Drink Perth	Summadayze
Fremantle Festival	Sunseeker Australia Cup
Future Music Festival	Symphony in the City
Geographe Crush Food and Wine Festival	UWA Perth International Arts Festival
Good Vibrations Music Festival	WAMi Festival
Harvey Harvest Festival	York Gourmet Food and Wine Festival
KFC Twenty20 Big Bash (30 Dec)	York Jazz and Soul Festival
KFC Twenty20 Big Bash (5 Jan)	

- (2) The 2011 Eventscorp calendar is still under development.

## DIABETES SERVICES — CARNARVON

2667. Hon Helen Bullock to the Minister for Transport representing the Minister for Health

- (1) What services are available in Carnarvon, to those who have been diagnosed with diabetes?
- (2) Are the services all offered through the Carnarvon Hospital?
- (3) If no to (2), where are they located?
- (4) Are there any vacant positions at the hospital that relate to education services for people who suffer with diabetes?
- (5) If yes to (4) —
  - (a) how long has the position/s been vacant; and
  - (b) when will the position/s be advertised?

Hon SIMON O'BRIEN replied:

- (1) Services provided to Carnarvon residents who have been diagnosed with diabetes are:
  - Private medical General Practice services, including those provided at the Carnarvon Aboriginal Medical Service;
  - General medical advice and referral services provided by Carnarvon Hospital Salaried Medical Officers;
  - Private medical General Practice services including those provided at the private practice in conjunction with a Primary Care Plan Nurse who assist the patient in meeting the goals and treatments set out in the GP management plan [MBS item 721 (diabetes)]

- A Dietitian/Diabetes Educator (in private practice); and
  - A Dietitian services (from the Midwest Population Health Service).
- (2) No.
- (3) Services which are not provided at Carnarvon Hospital are available at:
- The Carnarvon Medical Centre, 52 Robinson St, Carnarvon (Private GP practice and primary care plan nurse);
  - The Midwest Population Health Unit, Johnston St, Carnarvon (a dietitian);
  - The Carnarvon Aboriginal Medical Service, 14-16 Rushton Street, Carnarvon (Private GP practice); and
  - Ningaloo Physiotherapy, 6 Robinson St, Carnarvon (dietitian/diabetes educator).
- (4) No.
- (5) (a)-(b) Not applicable.

#### TOURISM WESTERN AUSTRALIA — PUBLIC SECTOR REPORT FINDINGS

2668. Hon Helen Bullock to the Minister for Environment representing the Minister for Tourism

What action has the Minister undertaken to address the findings in the Public Sector commissioner's report into the conflict of interest at Tourism WA, with the One Movement funding?

Hon DONNA FARAGHER replied:

I have requested that Tourism Western Australia's Acting Chief Executive Officer implement the recommendations of the Public Sector Commissioner's report and other relevant processes where necessary, which she has advised has been done.

Please note that as the employing authority, the Acting CEO, not the Minister, is responsible for operational matters such as the implementation of the recommendations in the Public Sector Commissioner's report.

#### AUSTRALIAN RADIATION INCIDENT REGISTER

2677. Hon Robin Chapple to the Minister for Transport representing the Minister for Health

I refer to the Australian Radiation Incident Register (ARIR) Summary of Radiation Incidents and information provided by this state to the ARPANSA Secretariat, and I ask —

- (1) Will the Minister table the State of Western Australia's reports to the ARPANSA Secretariat for the last three years?
- (2) With reference to the Mining Incident Category how is this data gathered, and from what sources?
- (3) With reference to the High Recorded Dose Category how is this data gathered, and from what sources?
- (4) Are High Recorded Dose's as outlined in the Australian Radiation Incident Register Summary of Radiation Incidents identified as to what activity they came from?

Hon SIMON O'BRIEN replied:

- (1) No. Disclosure of the incident reports is subject to Section 49 of the Radiation Safety Act 1975 and, as such, may not be provided without consent of the person carrying on or operating the business concerned to which the incident relates. However, a summary of the incidents appear in the Radiological Council's Annual Report which are provided to the Minister for Health by 31 March of each year. Copies of the annual reports are available from the Radiological Council.
- (2) Data is gathered from reports received under Regulation 15 and Regulation 19A of the Radiation Safety (General) Regulations 1983.
- (3) High Dose category data is gathered from approved personal radiation monitoring service providers that issue personal monitoring badges in Western Australia to personnel who are required to be monitored under the Radiation Safety Act 1975. The providers are required to submit to the Radiological Council details of any doses that exceed the reporting thresholds in the Radiation Safety (General) Regulations 1983.
- (4) Yes. Incidents reported to the Australian Radiation Incident Register are categorised in relation to the industry in which they occurred (e.g. Hospital, University, Industrial Radiography etc).