Legislative Council

Thursday, 6 April 2006

The PRESIDENT (Hon Nick Griffiths) took the chair at 10.00 am, and read prayers.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Sixth Report - Examination of the 2004-2005 Annual Report of the Parliamentary Inspector of the Corruption and Crime Commission

Hon Ray Halligan presented the sixth report of the Joint Standing Committee on the Corruption and Crime Commission, in relation to the examination of the 2004-05 annual report of the Parliamentary Inspector of the Corruption and Crime Commission, and on his motion it was resolved -

> That the report do lie upon the table and be printed.

[See paper 1407.]

BUSINESS OF THE HOUSE

Statement by Leader of the House

HON KIM CHANCE (Agricultural - Leader of the House) [10.03 am]: We have an unusual situation with the orders of the day today in that a number of key members of the house are not available to deal with the bills that appear on the bulletin. For the information of the house I will go through the bulletin and indicate what our intention is today so that members can be prepared.

The first order of business, 206, relates to the Retail Shops and Fair Trading Legislation Amendment Bill 2005. The Parliamentary Secretary to the Minister for Consumer Protection will read the second reading speech. The Censorship Amendment Bill 2005 can then be proceeded with. The Human Tissue and Transplant Amendment Bill 2005 cannot be proceeded with because Hon Giz Watson needs to be present to action that bill. Hon George Cash is the lead speaker for the opposition for the three energy bills, which are next on the bulletin, and he is not with us today. It is my intention to bring on the bills for debate in any case, because I am aware that at least Hon Paul Llewellyn and possibly other members want to speak on those bills. However, we will adjourn each of them to allow Hon George Cash to make a contribution upon his return, and hopefully they can be progressed next week. I think the Alcohol and Drug Authority Repeal Bill 2005 can be progressed. Hon Giz Watson is the last speaker on the Commissioner for Children and Young People Bill 2005, and I will leave that open for her. If other members wish to speak on that bill I will be happy to bring the bill back on for debate, but it will be adjourned so that Hon Giz Watson can make her contribution next week. I have given Hon Murray Criddle an undertaking that we will not deal with the Machinery of Government (Miscellaneous Amendments) Bill 2005 until the first week in May, because a particular issue in that bill requires further discussion. I will not progress with the Yallingup Foreshore Land Bill 2005 in the absence of Hon George Cash. The Leader of the Opposition has asked me to provide him with some information about the Commonwealth Powers (De Facto Relationships) Bill 2005, which is item 203 and which is listed under “Bills awaiting second reading”. I will be able to do that during the day prior to the second reading of that bill.

That business may not be sufficient to occupy the time available for orders of the day today. I am certainly not inviting honourable members to expand on their speeches to fill the time, so it is possible that an amended bulletin will be published today that may include other bills if we are able to get to them.

DEPARTMENT FOR COMMUNITY DEVELOPMENT - WORKLOAD ISSUES

Motion

HON ROBYN McSWEENEY (South West) [10.07 am] - without notice: I move -

> That this house condemns the government for its failure to resolve workload issues for caseworkers within the Department for Community Development and in particular the Midland office.

On 2 November last year, some five months ago, I was invited to a meeting of departmental caseworkers when they presented the then minister Hon Sheila McHale with a petition stating -

> CPSU/CSA members know that children are not being adequately cared for by the Department. Members call on the Government to stop providing bandaid solutions and to properly resource DCD to protect the vulnerable children of WA and to provide good and proper support for the children in the care of the department.

I should also include children in child care. At that meeting I heard from a caseworker at Midland who said that the office was 34 full-time equivalents short; that new work goes unallocated; that the office receives 30 referrals

a month; that the office has the highest number of abuse notifications of all DCD offices; that primary school children are staying in hostels; that there has been a 50 per cent increase in staff turnover in 12 months; that staff cannot provide support to foster carers and have no time to support foster carers; that staff are overworked; that there are placement breakdowns because of the lack of support; that the office cannot recruit staff; that children are not being provided with adequate support; that caseworkers want more experienced casework staff to be employed; and that children are being severely compromised. Five months later, on 31 March, Midland office staff held a stop-work meeting at which issues of overwork were discussed. The staff decided to close the government office last Tuesday; they did not answer the phones and did not see any clients. This action was to enable them to catch up on the backlog of work. It is a government office that deals with emergency situations and has the highest number of abuse notifications of any DCD office, yet it has been shut down because the government will not resource it effectively enough to enable it to keep its doors open. I thought it was bad enough that it had been shut once, but it was shut again this week.

I have a note of the issues that were highlighted at the meeting on 31 March, which states that the Department for Community Development staff have said that they have ongoing problems in attracting and retaining staff. There are too many short-term contracts. There is an inability to recruit the blitz team; the five extra workers are only just beginning to trickle through, some four months after the director general's e-mail was sent informing staff that more staff would be provided. There is no consistent measure of caseloads. For example, should a caseload be measured by the body of work or the number of children or the number of families? On many occasions recently, children who are awaiting placement have been looked after in the office, while staff have tried to carry on with their work, because there is nowhere else for the children to wait. The Midland DCD workers are interested to know how this accords with the occupational health and safety provisions. They say there is an extreme shortage of carers and placements, and that the new relative care protocols have had a net effect of further reducing options for placements. No support is provided to field staff when accessing departmental hostels outside placements. They need more placement officers. Customer service officers are often abused when clients are advised that a worker is not available. All these grievances were written on the whiteboard at the DCD office in Midland; I am just repeating them. The staff say that they are answerable to too many watchdogs, including the Consumer Advocacy Service, duty of care provisions, the Ombudsman, the minister, the Foster Care Association of WA, clients, parents, team leaders, managers and various staff at head office, including the executive. Accountability processes need to be streamlined to avoid inefficient use of workers' time. They believe that the team leader to field officer ratio is too high.

Currently there is tied funding for the children in the CEO's care. They say there is a lack of funding for the other children for whom they provide services in a family support capacity. New staff cannot take on a caseload until they have completed eight weeks of training, and there is no backfilling while they are away. The staff were advised approximately two years ago that if they undertook the workload management measure, they would get an injection of resources. They believe that the workload problems are so serious that the minister should be involved. There is a sense that the staff have little trust in the executive, and they feel they will be targeted when things go wrong. The staff have not got over how quickly the director general and executive blamed the field officer who was involved in the piano teacher controversy. When things go wrong in the highly stressed atmosphere of an average DCD office, the executive office must understand that this reflects a systems failure and that it is unacceptable in the current highly stressful working environment to make a scapegoat of an individual worker.

The staff in the Midland office of the DCD have suggested some interim solutions. They want to close the Midland office for one day a week. On that day they do not want to conduct any interviews, or receive any intake, phone calls or face-to-face walk-ins. That would allow the staff to address the dangerous build-up of work. I wonder what is happening in that department. The government was told five months ago that this would happen. The staff want to close the government office for one day a week. Do members know what that dangerous build-up of work equates to? It equates to children not being looked after properly. I refer again to the points that were written on the whiteboard. The staff want a group of front-line workers from the DCD to have the opportunity to give a presentation to Treasury, to reinforce the critical nature of the issues. They are begging for that meeting with Treasury. They want a survey to be conducted, as a matter of urgency, to gauge staff stress levels, morale and job satisfaction. They would like the results to be addressed by the executive and an occupational health and safety inspector, with ongoing involvement of staff to address the issue. They would like either the executive, the director general or an upper manager to be invited to work at Midland DCD for a few months with a field officer with a normal caseload, to recognise first-hand the sheer complexity of the problems they face. I have always thought that someone from head office should work alongside a field worker for a week, just to see what the office and its staff are going through. The situation must be fairly horrific if the staff want to shut the office for one day a week. The staff also want ongoing and regular direct face-to-face contact between a nominated group of field workers, including the other staff, and the executive. Workers hope that the executive is interested in hearing, directly, how they are coping. The notion of inclusiveness needs to be instilled the department, in line with enlightened management practices. It sounds to me as though head office does not have any connection with the field workers and others working at the grassroots level.

The staff want to be included in the decision-making processes. That would improve staff morale, which is likely to pay dividends. The social workers have told me that their morale has never been as low as it is now. When people in the workplace have low morale, it permeates throughout the community. Head office will need to begin planning to expand the Midland office of DCD so that the extra staff who were promised in the budget will have workstations. Currently there is no room for them. If planning is not started very soon, it will cause more delays.

The staff ask the executive to note that other DCD offices are currently canvassing interim solutions, and have come up with their own ideas. Perhaps all the DCD offices should get together to debate the solutions that could be considered. The situation must be at crisis point in Cannington, Mirrabooka, Armadale, Rockingham and, of course, Midland. They are the five offices that are usually working at breaking point. The solution requires adequate resources to enable DCD to do its job. I have a couple more pages listing the concerns that the Midland staff have conveyed to head office.

> Workers are concerned about the 'top down' approach of the Exec when it comes to deciding how to allocate resources.

Hon Kate Doust: Is that not a normal management decision? Does that not happen in any business or organisation? The management decides the allocation of staffing and rosters.

Hon ROBYN McSWEENEY: Good management is inclusive.

Hon Kate Doust: I would love to have you out on the road. You would make a great organiser, Hon Robyn McSweeney.

Hon ROBYN McSWEENEY: Head office is not being inclusive.

Hon Kate Doust interjected.

Hon ROBYN McSWEENEY: I must be making a bit of a point.

Hon Kate Doust: I am listening to the lines, and having a sense of deja vu.

Hon ROBYN McSWEENEY: These are not lies. These concerns have come directly from the Midland workers. These comments were written on the whiteboard at the meeting on 31 March. The Parliamentary Secretary to the Minister for Community Development just said they were lies.

Hon Kate Doust: I did not say that. I said "lines".

The PRESIDENT: Order, members!

Hon ROBYN McSWEENEY: I apologise; I accept that.

The notes from the meeting state also -

> There is not enough of a meaningful consultation process with front line workers. One of the current mantras of the Department when working with the community is the notion of 'Inclusiveness', -

That is, when staff are working with members of the community. The notes continue -

> surely this notion could be applied more fully *within* the Department.

That is what the workers want.

> Workers are keen to know why there are so many workers on short term contracts within the Department and why the endemic worker turn-over has not been resolved. The Director General indicated three years ago during the 'cultural' consultations with individual offices that this issue would be looked into. Nothing has changed in three years.
>
> **There is a concern that there are many pressures in our workplace which dissuade workers from speaking out about their justified concerns.** The first pressure is the pressure of the workload: workers are so busy that there is no time to 'come up for air' and reflect on what needs to happen to make our work more effective. The second pressure is that workers on contract understandably want to avoid any indication that they are 'making waves' in case they place their job at risk. The third pressure is that often when a worker takes a concern about work culture to their supervisor that supervisor is not empowered to make the changes when they are required. They are often told that that is just the way things are at DCD.

I will read from a document headed "Further Concerns that the Midland Staff Have Conveyed to their Union Delegate" as follows -

> One of many indicators that HQ do not appear to give sufficient urgency to workers needs is the current mix up in allocation of five new workers to Midland office. It sends a powerful message to workers at Midland when it ends up taking 4 months plus to send just a few new workers to this office. The Exec possibly has the discretionary powers to hasten this process but has chosen not to.

There have been 2.3 staff added since January 2006. It continues -

> **The fact that Midland staff are now speaking out again in a strong and unified manner, is a testament to the workers *strengths* and courage**. There comes a time when simply ‘managing’ an issue is inadequate to the scope of the problem. The time is now. Exec might not want to hear this but the child protection system in this state is in something of a crisis. If very substantial new resources are not allocated in the Budget then it is quite likely that the system will be heading for complete disaster.

How brave are these workers coming out and saying that the department is not only in crisis, but also heading for complete disaster. It continues -

> All of these issues are demoralizing to staff. It is one of the wonders of the Department that office staff are able to maintain their personal commitment to their job in spite of the inconsistency in directives from HQ.
>
> Staff at Midland DCD are currently so overburdened with work that many are experiencing very concerning physiological effects of stress. One of the solutions we will offer is for a staff member to be given permission to conduct a survey as soon as possible on workers health, morale and job satisfaction issues, with the results of this survey to be presented to the Occupational Health And Safety Section of DCD.
>
> Although the Work-load management tool is a very positive initiative from HQ, it is far from perfect in helping staff plan their fortnight in advance or in giving structure to the work. Tasks which were not previously planned for regularly need to be addressed to such an extent that work needs to be carried over to the next fortnight. Also it seems quite evident that queuing tasks tends to create discontinuity in case practice as important features of case plans are delayed.

In simple terms that means that if a child must go to a dentist or is involved in an access visit, it does not occur because it is not planned for. Those case conference notes are not followed through. Who misses out? The child - the ward of the state - misses out again. It continues -

> This regularly results in angry outbursts from clients who understandably cannot understand the disjointedness in our approach. This seriously reduces any scope for worker satisfaction and contributes to low morale.
>
> . . .
>
> The fact that there is a very high proportion of workers on short term contracts has never been adequately explained to workers. If the intention is to make workers more anxious for their jobs and hence overly compliant then we feel this intention is misplaced, far better to have a workforce which is empowered to let management know about systems failures so that serious child protection mistakes can be avoided.
>
> It is well known that the Departments method of hiring new workers is very inefficient. Large resources are put into creating new ‘pools’ of workers, the output from this process in terms of new permanent workers is paltry in comparison to the resources that go into the process.

That document is a damning indictment of the situation at Midland and, no doubt, in other DCD offices. The director general of the Department for Community Development sent the following message to the Midland office on 31 March -

> Midland District Office staff held a stop work meeting on Wednesday to discuss issues around workload and resourcing.
>
> While I understand the pressures that have resulted in this action I think it is important you understand that your messages about workload and resourcing have been listened to and have been heard.
>
> We worked hard on the case for increased resources with Treasury during this current budget round and we were given a more than fair hearing by the Minister and Government.
>
> In the meantime, last December I allocated 20 additional temporary FTE to offices, Midland being one of them, for a period of six months to assist offices to catch up with the backlog of work. I understand the bulk of these positions have been filled and we are beginning to see the benefits of this initiative.
>
> We will also be working with each District Office to see what else needs to be done to support staff while we await the announcement of the budget decision.

Members opposite just heard me say that the Midland DCD office complement has been increased by 2.3 staff since January. The director general of DCD, Jane Brazier, said that the staff’s message about workload and resourcing have been listened to. However, they should have been heard five months ago and they have not been. Children in this state are being placed in danger.

Some dreadful figures were released yesterday on children who had chlamydia and gonorrhoea. In 2001, in the 13 to 14 year age group, 48 children were recorded as having chlamydia. In 2005, the figure is 133 children. Over the same period the number of children in that age group who were recorded as having gonorrhoea increased from 39 to 253. That is absolutely disgraceful. I have been told that the Department for Community Development has provided one psychologist to service the whole area of Halls Creek, and that person is overworked. The children in Halls Creek are not being looked after.

I turn now from the situation at Halls Creek to that of Midland. There is a huge Aboriginal population in Midland, and that means that DCD staff work with the Aboriginal community. What hope do those children have if the staff close the doors one day a week? They will continue to close their doors one day a week if they do not get the resources they need. I intend to dig around in the DCD offices in Cannington, Mirrabooka, Armadale and Rockingham to examine their work practices. I wonder whether they are under the same incredible stress loads as those at the Midland office. It seems to me that this government is promising more workers and more resources but not actually providing them.

This document came from the workers in Midland, who have been extremely brave in allowing me to make this information public. Last week the Minister for Community Development said he would wait a week and meet with the Midland DCD office. If I were the minister, I would have visited that office that evening, because I appreciate the seriousness of this situation. Minister Templeman must realise the seriousness of the situation in those offices. He should sit down and talk with the staff at the Midland office to see exactly what they need so that those government offices do not close one day a week. I am begging the government to do something because the children of Western Australia are at grave risk.

HON KATE DOUST (South Metropolitan - Parliamentary Secretary) [10.28 am]: I will, of course, oppose the motion. It is a time filler for Hon Robyn McSweeney. I do not understand why she has raised these issues in this place when they are being dealt with by the Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development, which was established on the basis of a motion Hon Robyn McSweeney moved in this house. Nevertheless, I was pleased to hear Hon Robyn McSweeney offer such great support for workers in this state and for their taking industrial action. As a past union official, I know that it is serious when workers reach the point of taking industrial action.

[Quorum formed.]

Hon KATE DOUST: I was congratulating Hon Robyn McSweeney for being such a great advocate for workers' rights. I do not think it will take terribly long to address the member's comments about Hon David Templeman's visit to the Midland office. I understand that the minister visited the Midland office yesterday and had discussions with the staff about the situation they have found themselves in. Minister Templeman is negotiating with the expenditure review committee for more funding to alleviate the problems identified by these workers. I always have full sympathy for people working in difficult conditions. I know there has been an increased workload on these workers. There have been demonstrated increases in domestic violence, drug use, child abuse and those sorts of issues. These workers are at the coalface and must deal with the outcomes of these dreadful situations. It is not an easy task. This problem has not arisen overnight; it has not arisen just since the Labor Party came to government. This problem has been building up over a period. In fact, the Labor government, under former Premier Geoff Gallop and current Premier Alan Carpenter, has been steadily trying to address these issues and improve the working conditions of these people so that they can deliver positive outcomes for their clients. The information I have been provided indicates that very little funding was allocated to this area by the previous Court government. Funding certainly was not provided on an ongoing basis to fieldworkers to deal with these issues. I understand that when sporadic funding was provided, it was usually to provide for parenting information and parent support services, which are very important functions. However, based on the member's comments today, perhaps if the previous government had allocated funding directly to fieldworkers, we may not find ourselves in the position we do now.

Hon Robyn McSweeney: No, you can't go backwards like that.

Hon KATE DOUST: I will go backwards. The workers at the Midland office reached such a crisis point that they had to take industrial action because of what happened prior to this government coming to office. The previous Liberal government starved these workers of funds.

Several members interjected.

The PRESIDENT: Order, members! There is too much noise. I cannot hear Hon Kate Doust, and Hon Kate Doust cannot hear interjections if there is more than one.

Hon KATE DOUST: Thank you, Mr President.

Hon Ljiljanna Ravlich: Thank goodness you are here, Mr President!

The PRESIDENT: Order, Minister for Education and Training! Hon Kate Doust has the call.

Hon Norman Moore interjected.

Hon KATE DOUST: I thought that members opposite would have been very happy after their dinner last night with the Prime Minister.

The PRESIDENT: Hon Kate Doust should address me and the motion.

Hon KATE DOUST: You are right, Mr President; I should address my comments to you and ignore members opposite, who are obviously very cranky. I am impressed that members opposite are supporting workers in this state. They must be seen as soft by their federal colleagues, considering what is happening to workers throughout the state as a result of the federal industrial relations system that has been imposed on them. I do not fancy too highly Hon Robyn McSweeney's chances of promotion if she keeps supporting industrial action as strongly as she has.

Let us consider why the workers at the Midland office are in a dreadful situation. The government, in particular Minister Templeman, is working very hard to try to resolve the issues that have been identified by the workers at the Midland office. I know that Hon Robyn McSweeney has outlined the response of the director general of the Department for Community Development, so I will not go over that. However, I will remind the opposition of some of the things that the government has provided in this area to try to improve the working conditions so that the department can deliver services to people in the community. I know that we have done this before. In the 2005-06 budget, the government provided $10 million over four years to the department for child protection and out-of-home care to prevent children from being harmed while in care and for abuse treatment services. From 2004-05 the government has provided $19 million over four years for the employment of an additional 50 casework staff to work with children, young people and their families. I understand that the majority of these new workers have been employed and trained and, as a result, the ratio of children in care to caseworkers has fallen from 21 to one to 17 to one. That is quite a dramatic drop. During the 2003-04 period, the government provided $8.6 million over four years to meet the increased costs of supporting children in care. From 2003-04 the government has provided $14 million over four years for three annual 10 per cent increases in subsidies and allowances for foster carers. From 2002-03 the government has also provided $26 million over five years for its response to the Gordon inquiry into abuse and violence in Aboriginal communities. I think the government is doing outstanding work in that area and should be congratulated. From 2002-03 the government has provided $19.7 million over four years for increased costs of supporting children in care and $1.6 million over four years for the expansion of child sexual abuse treatment services. In 2001-02 it also provided $2.7 million for cost increases for children in care. I am not very good with numbers, and maybe the Minister for Education and Training, who is much better with numbers than I, might be able to total those figures. Without going back through the budget papers of the previous Court government, I will lay odds - I know that you are a bit of a betting man, Mr President -

Several members interjected.

The PRESIDENT: Order, members! There is a difficulty. The interjectors are interjecting on each other, not on Hon Kate Doust, and that is unfortunate. Hon Kate Doust has the call.

Hon KATE DOUST: I know it is difficult to hear my soft tones, Mr President. As I was saying, I know you are a betting man, so I would lay odds that if I went through the budget papers of the previous Court government and totalled all the amounts allegedly expended in this area, it would not come within cooee of the amount expended by the current government in the past five years to improve the lot of families and children in the community and to provide support to the workers who must deal with the negative outcomes of some of the social problems that we have already discussed.

Hon Helen Morton interjected.

Hon KATE DOUST: I do not think so. I know that Hon Robyn McSweeney has raised the issues that were listed on the workers' whiteboard. They are probably all very legitimate issues. I know that the minister has spoken to the staff. If he is successful in getting increased funding to assist the office with staff, all these issues may well be resolved. It is a difficult area. Sometimes there are spikes in behaviour or in the types of problems that arise. It may be that management did not allocate the appropriate number of staff, did not roster correctly or did not allocate the appropriate people to deal with the problems. However, at the end of the day those issues must be worked through. It is interesting that the member spoke about the concept of industrial democracy. I fully support workers having direct involvement in the decisions that are made about their workplace. I was interested to hear the member talk about that matter, because it is not something that her side of politics has ever really supported. This has been a good opportunity for the government to involve those workers in determining how they operate in their workplace. I know that Minister Templeman is keen for workers to have input into how these issues can be progressed and to look at how systems and processes of work can be improved and perhaps even streamlined to some extent. Sometimes things get bogged down in the system. Having come from the private sector, I often get a bit frustrated with the way things can get bogged down. This government is well and truly committed to delivering the best outcomes for the community. Part of that commitment is ensuring

that these offices are manned appropriately to deal with the client numbers. The member is jumping the gun. The minister is well and truly on top of this issue -

Hon Robyn McSweeney: He cannot be! The office is closing its doors!

Hon KATE DOUST: The member must be desperate for a bit of oxygen; she keeps opening her mouth to raise these issues.

Hon Kim Chance: Would you mind repeating the first of those figures that you quoted - the ratio?

Hon KATE DOUST: The ratio has dropped from 21 to one to 17 to one. The ratio was 21 children to one caseworker. Under this government, that has dropped to 17 children to one caseworker. That demonstrates that there has been an improvement. That demonstrates that this government, through the allocation of funds, and through working out where the resources can best be allocated, is delivering better outcomes for the client base of DCD.

Hon Robyn McSweeney interjected.

Hon Kim Chance: Those figures are the perfect answer to the motion. The motion is a nonsense, because the ratio has dropped from 21 to one to 17 to one.

The PRESIDENT: Order! We seem to be having a tripartite discussion here. Hon Kate Doust should be addressing me.

Hon KATE DOUST: Thank you for the reminder, Mr President. I will try to ignore those people who are trying to assist me.

Those figures demonstrate that this motion is a nonsense, as the Leader of the House has reminded me. Those figures are clear proof that this government is delivering services in this area. If it was not delivering services, there would not have been an improvement in the client-worker ratio.

I now want to talk about what was done by the Court government. The Court government has a history of neglect in this area. I remember that when I was on the executive of then Trades and Labor Council of WA, one of the big issues that we used to debate all the time was how the Court government of the day was constantly undermining workers' rights by taking away conditions and cutting back on staff. It was a real razor-gang approach. Thinking back to that time now, I can fully appreciate why these people are worried about staffing levels. This Labor government has been in catch-up mode. We have been trying to repair the damage that the Court government imposed through its industrial relations regime. The public sector certainly felt the impact of that period. I dare say DCD would have been seen as a soft target, because I do not think the Court government placed enough emphasis on families and children. That is evidenced by the fact that members opposite are constantly putting pressure on this Labor government to do things for children. Members opposite are now trying to do the things that they could not achieve when they were in government. They had the opportunity to address these issues, but they were not able to do the things that this government is delivering.

Hon Robyn McSweeney: DCD is in crisis! Do something!

Hon KATE DOUST: DCD is in crisis because the Court government allowed it to go down the gurgler. The Court government failed to put the necessary resources into this area. That means this government has to be in catch-up mode. We are pouring money into this area. The minister is hoping to obtain more funding in this budget to address staffing issues in particular. This motion condemning this government is a nonsense. The member should read a bit of the history -

Hon Robyn McSweeney: How many other government offices are closing their doors one day a week because they cannot cope?

Hon KATE DOUST: I will tell the member. The member should look at the offices of a number of members of Parliament. A number of members of Parliament shut their offices on a Wednesday afternoon on a regular basis so that their staff can catch up. Is that industrial action? No. It is just a system of work.

Hon Norman Moore: Is that right? Would you like to give us a list of names? Perhaps they are out playing golf!

Hon KATE DOUST: I cannot do that right at this moment. On both sides there are probably practices such as that. That seems to be quite an acceptable practice to enable the staff to catch up on their work. I do not have a difficulty when on the odd occasion people need to take this sort of action. While we are talking about industrial action, the department's approach is that although it does not endorse the taking of industrial action - I know that is something that members opposite would support - an agreement is in place between the department and the CPSU-CSA that when staff raise issues such as those that have been outlined by the member today, it is reported to line management, and the issue goes up the line until there is a resolution. I imagine that type of agreement is pretty standard across government departments. There is probably a time period within which issues need to be

resolved. Obviously the minister is made aware of the issues, and a team is put in place to resolve the issues. All those things are happening. The fact that the minister has visited this office shows how seriously he is taking these issues. It is great that the minister is taking such a hands-on approach to try to resolve this matter.

Hon Robyn McSweeney: He did not resolve it, because they shut the office door again! They have done that twice now!

Hon KATE DOUST: He was there yesterday. For all I know they shut the office door yesterday so that they could have a full and complete meeting with the minister. I do not know why they shut the door yesterday. Perhaps the member should ask the minister that.

I want to go back to the history of neglect and why this Labor government has had to resolve these issues. The Gallop government provided DCD with unprecedented new and recurrent funding. That had not happened before. The Gallop government obviously acknowledged that the previous Court government had done nothing, effectively, in this area of work. During its years in office, the Court government ignored the crippling problems with staffing, resourcing and practices in the department. Another clear example of how this government has had to rectify previous issues is that, under the Bennett principle, it is now encouraging children who have been victims of child abuse and whose problems were ignored by the department to take legal action to obtain compensation for what occurred to them during that time. During the time of the Court government, those children were not provided with that sort of assistance. This Labor government is trying to resolve these issues and support these people. Where was the member and other members on her side when these children were asking for help? It is only during the time of this government that these children are getting the resources that they need. During the eight and a half years of the Court government, fewer than five children who had been abused in care were able to access this legal advice and support.

Hon Robyn McSweeney: What were you doing about the kids in Halls Creek?

Hon KATE DOUST: An awful lot. A lot more than what members opposite would do, because if it is outside their periphery, they just ignore it. Shall I reinforce some of our government's achievements in this area, just to remind members opposite, because they obviously have not got the message?

Hon Kim Chance: I think you should!

Hon KATE DOUST: During the period 2001 to 2005 the Gallop Labor government, and now the Carpenter Labor government, did an awesome amount of work to try to improve the lot of people in our community. I will start with that $140 million in new and recurrent funding for additional staff and resources. The member may have missed that, so I will break it down. The 2001 election commitment involved an amount of $24 million. An amount of $19 million was allocated to the Gordon inquiry. Part of that was to cover employee expenses of $11.9 million. That is a substantial allocation for staffing and resources. The state government has also provided $10 million to deal with the issue of homelessness. Sadly, we are becoming increasingly aware of that issue. The state government has also provided $39 million for the Care for Children program; $9 million for caseworkers - I do not know whether they are the ones the member was referring to; $1 million for the initiatives in "Protecting Children in Care, A Way Forward"; $4 million for the working with children criminal records screening unit; and $35 million for cost escalation. On top of that, the government has introduced a raft of legislation that deals specifically with children in care. Hopefully sometime this year, the government may be able to get its children's commissioner legislation passed. I suppose that will happen in the next couple of months.

