



Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2016

LEGISLATIVE ASSEMBLY

Wednesday, 16 November 2016

Legislative Assembly

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THE SPEAKER (Mr M.W. Sutherland) took the chair at 12 noon, and read prayers.

WELLINGTON NATIONAL PARK

Petition

MR C.J. TALLENTIRE (Gosnells) [12.01 pm]: I have a petition concerning the proposed expansion of the Wellington National Park. It reads —

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

We the undersigned, say the Wellington National Park is currently at usage capacity and is inadequate in size for its long term environmental integrity and the future demand on its resources. Now we ask the Legislative Assembly to expand the Wellington National Park from its current size of 17,500 hectares to 30,000 hectares to include the state forests of Arcadia, Yabberup, Lowden, Mungalup and the Wellington Discovery Forest reserve.

The petition bears 624 signatures, and it has been certified to conform with the standing orders of the house.

[See petition 430.]

CONTAINER DEPOSIT SCHEME

Petition

MR C.J. TALLENTIRE (Gosnells) [12.02 pm]: I would like to table two further petitions. This is a petition regarding container deposits. It reads —

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

We, the undersigned, say

It is time to address the number of beverage containers recycled in Western Australia and assist in improving the ongoing litter problem we have in our state. Discussion about the introduction of such a scheme for Western Australia has been ongoing for too long and it is now time the Government took action.

Now we ask that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia.

The petition bears 66 signatures and has been certified to conform with the standing orders of the house.

[See petition 431.]

YALE ROAD–GARDEN STREET–NICHOLSON ROAD ROUNDABOUT

Petition

MR C.J. TALLENTIRE (Gosnells) [12.03 pm]: The final petition concerns the Yale Road–Garden Street–Nicholson Road roundabout. It reads —

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

We, the undersigned, say;

- It is often risky to cut into the fast flowing peak traffic on the Yale/Garden/Nicholson roundabout;
- now we ask that the Legislative Assembly to call upon the State Government to restore the cut funding to the City of Gosnells so traffic metering and traffic lights (like at Mounts Bay Road) can be used to fix it.

The petition bears 21 signatures and has been certified to conform with the standing orders.

[See petition 432.]

WAGGRAKINE PRIMARY SCHOOL*Petition*

MR I.C. BLAYNEY (Geraldton) [12.03 pm]: I have a petition from 191 petitioners regarding Waggrakine Primary School that reads —

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

We, the undersigned, say

That Waggrakine Primary School's student numbers are steadily growing. It is the only primary school that serves Geraldton's northern suburbs, and it is facing ongoing continuous growth in student numbers. This growth is currently being addressed through the use of transportable classrooms.

Now we ask the Legislative Assembly

That the State Government address the growth in school numbers by committing to a new build at Waggrakine Primary School.

[See petition 433.]

PAPERS TABLED

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

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE —
THIRTEENTH REPORT — “CULTIVATING PROMISE: BUILDING RESILIENCE AND
ENGAGEMENT FOR AT-RISK YOUTH THROUGH SPORT AND CULTURE”**

Government Response — Statement by Leader of the House

MR J.H.D. DAY (Kalamunda — Leader of the House) [12.05 pm]: I wish to advise the house that the government response to the thirteenth report by the Community Development and Justice Standing Committee, “Cultivating promise: Building Resilience and Engagement for At-Risk Youth through Sport and Culture” has been delayed. The consolidation of the response required input from several agencies, which has taken longer than planned. Once government has approved the response, I will ensure it is provided to the Clerk of the Legislative Assembly for tabling and will also provide a courtesy copy directly to the committee in the event that the Legislative Assembly is not recalled for further sittings this year.

TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2016*Statement by Minister for Health*

MR J.H.D. DAY (Kalamunda — Minister for Health) [12.06 pm]: I rise to table the Tobacco Products Control Amendment Bill 2016, which strengthens the Tobacco Products Control Act 2006, which is Western Australia's primary legislation to control the sale and supply of tobacco products. Western Australia has a proud history of introducing strong tobacco control measures to decrease our smoking prevalence to among the lowest in the world. Last year in Western Australia, approximately nine per cent of people aged 16 years and over were daily smokers. This is down from 16 per cent in 2004. Although we have a lot to be proud of, tobacco is still a leading cause of death and disease in Western Australia.

This bill results from a statutory review of the act that included extensive consultation with key industry and community stakeholders. In some instances, it brings WA into line with other Australian jurisdictions or restores our state to the forefront of tobacco control. The bill will further protect children from exposure to tobacco products by banning the sale of fruit and confectionery flavoured and split-pack cigarettes, which are known to appeal to children. WA will be the first state to prevent employees under the age of 18 years from selling a tobacco product. As well as aiming to reduce the uptake of smoking by young people, this will address a known issue that younger sales staff are more likely to sell tobacco products to underage customers. The bill will prohibit a retailer's licence from being issued for the sale or supply of tobacco products at events such as a music festival or fashion show, which generally appeal to younger audiences. It will exclude tobacco purchases from customer loyalty reward programs, excluding programs in which a benefit may be obtained on the basis of payment method such as a particular credit card. The bill will also tighten the definition of “specialist tobacco retailer” and enhance consistency with other retailers by phasing out the public display of tobacco products in specialist stores over two years.

As part of this government's efforts to educate smokers about the health risks associated with smoking, retailers will be required to display graphic health warnings where price tickets or boards are displayed. The bill will also address a number of administrative issues and generally includes a phase-in period of six months following royal assent to enable time for public education and for business owners to meet the new requirements. The Liberal–National government's comprehensive approach to tobacco control, via legislation

and public information campaigns, is in line with the national tobacco strategy and global best practice. The bill will contribute to better health for Western Australians, especially our children, and will be a priority piece of legislation for the government if we are successful at the election.

I take this opportunity to thank the former Minister for Health, the member for Dawesville, for his significant involvement in this process, and table the Tobacco Products Amendment Bill 2016 and a copy of the explanatory memorandum.

Ruling by Speaker

THE SPEAKER (Mr M.W. Sutherland): I do not believe that you can table the bill, minister. Standing order 162 states —

- (1) Every bill (unless sent from the Council) will be initiated by the member presenting a copy of the bill to the Clerk, and moving, “That the bill be now read a first time.”.
- (2) Every bill will be accompanied by an explanatory memorandum.

There is no provision to table the bill. We seek some clarification from you.

Mr J.H.D. DAY: Effectively, it will be tabled as a draft bill for public information and discussion. I am not suggesting that it is being introduced in the normal method of a bill for progression through Parliament in the next week. Effectively, it is a draft bill for public information and discussion.

The SPEAKER: If it is basically for information, the document is tabled.

[See papers 4874 and 4875.]

TRANSFER DUTY — FAMILY FARM EXEMPTION

Statement by Minister for Finance

MR S.K. L’ESTRANGE (Churchlands — Minister for Finance) [12.10 pm]: I rise today to inform the house that the Barnett Liberal–National government has completed a review of the Duties Act 2008 family farm exemption. The review was prompted by concerns from farmers that the exemption did not allow for the progressive transition of a farm to a family member without significant transfer duty costs. The original policy intent of the exemption was to encourage the younger generation to continue in the family farming business. However, the transition of the exemption from the old Stamp Act to the Duties Act in 2008 had the unintended effect of narrowing the exemption to prevent the transferor from participating in the business.

Under the Duties Act, the exemption makes it harder for a farmer to continue in the business, creating a disincentive for those wishing to incrementally transfer their farm to a family member. The review recommends permitting a farmer to continue in the business following the transfer of all or part of the farm.

The review also recommended other changes to the exemption to further relax eligibility requirements. This includes not requiring the transferor to conduct the farming business immediately prior to the transfer of the land in certain circumstances. It will also extend the definition of “family member” to include spouses when there are multiple transferors and allow the business to be operated through a partnership comprising non-family members, such as family companies and trusts.

A re-elected Liberal–National government is committed to the introduction of amendments to implement these reforms to the farming exemption. I am sure the farming community will welcome the government’s decision to modernise this important exemption.

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE —
THIRTEENTH REPORT — “CULTIVATING PROMISE: BUILDING RESILIENCE
AND ENGAGEMENT FOR AT-RISK YOUTH THROUGH SPORT AND CULTURE”**

Government Response — Statement by Acting Speaker

THE ACTING SPEAKER (Ms L.L. Baker): Members, I advise that in relation to the recommendations contained in the Community Development and Justice Standing Committee report 13, “Cultivating Promise: Building Resilience and Engagement for At-Risk Youth through Sport and Culture”, which was tabled on 15 August 2016, a response has not been received by the Premier, the Minister for Culture and the Arts and the minister representing the Minister for Aboriginal Affairs by the required time.

PRIVATE MEMBERS’ BUSINESS, VALEDICTORY SPEECHES

Standing Orders Suspension — Motion

MR J.H.D. DAY (Kalamunda — Leader of the House) [12.12 pm]: I move —

That today, Wednesday 16 November, so much of standing orders be suspended as is necessary to enable —

- (1) private members’ business to take precedence between 4.00 pm and 5.30 pm; and
- (2) the members for Bunbury, Dawesville, Kalgoorlie and Wagin to make valedictory speeches of not more than 20 minutes after 5.30 pm.

This motion is self-explanatory. I believe that it has the support of the opposition. It will allow for a delayed dinner break most likely starting around 7.00 pm, I understand.

MRS M.H. ROBERTS (Midland) [12.13 pm]: The only part of the motion that has the support of the opposition is to allow the four members to give their valedictory speeches, and we certainly have no objection to the dinner break being between 7.00 pm and 8.00 pm rather than between 6.00 pm and 7.00 pm. It is appropriate that those four retiring members get an opportunity to give a final speech, although I note that the motion moved by the Leader of the House will curtail those final speeches to just 20 minutes each. The element that we do not support is private members' business taking precedence between only 4.00 and 5.30 pm. Again, the government is seeking to cut down opposition speaking time to just one and a half hours. Although we had a debate last week in which we talked about precedents for this, the government started cutting back private members' time much earlier than any other government when it started doing so in October. This was unprecedented. Last week the government put very little on the agenda, and we went home at six o'clock last Wednesday night but our private members' business was reduced from three hours to just one and a half hours. We had private members' business from 4.30 pm to 6.00 pm and rather than continue in the hour between 6.00 pm and 7.00 pm, we went home. Normally private members' time is three hours from 4.00 pm to 7.00 pm. Clearly we could have had the full three hours private members' business last week.

Again, we have offered a spirit of cooperation, certainly for important legislation that we want to pass before the end of the year. When people watch parliamentary proceedings, they often think that the government and opposition, irrespective of who is in government and who is in opposition, disagree about everything. However, those who watch the proceedings more closely know that most legislation goes through this house with the support of both major parties—indeed, all the parties and Independents represented in this house. There is no need to curtail private members' business. Generally that is done because governments have a big legislative agenda to get through. As I have said on many occasions, this government has been fairly shambolic in its approach to Parliament. I thought that we had made good progress last week and we would make good progress this week. Indeed, I had a conversation with the Leader of the House about this only last night. It seems, sadly though, that the Leader of the House was undermined or countermanded by the Minister for Police in her handling of the Attorney General's legislation last evening. The kind of bolshy attitude exhibited by the police minister does nothing to enhance the speed at which legislation goes through this house.

The consideration in detail stage is one of the most important stages of a bill. I was disturbed to hear the Deputy Premier guillotining consideration in detail stages last night when it was totally and completely unnecessary. Perhaps one day the Deputy Premier will learn from an old saying that you catch more with honey than you do with vinegar. The Leader of the House and I had a cooperative arrangement; indeed, I had spoken to other members from the government side of the house and we all came to a cooperative arrangement in the last couple of sitting weeks. I thought we had a good agreement about what legislation we would get through this week. Sadly, the one thing that we would have liked was a proper consideration in detail stage on the Sentencing Legislation Amendment Bill. It is not our fault that the government brought that legislation into the house so late. It is also not our fault that it is bringing on the Restraining Orders and Related Legislation Amendment (Family Violence) Bill at this death knell. We have said all year that we are prepared to sit longer. We think it is extraordinary to be finishing Parliament on 16 November. This government has not had a strong legislative agenda; it failed to organise itself. Indeed, I understand that one reason the restraining orders legislation has taken so long to get here is because of government amendments and contributions from Liberal members in the upper house, such as Hon Nick Goiran. We may well have received that legislation earlier if the Attorney General had brought it before Parliament earlier or the government had got it straight in the first place so that it did not require government amendments, which can be time-consuming. This has been dramatically exacerbated in this place by the petulant attitude of the Minister for Police. One day she may learn that just because her side has the numbers that does not mean that it should always use them. This is the people's house. This is not about government. There is a clear separation between executive government and Parliament, one that the member for Scarborough is unlikely to fully understand until she finds herself in opposition and learns about the roles of the opposition and Parliament. It is our role to scrutinise bills and to ask questions.

Although government can often complain if there is a long string of repetitive second reading contributions, I do not think it should be complaining at the consideration in detail stage. The fact of the matter is that we curtailed our speaking at the second reading stage. Last night we could have continued to make second reading contributions through to 11 o'clock, midnight or beyond. I could have given a half-hour second reading contribution on sentencing, but I chose not to do so because in the spirit of cooperation I wanted to see this legislation go through in a timely manner and I thought I had an agreement with the Leader of the House and that we were working cooperatively. A few people are smirking opposite, but they will find out that when they poke sticks in a cage, sometimes they get bitten.

I can see the member for Dawesville over there. He is going to give his valedictory speech tonight, and it is the subject of this motion. He knows that you get more with honey than vinegar. He operated that way as a minister.

He was cooperative as a minister in this house and out of this house. The member for Dawesville, in both his current role and previously as the member for Yokine, and whenever he was a minister, sorted the problems out when any member of Parliament raised matters with him. That is certainly my experience, and I can probably speak about a couple of other ministers who have been good to deal with over time. That was the case when the member for Dawesville was the Minister for Health or back when he was the Minister for Housing and the Minister for Water. There were often issues with constituents, whether it was over their water bills or Homeswest, and that minister instructed his office to sort the issues out. Similarly, when he brought legislation before the house, he was smart enough to take a cooperative approach and provide information to the opposition. As I said just a moment ago, there is a lot of agreement about most legislation. Most of us are in this place because we want to make a difference and we want to put good laws in place for the community's benefit. When there is arrogance in government and when someone just does things because they can and they just think that they are smart in pulling the numbers, the government takes two steps forward in order to go one step backwards. When anyone on that side of the house is wondering tonight why we are here very late or why there are so many third reading speeches on sentencing and why things are getting dragged out for the rest of the week, be sure to thank the Deputy Premier—be sure to thank her for her nasty, bolshie attitude in guillotining the consideration in detail stage of that bill last night. That was totally and completely unnecessary. All those questions that people potentially wanted to raise in the consideration in detail stage yesterday and all the comments that they might have liked to make before the minister guillotined those clauses they can make at the third reading stage today. I just wonder about the mentality of it, because I can only imagine now that as a last resort this minister is going to start guillotining the restraining orders bill. If you do that, minister, shame on you. The minister has spent a lot of time on bills that are of little consequence compared with either the sentencing bill or the restraining orders bill, and now, because this is, firstly, a government that wants to finish Parliament in November and, secondly, a government that wants to get away from the Parliament and does not enjoy being in Parliament —

Mr M.H. Taylor: You had only seven members last night.

Mrs L.M. Harvey: Hardly anyone was here.

Mrs M.H. ROBERTS: Yes. We had as many —

Several members interjected.

Mrs M.H. ROBERTS: Comments like that show the ignorance of those opposite. The fact of the matter is that I could have had 21 members here last night and they all could have spoken at the second reading stage, but I had an agreement with the Leader of the House that we were not going to drag the debate out and that we were going to work cooperatively. I am very disturbed here. Given the light legislative load that we have had in recent weeks, I do not see that there was any need to curtail private members' time to just one and a half hours. Whilst I am on the point of curtailing our private members' time to one and a half hours, the government did not enter into the spirit of that last week either. Having quite gratuitously cut our time back to just one and a half hours between 4.30 and 6.00 pm, when we could have easily had the three hours from 4.00 to 7.00 pm, the government then had its members speak and use up as much of that one and a half hours as they could. That is not in the spirit of private members' time. We wanted to work cooperatively. The opposition's time was limited and we put up just two brief items that we wanted to get through, one being the final stages of the Royal Perth Hospital Protection Bill, which we did get through relatively quickly. We also had a motion on which we wanted have a few speakers and get to a vote; that motion related to our fire preparedness ahead of the summer season. As a former emergency services minister, I was pretty keen to speak on that motion, but I did not get that opportunity because government members such as the member for Murray–Wellington and the member for Eyre made lengthy contributions. In that private members' time, 30 minutes appear on the clock, and when the total time of debate is cut down to just one hour and a half, unless there is some cooperation and good spirit, there is little point. I can tell members on this side of the house that we would like six or seven of them to speak for five or 10 minutes each or I could field a couple of speakers at just 10 minutes each. If the government fields someone at 20 or 30 minutes, it is not in the spirit of things. We progressed the Royal Perth Hospital bill quite well, but on the second item of private members' business, government members just took the opportunity to speak. They had the time on the clock so they thought they would take it. It was not government time; it was private members' time. The minister had responded and we were keen for him to finish his response. We enabled the government to do that and facilitated things as best we could for that to occur. I thought we had some cooperation there.

We will not oppose the motion moved by the Leader of the House today, but I signal that I do not think the case has been made for curtailing private members' time this week or last week. The case certainly was not made to curtail private members' time in October. When the government does that kind of thing and guillotines the consideration in detail stage, it indicates a pretty bolshie and arrogant attitude. I also think it indicates that perhaps this minister is not up to the job—the police minister acting for the Attorney General is not confident enough to answer the questions put to her by the member for Butler in particular, and other members of this

house. If she was, she would not guillotine the consideration in detail stage and run away from it. It is much easier for the minister to respond at the end of the second reading or third reading debate, making a few trite comments and reading out notes that her advisers have provided her, while ignoring half of the issues, or more, raised by members on this side of the house. It is much more difficult for the minister to hide in the consideration in detail stage when she is being asked direct questions. Some members opposite might want to think about that too. They might want to think about whether the minister is up to the job of handling properly the consideration in detail stage of a bill, because in my experience she has not been. Just because the minister has the numbers does not mean that she should use them because it gets people's backs up, we do not get that spirit of cooperation, and everyone else suffers because of the minister's incompetence.

MR R.F. JOHNSON (Hillarys) [12.29 pm]: I want to carry on from what the manager of opposition business had to say. I concur with her comments inasmuch as the running of this house at the moment is deplorable. I understand that an agreement was made between the Leader of the House and the manager of opposition business, which would always have been honoured. However, it was broken last night, I think because the Leader of the House was not here. Normally, either the Leader of the House or the government Whip would move the gag motion every time. Some inane backbencher from Bateman would not normally move the gag motion, which I think was a disgrace. I was particularly annoyed because I know that the most important clauses that the member for Butler, the shadow Attorney General, wanted to clarify and speak to were gagged. A whole raft of clauses was completely gagged. Quite frankly, that is undemocratic. That is disgraceful.

Mr M.H. Taylor interjected.

Mr R.F. JOHNSON: You will not be back next year, my friend; I can tell you that. If by any chance you are, it will be on this side of the house.

I have said many times that most members need to spend some time in opposition to be able to appreciate what is constitutional and what is normal practice, and the conventions of this Parliament. Those members who abuse that convention will suffer the price because whichever members on the other side are lucky enough to get back here after the election, I promise them that they will be on this side of the house. They will find that what you sow is what you reap. Members opposite will start blaming the Labor Party which, I think, will probably be in government, for all sorts of things. Labor Party members will turn around and ask, "What did you do when you were in government? Do you remember this? Do you remember that?" They will quote members opposite ad nauseam and those members who are lucky enough to get back in will be sick as pigs at the stupid behaviour of somebody who gagged such an important debate as the Sentencing Legislation Amendment Bill on the instructions of the police minister who represents the Attorney General.

There was goodwill last night. The second reading contributions could have gone on for hours but the opposition agreed with the Leader of the House not to do that—quite rightly too. I agree with that sort of cooperation. I was in that position for four years and I was in this position for four years as well, so I know what it is like on both sides of the house. Without cooperation, members cannot get anywhere. They might win one little battle, but they will not win the war—not in a fit. Members can win a skirmish or two, but they will not win many battles, let alone the war. I suggest that there needs to be more cooperation. There is only a day and a half left and then we will be pulling up stumps and saying "Happy Christmas, everybody!" and going off on our merry way.

I very much look forward to listening to a couple of the valedictory speeches today. I have no problem with them being allocated time to be able to speak today. However, quite frankly, I think this is a dopey motion inasmuch as the government is moving the 6.00 till 7.00 pm dinner break to 7.00 till 8.00 pm. There is a family night tonight, Madam Acting Speaker. Many members will have their families here and expect to have dinner with them between six and seven o'clock. If members are lucky enough to be in the "House of Lords" up the road here, dinner is between 6.00 and 7.30 pm but, in this house, it is usually between 6.00 and 7.00 pm. That is the only time that members can really spend with their families. Those members who want to spend time with their families will not be able to participate in any debates in here during private members' time, which is a very important time. Private members' business is a very important part of the legislative program.

Mrs M.H. Roberts: It will be when the valedictory speeches are on; private members' business will be between 4.00 and 5.30 pm. If members go to the buffet, they will not be here for the valedictory speeches.

Mr R.F. JOHNSON: Right, but the dinner break could still be between 6.00 and 7.00 pm. That is the normal time. That is when people's families are coming up here for the last family dinner of the year and of this term of government. The Leader of the House decided, "Sorry; you can either spend time with your family in the dining room or you can spend time in here and ignore your family." Members cannot do that because they cannot leave their families on their own in the dining room.

Mr J.H.D. Day: Ask them to come a little bit later then because the dinner break has been extended.

Mr R.F. JOHNSON: My good friend, let me tell you that I have a table of 14 tonight for my family.

Mr I.C. Blayney: Fourteen!

Mr R.F. JOHNSON: Yes, fourteen; I have the Swan Mace room. I have a big family—that is only some of them!

Mr I.C. Blayney: The Last Supper.

Mr R.F. JOHNSON: It will be for some of you guys, but maybe not for me.

It is a very important night. I am not saying this for myself—I really am not. I would sooner spend time with my family than spend time in this chamber listening to inane speeches from members opposite. That is all we ever get. Members opposite read their speeches. I find it very disdainful that they would gag debate on very important bills. We were given only a few days' notice of the Sentencing Legislation Amendment Bill and, as I said, the opposition could have filibustered all night long, but it did not. Leader of the House, I do not know why the dinner break is not still between 6.00 and 7.00 pm rather than inconveniencing all the members who will have their families here. Think about them! Think about other people for a change. A lot of government members will have their families here. They cannot be in the dining room and in here but they cannot be in here and not be in the dining room because they have to accompany their families. Families are not allowed to be in the dining room without the members present. The Leader of the House knows that, does he not? It is a fact.

Mr J.H.D. Day: Can I say that it was actually largely to accommodate one or more of those members doing their valedictory speeches. It is of no great advantage to the government.

Mr R.F. JOHNSON: The valedictory speeches will not go past six o'clock! We could have the dinner break between 6.00 and 7.00 pm and have private members' business between 7.00 and 7.30 pm if the Leader of the House is so hell-bent on cutting down private members' time. I suggest that the Leader of the House might want to amend the motion he put forward in good conscience and to help members whose families are coming up here. I do not have my family come up here very often; it is once in a blue moon. This is one night when I invited them because I knew that the dinner break would be between 6.00 and 7.00 pm and I wanted them to enjoy nice Christmas fare and the last family night of this sitting of Parliament. As I said, if they are lucky enough to get back here, many members opposite will be on this side of the house, I promise them. The member for Scarborough may be the Leader of the Opposition, or it might be "Jandakot Joe", the tattooed boy from Jandakot. It may be either of those two. It will not be Colin Barnett because he will not be here, I can assure members. It will be one of those two, or it could be the member for the new seat of Bateman.

The ACTING SPEAKER (Ms L.L. Baker): Member, I am sorry to interrupt you, but you do realise that you should refer to members of the house by their correct titles.

Mr R.F. JOHNSON: Yes, I do.

The ACTING SPEAKER: Thank you.

Mr R.F. JOHNSON: I do, Madam Acting Speaker; thank you for correcting me. It was a little bit of mirth when I mentioned Jandakot Joe but of course he is known as the member for Jandakot. In my view, one of those will be the Leader of the Opposition after the election. But, what goes around comes around. Virtually none of the members opposite have been in opposition. I am looking to see who has been in opposition; the Leader of the House has been. I think that he is the only member in the chamber who has been in opposition, on the other side of the house. The Deputy Premier has never been opposition. It will be a rude awakening for her when she asks for something to be done and looks around and there is nobody there to do it for her. Nobody will be there to give her the notes to read out at question time or in any other debate. It is a bit of a shock—I have been there. I have been on the government side, on the opposition side, on that side and now I am over on this side of the house. I am very pleased to be where I am at the moment, I can assure members.

Nonsense debates are going on in the upper house. I sometimes think that perhaps the other house should be abolished now; perhaps we should be like Queensland and have a unicameral system. At the moment, everything is being rubberstamped in that house and coming back here. There is hardly ever any real scrutiny or amendments being made. It is my personal view that maybe, with such a small Parliament, we do not really need two houses.

Ms M.M. Quirk: Member, I think the committee up there made some good findings this week in relation to probity of some government affairs.

Mr R.F. JOHNSON: Absolutely. I think that is what they should be doing. They should not be talking about having tea break time—either tea break or wee break.

Mrs L.M. Harvey: All you talked about is dinner and tea breaks! You're saying there is important legislation but you talk about dinner and tea breaks!

Mr R.F. JOHNSON: You make me die. You have somebody who has committed so many offences as the Minister for Police —

Several members interjected.

Mr R.F. JOHNSON: She lost her licence because she knocked off all her demerit points. She enjoyed smoking pot—illegal substances. Did a drive-off offence without paying for fuel —

Point of Order

Mr J.H.D. DAY: The member for Hillarys might find all this very entertaining and so on but it is not relevant to the motion, which is simply about our sitting arrangements and times for debate today.

Mr R.F. JOHNSON: Further to the point of order, I was responding to an inane interjection from the Minister for Police.

The ACTING SPEAKER (Ms L.L. Baker): Member —

Mr R.F. JOHNSON: That is all I did. I erred, and perhaps I should not have done it, but that is what she did. Somebody who has broken the law so many times, and she is Minister for Police.

Mr F.A. Alban: And you're her hero!

Mr R.F. JOHNSON: I brought more legislation in than she has ever done! Frankie, you're history, mate! You are history. You will be gone!

Mr F.A. Alban: Of course I will. It was nice to have known you. Thank you very much.

Mr J. Norberger: Is this your valedictory speech, Rob?

Mr R.F. JOHNSON: No, no.

The ACTING SPEAKER: Excuse me, members! If you wish to stay in the chamber and continue debating, you will wait for the Speaker's call. You will not continue to yell across the floor. A point of order was called. I would like to just remind the member for Hillarys to stick to the topic that is the motion.

Debate Resumed

Mr R.F. JOHNSON: Madam Acting Speaker, I take your advice and direction absolutely 100 per cent, and I will continue to do that. It is difficult sometimes when members get inane interjections from people who really do not know too much and have not been around that long.

I will say once again that the Leader of the House should show some decency not just for me or other members, but for members of his party whose families are at Parliament tonight, because members are not allowed to leave their family in the dining room; they must be present. They are the rules.

A member interjected.

Mr R.F. JOHNSON: What? Is the minister going off again?

Mrs L.M. Harvey: I did not say a word, member.

Mr R.F. JOHNSON: I thought the minister did. Something was moving.

Mr J. Norberger interjected.

Mr R.F. JOHNSON: It is the dope from Joondalup. He is a so-called Christian—a branch stacker and a person who never holds meetings.

Mr J. Norberger interjected.

The ACTING SPEAKER: Member for Joondalup, I have warned you once.

Mr R.F. JOHNSON: Madam Acting Speaker, I will get back to the motion. I say to the Leader of the House that I think he should rethink this motion. I think he should amend his motion to show some sort of conscious compassion for members who have invited their families to Parliament. It is not just me—it is very rare that my family comes to Parliament—but there are other members behind the Leader of the House. From six o'clock until seven o'clock, which is when the dinner break should be, members will not be in the chamber. A lot of government members will not be interested because it will be private members' time. They will be in the chamber for the valedictory speeches, because basically all the valedictory speeches will be by government members. Then there will be an exodus from this chamber and virtually nobody will be here during private members' time, so nobody will be doing their job and listening to private members' business, which is what they should be doing. It makes a nonsense of this Parliament. In the other chamber, members spent half an hour talking about tea breaks or wee breaks, while in this chamber we are spending time debating something that we should not be debating. We should just have the dinner break at the normal time and the normal amount of time for private members' business. There is plenty of time to have the normal three hours for private members' business, but the Leader of the House will not allow that, and I understand that. That has never happened before, other than in the last two sitting weeks. I know the reason for that. Parliament will be prorogued by the end of November. It is probably about the earliest it has been prorogued in 24 years. The reason for that is that the Premier and the government do not want to have any scrutiny of their legislation or their actions, and that can happen only in Parliament. That is why Parliament will be prorogued before the end of November. The media must know this. They are not stupid; they understand what goes on. We will be in abeyance until 11 March, when there will be a change of government.

Once again, before I sit down, I ask the Leader of the House to amend his motion and have the dinner break between six o'clock and seven o'clock for the benefit of the families more than anything, not so much members. This is the first time in 24 years that I have seen this happen—the dinner break will be moved from six o'clock to seven o'clock to seven o'clock to eight o'clock. It is nonsense. It is probably because the Leader of the House wants to go home at seven o'clock, as he did last week at six o'clock. That is probably the reason, unless we are going to stay here until midnight again. I do not mind; I will stay here until midnight. I do not have a problem with that. I ask the Leader of the House to show a bit of decency to the families of members of Parliament—not me or Labor members, but members of his own party. They are not going to argue with him. A lot of them do not even know what he has moved today because they are not in the chamber. They are probably having lunch or coffee now, so they would not have a clue what he is saying. They will find out later on. I ask him to amend his motion and show a bit of decency not to members, but to the families, so that during private members' business, there will be a reasonable number of members in the chamber to make a contribution and listen to the debate by members of the opposition.

MR J.R. QUIGLEY (Butler) [12.43 pm]: What a pretty pass this has come to. A lot of people have been provoked this afternoon to rise to their feet to speak to the Leader of the House's motion. I do, too, and I am in no hurry to get through it. I support the member for Midland's comments, to which I observed the Leader of the House agree by nodding, that there had been an agreement between the government and the opposition that the Deputy Premier broke last evening.

This motion deals, of course, with the reordering of the business of the house to get the balance of the government's bills through, but the bill that was before the chamber last night was the Sentencing Legislation Amendment Bill. The government was concerned about the time that that bill might occupy. Quite separate to the conversations that transpired, which I was not privy to but which were later related to me, there was an agreement between the Leader of the House, an honourable man, and the manager of opposition business in the house on the progress of the legislation. It was not our problem and it was not a problem that we built into the timetable. That bill, which I mentioned last night had been foreshadowed since 2010 by the then Attorney General in the Parliament before this Parliament, was brought on for debate on the third last day of the sitting of Parliament and is still not complete.

Quite separate to the conversation that transpired between the leader of government business and the manager of opposition business in the house to ensure that this legislation would pass the consideration in detail stage last evening and would conclude its passage in such time as to allow the restraining orders legislation to come on once it came from the upper house, I had a personal conversation with the Leader of the House, and if I am inaccurate in relating the personal conversation that I had with the Leader of the House, I invite him to so indicate by interjection.

I asked the Leader of the House when the bill would come on and he indicated that it would come on yesterday. I said that I had some points to raise to do with constitutionality and he said, "So you'll be moving amendments? Do you have amendments to move?" I said to the Leader of the House, "No. Given that we have only a couple of days left, I will vote against one clause to signify our objection to the unconstitutionality, but I will not do that on every clause in new part 5A", although I did not call it part 5A; I referred to the post-sentence supervision orders provisions. I said that I would pick just one clause to vote against so it was on the record and that I would move no amendments, because that would be rewriting quite a bit of the clause, which I could have easily done, but we would have been here on division after division all night and would probably still be here because it is a large clause. I said that I would facilitate, by my conduct, the timely passage of the matter and he said that that was fine. That was a reflection, on my part, of the agreement that I understood existed between the government and the opposition as reached by the respective leaders of business in this house.

The post-sentence supervision provisions for certain offenders—I will address this later in my speech on the third reading of the bill—raise fair and square constitutional issues. The Deputy Premier of Western Australia, in absolute defiance and breach of the agreement reached between the government and the opposition, was party to applying the gag. All those provisions to which I have referred are contained in one clause. Although the Sentencing Legislation Amendment Bill contains 14 discrete proposed sections, they were wrapped up in clause 25. I asked some questions that I am sure the Court of Appeal would want to know the answers to when determining the constitutionality or otherwise of proposed part 5A of the legislation—that is, whether the bureaucrats were affecting people's rights to liberty and movement in this jurisdiction without judicial warrant. It was in the process of asking those questions that the minister said, "I'm not qualified to answer this; we'll have to ask the Attorney General". She is representing the Attorney General here. He is not here. I asked the minister and she put up her hand and said, "I don't know."

Mrs L.M. Harvey: Tell the truth. That's your interpretation.

Mr J.R. QUIGLEY: We will refer to *Hansard*. The minister can rise to her feet on this motion and have her say. We will come to that in the third reading stage, unless she would like to go through the whole third reading speech now. At 12.50 pm, the minister has provoked debate in this chamber so that it lasts longer than it would

have taken to scrutinise the proposed sections in clause 24. By last night breaching the agreement the government requested, the minister embarked upon dishonourable conduct. I did not have my amendments here because I gave an undertaking to the leader of government business that I would not move any amendments and I would facilitate the easy passage of this legislation. I could have spoken on them all night last night, but because this legislation is important, the opposition wanted to see the legislation pass. As the leader of opposition business in this chamber has pointed out, it is not our fault that this is the second last day of Parliament and, nearly an hour into government business, we, properly, are debating a motion about tonight's dinner break and the precedence of private members' business and valedictory speeches. Well done! The government has taken the long road. By breaching this agreement, the government has provoked every other person in this chamber into realising the government's game. I can remember when I first came into this Parliament that the Speaker elected on that occasion was in the chair and said, "It's my job as Speaker of this Parliament to let the opposition have its say and the government have its way."

Mr R.F. Johnson: Are you talking about Hon Fred Riebeling?

Mr J.R. QUIGLEY: I am.

Mr R.F. Johnson: A very decent gentleman and a very good Speaker.

Mr J.R. QUIGLEY: He was a good Speaker. Does the member for Hillarys remember Mr Riebeling saying that? As soon as he assumed the Chair, and you were in opposition at the time, member for Hillarys, he said, "What will guide me is this principle: to guarantee that the opposition would have its say and the government would have its way", because that is what the people decided at the election. It is not easy being in opposition. I am not talking about doing my work; I do not mind that. I am not talking about not having my hands on the levers of power. Nonetheless, a heavy responsibility is cast upon us to carefully scrutinise legislation. We are an important part of that process; we are an important part of democracy.

The most recent case, which I will refer to again, is the Bell Group legislation, which the government brought into this chamber and wasted an enormous amount of time on with almost no notice. We were given notice about two hours before about complicated legislation that sought to take back to Western Australia certain sections of the Corporations Act, so the state could seize the liquidator's assets in that case, although whether it could be done was problematic. On the Monday in Canberra, the case went before the High Court and counsel for Western Australia was in difficulties over there. I know counsel well so I will not reveal too much, but the Solicitor General has to take the government's brief and do the government's bidding. The member for Hillarys might remember that government members raced back into this chamber the following day with more legislation to try to plug the holes that had been exposed overnight. I am trying to explain the burden of responsibility that falls on the opposition. During that case, from reading the transcript—I have not got it in front of me so I shall paraphrase it—the Chief Justice of Australia looked at the competing propositions put forward in that case by the appellants. It was a question of the unconstitutionality of the recall of parts of the corporations law, as opposed to a glaring unconstitutionality concerning section 109 of our Constitution with laws of inconsistency when the state had tried to take the liquidator's assets without paying the Australian Taxation Office its due. Counsel for the commonwealth urged the High Court not to go near the corporations law—as will be evidenced when this bill, which was shut down last night, comes before the Court of Appeal, which inevitably it will. The Australian Solicitor General said that the relationship between the commonwealth and the states is a matter of agreement, getting on and accommodating each other for the functioning of the commonwealth, except in the case of Western Australia, which, from time to time, needs discipline. There was no better example of that need for discipline than last night when we were discussing the constitutionality of post-sentence supervision orders, which, let us not be mistaken, we support but not by this flawed route. That is what I was explaining to the Leader of the House.

[Member's time extended.]

Mr J.R. QUIGLEY: We do not support it by the route the government has embarked upon. Not being a compliant schoolchild and accepting the Deputy Premier's inane proposition that these proposed sections do not affect citizens' rights to the extent it would be rendered unconstitutional by the High Court, we were seeking to explore the practicalities behind that. I am sure the member for Hillarys and other members here will remember that last night I was going through an example of a case to show what happens when one of these orders is issued. What do we do with a guy in his cell who is waiting to be released?

Madam Deputy Speaker, I will wait for you to assume the Chair, and I trust that if I am going to be kicked out of the chamber, it will not be with your sore foot!

While I was exploring that, and before we could look at the other very important constitutional issues contained in proposed section 12A, the gag was applied. That was in complete contravention of the agreement that has been arrived at. Under this proposed section, a bureaucrat can sit down, with his sleeves rolled up into his armbands, and with his rubber-tipped pencil issue an order to prevent a person from leaving the state of Western Australia. This is not a person who is under sentence. The person has served his time and is free.

However, under this legislation, he will not be allowed to leave the jurisdiction of this state. The government believes the High Court of Australia will agree that the government should be able to restrict the movements of a person who is not under sentence so that he cannot travel elsewhere in Australia to see family. The government thinks the High Court will say that is fair enough. We wanted to explore this last night but we were prohibited from doing so.

May I seek an extension, Madam Deputy Speaker?

The DEPUTY SPEAKER: Yes, if you can confine yourself to the motion.

[Member's time extended.]

Mr J.R. QUIGLEY: Thank you, Madam Deputy Speaker. The government is seeking through this motion to re-order government business and private members' business to accommodate valedictory speeches. I have been exploring why it is absolutely unnecessary to do that, given the government's program and the agreement that has been reached. We could have dealt with this in a much more economical way. However, it is now one o'clock and we are still debating this motion.

Mr N.W. Morton interjected.

Mr J.R. QUIGLEY: What was that, member for Forrestfield?

Mr N.W. Morton: Sit down and let us get on with it!

Mr J.R. QUIGLEY: We are. The member for Forrestfield is one of the people who voted for the gag last night.

Mr N.W. Morton: That is because the minister said the same thing time and again and you kept asking the same questions.

The DEPUTY SPEAKER: Order, members!

Mr J.R. QUIGLEY: I accept his interjections, Madam Deputy Speaker. I want the member for Forrestfield to interject as often as possible. He has only two more days in his life when he will be in this chamber and can interject, so I want him to have as many interjections as he likes now. I have looked at his margin, and he is one of the ones that the Premier is ensuring will go back to teaching, and when he goes back to teaching —

Mr N.W. Morton: You're being pretty arrogant!

The DEPUTY SPEAKER: Order, members! Member for Butler, stick to the motion, please.

Mr J.R. QUIGLEY: We will send the member for Forrestfield a goodbye card. Do not worry. We will miss him—not!

We are now debating this particular motion for the re-ordering of private members' business. That is totally unnecessary.

Mr N.W. Morton interjected.

The DEPUTY SPEAKER: Member for Forrestfield, will you please allow the member on the floor to make his speech.

Mr J.R. QUIGLEY: I do not blame him. He has got only a little while to make his interjections.

Mr N.W. Morton interjected.

Mr J.R. QUIGLEY: What was that, member for Forrestfield? The member should tell us about how tough he is on law and order—always was and always will be! I like that one! I like it when the member throws up those slogans.

Mr N.W. Morton: Since you are taking my interjections, I recall being a high school teacher, teaching health education to teenagers, when the Labor Party was ensuring that cannabis was made legal for people to grow and to use. That is what you guys did. That is your hard stance against drugs and the proliferation of drugs in our community, while at the same time, as a teacher in the government education system, I was telling students about the harmful effects of cannabis use.

Mr J.R. QUIGLEY: I will reply to the interjection. Obviously, the member was not a teacher of English—he must have been a teacher of Chinese—because what he said is not true.

The DEPUTY SPEAKER: Member for Butler, restrict yourself to the motion.

Mr J.R. QUIGLEY: What he said is not true. That was never the legislation. There was a variety of penalties. However, that is what we have to deal with. The member for Forrestfield will be remembered for his inane interjections.

The reason we are going through this motion today is in part because of the member's conduct last evening, when he was party to the breach of an agreement that we had made personally with the Leader of the House.

I had separately gone to the Leader of the House. If I had brought into this chamber last night all my amendments to this bill, the member would have been here until two o'clock or three o'clock in the morning. The leader of opposition business had an agreement with the Leader of the House about the passage of the legislation, and I separately indicated to the Leader of the House that I would not hold up the legislation by moving amendments and that the opposition would honour the letter and spirit of the agreement that we had reached. The Deputy Premier sat in this chamber last night and became party to the gag—to guillotine any further discussion on the constitutionality of the bill. Of course the government will not be able to win that argument at the Court of Appeal. The Court of Appeal will tear up part 5A of the bill quicker than it tore up the Bell legislation. While I was exploring part 5A and trying to examine forensically the propositions that sit behind part 5A, the gag was applied.

What the government has precipitated by applying the gag is that there will now be a lot more speakers on the third reading of the Sentencing Legislation Amendment Bill. The opposition did not propose to have a lot of speakers on the third reading of that bill. However, they will now be rustled up, because we now know that the agreement that we had with the leader of government business was torn up by the Deputy Premier. Therefore, the next two days will be interesting. The agreement that the Leader of the House sought for the quick passage of that legislation will be impacted by the motion that is currently before the house. The Restraining Orders and Related Legislation Amendment (Family Violence) Bill was to be first and second read this morning, but because this motion is taking so long to deal with, that will now be dealt with this afternoon. I have no doubt that a lot of questions will be asked about that bill. I have been assisted in that regard by members of the government benches in the upper house, who have concerns about parts of that legislation. So, I say to the government, well done for breaking this agreement. The member for Forrestfield is leaving the chamber. He should not leave the chamber yet, because he has only a couple of days left in this place and he might want to enjoy them. Question time will start in 50 minutes. This afternoon's business is being re-ordered because the government has seen fit to cut private members' time to fit in valedictory speeches. What we have seen this morning is a classic example of what happens when people break agreements—they do not go forward; they go backwards. The Premier is laughing at that.

Mr C.J. Barnett: I'm laughing at you.

Mr J.R. QUIGLEY: Well done. The Premier is the one who wants to get the business on and his government broke the agreement.

Ms M.M. Quirk interjected.

Mr J.R. QUIGLEY: I will address the Premier's interjection because it was a facile interjection, given his own conduct. You were not here, Madam Deputy Speaker, when the Deputy Premier of the previous Labor government brought on a loan bill back in 2004 and the Premier, then the Leader of the Opposition, kept us here until three or four in the morning. It was prior to the Merredin by-election after Mr Cowan had resigned. The Premier kept us here all night long, moving motions to amend the short title of the bill to "The Eric Ripper Rip-off Bill", or some stupid —

Mrs M.H. Roberts: That's when he was doing his star jumps.

Mr J.R. QUIGLEY: That is what precipitated his star jumps; that is what precipitated him doing this incredible performance, the like of which we have never seen, right in front of the Mace. He kept us here for hours and hours on the title of the bill—that it should not have been called "Loan Bill No. 2" or "Loan Bill No. 3", or whatever it was, but that it should be renamed "The Eric Ripper Rip-off Bill". Well, that has turned out to be a bit of a burden around the Premier's neck; the rip-off was the Barnett government, which has taken us to \$40 billion in debt and has come back to this chamber with loan bill after loan bill to pay the wages. The best Treasurer in the last decade or more was, in fact, the person the Premier was pillorying on that occasion. He then comes into this chamber and says that he is laughing at me! I can take laughter at me, but the Premier will not be able to laugh at the judgement of the Court of Appeal when it gets to proposed part 5A of the Sentencing Legislation Amendment Bill 2016. He will not be able to laugh at the conduct of everyone here who has been provoked by this government and its blatant breach of an agreement. He should not forget that the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 is a response to a 2013 Law Reform Commission of Western Australia report that was tabled in the Legislative Council. When asked what the government's response to the report would be, the Attorney General said it was to introduce legislation! That was nearly two years ago, and the government will be introducing the legislation on the second last day of the Parliament, and we will presage its passage without due consideration. That is why we have to juggle around the business of the house to accommodate it.

It is an absolute insult to democracy that when we were debating last night the constitutionality—not "tough on law and order" and not sloganism—of a particular clause of the Sentencing Legislation Amendment Bill, the government was quick to break the agreement and used its numbers to apply the gag. Our democratic system was stymied and disfigured by this government and we did not get to discuss that. The government will not get a look-in down in the Supreme Court when the challenge to proposed part 5A comes on. We wanted to support it.

MS M.M. QUIRK (Girrawheen) [1.14 pm]: I rise to support the member for Butler. I was present in the chamber last night when the gag was applied. This process has provided evidence, yet again, of the government's mismanagement of the chamber and its business and, more importantly, of its lack of discipline. As the member for Butler said, it was the member for Bateman who called the gag. He was bored; he obviously wanted to be paired, as did a number of government backbenchers who were sitting around last night, rolling their eyes, while we were debating a particularly important clause which, I might add, has something like 20 subclauses, and is the absolute core and pivotal clause in that legislation. It deals with the post-sentence supervision orders of certain offenders. It was suggested that the opposition was asking the same questions over and over again. Yes, there might have been a bit of that, but that is because the minister's answers were not responsive to the questions that were put. Moreover, this was necessitated because the issues that were raised during the second reading debate were not adequately responded to during the minister's reply to the second reading debate, so we had to again canvass them during consideration in detail. They were matters that had been identified in the second reading debate, and the minister had therefore had an opportunity to get some advice on them and respond accordingly, but did not do so. Clause 25 covers proposed sections 74A to 74L, so there were a number of proposed sections. The member for Bateman took it upon himself—without instruction from anyone else, it seemed to me, although aided and abetted by the minister—to call the gag, and the core and substance of that legislation was not debated.

It ill behoves the government to now say we are filibustering and wasting time, when central issues in that legislation were not allowed to be debated and the minister—as is her wont and practice in a number of areas—was arrogant enough to not bother answering the questions. It is a bit rough and quite brazen for the government to come in here today and say that it will shorten private members' business because it has other business to get on with. We would have been happy to have finished last night and even gone to the third reading.