Hon Robyn McSweeney: It is dragging its feet.

Hon KATE DOUST: We were looking forward to debating that legislation today. The only reason it is dragging its feet is that members opposite refuse to come to the party and give the government's model a go. They want something in place that is potentially neither workable nor achievable. That is something we look forward to debating at another time.

Hon Robyn McSweeney: It doesn't solve Midland's problem.

Hon KATE DOUST: At the end of the day, if the opposition is not prepared to come to the party on that, that may not happen either. The government is demonstrating practical outcomes, not just in dollars -

Hon Robyn McSweeney: It can't be.

Hon KATE DOUST: It is a very clear result.

Hon Robyn McSweeney: That is 45 cases -

The PRESIDENT: Order, members! It seems to me that every time Hon Kate Doust does the appropriate thing and pauses to take a breath, members interject, and that is becoming unreasonable.

Hon KATE DOUST: Thank you, Mr President, they are dreadful.

Hon Norman Moore: It is your leader who is interjecting.

Hon KATE DOUST: I do not need the Leader of the Opposition's assistance either.

We need to wrap this up, because motions like this are moved on a regular basis. I do not know whether it is because the opposition has nothing of import that it wants to talk about. It constantly raises the subject of children.

I have been through the government's achievements and expenditure. In the past five years, almost six years now, this government has consistently demonstrated its commitment to children and families in the community. The government's aim is to ensure that children and families get the best outcomes. To achieve that aim, the government has consistently expended huge amounts of money to try to properly resource government departments to enable the staff to deal with the dreadful social outcomes that occur from time to time. On some occasions these issues need to be addressed. All businesses and organisations need to restructure and reorganise. Unfortunately we have seen an increase in these sorts of problems; therefore, this government is going down the path of ascertaining how the business end of dealing with these matters is organised.

A staffing issue at Midland has been identified. It is unfortunate that the situation has reached a point at which the staff feel they have to take industrial action. That happens sometimes. The minister has taken that on board and is taking it very seriously. He is working through this issue and treating it as urgent. Midland is a good indicator. Hon Robyn McSweeney will not have to waste money on petrol to drive around Rockingham, Mirrabooka and Cannington because the minister will look at what is happening at those regional offices. He will look at staffing levels and talk to staff about what can be done to achieve better outcomes for their clients. At the end of the day, this government wants to make sure that the best service is available to the community to reduce, and hopefully eliminate, the problems of domestic violence, child abuse and drug abuse that currently exist. We do not want those things happening. We want to make sure that the issues concerning victims of any sort of violence or abuse are resolved swiftly. The government is working its way to fully resourcing those places.

The opposition will continue to raise this issue because it has nothing else to raise. Perhaps, once members opposite have sorted out their political backbiting and jockeying for positions, they will get their eye back on the ball and focus on being part of a genuine opposition that spurs the government on to do better and greater things. At this time they are not doing that.

Members opposite obviously have access to the information coming through Hon Robyn McSweeney's select committee. I look forward to seeing that committee's report.

Hon Robyn McSweeney: This has nothing to do with my select committee.

Hon KATE DOUST: I read the terms of reference for that select committee, and the committee is looking at resourcing. The member is just killing time. This motion is a furphy. It is appalling that the opposition continues to condemn this government when it has demonstrated its capacity to deliver for children and families in Western Australia. That is demonstrated by the dollars it has put in and the decline in the ratio of caseworkers to children. That is a much better outcome for people in the community.

Instead of being so negative all the time, perhaps the member needs to come up with a solution. In industrial relations, when we are advocating for workers, we do not constantly carp about the negatives. As a union organiser I dealt with staffing, resourcing and sometimes management decisions, and I found it much more helpful when negotiating with employers to have a solution or two ready in my back pocket.

Hon Robyn McSweeney: I am concerned about children's safety.

Hon KATE DOUST: That is right and that is a good overall goal to aim for. Instead of absorbing the negativity, the member should give consideration to how to improve the situation. I have not heard the member talk about it here. If Hon Robyn McSweeney wants to be a quasi union organiser, there may be a few things she will want to check. It is something she may aspire to when she leaves this place - she is always positive about unions. I would start thinking about positives if I were the member. Perhaps the member should talk to the workers and say that they might be having problems now, but the government is trying to deliver for them and, more importantly, is endeavouring to deliver for children and families in the Western Australian.

I well and truly oppose this motion because it is an absolute crock. It is a filler for this session. There is no evidence that either the minister or the government is letting down Department for Community Development workers, children or families in this community. To the contrary, the information I provided this morning well and truly establishes that this government is indeed committed to improving the lot of children and families. One of those mechanisms is to make sure that the DCD offices are well and truly resourced. That is something the current minister, like the previous minister, is committed to doing. When the budget is handed down in May, I hope the minister has success because that should shut up the member for some time. I oppose this nonsense motion.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [10.58 am]: I congratulate Hon Robyn McSweeney for continuing to bring to the attention of this house and the community the shortcomings of the Gallop-Carpenter government on these issues. I also congratulate the parliamentary secretary on her very valiant defence of the indefensible. I have never heard such rubbish in my life as I heard from the parliamentary secretary. I know they are not her words, but the words put into her mouth by the minister, who is trying to defend a situation which is indefensible. The Labor Party has convinced itself by its own rhetoric that it is the party that will look after the needy in our society when, in fact, it is worse at it than anyone else. We heard from the parliamentary secretary how much extra the government is expending and how the ratio of workers to children has declined. Then the Leader of the House says by way of interjection, "QED", without for one second contemplating that it does not make any difference how much money is spent or what the ratios are if the outcomes are not being achieved. I will give an example that Hon Robyn McSweeney read out to the house.

Hon Kim Chance: The question is about casework.

Hon NORMAN MOORE: Just let me finish; let me give the Leader of the House a QED. The government has talked about how its spending and ratios somehow demonstrate that its outcomes are being achieved. In fact, the figures read out by Hon Robyn McSweeney are that in 2001, 50 children were reported to have chlamydia; in 2005, 147 children were reported to have chlamydia. Is that an outcome that the government is proud of? QED. The number of gonorrhoea cases has risen from 44 to 79 since the government has been in power. QED. Do not give me this rubbish that somehow, because the minister says that the ratio has been reduced or that more money has been spent - only 10 per cent more during a time when this government has had available to it more money than was available to any other government in history - that these are acceptable outcomes. Does the Leader of the House think this is okay?

Hon Kim Chance: The motion is about workloads for caseworkers.

Hon NORMAN MOORE: It is all about outcomes. The bottom line is simply this: the government of Western Australia now has a group of workers in one of its departments taking industrial action against it. Does the government support the industrial action? Does the parliamentary secretary support that industrial action? She claims that somehow that we do.

Hon Kate Doust: You were.

Hon NORMAN MOORE: Hon Robyn McSweeney did not say anything about that at all. She raised the issues that have been raised by these workers and read information from a document provided by those workers to their union. I am asking the government whether it supports the industrial action. There is silence. Does the government support it or not? If we were the government, those opposite would be moving a motion condemning the Court government- or whatever government it was - because it had provoked industrial action. When we bring this to the parliamentary secretary's attention, she says that we are wasting the house's time. I wonder what those workers in Midland would think of the parliamentary secretary's comment that Hon Robyn McSweeney's raising this matter is a waste of the Parliament's time. What an absolutely disgraceful thing to say. What an absolute rejection of the fundamental and proper concerns of those workers. The parliamentary secretary treated them with total contempt when she said that this motion is a waste of time and that we should not be bringing these matters to the house. I think it is a very serious issue when workers in the Midland office of the Department for Community Development take industrial action because they cannot cope with the circumstances in which they find themselves. Does the parliamentary secretary think that it is a waste of time raising the issue here?

The parliamentary secretary made the point at the beginning of her speech that because a select committee has been established, we should not say anything about it in the Parliament. The select committee has been set up because there are some fundamental problems in the whole system. They are being investigated. A particular set of circumstances at Midland has been brought to the attention of the house today. It is our duty to bring it to the attention of the house. For the parliamentary secretary to say that it is a waste of the house's time is an absolute disgrace. If the parliamentary secretary's colleagues agree with her, in my humble judgment they are equally disgraceful.

We also heard the same tired, old rhetoric from the government that when the Court government was in office, this is what it did. The government did not do it today, but normally it also says it is the federal government's fault. Another excuse is: "We have been in government for only five years; how could we be expected to have done anything useful in that time?" The government has been in power for five years. It is time it took responsibility for its actions and stopped coming to this house and blaming somebody else for all its shortcomings. We lost the election in 2001 because the public did not think we were doing the job properly. We were dismissed. We are not the government anymore; those opposite are. It is the government's responsibility to attend to these problems. Those figures on sexually transmitted infections are your responsibility, not mine.

Hon Kim Chance: Not my personal responsibility, surely.

Hon NORMAN MOORE: It is the government's responsibility. The Leader of the House thinks it is funny that Hon Robyn McSweeney should raise this as a very serious problem in Western Australia. It is a massive problem. It is an appalling set of figures, yet the government says that this is a waste of time and that it is the fault of the Court government. The figures read out by Hon Robyn McSweeney are from 2001 to 2005 - from when the government came to power. They are the government's responsibility. In common with everyone else in Western Australia, I am sick to death of this government - which has more money than any other Western Australian government has had - allowing these problems to exist and seeking to blame somebody else for them. If it is not the previous Court government, it is the federal government. The time has come; the buck stops with the government. If the government wants to be responsible for community services and development in Western Australia as part of the responsibilities of a state government, the government has to accept responsibility for what comes out of that.

Hon Kim Chance: That is why we have reduced the caseload. That is exactly what we have done.

Hon NORMAN MOORE: Well, good on the government! What has been the outcome? I gave the government some figures for one outcome. The other outcome is the reason we are debating this motion today; that is, the government's own workers have taken industrial action.

Hon Kim Chance: Yes, they want us to do better.

Hon NORMAN MOORE: They have listed the reasons for their industrial action. The reasons are as clear to the government as they are to the opposition; that is, the government is not providing them with the resources they need. The government claims to have provided more money; perhaps it has, but it is not enough. I sat on that side of the chamber, and those opposite kept telling me I was not spending enough money on various things. The opposition is no longer the government. Members opposite also will not be the government if it allows these sorts of issues to continue. The government has to start accepting responsibility. It cannot make speeches blaming the Court government. The Court government is a relic of history. It is a very long time ago - five or six years ago, as the government told us. It is now the government's turn.

Hon Ljiljanna Ravlich: It is a dinosaur.

Hon NORMAN MOORE: It may well be a dinosaur. However -

Hon Robyn McSweeney: Some of these kids will not get to be dinosaurs because they will die before then.

Hon NORMAN MOORE: Quite right.

Hon Kim Chance: You are absolutely misrepresenting what the parliamentary secretary said. She used the Court government figures as a baseline for comparison. I did not hear her blame the Court government.

Hon NORMAN MOORE: The parliamentary secretary would have had some difficulty doing that; however, she did. I suggest that the Leader of the House read her speech in due course. This is just another example of the sort of response we get from the government whenever we raise issues. Members say, "When you were the government, you didn't do that." That is not an excuse anymore. It may have been five years ago; it is not anymore. It is the government's responsibility, and if it does not take that responsibility, the government will also become a dinosaur after the next election.

Hon Kim Chance: Did anyone hear somebody whistling in the dark?

Hon NORMAN MOORE: It was interesting to listen when the parliamentary secretary spent some time telling us what the government has actually done in the past five years. Everything she said, with one or two exceptions, was littered with the words, "we are trying to" or "we are hoping that something will happen". The words "trying to" and "hoping that" were used frequently in her speech, because that is all she can say.

Hon Kim Chance: So you would rather we lost hope and didn't try?

Hon NORMAN MOORE: No, I would rather that, at a time of economic growth and massive revenue, the government were able to get up and say not "we are hoping to achieve something", but "we are going to achieve something" or "we are not just trying to, we are doing it". I do not think that the parliamentary secretary's contribution - full of "trying to" and "hoping that" - would fill anybody with any enthusiasm. It is, in fact, depressing at this time of economic wealth. This government has an opportunity that no previous government has ever had to use the revenues of this state - brought about by economic growth that has happened in spite of the current government, I might add - to do something about the sort of problems Hon Robyn McSweeney quite rightly raised in the house today, has been raising for a long time and will continue to raise. I suspect that when she goes to the other offices of DCD around the state, she will find the same problems. We have already talked about Halls Creek. I will not go into any detail about that now. It is an absolute disaster, but that is just one community -

Hon Ljiljanna Ravlich: You have been representing them for 25 years.

Hon NORMAN MOORE: I am actually responsible for Halls Creek getting a swimming pool. Did the member know that? The opposition announced that it would do that if it won the last election, and the government announced 24 hours later that it would pay for it. It took us only one day to get a swimming pool, because the government responded to a commitment which the opposition had made but which it had not been prepared to make earlier. For every Halls Creek in Western Australia there are dozens of communities with the same problems. Mt Magnet is the same; I was there the other day. The same problems exist everywhere in Western Australia, and they have not been sorted out.

Hon Ljiljanna Ravlich interjected.

Hon NORMAN MOORE: The minister can keep yelling that we did not do it, but we are not the government any more. If the government does not do something about it, it will be the former government very shortly.

Hon Ljiljanna Ravlich: You should get over it.

Hon NORMAN MOORE: Get over what?

Hon Ljiljanna Ravlich: Not being in government.

Hon NORMAN MOORE: I have. The minister must get over the fact that she is not in opposition. I have got over the fact that I am not in government. The minister continues to defend her position by saying that the last government did not do something. That is old hat; that is the past. The minister has to get over that and start understanding that it is her responsibility. If anything goes wrong with the education system while she is in charge, it is her responsibility and nobody else's. That also applies to the Minister for Community Development and the parliamentary secretary who spoke on his behalf today.

This is a very good motion and I commend Hon Robyn McSweeney for bringing it to the house's attention. I guarantee to the parliamentary secretary that this issue will arise day after day whenever it needs to be brought to the house's attention. If she thinks it is a waste of time and a filler, I can assure her that the people in those community development offices do not share her views.

HON BARBARA SCOTT (South Metropolitan) [11.11 am]: I support the motion, because it highlights a systemic and endemic problem in this state with the way this government deals with issues to do with children. I will rise again and again in this Parliament to defend the children of this state to make sure that their care and protection is on the agenda. The government's failure to resolve the workload issues at the Midland Department for Community Development office indicates how frustrated those workers are. At the moment one worker has to deal with 17 families, which is an enormous caseload. Time and again over the past five years we have heard about the increased workload for officers in the Department for Community Development and that it has become unmanageable. That was evident all the time that I held that shadow portfolio. A number of parents would come to me - they still do because I have an interest across portfolios - and speak about the department's lack of resources. The parliamentary secretary mainly dealt with an industrial relations argument, and I understand that because that is her background, but I want to focus on the point that we are endeavouring to make to the Parliament: under this government the children of Western Australia are missing out. This is a well-resourced government that keeps saying it will do things, but it sets up one review after another; the findings are then tabled and nothing is done. When I open the drawer to my desk, I find papers relating to three reviews to do with children the government has set up in recent times. As soon as an issue is raised, a review is set up. I have a thick document on my desk from the Child Death Review Committee that points to major concerns about the number of children in Western Australia dying under suspicious circumstances. Those issues have been investigated by that committee, which has published a very good report, but this government has done nothing about it. What is this government doing about the huge increase in child abuse, especially the sexual abuse that Hon Norman Moore detailed? For the past five years we have revealed figures in this Parliament about the number of children who have been sexually abused in WA. I remind the parliamentary secretary that it is easy to say that the Court government did nothing about children - I will go into that in a moment - but we must look at today's society and ask why these figures indicate an increase in the reporting of incidents and an increase in actual events. That can be put down to a couple of simple things. Anyone working with children will know of and note the huge increase in the number of family breakdowns, which is a direct cause of conflict in homes, such as custody and access issues. There is a huge increase in drug addiction in this state. This government is soft on drugs. I do not know how many government ministers have to deal with parents and grandparents, as I do. I receive visits from grandparents in particular, many of whom say that their daughter is a drug addict, that she is also a prostitute, that she has had three men in her home in the past week that they know of, that she has had two little children removed by DCD and that she is now pregnant. The grandparents are concerned that those children or the new baby or whatever will be abused in the future. However, this government will not confront the important issue of mandatory reporting and child abuse.

This situation is getting worse in every state in Australia, not just in Western Australia, because of the breakdown in relationships and the high incidence of divorce. Family dysfunction is on the increase and is

mainly to do with drug addiction. This parliamentary secretary evades the important issue of child protection and the number of families caseworkers have to deal with by referring to a random selection of their workplace initiatives, which is not what we are here to debate. The issue concerns whether children and their families are being dealt with in a timely fashion. They are not, because of the high workload of caseworkers.

This government has plenty of money and it should be putting in place the recommendations of the Gordon inquiry, but it has not done that. The government is dragging its feet on mandatory reporting and the establishment of a commissioner for children. The government does not want to fund the establishment of an independent children's commissioner, who would be able to scrutinise what departments are doing. The government has continually stated that it does not want to confront this issue because the workers say they cannot deal with the increase in the number of people they have to deal with because they are already overworked. We know those people are overworked, and that is what this motion highlights. The overworking of caseworkers is a systemic and endemic problem throughout DCD.

The other issue dealt with by the parliamentary secretary was the initiative that this government has put in place for children. The first issue I raise relates to the working with children legislation. Yesterday we saw regulations that confirmed my fear that the working with children legislation will not be put in place for five years. That means it will be five years before it is guaranteed that people working with children have been subject to working-with-children checks. The government should be gravely concerned about issues to do with working with children. The government has put legislation in place, but it has not provided the funding. We do not even know whether the teachers' registration board will check every teacher working in this state. We do not know when every childcare worker, nurse or whoever works with children will have a child card. That child card was introduced because I kept standing in this Parliament and demanding that this state copy what occurred in Queensland; it did not occur because of the government's initiative. That is what a good opposition is about. A good opposition must constantly remind the government of its responsibilities. My responsibility in this Parliament is to children, and I will not stop speaking about children because they are important. Only governments with a commitment to children will put their money where their mouth is.

Two weeks ago there was a revelation in the *Sunday Times*- it was made available in other papers - that Western Australians in year 3 were performing below the national average in writing and numeracy. When I asked the Minister for Education and Training a question about it in Parliament, she seemed to think it was okay that the literacy rate of our children -

Hon Kate Doust: What does this have to do with the DCD?

Hon BARBARA SCOTT: I am talking about the minister's remarks that this government has done a wonderful job with children. I am pointing to some matters for which the government has not done a wonderful job.

Hon Ljiljanna Ravlich: You had better stick to the motion.

Hon BARBARA SCOTT: I am speaking to the content of the motion. Year 3 pupils in Western Australia ranked second last in the nation for writing and numeracy. What did the government do after the *Sunday Times* raised that issue? When I raised this issue in Parliament, the Minister for Education and Training admitted that the government's response occurred after that date.

Hon Ljiljanna Ravlich: I didn't admit anything to you.

Hon BARBARA SCOTT: The minister did. She established a review committee. Every time a problem is raised, a review committee is set up. After the problem of child obesity in this state was raised publicly and after the quality of the food that is served in tuck shops came under the microscope, a review committee was established.

Hon Ljiljanna Ravlich: Are you saying that we should not have these review committees?

Hon BARBARA SCOTT: Not at all.

Hon Ljiljanna Ravlich interjected.

Hon BARBARA SCOTT: The Premier already has a physical education task force looking into it.

Hon Ljiljanna Ravlich: Hon Barbara Scott says we should not have an inquiry into numeracy and literacy or school canteens. That is great! And she purports to represent children.

Hon BARBARA SCOTT: The Minister for Education and Training would do herself a favour if she listened and actually heard what was being said. I followed up this matter with a question to her in Parliament. It was initially clear to me that she had rushed in and set up a review. She said it was quite fine that Western Australian children in year 3 were below the national average in writing and numeracy; indeed, they were ranked second last in the nation for writing and numeracy.

Hon Ljiljanna Ravlich: And you claim we should not have a review into literacy?

Hon BARBARA SCOTT: Not at all. I am saying that the minister's knee-jerk reaction is to put in place review after review. I have referred to the report of the Child Death Review Committee. Again, this government took no action on that matter. I have referred also to the Gordon inquiry. There has been some response to that, but obviously our children still need protection. That is what this motion is looking at. If the workers on the ground cannot be resourced properly, they will not be able to help the children and the families when it is needed. However, that is another issue. Is the government committed to providing help to children and families? The wait times for children for speech therapy, occupational therapy and psychiatric intervention are long. What is psychiatric intervention for a three or four-year-old? Do government members know what is causing the high level of psychiatric disorders in three, four and five-year-old children? Of course they do not. If they listened to the caseworkers, they would tell government members that children are living in dysfunctional homes in which drug addiction, alcoholism and neglect are rife.

Hon Kate Doust: What about the stress of potential unemployment under the Howard government's IR legislation?

Hon Norman Moore: It only just started other the other day. Do you reckon it has caused all those problems in a week?

Hon BARBARA SCOTT: I am talking about the Minister for Health, Mr McGinty, not providing any funds for wait times for children for important early therapeutic intervention that could assist children who attend school or kindergarten to succeed. I am sure government members agree - I will give them that credit - that if we educate young children, we give them a lifeline to a successful life and appropriate competencies later on. Unless they get early intervention, that will not happen. How frustrated must caseworkers be because of the great number of people who cannot help their families? When it is suggested that a three-year-old child is psychiatrically affected by what is happening in the home, the child must see either a paediatrician or psychiatrist. The wait time for that is more than a year. Those figures have been tabled in Parliament time and again. The children who are desperately affected by dysfunctional family situations are not getting help from this government; it has not put money into it. The government is interested only in reducing wait times - if it has done even that - for elderly people going into hospital. It is known that $7 can be saved for each dollar spent on preventative health measures, early education and intervention. We are still waiting for the independent children's commissioner to be established so that it can scrutinise the government.

Hon Kate Doust: When you support the government's bill, it will go through.

Hon BARBARA SCOTT: We looked at resolutions. I must take up the parliamentary secretary on this matter. She refers to the Court government. What did the Court government do for children? It set up parenting centres for every major shopping centre in the state.

Hon Kate Doust: Did that help the DCD staffing levels?

Hon BARBARA SCOTT: It did not, but it might have helped the parents who are knocking on the doors of the Department for Community Development. They could have gone to a parenting resource centre and received professional help, which could have resolved their problems. What did this government do? It does not want to spend money on the ground helping parents solve their parenting problems or to help them raise their children; it closed down all the parenting centres. The government says we did nothing. Why did this government close them all down? The Western Australian Research Institute for Child Health analysed those centres, and indexed and assessed them as one of the best intervention tools put in place for parents and children. It provided freely accessible information. The government should discover whether the overworked DCD offices around the place are in the same suburbs where there used to be a parenting resource centre under the Court government but which this government closed. How many of those closures have added to the caseload of the DCD workers? The parents who are knocking on the doors of DCD could have got sound and professional advice from the parenting centres that were set up under the Court government.

I will dwell on early intervention and education under the Court government. Western Australia was the first state, and remains the only state, that has put in place a systemic kindergarten year for every four-year-old in this state. Why did we do that? It was not done to prepare children for school. If parents have not read to their children from the time they are babies, there is an awful lot of time to make up by the time the children are four or five years of age. Why did we establish those programs? It is because it is recognised that if children encounter professionals at an early stage, the children can be assessed for all these issues I have talked about, such as unacceptable behavioural traits, psychiatric disorders, speech delays, hearing delays, sight defects and language development delays. All these issues contribute towards the good growth and development of young children and lead them to a good education so that they can develop appropriate competencies later on. The early competencies built in children are imperative for their success when they reach years 1 and 2. What is this government doing about that? What is Mr McGinty doing about it? Some children in the south metropolitan areas must wait for three years for therapeutic intervention. The previous government put in place kindergarten program so that parents could understand the importance of early learning, of parenting and to understand that

professional services complemented the work the parents were doing. The professional teachers could work with children and inform the parents whether the child required some intervention. The coalition government did that at a huge cost. The other states are still catching up. We recently heard talk of national, appropriately funded and delivered early childhood programs for four-year-olds, if not in the school system, through childcare centres. It is a very good idea. I am very pleased that Hon Julie Bishop has heard some of the things I have said to her since she has been the Minister for Education, Science and Training. I think other places have implemented that policy. It is rubbish to say that the Court government did not care about children.

I refer the house again to this very serious motion. We are talking about children who have problems. This is a very basic issue that involves parents who refer to a DCD worker who is so stressed and overworked that he or she cannot deal with the very core of the problem. The difficulties those workers at the Midland office are facing are overwhelming; they are endemic and systemic. The situation in that office is a disaster.

The previous Premier, Hon Geoff Gallop, in his response in December 2002 to the Gordon inquiry about the high rate of child abuse in the Swan Valley Nyungah community, said that it was not just a state disaster, it was a national disaster, and that his government would draw a line in the sand, and that it would make a difference. That was almost four years ago. This government cannot continue to claim that it is not aware of issues and say that it will review them. The government must provide the workers with sufficient resources so that they can properly advise and support the families who are struggling. We care about children. As I said earlier, the first five years of a child's life are critical; they need to be surrounded by a solid support base. If we as an opposition do not continue to raise these issues with the government, we will be letting down our children. The early development of competencies in children leads to their later success. I support this motion and condemn the government for not resourcing DCD workers throughout the state.

Question put and a division taken with the following result -

Ayes (11)

Hon Ken Baston	Hon Anthony Fels	Hon Norman Moore	Hon Barbara Scott
Hon Peter Collier	Hon Nigel Hallett	Hon Helen Morton	Hon Bruce Donaldson *(Teller)*
Hon Donna Faragher	Hon Robyn McSweeney	Hon Margaret Rowe	

Noes (11)

Hon Vincent Catania	Hon Kate Doust	Hon Sheila Mills	Hon Sally Talbot
Hon Kim Chance	Hon Sue Ellery	Hon Louise Pratt	Hon Matt Benson-Lidholm *(Teller)*
Hon Ed Dermer	Hon Graham Giffard	Hon Ljiljanna Ravlich	

Pairs

Hon George Cash	Hon Jon Ford
Hon Ray Halligan	Hon Ken Travers
Hon Barry House	Hon Shelley Archer
Hon Murray Criddle	Hon Adele Farina
Hon Simon O'Brien	Hon Giz Watson

Question thus negatived.

DRUG-USE PARAPHERNALIA - PROHIBITION

Motion

HON DONNA FARAGHER (East Metropolitan) [11.37 am] - without notice: I move -

> That this house calls on the government to immediately ban the sale of all drug-use paraphernalia in Western Australia.

This motion has been moved in response to the opposition's significant concern over the continued availability of various drug-use paraphernalia in Western Australia. As I have raised previously in this house, according to various reports in *The West Australian* dating back to August 2005, drug-use paraphernalia such as cocaine snorting kits, bongs and glass pipes used for smoking crystal methamphetamine or ice, as well as cocaine and heroin, have been available over the counter at a number of stores across the metropolitan area.

A report in *The West Australian* of 6 August 2005 indicates that cocaine kits are being sold for around $35, bongs for $35, crack or ice pipes for between $14 and $50, and cocaine bullets for $20. To examine a couple of the kits that are available, I refer directly to the article in *The West Australian* that refers to cocaine bullets, which are available for $20. It reads -

> Small device for storing and taking cocaine. Powder is stored in the clear bottom section. The bullet is inverted and a knob is turned to put powder into a small chamber. It is turned up and the blunt, green end is inserted into the nose and a shot of powder is snorted.