MR J.H.D. DAY (Kalamunda — Leader of the House) [1.16 pm] — in reply: I thank the opposition for its at least partial support of the motion. I will not canvass all the issues that have been raised. I agree there has been, last week and so far mostly this week, a cooperative approach to dealing with legislation. The reason we finished somewhat earlier than we might otherwise have on the three sitting days of last week was that there was an agreement that we would get through a number of bills. We actually passed at least six bills through the chamber last week, which was good progress, so there was no need to sit longer than we did. It was a more efficient use of time, in fact, and something that could be well used on many occasions in the future, I am sure. A lot of the legislation last week was relatively uncontentious.

In relation to the effect of this motion reducing private members' time down to one and a half hours, that decision was essentially made last week and applies for the remainder of the year. As we discussed last week, it is the usual practice, in the last couple of sitting weeks of the year, to allow more time for government legislation to be completed, so it is not something that is unprecedented.

In relation to the timing for the valedictory speeches, that has been done largely to accommodate those who are giving valedictory speeches so that they can give them prior to having guests here for dinner. The member for Dawesville, in particular, was very keen to be able to do that, so it was thought better to have the valedictory speeches prior to us having a dinner break, albeit that that will mean something of a delay in the dinner break being taken. That was thought to be a reasonable approach. For those who have guests coming, I do not think it is unreasonable for them to come half an hour later or so; the dining room will remain open at least an hour later than otherwise would have been the case to accommodate the change. Also, as the member for Hillarys pointed out, guests should only be in the dining room when in the company of a member, but I am sure there will be a degree of tolerance shown by the dining room staff if members leave briefly to hear some of the valedictory speeches—assuming their guests are well behaved, as I am sure will be the case!

I am sure there will be a degree of tolerance and goodwill. That is the explanation for why we have suggested to put in place the arrangements we have, and I am sure if there is a degree of goodwill and reasonableness on the part of all members, there can be an outcome achieved that will mean there will be many members in here when the four members are giving their valedictory speeches and that guests can also be accommodated.

Question put and passed.

BUSINESS OF THE HOUSE — DINNER SUSPENSION

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Ms W.M. Duncan): That means, members, that there will be a dinner break between the hours of 7.00 and 8.00 pm.

STATUTES (REPEALS) BILL 2016

First Reading

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

Explanatory memorandum presented by the minister.

Second Reading

MRS L.M. HARVEY (Scarborough — Minister for Police) [1.21 pm]: I move —

That the bill be now read a second time.

The Statutes (Repeals) Bill 2016 will remove from the statute book obsolete and redundant legislation, including one imperial act. In total, the bill will repeal five redundant acts from across four portfolios—those of Commerce, Police, Transport and the Attorney General. This bill forms part of Repeal Week and, together with the Licensing and Other Authorisations Amendment Bill 2016, supports the government’s goal of modernising the statute book and reducing red tape. The two bills demonstrate the government’s continuing commitment to ensure that legislation remains in force only as long as necessary, and that legislation currently in force operates effectively and efficiently. Cleaning up the statute book will assist with the government’s legislative program and parliamentary business generally, by helping it remain current and relevant and by reducing the number of consequential amendments that must be considered when undertaking legislative change. A similar package of legislation was introduced into Parliament during Repeal Week 2015, which also sought to reduce the regulatory burden associated with some licences and to repeal obsolete legislation.

This bill, in particular, continues the government’s program of repealing obsolete and out-of-date legislation. One of the acts to be repealed by this bill is the Coal Industry Tribunal of Western Australia Act 1992. This act is obsolete as a result of commonwealth industrial laws, which have exclusively regulated industrial relations matters since 2006 in respect of employers that are constitutional corporations, meaning trading or financial corporations. The two coalmining employers operating in Western Australia are both regulated under the commonwealth Fair Work Act 2009, rendering the Coal Industry Tribunal of Western Australia 1992 redundant. Accordingly, it can be repealed.

The Labour Relations Reform Act 2002 is now also redundant and can be removed from the statute book as it has already achieved its stated purpose of amending various items of employment legislation and repealing Western Australian workplace agreements. The amendment provisions have already been implemented, and the remaining provisions relating to statutory contracts of employment no longer serve any purpose as this area is regulated by modern awards and industrial agreements.

The Spear-guns Control Act 1955 regulates the use of spear guns to ensure public safety. Spear guns are also identified as controlled weapons under the more modern Weapons Act 1999. As such, the Spear-guns Control Act 1955 has not been used in over 10 years. Police have adequate powers under the Weapons Act 1999 to deal with people possessing or carrying a spear gun in a manner that could cause harm to another. Therefore, the outdated Spear-guns Control Act 1955 can be repealed.

The Western Australian Marine (Sea Dumping) Act 1981 came into operation on 19 April 1984 to regulate the dumping of waste and certain objects into the sea. However, in practical terms, the Western Australian Act has never been utilised as there is commonwealth legislation that adequately regulates these issues. Therefore, the Western Australian Marine (Sea Dumping) Act 1981 can be repealed.

Finally, the bill will also repeal one imperial act that is no longer relevant because there is no case that now relies upon the Escheat and Forfeiture of Real and Personal Property Act 1834 as it currently stands. Its purposes are addressed by more contemporary legislation, and so the act is now obsolete and can be dispensed with, not before good time.

In November 2012, the Legislative Council’s Standing Committee on Uniform Legislation and Statutes Review tabled its interim report on the “Inquiry into the Form and Content of the Statute Book”, which identified obsolete acts suitable for repeal. I acknowledge the important work of that standing committee and note that this bill continues to implement the committee’s recommendations. All five obsolete acts being repealed in this bill were identified as suitable for repeal by the committee. The various amendments are explained in detail in the explanatory memorandum. I commend the bill to the house.

Debate adjourned, on motion by **Ms R. Saffioti**.

SENTENCING LEGISLATION AMENDMENT BILL 2016

Third Reading

MRS L.M. HARVEY (Scarborough — Minister for Police) [1.27 pm]: I move —

That the bill be now read a third time.

MR J.R. QUIGLEY (Butler) [1.27 pm]: I am just looking at the clock. I think that time is wrong for third readings, is it not?

The DEPUTY SPEAKER: It is 30 minutes. I am sure that you just did not read it correctly!

Mr J.R. QUIGLEY: I thought the wrong time flashed up there.

Ms R. Saffioti: It did.

Mr J.R. QUIGLEY: It did?

The DEPUTY SPEAKER: It did.

Mr J.R. QUIGLEY: I got excited.

The DEPUTY SPEAKER: The Clerk very quickly amended the error and the time is correct. The time is now correct, member for Butler. Your time starts now.

Mr J.R. QUIGLEY: Thank you. I will give my abridged version—not the 55-minute version—the executive summary. I thank the member for West Swan.

The Sentencing Legislation Amendment Bill 2016 amends two acts—the Sentencing Act and the Sentence Administration Act. Firstly, it deals with amendments to the Sentence Administration Act. We have gone through a number of the early provisions of the bill and dealt with the clauses that amend the time periods within which the Prisoners Review Board must file a report to the minister concerning prisoners held at the Governor's pleasure. There was some discussion during the consideration in detail stage that, quite frankly, I do not follow. I did not follow it then and I am still at a loss to understand it now. The minister said that nothing at all changes, but she initially said except the schedule in section 12 of the act as it now stands, which has been removed and replaced in the amendment bill with schedule 3. Schedule 3 comprises a spreadsheet that sets out when the reviews must occur.

After some debate during consideration in detail—debate that the member for Forrestfield found repetitive, whereas I found it productive—the minister eventually conceded that in fact there was no schedule in section 12 of the act and that she was wrong. Section 12 of the act dealt with reports by the board to the minister about prisoners generally. The minister was then taken to section 12A, which will be amended by clause 7, and conceded that there was a table, not a schedule, in it that will now be repealed. In large part, the contents of that are replicated in the new schedule 3. The significance of this of course is to be found in the words that the Deputy Premier took us to in proposed section 12A(1). The amendment to section 12A(1) is in clause 7. It states —

A report must be given under this section about a Schedule 3 prisoner regardless of whether or not a report has been given about the prisoner under section 12 ...

There is some duplication there.

In the act as it now stands, prior to the passage of this bill, section 12(2)(c)—which is found in clause 6 of the bill before the chamber—provides that in respect of a prisoner who was defined in section 4(2)(d), which is a prisoner who is detained at the Governor's pleasure, the board must report on that prisoner annually to the minister. The very good reason for that was we do not want people lost in the system. We do not want them detained at the Governor's pleasure and not recorded as having an end date to their term and there is no continuous monitoring of their situation within prison. Section 12A provided that the first review—in the table that will be repealed—would be after one year and then every three years after that. How do I marry the requirements of section 12A, which in its table sets out that a person serving an indeterminate sentence would be first reviewed after one year and then at three-year intervals, with section 12(2)(c), which provided that the board must report on that prisoner every 12 months? The answer of course is to be found in section 12A(1); that is —

A report must be given under this section about a Schedule 3 prisoner regardless of whether or not a report has been given about the prisoner under section 12 ...

Even though there was the requirement in section 12A for a report at one year and then at three-year terms for an indeterminate prisoner, there was a mandatory requirement on the board to report every 12 months. That conflict was never resolved with the minister, as the gag was applied.

Proposed section 12B refers to the fact that there can be combined reports. If there has to be a section 12 report and a section 12A report, they do not have to be discrete reports; sensibly, they can be combined by the Prisoners Review Board when reporting to the minister.

The contentious part of this legislation is to be found in part 5A. We did not have the chance to go through part 5A in detail last night because quite early into the consideration in detail of part 5A—I think it was before the Deputy Speaker took the chair—I counted 12 proposed sections. It is a fairly complex part, although they are all listed as sections 74A to 74L. We did not have the opportunity to examine those in detail last night. However, as I mentioned in debate, I had the opportunity to discuss this with senior judges and senior Queen's Counsel at a conference that I attended the week before last at the MCG. It was a conference convened by the Australian Bar Association. It was addressed by both Hon George Brandis, QC, and Hon Malcolm Turnbull, the Prime Minister of Australia. Hon George Brandis opened the conference and spoke primarily on Indigenous rates of incarceration, which this bill has consequence for. I sat on a panel with a justice of the Supreme Court of Victoria. Senior judges and some of the most esteemed legal minds in this country were there—even the venerated Hon Tom Hughes, QC, who is still going and is still possessed of all mental faculty. It was by no

measure a Labor gathering—some of the esteemed legal minds of Australia were there. Part 5A was received with derision by those with whom I discussed it. It was received with derision because part 5A restricts the movements of free citizens in Australia—free citizens who are not under sentence in Australia. It affects their liberties and the way that they might exercise their liberties and where they go in this great country of ours, not under judicial fiat, but by a pen-pusher bureaucrat who will make a recommendation to another branch of the executive to make post-sentence supervision orders.

Before I go further with this I want to go back to comments made by the honourable Prime Minister of Australia and the honourable Attorney General of Australia two and a half weeks ago when they foreshadowed the introduction into the Australian Parliament of more anti-terrorism legislation, and, in particular, the post-sentence detention and—this is relevant to what the government is doing here—post-detention supervision of people convicted of terrorism offences. As we know from their explicit writings and utterances, the hatred of jihadists is so entrenched that even after a lengthy term of imprisonment their attitude has not changed. Whilst incarcerated it is well known that they seek, even from some of the most secure prisons on the east coast, to recruit fighters to leave these shores and join Islamic State of Iraq and Syria or Daesh in the Middle East. The Australian government quite sensibly said that if one of these jihadists gets a 10-year sentence, for example, and finishes his—these violent people are mainly male, but I think there is one woman—10-year sentence and is then to be released back into our community, we have no purchase on that person's future conduct. He can go about recruiting, planning, and, indeed, participating in further acts of terrorism. Having served the head sentence or the finite term, he is a free person. The Prime Minister and Hon George Brandis, in a proposition not too dissimilar to this—although it has not been through the Australian Parliament yet—seek to impose both post-sentence detention in cases where the person exhibits a real propensity to danger, or, in lesser cases, post-sentence supervision. Hon Malcolm Turnbull and Hon George Brandis, QC were at pains to reassure the public that this would be done in front of a judge, whether they are sitting in camera or not, because we cannot constrict a citizen's liberty without judicial fiat. Although that is where Magna Carta starts, it is not what precipitated the brawl between the barons and King John in 1215, resulting in the great charter. However, when they sat down to draw up what Lord Denning described as the greatest constitutional document in the history of the world, and upon which the founding fathers of America based their constitution in 1776, I think it was, it was about the freedom and liberty of the individual and that a person could not be detained without judicial warrant. Of course, that is what led to the controversy surrounding Guantanamo Bay. People were being detained without judicial warrant and as soon as they were brought onto American soil they could not be detained and their liberty could not be impeded or constrained without the order of a judge. The Congress would never accede to President Obama's policy to close Guantanamo Bay and bring these people onto American soil because they would then be able to access the American legal system.

The Labor opposition in essence agrees with part 5A. In fact, it was the Labor Party that first introduced into Western Australia the concept of post-sentence detention. It did that back in the government of Dr Geoff Gallop by introducing the Dangerous Sexual Offenders Act, which included a provision under which the Director of Public Prosecutions could make an application to the Supreme Court for a detention order or a supervision order by warrant of the court. That provision has been tested in the High Court and because of the judicial involvement, found to be constitutionally valid. Once a case goes to court, the rules of natural justice apply, but the Barnett government has thrown that to one side and said that with different-to-violent sex offenders we will have other offenders who are perhaps arguably less dangerous in the community than violent sex offenders. I say that because this legislation not only deals with murderers, but also an offence of attempting to light a bushfire that could cause injury, or offences under the Road Traffic Act such as dangerous driving causing death or grievous bodily harm. They could now be the subject of a continuing supervision order imposed not by the judiciary but by the bureaucracy or operatives of the executive, and what can they do? For example, if the order is made, proposed section 74F states that they —

- (a) must report to a community corrections centre within 72 hours after being released, or as otherwise directed by a CCO; and
- (b) must notify a CCO of any change of address or place of employment within 2 clear working days after the change; and
- (c) must comply with section 76.

Section 76 refers to offenders on supervision community correction orders, which are all imposed under warrant of the court and not by a bureaucrat. The obligation has been cast otherwise on three people. I agree that they are criminals and that they have served their head sentence and they are free. However, what is being imposed upon them is being imposed by a bureaucrat. Section 74G will concern the Court of Appeal in Western Australia and the High Court of Australia. It states that the bureaucrat can place upon the offender a requirement that the person, who is no longer a prisoner, cannot leave Western Australia without the permission of the bureaucrat down at the Department of the Attorney General.

Let us say a prisoner who has served a 10-year head sentence for dangerous driving causing death—a three-year sentence—is released but his family has moved east. What is to stop him from moving out of this jurisdiction? A pencil-pusher's note that says, "You are required to stay here." When I say "pencil-pusher", I mean an arm of the executive, not the judiciary. Can members imagine what will happen? A person who has left prison will say, "Well, I'm going to go and see the kids. To heck with this!" He gets on a plane or, with his discharge money, purchases a bus ticket and goes to Sydney, crossing the border within that 72-hour period. He does not report to a community corrections officer. Does the government think it will be able to extradite him from another state? The extradition treaties require the government to prove that the person is reasonably suspected of committing an offence in Western Australia. The only thing the person has done is disobeyed an order of the executive. We would support this legislation if it contained the requirement that the CEO instruct the State Solicitor to seek the order by a court. As the minister has been at pains to point out, under section 115 of the Sentence Administration Act 2003, the Prisoners Review Board does not require natural justice. This can all be done behind the prisoner's back, without any transparency or any challenge to what is being put forward. The High Court will not accept that! The Court of Appeal will not accept that! I am confident in that. It is a sham.

The preconditions for making this order include that the person has committed a violent offence. That is contained in schedule 3. Proposed section 74B(b) states —

the behaviour of the prisoner when in custody insofar as it may be relevant to determining how the prisoner is likely to behave if released;

Someone may put in an inaccurate or incomplete report about the prisoner. A fight might have occurred in the prison yard in which the prisoner was defending himself from an attack, but he may be put in for being involved in a violent incident in the prison yard and be recommended for a PSSO. He has no ability to challenge that report. This is a free person; this is not a prisoner. The bureaucrat makes this determination behind the free person's back. Proposed section 74B(d) states —

the prisoner's performance when participating in a programme ...

There might be a report about the prisoner's reluctance to participate. Half the prisoners have mental infirmities. The prisoner cannot make a submission and no-one can make a submission on their behalf. The proposed subparagraphs continue —

- (e) the behaviour of the prisoner when subject to any PSSO made previously;
- (f) the likelihood of the prisoner committing a serious violent offence when subject to a PSSO;

We are not talking about dangerous sex offenders. Predicting the future behaviour of a dangerous sex offender can be done with more confidence than predicting the future behaviour of a violent offender. I have reams of papers published by the Royal College of Psychiatrists in the United Kingdom and by criminologists in America. Everyone is trying to do this. How can future violent behaviour be predicted? Unless a serious chronic mental disorder has been diagnosed, it is very hard. The papers I have go through the theatre massacre in the United States in which a man went into the *The Dark Knight* movie with a submachine gun and sprayed the crowd. He was a university student. No-one could have predicted that he would behave in this way.

What is being said in this legislation is that the bureaucrats—the arm of the executive—can make these orders against a citizen who is no longer a prisoner and that this will be done without the rules of natural justice applying and without the citizen being able to access any of the reports or paperwork upon which the decision was made. Last night, in the middle of examining this matter in consideration in detail, the member for Bateman, on the instructions of the Deputy Premier, badly disfigured democracy by shutting the debate down. The member for Bateman, acting as the puppet for the Deputy Premier, made sure that this part of the bill could not be properly examined in consideration in detail. I hope the member for Bateman is in the public gallery when this matter first comes before the Court of Appeal. He will not be able to gag them down in the Supreme Court Gardens. The Court of Appeal will look at this legislation most critically. Shame on the government that it broke its agreement with the opposition to allow this legislation to be properly debated last evening. Shame on it! It disfigured democracy! When members of the government started laughing when I became upset at what they were doing, they were not laughing at me, they were laughing in the face of the people of Western Australia and Australia who rely upon the Constitutions of Australia and Western Australia for good order and governance of our community. All the government had to do was what the Prime Minister of Australia has promised to do.

MS M.M. QUIRK (Girrawheen) [1.57 pm]: I was not intending to rise on the third reading of the Sentencing Legislation Amendment Bill 2016, but the events of last night mean that I feel compelled to do so. Clause 25, which is the real kernel of this legislation and which contains something like 20 subclauses, was gagged. After three or four questions from the member for Butler, the member for Bateman took it upon himself to gag further consideration in detail on an essential provision within the legislation. It was particularly important because the minister had failed, in her response to the second reading debate, to deal with a number of issues that are certainly crucial to how the regime of this legislation would operate. First of all, the minister was unable to

advise the house of the impact of additional people imprisoned because of the extended prison sentences contained in the legislation. She was also unable to advise the house of the cost and impact on the prison system. I am somewhat amazed by that. Under a more financially prudent Labor government, we could not get a cabinet submission to cabinet unless we were able to indicate some level of detail about the cost involved in implementing the legislative changes, either before approval to print was given or approval even to draft. I found it somewhat concerning that that information was not readily available.

The second issue that I raised with the minister during the second reading debate, which she was not able to provide a decent answer to, related to some guarantee that the government would not fail to provide programs or training for transition to civilian life for prisoners during the currency of their actual prison term because it would be able to rely on the post-sentence supervision orders to provide that with the prisoner at a time when their sentence had, in fact, concluded. One of the reasons that parole is regularly refused is the lack of courses undertaken by prisoners. This to me is a green light to corrective services staff.

Debate interrupted, pursuant to standing orders.

[Continued on page 8192.]

QUESTIONS WITHOUT NOTICE

AGED CARE — COMMONWEALTH FUNDING

915. Mr M. McGOWAN to the Minister for Health:

I refer to the more than \$80 million in commonwealth cuts over three years in recurrent funding for complex health care for aged-care providers, which will result in new residents having their funding reduced by more than 10 per cent and existing patients potentially being reassessed as new patients from 1 January 2017.

- (1) What representation has been made to the commonwealth government to not lose that funding?
- (2) What impact will these funding changes have on the state's health system?
- (3) Has the minister or the Premier requested that this issue be put on the agenda for the next meeting of the Council of Australian Governments or health ministers?

Mr J.H.D. DAY replied:

- (1)–(3) I am aware of proposed changes to the funding of aged-care places by the commonwealth government. As I understand it, over the forward estimates, some adjustments have had to be made to the commonwealth budget to accommodate the services provided within the amount that is allocated through the commonwealth budget, and that has resulted in a proposed reduction in the funding available for some places at least. An adjustment has been made to what is known as the aged-care funding instrument. I have taken up this issue with the Assistant Minister for Health and Aged Care, Ken Wyatt, who, of course, is a Western Australian member of Parliament. It was the subject of our discussions in a meeting that I had with him about broader aged-care issues in Western Australia and I have also written to him in my capacity as a local member of Parliament. As I understand it, this issue is under review by the commonwealth government. Obviously, I do not have an outcome at this stage. It is up to the commonwealth government to consider the concerns that have been raised, take them seriously and hopefully provide an appropriate response so that the needs of aged-care patients in Western Australia are adequately provided for.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr J.H.D. DAY: As I mentioned in here previously, Western Australia does have a lower proportion of aged-care beds than just about every other, if not every other, jurisdiction in Australia and it is a significant issue. It is, as I said, something that has been the subject of discussions between me and the federal minister.

AGED CARE — COMMONWEALTH FUNDING

916. Mr M. McGOWAN to the Minister for Health:

I have a supplementary question. The commonwealth funding cuts kick in in five weeks and will result in dozens, scores or perhaps hundreds of older Western Australians being moved out of aged-care places and potentially into state hospitals. What has the minister done about it that is more significant than a chat, and why has he not put this issue on the COAG agenda?

Mr J.H.D. DAY replied:

I am not aware of any proposal to move patients out of aged-care facilities into state hospitals. That sounds like a bit of scaremongering—the sort of thing that we know the Labor Party specialises in. But, as I said, this issue needs to be addressed by the commonwealth government. I have taken up this issue with the commonwealth government and I look forward to a response.

YOUNG OFFENDERS — SUPERVISED RELEASE

917. Mr M.H. TAYLOR to the Minister for Corrective Services:

Can the minister provide the house with details of the initiative that is helping young offenders who do not have a safe place to stay after being released from detention?

Mr J.M. FRANCIS replied:

I thank the member for Bateman for his question on such an important issue. As was highlighted in the Supervised Release Review Board's annual report, about 20 per cent of young offenders in custody, unfortunately, for a number of different reasons cannot be released on supervision because they have no place to go because they come from dysfunctional families, they have absent parents who cannot be found, they do not have a suitable guardian or their families are rife with domestic violence or sexual abuse. That makes for difficult situations for the Supervised Release Review Board, which is similar to a parole board for juveniles, and that is why we have come up with a way to address the issue.

It is only fair that all young kids are treated equally whether or not they have a functional family to go to. It is only fair that we try to set them up for success when they are released, rather than keeping them until their last possible day at the expiration of their sentence. Without transition supports, training and education in the real world, they are almost destined and doomed to go back into the judicial system. Certainly, I do not think it is fair to send them back to a dysfunctional family because we can be guaranteed that they will be back in front of a judge again. That is why the initiative to set up the accommodation program at Driscoll Drive near Hakea Prison—we call it the youth transitional accommodation program—is so important. The same requirements will apply to these kids as would apply to kids who would otherwise be released on supervision orders, whether that be drug and alcohol testing, curfews, attendance or education. Regardless of what the requirements are, they will be managed in a large degree similar to the way that Child Protection runs its program; that is, they will have two full-time staff and all the support that they need. Obviously, if they break the conditions of their supervised release order, just as if they were released into family care, they will be back in front of Justice Murray and the Supervised Release Review Board.