The information on the cocaine kit reads -

> Comes with razor blade, snorting tube, cocaine, cocaine spoon and mirror. Powdered substance is chopped up on the mirror using the razor blade to make it finer and then placed in lines and snorted. The spoon has a small bowl at one end in which powder is placed and snorted. The other thinner, flat end is used to mix water with cocaine or with other drugs, commonly heroin, from injecting.

Outrageously, these kits are legally available and in some cases can be bought without restrictions or warnings. I note that some restrictions are in place for cannabis utensils, as well as glass pipes, and I will talk about this issue a bit later. This issue in general is quite unacceptable. As I have said in this place before, how can we teach children and young people about the dangers of illegal drugs if such paraphernalia can be legally sold over the counter? Cigarettes have restrictions and government-endorsed warnings, so why are all these drug-use kits - I stress the word "all" - and not just some kits not banned from public sale? Let us remember that these kits are used to take illegal, not legal, drugs.

As I have previously mentioned in this place, since August last year, when this issue was first raised by *The West Australian*, I have consistently asked a series of questions of both the parliamentary secretary representing the Minister for Health and the parliamentary secretary representing the Minister for Consumer Protection about whether the government intends to ban the sale of drug-use kits. These questions were asked in August and November last year, twice in March this year and on Tuesday this week. Although the government has failed to publicly say whether all drug-use kits will be banned, the opposition has been able to find out that a variety of legislative options are available to the government to deal with this issue. I refer to the answer to a question I asked on 14 March this year. In response to my question, the parliamentary secretary said -

> Appropriate amendments could be made to the Misuse of Drugs Act 1981 and the Cannabis Control Act 2003 or there could be development of specific legislation to directly address the sale of drug-use paraphernalia.
>
> The Consumer Affairs Act 1971 has some capacity to prohibit the supply of goods in the public interest. The matter will be considered by cabinet in the coming weeks.

For goodness sake, how many more questions does the opposition need to ask before we see some real action by the government to ban the sale of all drug-use kits in the state? Since my speech on this issue in the adjournment debate a couple of weeks ago, an order to ban the sale of ice pipes was published in the *Government Gazette* of 24 March, and that is a very good thing. However, when we look at the order more closely, we find again that the government has been behind the eight ball on this issue. The order states -

> I, Patrick Walker, Commissioner for Fair Trading in and for the State of Western Australia -
>
> - being satisfied that a Consumer Affairs Authority namely John Lenders, the Minister for Consumer Affairs in and for the State of Victoria has by notice dated 19 January 2004 and published in the Victoria *Government Gazette* on 22 January 2004, made an Order or similar instrument ("the Corresponding Order") prohibiting the supply of goods described in the Schedule hereto; and
> - considering it necessary in the interests of the safety of the public;
> - Order pursuant to section 23R(3) of the *Consumer Affairs Act 1971* that the supply to consumers of goods described in the Schedule is prohibited in this State; and
> - Further order that this Order shall take effect upon date of gazettal.

The explanatory note states -

> This order prohibits the supply of 'ice pipes' and similar products specifically used for smoking or inhaling methamphetamine crystals including 'crystal meth' or 'ice'. Methamphetamine causes increased heart rate and blood pressure and can cause irreversible damage to blood vessels in the brain, producing strokes. Its use can result in cardiovascular collapse and death.

Members might ask why the government is so behind the eight ball. The reason is that the ban in Victoria took place in January 2004. That is more than two years ago. Why did the government or, in this case, the Commissioner for Fair Trading not use the mechanism that he has used now back in April 2004? These pipes could have been banned from public sale in this state more than two years ago. It is an absolute disgrace. We saw in *The West Australian* only yesterday that the Commissioner for Fair Trading has now referred cocaine kits to the Consumer Products Safety Committee. According to the advertisement on page 51 of the newspaper -

> The Committee will investigate whether, in the interests of the safety of the public, the supply of goods specified in the Schedule below ought by reason of the goods being dangerous, or by reason of the supply of goods being dangerous, to be prohibited or allowed only subject to restriction or conditions.

Here we have another review. Why does the government not just respond to the continued calls of the opposition and others and announce a ban on all these kits? Of course cocaine kits are dangerous when they are used with an illegal drug! It is beyond belief that we need a review to tell us this. There has been a review by the Drug and Alcohol Office and now there will be another one by the Consumer Products Safety Committee. We really just need some action.

Although I do not often reflect on the work of other state Labor governments, perhaps the Minister for Health in Western Australia could take a leaf out of the book of the Victorian Labor government, and perhaps even the Queensland Labor government. In August last year when this issue was first raised, the issue was also raised with the Victorian government in the same week. The Victorian government announced that it would ban cocaine kits. In a press release dated August 2005, the Victorian Premier, Mr Steve Bracks, stated -

> This Government will not condone the sale of items which blatantly promote the use of illegal drugs, . . .
>
> We cannot legislate against the separate sale of each individual item in these kits but we can prevent items being marketed as a whole and sold for drug use.

He went on to say -

> These type of items glorify the use of illegal drugs, . . .
>
> They send the wrong message and glamourise a lifestyle which is in fact ugly and dangerous.

What made Mr Bracks decide to ban these kits? It was not various reviews by government agencies, but simply a staff member being able to purchase one. An article in *The Age* of 3 August 2005 titled "Premier outraged over cocaine 'kits'" states -

> After learning of the kits on Monday, a horrified Premier sent out a staff member to buy one at a nearby shop. He immediately decided to ban them across the state.

Premier Bracks's response was immediate. While our government was still considering the issue, the Victorian government introduced legislation on 28 February this year to ban the sale of cocaine kits, which includes a penalty for displaying or selling the kit of $6 300 for an individual and $31 500 for a business. If we read part 2D of the Queensland Tobacco and Other Smoking Products Act 1998, we find that a person must not produce, sell or publicly display a cannabis utensil - otherwise known as a bong. It is not alone. The original article in *The West Australian* of 6 August last year stated that in January Queensland made it illegal to sell water pipes known as bongs and that New South Wales and Tasmania had also banned their sale. The article also stated that New South Wales was moving to ban the sale of ice or crack pipes and that they are illegal in South Australia and Victoria.

As I concluded in my speech during the adjournment debate, given that these drug-use kits are used for taking highly dangerous and illegal drugs - I stress again and will keep on stressing that they are illegal - they should have been prohibited in the public interest long before now. As I have previously said, the government should have taken immediate action when the matter was initially raised, first by the media and then by the opposition, and responded to accordingly. This action could have been either a general ban or even an interim ban through the operation of the Consumer Affairs Act, or through other legislation, as has already been outlined by the government. The government has had months to deal with a relatively simple issue, and it is simply astounding that the government seems disinterested in dealing with this issue as a whole. It can be said that it is difficult to ban some drug-use kits because most involve everyday items such as razor blades and the like. That is correct; however, when a specific kit has been prepared with all the paraphernalia needed to take a drug, it should be banned. I remind the Minister for Health that he said as much on 9 August last year. He was reported in *The West Australian* as saying "To be able to go and buy a pre-prepared cocaine snorting pack is not acceptable."

The Minister for Health should take his own advice and ban these kits immediately. The banning of these kits is just one of the issues that needs to be addressed when looking at the broader illicit drug issue. I understand that the illicit drug-use issue will not go away by simply banning these kits from future sale. However, surely if there is an ability to prohibit this drug-use paraphernalia - which I say again sends completely the wrong message to the community at large, in particular children and young people - it should be acted upon immediately. It is an important positive step that should be undertaken by this government. I reiterate again the comments of the Western Australian Commissioner of Police, as reported in an article in *The West Australian* of 6 August 2005. The article states -

> WA is the only State not to have moved to ban the sale of a variety of items used for illegal drug taking, something WA Police Commissioner Carl O'Callaghan was highly critical of when *The West Australian* contacted him on the matter yesterday.

The article states also -

> Mr O'Callaghan was highly critical of what he called the selling and promotion of drug paraphernalia and said he would consider discussing with the Government a possible ban on selling the items.
>
> "The last thing you want to be doing is encouraging people to take or use illegal substances by giving them advice on what sort of equipment they need," he said.

There have already been delays in the prohibition of some of these kits. The glass pipes that I have mentioned could have been banned more than two years ago, but they were not. Other governments have taken immediate action on this issue. However, in this state all we are seeing is yet another review of a particular kit. I urge the government to take heed of what the opposition is proposing in this motion, and come on board with the opposition and agree that a ban on the sale of all drug-use kits should be initiated immediately.

HON PETER COLLIER (North Metropolitan) [11.51 am]: I support the motion moved by Hon Donna Faragher, and I do so enthusiastically, because this is an area that I am passionate about. I am appalled that access to drug-use paraphernalia is so readily available in stores across the metropolitan area in particular. One could safely assume from this that the use of illicit drugs is therefore legal within the state of Western Australia. However, the government keeps telling us that it is not; that is, that any recent changes to drug laws, particularly with regard to the use of cannabis, do not - dare I say it - make the use of illicit drugs legal. I dare to differ. The message that is reverberating around the community, particularly within the youth of our society, is quite the contrary. The accessibility of drug-use paraphernalia certainly reinforces this point.

This point is supported by some comments that I made in my contribution to the budget debate last year with regard to the youth consultation workshops. For the benefit of those members who may be unaware, the youth consultation workshops were an initiative of the Court government in the 1990s. I was a member of the Youth Advisory Council at the time. We travelled throughout the length and breadth of Western Australia and consulted with youth. We developed workshops. We called in students and members of youth organisations to meet with us. Thirty-six regions were involved across the state, from the Kimberley and the Pilbara to the goldfields, Albany, Bunbury and Esperance, in addition to five regions in the metropolitan area. The aim of the exercise was to ascertain the view of contemporary adolescents in an endeavour to formulate relevant policies. That was a very successful and rewarding experience from my perspective, and also, I believe, for the government.

A number of initiatives were developed by the state government as a result of those youth consultation workshops. The two profound things that emerged from the regions, in terms of adolescent opinion, was the rampant use and acceptance of drugs, particularly cannabis and alcohol; and the view that society as a whole had a negative impression of youth. I have recently reviewed the report that emanated from the workshops. I found it very disturbing to reflect upon the point that youth felt that society as a whole, and the media in particular, portrayed them in a negative light and regarded them very much as delinquents, drug users and binge drinkers. That is one issue that came through in the workshops. The other issue was that the use of cannabis is accepted almost as the norm. I also found that disturbing.

I have mentioned in this place on numerous occasions that I have recently retired as a teacher. I spent the last 15 years of my career as a teacher at Scotch College. During the last 10 years of my time at Scotch College I was privileged to hold the position of house head, which is the equivalent of a pastoral care role. That involved dealing with the day-to-day issues of the boys - not just the academic issues, but personal, family and social issues. Scotch boys, like adolescents from any state or private school - I mean this; I make no judgment whatsoever - face their own pressures. Enormous pressures are bestowed upon youth in contemporary modern society. However, what was pre-eminent with regard to cannabis was the acceptance of that drug as being the norm rather than the exception. I am concerned that an ever-increasing number of this group are choosing to indulge in cannabis use as a natural component of their recreation. As I said, that has come through in numerous statistics. It has also come through in the youth consultation workshops, and in my practical experience.

The reason I am concerned is that I believe the Labor government's changes to the Misuse of Drugs Act in 2002 have sent the wrong message to our youth; consequently, the situation will deteriorate. In essence, the changes amount to nothing more than a slap on the wrist for people who grow up to two cannabis plants at their principal place of residence for their personal use; and the possession of up to 30 grams of cannabis for personal use. Members need to be mindful that one cannabis plant produces up to 250 grams of cannabis, which is almost eight months' supply at a consumption rate of one gram a day. Some people have sought to interpret this new mechanism as applying only to people aged over 18 years, because section 20 of the amended Misuse of Drugs Act states that the Young Offenders Act is unaffected. However, part 5 of the Young Offenders Act provides a similar mechanism to decriminalise the offences contained in the new legislation. The message from these changes is transparent; that is, it is fine to smoke cannabis.

I have articulated my experience with regard to this issue and the basis upon which I have made my judgments. I challenge any member of this chamber who may have doubts about this matter to take the time over the next

week to sit down with their adolescent sons or daughters, their nieces or nephews, or the children of their friends, and discuss the issue of cannabis with these teenagers. I challenge them, in doing so, to pose the difficult, and yet vitally significant, questions with regard to the use of cannabis, the acceptance of cannabis and the legal status of cannabis. I can almost guarantee to members that the assertions I have made in the chamber today will be reinforced by the responses they receive.

To reinforce this point I refer to the comments of Dr Greg Chesher, ironically one of Australia's most prominent pro-legalisation lobbyists, as stated in a pamphlet titled "The Use of Non Prescribed Drugs" and published in 1985. It states -

> It is indeed true that the legalisation of marijuana would be followed by an increase in its use. Both the availability of the drug and peer-group pressure for its use would increase. The number of adverse reactions, including motor accidents with drug involvement would increase. We know that alcohol and marijuana are now being consumed concurrently (a practice which legalisation would increase) and that the effects of the two drugs together are at least addictive.

If that is not enough, I draw from an editorial in *The West Australian* of 28 June 2005 -

> Sooner or later, the realisation must dawn on the State Government that its cannabis laws reflect neither the harm caused by the drug nor community sentiment.
>
> The message sent by the soft laws is that cannabis is a minor indiscretion.
>
> At the same time, research increasingly points to the links between cannabis use and mental illness and hard drugs.
>
> As a result, community views will harden against cannabis use and the Government will have a burgeoning political problem unless it toughens the laws.

Hear, hear. I completely endorse the comments of the editorial and I feel entirely comfortable with my conviction on this issue, and that is why I fully support Hon Donna Faragher's motion. There is simply no evidence whatsoever that cannabis use is good for one's health. Instead, there is overwhelming evidence to the contrary. In particular, there is increasing evidence that prolonged cannabis use has an adverse effect upon mental health. The detrimental side effects of cannabis use cited by the United Nations International Control Board in a recent report are changes in perception of time and space, impaired coordination, judgment and memory, conjunctivitis, bronchitis, illusions, delusions, depression, confusion, alienation and hallucinations. The report states that sometimes these side effects may resemble a psychotic episode marked by fear and aggression and that the use of cannabis may also impair psychomotor, cognitive and endocrine functions, reduce immunity and lower resistance to infection.

I also draw from a statement by the Drug Advisory Council of Australia Inc dated 8 August 2005 headed "Mental Health Clinics Swamped with Cannabis Users" -

> Hundreds of patients are being turned away as Victorian psychiatric units are swamped with hordes of young people suffering from cannabis induced psychosis.
>
> Realisation that cannabis is NOT a soft drug but is a real factor in many cases of mental illness.
>
> Realisation that cannabis use doubles the risk of schizophrenia and increases risk in proportion to the amount of cannabis used.
>
> Children that use cannabis daily before the age of 15 years are subject to depression and anxiety.
>
> Young women are 4 times more likely to develop disorders that need treatment if using cannabis daily and twice as likely if using weekly.
>
> Abstaining from cannabis reduces the incidence of psychosis needing treatment by 50 per cent.

Of course, there is the associated problem that cannabis use leads to higher order drug usage and numerous studies support this. I am not for a moment suggesting that all users of cannabis move on to higher order illicit drug use. However, the argument that a proportion of people who commence with cannabis use move on to higher order drug use does have merit. My notes indicate that the Drug Advisory Council of Australia states in a communication on 27 March 2006 headed "Illicit Drug Use Starts with Cannabis"-

> Cannabis use leads to the use of other illicit drugs according to a recent study by the University of Otago and published in the Addiction journal.
>
> The study of 1000 Christchurch young people between the ages of 15 and 25 disclosed that nearly 4 out of 5 of the sample had used cannabis by age 25 with 40 per cent of those going on to use other illicit drugs.
>
> The great majority of users had used cannabis before other illicit drugs with the tendency most evident for regular cannabis users.

Adolescent cannabis users were more likely to move onto other illicit drugs than young adults.

Suggested reasons for the progression onto other illicit drugs were -

Cannabis use may lead to changes in brain chemistry that make young people more susceptible to other illicit drugs.

Experiences with cannabis may encourage experimentation with other illicit drugs

Cannabis users obtain their illicit drugs from drug dealers which exposes them to other illicit drugs.

Where does this leave us? Obviously cannabis is bad for us and that is stating the obvious. It leads to dependency, mental health issues and, increasingly, youth suicide. The Labor government in the eyes of the community have decriminalised cannabis; however, it is illegal, and we continue to hear that it is decriminalised. The impact is a drip effect. In the eyes of our youth, in particular, it is an acceptable social pastime. Usage is rampant and the impact is increasingly devastating.

The mind is a battlefield to all of us. As we must condition ourselves to overcome negative energy, equally we need strategies to develop positive and productive thought processes. All of us are vulnerable to negative energy. All it takes is a seed: a thought that "I can't", and the mind takes over. It is so easy to become complacent in these circumstances and to move back into our comfort zone and to underachieve. The alternative of personal success requires so much more effort. That is the reason we have few elite sportspeople in this world. Success requires constant positive input, regular affirmations, definite goals and an environment conducive to personal development. The process is with each one of us every day of our lives. I repeat that the mind is a battlefield. This brings me back to socialisation of contemporary youth in relation to cannabis. The message portrayed by youth is that cannabis is acceptable. This message is changing the mind-set of a generation of teenagers, and it will take a significant effort to stem the rot. At the very least, legislative change relating to cannabis use is vital. To this end, if it is a criminal act, why can one legally purchase drug paraphernalia on Perth streets? Why on earth can a person legally purchase a bong when it is illegal to use it? Why is the government so lax in tightening up this situation? If the government is serious about reducing drug usage, particularly with our youth, it must legislate to make drug paraphernalia illegal. If it does not, it will again reinforce the public perception that it is soft on drugs. It is for this reason that I enthusiastically support the motion.

Debate interrupted, pursuant to sessional orders.

RETAIL SHOPS AND FAIR TRADING LEGISLATION AMENDMENT BILL 2005

Second Reading

HON KATE DOUST (South Metropolitan - Parliamentary Secretary) [12.06 pm]: I move -

That the bill be now read a second time.

In February last year, the government resolved the retail trading hours debate by putting the issue to the people in the referendum held in conjunction with the 2005 state election. Voters were asked whether they believed that the Western Australian community would benefit if trading hours in the Perth metropolitan area were extended to allow general retail shops to trade until 9.00 pm Monday to Friday. The same question was put in relation to six hours of trading on Sunday. Approximately 60 per cent of Western Australians answered no to both questions, sending a clear message, which the government is now putting into effect, that retail trading hours for general retail shops in the Perth metropolitan area should not be extended.

The Retail Shops and Fair Trading Legislation Amendment Bill 2005 gives legislative effect to the outcome of the 2005 referendum. Apart from a small number of key changes - that is, removing the extension of weeknight trading hours until 9.00 pm and associated staffing level increases - the bill is largely consistent with the Retail Shops and Fair Trading Legislation Amendment Bill 2003 that was defeated in the Legislative Council in August 2004.

The 2003 bill sought to -

extend weeknight trading, Monday to Friday, to 9.00 pm for all general retail stores in the metropolitan area;

otherwise confirm the existing trading hours regime and, in particular, to validate the trading hours;

confirm arrangements for tourism precincts, holiday resorts, non-metropolitan trading hours, small retail shops, filling stations and motor vehicle shops, the validity of which had been brought into question by advice from the State Solicitor's office;

amend the Fair Trading Act 1987 to incorporate provisions, mirroring section 51AC of the Trade Practices Act 1974, to prohibit unconscionable conduct in business-to-business transactions; and

amend the Commercial Tenancy (Retail Shops) Agreements Act 1985 - the CTA - to incorporate unconscionability provisions that specifically pertain to commercial tenancies.

The 2003 bill sought to extend weeknight trading to 9.00 pm for all general retail shops in the Perth metropolitan area. Given this extension, provision was included to allow small retail shops to be able to trade with a maximum of 20 staff during general retail shop hours. The purpose of this provision was to ease the impact on small business due to the extension to general retail shop hours. With the extension to general retail shop hours now not proceeding, the provision to increase staff has been removed from the current bill, retaining the status quo of 10 staff at all times.

During the retail trading hours review that culminated in the 2003 bill, the government was provided with legal advice that previous changes to Western Australia's trading hours regime by way of ministerial exemption orders and permits were likely to be ultra vires and susceptible to legal challenge. As a result, the 2003 bill sought to ensure that the current trading hours regime was made legally certain. In particular, orders pertaining to the Perth and Fremantle tourism precincts, small shop exemptions and differential trading hours for motor vehicle shops were addressed to remove any legal doubt about their validity. The bill preserves these provisions and, apart from some minor drafting enhancements, mirrors the 2003 bill in "locking in" retail trading hours in Western Australia.

Like the 2003 bill, the bill also confirms the existing trading hours regime for motor vehicle shops - car yards - and all classes of business, including those in the Perth and Fremantle tourism precincts. Existing retail trading hours outside the metropolitan area are retained, except when the local government authority and a majority of the local community and retailers request a change to trading hours.

The power of the Department for Consumer and Employment Protection to issue permits allowing short-term variations to trading hours in both the metropolitan and non-metropolitan areas is also confirmed in this bill. Permits are typically used for one-off shows, such as expos and charity events.

Given the broad market implications for Christmas and New Year trading arrangements, the minister will retain the power to designate these trading arrangements. In relation to general retail shops in the Perth metropolitan area, the minister is restricted to make an order only within the period of 28 days before a public holiday and 28 days after a public holiday. This is to account for the possible maximum number of Sundays that may be needed for Christmas trading, although the provision may also be used for Easter or Anzac Day. The existing processes by which Christmas holiday trading is determined, with the involvement of the Retail Shops Advisory Committee, will remain unchanged.

The tourism precincts of Perth and Fremantle are confirmed in the bill, as are the holiday resorts of Rockingham, Rottnest Island and Wanneroo, covering Two Rocks and Yanchep. In accordance with the policy adopted by this government and by previous governments, the minister will be given the power to authorise businesses located in the immediate vicinity to be designated as tourism precincts to allow these shops to trade during the hours allowed for the tourism precinct.

The Retail Trading Hours Act 1987 will be subject to a statutory review three years from the date of commencement of this amending legislation. This review clause is generic in nature and directs the minister to consider the operation and effectiveness of the act in the review.

The small business legislative package in the bill is another example of this government's commitment to improving business conduct laws in Western Australia. The Fair Trading Act 1987 will be amended to provide small businesses with access to the unconscionable conduct provisions. The proposed bill draws down section 51AC of the commonwealth Trade Practices Act 1974, which prohibits unconscionable conduct in business-to-business transactions of $3 million or less. The bill inserts similar provisions in the Fair Trading Act 1987. The introduction of the unconscionable conduct provisions into the Fair Trading Act 1987 will assist small businesses to take appropriate action when they have been acted against in an unconscionable or harsh manner. These provisions will help redress the balance in the potential for more powerful businesses to take unfair advantage of small business.

In September 2002, the then Minister for Small Business announced a review of the Commercial Tenancy (Retail Shops) Agreements Act 1985. The committee appointed to carry out the review was asked to recommend the most appropriate way to implement the government's commercial tenancy election commitments and consider other matters that warranted attention. The bill implements the committee's recommendations in relation to the government's commercial tenancy election commitments for unconscionable conduct, turnover figures and merchant associations. In essence, the bill provides that a shop lease will be void to the extent that it restricts the tenant from forming or taking part in the activities of a tenants' association, chamber of commerce or similar body. It also provides that a landlord shall treat all tenants equally, regardless of whether they have joined a tenants' association.

The Commercial Tenancy (Retail Shops) Agreements Act 1985 will be amended to offer tenants and landlords access to unconscionable conduct provisions. These provisions are based on section 51AC of the

commonwealth Trade Practices Act 1974, which have been tailored to the circumstances of retail leases. The bill also includes further matters that the State Administrative Tribunal can consider when determining whether unconscionable conduct has occurred. To enable the effective resolution of disputes, the bill amends the Commercial Tenancy (Retail Shops) Agreements Act 1985 to ensure that the State Administrative Tribunal has the power to make necessary orders and remedies in relation to unconscionable conduct disputes in the context of retail tenancies.

As well as giving legislative effect to the referendum result on retail trading hours, this bill implements a number of the Gallop government's 2001 election commitments, which were included in the 2003 bill defeated by the opposition parties in the Legislative Council.

In summary, the Retail Shops and Fair Trading Legislation Amendment Bill 2005 -

> confirms the current retail trading hours regime and validates the trading hours arrangements for tourism precincts, holiday resorts, non-metropolitan trading hours, small retail shops, filling stations and motor vehicle shops, the validity of which had been brought into question by advice from the State Solicitor's Office;
>
> ensures that the current trading hours regime in Western Australia is legally certain by removing doubt about the validity of ministerial orders and permits used to provide variations; and
>
> retains the provisions in the 2003 bill that amend the Fair Trading Act 1987 to incorporate provisions mirroring section 51AC of the commonwealth Trade Practices Act 1974 to prohibit unconscionable conduct in business-to-business transactions, together with unconscionable conduct provisions amending the Commercial Tenancy (Retail Shops) Agreements Act 1985 with regard to commercial tenancies. The provisions reflect section 77(2) of the Victorian Retail Leases Act 2003.

The bill has been developed following extensive consultation processes, particularly on the proposed unconscionable conduct provisions relating to small business and commercial tenancy. The retail trading hours provisions in the bill implement the decision made by a majority of Western Australians not to increase retail trading hours in the Perth metropolitan area. The bill also provides certainty and improved protection to small business. I commend the bill to the house.

Debate adjourned, on motion by **Hon Bruce Donaldson**.

CENSORSHIP AMENDMENT BILL 2005

Second Reading

Resumed from 4 April.

HON PAUL LLEWELLYN (South West) [12.16 pm]: I was reminded as I was walking up the stairs and told that this bill would come on in about five minutes that I should maintain my sense of humour. I will attempt to do that, but this is not a laughing matter. Yesterday I tried to keep half an ear on the thread of the debate, and I was impressed with the quality of that debate and the comments made by members on both sides of the house. First, I apologise for Hon Giz Watson, who would normally deal with this bill but is quite sick. I have never seen Hon Giz Watson so sick and if that is any indication, remembering the important role that the Greens (WA) play in this house, business in this place could run off the rails a bit. Nevertheless, the Greens support this bill, with reservations. I will outline the logic of our argument. I ask members to bear with me because I will be reading from notes that I have barely seen before.

The second reading speech states that this bill is an attempt to bring into alignment the state and federal classification systems and to give the state a real role in censorship arrangements and to make them more consistent with some of the national arrangements. In effect, the bill clarifies the role of the states and the role of the federal classification system in Western Australia. The Greens believe that such decisions must have regard to the following principles: adults should be able to read, hear and see what they want, in effect; minors should be protected from material likely to harm or disturb them; everyone should be protected from exposure to unsolicited material that they find offensive; and such acts should reflect community concerns about depictions that indicate or condone violence, especially sexual violence, or portray people in demeaning ways.

The Greens (WA) believe that censorship should be restricted to a minimum, but there are cases when adult freedoms to see what they want, where they want must be restricted to protect children. Dr Michael Flood from the Australia Institute deals with the conditions under which certain materials are restricted, and states -

> There are at least three major objections to the censorship strategies adopted by both moral conservatives and some anti-porn feminists.
>
> First, civil libertarians argue that censorship limits the freedoms of adults: it curtails their civil liberties and the principle of freedom of speech. I'm not very sympathetic to this argument: there is no such thing as absolute 'free speech', and in principle there is no problem with a community regulating the speech of its inhabitants.

> I'm more sympathetic to the second criticism, that censorship brings sexual repression. Historically, censorship has limited the sexual freedoms of women, lesbians and gays, and other sexual minorities.
>
> Third, as I've already acknowledged, there's the danger of focusing on a single issue. Even if the *right* materials in porn were being restricted, sexist and violent images, what then happens with sexist or violent images outside porn, e.g. in films, music etc.? What would we censor, and would it be effective?

The Greens want to extend the principles of this bill to include the Internet, over which we have less control and regulation. The Australia Institute report continues -

> I believe that pornography should continue to be available to adults in Australia.

This is an open-minded point of view. It continues -

> (And I think there's even an argument for extending its availability to individuals who have reached the age of consent for sex, which at least for heterosexual sex is 16.) But in agreeing that pornography should continue to circulate, it doesn't follow from this that porn's content and conditions of production are unobjectionable.
>
> I'm arguing for a position which is both anti-sexist *and* anti-censorship. A position which both criticises aspects of pornography, and defends its availability, at least to adults or those over the age of sexual consent.
>
> We should be critical of those aspects of porn which reinforce sexism, those aspects of the cultural imagery of porn which are "bound up with the reproduction of dominant/subordinate relations within inequitably structured societies".

The Greens are pleased with the lack of classification of computer games as R 18+ and X 18+. Currently these types of games cannot be sold in Australia, as they cannot be classified. Nevertheless, the bill falls short of achieving its stated classification principles, which is a big issue. I will have to take my time with this. The notes I have were written by a German research officer, and I am speaking on behalf of Hon Giz Watson. I thank Erma. The Greens are concerned that the availability of harmful material is still being produced and is being distributed through the Internet to juveniles and even children. This material would have to be rated R 18+ or X 18+ if it were a film. Therefore, more control must be exercised on the availability of porn on the Internet. This is a matter of urgency, and I believe it is subject to an amendment. An article obtained from the Internet site www.youthfacts.com.au - it is remarkable what the Internet can do - headed "Internet safety" states -

> A Survey, conducted by NetAlert, a federally funded internet safety advisory body, and the internet portal, ninemsn, concludes that paedophiles and pornography caused by far the greatest anxiety among parents whose children regularly use the internet:
>
> - Nearly 50% of parents over 55 said they thought the internet was not safe for children, although 90% felt it was a good educational tool.
> - 84% of parents thought that primary responsibility for the online safety of their children lay with them, but about 16% said schools and government should take more responsibility for making the internet safer.
> - More than 60% said they knew enough about computers to keep their children safe, and
> - 81% said they kept the home computer where it was visible, but almost all those polled parents generally needed more education about the dangers of going online.
>
> The survey also found:
>
> - Women (57%) were more likely to be aware of inappropriate viewing by children than men (49%), and older parents were more aware than younger mothers and fathers.
> - Women were also slightly more protective than men, with 90% claiming to have set guidelines for their offspring, (83% of men).
> - Slightly more women (85%) spoke to their children about their internet activities (82% of men).
> - Half of the mothers polled said they liked to be present when their children surfed the net or logged into chat rooms.
> - 68% said they trusted their children to make safe and sensible choices in the sites they visited.
>
> The figures also show:
>
> - Only 38% of home computers have child protection software installed.
> - Protective software is more often used by families with annual incomes above $100,000.

> The survey also indicated 98% of homeowners now regard internet access as a normal household expense, and of the 925 respondents:
>
> - 21% said they worried about computer viruses
> - 14% were concerned about credit card fraud
> - 6% were concerned about loss of privacy.

Needless to say, this is probably an American study.

The Greens (WA) acknowledge that the matter of Internet access to pornography by young children is both a federal and state responsibility and that it is an omission of this particular censorship bill that it has not dealt with Internet access.

Hon Sue Ellery interjected.

Hon PAUL LLEWELLYN: Okay. Michael Flood of the Australia Institute has proposed a number of strategies for regulating the Internet and I will read them out. His third proposal relates to Internet pornography -

> The report I co-wrote earlier this year proposed in essence to extend the existing system of regulation and classification for X-rated videos to the Internet. We argued for mandatory filtering of content by Australian Internet Service Providers (ISPs). However, adult users could opt out of filtering and receive X-rated (and other) content. And Australian ISPs could host pornographic content as long as it met the same guidelines applied to X-rated videos.

I think that is a reasonable proposition. To continue -

> We also propose strategies to minimise minors' exposure (both accidental and deliberate) to X-rated materials, including stronger age-verification technology, 'plain brown wrappers' for Internet sex sites, and instant help functions for children exposed to offensive material.

The Greens (WA) ask the government to enforce the federal classification and to put equal resources into addressing Internet access to related material without delay. I said I would maintain my humour, but it is hard to do that, talking about that stuff.

It is quite clear, having read through this for the first time, that the Greens (WA) are quite concerned that censorship arrangements - I am referring also to the Criminal Code Amendment (Cyber Predators) Bill; I listened in to a bit of that debate too - are extended to include the same kind of protections for our young people from certain material on the Internet. The Greens (WA) maintain some open-mindedness about the availability of pornography and the rights of individuals to choose what they would like to see and hear. However, we are certainly very much opposed to the availability of offensive material, including sexual violence and acts that portray people in demeaning ways. As I said, the Greens (WA) will be supporting this bill, and in the committee stage we will raise a number of issues, particularly in relation to clause 4(4). I think I will leave it at that and give myself time to breathe.

HON SUE ELLERY (South Metropolitan - Parliamentary Secretary) [12.35 pm]: I thank members for their contributions to the debate and I particularly thank Hon Paul Llewellyn for picking up Hon Giz Watson's notes at the last minute, enabling us to proceed with this piece of legislation today. I understand Hon Paul Llewellyn's difficulty in dealing with something at short notice when perhaps he has not had the same involvement as Hon Giz Watson. He made a valiant effort and I thank him for that. The bill addresses three elements, some of which were reflected upon by members in their contributions.

Firstly, the bill reflects the fact that Western Australia is now a full participant in the national classification scheme. We no longer set our own classifications for publications, films and computer games. Our role is now primarily to enforce commonwealth classification decisions. Second, it puts in place provisions for investigating matters and ensuring that evidentiary provisions will be successful in prosecutions. Third, it incorporates the new classification categories. There are also some tidying-up elements. I will touch on two matters that were raised in contributions.

Firstly, the Hon Barbara Scott raised the issue of investigative provisions that extend the time allowed for police to examine hard drives. Hon Barbara Scott pointed out the potential inconvenience to businesses that have their hard drive seized for what may be a reasonably long period of time. I acknowledge that it would be inconvenient for business operators who have no knowledge of what their hard drive may contain. However, in seeking to strike a balance between not wanting to inconvenience a business owner and ensuring the successful prosecution of someone who has been doing something as abhorrent as using workplace facilities to download child pornography, this bill errs on the side of ensuring a successful prosecution. In the interests of balance, I do not consider that unreasonable.

Second, Hon Paul Llewellyn raised an issue about Internet access. That issue is addressed in part by the Criminal Code Amendment (Cyber Predators) Bill. I understand what he is suggesting, and it does not seem an unreasonable suggestion to me. It is the case that we are now part of a national classification scheme. If that

scheme is to change so that its jurisdiction is extended to the Internet, it will need to happen as part of a national process. It may be something that Western Australia wants to pursue, but it does not fall within our present capacity as part of a national classification scheme.

With those few comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

ENERGY OPERATORS (POWERS) AMENDMENT BILL 2005

Second Reading

Resumed from 19 October 2005.

HON PAUL LLEWELLYN (South West) [12.41 pm]: The Greens (WA) support the bill. It repeals section 55 of the Energy Operators (Powers) Act 1979, which requires authorisation from the Coordinator of Energy for new gas undertakings. The bill also makes a consequential amendment to the Gas Pipelines Access (Western Australia) Act 1998, which references the approval power. In the past, energy operators, particularly gas operators, required authorisation from the Coordinator of Energy. That authorisation is no longer required, and it also creates unnecessary duplication; therefore, the Greens support its removal.

Debate adjourned, on motion by **Hon Kim Chance (Leader of the House)**.

BUSINESS OF THE HOUSE

Statement by Leader of the House

HON KIM CHANCE (Agricultural - Leader of the House) [12.42 pm]: When I made my earlier statement regarding orders of the day 197 and 199, I understood that Hon George Cash was the opposition member dealing with those bills. I was wrong; they will be handled by Hon Anthony Fels because they relate to consumer affairs. In light of that, the bills can be dealt with in their entirety rather than Hon Paul Llewellyn speaking on them and then the debate being adjourned, as was the case with the bill we have just dealt with.

ENERGY SAFETY BILL 2005
ENERGY SAFETY LEVY BILL 2005

Cognate Debate - Motion

By leave, on motion by **Hon Kim Chance (Leader of the House)**, resolved -

> That the Energy Safety Bill 2005 and the Energy Safety Levy Bill 2005 be debated cognately.

Second Reading - Cognate Debate

Resumed from 22 March and 14 March.

HON ANTHONY FELS (Agricultural) [12.45 pm]: The opposition supports the Energy Safety Bill; however, it opposes the Energy Safety Levy Bill. This government is awash with money. The imposition of a levy is merely another tax on the suppliers of electricity and gas in this state, which will be passed on directly to consumers as an extra charge on their accounts. That means consumers will pay twice; first, in the taxes they contribute towards the $2 billion surplus, and then, indirectly, as a charge added to their accounts. The energy safety division of the Department of Consumer and Employment Protection raises approximately 40 per cent of its $5 million annual budget from the imposition of fees on electricians and contractors that use its services. This bill aims to shift the funding of the remaining 60 per cent of the energy safety division's budget from consolidated revenue to a new user-pays levy. It is ironic that the state Labor government is introducing a new tax at the very time that it is finally removing three outdated nuisance taxes that it had long ago promised to remove as part of the goods and services tax package.

The government has endeavoured to sanitise the impact of this tax by calling it a levy. However, I contend that a rose by any other name would smell as sweet. The government is not only bestowing upon us a new tax that, presumably, it believes we need for our own good; it is doing so when it is running the mother of all budget surpluses. That begs the question: do Labor governments believe there is ever a good time to exercise expenditure restraints?

Industry and business groups have stated that the new levy must be passed on to consumers through additional charges. If that is so, it raises questions about the economic efficiency of cost churning. Consumers who are beneficiaries of the energy safety division's work, pay for the service by contributions to consolidated revenue. However, the government's momentous reform will see those consumers paying for the same service by an additional levy on their energy bill. Is such a reform really worthy of the time of the government or of this house? This bill also gives the minister the power to review the levy every year and vary it as he wishes. That proposed power to vary the levy and the break-up of receipts will not be subject to the scrutiny that the energy safety division would face if its funding came from consolidated revenue. Furthermore, in future the energy

safety division will receive no funding from consolidated revenue. If its funding is constrained, it will risk being unable to quickly address an emergency. Given that the head of that division has stated that, in real terms, it is presently operating on the equivalent of its 1995 budget, the possibility of being unable to fund emergency works is more than just an academic notion. This Labor government is awash with surplus dollars - $2 billion in this financial year, and the forecast is for much of the same in the coming three years. The state's economy has not been this robust for four decades. Indeed, the government has finally been embarrassed by its good fortune to the point that it is currently in the process of abolishing three state taxes to placate the public and in compliance with the conditions agreed with the commonwealth to prevent having to suffer penalties to its goods and services tax payments. The recently announced cuts do not go very far in providing real tax relief to the public, because this government is addicted to money. Whose money is it? It is the everyday citizen's money. The Treasurer has become divorced from the financial struggle that is the grinding reality of the average consumer's life. Unlike John and Jenny Citizen, for the Labor government this is not simply another cost to balance or, indeed, juggle if balancing is not possible. This Labor government, the self-proclaimed champion of the working class, the poor and the underclass, does not care. If it is spending too much money, as it is, it can always increase taxes and raise more revenue through taxes and charges. That is what Labor governments do. They spend too much, then they raise taxes and charges and then they sell public assets to reduce government liabilities. This formula will not create a sustainable economy. It has been proved otherwise on countless occasions, but it is a formula that all Labor governments have used in the past and that this Labor government is determined to stick with. Who needs innovation and the smarter delivery of services when taxes and charges can be introduced and increased on a whim? With each passing day, the Treasurer resembles more and more the Disney character Scrooge McDuck. It does not stretch the imagination to envisage the Treasurer doing his daily exercise by diving into the money bin at Treasury. However, there is one area in which Mr Ripper differs from Uncle Scrooge McDuck; that is, his spending habits.

The energy safety levy will be passed directly on to consumers. This cost will not be borne by business and industry, their shareholders or business trading enterprises. The imposition of this levy will not result in acts of philanthropy by Alinta, Synergy, Horizon Power or whomever. This levy will be passed on as a direct charge to consumers - user-pays cost recovery. Members can choose their own term, but it all means the same thing: the public pays. The cost of running the office of EnergySafety will be charged directly to the consumer. Effectively, this is a new tax, a tax by subterfuge and a tax by charge. This Labor government has completely removed from executive government any notion of public service. There was a time when taxes were imposed to provide, among other things, public services. That is no longer the case. The government still collects taxes - many and more of them - but the public must pay again for its services by way of charges. The public pays twice. Public utilities have become government trading enterprises. Essential services, particularly electricity and gas, have become commercial activities for government trading enterprises, and members of the general public have become the clients and customers of government trading enterprises. Traditionally, a customer is perceived as someone who pays for a product or service. To that end at least, this Labor government has remained traditional. Public service, for which we also pay taxes, has become quaint and antiquated, and appears to have outlived its purpose; that is, its usefulness.

The opposition supports the requirement for the office of EnergySafety to be located within the Department of Consumer and Employment Protection. However, we believe that the existing funding structure should be retained - that is, its funding should come from consolidated revenue - as it has worked for many years. This government is not short of a few bob as to be unable to fund it. It is not a great amount. The imposition of the levy will be an inefficient administrative cost that merely adds another tax to those that were intended to be removed when the state agreed to share GST revenue with the commonwealth.

HON PAUL LLEWELLYN (South West) [12.54 pm]: The Greens (WA) support the bill because it is essential that there be adequate safety guidelines in the electricity and energy sectors generally. The EnergySafety office needs to be funded in some way and it is not inappropriate for it to be funded through a levy. The Greens wondered why it could not have been funded entirely through licences. In effect, the bill will impose a levy on people who use a system that is provided at public expense. In fact, it will impose a levy that will ensure that the Western Australian community is protected and energy consumption is safe and fully regulated. The bill seeks to ensure that there is adequate long-term funding for the energy industry and for the activities of the Director of Energy Safety. To this end, it will allow an annual levy to be levied on energy industry participants sufficient to fund the implementation of the annual business plan. The bill sets out the provisions that must be covered in the business plan of the Director of Energy Safety, and the plan is to be approved by the minister.

The Greens have only one concern with the bill, and it harks back to the debates we had in this chamber on the Electricity Corporations Bill. We said that energy utilities tend to behave with the benefit of hindsight but with very little foresight. We contend that if, for example, there is a long-term change in the way in which energy is generated, distributed and used in the community, there will need to be a similar change in the way in which energy safety matters are regulated. I will give an example of how that will happen. The Energy Safety Bill

basically deals with the infrastructure as it exists today. However, we know that renewable energy technologies have emerged, such as the small-scale power generators located in regional areas and the 20-megawatt wind power station at Albany. The electrical interfaces are quite different and present quite different safety issues. Although the safety parameters do not change, the appliances have changed significantly. It is likely that a wide range of new appliances will connect to the grid. The energy safety regulator needs to play a bigger role in ensuring not just that those appliances are safely connected, but also that the ongoing management of the system is stable and that the quality and reliability of supply is not impacted upon. I will give an example. The energy safety regulator deals with not only safety matters, such as people having the right amount of insulation for their appliances and those types of issues, but also energy efficiency and the quality and reliability of supply. In that regard, the Energy Safety Bill is slightly inadequate in that it does not explicitly give the Director of Energy Safety any additional power to ensure that energy efficiency is promoted and enhanced in the state. I will have a little more to say about that later.

The problem that the Greens have with the bill is that it is founded on the electrical infrastructure and scenarios that exist today. The international trend is that the electrical infrastructure is changing; the way in which it is regulated and the way that consumers interface with it are changing. For example, more households will become stand-alone power generators and there will be more sophisticated metering technologies between the consumer and the network. As a consequence, we will need a different set of obligations, powers and responsibilities for regulation.

Sitting suspended from 1.00 to 2.00 pm

Hon PAUL LLEWELLYN: Prior to the break, I was saying that the Greens (WA) were committed to promoting the modernisation of the electricity industry and the energy sector in general, which will transform the nature of the electricity industry. I will give members examples of households that are off the grid because they have their own electricity generation facility or solar panels and batteries. The Director of Energy Safety would still be responsible for managing the safety of all the appliances in those households. There will be more instances of households, and to some extent small businesses, going off the grid because they can produce their own electricity. Long, thin powerlines currently service remote farm houses. More of those facilities in the rural areas will be cut off the grid with standalone power systems; for example, they might have their own battery control and regulation systems. Although the current energy safety arrangements provide for that, they also need to be modernised and resourced so that the office can carry out additional functions to regulate and manage those systems. There will be more such systems as it becomes more expensive and less economically viable to transmit power to very remote places by long, thin wires. The Greens also see the modernisation of the electrical system as entailing more sophisticated control systems at the periphery of the grid, with different kinds of impacts on volt-amperage regulation and frequency control. There is, therefore, all the more reason to have a well-organised, well-informed, modernised and updated energy regulation authority, and also to have a well-resourced authority.

The explanatory memorandum to the Energy Safety Bill notes that one of the regulatory functions of the Director of Energy Safety is to ensure that the performance and labelling of common household appliances and certain kinds of equipment satisfy energy efficiency standards. Energy efficiency is one of the most important areas of the modernisation of the state's electrical energy system - in fact, the energy system in general. In this case it means the energy efficiency standards relating to appliances such as washing machines, vacuum cleaners and refrigerators. Energy efficiency can make a massive contribution to the overall modernisation of the electrical system. The Greens note that when people design an electrical system, particularly one using renewable energy, the most important thing to do is reduce the energy intensity of the system. In this case it would be reduced by the use of energy-efficient appliances. The Greens see that in the long term there will be more energy-efficient appliances and a greater range of such appliances. Therefore, there will be a more complex role for the energy safety regulator because, as time goes by, efficiency will be the low-hanging fruit of carbon reduction and reduction of the energy intensity of the economy.

From the Greens' reading of the bill, the Director of Energy Safety has no capacity to spend money on promoting energy efficiency. The Greens will seek to amend the bill slightly so that it acknowledges the important role that energy efficiency will play in the future of electrical systems. This also, although to a lesser extent, applies to gas appliances. The carbon emission savings that result from the energy efficiency of electrical systems are greater than those resulting from the energy efficiency of gas appliances. I raised this issue with various government officers who are dealing with this bill and they indicated that they would draft an amendment. The Greens have seen the amendment and are happy with it. We will therefore support the bill. During the committee stage, we will move our amendment to give the safety regulator the capacity to use funds for the promotion of energy efficiency.

I note that it is not unusual for regulatory authorities to raise funds by levy; in fact, it is a fair way of doing it. If we limit the fundraising capacity of an energy safety authority to bidding for funds from consolidated revenue, we could leave the authority stranded without funds, particularly if other pressing bids for consolidated revenue

overrode energy safety functions. That would mean the energy regulator could be left without adequate resourcing. We believe this shifts the cost to some of the operators. They are the users of the system, and that is the right place to put a regulator. It is fair to say that a certain proportion of the funds will be raised through licensing charges. It is also right and proper that those funds be raised through a separate levy that changes from time to time to meet the changing needs of the regulator.

HON KIM CHANCE (Agricultural - Leader of the House) [2.10 pm]: I thank honourable members for their contributions to the debate, particularly Hon Paul Llewellyn, who indicated that he will support the bill, but also Hon Anthony Fels for his spirited contribution. Hon Anthony Fels drew lines of comparison between a levy and a tax. I do not think this is the right place in which to go into the fine point of differentiation that exists between the two. In fact, this is an area in which the chamber misses the services of a previous Minister for Finance in this house, Hon Max Evans, who probably knew more than anyone else about the differentiation between a tax and a levy. Even though I did not always agree with him, his advice on this would have been very useful. Hon Anthony Fels made the point that the government is awash with money. I think we have heard that once before today.

Hon Norman Moore: You'll probably hear about it again in the future.

Hon KIM CHANCE: I am sure we will hear about it again in the future. I thank the Leader of the Opposition. From my point of view, suffice to say - I am not an expert in this field - that in this case a levy is not a tax; a levy is a fee for service. A tax is quite different in that regard. Hon Anthony Fels made the point that he believed the effect of these two bills, because we are dealing with these two bills cognately, is to shift a revenue source from the consolidated fund to a user-pays principle, and he indicated that he would oppose the bills on those grounds. The opposition is not arguing that energy safety should not be funded. That certainly is not the opposition's argument. The logic of the argument that it should be CF-funded rather than levy-funded is that the users of the service and the direct beneficiaries of the service should be cross-subsidised by the taxpayer. When it is argued that user pays should not apply, that is fine. I have been known to argue that myself from time to time.

Hon Norman Moore: I think I have heard you on the odd occasion.

Hon KIM CHANCE: If I had not said that, the Leader of the Opposition would no doubt have reminded the house that I might have argued in that way from time to time. However, if the user of a service does not pay, who does? In this case, Hon Anthony Fels clearly identified who pays, because he identified the consolidated fund as the appropriate source. Then who pays? The taxpayer pays, whether or not that taxpayer is a beneficiary of the service. That is the logic of user-pays. I believe there are arguments for the taxpayer generally providing the funds for a service, rather than the consumer of the service. However, I am also the first to admit that we must be very careful about how far we apply that logic. Nevertheless, there is one very important point historically about the way in which this bill proposes to do this. It is true that at the moment the consolidated fund provides the funds for energy safety. That has not always been the case. In fact, it is over only a relatively brief period that the consolidated fund has been the provider of the funds for energy safety. Indeed, one need only go back to the time - I will not put a year on it - when electrical and gas energy was provided by the State Energy Commission of Western Australia. We had a user-pays source of funding for energy safety then. It is only since corporatisation that, for want of another place to find the funds for energy safety, the cost has fallen on the consolidated fund. Therefore, what we are doing, in effect, with this bill is returning the funding source to, we argue, the proper place, but factually the historical place of its derivation, and that is the user of the service. Who pays? As proposed in the bills, the distributors will be the people who pay, in the same way as the State Energy Commission of Western Australia paid when it was the distributor. The funds are not derived from householders directly. I argue that the householder is also insulated from paying that levy indirectly. Let me make it quite clear. Who will pay the levy? The people who will pay the levy are the distributors of energy in either electrical or gas form; that is, Synergy, Horizon Power, Boral, Kleenheat and Alinta. The people who actually distribute the energy will pay the levy. The reason I said that the householder, and indeed small business also, will be protected from that levy and its effect being passed on is that the government has already given a guarantee that those prices will be capped for the term of government.

Hon Anthony Fels also commented on the success that the state government has had as an economic manager. He noted that we have done that without asset sales, unlike coalition governments that managed to deliver both deficit budgets and asset sales. He also offered some gratuitous comments on the Treasurer's character and a brief synopsis of a Walt Disney character.

Hon Paul Llewellyn made some very good points. He pointed out that the bill provides adequate safety guidelines and an adequate process for funding those guidelines. Certainly, we are grateful for his support in a field in which he is an acknowledged expert. He spent some time going through the issue of energy efficiency. Although that is not a core outcome of the bills, it touches on the bills. I believe that amendments have been drafted between Hon Paul Llewellyn and the government to deal with those issues. He made the point that the levy is an appropriate mechanism for funding the safety requirements.

Hon Anthony Fels asserted that the levy lacks transparency. I want to go through that a little, because it is not actually the case. However, I can see how people may have missed it. The business plan, which includes the quantum of the levy proposal and which is considered by the minister, must be tabled in Parliament. After discussions with the Chamber of Minerals and Energy, the government has specifically provided amendments - these are already in the bill; they were moved in the Legislative Assembly - that provide for disallowance by either house of the gazetted deliberation. That is a very important part of transparency. This provision had to be made within the bill because a determination of this kind by the minister does not fall within the scope of section 46 of the Interpretation Act. Without that specific provision in the bill, although the business plan and levy details would still have to be gazetted and tabled in Parliament, they would not be disallowable as they would not be the kind of instrument that could normally be disallowed by the Parliament. I thank honourable members for their contributions and I commend the bill to the house.

Question (Energy Safety Bill 2005) put and a division taken with the following result -

Ayes (12)

Hon Matt Benson-Lidholm	Hon Kate Doust	Hon Paul Llewellyn	Hon Ljiljanna Ravlich
Hon Vincent Catania	Hon Sue Ellery	Hon Sheila Mills	Hon Sally Talbot
Hon Kim Chance	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer *(Teller)*

Noes (10)

Hon Ken Baston	Hon Anthony Fels	Hon Helen Morton	Hon Bruce Donaldson *(Teller)*
Hon Peter Collier	Hon Nigel Hallett	Hon Simon O'Brien	
Hon Donna Faragher	Hon Norman Moore	Hon Barbara Scott	

Pairs

Hon Jon Ford	Hon George Cash
Hon Ken Travers	Hon Ray Halligan
Hon Shelley Archer	Hon Barry House
Hon Adele Farina	Hon Murray Criddle
Hon Giz Watson	Hon Margaret Rowe

Question thus passed.

Bill read a second time.

Question (Energy Safety Levy Bill 2005) put and a division taken with the following result -

Ayes (12)

Hon Matt Benson-Lidholm	Hon Kate Doust	Hon Paul Llewellyn	Hon Ljiljanna Ravlich
Hon Vincent Catania	Hon Sue Ellery	Hon Sheila Mills	Hon Sally Talbot
Hon Kim Chance	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer *(Teller)*

Noes (11)

Hon Ken Baston	Hon Anthony Fels	Hon Helen Morton	Hon Barbara Scott
Hon Peter Collier	Hon Nigel Hallett	Hon Simon O'Brien	Hon Bruce Donaldson *(Teller)*
Hon Donna Faragher	Hon Norman Moore	Hon Margaret Rowe	

Pairs

Hon Jon Ford	Hon George Cash
Hon Ken Travers	Hon Murray Criddle
Hon Shelley Archer	Hon Ray Halligan
Hon Adele Farina	Hon Barry House
Hon Giz Watson	Hon Robyn McSweeney

Question thus passed.

Bill read a second time.

Discharge of Order and Referral to Standing Committee on Estimates and Financial Operations - Motion

HON ANTHONY FELS (Agricultural) [2.29 pm] - without notice: I move -

> That order of the day 199, the Energy Safety Bill 2005, and order of the day 197, the Energy Safety Levy Bill 2005, be discharged and referred to the Standing Committee on Estimates and Financial Operations.

I still have a number of concerns following the second reading debate on the Energy Safety Bill 2005 and the Energy Safety Levy Bill 2005. Similar issues were raised by Hon Paul Llewellyn. The imposition of a levy to fund EnergySafety, which is effectively a tax on the community, requires further investigation. The Standing Committee on Estimates and Financial Operations is the best committee to do this. It has the capacity to investigate the funding requirements of EnergySafety. It also has the capacity to investigate the organisation formerly known as Western Power and its contributions to this scheme and its capacity to contribute to this scheme. The committee has the opportunity to determine the effectiveness of the functions of EnergySafety. These two bills propose to fund that office. It is presently funded by consolidated revenue through the Department of Consumer and Employment Protection.