It is important that we realise that this is the right thing to do; it is not about money or the costs. This is morally the right thing to do, but it will without doubt be a little bit cheaper. It costs about \$1 million to keep five to seven kids a year. That seems like a lot, but when we weigh in the fact that there is a minimum of two staff 24/7, it is far cheaper than keeping them in custody at Banksia Hill Detention Centre. Certainly if we can reduce the reoffending rate, that means fewer victims, less crime and it also means long-term savings for taxpayers if some of those kids do not go back into the justice system.

I take this opportunity to thank the Youth Justice Board and Justice Murray for their support. The Youth Justice Board is a government board whose members do not get paid; rather, they do these things out of the goodness of their heart because they want to make a real difference to the lives of significantly troubled young people. I think it is worth noting the contribution they make. I thank them for their support.

BANK OF WESTERN AUSTRALIA AMENDMENT ACT — REQUIREMENTS

918. Mr M. McGOWAN to the Treasurer:

I refer to the Bank of Western Australia Amendment Act 2012 and in particular to the division 3 requirement that Bankwest retains a minimum of 88 branches across Western Australia, key staff and local sponsorship and community development initiatives in Western Australia for a five-year period.

- (1) Do these requirements expire next year on 3 July?
- (2) Will the government commit to extending the life of these provisions, ensuring jobs and financial services to people in metropolitan and regional Western Australia?

Dr M.D. NAHAN replied:

- (1)–(2) Thanks for the question. As for the particulars, the owners of Bankwest have certain requirements relating to those and they report to the Treasurer regularly—on my watch it has been every year—and they have met them. They have indicated to me a commitment to continue to meet them. Bankwest has a commitment to expand business in Western Australia. At one time, it tried to expand over east, but it has concentrated its activities here. In the fullness of time, when we sit down to discuss the requirements early next year, we will discuss the ongoing conditions and I expect Bankwest to continue to meet those requirements. There will be no push back, I guarantee, from Bankwest.

BANK OF WESTERN AUSTRALIA AMENDMENT ACT — REQUIREMENTS

919. Mr M. McGOWAN to the Treasurer:

I have a supplementary question. If the bank has, as the Treasurer said, verbally committed to extend these commitments, would it not therefore be appropriate to extend the provisions of the Bank of Western Australia Amendment Act 2012 for another 10 years to ensure that that commitment is met?

Dr M.D. NAHAN replied:

That is a decision that we will make.

Mr M. McGowan: Yes or no?

Dr M.D. NAHAN: Give me time.

Mr M. McGowan: No-one can trust you.

Dr M.D. NAHAN: Yeah, yeah.

Mr M. McGowan: No-one can trust you.

The SPEAKER: Okay; that is enough!

Dr M.D. NAHAN: Bankwest is committed to Western Australia. Over 10 years, its footprint in Western Australia has changed. So far, it has met all those conditions and expanded —

Mr M. McGowan: They're in the act.

The SPEAKER: That is enough!

Mr D.J. Kelly interjected.

The SPEAKER: That is enough!

Dr M.D. NAHAN: Yeah, yeah. Its footprint will evolve.

Mr M. McGowan: It will evolve!

Dr M.D. NAHAN: Yes, it will evolve. People do change their banking ways sometimes; I do. Bankwest has been and continues to be—it is expected to and it is committed to being—an excellent corporate citizen of this state.

ST JOHN OF GOD MIDLAND PUBLIC HOSPITAL — PUBLIC-PRIVATE PARTNERSHIP

920. Mr F.A. ALBAN to the Minister for Health:

I understand that next week marks one year since the opening of St John of God Midland Public Hospital. Can the minister please update the house on how this successful public-private partnership is assisting the government to deliver more efficient and effective healthcare services for the community?

Mr J.H.D. DAY replied:

I thank the member for Swan Hills for the question. I am very happy to talk about the effectiveness and the role of St John of God Midland Public Hospital in providing health care for residents in the east metropolitan region. It obviously provides for residents in the Swan Hills electorate and residents in my electorate of Kalamunda as well as Midland, Bassendean, West Swan, Forrestfield and the surrounding areas, so it is a very important hospital. Indeed, it is an outstanding example of a public-private partnership that is delivering health benefits and value for money for the community. Compared with its predecessor Swan District Hospital, it is a much larger capacity hospital with 307 public beds and an expanded emergency department. Additional services include cancer treatment, and cardiology and orthopaedic surgery. It has increased anaesthetic cover and expanded maternity, rehabilitation and mental health services. It opened on 24 November last year, and I was very pleased to be there to witness the opening of the hospital by the Premier and my predecessor as Minister for Health with quite a number of other members of Parliament and members of the community. Since then it has cared for more than 142 000 patients through over 55 000 emergency presentations, 26 000 inpatient separations and 74 000 outpatient visits. As well as providing very high quality care in an outstanding new facility, it also provides significant value for money for taxpayers. In particular, over the 20-year life of the agreement, the public sector comparator shows that there will be savings of \$1.3 billion, or about 21 per cent in today's dollars compared with what would —

Mr D.J. Kelly: Release the figures!

Mr J.H.D. Day: It is \$1.3 billion dollars out of a \$5 billion contract —

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean.

Mr J.H.D. DAY: It is estimated that it would have otherwise been a \$6.3 billion cost over that 20-year period. Take \$1.3 billion off \$6.3 billion, and it is about a 21 per cent saving, which is something that the member for Bassendean and the union movement in Western Australia do not really like to acknowledge. This substantial saving, although still providing very high quality services, has been brought about by competitive construction costs, the sharing of infrastructure with St John of God Health Care and also discounts on the state cost of delivering services of between 3.3 per cent and 15 per cent. I know that the union movement and the Labor Party like to run a scare campaign—we have seen some of that today—in relation to conditions for employees and security of employment and so on. But, in fact —

Mr D.J. Kelly: If people were given the choice, what would they choose, minister?

The SPEAKER: Member for Bassendean, I call you to order for the first time. Minister, a quick answer.

Mr J.H.D. DAY: I am happy to respond to the member for Bassendean's interjection, because all those who were previously at Swan District Hospital were given the opportunity to apply for positions at the new hospital. The majority of them did transfer across—slightly more than 50 per cent—and they received a transition payment for doing so. Those who did not transfer across were provided the opportunity to take up positions elsewhere within WA Health or given the opportunity to apply for a voluntary severance. They have been very well looked after—union members, non-union members and former staff at Swan District Hospital. It is the case that public–private partnerships have facilitated significant private sector investment in our health system. We have also seen that at Joondalup Health Campus, going back to the original contract put in place when the coalition government was in office in 1996. Joondalup Health Campus and the Peel Health Campus have grown substantially in recent years with the partnership between the state and the private sector. Since we came into government in 2008, it is estimated that public–private partnerships have delivered sector-wide savings of around \$2 billion to taxpayers across all areas. The member for Bassendean does not like to hear this, but I suspect that the member for Victoria Park, the shadow Treasurer, is very nervous about some of these issues.

Several members interjected.

The SPEAKER: Thank you! Wind it up, please.

Mr J.H.D. DAY: In particular, the Labor Party's platform states at point 76 —

WA Labor will not extend any contracts for privatised hospitals or services.

Point 77 states —

WA Labor will negotiate early termination of these contracts and return these hospitals and services to public ownership as soon as possible.

Mr B.S. Wyatt: Whip us, John; make us feel cheap!

Mr J.H.D. DAY: That is the Labor Party's policy. Members opposite need to explain how they will fund it and how they will provide health care at Midland, Joondalup, Peel and other locations in Western Australia.

The SPEAKER: Thank you. Member for Victoria Park, I do not really like this familiarity.

Distinguished Visitors — Association of Southeast Asian Nations Delegation

The SPEAKER: Members, I would like to welcome the delegation of politicians from the Association of Southeast Asian Nations who have come from our various neighbouring countries. We welcome you today.

[Applause.]

PERTH CHILDREN'S HOSPITAL — OPENING

921. Mr R.H. COOK to the Minister for Health:

I refer to comments made by the member for Perth yesterday claiming that the Perth Children's Hospital would be open this year and the minister's comments in the media just days earlier that it would not be opening in 2016.

Is the member for Perth right in her claim yesterday that the hospital will be open in 2016; and, if not, can the minister confirm that the member for Perth has misled the community?

Mr J.H.D. DAY replied:

I note that the member for Perth is looking rather quizzical at the assertion by the Deputy Leader of the Opposition that she made such comments yesterday. My comments are the same as I provided last week that, unfortunately, as time has gone on, the completion of the hospital has been delayed through no fault of the government.

Mr W.J. Johnston interjected.

Mr J.H.D. DAY: Yes, through no fault of the government. Does the member not understand the issues?

Several members interjected.

Mr J.H.D. DAY: Unfortunately, we now expect that the hospital will not be open for patient care. Whether any public visits are possible is perhaps another matter but, in relation to patient care and treatment and assessments, we unfortunately now do not expect them before the end of the year. It will be as early as possible in the new year, as I have said before. Everybody involved in this project in the health system and Princess Margaret Hospital have been geared up to make the move for many months now. They want to do so and get on and use the new facility when it is safe and appropriate to do so.

PERTH CHILDREN'S HOSPITAL — OPENING

922. Mr R.H. COOK to the Minister for Health:

I have a supplementary question. Minister, in the member for Perth's e-newsletter to the community yesterday dated 15 November, she stated, "When the hospital opens later this year ..." blah, blah, blah. I ask again: can the minister confirm that the member for Perth has misled her community?

Mr J.H.D. DAY replied:

Mr Speaker, it is good to know —

Several members interjected.

Mr J.H.D. DAY: Unlike the member for Kwinana, unfortunately, I have not had the opportunity to read the member for Perth's e-newsletter. I look forward to doing so. I am sure that it is very interesting. I suspect that it was put together a little while ago. Unfortunately, this has been something of a changing situation, as I have explained. All the reasons have been outlined, so I am sure the member for Perth's e-newsletter referred to the outstanding facility that is being completed and provided by this government—a \$1.2 billion project. I suspect if that is exactly what was in the member for Perth's e-newsletter, there was no intention to mislead anyone whatsoever. It is good to know that the opposition is dealing with the really big issues in health!

REGIONAL EDUCATION

923. Ms W.M. DUNCAN to the Minister for Regional Development:

Can the minister please update the house on the Liberal–National government's continued support for regional education?

Mr D.T. REDMAN replied:

Thank you very much, member for Kalgoorlie, for the question. I would like to pay tribute to the member and her ongoing commitment in the time she has been in this place for not only regional Western Australia but also regional education as a strategy for improving the capacity of regional people and therefore the long-term sustainability of regional Western Australia. Thank you very much, member for Kalgoorlie.

I heard with interest recently the Leader of the Opposition make an announcement about the opposition's big commitment to regional education. He made a number of comments such as, "Regional students have the right to a quality education and the support they need." He also said, "We're going to fund education initiatives that will support families and regional communities." He went on to say, "Families shouldn't have to leave regional towns and move to the city to go to school." Those comments sound great and, for the first time, I can say that I absolutely agree, and I stand proudly in this place agreeing with the Leader of the Opposition.

Several members interjected.

The SPEAKER: That is enough!

Mr D.T. REDMAN: The Leader of the Opposition committed to introducing independent learning coordinators in 10 regional schools. There are 313 regional schools in Western Australia and he will introduce independent learning coordinators to 10 schools to show his commitment. That comes to the sum total of \$2.5 million a year, just as the opposition says on jobs policy, they are up-front motherhood statements, but when it comes to commitment it is as hollow as. We can trust the Liberal–National government's record in investing in regional Western Australia, particularly regional education. Just the royalties for regions component, which is not all investments and not all initiatives, has invested \$350 million into regional schools and early childhood education; over \$100 million rebuilding schools—schools that were left to decay by the opposition—including \$10 million into Broome Senior High School; \$3 million into Collie and, of course, into Kalgoorlie, the member for Kalgoorlie's electorate; more than \$40 million to assist in the transition of year 7 students into Bunbury, Margaret River and Mandurah; and \$25 million into residential colleges to support people staying in regional Western Australia to access quality education; and other programs such as \$5 million for the Better Beginnings early literacy program; \$11 million supporting school buses and air conditioning; \$3 million into Clontarf academies; and \$1.3 million for a regional school breakfast program. I come back to the point that all we hear from the opposition, just as we have heard on its other policies so far, are motherhood statements before the election and lack of commitment after the election.

I finish on this note: there is one good thing about the policy that the Labor Party is bringing on regional education; that is, it fits on a tweet! If the Labor Party's policy can fit on a tweet, it is good for regional Western Australia. If this is a sign of things to come, I look forward to this election campaign.

POLICE — WORKERS' COMPENSATION

924. Mrs M.H. ROBERTS to the Minister for Police:

The minister says she supports police getting workers' compensation coverage.

- (1) What has she done in the last four years to progress that?
- (2) When will it be implemented?

Mrs L.M. HARVEY replied:

I thank the member for the question.

(1)–(2) Yes; I have been very vocal about my support for working up an appropriate workers' compensation scheme for police officers. That work is still in progress. It is not as simple as people might expect and it is something that I acknowledge police have been calling for for over 30 years. We have been working on what that compensation scheme would look like, given what the government has already delivered for police officers. Police officers have a post-retirement medical benefit scheme, for example, which this government implemented. That means police officers who are injured on the job are covered for the expenses of that injury post-separation from police, along with a range of other initiatives—mandatory blood testing and mandatory sentencing for people who assault police officers. Workers' compensation is being developed. The work is quite advanced and I expect to announce the government's policy on that in due course.

POLICE — WORKERS' COMPENSATION

925. Mrs M.H. ROBERTS to the Minister for Police:

I have a supplementary question. Why has the minister not even presented a draft plan or a draft bill after four years of mouthing platitudes?

Mrs L.M. HARVEY replied:

That is a bit rich coming from the member for Midland. Police have been calling for mandatory penalties for years for those who assault police officers. We did it; mandatory blood testing for people who bite and spit at police officers—we did it; post-retirement medical benefits for police officers—we did it; a significant growth program for police officers and expanding their capacity—we did it.

Point of Order

Mrs M.H. ROBERTS: I have asked the minister a simple question about workers' compensation coverage.

Mr P.T. Miles interjected.

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

Mr P.T. Miles: The member for South Perth wound me up!

The SPEAKER: Member for Wanneroo, do you want to be called for a second time? I think I know what the member for Midland's point of order is. Please address the question.

Questions without Notice Resumed

Mrs L.M. HARVEY: I have said that I support workers' compensation for police officers. In due course, I will announce what that looks like, and what every single police officer in the community knows is that this government listens to them and helps them by getting legislation they need to do their job through this house in good time. They cannot expect that from the opposition. They have been waiting for 35 years and this Liberal–National government will detail its plans in due course.

Several members interjected.

The SPEAKER: Thank you. Member for Girrawheen, I want you to settle down a bit as well.

BUILDING MANAGEMENT AND WORKS — CONSTRUCTION JOBS

926. Mr J. NORBERGER to the Minister for Finance:

Can the minister please update the house on the latest job figures for construction projects being managed by the Department of Finance's Building Management and Works?

Mr S.K. L'ESTRANGE replied:

I thank the member for the question, because this is not a Liberal–National government that talks about creating jobs. This is not a Liberal–National government that has a slogan for creating jobs. This is a Liberal–National government that can stand on its eight-year record up to the next election and beyond for creating thousands and thousands of jobs throughout Western Australia. The building and construction industry has a key role in driving the Western Australian economy and of providing employment for many Western Australians. We are proud, and have a proud track record, of creating local jobs on government-funded projects. There have been 1 700 jobs created due to work on four primary schools to commence this year. Around 6 300 further jobs have been created under recently awarded contracts by the Department of Finance's Building Management and Works, including three new police stations, additions to the Challenger Institute of Technology, and redevelopment of the Collie, Katanning and Warren health services.

Mr F.M. Logan interjected.

Mr S.K. L'ESTRANGE: We know about the member for Cockburn's strong ties to the union movement.

Mr F.M. Logan: You're right.

Mr S.K. L'ESTRANGE: We understand that. The member for Cockburn should know more than anyone that what was evidenced in the recent United States election was a move away from the political establishment. Can I just say that the political establishment that he and the Leader of the Opposition represent, the left union political elite, who wish to dominate construction sites, will damage jobs, not create jobs. We have made major additions to Fremantle College and Joseph Banks Secondary College. The member for Bassendean would do well to listen to this.

Several members interjected.

The SPEAKER: Member for Warnbro, I call you to order for the first time. Minister, through the Chair, please.

Mr S.K. L'ESTRANGE: There are other things, like Byford Secondary College stage 3 and Yanchep District High School; and, just over the way here from Parliament House, members can see the restoration of the facade of Dumas House.

Mr D.J. Kelly interjected.

Mr S.K. L'ESTRANGE: We could certainly do some facade work on the member for Bassendean! We are about policies that help support businesses both in metropolitan Perth and regional WA. In fact, our Buy Local policy and the sub-policies that we —

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah, I call you to order for the first time. Minister, you have got 30 seconds; through the Chair.

Mr S.K. L'ESTRANGE: I will need a little bit more, Mr Speaker. We have the Buy Local policy, and the data shows us that in 2015–16, 90 per cent of the suppliers —

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah!

Mr S.K. L'ESTRANGE: — that were awarded government contracts were WA-based suppliers. What is equally important is that 35 per cent of the suppliers that were awarded contracts were small businesses. In the regions, 74 per cent of regional goods and services contracts were awarded to regional suppliers. We are not a government that runs a slogan on more jobs. We are a government that actually delivers more jobs. Can I just say that I know the member for Albany loves looking at his red book—the Labor platform. That is a very, very important document that the people of Western Australia are encouraged to read. They need to look at the detail. When we talk about building and construction that creates jobs, I can tell members now that the people of Western Australia do not want to have the Labor Party leading them, because its policy says that construction sites must take a positive approach towards the rights of trade unions and their members and respect the right of employees to become members of the appropriate union. It goes on to say that individual employment contracts should not be promoted as a mechanism to undermine collective bargaining, and that WA Labor expects that companies will ensure that any subcontractors will also —

The SPEAKER: Minister, I have given you some leeway. Now wind it up. Thank you.

Mr S.K. L'ESTRANGE: What is really significant is that Paul Murray in his recent —

The SPEAKER: Sit down. That is enough. Next question, thank you.

METRO AREA EXPRESS LIGHT RAIL

927. Ms R. SAFFIOTI to the Minister for Transport:

I refer to comments made by the member for Morley in Sunday's paper that the government's Metro Area Express light rail proposal was never taken seriously and that the party's move to ditch the rail line to Morley is a disastrous decision.

- (1) Can the minister confirm the evidence given in the other place that there has been no planning undertaken for a Morley rail line?
- (2) Can the minister also confirm that the government has rejected the application for funding to undertake the detailed planning?

Mr W.R. MARMION replied:

I thank the member for West Swan for the question.

- (1)–(2) We have a comprehensive plan for Western Australia's transport needs.

Several members interjected.

Mr W.R. MARMION: We have a comprehensive plan for transport in Western Australia. That includes rail and road, and also public transport in terms of rail. One of the components of our master plan is a rail line to Morley. We will probably be discussing that this afternoon. That particular element requires a lot of planning. It will not happen tomorrow.

Mr B.S. Wyatt interjected.

The SPEAKER: That is enough!

Mr W.R. MARMION: The member for Morley recognises that we will not be able to build it tomorrow and that it requires some planning, and that is what we are doing.

METRO AREA EXPRESS LIGHT RAIL

928. Ms R. SAFFIOTI to the Minister for Transport:

I ask a supplementary question. Given that the government has to undertake planning, why did cabinet reject funding to undertake the planning?

Mr W.R. MARMION: I am not going to discuss what goes to cabinet. That is totally wrong. The member for West Swan might think she has got information about what goes to cabinet. She has got no idea, and she is totally wrong. I can tell the house that planning continues for a route to Morley. There are a number of options, and we are planning that route.

HORIZON POWER — SUBSIDY REDUCTIONS

929. Dr G.G. JACOBS to the Minister for Energy:

Can the minister please update the house on Horizon Power's subsidy reductions and other cost-saving initiatives?

Dr M.D. NAHAN replied:

I thank the member for Eyre for the question. This is an important issue in his electorate, which is serviced by Horizon Power. As members know, Horizon Power is quite an interesting organisation. It has 47 000 customers, spread over 2.5 million square kilometres. When we came into government, its asset base was really run down. When it was split from the old Western Power, it was like an afterthought. As with many of the things in rural Western Australia, we had to come in and retool it. We invested over \$1 billion in Horizon Power, and we are continuing to do that in the member's electorate and a range of electorates.

Part of that was that when we came into government, the subsidy—the tariff equalisation contribution—that the Labor Party set up to be paid for people in the south west integrated system, was growing very rapidly. So I asked Horizon Power to undertake a major reform of their organisation, and we are targeting reducing the TEC, which in 2012 was \$141 million, by \$100 million a year. There was some growth in that from that starting point. They have achieved this year a \$90 million reduction and they expect to accomplish the target by the end of 2017–18—phenomenal. They have also repositioned the business so that they are focusing on bringing renewable and battery technology to the many customers that they have. As the member for Eyre knows, when the fires went through the Esperance area about a year ago, they destroyed many powerlines. We are replacing some of those powerlines with standalone technology, battery and solar, in a test situation to see how farmers work with it. We are doing this in Carnarvon. We are doing it in Onslow. We are doing it across their area. Horizon Power is becoming one of the leaders in renewable standalone technology—phenomenal. Good job. They are also, of course, servicing the people of Karratha. However, the tariff equalisation contribution still was a large amount. There has been a lot of nonsense spread by people opposite about the TEC. During the last election, they committed to removing the TEC that is paid by Western Power to compensate Horizon Power, and Horizon Power then passes it on to the retailers. The largest one, of course, is Synergy. But it is paid by all consumers of electricity in the south west integrated system. Therefore, the TEC is effectively a tax—a Labor tax—on electricity consumers to subsidise Horizon Power's customers. In the debate around whether we should sell Western Power, the Leader of the Opposition went to the 2013 election with a commitment to pay the TEC out of consolidated funds and save electricity consumers, he claimed, \$141 million. Now he has been saying in this house repeatedly that consumers do not pay it—Western Power pays it out of its profit. The Leader of the Opposition has been consistently misleading Parliament. He should stand and apologise for misleading Parliament repeatedly.

Several members interjected.

The SPEAKER: Member for Victoria Park! Treasurer, you have 30 seconds to wind this up as well.

Dr M.D. NAHAN: He will not apologise; he is not a man of integrity. He is consistently misleading Parliament and this is a foretaste of what we have to come. We will hear falsehoods and misrepresentations from people opposite and scare campaigns the like of which we have never seen before. One thing we can guarantee: that —

Mr R.F. Johnson: There's been a lot of dishonesty from your side.

Several members interjected.

The SPEAKER: Member for Hillarys, I am on my feet; I call you to order for the first time. Member for Cannington, I call you to order for the first time. You know the rules about bringing items in here and waving them around; put it away. We have seen enough of it!

Mr B.S. Wyatt: That goes for the sign as well!

Dr M.D. NAHAN: The member for Hillarys says there is a lot of dishonesty in the government. He was a senior minister; in fact, he was the manager of government business in this house. Where was he?

All I can say is —

Several members interjected.

The SPEAKER: All right; let us move on!

Several members interjected.

The SPEAKER: Treasurer, you have 30 seconds.

Dr M.D. NAHAN: Congratulate Horizon Power for fixing the Labor Party's mess and reducing the tax that Labor imposed on electricity consumers.

SEXUAL ASSAULT — VICTIM COUNSELLING WAIT TIMES — JOONDALUP

930. Ms S.F. McGURK to the Minister for Health:

I refer to the blowout in average wait times for sexual assault victims to receive treatment in the Joondalup area.

- (1) Can the minister confirm that the average waiting time for sexual assault victims to receive outreach counselling from the point of contact has blown out by 70 per cent to 71 days?
- (2) Does the minister believe it is acceptable that a sexual assault victim should have to wait so long?

Mr J.H.D. DAY replied:

- (1)–(2) I am not aware specifically of sexual assault consultations in the Joondalup area. I do not have it in front of me, but I know there was a question without notice asked in the Legislative Council recently. Obviously, it is not desirable that somebody who has been a victim of sexual assault has to wait any longer than absolutely necessary, so I will request more information about what the cause of the increase in waiting times is, and what might be done about it.

SEXUAL ASSAULT — VICTIM COUNSELLING WAIT TIMES — JOONDALUP

931. Ms S.F. McGURK to the Minister for Health:

I have a supplementary question. The minister said that he would request more information. Will he commit to more resources to ensure that people in Joondalup get these critical health services in what must be a time of extreme anxiety and need?

Mr J.H.D. DAY replied:

I certainly undertake to do whatever I reasonably can to ensure that there is a serious consideration of the issues that have been raised by the member for Fremantle.

YALGORUP NATIONAL PARK

932. Dr K.D. HAMES to the Minister for Environment:

Mr Speaker, in testament to your good management, this is question 6!

The minister was recently in my electorate to announce that the Department of Parks and Wildlife —

Several members interjected.

The SPEAKER: That is enough! Start again.

Dr K.D. HAMES: The minister was recently in my electorate to announce that the Department of Parks and Wildlife had purchased 980 hectares of land at Yalgorup —

Mr D.J. Kelly interjected.

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

Dr K.D. HAMES: The minister was recently in my electorate to announce that the Department of Parks and Wildlife had purchased 980 hectares of land at Yalgorup to include in the Yalgorup National Park—something that has been aspired to for some 30 years. Can the minister please update the house on how this will contribute to the ever-expanding conservation estate being delivered by this Liberal–National government?

Mr A.P. JACOB replied:

I thank the member for Dawesville for the question. Indeed, as he gives his valedictory speech to this house this evening, this question points to why the member for Dawesville will always be very well remembered and well appreciated in the electorate of Dawesville for the work he has done there as a local member. In fact, I can share with the house that, within a few short days of my coming into the ministerial role, the member for Dawesville sought a meeting with me about this very issue as a key environmental issue within his electorate. It is something that he has fought for for many years on behalf of his constituents, and I am very pleased to inform the house that that 30-year aspiration for the member for Dawesville's electorate, to acquire this 980 hectares of private property within his electorate for incorporation into the Yalgorup National Park, has now been realised, through the member for Dawesville's Liberal–National government.

The Yalgorup National Park acquisition is, as I said, some 980 hectares in various parcels, which provides us with land between the Indian Ocean and Lake Clifton and a far more contiguous Yalgorup National Park. The land was acquired for \$12 million and represents a significant conservation acquisition. This is emblematic of the approach that the Liberal–National government has taken to conservation right across the board. Indeed, we can add this achievement in the member for Dawesville's electorate to two other recent ones we have announced, which are the creation of a national park over the Abrolhos Islands and the creation of this state's first national park to be located within the wheatbelt, the Dryandra National Park. I point out that all three are very significant conservation achievements—historic conservation achievements, in many instances—over and above our election commitments, as a Liberal–National government, to the expansion of our conservation estate. If members look at our election commitments to the expansion of the conservation estate, all of which have been progressed and achieved by this Liberal–National government, they will see that our record for the expansion of the conservation estate and funding of the expansion of the conservation estate of Western Australia stands head and shoulders above any of our predecessors, and light years ahead of any members opposite. There is the expansion of our marine park estate from 1.5 million hectares to five million hectares, principally in the Kimberley, but also including Walpole–Nornalup and Ngari Capes. On top of those three terrestrial national parks I just mentioned, there is the creation of the largest terrestrial national park in Australia over the Mitchell Plateau.

This Liberal–National government has achieved all its benchmarks for the expansion of the conservation estate, and in fact it has gone well above and beyond them. When we compare that with the track record of members opposite, this government will stand the test of time for conservation achievement, whichever way we measure it.

The SPEAKER: That concludes question time. I just want to say that we have a very tight schedule with question time. When you are answering, it is short questions, short answers, and no big slabs out of documents, thank you.

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

First Reading

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

Explanatory memorandum presented by the minister.

Second Reading

MRS L.M. HARVEY (Scarborough — Minister for Police) [2.49 pm]: I move —

That the bill be now read a second time.

This bill is part of the government's overarching family violence response reform plan titled "Freedom From Fear: Working towards the elimination of family and domestic violence in Western Australia—Action Plan 2015". It amends the Restraining Orders Act 1997 and related legislation to improve the overall legal response to family violence, and also addresses several more general violence issues that go beyond family violence.

The bill has four key objectives. First, the bill introduces a new category of restraining order crafted specifically to deal with family violence—the family violence restraining order. The new FVROs will be based on a contemporary understanding of the nature of family violence and a risk-management approach in the courts. The new FVROs will be supported by a contemporary definition of "family violence" that largely replicates the definition of "family violence" in the commonwealth Family Law Act 1975. It removes the concept of an "act of abuse" and instead provides that family violence means violence, or threats of violence, by a person towards a family member, or other behaviour by the person that coerces, controls or causes the family member to be fearful. Significantly, the new definition also includes cyberstalking and the distribution of intimate images—colloquially referred to as revenge pornography—as examples of behaviour that may constitute family violence. In addition, the new FVROs will be supported by new objects and principles clauses, and the grounds for refusing to make a restraining order will be narrowed; that is, if the grounds for making an FVRO have been established, the court must grant the order unless there are special circumstances that would make the order inappropriate. "Special circumstances" is intended to include a situation in which the primary aggressor is in the relationship and is seeking an order against the victim.

The new FVROs will also be supported by a risk-management approach in the courts. The courts will be required to have regard to risk-relevant information made available to them, such as police incident reports, police orders and risk assessments. To support this approach, the courts will also be able to consider their own records in relation to matters such as a respondent's previous criminal convictions, previous restraining orders or any legal proceedings that may be on foot. As a condition of an FVRO, the bill also proposes to empower the court to restrain a respondent from distributing or publishing intimate images of a person, and cyberstalking. A breach of such a condition could result in a sentence of up to two years' imprisonment. The bill also provides for a new type of conduct agreement, allowing a respondent to consent to a final order FVRO on a no-admissions basis. This will be enforceable if it is breached, but is aimed at encouraging more respondents to consent to the order in appropriate circumstances rather than contest the matter at a final order hearing.

Importantly, the bill will also enable the court to make a behaviour management order as an adjunct to an FVRO. If a respondent is assessed as eligible, the court may make an order that the respondent attend a behaviour change program or other perpetrator intervention program. This signals a significant step for the justice system in dealing with the causes of family violence, as opposed to simply dealing with the consequences of family violence. The objective is to maximise the opportunity to engage with the perpetrator when they come before the court to encourage them to accept responsibility for the violence they have committed and thereby prevent further family violence from being committed. The bill allows for the capacity of courts to make these orders to be developed over time as suitable programs become available.

Finally, the new FVROs will also be supported by a new duration clause to put it beyond doubt that such orders can be made for a period of longer than two years; a relaxation of the rules of evidence during final order hearings to minimise additional stress in conducting such proceedings; and a new mechanism for substituted service of FVROs aimed at ensuring a safety-focused approach to service.

The second objective of the bill is to include a range of criminal law amendments aimed at strengthening the criminal justice system response to family violence, such as encouraging greater use of FVROs during criminal proceedings, expanding the range of offences for which an automatic lifetime FVRO will be granted, and strengthening the legislation in relation to repeated breaches of restraining orders.

Third, the bill amends the Prisons Act 1981 and the Sentence Administration Act 2003 to give family violence victims notice of, and capacity to be heard, when an offender with whom they have been in a relationship may be released from prison.

Fourth, the bill includes two anti-violence measures aimed at deterring violent behaviour in general. These entail amendments to the Criminal Code to address violence against women that harms their unborn child, and to increase the maximum penalty for unlawful assault causing death under section 281 from 10 years' imprisonment to 20 years. This applies to what are commonly, although frequently erroneously, referred to as "one-punch" homicides, whether resulting from circumstances of family violence or violence in general.

The bill thus aims to reduce levels of violence in both the home and the community at large. In particular, it aims to improve the safety of victims of family violence or other violent offending and to make perpetrators of family violence accountable for the violence they have committed. The law in relation to family violence and restraining orders is particularly challenging. It often involves a wide range of complex human interactions, behaviour and relationships. The law must ensure that there are effective methods for victims of family violence to seek protection when they need it most, particularly in times of crisis. The law relating to restraining orders that result from civil proceedings in the courts must also provide all parties with procedural fairness and protect people from unfair and false allegations. The government has a responsibility to get this balance right. This bill strives to achieve that balance. I commend the bill to the house.

Debate adjourned until a later stage of the sitting, on motion by **Mr J.H.D. Day (Leader of the House)**.

[Continued on page 8227.]

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Thirty-second Report — "Annual reports prepared by the Corruption and Crime Commission on the use of covert powers by WA Police, the Department of Fisheries and the Australian Crime Commission" — Tabling

MR P.B. WATSON (Albany) [2.56 pm]: I present for tabling the Joint Standing Committee on the Corruption and Crime Commission's thirty-second report "Annual reports prepared by the Corruption and Crime Commission on the use of covert powers by WA Police, the Department of Fisheries and the Australian Crime Commission".

[See paper 4876.]

Mr P.B. WATSON: The Criminal Investigation (Covert Powers) Act 2012 provides for the self-authorisation and conduct of covert law enforcement operations by WA Police, the Department of Fisheries and the Australian Crime Commission. Section 41 of the CICP act provides for the Corruption and Crime Commission to regularly audit and inspect the records of these three agencies to determine that they have complied with provisions within the act. The CICP act requires the audit to be conducted at least once every 12 months. The act also requires the

CCC to report annually to the Minister for Police and the Minister for Fisheries on the use of the covert powers provisions by these three agencies.

To date, there have been three compliance reports tabled in the WA Parliament for each agency allowed to access the powers of the CICIP act. This report by the joint standing committee provides Parliament with an overview of the first three years of the CCC auditing WAPOL, the Department of Fisheries and the ACC.

The first CCC reports for the period 2012–13 found that only WAPOL made use of the CICIP act's provisions to undertake controlled operations. The CCC found that all these operations complied with the requirements of the CICIP act. The committee was told by then Commissioner Roger Macknay, QC, that the commission undertook an approach of compliance auditing of the three agencies every quarter and their processes were based on those used in other jurisdictions, especially the New South Wales Ombudsman. When pressed by the committee about the need to look at the merits of these applications, the commissioner assured the committee that he would take the point on board.

In its report for the 2013–14 period, the CCC found again that the ACC did not make use of the CICIP act's covert power provisions while the Department of Fisheries completed only one controlled operation. WAPOL used the provisions of the CICIP act to undertake 48 controlled operations. In its annual report for WAPOL, the commission identified a number of defects and administrative errors in the records held by WAPOL. It was the commission's view that these defects did not invalidate any controlled operation application or authority and it was satisfied that WAPOL had retained all necessary documentation pursuant to section 39 of the CICIP act. Similarly, the commission also found there were defects in the Department of Fisheries' recordkeeping, but found that these were not sufficient to invalidate the sole controlled operation conducted by that agency.

The latest reports prepared by the commission are for the period 2014–15. The Australian Crime Commission had yet to make use of the Criminal Investigation (Covert Powers) Act provisions, while the Department of Fisheries completed two controlled operations in this period, which were found to be fully compliant with the requirements of the CICIP act. Western Australia Police used the provisions of the CICIP act at a similar level to that for the previous year and conducted 49 controlled operations. Again, the Corruption and Crime Commission identified areas of noncompliance by WAPOL with the CICIP act. The commission made three recommendations to WAPOL to improve the administration of its processes to ensure its compliance with the CICIP act. The commission noted in the executive summary of each of the three annual reports prepared for the 2014–15 period that it had changed its approach to its CICIP act audit function from that of a compliance perspective to a merit-based one. Of particular note is that this latest report prepared by the commission reporting WAPOL's controlled operations contained a significant number of redactions made by WAPOL before the report was tabled in Parliament by the Minister for Police, Hon Liza Harvey, MLA. Such redactions were not applied by WAPOL in the two previous CCC compliance reports, nor do they occur in similar annual compliance reports tabled in Parliament in other Australian jurisdictions. The Joint Standing Committee on the Corruption and Crime Commission sought to have these redactions justified. In letters dated 24 June 2016 and 8 August 2016, the minister said that the redactions were made by WAPOL in accordance with section 38(2) of the CICIP act. WAPOL considered the redacted information as sensitive and might be expected to prejudice an investigation or prosecution, or compromise its operational activities. The committee also sought a copy of the un-redacted report from the commission. Commissioner McKechnie wrote to the committee on 13 September 2016 similarly declining to provide the committee with the report unless summonsed or directed under the standings orders of the Legislative Assembly.

The committee has made a finding that the Corruption and Crime Commission's 2014–15 audit report on the use by WA Police of covert powers under the CICIP act has been redacted by the Minister for Police on advice from the Commissioner of Police, and that these redactions make it difficult for the committee and Parliament to undertake their oversight function. In response to being provided with this draft finding, the Minister for Police told the committee that the redactions were made in accordance with the Criminal Investigation (Covert Powers) Act 2012 and the oversight scheme established by Parliament when the act was passed. Faced with Parliament rising in November 2016 for the 2017 state election, the committee has resolved to table this report without sighting the original un-redacted version. The committee has made three recommendations: that the Corruption and Crime Commission in its future annual reports should report on whether agencies have adopted recommendations made in previous annual reports; that the Corruption and Crime Commission return to its previous practice of detailing every covert operation's compliance with the relevant sections of the Criminal Investigation (Covert Powers) Act 2012; and that the committee in the fortieth Parliament should consider conducting an annual review of the Corruption and Crime Commission's annual audit reports on the use of covert powers by WA Police, the Department of Fisheries and the Australian Crime Commission.

I would like to thank my fellow committee members for their input on this report: the committee's chairman, member for South Metropolitan Region, Hon Nick Goiran, MLC; the member for Forrestfield, Mr Nathan Morton, MLA; and member for South West Region, Hon Adele Farina, MLC. The committee members were ably supported by the committee's secretariat, Dr David Worth and Ms Jovita Hogan.

SENTENCING LEGISLATION AMENDMENT BILL 2016*Third Reading*

Resumed from an earlier stage of the sitting.

MS M.M. QUIRK (Girrawheen) [3.05 pm]: I will just conclude on the remarks that I made before question time. One of the issues that I raised that was not addressed was why the existence of post-sentence supervision orders will not, in some way, relieve officers from the Department of Corrective Services of the obligation to ensure that to the best of their endeavours, programs and training are delivered during the currency of an offender's sentence. I have not really received a satisfactory answer to that. Officers are already stretched in providing programs and it is not uncommon—a number of other members would have had this complaint made to them—for prisoners to be told that a program is not being delivered at their particular prison and that they will have to either be transferred or wait until next year. There is already an issue with getting programs delivered expeditiously so that people can apply for and then be admitted to parole. Now, if people fall through the cracks, we will have the fallback position of a post-sentence supervision order being imposed upon release. I do not think that is overly satisfactory.

I will raise two other issues. The justice system needs to be transparent. Under Attorney General Jim McGinty, the decisions of the Prisoners Review Board were available online and made public, whether they were favourable or unfavourable. Unfavourable decisions are no longer available online, which is important to note because under those circumstances we could see whether someone was not successful in applying for parole because they had not been able to complete a program. That directly reflected on the administration by corrective services and, again, put some pressure on the authorities to ensure that rehabilitative programs were delivered in a timely fashion.

The final issue that I want to talk about is the so-called post-sentence supervision orders that were expressed to be for, for example, violent offenders. One classic example is a person convicted of murder. Those of us who have studied criminology and the criminal justice system for some time will know that the recidivism rate for murder is the lowest of almost all offences. Therefore, the idea of insisting that someone who has been convicted of murder should have a post-sentence supervision order imposed on them because the crime of murder is inherently violent seems to be misplaced. Again, I have some reservations in that regard. A number of criteria are set out in proposed section 74B that we wished to canvass during consideration in detail last night but were denied the opportunity. These criteria include things considerations such as whether the prisoner has participated in the programs, which again may not be possible due to no fault of the prisoner; the behaviour of the prisoner; the likelihood of the prisoner committing a serious violent offence while subject to the PSSO; and the likelihood of the prisoner complying with the standard obligations and so on. Those criteria are included but I would be concerned if these kinds of orders are imposed on a prisoner simply because the offence for which they were serving time was one that was inherently dangerous.

As I said yesterday when referring to the statutory review, by and large the legislation has not proved problematical. I am concerned that this bill does not address all the recommendations of the statutory review; for example, greater flexibility in remote and regional Western Australia, where sentencing alternatives are extremely limited. I think that contributes to the disproportionate rate of Indigenous imprisonment. I also think that the recommendation concerning the ingestion of drugs should no longer be a mitigation factor. It was an extremely good one in the current climate and would act as a further deterrent for would-be meth addicts who offend. But for some reason—we do not know why—it was rejected. As the lead speaker for the opposition said, although we support the bill, it has been introduced in haste. It has been considered and reviewed by the opposition in haste due to that, and this area is simply too important to not give it more deliberative consideration.

One other matter I want to mention relates to the recommendations of the statutory review, and that is the idea of a sentencing council. It seems to me that too often judges are blamed for inadequate sentences. One way to get over that would be to have a sentence council so that the judiciary can see what the standard tariff is for a particular offence. Quite often I say, having many years ago been a practitioner in the criminal justice system, that those criticisms are not well founded and it turns out that certain pieces of evidence or pre-sentence reports or whatever were not in fact produced in court—material that affects the length of a sentence. A sentencing council would have a valuable role in educating the public as well as disseminating information among the judiciary as to appropriate sentences for particular offences.

MR P. PAPALIA (Warnbro) [3.12 pm]: In making my contribution to the third reading of the Sentencing Legislation Amendment Bill, I will start by referring to the member for Butler's valid and completely justified criticism of the government. What happened last night was extraordinary. Last night we stayed until almost midnight debating a lot of the amendments in the bill that are not controversial; in fact, I had occasion to compliment the government on one of the changes to the legislation that is included in the bill. Yet the one part of the bill that deserved and needed thorough investigation, and that should have been investigated with all the

resources, knowledge and experience of a highly qualified lawyer—we had a couple in the chamber—was skimmed over thanks to the member for Bateman who did not even know what he was doing at the time. He knew nothing about the nature of the debate. He had not contributed in any way except for standing and gagging the debate. He prevented what was needed in the form of the opposition saving the government from itself—that opportunity was missed. It was not as though the member for Butler intended to make any great political point out of it, because there is no political gain to be made from saying that this bit of the legislation enables the government to extend its powers over people and retain them in detention or incarceration longer than their sentence, or impose other restrictions on them post the completion of their sentence. The opposition stood to gain nothing from exposing the failures of the government in its legal drafting and the likelihood of the legislation falling over the moment it is challenged, if it is ever implemented. There is nothing in that politically.

The ACTING SPEAKER: Members, just keep it down to a dull roar.

Mr P. PAPALIA: There is nothing in that politically for the opposition. The member for Butler was attempting to assist the government to avoid it embarrassing itself, in much the same way as it did with the Bell litigation. In fact, that was the example that the member for Butler repeatedly employed to explain the justification for hoping that the government would listen to his argument. Unfortunately, we did not even get to the point of hearing the member for Butler on that particular clause. It was a pointless, silly and ridiculous stance by the government and it did no-one any good. It did no-one in the state any good because it avoided proper scrutiny of what is—according to people who are far more learned than me, the minister and the member for Bateman—flawed legislation that will fail the moment it is challenged, create unnecessary waste, and cost and prevent the government from achieving its stated objective. All the government had to do was enable the member for Butler to convey his argument and listen to it. If the government did not want to accept his argument because it was determined to be pigheaded and would push on regardless, that would have been fine. It had the numbers and in the event that there was a division, it would have won anyway. Instead of allowing that process, the government chose to shut down the whole debate, which is just bizarre. The government deserves to be criticised for that. The member for Bateman's participation and role in that deserves to be highlighted and criticised. I do not think he bothered to find out what he was being used for.

Mr J.R. Quigley: The only words he spoke on this bill were to move the gag; he made no other contribution at all except to disfigure democracy!

Mr P. PAPALIA: That is right. That is my observation and that is why it deserves to be highlighted.

Mr M.H. Taylor interjected.

Mr P. PAPALIA: The member for Bateman did not even know what he was doing. He thought it was a little bit late at night, and for the first time in months the Leader of the House allowed the debate to go until the scheduled time of the evening when Parliament is supposed to sit. He was not here last night, which is why it extended beyond 9.30 pm. The member for Bateman's only contribution to the debate, which he made without considering what he was doing, was to shut it down when we wanted to discuss the one clause that was worthy of deep investigation. That was very poor. I look forward to his contribution.

Several members interjected.

The ACTING SPEAKER: Member for Butler, you do not have the call so kindly keep quiet. Member for Warnbro, you do have the call.

Mr P. PAPALIA: His actions deserve to be exposed. He deserves to be exposed for his lack of interest in the debate last night and for the role he played as minion and puppet of the minister. That behaviour deserves to be highlighted and revealed in *Hansard*.

Mr P.T. Miles: Five minutes' worth of reveal.

Mr P. PAPALIA: That is right; and thoroughly deserving of it, minister.

I want to talk about other clauses. As I said, I had reason last night to acknowledge that the government had done a good thing. It is not very often that I do that. It struck me as extraordinary that the Attorney General had, firstly, done something and, secondly, had done something good. That has not occurred on many occasions since he became the Attorney General. When did he become the Attorney General? I think it was 2010 or a bit later. It was extraordinary to find during the course of the debate last night that the government had moved to deal with a pre-1996 sentencing anomaly. We learnt from the minister that there are some 40 such prisoners in the system. I have met some of these people. I would not advocate on behalf of all of them. These offenders have done very serious crimes. I have met some who have lamented and regretted their actions every single day subsequently for, in some cases, decades. Prior to the legislation going through with that amendment being made and the change being enacted, they were unable, really, to ever be eligible for release. As I understand it, this legislation will make them eligible for prerelease socialisation and rehabilitation programs that they have been denied prior to now. Like an individual who committed the same heinous crime post-1996, they will be eligible to prove that

they are worthy of being released and that they are worthy of being rehabilitated. Quite often, these crimes are committed in haste, under the influence of mind-altering substances in an impassioned state. People who commit those sorts of crimes did the crime only once, there was only one person involved, and they are incredibly unlikely to repeat the crime if they are ever released. It is no excuse—there is never an excuse for that behaviour—but people who committed those crimes prior to 1996 and were sentenced under those laws languished in our system with no hope. I have met some of them—again, I would not advocate on behalf of all these people; I have no doubt that some will not be released—who have proven to be positive mentors for other prisoners. They are a force for good within the walls of the prison system. Frequently, they act to calm people and act in a responsible and measured fashion in circumstances of heightened stress. They often engage in leadership roles with younger prisoners and seek to actively dissuade them from pursuing a lifetime of crime in the event that they are released. Until now, these individuals—as I said earlier, a number of whom I have met—have languished in a system that gave them no hope. Despite the horrible nature of their initial crimes, their sentences were completely unfair by comparison to someone who was sentenced post-1996. It was unfair that they were not eligible for the same treatment and the same opportunities to prove that they could make a positive contribution to society and go some small way towards recompensing society for the crimes they committed.