The department might not be satisfied with its present levels of funding. The Estimates and Financial Operations Committee can determine whether the department's present funding is adequate or whether it may require additional funding. Members raised the issue of avoiding a repeat of the tragedy of the Tenterden fire that occurred a few years ago due to the inability of EnergySafety to prevent accidents of that type from occurring. The Estimates and Financial operations Committee comprises two government members, one opposition member and a Greens (WA) member. Therefore, it has the ability to pursue the government's agenda and endorse the bill. However, other amendments might be required to make the legislation more workable and fair. I would like to prevent consumers from being slugged with costs on top of the taxes they are already paying.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [2.32 pm]: I support the motion moved by Hon Anthony Fels. He has raised an interesting issue. The Leader of the House referred to these issues when he responded in the second reading debate. The question of what is a levy and what is a tax has been around for a long time. They are the types of things that the Estimates and Financial Operations Committee should have a good, hard look at so that we know exactly what will be the effect of these sorts of imposts. When is a levy a levy and when is taxation taxation? A more important issue is whether a user-pays system or revenue from the consolidated fund should be the source of funding for particular government functions. That is a very interesting debate. There are many arguments about whether revenue from the consolidated fund should be used for the things it is used for or whether a user-pays system should apply. For example, should the education system be funded from the consolidated fund revenue or by a user-pays system? I left the school system some years ago and have no children in the system, yet I am paying for a service that I do not use. It is a fundamental philosophical issue. It is a hard decision for a government to make on whether a service should be funded from the consolidated fund or by a user-pays system. The Leader of the House told us that, historically, this is a user-pays system. I am not aware of that but I accept his explanation. Currently the funding is derived from the consolidated fund. The Leader of the House also told us that when it becomes a user-pays system, it does not mean that the consumers will pay any extra, because the government has given a commitment that the price of electricity will not increase for the next three or four years. However, that will not be the case after that time, because the price will increase. There is no question in my mind that the levy will be passed on to consumers. The government's commitment will just delay the inevitable and it is hard to believe that the costs will not be passed on. They will be passed on in due course, bearing in mind that this legislation will survive beyond the government's commitment it gave on the price of electricity. This issue will affect the general community and it will affect consumers of electricity in due course when the levy is passed on to them. Therefore, it is important that the Estimates and Financial Operations Committee consider it and ask the public what it thinks about funding this part of the energy business or whether it should be paid for by taxpayers collectively. Enough significant issues exist to warrant sending this bill to the committee for its quick consideration and response. As a result of its deliberations, we will be far better informed to make a decision during the committee stage and the third reading stage of the bill.

Amendment to Motion

HON KIM CHANCE (Agricultural - Leader of the House) [2.35 pm]: I move -

> To insert after "Operations" the following -
>
> > and that the committee report no later than 10 May 2006

In line with the government's intention to keep government business moving, the government will support this motion to refer the bills to the Estimates and Financial Operations Committee. I say that principally because I am aware that the government has today introduced amendments to the bills and it is only reasonable to allow time for the committee to consider them. Although they are quite simple amendments, the government probably should not introduce amendments to a bill at the last minute. I am grateful for the Leader of the Opposition's indication that the committee should report quickly on the matter. From what I have heard members say, I believe that that will be the case. All bills referred to a committee should have a reporting date. If a committee cannot report by that date, it can seek an extension of its reporting time from Parliament.

HON ANTHONY FELS (Agricultural) [2.37 pm]: I thank Hon Kim Chance for agreeing to support this motion, as amended. I would have liked slightly more time to consider it. However, as long as the Estimates

and Financial Operations Committee is able to meet in that time, it should be okay. A reason I wished to send these bills to a committee is because I believe Hon Giz Watson was quite interested in speaking on this issue but has been unable to be here to speak on the bills. She will have an opportunity to do that as chairman of the committee. I am grateful to the government for allowing these bills to be sent to the committee.

Amendment put and passed.

Motion, as Amended

Question put and passed.

CENSORSHIP AMENDMENT BILL 2005

Committee

The Deputy Chairman of Committees (Hon Simon O'Brien) in the chair; Hon Sue Ellery (Parliamentary Secretary) in charge of the bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 1 amended, consequential amendments, transitional and validation -

Hon SUE ELLERY: I move -

> Page 3, line 2 - To insert after "Schedule 2" -
>
> or the *Working with Children (Criminal Record Checking) Act 2004* Schedule 2

This amendment is to include a reference to schedule 2 of the Working with Children (Criminal Record Checking) Act 2004, which came into effect, with the exceptions of sections 50 and 52, on 21 January 2006. This is therefore a technical amendment to take account of that new act.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 117 amended -

Hon BARBARA SCOTT: I move -

> Page 4, lines 4 to 9 and lines 14 to 27 - To delete the lines.

In my contribution to the second reading debate, I explained the difficulty with this clause. Lines 4 to 9 refer to an article that is highly likely to contain child pornography. Section 117(2a) of the Censorship Act refers to a film classified RC or X, a publication or computer game classified RC or child pornography. The clause seeks to extend the section to include material that might be regarded as child pornography as opposed to material that is child pornography; a totally different concept altogether. This means that any computer seized by the police will be forfeited to the Crown after 12 months because - I remind members in this chamber that we are talking about the police, not a court or any independent body - the police believe it is highly likely to contain child pornography, despite the fact that in those 12 months the police were unable to find any such pornography or unable to charge anyone. It also means that the police can keep a computer for that period in the first place without seeking court approval. The parliamentary secretary, in her response to the second reading debate this morning, said that she did not agree with the sentiment that I expressed in the second reading debate, because no business should use its computer to store pornography. I could not agree more. In my contribution to the second reading debate, I alluded to the fact that many people in the community have one computer, which is their business computer, and that they may be working from home. It would be unreasonable therefore for the police to seize that computer on the pretext that it "might" contain child pornography, rather than on the basis that the police have determined that it "is" pornography. That is the essence of my proposed amendment.

The reason for deleting lines 14 to 27 is that currently the police have 60 days to examine a seized item before they must apply to a justice for a summons requiring the owner to give good reason that the item should not be forfeited to the Crown. The opposition opposes the clause as it will enable the court to extend indefinitely that term of 60 days. A period of 60 days, plus the time that it would take for a case to come to court, is more than adequate for the forensic examination of a computer. If there is a backlog of computers waiting to be examined, the government should hire more staff. I believe that, currently, only four police officers can do this work, but they should not keep valuable equipment indefinitely. I have had additional legal advice on this clause that I want to read into the record. For the benefit of the Greens (WA), section 117(2a) of the Censorship Act is on page 53. The legal advice states -

> . . . the effect of the government's proposed new 117(2a)(iv) is that items 'highly likely to contain child pornography', by reason of s 117(3), would be excluded from the requirement to apply within 60 days of seizure to a justice for a show cause summons to the person from whom they were seized. This is the clear intent of the government . . . As I understand it . . . this exclusion from early court supervision of police seizure processes should only apply in the clearest of cases, ie where the item has been shown,

upon seizure or soon thereafter, to contain child pornography. It seems to me that the draft amendment . . . is the only way . . . to achieve this.

That is what the opposition wants to achieve. I have therefore moved the amendment for those reasons, and I hope that the government will look closely at those powers that are being given on the pretext that a computer or article is highly likely to contain child pornography. The concern is that it just "might" as opposed to "does" contain child pornography.

The DEPUTY CHAIRMAN (**Hon Simon O'Brien**): I will put the amendment as two questions, because it deals with two distinct matters. In the first instance, Hon Barbara Scott has moved to delete lines 4 to 7 inclusive on page 4. I will put the other question after this one is dealt with. The question now is that lines 4 to 9 be deleted.

Hon SUE ELLERY: I indicate that the government will not support the amendment. One of the effects of the deletion of the lines would be that the court may order the return of a hard drive that contains pornography. It would prevent officers from holding seized computers containing child pornography for longer than 60 days without having to go to court and all the administrative time that that would involve. It is useful to put it in context and also make the point that the test for the words "highly likely to contain" is a high test. The WA police hold computers - it is usually just the hard drives, not the entire system - for an extended period so that further investigation can be made into the seized thing. The only reason that the item would be forfeited or destroyed at the conclusion of 12 months, which is one of the matters that the member raised, is that the inquiry had been completed and it had been determined that there was insufficient evidence to charge the offender but it was highly likely - I will talk about that as a test - that the hard drive contained child pornography. This works in conjunction with the original intent of excluding child pornography from the 60-day rule. The policy position, of course, is that child pornography is particularly abhorrent and under no circumstances should it be returned to any person, let alone the suspect.

I turn now to the test for the words "highly likely to contain". The test for whether an item is highly likely to contain, or highly likely to be, child pornography is quite substantial in that those words fall just short of certain; that is, the police would need to be extremely confident that a particular computer or data storage device did in fact contain pornography but they were, for whatever reason, unable to extract an image to confirm it. That may well be a question of technology. The test is considered to require a higher degree of proof than, for example, the term "reasonably suspected". For example, a police officer may have reasonable suspicion of grounds to apply for a search warrant for a computer system. However, once seized, for section 117(2a) to apply, there must be more proof that the system contains the child pornography than was required for the original warrant.

I will give members some examples of extra information that might fall within the criteria of the terms "highly likely to contain" and "highly likely to be". An offender may be charged when other printed items containing child pornography are located, or the offender may confess that child pornography is on the system, but prior to charging the offender, the police want to examine the computer to confirm the offender's confession. Police may also seize CDs or DVDs of child pornography that appear to have been produced by the offender on the computer system. These are quite important powers. As I indicated in my response to the second reading debate, the government has, in putting these powers in the legislation, erred on the side of providing the police with all the powers they need to present the best evidentiary material to secure a successful prosecution. For those reasons, the government will not support the amendment or other similar amendments.

Hon BARBARA SCOTT: I accept the explanation, but I do not agree with it. The opposition also abhors child pornography. However, the parliamentary secretary has answered in a form that has caused some confusion. In my contribution to the second reading debate, I suggested that the hard drives be taken and swapped so that a business operator was not prevented from carrying out his business. The parliamentary secretary is now saying that it is the computer. A computer can be seized by the police and kept for an extended period. Can the parliamentary secretary tell me how many police officers can do this sort of work? The 60-day seizure period seems to be a long time to keep a computer. If this change is made, it will be a lot longer. It is a concern that the term "highly likely to be" has been used instead of "is".

Hon SUE ELLERY: We might have to disagree on the use of the term "highly likely". The best advice available to me is that it is a high test. Currently, 10 police officers carry out this work and there are anticipated to be 15 officers doing this work by the end of 2006. I am advised that it takes between three and five years to train officers in this area.

Amendment (deletion of lines 4 to 9) put and negatived.

The DEPUTY CHAIRMAN: The question now is that lines 14 to 27 be deleted.

Hon BARBARA SCOTT: These lines refer to the period for which the police can seize a computer. At the moment, they have 60 days in which to examine a seized item before they need to apply to a justice for a summons requiring the owner to give good reason that the item should not be forfeited to the Crown. The change proposed by the government will enable the court to extend that period of 60 days indefinitely. That is

why the opposition opposes it. If there is a backlog of computers to be examined, more staff should be hired and trained. Three years seems to be a staggeringly long time to train a police officer to be competent in this area.

This clause would enable the court to extend indefinitely the period in which the police can complete their forensic analysis of a seized computer from 60 days, as well as the time for the summons requiring the owner to show cause. The advice I have been given is that because the government's amendment requires the court to be satisfied that it is appropriate that additional time be given, the police would need to justify the time needed and if they did not complete the task within the extended period, the court may refuse further time unless a very good reason were given, such as a lack of resources. That may or may not justify the reason for the delay. Subject to that qualification, 60 days should be long enough if the police have the appropriate resources. The government's inability to properly resource forensics should not justify incursions into civil liberty. The civil liberty issue that I raised earlier and in my contribution to the second reading debate, to which I refer again, arises when a person who runs an architectural or drafting business, or a number of other businesses, from home is barred from using that computer. It is an inordinate time to keep a computer.

Hon SUE ELLERY: I rely on the response I gave earlier to emphasise my point. In some circumstances, the question is not so much resources with regard to the number of officers, but that the technical nature of the difficulties experienced in trying to extract the material is such that research is needed and collaboration with other sources that requires officers to keep the material for longer than 60 days. Members should bear in mind the high test I described under "highly likely". With emphasis on what I have just stated, the government opposes the amendment.

Amendment put and a division taken with the following result -

Ayes (11)

Hon Ken Baston	Hon Anthony Fels	Hon Norman Moore	Hon Barbara Scott
Hon Peter Collier	Hon Nigel Hallett	Hon Helen Morton	Hon Bruce Donaldson *(Teller)*
Hon Donna Faragher	Hon Robyn McSweeney	Hon Simon O'Brien	

Noes (12)

Hon Matt Benson-Lidholm	Hon Kate Doust	Hon Paul Llewellyn	Hon Ljiljanna Ravlich
Hon Vincent Catania	Hon Sue Ellery	Hon Sheila Mills	Hon Sally Talbot
Hon Kim Chance	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer *(Teller)*

Pairs

Hon George Cash	Hon Jon Ford
Hon Margaret Rowe	Hon Ken Travers
Hon Barry House	Hon Adele Farina
Hon Murray Criddle	Hon Giz Watson
Hon Ray Halligan	Hon Shelley Archer

Amendment (Deletion of lines 14 to 27) thus negatived.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 117F amended -

Hon BARBARA SCOTT: I wish to delete this clause. If passed, it will provide the ability under section 117G of the principal act for police officers to extend the time for compliance with infringement notices and to withdraw infringement notices, whether or not the relevant penalty has been paid. I raised this point in earlier provisions because of concern about delegating the power of Parliament down to the minister, to the Commissioner of Police and to a police officer. As issues of corruption around drugs, prostitution, pornography and such matters arise with a few police officers, the opposition believes that the power of the Parliament should not be given away; that is, a police officer should not have the power to extend compliance with an infringement notice. It is that simple.

The DEPUTY CHAIRMAN: We will not amend the clause by deleting it. If the member wishes to defeat the clause, of course, she will vote against it.

Hon SUE ELLERY: The current provisions give the minister the power to designate people other than police officers with the authority to issue and withdraw infringements and extend time to pay. Given the way that these laws will be administered, the intent of the management act is in fact to give the Commissioner of Police the power to designate police officers to do that. The effect of the amendment that has been moved by Hon Barbara Scott would be to preserve the status quo; that is, police officers would not be able to have the power to extend

time to pay. For administrative purposes, it will be much easier if it is done by police officers. For that reason, the government will oppose any moves to defeat the clause.

Hon BARBARA SCOTT: I need to clarify this issue a little further. It is always of concern when a minister brings a piece of legislation to the Parliament and tries to tell members of Parliament that it would be easier if we extended the powers of the police. The designated officers could be from the Attorney General's office or wherever. As I mentioned during the second reading debate, because for some officers there is a culture of corruption around these issues, we need to be very careful about changing the act and allowing the police to be designated officers. That is not to cast aspersions on all police, but the concern of the Parliament should be that the minister is giving away the power of the Parliament through the commissioner to police officers.

Hon SUE ELLERY: A range of measures are in place outside the bill that is before the house to deal with questions of whether police officers are acting corruptly or otherwise. It is worthwhile for the chamber to note that in other jurisdictions in Australia where this infringement provision is in place, this exact delegation provision applies. We are being consistent with the way in which provisions apply in other jurisdictions. The government will not support moves to defeat the clause.

Clause put and passed.

Clause 8: Section 117G amended -

Hon BARBARA SCOTT: I would like to delete the clause, for the same reason as I wanted to delete the previous clause; that is, this clause is abrogating the power of the Parliament - that is, the minister - and giving it to a police officer authorised by the commissioner. We have a problem with that. I repeat that this clause, if passed, would give police the ability under sections 117F and 117G of the act to extend the time for compliance with infringement notices and withdrawal of infringement notices. Police cannot do that with speeding fines or anything else. I suggest that the community would be alarmed if police were given those powers. Someone who was caught drink-driving, speeding or whatever could have his infringement notice withdrawn because he had a pal or something. That is why I move to delete the clause.

The DEPUTY CHAIRMAN: The member is in effect objecting to the clause.

Hon SUE ELLERY: My arguments are very similar to those that I just put, so I will not repeat them. The difference with this clause is that it applies to withdrawals by commissioned officers, whereas before we were talking about all officers and the power to extend time. It might be useful for members to be aware that although Hon Barbara Scott said that this power does not extend to traffic infringement, in fact it does.

Clause put and passed.

Clause 9: Section 117J amended -

Hon BARBARA SCOTT: I move -

> Page 6, lines 15 to 21 - To delete the lines and substitute -
>
> > After section 117J(1) the following subsection is inserted -
> >
> > "
> >
> > (a) For the purposes of sections 117E, 117F, or 117G a designated person may not be a member of the police force.
> >
> > "

I move this amendment for the same reasons and rationale that I discussed earlier, but I wish to add some comments. The government is effectively trying to soften the effect of clauses 7 and 8 by including proposed section 117J(4), on page 6 of the bill, to say that the police officer who issues the infringement cannot exercise the proposed new powers under sections 117F and 117G(1). If those proposed sections are defeated, the government's proposed section 117J(4) should go as a consequence. My advice is that the drafting is clear. I am proposed to substitute 117J(4) to make it clear that a designated person under sections 117E, 117F and 117G may not be a police officer. To reiterate, there needs to be a clear difference between a police officer and a designated person. A designated person may not be a police officer elsewhere in this part. We stand firm on this.

The DEPUTY CHAIRMAN (Hon Simon O'Brien): The motion just moved by Hon Barbara Scott has two parts. The first is to delete lines 15 to 21 on page 6. I will put that motion directly. I will indicate though that I have to rule out of order the second part, which is to substitute some words as set out on the amendment paper, because we have just considered clauses relating to sections 117F and 117G and debated the question of whether members of the police force are involved. The proposed new subsection would be inconsistent with that. Therefore, I have to rule that part out of order. However, the first part still remains, so the question that is before the committee is that clause 9 stand as printed. That is the question we will deal with now.

Amendment ruled out of order.

Hon SUE ELLERY: In response to the proposition put by Hon Barbara Scott, the provision ensures that the same officer who issues an infringement cannot withdraw it. In fact, the government is making these provisions stronger, not softer. Indeed, if people were concerned about the possibility of corruption, this is one of the measures that would be applied to ensure that the possibility of that occurring was minimised.

Hon BARBARA SCOTT: Can the parliamentary secretary be a little more explicit and explain how taking the power away from Parliament and the minister and giving it to the police will make the scrutiny of the Parliament more transparent? Can she give a thorough guarantee to the public that the opportunity for inappropriate behaviour in these areas will be lessened? I understand what the parliamentary secretary is saying about a different person being the designated officer. However, will she answer my question?

Hon SUE ELLERY: We actually dealt with that issue when we had the debate about the commissioner, rather than the minister, being able to designate the person. The chamber has already dealt with that matter. However, I am happy to reiterate the same position that I put before. For administrative purposes, it is far more practical for people who are much closer to the ground than the minister to be able to designate those who will carry out the function. However, the chamber considered that question in the previous debate that we had, and we have now moved on.

Hon BARBARA SCOTT: Yes, we have moved on through the bill, but the issue is the same basic legal argument. The lines that I want deleted read -

> A member of the police force who has been authorised by the Commissioner of Police to extend time on, or withdraw, an infringement notice under section 117F or 117G cannot exercise either power in relation to an infringement notice issued by that member.

I am suggesting that those lines should be deleted. I go back to the act. The power of Parliament should be preserved, and the provision relating to the withdrawal of an infringement notice should remain as it is in the act. Section 117G of the act reads -

> (1) A designated person may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.
>
> (2) If an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.

That seems to me to give a clear enough guarantee. The argument that it makes it easier or quicker does not stack up, in my view, because there is an inordinate delay. We will be giving the power to a member of the police force who has been authorised by the commissioner, and, as I said, we will be taking away the power of the Parliament. I believe that is a dangerous precedent to set, particularly in this area, which is not a very nice area anyway. As we know, it is full of crime and corruption. International pornography rings have been revealed and charges laid. It is a very serious issue. The opposition takes child pornography extremely seriously, and we are not about to agree to these major changes just to make the job of the police easier by giving them more powers and taking them away from the Parliament.

Clause put and a division taken with the following result -

Ayes (12)

Hon Matt Benson-Lidholm	Hon Kate Doust	Hon Paul Llewellyn	Hon Ljiljanna Ravlich
Hon Vincent Catania	Hon Sue Ellery	Hon Sheila Mills	Hon Sally Talbot
Hon Kim Chance	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer *(Teller)*

Noes (11)

Hon Ken Baston	Hon Anthony Fels	Hon Norman Moore	Hon Barbara Scott
Hon Peter Collier	Hon Nigel Hallett	Hon Helen Morton	Hon Bruce Donaldson *(Teller)*
Hon Donna Faragher	Hon Robyn McSweeney	Hon Simon O'Brien	

Pairs

Hon Jon Ford	Hon Ray Halligan
Hon Ken Travers	Hon George Cash
Hon Shelley Archer	Hon Margaret Rowe
Hon Adele Farina	Hon Murray Criddle
Hon Giz Watson	Hon Barry House

Clause thus passed.

Clauses 10 to 34 put and passed.

New clauses 5 and 6 -

Hon SUE ELLERY: I move -

Page 3, after line 6 - To insert the following new clauses -

5. Section 3 amended

Section 3 is amended in the definition of "Registrar" by deleting "Censorship".

6. Section 128A amended

Section 128A(1) is amended by deleting "Censorship".

The title "censorship registrar" referred to in sections 3 and 28A of the Censorship Act 1996 is a legacy, as a result of the name of the current act. As the name of the act is to be changed to more accurately reflect its purpose with the passage of the Censorship Amendment Bill, it is appropriate that the word "censorship" be moved from the title. The role of the censorship registrar is to maintain a register of outlets that sell restrictive publications. There are currently 781 such outlets. The officer does not perform any censorship or classification function because we are now part of the national classification scheme.

New clauses put and passed.

New clause 22A -

Hon BARBARA SCOTT: I move -

Page 10, after line 18 - To insert the following new clause -

22A. Section 85A inserted

After section 85 the following section is inserted -

"

85A. Display of MA 15+ computer games or containers

A person must not display in a public place -

(a) a computer game classified MA 15+; or

(b) the container, wrapping or casing for a computer game classified MA 15+

with the intention of selling the film except in an area of the public place set aside by that person, and conspicuously identified, as an area for the display of computer games, or containers, wrapping or casings for computer games, with that classification.

Penalty: $500

".

This amendment will make purchasers of this material aware of the content of these items and understand the legal ramifications of putting these sorts of things on the shelves for purchase or hire. During the debate on the second reading I raised the issue of computer games obtained by parents for children. I spoke about ensuring that parents of young children are able to easily interpret the classification of these computer games. Research has shown that many people consider a computer game appropriate for children to play with. This amendment protects children from inappropriate material at the point of sale or higher. It relates to the sellers or hirers of these computer games. My intention is that the amendment protect consumers from inappropriate material, particularly interactive computer games, which have a high level of violence and sex. They bring into play that stimulus response issue of training somebody to do something. The competitive nature of playing with a joystick trains children to be violent. That is a concern.

We cannot ban people from playing computer games, but we can at least make sure that parents who pick up MA 15+ computer games are totally informed about these items when they are displayed in a public place, conspicuously identified as an area for the display of computer games, or containers or wrappings. The category of MA 15+ is the highest category once we come under this national classification. No longer will a parent worry that a certain classification, such as an R or X classification, should not be accepted, because they will no longer appear on computer games. The point of this amendment is to further protect children by hopefully informing parents or older people who borrow or purchase MA 15+ computer games.

Hon PAUL LLEWELLYN: We would like some clarification from the parliamentary secretary on the impact of this amendment. I understand that this kind of arrangement already exists for the R rating. Is that true? How would this impact on the workings of the current arrangements?

Hon SUE ELLERY: I will do two jobs at once. Firstly, the government will not support the amendment. Secondly, the answer to Hon Paul Llewellyn's questions, in part, provides the government's reasons for not supporting it. The member is correct in saying that similar provisions apply to R-rated material. Three provisions of the Censorship Act make these two amendments redundant. Section 82 of the bill provides that a person must not demonstrate in a shop a computer game classified as MA 15+ material. Section 88 provides that it cannot be sold or supplied to minors.

Hon Barbara Scott: I am trying to keep up.

Hon SUE ELLERY: Section 82 of the act states that a computer game classified as MA 15+ material cannot be demonstrated in a shop, and it provides a significant fine for doing so. Section 88 makes it an offence to sell or supply to minors a computer game classified as MA 15+ material, and it provides a significant fine of $5 000, as opposed to the $500 fine proposed in the amendment.

Hon Barbara Scott: Is that MA or MA 15+?

Hon SUE ELLERY: It is MA 15+. There is no difference between the amendment and the act in that respect. I will respond to the second part of Hon Barbara Scott's amendment. Section 140 of the act sets out provisions for a person who demonstrates, sells or supplies a computer game to demand the name, age and address of people who seek to purchase such a game.

In response to Hon Paul Llewellyn's concerns, a higher standard applies to R-rated material. With regard to MA 15+ material, these amendments are redundant because provisions already exist that go to the heart of what the honourable member is trying to achieve. I am advised also that no computer games have an R-rated classification.

Hon Barbara Scott: That is what I said.

Hon SUE ELLERY: I say that in response to Hon Paul Llewellyn's comments.

Hon PAUL LLEWELLYN: I am not persuaded by the proposition that these concerns are already covered in section 82. Will the minister remind me of the sections to which she referred?

Hon Sue Ellery: Section 82.

Hon PAUL LLEWELLYN: Section 82 states in part -

> **Sale or demonstration of computer games in public place**
>
> A person must not sell or demonstrate a computer game in a public place unless the computer game -
>
> (a) is classified;

Hon Barbara Scott's amendment provides that these computer games must not be specifically displayed. Section 82 of the act states "sell or demonstrate", yet the amendment states "display". I am the parent of a young boy who was obsessed with violent video games that involved repetitive shooting. Funnily enough, my daughter did not have that obsession; perhaps that is because she is younger. Given that MA 15+ is the highest level of classification for a video game, I need to make the distinction between the sale and demonstration of computer games and the display of computer games. I need more clarification about whether there is an appropriate safeguard in that area.

Hon SUE ELLERY: We are talking about two different things. Hon Barbara Scott's amendment seeks to extend the provisions to prevent the display of such games. I need to correct the reference to the act I gave members. The relevant section about MA 15+ computer games is section 85, not 82. Hon Barbara Scott's amendment seeks to include the word "display". That is redundant because currently a game of that sort cannot be sold to somebody who is under 15 years of age and it cannot be demonstrated in the shop. For example, if someone asks to see it running in the shop, the retailer is not allowed to do that. Those provisions are sufficient to prevent the exposure of young people to such games.

A question arose out of the second amendment, now that the Deputy President has divided them. I will not repeat that argument because I do not want to confuse the debate. The sale or supply of MA 15+ games to minors carries a significant fine, as does the act of demonstrating such a game. We believe those provisions are sufficient.

Hon PAUL LLEWELLYN: In this day and age, computer games are sold by brand recognition. My child is old enough to be over all this. However, he knows about Grand Theft Auto and the names of other games that are easily identified by people. We know from cigarette advertising that there is a compelling argument that branding will draw young people's attention very quickly. They need hear the word only once in the schoolyard before they will look for the next most violent game that will allow them to mimic unsavoury, violent behaviour that is probably more appropriate for the battlefield; although, the type of behaviour demonstrated in some computer games is not justified even on a battlefield. I heard an argument yesterday that computer games are an

appropriate use of technology to train people to go into battle. I do not agree with that. However, it is not appropriate technology to use to train anyone in that type of behaviour, because it is reprehensible regardless of where it occurs, be it on a battlefield or elsewhere.

I am now dealing with the substantial intent of the proposed amendment. Section 85 states that a person must not demonstrate a computer game classified MA 15+. Would it not be easier if it said “demonstrate and display”? I am not persuaded about why this amendment should not be incorporated.

Hon BARBARA SCOTT: I thank Hon Paul Llewellyn for his contribution. The analogy between cigarette sales is a good one, and he speaks with sincerity as a parent. Members must remember that the MA 15+ rating is the highest classification a computer game can have under the new classification system. They are becoming more and more available; in fact, they are available now. I borrowed one or two from my local video store before Christmas for my own purposes. The store did not ask me for age identification; I was a bit surprised at that!

Hon Kim Chance: They do that to me all the time!

Hon BARBARA SCOTT: Do they?

Hon Kim Chance: Yes.

Hon BARBARA SCOTT: However, the important issue is the one that Hon Paul Llewellyn raised; that is, we insist that stores put R-classified articles or totally banned magazines out of sight and reach and insist on cigarettes being stored in particular areas of a shop. We do all of those things to protect children. This is a simple amendment. It simply requests that stores must not display in public a computer game classified MA 15+ or the container or wrapping of the game. If people want it, they can ask to see the list of games available. It was not difficult for me to find out whether my local store had the ones that I tested late last year. I thank Hon Paul Llewellyn for his support for the proposed amendment. The Parliament ought to consider that parents in this day and age are often very busy. They may have a babysitter or someone caring for their kids who take the kids to the video store, and they will have to ask for these products if they are not on display. This amendment, therefore, will be an added protection for keeping totally inappropriate material from within the grasp of young people.