Last night, I was quite stunned when I realised that that was what the government had done. I think that the Attorney General deserves to be commended for it. He has not trumpeted it from the rooftops and doubtless it is not something that he will necessarily talk about to the media, but I think he will attract a degree of respect that he might not otherwise have had from the legal profession as a consequence of this amendment. I think he has done a lot of bad things, often through neglect rather than actions he has taken, but this may go a little way towards improving his reputation in the wider community. Similarly, the government has an appalling record in crime and punishment. It has lost control of crime in this state. It has overseen a massive expansion in the use of methamphetamines and, as a consequence, in the crime and pain inflicted on society. The government has done virtually nothing to counter it for much of its eight years and two months in office. The government is now scrambling around to try to look as though it is doing something.

Mrs L.M. Harvey: What's your plan?

Mr P. PAPALIA: We will release ours—as we can, minister. As the minister said earlier, an election campaign is coming and we will release our policies. I can guarantee that our policy will be much better than the minister's.

Several members interjected.

Mr P. PAPALIA: Our plan will be likely to succeed because our responses will be evidence based, unlike the government's, which were driven for eight years and two months by whatever way the wind blew in the morning, or by whatever Sunday morning announcement the government's way-overpaid spin doctors chose to steer the minister of the day. That is how the government determined its policies. As a consequence, we have had nine consecutive months of year-on-year double-digit growth in crime statistics under the provisions of government members. The minister stated that there was an unprecedented crime wave. The government lost control! It had to backflip on its policing model, reinstitute the old policing model and pretend it was not doing that! We all know what is going on out in the suburbs!

Point of Order

Mr P.T. MILES: My point of order goes to the relevance of the third reading debate. This is talking about sentencing.

Several members interjected.

The ACTING SPEAKER (Ms L.L. Baker): Members!

Mr P. Papalia: Which order?

The ACTING SPEAKER: Member for Warnbro, the member is on his feet putting a point of order. Go ahead.

Mr P.T. MILES: Thank you, Madam Acting Speaker. The member is not referring to the sentencing legislation debate at all. I was in here last night. He is talking about all the other —

Mr J.R. Quigley interjected.

The ACTING SPEAKER: Member, if you wish to stay in the chamber, can you please not make noises resembling an animal farm!

Mr J.R. Quigley: I was responding to the member for Wanneroo.

The ACTING SPEAKER: Enough! Member for Wanneroo, I think I have your point of order. I would like to reinforce with the member for Warnbro that we need to stick to issues that were raised in the second reading debate and the consideration in detail stage.

Debate Resumed

Mr P. PAPALIA: Absolutely. I can guarantee Madam Acting Speaker that if she were to check *Hansard*, she would find that I talked about all of this in my contribution to the second reading debate. I know that the Minister for Local Government was not here; he was sleeping somewhere else in Parliament at the time of the debate, like most members from the other side, but that is okay.

Several members interjected.

Mr P. PAPALIA: I understand his physical absence and quite often his absence in intellectual terms.

Several members interjected.

The ACTING SPEAKER: All right; that is enough! Member for Wanneroo, you have been called once; I will call you a second time. I know that you probably want to go home, so just sit —

Mr P.T. Miles: I'm happy to stay.

The ACTING SPEAKER: Just be quiet, please.

Mr P.T. Miles interjected.

The ACTING SPEAKER: Member, you do not have the call. The member for Warnbro is on his feet.

Mr J.R. Quigley: You can't sit there and query the Acting Speaker.

The ACTING SPEAKER: That is enough from everyone. I will make a decision as to whether this is relevant or not. Thank you for your concern. Go ahead, member for Warnbro.

Mr P. PAPALIA: I am talking about the Sentencing Legislation Amendment Bill 2016. A significant component of it deals with how people are dealt with in the community post-release. It is about how people are managed post-release after committing a crime and going to prison. My observations regarding the government's failure to deal with people who have committed crimes, trying to prevent those people from committing crimes and dealing with people post-release are all entirely relevant. Whether government members like it or not, their government has failed. The Barnett government has recorded a massive failure in law and order. No-one in Western Australia feels safer than they did eight years and two months ago—no-one. They all feel poorer, though, because members opposite have blown the state's budget, creating massive debt and unprecedented debt levels. Every single year, \$1 billion is spent on Corrective Services but it fails to change the behaviour of the individuals who go into the prison system and the people who are supervised in the community.

Members opposite are failures. They are failing every single day and they are failing in the management of the state's finances. This is a big contributor to that failure. This needs to be stated and these observations need to be made when we are dealing with this legislation. The government is attempting at its death knell, as it takes its last gasping breaths, to look as though it is doing something different on law and order. It needs to be highlighted and assessed, and the observations need to be made that members opposite have failed. People in the community know that the government has failed on law and order. They do not trust the government with crime and punishment in the state because everything that it has done has failed. Our prison system is massively overburdened by overcrowding. Thirty per cent of the adult prison muster have not even been sentenced yet—30 per cent! If members visit Casuarina Prison—the pre-eminent, maximum-security prison in the state—40 per cent of its prison muster has not even been sentenced yet. How many of them are minor offenders who are learning how to be real criminals in the government's crime university system? The government has created a crime university system.

Mr P. Abetz: If they're held on remand, it wouldn't be for petty crime.

Mr P. PAPALIA: They have not been sentenced yet. Every single individual who enters the prison system is classified as a maximum-security prisoner. Where are all the maximum-security beds? They are in maximum-security prisons. Where are all the serious crims? They are in maximum-security prisons. Where are all the guys who might have been in there on their first ever occasion for having possessed, dealt or used drugs?

Point of Order

Mr M.H. TAYLOR: I bring the member's attention to the fact that he needs to be relevant to clauses in the bill and that this is not relevant to the clauses in the bill under the third reading speech.

The ACTING SPEAKER (Ms L.L. Baker): Thank you, member. Members! Member for Mandurah and anyone else who happens to be having a private discussion in the chamber, I will read the definition of the correct contents of a third reading speech. I encourage all members to please stay within this definition, which states —

At this stage the bill can be reviewed in its final form after the shaping it may have received at the detail stage. When debate takes place, it is confined strictly to the contents of the bill, and is not as wide-ranging as the second reading debate.

In fact, raising issues that have been debated in the second reading debate and not continued on into the final form that the bill takes is questionable. I encourage members to consider that because this is in our standing orders.

Debate Resumed

Mr P. PAPALIA: As I was saying, the Barnett government has absolutely failed on law and order, as evidenced by this legislation. It is attempting to look as though it is responding to that failure. The government is now attempting to go to the election with this bill. With one more day of sitting it has introduced a bill covering a whole raft of areas in which it has failed. The government is hoping that no-one will notice and, therefore, it will be able to claim some sort of capacity to deal with the challenges of crime and punishment. I make specific reference to the part of the bill that I talked about quite extensively during the consideration in detail stage.

Mr D.A. Templeman: Was this before it was guillotined?

Mr P. PAPALIA: This was after the guillotine.

Mr D.A. Templeman: That's what the dill pickle doesn't realise. He gagged the debate, so some of the discussion that could have taken place in consideration in detail didn't take place because dill pickle from wherever he is from sliced it off.

Mr P. PAPALIA: I might have been more motivated to truncate my contribution had that not happened last night but, nevertheless, I am talking about something that happened after the guillotine: the component of the bill that deals with some attempt by the government to respond to the disaster it created with fine defaulters in prison. I happen to have an interest in this matter. As I reminded the house last night, the opposition released a paper in November 2014 noting the ridiculous situation with fine defaulters being incarcerated at the notional rate of paying off their fines of \$250 per day, but costing the state \$345 per day—so, not actually making any payment—and then coming out of prison, mostly having gone in on a Friday and leaving on a Monday with an average stay being 4.2 days. They come out on Monday with a clean slate and are able to recommence offending again. As I pointed out last night, until I drew the attention of the government to this fact it was not even aware of it. When the government became aware of it and sensed that it was being criticised, its response was to suggest that there was not a problem and that on any one day fine defaulters represent a very small number of prisoners in the prison system. That, of course, is true. But as I demonstrated, using the government's own data, it amounted to around 1 100 prisoners a year for the five years prior to my drawing the government's attention to it and prior to its responding. Once it responded, there was a reduction in the number of fine defaulters in prison but it was still a significant number and way more than in much bigger states than WA. Until that occurred, the government refused to accept that there was a problem.

Now, in its last gasping breaths, the government has introduced a bill that has a couple of clauses that refer to something it might do based on a system that it has heard about in New South Wales, which I think I know a lot more about than the government, having received a thorough briefing on it from the WA Aboriginal Legal Service and having sat down and talked to them. I do not think the government is capable of doing that; it has shown no inclination to do that for the last eight and a half years. It is a good thing that the government has at least acknowledged that there is a major problem with the stupidity of locking up a fine defaulter and letting them sit on their backsides over the weekend and coming out on Monday with a clean slate, not having learned anything about changing their behaviour but costing the system a lot of money and overburdening the prison system. It is a good thing that the government has acknowledged that. What is not entirely reassuring is that when I asked the minister for a few of the details about the system that will be implemented by this legislation, hopefully, to avoid incarcerating fine defaulters, she was not in a position to give me any detail. That is not the minister's fault; the advisers were not in a position to give me too much detail. This is a very thin response. I do not think that there has been much consultation at all with people who know about the issue. I do not think any effort has been made to go to New South Wales to sit down with the people who run the system there and who have not incarcerated a fine defaulter since 1995. I do not think anyone from this government has bothered to go over there and do that. I know that the WA Aboriginal Legal Service has. It has provided a comprehensive paper, which I understand was tabled in the other place by Hon Lynn MacLaren, which essentially provides a blueprint and is probably what Department of the Attorney General officials have grasped upon in an effort to look as though they can respond. Some clauses have been included in this amendment to enable development of that response. However, this government will not do it; nothing will happen before 11 March. I hope the election sees WA Labor elected to office because it will look very closely at the New South Wales model and will probably be very receptive to the suggestion that, as in New South Wales, the Aboriginal Legal Service is partnered with government agencies, NGOs and other service providers in the community to deliver a service that identifies fine defaulters who have accumulated fines through any manner of causes. Thanks to a Western Australian Council of Social Service report from 2013, we know that something like 53 per cent of individuals who are on community-based orders have a substance abuse problem. The system in New South Wales identifies the fine defaulter, assesses them to determine their problem—whether it is mental health, addiction, needing education or training, or any number of other potential alternative interventions—then uses a certified provider from that person's location to ensure that they get the intervention that is needed. That is deemed to be repayment of their fine. Instead of having someone who goes into the prison system, disrupts that prison system, costs us money and is taught that that is the way to get rid of their fines, and comes out and recommences offending, what we

may end up doing is changing someone's behaviour. There may be a manner or a system for identifying people and determining as early as possible that they need assistance. In many cases, providing the assistance and intervention that they need and have not been provided with prior to that time will change their behaviour before they start damaging other people in society, hurting a lot of other people and costing us a lot of money. That is a good thing. It is good that the government has at least included some clauses in this legislation that look to set the groundwork for that sort of response. It is not good that the government has not done much in the way of work in preparation for enacting it, but that is not surprising because this bill is being introduced into this place three days before the end of Parliament and the end of this government. There was never an intent for this bill to do much. This bill was just to fill out the last few days of Parliament. It was to be seen, possibly, as a sop to some interest groups, and perhaps as a means of providing the government with the ability to suggest that it is still acting in government as opposed to what we all know—that it is just campaigning now. It is not campaigning very well, but it is. Maybe that is what it was supposed to do. But whatever it was supposed to do, it was never intended to create some sort of response to the problems of crime and punishment that this government has overseen. The extent of damage done to Western Australia as a consequence of this government's mismanagement in the field of crime and punishment—law and order—is just extraordinary. It is amazing that one department such as the Department of Corrective Services has blown its budget every year by an average of 8.6 per cent and never been brought to heel by the government. It is extraordinary that that same department has been patently a failure in every task it has set in trying to change people's behaviour. There has been a failure of the policing system—that is, a comprehensive failure to respond to the threat of ice in the wider community and all the consequences associated with that drug surge across Western Australia, with use that is twice the national average, and the government has been sleeping through it for years. The only thing that stirs it to some sort of response is the approaching election. That is a sad thing because it means that we have suffered through the pain and damage inflicted by that drug on not only all families who have been victims of crime but also families of perpetrators.

We have also suffered the loss of opportunity costs associated with this inept government occupying the Treasury benches for eight and a half years and failing to respond when it was clearly needed. It was very obvious that what the government was doing was not working; in fact, in many situations, it was making matters worse. That is a cost we will never recoup. It is missed opportunity. I refer to the time that we could have been doing something, particularly when the Treasury benches were flooded with revenue from the biggest boom in history. We could have been doing something to change society for the better. Instead we have the biggest debt known to Western Australia—extraordinary levels of debt, massive deficits, loss of the AAA credit rating and a sense of depression right across Western Australia. Unemployment numbers have doubled. We have the equal highest mortgage areas in the country, there are extraordinary levels of underemployment and there have been cuts to services. All the negativity associated with the transition of the mining and commodities sector from construction to production are being visited on the Western Australian community—magnified by the government's lack of action and lack of preparation for that time. Now, when we most need services to intervene and prevent crime increasing, to prevent damage in society and to shepherd people away from all the normal stresses and pressures associated with job losses and lack of employment, the government has the least capacity available to it to respond. It deserves to be condemned for that. We will say it in here and we have said it during debates earlier. The government deserves to be condemned, and it needs to be repeated every single day all the way to the election because people should not forget that the government being incapable of responding in a greater way—this is apart from the issue of the ineptitude of ministers who have been given serious portfolios—is due to the restriction on the financial ability to respond as a consequence of absolutely disastrous financial management. That is something for which the government deserves to be condemned, and we should continue to repeat it, despite my stretching the bounds of standing orders to do so at the end of my contribution.

The way the member for Butler was prevented from making his contribution on the one clause we had disputed in this bill in an effort to try to avoid embarrassment says it all about this government. It highlighted once again its incapacity to respond to a serious issue, and this is often because someone, such as the member for Bateman, did not know what he was doing.

MR D.J. KELLY (Bassendean) [3.44 pm]: I rise to make a contribution to the third reading of this Sentencing Legislation Amendment Bill 2016. As we have heard, the opposition supports this legislation, albeit, I suppose we could say, with some reluctance. When we read this bill, we know its drafting is something the government has rushed to bring in before the election. On our second last day of the Legislative Assembly's sitting of this Parliament, this bill is still being debated. The government had eight years to deal with this issue, and here we are trying to rush it through before the election. The opposition has not tried to be difficult with this bill. We have, in fact, tried to assist the government by raising issues that we think may well lead to significant parts of the legislation being found to be unconstitutional, for example. Last night, during the second reading debate, the shadow Attorney General did his level best to assist the minister and the government to see the potential problems with parts of this legislation. As hard as the shadow Attorney General tried to assist

the government, he was greeted by a minister who either did not understand or was unwilling to take on board the issues he raised and he was confronted by backbenchers such as the member for Bateman, who was doing as he was told in guillotining the debate. Despite the best efforts of the member for Butler, the shadow Attorney General, to raise these issues, we are left with a bill at the third reading stage that may well be found to have significant portions that are unconstitutional.

The part of the bill the member for Butler tried to remedy is clause 25, which inserts new part 5A, “Post-sentence supervision of certain offenders”. If the bill is passed, new part 5A will enable certain categories of offender to be made subject to post-sentence supervision orders. That is not a small issue. In the ordinary course of events, somebody who has been convicted of a crime and served their sentence should be free to resume their position in the community. However, this legislation will enable the state to place people who have done their time on post-sentence supervision orders—orders that restrict their liberty. It is not a small issue, minister. In a liberal democracy in which we respect the rule of law, the idea that someone, after having done their time, can then be subject to a further order for an indefinite period is a very serious issue. However, it is not a notion that is foreign to legislation here in Western Australia. These types of orders exist for dangerous and serious sex offenders—so, of itself, it is not something the opposition takes issue with. In fact, we on this side of the house agree that it is appropriate, for the ongoing protection of the community, that the state has the ability to make offenders who have committed the most serious of crimes subject to a post-sentence supervision order. This is a serious issue. We believe that post-sentence supervision orders are appropriate in certain circumstances. However, if those orders are made, they should be made in a way that is constitutional. The shadow Attorney General made the point very articulately that under this legislation, post-sentence supervision orders will be put in place not by a judge or officer of the court, but by the Prisoners Review Board. We on this side of the house believe that may mean that this legislation will ultimately be found to be unconstitutional. This issue has been raised with the government. I do not understand, therefore, why the government has not taken a conservative view of this legislation and entertained an amendment to ensure that post-sentence supervision orders are exercised only by a judge and not by a public servant. That would ensure two things. It would ensure that these orders are constitutional and are not struck out at a later date. It would also ensure that these orders are imposed by a process that has some transparency. It is not a small thing to impose restrictions on the liberty of a person who has completed their sentence. We do not want these orders to be routine, to be made in secret or to be made through a process that denies people natural justice.

It is not as though the proposition that has been put by members on this side of the house—namely, that these orders should be invoked only by a judge—is not reasonable and well thought out. I understand that is the very same proposition that the federal Liberal–National government has adopted in its terrorism legislation. Under the federal terrorism legislation, orders can be invoked only by a judge. That is the way in which the federal Liberal–National government deals with the issue of terrorists. To be honest, I suspect that the real reason the government is not willing to entertain an amendment from the opposition to ensure that this legislation is constitutionally valid is that if it had to get advice on how to do that, this legislation could not be dealt with in this sitting of Parliament and, therefore, the government would not be able to get it through before the election. I would love it if the minister, in her third reading contribution on behalf of the government, would explain why the government believes that the constitutionality of this bill is not an issue and provide the advice that the government has received. I would love it if the minister would explain also why the government is taking the approach that post-sentence supervision orders should be invoked by a public servant, rather than the approach that the federal Liberal–National government has taken with the federal terrorism law. I suspect the reason the minister is unwilling to move on this is that for the last eight months, the Attorney General has been sitting upstairs doing not much at all, and the government has come to the conclusion that it had better do something on law and order before the election, because its record to date is absolutely miserable.

Mrs L.M. Harvey: Sixteen pieces of legislation!

Mr D.J. KELLY: Sixteen pieces of legislation! The minister is the one who, when I asked her a question in this house about why she had not closed down the drug house in Eden Hill, said we know where the drugs are but unfortunately it can take two years to clean the place out.

Mrs L.M. Harvey: They have actually arrested a couple of those people, member.

Mr D.J. KELLY: That is exactly right, minister. That is after the minister said we know where the drugs are but it can take two years to deal with the issue. Is it not funny that after I stood up and asked a question in this place, the police found enough resources to raid that place and make some arrests? Is that not remarkable?

Mrs L.M. Harvey: They were working on it for a period of time before you raised it, member.

Mr D.J. KELLY: That is right. We had held a public meeting. They have been selling drugs in that place for well over a year.

The ACTING SPEAKER (Ms L.L. Baker): Order! Relevance, member.

Mr D.J. KELLY: I am just taking the interjection from the Minister for Police. In that instance, the minister admitted they know where the drugs are but it can take two years to deal with the issue. People had been complaining to the local police for well over a year about what was going on and absolutely nothing happened.

Mrs L.M. Harvey: I think you should check the *Hansard* and make sure you are quoting me correctly, because that is not what I said. Do not misquote me. Do not mislead the Parliament.

Mr D.J. KELLY: I do not have the *Hansard* here. The minister said it can take two years.

Mrs L.M. Harvey: I did not say that.

Mr D.J. KELLY: I asked a question in Parliament, and, lo and behold, within a couple of weeks the place was raided and the people were charged. Those people are still in that property. They do not come to court until December. I will tell the minister something else. I think I have a couple of minutes left. They are still selling drugs from that property. We can go there any night and cars are toing and froing from that property. The fact that the police have raided that house and charged some people has not stopped them from selling drugs. The minister can take that back to wherever she likes. People are livid. There was a second public meeting on the weekend and 50 people showed up.

The ACTING SPEAKER: Member, I need to remind you about the relevance to this bill.

Mr D.J. KELLY: We are pleased to support this legislation, notwithstanding the issues about constitutionality that we have raised. However, I do not believe this legislation will have a material impact, because even with these enhanced powers, this minister and this government will not be able to get the job done on the ground. Law enforcement is not just about the minister coming into Parliament with a smirk on her face and passing a bit of legislation in the dying days before an election so she can run around and say that she has done something. She said that she had passed 16 bits of legislation; this must be the sixteenth. While she is doing that, crime is out of control in the suburbs—absolutely out of control. The minister says that crime is not out of control. She should go and talk to people in her electorate. She should go and talk to communities. Two tonnes of meth is used in Western Australia every year.

Debate interrupted, pursuant to standing orders.

[Continued on page 8225.]

INFRASTRUCTURE AND TRANSPORT PLANNING — NORTHERN METROPOLITAN CORRIDOR — GOVERNMENT PERFORMANCE

Motion

MS R. SAFFIOTI (West Swan) [4.00 pm]: I move —

That this house condemns the Liberal–National government for failing to adequately plan for the infrastructure and transport needs of the growing northern metropolitan corridor.

It will be no surprise to people in the community to know that this government has neglected the transport and infrastructure needs of the suburbs. There are many places around the metropolitan area—whether it be the south east corridor down in Byford, the Harrisdale and Piara Waters area and some of the other growing areas, particularly in the east—where the government has not made infrastructure and transport a priority and has no plans to provide certainty in the future. The northern corridor is an example of this. Many of us know that population growth in the northern and north east corridors has been incredible, particularly over the last five to eight years. There is a lot of discussion about population growth in this chamber, but I think one of the most interesting aspects is the explosion of new suburbs and new communities in a very short time in the outer suburbs, including in the electorate of my colleague the member for Butler, on the way to Yanchep. I had an opportunity recently to take a drive with the member for Butler—luckily he was not driving!—up to —

Mr W.R. Marmion: That was below the belt!

Ms R. SAFFIOTI: It was, and he can have a go at me when he stands up!

We drove up to Yanchep and saw the significant growth and the number of houses that have sprung up in that district. In the north east corridor, part of which I represent, there are new suburbs like Brabham and Dayton, the continued growth of Bennett Springs, and Ellenbrook, which is nearing the completion of its growth phase. We see significant infrastructure needs but we do not have a plan to deal with it.

I know the government is obsessed with the Labor Party’s “little red book”, but I too am obsessed with the Liberal Party’s “little blue books”. I like going back to the “Liberal Plan for the First 100 Days of Government” document from 2008. Do members know what the Liberal Party committed to doing in 2008? It committed to immediately commence working on developing a blueprint for an integrated public transport system. Eight and a half years later, the government has commenced work—not within 100 days, but after eight and a half years.

Mr J.R. Quigley: Multiples of 100 days!

Ms R. SAFFIOTI: Multiples! I had calculated it, but I did not prepare those numbers for today. After eight and a half years, the government has a draft plan that everyone is walking away from, particularly the government's own members. My good friend the member for Morley said that he had never heard of the Thornlie–Cockburn line until a few weeks ago, but it was in the government's own —

Mr P. Papalia: It is 3 000 days late!

Ms R. SAFFIOTI: It is 3 000 days late!