Hon SUE ELLERY: I am conscious of the way in which the numbers fall in this place. The bill did not set out to address this issue. As I indicated before, it set out to bring our legislation into line with the national classification scheme. The national body, not the state, determines the MA 15+ and R classifications. The bill also makes some evidentiary provisions. Although this issue does not offend those policy objectives of the bill, I am prepared to accept the amendment. However, there will need to be a change to the amendment, because of the way it reads now. It states -

> A person must not display in a public place -
>
> (a) a computer game classified MA 15+; or
>
> (b) the container, wrapping or casing for a computer game classified MA 15+
>
> with the intention of selling the film . . .

We are, in fact, talking about computer games. I do not know whether that is a Clerk’s amendment or whether the honourable member wants to change it. I will take some advice on the penalty.

Hon BARBARA SCOTT: I thank the parliamentary secretary. I too noted when I was reading out the proposed amendment that it contained a mistake. It ought to read “game” instead of “film”. The penalty of $500 is not a severe penalty if we are to protect the hearts and minds of young people.

Hon PAUL LLEWELLYN: Should the amendment not say “selling the computer game”? The amendment needs appropriate language consistent with the first line.

Hon BARBARA SCOTT: The opposition proposed the computer game classification. The classification is actually MA 15+ for a video. Perhaps the parliamentary secretary can clarify.

The DEPUTY CHAIRMAN (Hon Simon O’Brien): Members, the motion before the Committee of the Whole is that proposed new clause 22A be inserted. The parliamentary secretary has indicated a willingness on the government’s part to acquiesce to that amendment, subject to some changes. The mover has indicated that she wants to accommodate those changes. Is it the will of the Committee that I leave the chair until the ringing of the bells to give members a few minutes to work these things out?

Hon BARBARA SCOTT: Before you do that, Mr Deputy Chairman, I just add another aspect that I referred to in my contribution to the second reading debate that I had not previously noticed in this regard. The amendment should say “with the intention of selling or hiring video games”. I am talking in the main about people walking into video shops. Perhaps the parliamentary secretary would take that aspect on board.

The DEPUTY CHAIRMAN: I will leave the chair until the ringing of the bells so that members can work things out behind the chair.

Sitting suspended from 3.55 to 4.06 pm

Progress reported and leave granted to sit again.

[Continued on page 1293.]

SWAN VALLEY PLANNING LEGISLATION AMENDMENT BILL 2005

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

PAWNBROKERS AND SECOND-HAND DEALERS AMENDMENT BILL 2005

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Kim Chance (Leader of the House)**, read a first time.

Second Reading

HON KIM CHANCE (Agricultural - Leader of the House) [4.08 pm]: I move -

That the bill be now read a second time.

In 1995 the Pawnbrokers and Second-hand Dealers Act 1994 came into operation to provide a consolidated regime for the licensing and regulation of the pawnbroking and second-hand dealing industry. The act repealed former provisions contained in the Pawnbrokers Act 1860, the Marine Stores Act 1902 and the Second-hand Dealers Act 1906. Since its introduction there has been a reduction in stolen property being traded through pawnbrokers and second-hand dealers. In 2002, as part of the government's obligations as a signatory to the national competition policy agreement, a review was conducted into the Pawnbrokers and Second-hand Dealers Act. The review demonstrated a continuing need for the legislation, and, despite the act being restrictive in nature, recommended only a number of minor administrative changes. The changes to the act contained within the current bill are consistent with the outcome of the national competition policy review of the Pawnbrokers and Second-hand Dealers Act 1994. Specifically, the bill does the following -

allows standard conditions or restrictions to be prescribed that would apply to all pawnbrokers and/or second-hand dealers' licences;

ensures that the distinguishing numbering of transaction details maintained by pawnbrokers and second-hand dealers and forwarded to the Commissioner of Police is consecutive;

provides the commissioner with the discretion to determine that pawnbrokers and second-hand dealers' premises are to be licensed separately when a licensee owns and operates more than one premise;

makes second-hand property that is subject to the 14-day retention period more readily identifiable to police officers inspecting second-hand dealers' premises;

allows pawnbrokers and second-hand dealers to use electronic imaging - digital - in lieu of photographs of their clients;

creates the ability to fine licensees who breach their licensing conditions or restrictions. This extension of penalty options is of benefit to the pawnbrokers and second-hand dealers, as at present the only penalty option available to a court for a breach of conditions or restrictions is the suspension or cancellation of a licence;

removes the identification documents detailed in the act and prescribes them in the regulations for consistency purposes;

increases the limitation period imposed on the issue of infringement notices from 21 days to 90 days, which provides greater flexibility to police in proceeding with minor offences through the infringement process. As a result, this reduces some of the penalties and legal costs imposed on licensees by avoiding the necessity for such minor offences to go before the courts;

requires licensees to display their licence number when advertising. This is of a great benefit to the public, as it enables easier identification of properly licensed persons;

ensures that pawnbrokers retain pawned goods at the store into which the goods were pawned until they are redeemed or sold, unless they are removed specifically for auctioning; and

makes "options to repurchase" subject to the same conditions and requirements as though the items were pawned, thus preventing circumvention of the legislation and thereby protecting the interests of the community and other legitimately licensed pawnbrokers.

The bill also addresses a potential anomaly that has arisen as a result of the successful High Court decision in May 2005 of Palgo Pty Ltd v Gowans, in which it was held that lending money with goods provided as security was not necessarily pawnbroking. The brief facts were that a person in New South Wales was charged with carrying on business as a pawnbroker without a licence in 2001, and was fined $6 000. The business made short-term loans, usually for seven days, of small amounts. Loans were secured by the borrower transferring title in the goods to the defendant - the lender. The schedule of terms referred to in the bill of sale/goods mortgage document required the borrower to keep the mortgaged property in his or her possession and to have insurance. It is considered that the High Court decision has a potential impact on the Western Australian legislation. As a result, the amendment in clause 5 of the bill is similar to a legislative amendment recently enacted in New South Wales to overcome this issue. The provision rewrites the definition of "pawnbroker" to broadly provide that regardless of how a transaction is legally or technically structured, if it has all the appearances of being a pawnbroking transaction, particularly from the perspective of the borrower, it is considered a pawnbroking transaction and the lender must then comply with the provisions of the Pawnbrokers and Second-hand Dealers Act 1994.

In summary, the bill addresses a range of housekeeping reforms to the Pawnbrokers and Second-hand Dealers Act arising from the recent national competition policy review and also addresses issues arising from the recent High Court case of Palgo Pty Ltd v Gowans. In terms of the national competition policy amendments, the passage of the bill will ensure that the state receives its full entitlement of national competition policy payments from the commonwealth.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

The PRESIDENT: Before we commence question time, I understand the Leader of the House wishes to make a short statement.

Hon KIM CHANCE: Thank you, Mr President. I regret to advise honourable members that some answers to questions that they have asked and would expect to be available today will not be available. The e-mail system has suffered a technical breakdown, so, sadly, a lot of the answers are not available. I ask opposition members to bear with us during this question time.

The PRESIDENT: We will see how we go.

FORTESCUE METALS GROUP LTD - DETAILED PLANS

135. Hon NORMAN MOORE to the Leader of the House representing the Minister for State Development:

I refer the minister to the state agreement with Fortescue Metals Group Ltd.

(1) Has Fortescue Metals met its obligations to deliver detailed plans for its development by the end of 2005, including detailed port and railway plans?

(2) If the company has not produced its detailed plans for government consideration and assessment under the various regulatory processes, why is the government introducing into Parliament the mining agreement with the company through the Iron Ore (FMG Chichester Pty Ltd) Agreement Bill 2006?

Hon KIM CHANCE replied:

I thank the Leader of the Opposition for some notice of this question. I advise the Leader of the Opposition that I have answers to both the questions to Minister John Bowler.

The Department of Industry and Resources advises -

(1) On 2 December 2005, Fortescue sought an extension of the date for submission of proposals under the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004 to 30 June 2006. The extension was approved by the minister on 6 February 2006.

(2) On 1 December 2005, the state executed the Iron Ore (FMG Chichester Pty Ltd) Agreement with FMG Chichester and Fortescue Metals Group, which deals with the mining aspects of Fortescue's proposed Pilbara iron ore and infrastructure project. The agreement obliges the state to introduce and sponsor a bill to ratify the agreement and to endeavour to secure its passage as an act before 30 June 2006, or such

later date as may be agreed between the parties. The government introduced the Iron Ore (FMG Chichester Pty Ltd) Agreement Bill 2006 into Parliament on Wednesday, 5 April 2006, in accordance with that obligation.

CAZALY RESOURCES LTD-RIO TINTO - DECISION

136. Hon NORMAN MOORE to the Leader of the House representing the Minister for Resources and Assisting the Minister for State Development:

(1) Is it correct that the Minister for State Development handballed the Cazaly Resources Ltd-Rio Tinto matter to the Minister for Resources and Assisting the Minister for State Development for determination and that this action is considered in government circles to be a "hospital handpass"?

(2) If so, when will the minister announce his decision?

(3) Why has the government taken so long to make a decision on this matter considering the speculation that is taking place on the stock market in relation to the outcome?

The PRESIDENT: There is a bit of argumentative material there.

Hon KIM CHANCE replied:

I was a back man, so I never had to worry about hospital handpasses.

(1) No.

(2) Not applicable.

(3) The process for dealing with this matter is the same as was applied to ministerial appeals when the honourable member was the Minister for Mines and the matter is being progressed as rapidly as that process allows.

DEPARTMENT OF EDUCATION AND TRAINING - RESIGNATIONS AND RETIREMENTS

137. Hon SIMON O'BRIEN to the Minister for Education and Training:

I refer to questions asked on 23 and 24 August 2005 concerning the number of retirements and resignations by teachers employed by the department. What were the equivalent figures for the years 1993 to 2000?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question. I am happy to provide the following response: we are unable to provide the information requested in the time required and I ask that the member put the question on notice.

GORDON INQUIRY RECOMMENDATIONS - HALLS CREEK

138. Hon ROBYN McSWEENEY to the parliamentary secretary representing the Minister for Community Development:

I refer to the Auditor General's report on progress with implementing the government's response to the Gordon inquiry and the Department for Community Development's requirement to implement 30 initiatives that would address 37 Gordon inquiry recommendations.

(1) What initiatives, if any, were implemented in Halls Creek, given that the Auditor General found that the central reporting process contained DCD progress data on only eight initiatives in 2003, nine initiatives for 2004 and only one in 2005, making a total of 18 recommendations out of 30 over a period of three years?

(2) Have any initiatives been commenced since November 2005?

(3) If yes, what are they?

(4) Which of the outstanding recommendations will the government commit to implementing in Halls Creek?

Hon KATE DOUST replied:

I thank the member for some notice of this question. The Minister for Community Development has provided the following response -

(1) As a result of recommendation 37 of the Gordon inquiry, the department has implemented a Safe Places, Safe People model in Halls Creek that builds on existing ways of supporting Aboriginal families who are already providing safe places for children to stay. Safe places and safe people will be identified within the local Aboriginal community where young people between seven and 15 years of age can go overnight, if they need to. If a young person is regularly seeking alternative accommodation

through Safe Places, Safe People, the local DCD worker will be contacted to develop an intervention plan with the child's family to support the young person's ongoing safety needs. Funding of $16 500 has been provided to the Ngoonjawah Aboriginal Corporation for the Safe Places, Safe People initiative in Halls Creek for the period 1 October 2005 to 30 June 2006. Ngoonjawah has commenced the process of establishing a reference group of strong indigenous women to guide the operation of the strategy, and six safe places have been identified. Protective behaviours training for people identified as safe people, the reference group and members of the community commences next week. The member may also be interested to know that Halls Creek is an Early Years site and that a number of Early Years grants have been received by the Halls Creek Early Years group for community-driven activities. Also, a service agreement for $57 750 is in place for implementation of the Helping Young People Engage model.

(2)-(3) Implementation of Gordon inquiry recommendation 151, which relates to employment screening to better protect children, commenced with the commencement of working-with-children checks in January 2006.

(4) The member should refer any questions relating to the implementation of the government's response to the responsible minister.

MANJIMUP-BUNBURY RAILWAY - BLUE GUM INDUSTRY

139. Hon PAUL LLEWELLYN to the parliamentary secretary representing the Minister for Planning and Infrastructure:

In relation to the government's commitment to the continued use of the Manjimup-Bunbury railway and the increasing heavy haulage traffic resulting from the maturing blue gum industry -

(1) When is it expected that the Manjimup-Bunbury railway will be fully operational?

(2) What work has been undertaken to integrate the Manjimup-Bunbury railway into the blue gum plantation sector?

(3) How many of the existing railway sidings, other than Greenbushes, will be incorporated into the rail-road interfaces for handling the blue gum freight task?

(4) Who will bear the cost of upgrading the Manjimup-Bunbury railway tracks and sidings?

(5) What are the cost-sharing arrangements for those upgrades?

Hon KATE DOUST replied:

On behalf of the Parliamentary Secretary to the Minister for Planning and Infrastructure, I thank the honourable member for some notice of the question. Unfortunately, there does not appear to be an answer to that question today.

C.Y. O'CONNOR - HISTORICAL DOCUMENTS

140. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Culture and the Arts:

I refer to the recovered records relating to C.Y. O'Connor, and to my question without notice 109 on this matter. I ask the minister to provide the following information -

(1) Since the material constitutes a government record, to what extent has the minister investigated the previous storage and provenance of the records?

(2) If there has been a thorough investigation, were the documents stolen from the State Records Office of Western Australia or from some other storage; if so, what explanation has Gregsons Auctioneers and Valuers Pty Ltd given about its acquisition of the documents; and if there has not been a thorough investigation, why not?

Hon KATE DOUST replied:

On behalf of the Parliamentary Secretary to the Minister for Culture and the Arts, I thank the honourable member for some notice of this question.

(1) The State Records Office has made inquiries regarding the previous storage and provenance of the material. It is understood that the government records in question were auctioned at Gregsons as part of a deceased estate of a former public servant employed at the Public Works Department between 1921 and 1948. An independent assessor engaged by the State Records Office concluded that the file was

compiled by that officer as a reference point for use in his public works career. It would be speculative to determine how the file came into the estate of the employee.

(2) The documents were not stolen from the State Records Office or other storage.

PASTORAL STATIONS - CYCLONE DAMAGE

141. Hon BRUCE DONALDSON to the Minister for Agriculture and Food:

Has the minister been advised of the damage to pastoral stations and loss of stock following recent cyclones, and the approximate cost of rehabilitation and stock replacement?

Hon KIM CHANCE replied:

I thank Hon Bruce Donaldson for the question.

In answer to the first part of the question, yes, I have been advised of the extent of the damage. In answer to the second part of the question, I must say no, not with any great precision. The reason for saying that is that we have a view about the costs of the damage that is known to have occurred; however, the stations themselves in many cases have not been able to fully detail the extent of stock losses in particular, and losses to infrastructure are also still somewhat vague as a result of the existing flood damage. Some of those areas are still under water; others are no longer under water but remain inaccessible to vehicles. Therefore, the pastoralists have not been able to accurately determine that damage. It will take some time for that information to filter its way through to the Department of Agriculture, which will then ultimately let me know.

Early indications are that infrastructure damage has been pretty severe, although possibly not as severe as was first thought. We remain hopeful that livestock losses have not been as severe as they might have been, partly because of the warning that pastoralists had that the water was coming down. I remain hopeful on that front. In any major flood event such as this there are losses, and some of them are quite iconic losses. The damage done to some of the station homesteads, particularly those that are historic, is very regrettable. However, overall, it is excellent to see that the long drought in the Murchison and Gascoyne regions has finally been well and truly broken.

CARNARVON-GASCOYNE JUNCTION ROAD

142. Hon KEN BASTON to the parliamentary secretary representing the Minister for Planning and Infrastructure:

I refer to funding for the sealing of the Carnarvon-Gascoyne Junction road.

(1) Is the minister aware that -

(a) funding for this road has been allocated until only 2008 and that this is insufficient for completion; and

(b) this will leave 20 kilometres of unsealed road halfway between Carnarvon and Gascoyne Junction?

(2) Will the minister prioritise funding so that the road can be completed by 2008, as originally intended; and, if not, why not?

Hon KATE DOUST replied:

On behalf of the Parliamentary Secretary to the Minister for Planning and Infrastructure, I thank the honourable member for some notice of this question.

(1) The section of the Carnarvon-Mullewa road between Carnarvon and Gascoyne Junction is a local government road under the care and management of the Shires of Carnarvon and Upper Gascoyne. Funding for the upgrading of this section of road is allocated under a financing agreement between the Commissioner of Main Roads and the Shires of Carnarvon and Upper Gascoyne that was entered into in 1998. Under this agreement, the state government is committed to a funding contribution not exceeding $20 million, with additional provision for consumer price index adjustments, up to 2007-08. It is estimated that by the end of the agreement some $23.6 million in state funds will have been contributed to this project. The government is therefore meeting its commitment. In light of cost increases since the introduction of the agreement, it is evident that there will be insufficient funding to complete the sealing of the road. Main Roads is working closely with the two councils to prioritise works on the remaining section to ensure the greatest benefit to road users.

(2) The allocation of additional funds to meet any shortfall on this project would need to be considered together with many other high-priority works on local government roads across the state. Many other local authorities would like the state to spend the allocations under the state-local government road

agreement for state initiatives on local roads. It is important that there be equity in the distribution of funds across the state.

DISTRICT HIGH SCHOOLS - BYPASS LIST

143. Hon ANTHONY FELS to the Minister for Education and Training:

(1) How many district high schools are on the Department of Education and Training's bypass list?

(2) What are the criteria for a school being placed on the bypass list?

(3) What are the locations of current bypass schools?

Hon LJILJANNA RAVLICH replied:

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

(1) Thirty-seven.

(2) The eligibility criterion, as determined by the commonwealth government, is that the school offers a limited school program.

(3) The locations of current bypass schools are Albany district, Bunbury district, Esperance district, goldfields district, Kimberley district, Narrogin district, mid-west district, midlands district, Pilbara district, Swan district, west coast district, Warren-Blackwood district, Canning district and Fremantle-Peel district.

DEPARTMENT OF HEALTH BUILDING - LEASING COSTS

144. Hon HELEN MORTON to the parliamentary secretary representing the Minister for Health:

(1) What is the annual cost of leasing the Department of Health building at 189 Royal Street, East Perth?

(2) How many full-time equivalent staff are located in the Department of Health building at 189 Royal Street, East Perth?

Hon SUE ELLERY replied:

I am sorry, I do not have an answer to that question.

REGISTERED TRAINING PROVIDERS - CONDITIONS OF REGISTRATION

145. Hon PETER COLLIER to the Minister for Education and Training:

I refer to reforms of the training sector being considered by the government.

(1) Will the minister consider making registration as a registered training provider conditional upon the organisation having tuition assurance?

(2) If not, why not?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

(1) No.

(2) Under the "Australian Quality Training Framework: Standards for Registered Training Organisations", standard 3.4 requires that the registered training organisation document and implement systems to protect fees paid in advance. Under this national standard, training providers may choose, among other things, to contribute to a tuition assurance scheme, take out insurance or establish trust accounts to protect student fees paid in advance. This arrangement has provided adequate tuition assurance, and no changes to this arrangement will form a part of the reforms to the training sector being considered.

TOURISM INDUSTRY

146. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Tourism:

I refer to WA tourism initiatives.

(1) What was Western Australia's national market share of international visitors in -

(a) 2000; and

(b) 2005?

(2) With respect to the minister's tourism initiative for Russia mentioned in her speech at the Tourism Council's "Billion Dollar Bazaar" at Parliament House on 4 April 2006 -

(a) what does this initiative comprise; and

(b) what is the funding amount for this initiative?

(3) What is the percentage of Russian tourists currently visiting Western Australia, and what is the target percentage?

(4) What other programs has the minister personally initiated for the tourism industry?

Hon KATE DOUST replied:

On behalf of the Parliamentary Secretary to the Minister for Tourism, I thank the honourable member for some notice of this question.

(1) Western Australia's market share of international visitors is -

(a) 13.3 per cent in 2000, representing 606 900 international visitors, and $1.028 billion in international visitor spend; and

(b) 12.6 per cent in 2005, representing 635 200 international visitors, up 4.7 per cent from 2000, and $1.226 billion in international visitor spend, up 19.3 per cent from 2000.

Notably, there is a trend for visitors to visit fewer states when they visit Australia. All but two states have lost more market share than Western Australia in this period.

(2) At the "Billion Dollar Bonanza" tourism function this week at Parliament House, which was organised to highlight the importance of the state's tourism industry, the minister mentioned in her address that she had held discussions with several major inbound tour operators in Sydney last week about emerging tourism markets such as China, and the potential of Russia was mentioned as a future emerging market for Australia. Although she did not mention any specific initiatives in her speech, she was pleased to have this opportunity to inform members that Tourism Western Australia is supporting a visit of approximately 16 Russian travel agents to Western Australia in July, at which time the potential for this market can be further explored. Tourism WA constantly monitors international tourism market activity and prioritises emerging markets for development.

(3) There are currently fewer than 2 000 visitors per year to Western Australia from the entire eastern European area. This represents less than one per cent of all international visitors to Western Australia. Tourism Western Australia, using figures supplied by Tourism Research Australia, cannot report the exact visitor numbers from Russia as the visitation is too small to allow reliable reporting. Russia is not currently a priority emerging market for either Tourism Australia or Tourism Western Australia; hence, we do not have a target percentage of Russian tourists. As Russia is not currently a priority emerging market for Tourism WA, we do not have any funding specifically assigned to Russia, except $10 000 reserved for the Russian travel agent visit in 2006.

(4) In her short time as the Minister for Tourism, the minister's priority has been to further develop the benefits that the tourism industry can bring to the State's economy through the pursuit of funding to allow Tourism Western Australia to continue to undertake successful marketing, events and industry development programs. The minister also focused on building the synergies between tourism and her other portfolios of indigenous affairs and culture and the arts.

KIMBERLEY SCHOOLS

147. Hon SIMON O'BRIEN to the Minister for Education and Training:

(1) Has the minister visited schools in the Kimberley to obtain first-hand information about problems, including truancy and violence towards teachers?

(2) If so, what initiatives has the minister taken to address those problems?

Hon LJILJANNA RAVLICH replied:

(1)-(2) No, I have not. I am assuming Hon Simon O'Brien is referring to indigenous communities.

Hon Simon O'Brien: Will you be going up there?

Hon LJILJANNA RAVLICH: Yes, I will be going up there. I have scheduled trips to that region on a number of occasions. On one occasion a funeral was being held and, as a consequence, it was not possible to go on account of the fact that no-one was going to be there. That is a key reason I have not travelled to the Kimberley. I had been there on a number of occasions as the Minister for Local Government and Regional Development. Obviously it is a very big state. There are 750 government schools alone.

Hon Simon O'Brien: There are 777.

Hon LJILJANNA RAVLICH: Okay. Between 130 and 140 schools have been visited.

Hon Simon O'Brien: With the Kimberley in particular, is that a priority for you with some of the reports you've had done?

Hon LJILJANNA RAVLICH: It has to be a priority. Having started my education career as an Aboriginal education teacher, I am aware of some of the challenges that we have in areas throughout the Kimberley, but they are not confined to the Kimberley alone. Many of the issues, particularly in relation to Aboriginal education, are present in other parts of the state. Not all indigenous education environments are bad. There is a real mix. For example, Ngalapita Remote Community School last year won the Premier's Reading Challenge. That is an outstanding example of how an indigenous community has come together and worked very positively, and how it values education very highly. Obviously, there have been issues in Halls Creek, but that is not an isolated case. A wide range of programs and a significant amount of funding have gone into that school. Some of the issues are not isolated to that area. There are schools in Port Hedland, Newman and surrounding areas that have some of the same challenges. That is a priority.

I place on record one of the first things I did when I became Minister for Education and Training, at my first meeting of the Ministerial Council on Employment, Education, Training and Youth Affairs. Western Australia moved a motion to make Aboriginal education a priority for all states and territories over the next five years. In fact, a working party was set up by MCEETYA and chaired by the director general of Western Australia's Department of Education and Training, Mr Paul Albert. A very good draft report has recently been produced. I am hoping that it will be ticked off by all the state ministers when we go to MCEETYA in about a month's time. If we can get that ticked off, it will be a significant step forward in finding some very practical solutions to some of the challenging educational issues we face, particularly in remote rural and Aboriginal schools.

ELECTION PROMISES

148. Hon NORMAN MOORE to the Leader of the House representing the Minister for Resources and Assisting the Minister for State Development:

I refer the minister to his comment in the Legislative Assembly that a couple of election promises were broken.

(1) Will the minister provide a list of the promises he concedes the government broke?

(2) If not, why not?

Hon KIM CHANCE replied:

I thank the member for the question. I am advised that this matter is already on the public record and needs no further clarification.

MENTAL HEALTH FACILITIES - WORKSAFE AUDIT

149. Hon HELEN MORTON to the parliamentary secretary representing the Minister for Health:

Following the WorkSafe audit of all mental health facilities in 2004, I understand that eight of 178 notices are still outstanding.

(1) Can the minister list the eight outstanding notices, including the name of the facility that received the notice, the date it was received and the nature of the problem?

(2) Can the minister give a deadline by which each of these outstanding notices will be resolved?

Hon SUE ELLERY replied:

It is a lengthy answer, and I seek leave to table it and have it incorporated in *Hansard*.

Leave granted.

[See paper 1409.]

The following material was incorporated -

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(1)

- South Metropolitan Area Health Service, Rockingham Mental Health Service - WorkSafe Notice 170008469 relates to the installation of duress alarms. Issued - 3 May 2004. STATUS: Completed: Duress alarms have recently been installed and are operational.
- South Metropolitan Area Health Service, Rockingham Mental Health Service - WorkSafe Notice 170008470 relates to the installation of reception barriers. Issued - 3 May 2004. STATUS: Completed: The reception area has been modified.
- North Metropolitan Area Health Service, Graylands, Frankland Centre and Osborne Older Adult Mental Health Service - relates to the following WorkSafe Notices for the installation of personal duress alarms:
  - WorkSafe Notice 170008221, issued 5 April 2004
  - WorkSafe Notice 170008956, issued 8 June 2004
  - WorkSafe Notice 170008969, issued 18 June 2004.

STATUS: The estimated cost to complete all three WorkSafe Notices (170008221, 170008956, 170008969) is $1.9 million. North Metropolitan Area Health Service is implementing these orders in a staged manner according to the risk assessment, with a final completion date of 2007.

- North Metropolitan Area Health Service, Graylands, Frankland Centre and Osborne Older Adult Mental Health Service - WorkSafe Notice 170008959 relates to the installation of reception barriers in community mental health clinics. Issued - 18 June 2004. STATUS: One community service has had the barrier installed. Two adult clinics are scheduled for installation on 21 April 2006 and 28 April 2006 at a combined cost of $37,000.00. A further four Child and Adolescent Clinics have had an initial quote totalling approximately $10,000. The Child and Adolescent Clinics installations will be installed as soon as possible.
- South Metropolitan Area Health Service, Swan Adult Mental Health Service - WorkSafe Notice 170008170 relates to the installation of duress alarms. Issued - 31 March 2004. STATUS: As of 22 March 2006 work had commenced on the installation of the duress system. Additional work is scheduled over the next few months to complete the project.
- South Metropolitan Area Health Service, Swan Adult Mental Health Service - WorkSafe Notice 170008164 relates to a safe system of work. Issued - 31 March 2004. STATUS: This order is an overarching order that encompasses all of the previous orders. Despite being assigned to Swan Adult Mental Health Service, it cannot be signed off until all others have been completed.

(2) All outstanding notices will be resolved by July 2007.

KALEEYA HOSPITAL - STAGE 2

150. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Health:

(1) For what purpose has $1 million been budgeted for stage 2 at Kaleeya Hospital?

(2) Does the minister concede that Kaleeya Hospital has not been used effectively for elective surgery over the past 12 months?

(3) Is the under-use of Kaleeya Hospital part of the reason that the minister has failed to deliver 3 000 of his promised 3 710 extra elective surgical procedures for the past financial year?