There is a draft plan out there. To be quite honest, we on this side of the house always try to prepare for what the government is about to do, so when it said it was developing a comprehensive plan, we waited and waited. Then it was released and I have to say that we all breathed a sigh of relief because it was not the comprehensive plan that was promised. There was no costing, no funding, and the time frames were very broad. It was proposed that the Ellenbrook rail line would not be needed until post-2050 and the Yanchep extension until 2031. These are very broad time frames that frankly do not provide certainty for the public and the business community. Basically, everyone was let down, and I know that a lot of councils are really worried about some proposals and have made significant criticisms of them in written submissions.

It was a shock that, eight and a half years after its commitment to developing an integrated plan, the government came up with only a draft plan. I am not sure what its status is now because the former Minister for Transport liked a particular rail route and the current minister does not like it so much. There is debate over what should be the priority. The Treasurer gave comfort to the federal member for Canning about the Byford extension, but once again there was no coordination and no consistency across government about priorities.

I want to highlight something that was not a 100-day commitment, but was a Liberal Party “little blue book” election policy outlined in a document titled “Transport”. Under the heading “Public Transport—Passenger Rail Services” it states, in part —

A Liberal Government will promote use of rail by:

- Building a rail line to Ellenbrook.

That was the biggest broken election promise, but it is now possibly the equal or second-biggest, along with Metro Area Express light rail. As I have said a number of times with regard to the government's Ellenbrook commitment, it did not just fail the people of Ellenbrook and the entire north east corridor; it also failed the people to the west of that area, particularly those living between the northern suburbs rail line and the north east rail line. It put enormous pressure on the northern suburbs rail line.

I have said many times—I noticed the Premier used the same words a while ago, but he seems to be walking away from it—that when we look at a rail map of Perth and the suburbs, we have a northern line, an eastern line, a south east line, a south west line and the Fremantle line. The missing link for mass transit on that rail map is the north east line. What is the impact of that? The impact is twofold. First, the car parks along the Midland line are being filled by people from my electorate and the member for Morley's electorate as they try to access the rail line into the city. People from my electorate go and park along the Midland rail line in Guildford. We have issues to do with capacity and car parking space on the Midland line. I am sure the member for Girrawheen will talk about the Lansdale area, but on top of that there are people from Ballajura and Ellenbrook who move west to use the northern suburbs rail line. If we do not address the north east corridor, we will put enormous pressure on the northern suburbs line and the capacity of the Midland line. Addressing the north east corridor is crucial to supporting an integrated network and taking pressure off the northern suburbs line. If the government does not do anything, the capacity and constraints on the northern suburbs line will continue to be challenged.

Of course, the government walked away from its Ellenbrook rail line. We had two promises for the north east corridor—the Ellenbrook rail line and, of course, the Metro Area Express light rail—and both were broken. Everyone in that whole corridor, whether they are in Perth, Mt Lawley, Morley, Ellenbrook, Lansdale, Alexander Heights, Brabham, Dayton or Ballajura, have been consecutively let down by two broken promises. The first was the Ellenbrook rail line and the second was the MAX light rail. They are two broken promises that would have served the constituency of that north east corridor. There is enormous pressure on the northern suburbs line, which is creating capacity issues. We all know that the government delayed orders of extra railcars many years ago and now has put off the large order for railcars, so we have congestion issues on our railway lines. Now we have enormous growth north to Yanchep.

There is always a debate about railway lines and when we should build them, but our view is that spending on our public transport system and in particular our heavy rail system should be a normal part of government. What has happened over time is that we occasionally—on average probably once every six to eight years—commit to a big project and then nothing happens and we commit to another big project. This government's eight and a half years has seen only eight kilometres of train tracks laid. In the previous government, 82 kilometres of train tracks were laid in three big projects: the rail line to Mandurah, the spur line to Thornlie and the extension to Clarkson. The Labor government delivered 82 kilometres over eight years and the Liberal–National government delivered eight kilometres over eight years.

We have heard a peculiar argument from the government. The government talks about population growth, but it did not do anything to help address it through its expansion of the rail network. We all know there was population growth, but the government failed to build sufficient rail to cope with that. We have seen massive explosions in population. The issue with the line to Yanchep is that the government approved those developments. Government is a joint venture participant in many of those developments such as the Allara project, member for Butler, and the Alkimos project.

Mr J.R. Quigley: Correct.

Ms R. SAFFIOTTI: LandCorp is a player and a partner in those developments, yet it has ignored the public transport infrastructure needs of those areas. It is the same with Ellenbrook, in a sense. Government was a partner through the former Department of Housing and Works for many years. Government made a lot of money out of Ellenbrook. The last time I checked, over \$400 million had been made through the partnership, but government has not provided any funding for the infrastructure to those areas. The northern corridor is exactly the same. As I said, there is always a debate about when we should provide the funding and when we should construct.

We need the certainty and we need to get the planning right when developments are planned so that we can build the centres around the stations. If we do not build within a time frame, we create congestion for not only those people in the area but also everyone south of that area. If I look at the northern corridor, I see that the delay to the Yanchep line has created enormous congestion south. If we look at Ellenbrook, we see that the lack of rail in Ellenbrook has created enormous congestion on the way south in the north east corridor into the city. If we do not address that public transport certainty and that provision, we create congestion for those people not only in those suburbs but also further south, leading into the city centre. We have also seen a lack of real east–west connections, in particular in the northern suburbs. We really need to start linking our suburban centres much better than we do. I will talk about that in a second.

The reality is that this government has been in for eight and a half years. The previous government was there for seven and a half years and built 82 kilometres of rail. This government has been talking about the Yanchep railway line for a very long time and different dates have been put forward, but it has not made it a priority. It has allocated \$2 billion to the Perth Freight Link above it. This is not a case of the government not having the money, because, as we know, this government is not shy about spending money. We cannot say it has not had the money; it just has not made the rail line a priority.

In the Treasurer's analysis yesterday—the Treasurer who does not talk on Treasury matters outside this chamber anymore—he said in the same argument that Labor would have cost jobs, that Labor's Metronet capital works program was the biggest in history. I am not sure whether his argument held for five minutes, let alone that it will hold until the election campaign. He said Labor's Metronet program was the biggest capital works commitment in the state's history and at the same time said that Labor would have cost jobs. That cannot hold and it is not true. The Treasurer was obviously sidelined. The Minister for Fisheries was out there explaining the economic arguments of the government and I look forward to listening to the Minister for Fisheries explain out in the community the government's on again, off again Western Power sale and how the government intends to fund its promises given that it is all over the place with its financial management. I look forward to hearing that from the Minister for Fisheries. The government has no real commitments.

I want to talk about priority setting. This government has sat back, allowing the government to commit \$2 billion into the Perth Freight Link while ignoring key congestion spots throughout the suburbs. I want to talk about some of the most congested intersections. This is quite interesting because this government believes that congestion only occurs on the route down to Fremantle. That is all it seems to worry about and wants to spend \$2 billion on. The government tabled the top 10 most congested metropolitan state road intersections last year. Two of the top 10 were key intersections on Wanneroo Road: Wanneroo Road–Joondalup Drive and Wanneroo Road–Ocean Reef Road. As I said, the congestion is coming from not only the role of Wanneroo Road in that northern corridor, but also the east–west traffic at those intersections. Two of the top 10 congested metropolitan state intersections are in that northern corridor. How many of the top 10 relate to the Perth Freight Link? The answer is zero. That is an interesting fact to outline.

Another key one is the Armadale Road–Kwinana Freeway–Beeliar Drive intersection, which we all know has a massive congestion issue. It is very interesting to note that two of the top 10 congested metropolitan state road intersections are Wanneroo Road–Joondalup Drive and Wanneroo Road–Ocean Reef Road. The government has committed some funding to extending the turning lanes at one of those intersections. The federal government has committed some money for an overpass, but from answers in the other place we have no certainty about the timing of that funding and it seems that the state government is not keen to progress those. Those congested intersections are not a priority, not because the government does not have the cash, but because it has not prioritised these areas.

If we look at Lord Street in my electorate, we see that it is at crisis point. West Swan Road is also at crisis point. Those two key north–south roads are in crisis and the government has no plan apart from the bus rapid-transit system, which will take some buses off those roads. However, the majority of congestion on Lord Street is from cars and there is no plan to fix it. It will just get worse.

I want to talk about a number of issues confronting people in the northern suburbs. The member for Butler will talk about Marmion Avenue. The government has talked about the duplication gap on Wanneroo Road, but it has not committed to fixing it. There is the Mitchell Freeway extension, the east–west connection and, more generally, the lack of duplication along Reid Highway towards Midland.

The government has a piecemeal approach to infrastructure and transport. Yesterday, the Treasurer said that public transport costs too much and it is subsidised too much. Clearly, the government does not support public transport.

Mr W.J. Johnston: Shame! Shame!

Ms R. SAFFIOTI: I thank the member for Cannington.

Subsidisation of public transport has increased under this government because overall patronage has fallen for two years in a row and fare-paying patronage has fallen three years in a row and fewer people are catching our public transport system. The subsidy has to go up because less revenue is coming in due to falling patronage. When I asked about that fall in patronage, I was told that the government had not kept up with growth in the new suburbs, whether that is in the member for Butler's electorate, the member for Girrawheen's electorate, at Lansdale, and in Ellenbrook, Dayton, Brabham or Bennet Springs. These areas have grown, but they have battled to get a bus service and the government has absolutely no time frame or commitment for rail lines. After eight years, we hoped that there would be a real plan and some certainty, but we have neither under this government. We are seeing events similar to those in 2013, when the government had no plan but somehow manufactured an airport rail promise, because it knew that Labor had a plan for rail, and committed to Metro Area Express light rail, which was the Liberal Party's answer to fix the transport needs in the north east corridor.

Mr W.J. Johnston: Buy a block of land!

Ms R. SAFFIOTI: The Premier told people to buy a block of land in Mirrabooka.

I find it incredible—this shows the government's lack of planning—that on 11 February 2013, the then Minister for Transport, Mr Buswell, took journalists on a bus trip to talk about where Labor's Metronet station would be located at the airport. He said that it would be up to one kilometre from the terminal, which was too far because people would be sweating from walking or would be caught in the rain. He said that it was ridiculous. Over the past two days, we have heard that the plan to move the Qantas terminal in the time frame of 2018 to 2020 has been completely abandoned. In fact, it looks like Qantas will expand its current domestic terminal. Yesterday, I calculated that the distance from the proposed airport west station to the Qantas terminal is over one kilometre, member for Butler. The government's commitment that its train line would deliver passengers to the doorsteps of the international and domestic terminals is not true; it is over one kilometre away.

Mr I.C. Blayney: Which terminal are you talking about?

Ms R. SAFFIOTI: The Qantas terminal.

Mr I.C. Blayney: Is that the international or the domestic terminal?

Ms R. SAFFIOTI: The government has said that the Qantas domestic terminal can be expanded to be an international terminal.

Mr I.C. Blayney: No, it's not the government that wants to do it.

Ms R. SAFFIOTI: I read it today. The Premier said that it is okay and that it would be expanded to be an international terminal.

Mr W.R. Marmion interjected.

Ms R. SAFFIOTI: Is the minister saying that there will be a train station over one kilometre away from the international and domestic terminals?

In 2013, the government made an issue of the location of Labor's proposed airport train station. The government hired the bus, drove the journalists around and bought the radio advertisements that said that one kilometre is too far from the airport. I think the distance in those ads was exaggerated anyway, but let us say that it was a kilometre away. The government's proposed airport west station is over one kilometre from the domestic Qantas terminal. That is another broken rail commitment from the government.

A few of my colleagues want to speak about the importance of having a plan and funding commitments for the northern corridor. We have seen a piecemeal approach that has moved congestion from one part of the metropolitan area to the next. The government has no overall plan and no certainty, and it has ignored growth. The government cannot look at general population figures and that is it. It needs to see where growth is occurring, what infrastructure is there and what is needed. It needs to plan with the community and the councils. The government's lack of interaction and coordination with councils is astounding. Every council we have met and been briefed by has told us that they have tried to talk to the government but it does not listen. The

government does not listen to the councils that can get a meeting with the government—depending on whether they are members of the Liberal Party—and it does not meet with the other councils. The government has failed to give the community certainty; it has moved congestion from one part of the metropolitan area to the next; and it has not addressed the east–west pressures and, more generally, the pressures that the urban growth front has created in Western Australia.

MR J.R. QUIGLEY (Butler) [4.27 pm]: The government has a plan for rail in the northern suburbs. The plan is to lie to the community in a very opportunistic way at any available opportunity to garner a vote. That is beyond dispute. I will refer to the history of rail transport to the northern suburbs. In 2006, the government made a commitment to extend the rail line past Joondalup to Brighton, with a stop at Butler, with a plan for walk on, walk off housing around those stations. The first thing the Barnett government did when it was elected to office was to arrange a ceremony in the middle of the Mitchell Freeway to open the northern extension of the freeway to Burns Beach Road. That project had been built by the then Labor government and was opened a couple of weeks after the Liberal Party got into government. At the time, the government announced that there would be no further rail projects until there had been an independent review into rail needs in Perth over the next 20 years. At the opening of the freeway, as the minister was cutting the ribbon, I held up a big sign behind the minister opening the freeway stating “Barnett betrays Butler”. I remember that after the minister had cut the ribbon and the photograph had been taken, the ministerial adviser who had seen the “Barnett betrays Butler sign” that I had held up quickly retied the ribbon and asked the minister to come back and cut it again. I was walking away and some of the several hundred community members who were there protesting the cancellation of the Butler line told me to come back with my sign. I told them not to worry, because I knew which photograph would be published. There it was on page 3, “Barnett betrays Butler”.

After the publication of that photograph, I got a call from Mr Satterley, who told me that I was very well intentioned but that the Premier did not listen to those sorts of protests. He said, “Leave it to me.” I asked him what he meant by that. He said that he would ring the then Treasurer, Mr Buswell, and explain to him that he was in joint venture land developments and he would ask him how he could sell land if the rail line into the land had just been cancelled. Blow me down, two weeks later in the members’ bar, the Premier and the Treasurer took me aside and said, “We’re going to build that line to Butler you know.” It had nothing to do with the protest sign or community sentiment; it was just about the economic realisation delivered by Mr Satterley that they were about to lose a poultice of money both in stamp duty and joint venture land sales.

What became of the Premier’s promise to convene a committee to look at what was needed for rail? An independent committee was formed and it was headed by Mr Stuart Hicks, AO, the transport policy and strategy expert. The members were Reece Waldoock, director general of Transport; Mr Eric Lumsden, director general of Planning; Mr Mark Burgess, managing director of the Public Transport Authority; Mr Menno Henneveld, managing director of Main Roads; Mr Anthony Kannis, executive director infrastructure and finance, Department of Treasury and Finance; Mr Neil Smith, the bus industry expert; Mr Fred Affleck, rail industry expert; and, Mr Howard Croxon from the transport industry. There were no Labor lackeys there. It was an independent committee that reported to the Barnett government. What did the committee do? It prepared a report that identified six priority projects in Western Australia. The projects were grouped into two—those that needed completion by 2020 and those that needed completion by 2030 or thereabouts. If I may, I will read from the report on page 24. It states —

Projects that can be implemented to provide a network of rapid transit services across Perth before 2020 are grouped into:

- Transformational projects;
- Connections to strategic centres using on-road priority measures that will contribute towards a network of rapid transit services; and
- Projects that support the central area.

The report then goes on to outline the transformational projects. Under the heading “Transformational projects”, it states —

These projects have the ability to redefine travel and development patterns.

What was the number one project? The number one project to be completed by 2020 was the northern suburbs railway extension. The report continues —

The NSR is committed to extend north to Butler. Extending north to Yanchep will support the development of the Yanchep City Centre with a station precinct at its centre. Future developments between Butler and Yanchep will lead to future development of stations, potentially at Alkimos and Eglinton.

The early development of this line will provide developers with the certainty required to develop at a higher density, particularly around train stations and within walkable catchments of services. It will support a much more sustainable form of urban development with significantly lower levels of car use.

The rail line to Yanchep was identified as a transformational project in the committee's independent report. Further in the report, it notes that the city centre of Yanchep would be developed to be bigger than Joondalup city centre and it would provide more jobs than Joondalup for the northern corridor where there are massive levels of unemployment.

What was the government's response to this report? The government's response is contained in a press release from 14 October 2011 under the hand of the then Minister for Transport, Troy Buswell. It states —

Transport Minister Troy Buswell said the “Public Transport in Perth in 2031” plan outlined a strategy ...

It goes on in relation to transformational projects. This is before the 2013 election —

Mr Buswell said the Government would use \$11million allocated in the 2011–12 State Budget to progress planning for the three priority projects.

The three projects included the Yanchep rail line and Metro Area Express light rail. In 2011, before the election, Buswell announced that the government was already spending millions of dollars of taxpayers' money on the Yanchep rail line. Of course, we know that the election was conducted at the start of 2013—some 18 months after Buswell spoke. In the same report, the airport line was put into the second group of projects that were to be completed some time around 2030 or soon thereafter. The government told the people of Yanchep and the northern corridor that the rail line was part of its election campaign: “Vote for us because we're already spending money on the Yanchep line”, and it worked. People did change their vote to vote for the government because of this promise. It is a matter of public record that my margin was somewhat clipped by reason of the government's promises—as it turned out; black, black lies—to the electorate that this project would go ahead for completion by 2020.

After the election, the government looked at the Antony Green pendulum and saw that Belmont was sitting on a precipice, as well as Forrestfield. Without any further reports or investigations, the government suddenly took the project at the bottom of the list—the airport line—and put it at the top of the list and dumped the Yanchep line.

Ms J.M. Freeman: And MAX.

Mr J.R. QUIGLEY: It also dumped the Metro Area Express. This article from the local newspaper will go out during this election cycle to prove the government's lie. The person who proves the government's lie is none other than the Attorney General. Who would doubt the Attorney General's word? He went along to a community meeting and said—I will read it from the article, if I may, Mr Acting Speaker —

A LETTER from a State politician, dismissing the need for rail to Yanchep for at least a decade, has rankled residents.

At the January 19 Two Rocks Yanchep Residents' Association meeting, secretary Lorraine Jackson said North Metropolitan MLC Michael Mischin suggested the need for a rail extension was more than 20 years away.

The association wrote to several politicians last year calling for the rail extension, and Ms Jackson highlighted Mr Mischin's letter among the responses that were received.

“It stinks,” she said.

In his letter, Mr Mischin said planning for the Yanchep extension was progressing despite the timeline being modified “due to conflicting public transport priorities”.

“The decision to delay the Yanchep line from its original 2020 schedule was made on patronage grounds,” he said.

“Although I accept completely that the population of the general Yanchep/Two Rocks area is increasing rapidly, I cannot accept that we need to build costly infrastructure right now to service a potential situation that is still over 20 years away.

Ms R. Saffioti: Who said that?

Mr J.R. QUIGLEY: Michael Mischin.

Ms R. Saffioti: Which party is he in?

Mr J.R. QUIGLEY: He is in the liars party, member—the liars party.

Withdrawal of Remark

Mr P.T. MILES: He needs to withdraw “liar”.

The ACTING SPEAKER (Mr P. Abetz): You need to withdraw that.

Mr J.R. QUIGLEY: I was not calling him a liar! I was talking about a political party.

Several members interjected.

The ACTING SPEAKER: Members, just hang on a minute. I do not consider it acceptable speech to refer to a member of Parliament as belonging to the liars party, so I ask you to withdraw that.

Mr J.R. Quigley: I didn't.

Dr A.D. BUTI: Mr Acting Speaker, I would like you to clarify what reason you utilise to say that a member of Parliament cannot refer to a political party in those terms. That does not denigrate a particular member. It is just referring to a party. Many times, the other side has referred to the Labor Party in many ways. The Premier said that we are corrupt!

The ACTING SPEAKER (Mr P. Abetz): Member, this is not an opportunity to debate. I have made my ruling.

Dr A.D. BUTI: I would like clarification —

The ACTING SPEAKER: Please resume your seat. The point of order is finished.

Mr J.R. QUIGLEY: I withdraw the remark and will just say that its policies are black lies.

Mr P. Papalia: Whose are?

Mr J.R. QUIGLEY: The Liberal Party's.

Debate Resumed

Mr J.R. QUIGLEY: The Attorney General went on to say in the article, which is highlighted in yellow for all the people who he regards as suckers on the north west corridor —

“Doing so would divert scarce resources away from —

The seats we've got to win in Belmont and Forrestfield—no, I am joking there, Mr Acting Speaker. The article states —

“Doing so would divert scarce resources away from projects that do have an immediate need (like the airport link project).”

The immediate need is that without winning the seats of Belmont and Forrestfield, the Liberal Party is done for. It has got to win those two seats. The article continues —

Mr Mischin, who is also the Attorney General and Commerce Minister, said the government was committed to extending the rail—

To Yanchep—and, listen to this members —

when it was “both affordable and cost efficient” —

Which was not then but it was some time after 2025. The government is saying that it is not affordable, but, in the same stroke, and this is not lost on the constituents of Butler, Eglinton, Alkimos, Yanchep and Two Rocks—the total cost at that stage was \$350 million less the developers' contributions—the government turned around and announced an allocation of \$2 billion to the Forrestfield–Airport Link project in a futile attempt to save the seats of Belmont and Forrestfield. It is by the Attorney General's own hand that the lies of the government have been laid bare.

I will go on to talk about other infrastructure projects. I have mentioned Marmion Avenue before. My electorate has one road running through it. The member for Wanneroo is always wont to say that Wanneroo Road runs through it as well, but it actually does not enter my electorate. It sits on the boundary of the electorate. The road through the electorate is Marmion Avenue with one lane north and one lane south. As every mother says when they do the school run, you take your life into your own hands when you try to get out into this mayhem of one lane north and one lane south. Marmion Avenue desperately needs work, but this government has a plan. It is a very cynical and deceitful plan —

Ms M.M. Quirk: The member for Balcatta says that you are a whinger.

Mr J.R. QUIGLEY: I am a whinger, hey, member for Balcatta? The member will have something to whinge about. They selected the right candidate against him this time, Mr David Michael. The member will have something to whinge about on 12 March, I will give him that tip. They tell me it takes a good six months to get over relevance deprivation. I go to this very cynical plan of the government's to spend money on transport infrastructure only in electorates where it thinks it can save its miserable neck. I will refer to some congested metropolitan state road intersections. I can take members to some intersections on Marmion Avenue in my electorate, up at Amberton Estate, Shorehaven and all these places where a person cannot get onto the road that is a single lane running either way. Those intersections do not figure in this list of intersections that are most in need of work, but let us have a look at that list. The original list, which was put out prior to the member for Hillarys announcing that he was standing as an Independent, did not have Marmion Avenue in it. The member for Hillarys then announced that he would stand as an Independent Liberal against “Mr Cats and Dogs”—I am sorry, I withdraw that, it was a Freudian slip—the honourable Mr Katsambanis.

Several members interjected.

Mr J.R. QUIGLEY: I withdraw it—move on; move on.

We notice that Marmion Avenue did not figure in this list, but as soon as the member for Hillarys announced his nomination for the seat of Hillarys, suddenly the list of 16 June included two intersections on Marmion Avenue in the electorate of “Mr Cats and Dogs”—I am sorry, Mr Katsambanis, I do not know what a “banis” is—that will be under construction for the election. This is very cynical because —

Mr R.F. Johnson: The question is: are they being paid for out of the roads trauma trust account? I suspect that they are.

Mr J.R. QUIGLEY: We will look into that member, but the point is that before the member for Hillarys confirmed his nomination as an Independent Liberal, those two intersections did not figure. As soon as the very outspoken Independent Liberal nominated to retain his seat, suddenly the Marmion Avenue–Hepburn Avenue intersection was on the list. The government has certainly started work on that intersection, which is in the member’s electorate, at a cost of \$7.5 million. What a cynical exercise. We cannot get two bob spent on Marmion Avenue up in Butler—I am too old, aren’t I. We cannot get 20 cents spent on Marmion Avenue in Butler, not even a florin; however, the government can soon find the money somewhere when an Independent Liberal puts his foot down to stop this nonsense.