Hon SUE ELLERY replied:

(1) Currently the South Metropolitan Area Health Service is to embark upon its clinical services planning. This will follow the completion of the metropolitan clinical services planning process, which is currently in progress. Decisions about future developments at Kaleeya Hospital will be made following the completion of the planning process.

(2) Kaleeya Hospital has been effectively used for elective surgery in the past year. Between February 2005 and March 2006, 2 538 surgical elective waitlist cases have been performed at the hospital. Elective surgery throughput has increased at Fremantle Hospital and Kaleeya Hospital by 845 cases in the past year. The availability of Kaleeya Hospital has facilitated an increase in elective throughput, despite increased emergency demand at the Fremantle campus.

(3) The South Metropolitan Area Health Service has completed 2 393 additional surgical elective waitlist cases at Armadale Health Service, Fremantle Hospital, Kaleeya Hospital and Galliers Private Hospital and Specialist Centre in a year-to-date comparison with last year.

QUESTION ON NOTICE 3057

Correction of Answer

HON KIM CHANCE (Agricultural - Leader of the House) [5.02 pm]: I wish to correct an answer given to parliamentary question on notice 3057, asked by Hon Ray Halligan on Thursday, 1 December 2005 to the Minister for Fisheries representing the Minister for Employment Protection. Due to an administrative oversight, the answer for the agency of the Department of the Registrar, WA Industrial Relations Commission was left out. I table the document and seek leave for its incorporation into *Hansard*.

Leave granted.

[See paper 1410.]

The following material was incorporated -

STATE BUDGET - DIVISION 21, PAGE 350, ADJUSTMENTS

3057. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Consumer and Employment Protection.

I refer the Minister to the 2005-2006 State Budget, Volume One, division 21, page 350, footnote (a) and to the line item ‘Adjustments’, and I ask -

(1) Can the Minister please provide a detailed breakdown of the elements comprising the allocation for ‘Adjustments’?

(2) If not, why not?

Hon JON FORD replied:

For the Department of the Registrar, WA Industrial Relations Commission

(1) The Adjustments in relation to the Department of the Registrar are as follows;

2003-04 Actual ($140,000)

Increase in Assets $372,000

Less

Contributed Equity $195,000

Resources Received Free of Charge $23,000

Superannuation Liability Assumed by the Treasurer $107,000

Increase in Liabilities $187,000

2004-05 Budget $53,000

Increase in Assets $54,000

Plus Decrease in Liabilities $14,000

Less Resources Received Free of Charge $15,000

2004-05 Estimated Actual $255,000

Decrease in Assets ($57,000)

Plus Decrease in Liabilities $327,000

Less Resources Received Free of Charge $15,000

2005-06 Budget Estimate $861,000

Increase in Assets $347,000

Plus Decrease in Liabilities $529,000

Less Resources Received Free of Charge $15,000

2006-07 Forward Estimate ($112,000)

Decrease in Assets ($66,000)

Less Increase in Liabilities $31,000

Less Resources Received Free of Charge $15,000

2007-08 Forward Estimate ($60,000)

Decrease in Assets ($43,000)

Less Increase in Liabilities $2,000

Less Resources Received Free of Charge $15,000

2008-09 Forward Estimate ($73,000)

Decrease in Assets ($31,000)

Less Increase in Liabilities $27,000

Less Resources Received Free of Charge $15,000

(2) Not applicable.

PAPER TABLED

Question on Notice 3219

A paper relating to the answer to question on notice 3219 was tabled by **Hon Kate Doust (Parliamentary Secretary**) on behalf of the Parliamentary Secretary to the Minister for Planning and Infrastructure.

CENSORSHIP AMENDMENT BILL 2005

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon Simon O'Brien) in the chair; Hon Sue Ellery (Parliamentary Secretary) in charge of the bill.

New clause 22A -

Progress was reported after the new clause moved by Hon Barbara Scott had been partly considered.

Hon BARBARA SCOTT: We are dealing with a new clause 22A. While the Clerk Assistant is correcting the drafting, I remind members that we are talking about computer games classified MA 15+ or containers, wrapping or casing for those computer games. The change will seek to add some words so that it will read "with the intention of selling or supplying the computer game except in an area of the public place set aside by that

person, and conspicuously identified, as an area for the display of computer games, or containers, wrapping or casings for computer games, with that classification".

The DEPUTY CHAIRMAN (**Hon Simon O'Brien**): Order! Is it Hon Barbara Scott's intention to withdraw her initial amendment pending the completion of the corrected amendment?

Hon BARBARA SCOTT: Yes, thank you, Mr Deputy Chairman.

New clause, by leave, withdrawn.

The DEPUTY CHAIRMAN: Members, a subsequent notice has now been distributed in the chamber to indicate that a new part 5 is now proposed for the bill.

New part 5 -

Hon BARBARA SCOTT: To overcome the issue of retrospectivity, the advice is that I move new part 5 after part 4 of the bill, which ends with clause 34. I move -

Page 13, after line 22 - To insert the following new Part 5 -

Part 5 - Display of MA 15+ Computer Games

35. Section 85A inserted

After section 85 the following section is inserted -

"

85A. display of MA 15+ computer games or containers

A person must not display in a public place -

(a) a computer game classified MA 15+; or

(b) the container, wrapping or casing for a computer game classified MA 15+,

with the intention of selling or supplying the computer game except in an area of the public place set aside by that person and conspicuously identified, as an area for the display of computer games, or containers, wrapping or casings for computer games, with that classification.

Penalty: $500.

".

I have moved that amendment in my name so that we do not further delay the committee.

Hon SUE ELLERY: I thank Hon Barbara Scott, Hon Paul Llewellyn, my advisers and the Clerks for their assistance in finding a form of words that accommodated the amendment desired by Hon Barbara Scott. As I indicated earlier, we understand the way the numbers are forming on this issue and therefore the government will support new part 5.

Hon NORMAN MOORE: I hate to throw a spanner in the works but I just heard the amended amendment read out by Hon Barbara Scott and it raises a question in my mind to which I require an answer from either the parliamentary secretary or the member. The proposed new section refers to what can or cannot be done. It refers to a public place. How do we decide what is a public place? What if a person decides that the public place is the front window of a shop and puts up a big sign that conspicuously identifies the shop as a place where computer games rated MA 15+ are to be located? That is a quick way to make sure that there will be lots of young people standing outside the shop window looking in. Is there provision somewhere else in the act that I do not know about that gives some indication of where a public place ought to be or the part of a public place where the games can be sold?

Hon SUE ELLERY: A public place is defined in the Censorship Act under section 3 -

"public place" includes -

(a) a place to which free access is allowed to the public with the express or implied approval of the owner or occupier of that place;

(b) a place to which the public are admitted on payment of consideration;

(c) a place on private property that the public are allowed to use as a thoroughfare for pedestrians or vehicles, or both;

(d) a public place covered by water; and

(e) a school;

Hon NORMAN MOORE: I thank the parliamentary secretary for that definition. I am afraid that it heightens my concern about the wording of this new provision. It means that the person running the computer games shop can sell the games only in an area of the public place set aside by the person and conspicuously identified as an area for the display of those games etc. Given that a public place is all the things that the parliamentary secretary read out, it seems to me that the owner of a shop could pick any part of the public place and put up a big sign stating where people can buy MA 15+ computer games. It could be the front window. I would like somebody to tell me whether I am wrong, because I do not want to have legislation that allows that to happen. Obviously, the intention is that the place where this material is to be located, albeit in a public place, should be a place where people do not normally go. The point I am trying to make is that we could create a worse problem than there is currently if we do not give some thought to what that means. Perhaps somebody might help me.

Hon BARBARA SCOTT: I will try to clarify the interpretation of the new clause as I intended it. I am cognisant of the definition of "public place" in the act. The amendment states that a person must not display the material in a public place with the intention of selling or supplying the computer game. It is similar to the provisions for the sale of cigarettes in a shop - the display is confined to an area. I am satisfied that the amendment will achieve the elements that I want it to achieve; that is, that these games will not be scattered all over the shop but will be in a special area that is inconspicuous to children. The games will be protected. The amendment will give credence to the second amendment that I am going to move. That is my explanation. These amendments have been read by a legal adviser and they have satisfied the legal adviser. I am not sure whether the legal eagles at the table can add any more.

Hon PAUL LLEWELLYN: I would like some clarification that the construction of new clause 85A is identical to the construction of the section of the act that relates to R-rated material? If it is, there can be no ambiguity about its operation.

Hon BARBARA SCOTT: Hon Paul Llewellyn is correct. Section 78 refers to the display of R-rated films or containers. That provision is replicated in this new clause. The section provides that a person must not display in a public place a film classified R.

Hon NORMAN MOORE: I thank Hon Paul Llewellyn for partially setting my mind at rest, and I apologise to Hon Barbara Scott for being argumentative on this occasion. I have only just noticed this. If this provision has worked in the past for R-rated material, there is no reason it will not work in the future in the new clause that Hon Barbara Scott has moved. However, I draw to the attention of the parliamentary secretary that, on my reading of both new clause 85A and section 78 of the act, both provisions could allow the display of these sorts of materials in the front window of a shop, provided that the person put up a big sign stating that this is where he keeps his R-rated material. Perhaps the parliamentary secretary should in due course consider similar provisions on this matter. There may be a need for some generic change so that we identify more clearly which part of a shop the material should be located in. There should be a requirement that this material be put in a discreet place so that children are not attracted to it, as they would be to a display such as this if it were in the front window of a shop.

Hon SUE ELLERY: I note the remarks of the honourable Leader of the Opposition. I am happy to draw them to the attention of the Attorney General.

New part put and passed.

New clause 36 -

Hon BARBARA SCOTT: I move -

Page 13, after line 22 - To insert -

36. Section 86 amended

After section 86(1) the following subsection is inserted -

"

(1A) A person must not sell or supply a computer game classified MA 15+ without first -

(i) reading the relevant consumer advice and the provisions of section 85(3) of this Act to the purchaser;

(ii) obtaining the signature of the purchaser or hirer on a form containing the name and address of the purchaser or hirer and a statement verifying that the purchaser or hirer has been informed of the relevant consumer advice and the provisions of section 85(3) of this Act; and

(iii) viewing photographic identification and proof of age of the purchaser or hirer.

Penalty: $5 000.

".

Hon PAUL LLEWELLYN: The Greens (WA) do not support this amendment, because it goes a step too far in restricting civil liberties. I thought we had the civil liberties debate a bit earlier when we discussed seizing computer equipment and whatnot. Will the parliamentary secretary explain how proposed new section 78, which is the comparable provision, will operate in relation to people having to identify their age? This relates to the provisions of the clause that we discussed a minute ago. I am conscious that requiring small operators to find a separate place to store their video games will be an impost, and now we are asking them to sign forms, view identification cards and so on. Where will it stop? What are the safeguards for R-rated films?

Hon SUE ELLERY: As I indicated in my earlier remarks, the government also opposes this amendment. On the one hand it is redundant and on the other hand, to the extent that it is not already covered, we agree with the remarks of Hon Paul Llewellyn that this amendment takes things one step too far. In fact, it is going a step too far because of the administrative load that would be placed on operators of shops, including video shops. Operators would be required to obtain a signature and a statement verifying that a person has been informed and view photographic identification. In relation to the question raised by Hon Paul Llewellyn, section 140 provides that the police and the seller can ask for identification. Section 83 requires that the operator of a business display information about the classifications. The act already provides for certain protections to ensure that people are informed about what the classifications mean. If someone has a doubt about whether a person seeking material is old enough to obtain that material, he or she has the right, and the obligation if necessary, to ask for identification.

Hon BARBARA SCOTT: I am realistic enough to know the way the numbers fall, but I wanted to put on record the reason this new clause was raised. In my view the matter is not, as the parliamentary secretary says, redundant at all; it is about protecting children. The person hiring or buying a video game would have to fill in a prescribed form and show identification, as people must do when they hand over a credit card. In most places they go to now it is a fairly quick matter. It would be a prescribed form, just to make sure that parents, carers and other people understand the violent nature of these video games. It was proposed that it be put into the bill as a further protection for children. It is not redundant, as the parliamentary secretary would argue, because it is not an issue such as supplying or not supplying cigarettes to somebody over the age of 18 years. We are not merely looking at proof of age but at whether the person hiring a video game appreciates its violent nature or content, and the provisions that would be invoked by the person showing it to somebody else or allowing somebody else to see it. It is to deter this sort of violent computer game being in a home and being watched by others who are younger than the person who has hired it.

New clause put and negatived.

Schedules 1 and 2 put and passed.

Title put and passed.

Bill reported, with amendments.

ALCOHOL AND DRUG AUTHORITY REPEAL BILL 2005

Second Reading

Resumed from 23 March.

HON HELEN MORTON (East Metropolitan) [5.34 pm]: The Alcohol and Drug Authority Repeal Bill 2005 bill repeals the Alcohol and Drug Authority Act 1974 and consequentially amends other acts. The bill purports to respond to two important government initiatives, the first of which is recommendation 21 of the Community Drug Summit, but I do not think that it does that at all. Recommendation 21 from the Community Drug Summit is that the government create an overall coordinating body to coordinate responses to drug-related issues, identified needs and program development; report directly to the relevant minister - that means not going through another body before it gets to the minister; assist organisations to access funding for the prevention of problematic drug use and treatment; provide support to regional, remote and rural areas in ways designated by active consultation with those communities; support and fund a diverse range of prevention and treatment options; and become an independently funded body. I imagine that the Alcohol and Drug Authority already is many of those things. It is an overall coordinating body. The proposal to subsume it into the Department of Health as a whole is in direct contradiction with recommendation 21 from the Community Drug Summit.

The second reading speech suggests that the other area to which the bill purports to respond is the recommendations of the task force that was set up to review the machinery of government in Western Australia.

I am a bit concerned about the way in which the repeal of the Alcohol and Drug Authority Act and the consequent abolition of the Alcohol and Drug Authority will be able to achieve that. The machinery of government review was about reducing the excessive number and fragmented nature of departments and agencies. In some respects that is just code for centralisation. It was also about incorporating the activities of small agencies into larger departments. That is just code for another form of control. Through the machinery of government review and the subsequent action by government, the government is trying to eliminate anything that is individualistic in organisations such as the Alcohol and Drug Authority. It wants to bury these organisations in large departments. It wants to make them less accountable. It wants them all to have the same look, colour, name and design. It wants to get rid of anything that may be creative and innovative in these organisations. In short, the government wants to make them conform. In the machinery of government review, conformity seems to be more important than creativity. Above all, these organisations must be compliant; they must comply with the rules.

I can tell members, having worked in the Department of Health, that it is a power-based, centralised bureaucracy with a dependence on rules, an aversion to risk and a minimisation of personal responsibility. The abolition of the Alcohol and Drug Authority is also very city-centric. Recommendation 21 from the Community Drug Summit makes it very clear that it wants the government to provide support to regional, remote and rural areas in ways designated by active consultation with those communities. However, if the Alcohol and Drug Authority is buried in the depths of the Department of Health, it certainly will not enhance the ability of that authority to effectively support and provide services to remote and rural areas. Nine of the 11 sobering-up centres that are managed by the Alcohol and Drug Authority are located in non-metropolitan areas. Only two of them are city based. I do not believe that the reasons given in the second reading speech for the abolition of the Alcohol and Drug Authority are very credible. However, I will give some other reasons for my not supporting the abolition of the Alcohol and Drug Authority.

In 1974 when the Alcohol and Drug Authority Act was first put in place, it brought together five separate agencies under the umbrella of the Alcohol and Drug Authority. The Alcohol and Drug Authority is now to be dissolved and become the Drug and Alcohol Office in the Department of Health. It will become an entity under Metropolitan Health Services. Of course, the Metropolitan Health Service Board is the minister. Therefore, we will move away from a situation in which there is an authority to one in which the minister is the board for the Drug and Alcohol Office. I believe that this move will make the office less accountable and less conspicuous, and, as I said, it will be buried within the Department of Health. If the government is to do that, why would it want to bury the office in the Department of Health anyway? Why not choose the Department for Community Development or some other organisation? However, I can understand to some degree why people have chosen the Department of Health.

Some strategies have been listed in the second reading speech on the Alcohol and Drug Authority Repeal Bill. It is suggested that the reason for the office being placed in Metropolitan Health Services is that it will assist the office to access the benefits of the wider health system. The second point is that one of the advantages of the integration is that it will enhance drug and alcohol patients' access to emergency departments. Already we are seeing what this is about. It is about trying to deal with the problem, rather than the cause of the problem. It is about trying to deal with people who have alcohol and drug problems; therefore, the office will be moved into the Department of Health, because, as sure as hell, it will pick up those people once they have the problem. However, it is shifting the focus entirely from what the Drug and Alcohol Office should focus on, and that is the issues that are causing the significant rise in alcohol and drug problems in Western Australia at the moment.

The "Western Australian Drug and Alcohol Strategy 2002-05" is the government's strategy for reducing social and health issues resulting from alcohol and drug use. Once again, putting this office into Metropolitan Health Services, without giving it any opportunity to work separately from the Department of Health, will make the office less effective and less able to operate efficiently. The "Western Australian Alcohol and Drug Strategy 2002-05" makes quite a big deal of the number of cross-government departments that must cooperate for it to be effective. The government departments referred to are the Alcohol and Drug Authority; the WA Police Service, as it was previously called; the Department for Community Development; the Department of Housing and Works; the Department of Health; the Department of Indigenous Affairs; the Department of Local Government and Regional Development; the Department of Education and Training; and the former Department of Justice, as well as the school drug education and road awareness project. Why bury the office in the Department of Health, when it must work across all those government departments? Why not leave it as the Alcohol and Drug Authority so that it has the capability to work effectively across all those departments? As soon as it becomes an office within the Department of Health, the other agencies will see it as the Department of Health's responsibility. I advise members that from my experience that is exactly what will happen. It will not be an across-government strategy. The Department of Health will try to negotiate with all the agencies to achieve certain objectives or outcomes. What makes people think that the Department of Health will have a better chance than a high-profile authority to make these across-department objectives come to fruition? If the Alcohol and Drug Authority were placed within the Department of the Premier and Cabinet, the government might

recognise the importance of the alcohol and drug issue to the state and look at the preventive issues. It would be more beneficial than placing the authority within the Department of Health.

I was reminded when I was preparing for this debate of the Parental Support and Responsibility Bill that is before a committee of this house, because it includes a requirement for government departments to cooperate. The government acknowledges that it is very hard for government departments to interact with one another to achieve an across-government objective by including a requirement in legislation for government departments to cooperate and share information. Here we have an arrangement where we are trying to bury the Alcohol and Drug Authority in the Department of Health and expecting that in some way it will enhance or improve the ability of the organisation to work across 10 high-profile government departments. The proposal is that the Alcohol and Drug Authority will become an alcohol and drug office and will come under the Metropolitan Health Service, where the minister is on the board. It will be an equivalent service to the Dental Health Services, BreastScreen WA or the Office of Aboriginal Health.

How much less effective will it be if it is placed in that situation? It will be very convenient for the Department of Health to be in control of an organisation like this authority, which it can control through funding and staffing and by minimising its authority and autonomy. To give an example of what I am talking about in relation to the Department of Health, I refer to an article in yesterday's *The West Australian*. It indicates that in 2001 the Gallop government was told about the crisis occurring in the Kimberley. I can assure members that the same situation will occur with alcohol and drugs. It does not matter how hard the people within the department work to take issues to the relevant CEO or minister, they will be put back in their box, have their wings clipped and be required to do what the Department of Health or minister wants them to. The article reads -

> WHAT THE GOVERNMENT WAS WARNED ABOUT FIVE YEARS AGO
>
> This sums up the frustrations that many of us feel who work in Aboriginal areas. Instead of putting all our efforts into education, so that there are Aboriginal nurses, doctors, administrators, accountants etc., we put money into useless "health promotion programs".

This person said that five years ago she alerted the government to the fact that the money that was being expended on health was being channelled into useless programs, but that warning was not acted upon because people are working within a huge bureaucracy that is all about centralisation, conformity and control. To continue -

> I see a lot of politicians and the like flying into Aboriginal communities for a couple of hours, looking at a few people doing dot paintings under a tree, and then flying out again to their Claremont house saying: "Isn't it wonderful that they are maintaining their culture."
>
> The Office of Aboriginal Health spent around $18 million this financial on "innovative, gap closing" programs.

That is the department's rhetoric; it is what we hear from big bureaucracies such as the Department of Health. We will look forward to innovative, gap-closing programs from the Department of Health to deal with alcohol and drug problems. That will be fantastic! The article continues -

> Most of it is a waste of time and has absolutely no effect on the health and well being of Aboriginal people.

This is just an example of the effect of placing the WA Drug and Alcohol Authority within the Department of Health; it will bury it.

Why get rid of the authority? It obviously does not meet the two objectives set out in the second reading speech. How many people make up the board of the authority? I understand it is four. The chairperson is Professor Mike Daube from the Curtin University, the ex-Commissioner of Health. I think he was the commissioner or the director general; I cannot remember which of those titles he used. Marg Stevens is the deputy chair, and she is the chief medical adviser for population health in the Department of Health. Then there is Steve Allsop, an associate professor with the alcohol and drug section - I think he is the chief executive officer of the authority, or something like that.

Hon Sue Ellery: He has moved on and gone to Curtin.

Hon HELEN MORTON: I thank the member. There is a lady called Violet Bacon who is a University of Western Australia social policy lecturer. How many of these people got paid in the past couple of years? The annual report for 2004-05 showed that the total amount of money paid to board members was $316. I queried that amount because I could not believe it. I thought it must have meant thousands of dollars - $316 000 perhaps - but the finance officer has confirmed more than once that it was $316. The year before it was $600 and something - not $6 000 and something. These are payments made to board members in the form of sitting fees.

Members will recall that I asked a question in Parliament about payments made to Mike Daube when he left the Department of Health. The question I asked on 15 September last year was -

(1) Did the previous Commissioner for Health, Mr Mike Daube, continue to receive payments from any state government budget after he commenced work with the Curtin University of Technology?

(2) Was any payment made to Curtin University from a state government budget for on-forwarding to Mr Mike Daube?

(3) If yes to (1) or (2) -

(a) What was the nature of those payments?

(b) What was the breakdown of the amounts of those payments?

(c) When did the payments commence and when did they cease?

The answer to the question was -

(1) Upon commencing with the Curtin University of Technology, Mr Daube continued as chairman of the WA Alcohol and Drug Authority board and as such was entitled to payment.

(2) No.

(3) (a) As chairman of the board.

(b) The annual remuneration payment is $10 000 plus nine per cent superannuation, with the first payment to be processed in September 2005 for $6 900 and a fortnightly payment of $383 thereafter.

(c) Mr Daube was entitled to this payment from 12 January 2005. The payment of the annual entitlement will cease when Mr Daube ceases to be a member of the board of the WA Alcohol and Drug Authority.

I find it amazing that two years ago the total payments to board members was in the vicinity of $600. Last year the total payment to board members was $316, and now Mike Daube has received an annual remuneration payment of $10 000. I cannot understand that, although other people have told me what they think it is to do with. I do not have any confirmation of that, so I should not mention it.

Why are we getting rid of the authority? What is the total cost of operating the administrative functions of the board? When I looked at the annual report and tried to understand that - I could not find that specific piece of information - I found that the amount is absolutely minimal and has been rolled into the general administrative costs of the authority, which I could not find. The board itself is a four-member team of highly qualified professional people running a very successful program costing very little to the state, except for the $10 000 payment to Mike Daube, yet we want to get rid of it and bury it in the Department of Health, with the idea that somehow or other it will become more effective and efficient. I understand that the Quit program is run out of the office as well. I ask the parliamentary secretary whether that is right.

Hon Sue Ellery: No.

Hon HELEN MORTON: That is what I was told. I was trying to check it out for certain but I was not sure. I am told that this is an award-winning authority. It is better known nationally than it is in WA. The previous Minister for Health talked about it being a world leader in its field. If it is not broken and if it is achieving what we say it is achieving, why are we getting rid of it? What will happen to the budget for the alcohol and drug strategy if it is buried within the Department of Health? I am told that it will not have a separate line item in the budget papers. It will be inconspicuous. We will not be able to track what is being spent on alcohol and drugs. Next to mental health, alcohol and drug use is the biggest social issue affecting society in WA. It needs to have a greater profile and not be buried within the Department of Health.

I wish to pick up on some of the key issues and trends on alcohol and drugs in WA. I refer to the "Report on the Implementation of the Western Australian Drug and Alcohol Strategy 2002-05", which reported in November 2004 -

> **ALCOHOL** The majority of Western Australian adults and young people consume alcohol. Approximately 8 in 10 adults and young people (aged 14 years plus) and approximately 7 in 10 school students (aged 12-17 years) report drinking alcohol in the previous 12-months. This high prevalence rate in reported alcohol consumption for school students is concerning as the survey group were under 18 years of age, with no known 'low risk' level of alcohol consumption for children and adolescents. Early onset of risky drinking is associated with increased risk of a range of health and social problems. As many as 4 in 10 adults and young people report drinking at levels of short term risk. Alcohol

> consumption, particularly risky consumption, is concerning as there can be significant legal, social and health related harms.

Why bury this authority in the Department of Health when we are acknowledging the significance that this is having across our community? The report continues -

> **CANNABIS** While the majority of school students age 12 to 17 years report not using any illegal drug, a significant proportion had. Of those who have used, cannabis use accounts for the majority of reported recent illegal drug use.
>
> . . .
>
> **AMPHETAMINES** The numbers of school students aged 12 to 17 years reporting use of Amphetamine Type Stimulants (ATS) are comparatively low, however, there has been an increase in reported use. The increase coincides with significant changes in students perceptions of ATS, with significantly more students (over time) indicating that they would take ATS from a 'trusted friend', and significantly less students (over time) indicating they understand amphetamine use is 'dangerous to take regularly', . . .

What is happening in our community when kids think that drugs are okay to take, and they are becoming less concerned about them?

Hon Peter Collier: They are soft drug laws.

Hon HELEN MORTON: Absolutely. What better way to facilitate soft drug laws than to bury the Alcohol and Drug Authority in the Department of Health! We can make it really soft down there and bury it in some backwater of the Department of Health.

Debate interrupted, pursuant to sessional orders.

House adjourned at 6.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT VEHICLES - LEASED - NUMBER, ALLOCATION AND COST

374. Hon Ray Halligan to the Minister for Education and Training

Will the Minister please provide the following information regarding her office -

(1) The total number of Government vehicles attached to the office?

(2) The names of the staff to which they are allocated?

(3) Under what scheme or arrangement are they allocated to the staff member?

(4) The total amount expected to be spent on the lease of motor vehicles in the Minister's office for 2004-2005?

Hon LJILJANNA RAVLICH replied:

(1) 5 (including the Minister and Parliamentary Secretary) as at 30 June 2005

(2) Hon Ljiljanna Ravlich, Mr John Carruthers, Mr John Philimore and Mr Tony Monaghan.

A vehicle was also allocated to the Parliamentary Secretary, Mr N Marlborough, MLA.

(3) The Ministers and Parliamentary Secretary's vehicles are allocated by way of entitlement, and the remainder are allocated in accordance with the Government Vehicle Scheme.

(4) Actual expenditure for 2004/05 was $28,396.08.

STATE BUDGET - DIVISION 18, PAGE 307

3052. Hon Ray Halligan to the Minister for Education and Training

I refer the Minister to the 2005-2006 State Budget, Volume One, division 18, page 307, footnote (a) and to the line item 'Adjustments', and I ask -

(1) Can the Minister please provide a detailed breakdown of the elements comprising the allocation for 'Adjustments'?

(2) If not, why not?

Hon LJILJANNA RAVLICH replied:

(1) Breakdown of the elements comprising the allocation for 'Adjustments'

- Utilisation of cash at bank (carried forward from previous year).
- Change in provisions for annual leave and long service leave.
- Movement in accruals and prepayments
- Depreciation included in expenses in the income statement.
- Resources provided free of charge.

(2) Not applicable.

STATE BUDGET - DIVISION 43, PAGE 721

3108. Hon Ray Halligan to the Leader of the House representing the Minister for State Development

I refer the Minister to the 2005-2006 State Budget, Volume Two, division 43, page 721, footnote (a) and to the line item 'Adjustments', and I ask -

(1) Can the Minister please provide a detailed breakdown of the elements comprising the allocation for 'Adjustments'?

(2) If not, why not?

Hon KIM CHANCE replied:

(1) Elements comprising the allocation of " Adjustments" are:

- Accrual items such as accounts payable, receivables, employee on-costs and prepayments;
- Profit and loss on asset disposals;

- Resources received free of charge from other government agencies;
- Superannuation liabilities assumed by the Treasurer; and
- Movement is cash balances.

(2) Not applicable

STATE BUDGET - DIVISION 54, PAGE 928

3165. Hon Ray Halligan to the parliamentary secretary representing the Minister for Housing and Works

I refer the Minister to the 2005-2006 State Budget, Volume Three, division 54, page 928, footnote (a) and to the line item ‘Adjustments’, and I ask -

(1) Can the Minister please provide a detailed breakdown of the elements comprising the allocation for ‘Adjustments’?

(2) If not, why not?

Hon KATE DOUST replied:

The Department of Housing and Works advise:

(1) Elements comprising the allocation of 'Adjustments' are:

- Accrual items such as accounts payable, receivables and employee on-costs;
- Resources received free of charge from other government agencies;
- Superannuation liabilities assumed by the Treasurer; and
- Movement in cash balances.

(2) Not applicable.

STATE BUDGET - DIVISION 54, PAGE 928

3166. Hon Ray Halligan to the parliamentary secretary representing the Minister for Heritage

I refer the Minister to the 2005-2006 State Budget, Volume Three, division 54, page 928, footnote (a) and to the line item ‘Adjustments’, and I ask -

(1) Can the Minister please provide a detailed breakdown of the elements comprising the allocation for ‘Adjustments’?

(2) If not, why not?

Hon KATE DOUST replied:

I refer the Hon Member to the answer to question on notice 3165.

MINING - KAOLIN PROJECT

3256. Hon Nigel Hallett to the Leader of the House representing the Minister for Energy

I refer to an article in *Business News* regarding the Koalin project, and ask -

(1) When will the powerline upgrade commence?

(2) When is the powerline upgrade scheduled for completion?

Hon KIM CHANCE replied:

The Minister for Energy has provided the following response:

It is assumed the Hon. Member is referring to the Kaolin project.

(1) The powerline upgrade works will commence in mid April 2006.

(2) The powerline upgrade works are due to be completed by the end of July 2006.

TEACHERS - VACANCIES

3264. Hon Nigel Hallett to the Minister for Education and Training

(1) As at 29 March 2005, can you please provide details of each educational institute where vacancies currently exist for teaching positions?

(2) For each of those educational institutions, can you please detail -

(a) the name of the educational institution;

(b) the location; and

(c) the teaching position vacant?

Hon LJILJANNA RAVLICH replied:

(1) In relation to non-government schools, the information is not available as there is no centralised system covering the staffing requirements of the private sector.

In relation to government schools, there are currently no vacancies for teaching positions.

(2) N/A

HOSPITALS - STORAGE OF PATIENTS' RECORDS

3278. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Was any assessment undertaken by the Project Directors Australia and Health Projects International on where patients' medical records would be stored and the cost of storing those records?

(2) If not, why not?

(3) If yes, what was the outcome of their consideration?

Hon SUE ELLERY replied:

(1) No.

(2) Not part of brief.

(3) Not applicable.

PUBLIC HOSPITALS - ADVERTISING

3279. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) When did the policy change that public hospitals were allowed to advertise their services?

(2) Is the Minister aware that Woodside Hospital has been refused many requests to advertise their clinic services over the last 10 years for the reason that 'public hospitals were not allowed to advertise'?

(3) Is the Minister aware that Woodside Hospital has had to write individual letters to hundreds of doctors and to the thousands of women who had previously birthed babies at Woodside Hospital, to promote the clinic service, sometimes using private fundraised money?

(4) Does the Minister appreciate how galling this is to many of the hospital staff to see grossly wasteful and inappropriate public relations and promotion programs being lavishly funded?

(5) As Fremantle Hospital & Health Service has its own photographer and Public Relations Department, why was this excellent service not used?

(6) Is the decision not to use the Fremantle Hospital & Health Service's Public Relations Department a vote of no confidence in their service by senior management and the Minister?

(7) What is the expected cost of this current campaign to promote maternity services at Kaleeya Hospital?

(8) Why has such a lavish and wasteful program been undertaken?

Hon SUE ELLERY replied:

1) The relocation of maternity services to Kaleeya Hospital is of such significant community interest that it is essential that the public is informed of when the new service is to commence.

2) No.

3) Expectant mothers and doctors will continue to be informed in writing of the Maternity Service at Kaleeya Hospital including receiving advice on appointment times for the Antenatal clinics.

4) There has been no lavishly funded, grossly wasteful or inappropriate public relations and promotions program in place. A modest and responsible community education program is under way to ensure that the community in general and mothers-to-be in particular are aware of the transfer of services from Woodside Hospital to Kaleeya Hospital and make best use of the services and facilities on offer.

5) The public relations and photography services at Fremantle Hospital and Health Service has been used and will continue to be used in the preparation of communication materials to inform the community of the transfer of services from Woodside to Kaleeya Hospital and the maternity services and facilities on offer at Kaleeya.

6) The Fremantle Hospital and Health Service's Public Relations Department has prepared materials to help inform the community of the transfer of services from Woodside to Kaleeya Hospital and the

maternity services and facilities on offer at Kaleeya. Its work has been supplemented during a particularly demanding period for the Public Relations Department when various staff members have been on leave. This has been a very appropriate and efficient arrangement.

7) The paid campaign to inform the community of the transfer of services from Woodside Maternity Hospital to Kaleeya Hospital consists of a limited number of advertisements in the Fremantle Herald and Fremantle Gazette and is expected to cost less than $9000.

Other activities including the development of new welcome packs for mothers, the updating of a brochure for patients at Kaleeya Hospital to include information about the new maternity services, the preparation of some media releases to alert the community to the new arrangements and facilities, as well as a function for staff, are expected to cost in the order of $20,000. Much of the work - including the photography, design and printing for posters, brochures and the welcome pack information, and the preparation of some media releases - has been done in-house.

Many of these activities - such as the preparation of media releases to promote breast-feeding classes and other opportunities, the updating of Kaleeya's brochure and the issuing of welcome packs - are activities which would have been undertaken in any event.

Some other activities - such as a community forum for former patients of Woodside Maternity Hospital and future patients of Kaleeya Hospital - have been run with the support of organisations such as the Health Consumers' Council of WA. Kaleeya Hospital promoted the forum with a limited number of posters and a media release, provided the venue, and a hot cup of tea and a biscuit for expectant mothers and other interested participants.

8) The community and staff program has been neither wasteful nor lavish. Giving the community good information about health services available to them is always important. That importance has been emphasised in this particular case by a campaign of misinformation circulating in the Fremantle area, which has given rise to unnecessary and unwarranted concerns.

KALEEYA HOSPITAL - REDUCTION IN NURSING SALARIES BUDGET

3280. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

I refer to page 10 of the Feasibility Study of the Relocation of Woodside Maternity Hospital services to Kaleeya Hospital -

(1) What specific measures were planned to reduce the nursing salaries budget by $ 837 000 or 40%, from $ 2 091 027 a year to $ 1 254 616 a year?

(2) Was this estimate provided by Project Directors Australia and Health Projects International?

(3) If not, who provided this estimate?

(4) Was this estimate checked by Project Directors Australia and Health Projects International?

(5) If not, who checked this estimate?

(6) What is the most recent estimate of the annual saving on nursing salaries?

Hon SUE ELLERY replied:

(1) Efficiencies in staffing the unit will be achieved due to the unit being managed in a larger hospital as distinct from being a stand-alone facility. The overall nursing salary costs for the combined Kaleeya/Woodside Hospitals will be reduced as Woodside nursing staff will be moving to operational/staffed beds at Kaleeya.

(2) No.

(3) South Metropolitan Area Health Service.

(4) No.

(5) South Metropolitan Area Health Service.

(6) $837,000.

KALEEYA HOSPITAL - OPERATING THEATRES

3281. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) When was one of the five operating theatres at Kaleeya Hospital decommissioned or stripped of its theatre equipment?

(2) Why was the theatre equipment removed?

(3) What has happened to the theatre equipment since it was removed?

(4) Why wasn't this operating theatre required?

(5) Since what date has the former operating theatre been used as a storeroom?

(6) Can the Minister guarantee a second theatre will always be available at Kaleeya Hospital for obstetrics emergencies as this was the only complaint that was conceded by those who want Woodside Hospital to remain open?

Hon SUE ELLERY replied:

1) The smaller dental theatre was reallocated to an Orthopaedic Technicians workroom in October 2005. It houses instruments, implants and equipment that are used for orthopaedic surgery which is conducted five days per week.

2) Dental equipment has been disposed of as dental surgery is no longer conducted at Kaleeya Hospital.

3) The dental equipment has been disposed of.

4) The theatre is smaller than the others and is unsuitable for the type of surgery being performed at Kaleeya.

5) It is not used as a storeroom. Since October 2005, the smaller dental theatre has been reallocated to an Orthopaedic Technicians workroom.

6) Yes.

KALEEYA HOSPITAL - CAR PARKING FACILITIES

3282. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Is the Minister aware that the car park at Kaleeya Hospital has been full on many occasions and at times there have been at least 18 cars parked on the grass verge along Alexandra Road at Kaleeya Hospital and that this occurred before any of the demolition and reconstruction work began in the maternity ward at Kaleeya Hospital?

(2) Is the Minister aware that the 65 car parking bays at Woodside Hospital have been full on many occasions and at times there have been at least 11 cars parked on the grass verge along Dalgety Street?

(3) How does the Minister intend to ensure parking is available for staff and visitors to Kaleeya Hospital?

(4) If so, how will any extra demand for parking at Kaleeya Hospital be met?

Hon SUE ELLERY replied:

1) Yes.

2) Yes.

3) A number of strategies have been developed to ensure that parking is available for staff, patients and visitors. These include creation of additional bays on-site, fully utilising the main carparks as well as the underground carpark and making use of street parking if required.

4) See (3) above.

KALEEYA HOSPITAL - CAR PARKING FACILITIES

3283. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Has any assessment been made by the Health Department of Western Australia on parking needs at Kaleeya Hospital, to accommodate the needs of the relocated Woodside services?

(2) If not why not?

Hon SUE ELLERY replied:

1) The management of Kaleeya Hospital has undertaken an assessment of parking needs.

2) Not applicable.

KALEEYA HOSPITAL - BUILDING WORKS

3284. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

The briefing note to the Minister recommending the move to Kaleeya Hospital states Stage 2 which is converting the residential property near the corner of Coolgardie Avenue and Alexandra Road to an antenatal clinic, will cost an extra $ 1 million -

(1) What works are specifically planned for Stage 2?

(2) If the labour ward is Stage 1 of the construction program at Kaleeya Hospital and the Antenatal Clinic Stage 2, what constitutes the other or 3rd Stage of work at Kaleeya Hospital?

Hon SUE ELLERY replied:

1. None. Antenatal classes have been accommodated within existing facilities at Kaleeya Hospital.

2. There is no reference in the briefing note to a stage 3.

   This was a briefing note, not a detailed plan or commitment to undertake any recommendations as presented in the briefing note.

KALEEYA HOSPITAL - DECISION TO MOVE OBSTETRIC SERVICES FROM WOODSIDE HOSPITAL

3285. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

What events or advice changed the decision to spend $ 2 million upgrading Woodside Hospital last August, to the decision to move obstetrics services to Kaleeya Hospital the following week?

Hon SUE ELLERY replied:

The decision to transfer maternity services from Woodside to Kaleeya Hospital was made in the best interests of providing improved services to mothers and their babies.

The move is a decision that is in line with the recommendations of the Reid Report and the Statewide Obstetrics Services Review conducted by Dr Harry Cohen and will provide improved services to women and their babies.

The decision to consider the location of the service arose following the Clinical Services Framework released in mid 2005 and a subsequent approach by staff at Woodside hospital who indicated they felt there were three options for the hospital:

- Total redevelopment on site of Woodside Maternity Hospital;
- Relocation of Woodside Maternity Hospital to the newly purchased Kaleeya Hospital in East Fremantle; or
- Construction of a new maternity unit at the proposed Fiona Stanley Hospital.

The option of relocating the service was considered in a feasibility study which was provided to the Minister in December 2005.

The same level of service will be offered as is currently offered at Woodside.

Average occupied bed days at Woodside translate to between 12 and 13 beds. This is the same service as will be offered at Kaleeya.

KALEEYA HOSPITAL - TIMETABLE OF MOVE

3286. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

I note that the South Metropolitan Area Health Service Chief Executive Officer, Linda Smith, advised in the briefing note to the Minister, that the move of Woodside would take 14 months, because that was the time required to properly plan and complete the move of Woodside services to Kaleeya Hospital -

(1) For what reasons did the Minister require the move to be complete in 18 weeks by 3 April 2006?

(2) Why is there a rush to have the contractors complete the re-fit by 24 March?

(3) Who has set this timeframe and why?

(4) What is the extra cost to have the contractors working 10 to 12 hours a day and how is this extra cost being paid or negotiated?

(5) What benefits are there for staff in this rush to move?

(6) What benefits are there for patients in this rush to move?

Hon SUE ELLERY replied:

1) Timing of the relocation of the service was at the discretion of the Chief Executive following consultation with a number of parties. Fourteen months was an initial estimate based on various conditions and assumptions. This estimate was subsequently reviewed and a plan was put in place to achieve the transfer of services within three months.

2) This will allow sufficient time for the area to be cleaned and comply with infection control requirements.

3) The Facilities Manager responsible for the renovations has set this timeframe to ensure that the work is completed, the area cleaned and the new unit is operational by 3 April 2006.

4) There is no extra cost.

5) Many of the staff are looking forward to working in the new maternity unit and establishing a quality service for their patients.

6) Mothers will be able to have their babies in new delivery rooms that comply with Australian Standards and be accommodated in a modern facility.

KALEEYA HOSPITAL - CAR PARKING FACILITIES

3287. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

In respect of parking at Kaleeya Hospital -

(1) Was any assessment undertaken by the Project Directors Australia and Health Projects International on the parking needs at Kaleeya Hospital in considering the move from Woodside Hospital to Kaleeya Hospital?

(2) If not, why not?

(3) If yes, what was the outcome of their consideration?

Hon SUE ELLERY replied:

1) No.

2) A number of strategies have been developed to ensure parking is available for staff, patients and visitors.

3) Not applicable.

KALEEYA HOSPITAL - PATIENTS' MEDICAL RECORDS

3288. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Was any assessment undertaken by the Project Directors Australia and Health Projects International on the cost of transferring patients medical records currently held at Woodside Maternity Hospital to Kaleeya Hospital or elsewhere?

(2) If not, why not?

(3) If yes, what was the outcome of their consideration?

Hon SUE ELLERY replied:

1) No.

2) Was not considered to be part of brief.

3) Not applicable.

KALEEYA HOSPITAL - PATIENTS' MEDICAL RECORDS

3289. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Was any assessment undertaken by the Project Directors Australia and Health Projects International on the cost of accessing Woodside Hospital's patients medical records after the move of Woodside Hospital Services to Kaleeya Hospital?

(2) If not, why not?

(3) If yes, what was the outcome of their consideration?

Hon SUE ELLERY replied:

1) No.

2) Not part of brief.

3) Not applicable.

KALEEYA HOSPITAL - PATIENTS' MEDICAL RECORDS

3290. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Where will the patient medical records, currently available and stored at Woodside Hospital, be stored after the move of Woodside services to Kaleeya Hospital?

(2) Are there plans to amalgamate these records with those at Fremantle Hospital?

(3) If so how is this to be done and by when will it be done?

(4) What is the estimated cost of amalgamating these records?

(5) In the meantime how will obstetrics staff access these records?

(6) What is the estimated annual cost to courier these records to Kaleeya Hospital, if held off-site?

(7) What access will staff have to the records of antenatal patients that present early?

(8) How will staff have access to these records?

(9) What process has been arranged to get these records to staff when requested?

(10) In an emergency, where a blood group needs identifying, how will the information in the medical records be accessed quickly?

(11) Will there be any extra costs involved in accessing medical records required at Kaleeya Hospital?

(12) What is the estimated extra annual cost of accessing these medical records?

(13) Where are the medical records of former private and public patients of Kaleeya Hospital now kept?

Hon SUE ELLERY replied:

1) Records of current and waitlisted patients will be stored at Kaleeya Hospital.

Records of patients discharged from Woodside between 2003 and 2006 will be stored at Fremantle Hospital.

Records of patients discharged from Woodside prior to 2003 will be stored off site, in accordance with the government record services contract.

2) Yes.

3) For current patients and waitlisted patients, the Woodside record will be amalgamated, re-covered and formatted as per Fremantle Hospital standards. Prepared records will be available by April 3 2006.

For other non-current patients where there is a dual record, the Woodside records will be retrieved, amalgamated and re-covered with Fremantle Hospital medical record covers. No timeframe has been set for this work to be completed.

4) No estimate has been calculated at this stage.

5) As patients are booked their records will be prepared and stored for ready access at Kaleeya.

6) This is difficult to quantify, as the requirement for access to these records is unknown. However the cost of retrieving records from off site storage is approximately $8 per trip plus $1.70 per record.

7) As patients are booked their records will be prepared and stored for ready access at Kaleeya.

8) See (8) above.

9) These records will be available on the maternity ward, readily accessible.

10) As above, via the medical record on the ward.

Via the clinical laboratory results reporting system.

Via faxed information from the laboratories, directly on request.

11) No, apart from those already identified in points 4, and 6.

12) These costs will be dependent on where the record is held. If off site, see (6) above.

13) There were no 'former...public patients of Kaleeya Hospital'.

The records of Kaleeya private hospital are the property of the private entity, accessible via the Company Secretary.

HOSPITALS - EXTRA ELECTIVE SURGERY OPERATIONS

3291. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

In December 2004 shortly after the purchase of Kaleeya and Galliers Hospitals, the Minister for Health announced $ 7 million was being provided for 1600 extra elective surgery operations at Kaleeya and Galliers Hospitals and that these operations would be done before June 2005 -

(1) What amount of these funds were allocated each month, before 30 June 2005 to -

(a) Kaleeya Hospital; and

(b) Galliers Hospital?

(2) What amount of these funds were expended each month on these extra operations before 30 June 2005 by -

(a) Kaleeya Hospital; and

(b) Galliers Hospital?

(3) How many of the extra 1600 elective surgery operations announced were done each month before June 2005 at -

(a) Kaleeya Hospital; and

(b) Galliers Hospital?

Hon SUE ELLERY replied:

(1) Funding allocated over the period 31/1/05 to 30/6/05

(a) Kaleeya Hospital, $4.5 M

(b) Galliers Wing, Armadale Health Service, $2.5 M

(2) Funds expended over the period 31/1/05 to 30/6/05

(a) Kaleeya Hospital, $4.542 M

(b) Galliers Wing, Armadale Health Service, $2.506 M

(3) Additional elective surgery cases performed at the two sites -

	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05	Total
(a) Kaleeya	3	279	236	165	223	206	1112
(b) Galliers	0	5	106	119	153	139	522

HOSPITALS - ELECTIVE SURGERY BUDGET

3292. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) What was the budget for elective surgery for each month of the current financial year at -

(a) Fremantle Hospital;

(b) Kaleeya Hospital; and

(c) Woodside Hospital?

(2) By what amount has the budget for elective surgery been exceeded or not spent for each month on the current financial year at -

(a) Fremantle Hospital;

(b) Kaleeya Hospital; and

(c) Woodside Hospital?

Hon SUE ELLERY replied:

(1)-(2) Fremantle and Kaleeya Hospitals are a single operational Unit on two campuses.

The tables indicate the allocated budget per month, the actual expenditure and the variation to the budget.

Fremantle Hospital / Kaleeya Hospital - Elective Surgical Services 2005/06

	July	Aug	Sep	Oct	Nov	Dec
Budget	$3,706,982.00	$3,706,982.00	$3,706,982.00	$3,706,982.00	$3,706,982.00	$3,706,982.00
Actual	$3,618,014.43	$4,300,099.12	$3,558,702.72	$3,736,637.86	$4,211,131.55	$2,526,678.93
Variance	$88,967.57	-$593,117.12	$148,279.28	-$29,655.86	-$504,149.55	$1,180,303.07

	Jan	Feb	Mar	Apr	May	Jun
Budget	$3,706,982.00	$3,706,982.00	$3,706,982.00	$3,706,98 2.00	$3,706,982.00	$3,706,982.00
Actual	$3,914,572.99	$2,965,585.60				
Variance	-$207,590.99	$741,396.40				

Woodside Hospital - Elective Surgical Services 2005/06

	July	Aug	Sep	Oct	Nov	Dec
Budget	$113,794.00	$113,794.00	$113,794.00	$113,794.00	$113,794.00	$113,794.00
Actual	$136,552.80	$114,704.35	$163,863.36	$100,138.72	$118,345.76	$109,242.24
Variance	-$22,758.80	-$910.35	-$50,069.36	$13,655.28	-$4,551.76	$4,551.76

	Jan	Feb	Mar	Apr	May	Jun
Budget	$113,794.00	$113,794.00	$113,794.00	$113,794.00	$113,794.00	$113,794.00
Actual	$22,758.80	$127,449.28				
Variance	$91,035.20	-$13,655.28				

WOODSIDE HOSPITAL - ANTIBIOTIC-RESISTANT BACTERIAL INFECTIONS AND CONTROL MEASURES

3293. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) How many outbreaks of Vancomycin resistant enterococcus have there been at Woodside Maternity Hospital in recent years?

(2) If yes, which antibiotic resistant bacteria were found and when did these outbreaks occur?

(3) What action was taken to rid the Woodside Hospital of the infection?

(4) What infection controls are there at Woodside Hospital for women returning from King Edward Memorial Hospital?

(5) What other infection controls measures are there at Woodside Hospital to prevent the nasty bugs from entering the hospital?

Hon SUE ELLERY replied:

1) None.

2) Not applicable.

3) Not applicable.

4) The policy is for all patients to be managed with Standard Precautions unless they have a Micro-alert or we are informed that they have a resistant organism in which case they should be managed in a single room.

5) It is not possible to prevent resistant organisms from entering any hospital. The organisms are present in the community and any patient, staff member or visitor may be a symptomless carrier.

KALEEYA HOSPITAL - ANTIBIOTIC-RESISTANT BACTERIAL INFECTIONS AND CONTROL MEASURES

3294. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) How many patients have been nursed at Kaleeya Hospital with antibiotic resistant bacterial infections at Kaleeya Hospital?

(2) If yes which antibiotic resistant bacterial infections were found and when did these outbreaks occur?

(3) What action was taken to rid the Hospital of the infection and when was it consider safe to reuse these wards?

(4) What infection controls are there at Kaleeya Hospital for patients coming from other hospitals such as Fremantle?

Hon SUE ELLERY replied:

1) None in 2006. Two Multiple Resistant Staphylococcal Aureus (MRSA) infections in 2005.

Four patients were colonised, not infected, with MRSA in 2005 and one with Vancomycin Resistant Enterococcus (VRE).

One patient was isolated for VRE in the past but was not positive while in Kaleeya.

2) No outbreaks have occurred, none of the patients got infected in Kaleeya hospital.

3) Patients with resistant organisms are isolated in single rooms; policy is to clean and disinfect the room daily. Following discharge the room and contents are cleaned and disinfected.

4) Carriers and infected cases are managed in single rooms with appropriate precautions (Standard, Contact, Respiratory or Airborne Precautions as appropriate). Patients with resistant organisms have a Micro-alert attached to their medical record. The room is cleaned and disinfected daily.

WOODSIDE HOSPITAL - PLUMBING

3296. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) When was the Minister first aware that Woodside Hospital failed to meet Australian National Standards for plumbing?

(2) When was the Health Department of Western Australia aware that Woodside Hospital failed to meet Australian National Standards for plumbing?

(3) Why wasn't this plumbing work undertaken when Woodside Hospital had major renovations completed in late 2000 and early 2001?

Hon SUE ELLERY replied:

1) Woodside Hospital conforms to the plumbing standards applicable at the time of construction. Any future major structural modifications need to comply with the current standards of the day which Woodside would not meet.

2) There are many buildings that do not comply with the current standards of the day. However they would have complied with them at the time of construction.

3) The renovations in 2001 related to the replacement of the roof tiles and did not impact on plumbing.

KALEEYA HOSPITAL - CAR PARKING FACILITIES

3297. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) How many parking bays are to be set-aside for staff?

(2) How many parking bays will be set-aside for visitors?

(3) Are there any plans to convert grassed verges around Kaleeya Hospital into parking bays?

(4) If so, what is proposed and how many extra parking bays will be created?

Hon SUE ELLERY replied:

1) 75 bays have been nominally set-aside for staff.

2) 57 bays have been nominally set-aside for patients and visitors.

3) No.

4) Not applicable.

KALEEYA HOSPITAL - CAR PARKING FACILITIES

3300. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

In respect of the cover car parking area outside the secure Administration parking garage at Kaleeya Hospital -

(1) How many bays are in this parking area?

(2) Who will have access to this parking area?

(3) Are any specific bays reserved and if so for whom?

Hon SUE ELLERY replied:

1) 12.

2) Staff, patients and visitors.

3) No.

KALEEYA HOSPITAL - CAR PARKING FACILITIES

3301. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) Has the Health Department of Western Australia consulted with the Town of East Fremantle about potential parking problems around Kaleeya Hospital?

(2) On what dates did these consultations occur?

(3) What was the outcome of these discussions?

Hon SUE ELLERY replied:

1) Yes, on a number of occasions.

2) The dates and times of these discussions have not been recorded.

3) The Council has clarified relevant parking local laws and previous planning approvals.

The Hospital and Council have agreed that parking will be reviewed after the transfer of maternity services from Woodside Hospital.

Roadside parking can be utilised in nearby streets provided drivers comply with local council bylaws.

KALEEYA HOSPITAL - RELOCATION OF MATERNITY FACILITIES TO FIONA STANLEY HOSPITAL

3302. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) As announced, the Woodside obstetrics facility is moving to Kaleeya Hospital on the third of April and will again be moving in five years to the Fiona Stanley Hospital at Murdoch. Why didn't Project Directors Australia and Health Projects International include in the Feasibility Study the cost of reconverting in five years, the proposed birthing suites and other maternity facilities at Kaleeya Hospital, back to the 35 to 45 surgical ward beds that were used during the 5 years?

(2) Would a competent full business case study require an assessment of such a major cost to be incorporated in the estimates of expenses and savings in closing Woodside Hospital five years early to determine the real costs or savings?

(3) If not, why not?

(4) What is the current estimated cost of rehabilitating the maternity ward and other maternity facilities at Kaleeya Hospital, when they are not required in five years when the obstetric facility is moved to Fiona Stanley Hospital?

Hon SUE ELLERY replied:

1) Not in scope of study.

2) Costing of such an exercise is unwarranted given that services are likely to remain at Kaleeya Hospital for at least 5 years.

3) Not applicable.

4) The cost of renovations is estimated at less than $1M.

WOODSIDE HOSPITAL - EMERGENCY POWER SUPPLY

3303. Hon Barbara Scott to the parliamentary secretary representing the Minister for Health

(1) When was the Minister first aware that Woodside Hospital failed to meet Australian National Standards for back-up electricity connection?

(2) When was the Health Department of Western Australia aware that Woodside Hospital failed to meet Australian National Standards for back-up electricity connection?

(3) Why wasn't this back-up electricity connection undertaken when Woodside Hospital had major renovations completed in 2001?

Hon SUE ELLERY replied:

1) In 1998 the emergency power supply was upgraded at Woodside Hospital and therefore it conforms to the standard at that time. Any future major structural modifications need to comply with the current standards of the day which Woodside would not meet.

2) There are many buildings that do not comply with the current standards of the day. However they would have complied with them at the time of construction.

3) The renovations in 2001 related to the replacement of the roof tiles and did not impact on emergency power supply.