Mr R.F. Johnson: My opponent is absolutely distraught that I am being called an Independent Liberal.

Mr J.R. QUIGLEY: Of course, he is an animal lover from Victoria. I can understand that. As I said, there is a plan for transport in my electorate. It is a plan built on opportunistic lies. It is a plan built on the deceit of the electorate. As I said, the government commissioned an independent report. I have read Mr Buswell’s response to it. The government is already spending money on the project that will be completed by 2020 and then after the election there will be a switcheroo. No-one will believe it again.

MS M.M. QUIRK (Girrawheen) [4.48 pm]: When this motion was moved, my initial reaction was to think, yes, we can educate some of the people over that side of the house about the realities of living in the northern suburbs and the very real problems we have with transport and public transport. I sometimes wonder whether the current Minister for Transport has been north of Walcott Street. Certainly, on all the occasions that I have asked him to come up to my electorate, he has always refused. I remember when we once took senior Western Australian Planning Commission people up to the northern suburbs, the deputy chair at the time was heard to say, “Gee, I had no idea it was like this.” This debate gives us the opportunity to tell the government and the Minister for Transport about the major problems there, and, if not acted upon—I will refer to research later—how it will become one of the largest sites of congestion in the country.

I have talked before about the Smart Transport program. In fact, I grieved to the former Minister for Transport and mentioned that I, and I imagine all of my constituents, found those advertisements particularly offensive. They are the ads that tell a person that if they leave at a certain time in the morning, they can avoid congestion. They state the bleeding obvious, and it has cost us a million dollars to be told that if we travel southbound from Ocean Reef Road to Whitfords Avenue on the Mitchell Freeway at five o’clock in the morning, we can travel at 100 kilometres an hour, but by 6.15 am the speed drops to 50 kilometres an hour and so on. I might add that that particular graph, informative though it is —

Mr W.R. Marmion: Which section is that?

Ms M.M. QUIRK: It is between Ocean Reef Road and Whitfords Avenue, so it is quite a small area. More instructive would then be further south and the travel on to the city. That is not even there. There is a real problem and the motion is about public transport, but due to the paucity of public transport in the northern and north eastern corridor, this is the obvious result. Because of this, the City of Wanneroo, for example, has started a campaign called “Connect Wanneroo”. As the city likes to say on every occasion possible, it is one of the largest growing communities in Western Australia. Under the “Connect Wanneroo” campaign, it states —

... our community deserves the best infrastructure possible to meet our needs.

It is calling for rail to Yanchep, which we have heard the member for Butler talk about and the extension of the Mitchell Freeway to Romeo Road, Alkimos, immediately and continuing through to Yanchep.

The City of Wanneroo claims, rightly, as follows —

Both are essential investments in creating local jobs for local people, attracting investment for future business development, improving access to education and health care, in addition to reducing the time our family spends stuck in traffic.

About 100,000 jobs are planned in the suburbs of Yanchep, Alkimos and Neerabup and ensuring that people can connect to these jobs is vital. Connecting Wanneroo will help reduce congestion, improve quality of life and reduce car-associated cost of living pressures, getting people to where they need to be sooner and safer.

The letter states further on —

Three out of four City of Wanneroo residents have to travel outside the City to work, which is more than anywhere else in the Perth–Peel region. The community is deeply worried about infrastructure and Australia’s prediction that the northern growth corridor in the City of Wanneroo will be the most congested in Australia by 2031, unless rail to Yanchep and the freeway extension to Romeo Road, Alkimos is built soon.

This is not some “hysterical whingeing” in the words of the member for Balcatta referred; this is about planning for the future. It is about ensuring that our communities can travel to and from their work, are not stuck in traffic for disproportionately long periods, have access to quality public transport and can move around readily for sport and recreation. They want to live in the area and not be forced to move due to poor and sparse public transport and congested roads. It is impacting on businesses quite significantly, which I will talk about shortly. Businesses are deterred from setting up because they know they will be impacted on by the congestion. This campaign attracted 16 000 emails in the course of the federal election. As the “Connect Wanneroo” campaign says —

As a community, we are demanding commitment in the next term of government to funding and implementing both crucially important road and rail projects.

As I said, certainly in the context of the federal election, many people, including people from the RAC and the CCI, were out talking about the issues in the northern suburbs. In a press release the RAC said the following —

... congestion in the northern suburbs with the Mitchell Freeway is set to be the most congested road in Australia by 2031 and Marmion Avenue/West Coast Highway not far behind at number four in the nation.

... congestion could be incredibly decreased by investing in technology to improve the performance of both traffic lights and freeway entry ramps.

“Western Australians are tired of wasting time sitting in traffic and it’s forecast only to get worse. There are low cost solutions available including network management technologies that could be implemented immediately,”

“Unless critical transport projects are adequately funded now, Perth’s northern suburbs are predicted to come to a halt.”

...

Infrastructure Australia predicts seven of the country’s 10 most congested roads will be in Perth in in a mere 15 years’ time, including the top four and the cost of congestion is estimated to be more than \$16 billion a year.

Last year in conjunction with the RAC, the Chamber of Commerce and Industry of Western Australia released a very important survey. I will quote from this because I believe it shows that this is not about just quality of life or inconvenience. It is costing businesses money and productivity. If we are really keen on building the economy, restoring the state of the economy in Western Australia, encouraging small business and generating more jobs, this is an issue that has to be addressed. The congestion survey of last year states —

The latest survey has revealed traffic congestion continues to have a negative impact on Perth businesses, with a massive 87% saying it had contributed directly to lost productivity up from 78% in 2013.

Many Perth businesses say their exposure to traffic congestion has increased over the past 12 months and nearly all respondents said traffic congestion had increased the time their workers spent on roads.

... businesses surveyed said they lost work, accounts or customers due to problems related to traffic congestion ...

As one business explained, “*We now don’t do any jobs that require a start in peak hour.*”

Perth businesses expressed frustration at the uncertainty created by congestion on making decisions: “*I refuse to work in certain suburbs as I am on the road for too long.*”

The survey further found that vehicle running costs increased, including maintenance and breakdowns, and less work was completed due to more maintenance of vehicles. It continues —

In the end, all Western Australians will pay the price of congestion: “*I have had to increase prices to cover increased time on the roads.*”

Time between jobs has had a negative impact on customer satisfaction.”

Further on it states —

The health and well-being of staff is a significant concern for businesses with many revealing stress levels had increased.

As one business said: “*Employee stress increases due to inability to reach bookings on time.*” And another: “*Time away from home due to increased travel to and from work.*”

The survey concludes —

The frustration of business is clear with comments like: *“Why aren’t the road infrastructure changes that are required to service new localities dealt with at the beginning of the development instead of once these areas are inhabited?”* And *“More infrastructure is needed. Government needs to look further than 5 year ahead. Need to plan for 50 years ahead.”*

...

It is obvious that the business community remains concerned about the negative, social and economic impact of congestion.

That is the sort of imperative for why it is necessary to have better public transport. Without it, people are reliant on their cars, and the resultant problems with congestion escalate.

The member for West Swan mentioned some of the road problems in my electorate. In particular, I grieved to the former Minister for Transport about the intersection of Gnangara and Wanneroo Roads. Although Gnangara Road to the east of that has been upgraded, in that section there are significant traffic access and egress problems for residents in the suburb of Madeley. Emergency vehicles and the like have problems accessing the suburb. The volume of trucks and heavy vehicles also compromise road safety, as I told the minister, and compounds congestion. Over 12 690 vehicles use that road each day, 11 per cent of which are commercial vehicles and 85 per cent of those vehicles travel on the road at 72 kilometres per hour or more. There is also an issue because of the demarcation between Main Roads Western Australia, which takes responsibility for Wanneroo Road, and the local government, which takes responsibility for Gnangara Road. I have been to a couple of public meetings about this issue. Recently, I also had a street-corner meeting with residents. We are told that a roundabout is planned at Wanneroo Road and that \$2 million has been set aside for commencement of works in 2017–18. I have written to the Minister for Transport for details about those works. However, in the meantime, people have to be very long suffering, and it is a major problem. That project certainly needs to be advanced.

I want to bring some reality to the discussion about public transport. As all members know, the Premier is very keen on extended shopping hours. I went onto the Transperth website and did an academic exercise to plot the journey for two shop assistants who are required to travel from my electorate to Woolworths in Murray Street, Perth, to commence work at 7.00 am. The first shop assistant lives in Hamersley, which is the most south-western point of my electorate. The earliest bus from Appian Way, Hamersley, to Murray Street, Perth, is at 7.04 am. That means that the person will already be late for work.

Mr W.R. Marmion: By what time do they need to get to work?

Ms M.M. QUIRK: The Premier has said that shops will be allowed to open at 7.00 am. That is the problem—the shop assistant is already late for work. They then walk 1 353 metres—which is more than the one-kilometre limit that Transperth talks about—which takes 20 minutes. They then catch the bus on Beach Road and travel for six minutes to Warwick Train Station. They then get on a train on the Joondalup line and arrive in Perth at 7.48 am. They are already 44 minutes late for work. They then have to walk for about six minutes, and they arrive at the site at 7.54 am. The second shop assistant lives in Friendly Way, Marangaroo. They leave Friendly Way at 6.52 am and walk 1 386 metres, which takes 31 minutes, to Kingsway to catch the route 450 bus, which takes them to Warwick Train Station. They arrive at Warwick station at 7.30 am, so they are already half an hour late for work, and catch a train to Perth Train Station and arrive at 7.48 am. They then walk for six minutes, and they arrive at work at 7.54 am. Therefore, any increase in shopping hours will increase the demand on public transport. The existing public transport system is inadequate if we look at reducing the red tape of shopping hours and reforming how we do our business and go about our work. The government has not appreciated the fact that we cannot look at the issue of transport in a vacuum. We need to look at people’s needs and requirements. That is a good example of how people who have to start work in the city at 7.00 am cannot use public transport and arrive at work in time.

I thank the former Minister for Transport for extending the 450 bus route in Lansdale. That was promised two budgets ago. Earlier this year, I grieved to the former minister about that issue. The minister said in his response that 850 000 kilometres has been added to the public transport system. However, unfortunately, that extension of the bus route was not one of them. My office persisted and the residents persisted. I am pleased to say that extension has now been running for about a month. I am even more pleased that there was some public consultation. That extension is in fact longer than was intended, and it now goes to the corner of Alexander Drive–Gnangara Road, when it was supposed to terminate much sooner. I suspect that part of the reason Transperth agreed to that extension is that it has acknowledged the huge growth in that area. A new school is due to open early next year. The estimates are that the demographic movements in that area are substantial. However, the planning goes to only the next election. We need to look at the whole picture—people’s lifestyles, where they need to go, and the fact that a lot of the movement is east-west and north-south. I do not think the planning has been adequate. I had to laugh at the government’s promise of the Metro Area Express rail and how fantastic that would be and how that

would assist people in the northern suburbs. That will be a long way from my electorate. It would have no benefit whatsoever to the people in my electorate. Therefore, although I certainly take the government to task for breaking its promise, the MAX rail would not have been of much assistance to my electorate. The boast that it would liberate transport in the northern suburbs was, frankly, risible.

Congestion is a major problem. On Monday, I had an appointment in Victoria Park. It was about 10 o'clock in the morning, and I had probably not left myself enough time—I had 25 minutes—to get from Girrawheen to Victoria Park. I got as far as Cedric Street, and there was a car crash on the freeway. It then took me over an hour to get to Victoria Park, and in fact I missed my appointment. That is a very fragile system. If a car crash on the freeway can effectively put the northern suburbs at a standstill, surely that needs to be considered seriously. It is not enough just to put more lanes on the freeway. I know I sound like an acolyte of Peter Newman's. All that means is that the freeway fills up with more traffic, and that increases the likelihood of a crash that holds up the rest of the traffic. The government should not forget the people in the northern suburbs. They are important, and the government will see the wrath of the community at the election.

MR F.A. ALBAN (Swan Hills) [5.08 pm]: Mr Acting Speaker —

Ms M.M. Quirk: You're eastern suburbs! What are you getting up for?

Mr F.A. ALBAN: The eastern suburbs were mentioned, member, and the member mentioned it as well.

Some 55 years ago—a long, long time ago, as all good stories start—I started my business career as a 12-year-old. I was interpreting for my dad, who could not speak English. One thing I have learnt during that 55 years is that there are two kinds of people—people who talk and have plans and discussions and go to committee meetings, and people who get things done. I mention this because the Labor opposition would lead us to believe that this government has not done anything to provide infrastructure or public transport. That is a lot of bunkum. Transport infrastructure is dependent on three separate factors—road, rail and buses. It is not about just one or the other. I know that the Labor Party, being a one-trick pony, thinks it can promise a train and no-one will notice that it has done nothing else. For six years, I sat on the council of the City of Swan and watched the actions of the then Labor government. The Labor government had almost the same amount of time in office as we have had to do all those things that they are now whinging and whining about and saying we did not do—all the things they need and want. The Labor Party should have done those things when it was in government.

Several members interjected.

The ACTING SPEAKER (Mr I.C. Blayney): Member, what you are saying is almost inviting interjections.

Mr F.A. ALBAN: That is good!

The ACTING SPEAKER: Member, you are addressing your comments to the Chair, so I ask you to continue to do that, but be mindful of the fact that you might be seen to be baiting members.

Mr F.A. ALBAN: Thank you, Mr Speaker. It might get some life into the debate.

I will start from my neck of the woods. The neglected East Metro region includes Swan Hills and West Swan. Those two electorates are the greatest infrastructure recipients in the last two terms of the Liberal government. There was not a single road that was not dangerous. There was not a single intersection that was not obviously dangerous. Did the Labor government at the time do anything? No, it did not. I will give members an example. Infrastructure is linked to our public transport. A bus cannot be run if there are no roads. Great Eastern Highway East, heading towards the hills including the overpass with Roe Highway, was talked about forever. Toodyay Road is another road that is in my electorate; it was talked about forever. Not a cent was spent on it during the whole duration of the Labor government. It is very nice for them to say, "You should've done it. We need! We want!" The secret is, Labor members, parties do these things when they are in government. All the whingeing on Earth will not help parties when they are not in government. The Liberal government is finally building NorthLink after everyone talked about it for 35 years. Is that not an infrastructure project? Is that not heading north as well? Does not Ellenbrook—which was plonked down in the middle of nowhere, 20 kilometres from the nearest town or settlement—deserve its own freeway access? Does not Bullsbrook, in my electorate, deserve the same? The member for West Swan's electorate is right alongside mine. Her people will benefit. The member mentioned Lord Street. Is the member aware that Lord Street will have some work done to it, notwithstanding that it will get the two bus rapid transit lanes as well? In a dangerous section Lord Street will have extra roads built in. Why was the Lord Street–Reid Highway intersection not improved in the member for West Swan's time? That was dangerous; any stupid person would see that that was limiting Ellenbrook. Did Labor do that? What about the dualling of Reid Highway and the new bridge?

Ms R. Saffioti: Labor did that.

Mr F.A. ALBAN: Labor did that too, did it? I went to the opening, and the member for West Swan was not there so we will have to question that.

Ms R. Saffioti: It was Labor funded.

Mr F.A. ALBAN: Of course. Labor must have done something.

Mr S.K. L'Estrange: They're all "gunnas"!

Mr F.A. ALBAN: I am glad the member interjected. I always thought that gunners were great in the air force and the army but they are not that good in Parliament, are they? I do not think there is a role for gunners here.

There is a trifecta of infrastructure.

Mr P. Papalia: Is this your valedictory?

Mr F.A. ALBAN: It would be nice, would it not? It might help.

Ms R. Saffioti: You're meant to start at 5.30.

Mr F.A. ALBAN: The member for West Swan is not going to upset me. I am ready to have a quiet chat. I am quite happy for interjections.

The ACTING SPEAKER: Thank you, members!

Mr F.A. ALBAN: In every direction around the member for West Swan's electorate, every road is being fixed by this government. I have only just got to Swan Hills and Ellenbrook. I am going to ask the member for West Swan a question that she can answer one day for the people of Ellenbrook. You can fool all the people some of the time and some of the people all the time. Is the member for West Swan going to tell them about the sucker punch from Labor's previous Premier about the train line to Bassendean? Can the member for West Swan tell us why Labor is not building the train line to Bassendean? It is straightforward; the land is there. It is a shortcut. At the last election, the Labor Party promised that it would build a link from Ellenbrook to Bassendean.

Ms R. Saffioti: We didn't do it.

Mr F.A. ALBAN: Why has Labor changed routes? I know Labor did not do it. I got that one. Labor handed all these little plastic trains —

Ms R. Saffioti: No, you're wrong.

Mr F.A. ALBAN: No, I am not wrong. They are asking me—Labor promised a train. I will tell the member for West Swan why I am asking, because she will probably be replaced. Responding to a question of when Ellenbrook will get a train, Labor's illustrious leader stated —

"I'd certainly expect within eight years of a Labor Government being elected to office."

Let us interpret that for laypeople. Simply, if Labor is elected in March 2017 and re-elected in March 2021, at the end of 2025, when there is a third election, Labor would build a train line—within two terms. Has the member for West Swan told her constituents that? They are expecting that Labor will start the Ellenbrook train line the moment it is elected. Has the member for West Swan told them that before a train goes to Ellenbrook —

The ACTING SPEAKER (Mr I.C. Blayney): Members! Hansard is starting to have trouble following this. Member, just direct your comments directly to me as the Chair. Members, I would thank you to not interject.

Mr S.K. L'Estrange: Can I ask a question?

The ACTING SPEAKER: No, sorry, minister. There is not really a way you can ask a question.

Mr F.A. ALBAN: I am happy to take an interjection, Mr Speaker.

The ACTING SPEAKER: I am listening to the member for Swan Hills.

Mr S.K. L'Estrange: Are you saying that they're lying about what they're offering Ellenbrook?

The ACTING SPEAKER: Minister!

Mr F.A. ALBAN: That is right. Labor is now promising Ellenbrook a rail line through Metronet.

Withdrawal of Remark

Ms R. SAFFIOTI: The member for Butler had to withdraw before when he said it was a party of liars. The member for Churchlands has said, "Are they lying about something?" Mr Acting Speaker, you have to call him to order. He is not on his feet. Can you please ask him to withdraw.

The ACTING SPEAKER (Mr I.C. Blayney): Minister, if you used the word "lying", I ask you to withdraw.

Mr S.K. L'Estrange: I just asked the member if he was telling us that they were lying.

Several members interjected.

Mr S.K. L'Estrange: I am just clarifying. You can let me clarify.

Mr F.A. ALBAN: I will withdraw on his behalf, if you like.

The ACTING SPEAKER: I do not think you can do that, member.

Mr S.K. L'Estrange: So are you asking me to withdraw my question?

The ACTING SPEAKER: Yes.

Mr S.K. L'Estrange: I withdraw the question.

The ACTING SPEAKER: Thank you.

Debate Resumed

Mr F.A. ALBAN: What is happening is that Ellenbrook is being re-promised another train. People are out there with surveys asking, "Would you like a train?" I was pretty convinced that Labor had promised a train. Why would it be doing a survey if it had already promised a train and that was its platform? Has Labor told those people that before its train line to Ellenbrook, it will have to spend about \$5 billion on infrastructure for it to connect to? Has Labor told people that? Labor's fantasy rail scheme —

The ACTING SPEAKER: I will start calling people pretty soon. I would like to hear the member out in peace.

Mr F.A. ALBAN: Labor's fantasy rail scheme, Metronet, has to be built first. A line to Ellenbrook cannot be built until the infrastructure has been built. The people in Ellenbrook are waiting for the member for West Swan's answer. Labor handed them little plastic trains. Some of them still have those little —

Ms R. Saffioti: Not plastic trains, train tracks.

Mr F.A. ALBAN: That is right. I copped a lot of nonsense over the train. I copped a sucker punch from Labor's Premier. Our Premier also promised the same thing. I copped all the blame. For the first six years of this government, the member for West Swan personally harassed me about the Ellenbrook trains. The Ellenbrook train is Labor's carcass, not mine. I have listened to these people waffle on, "You have not done this. You have not done that. You did not do this. You did not do that." Labor had eight years! It could have done some of them. Did it? Labor built a train line to Mandurah. Labor built one thing 10 years ago.

Ms R. Saffioti: It was 82 kilometres.

Mr F.A. ALBAN: It would not matter how many kilometres it was. Labor only ever did one thing. Why did Labor not do all the other projects?

Mr P. Papalia interjected.

Mr F.A. ALBAN: Let me keep the member for Warnbro quiet for a while. He is always very good at speaking. This is my time. I am happy to speak.

This government, supposedly and according to the opposition, has done nothing: "You've done nothing. You haven't done this. You haven't done that. You haven't done this. You haven't done that." Let me tell members what the government has been doing in its spare time. Here we go—the Forrestfield–Airport Link that started the Gateway project. The bus port in the CBD—did Labor do that one? Stadium transport infrastructure—is Labor doing that? A train to Butler—we built a train to Butler. I know members would like more, so would we all. How about the Aubin Grove train station—did Labor build that? What about the grade separation between Malaga Road and Reid Highway; the dualling of Erindale Road and Marmion Street; and the overtaking lanes on Albany Highway? What about Berkshire Road and Roe Highway? What about the Mitchell Freeway extension?

Several members interjected.

The ACTING SPEAKER: If there are any more interjections, I am going to start calling people. Carry on, member for Swan Hills.

Ms R. Saffioti interjected.

Mr F.A. ALBAN: Yes, the member should visit my electorate. I have my whiteboard; it is very old-fashioned, and people actually come and take photos! The number of projects I have had in my electorate of Swan Hills compared with that in the electorate of West Swan is embarrassing. West Swan does not have a single one. People ask, "What did the member for West Swan do? Which one did the Labor government do?" The answer is zilch—zero. The member for West Swan can tell us which projects over the two terms of the previous Labor government she was responsible for. She would not have had to build them because she has not been in government, but has she lobbied for a single project? She claimed that she was going to fix Gngangara Road; it is already dualled and fixed. Are buses not public transport? Are they for the public? Are they used by older folk between 9.00 am and three o'clock?

Ellenbrook, the town that is 20 kilometres from everywhere, already has a phenomenal bus fleet. Soon residents will be able to catch a bus from the centre of Ellenbrook to Midland and the Midland Public

Hospital. They will be able to get to Bassendean, where there is a train link. They will be able to get to Morley as well. I have not embarrassed the minister yet but would it not make sense, when there is a bus station in the middle of Ellenbrook and Gnangara Road has been dualled, for people from Ellenbrook to catch a bus from Ellenbrook to Joondalup, if there is a need? That is public transport, is it not? That is heading east, and there is public transport heading north.

I think I have covered it all. This state has been served well by the Liberal–National government. We have not all been idle, sitting around in the sun getting a suntan. We have done project after project after project, particularly in the member for West Swan’s electorate. It is quite embarrassing. Her electorate is alongside my electorate. It is also alongside the member for Midland’s electorate. I sat as a councillor of the City of Swan when nothing was happening for Midland. I mentioned earlier the upgrade of Great Eastern Highway and the overpass. It was talked about. It was remarkable: talk, talk and more talk. There were meetings, discussion groups, more meetings and more discussion groups. The previous Labor government did nothing, because if it had done something in the past, firstly, it would not rely on us to do all its projects and, secondly, it would have something to talk about apart from the train to Mandurah.

The opposition is pulling out a hat-trick for the next election with its Metronet fantasy. The fact is that the potential next Labor government will be absolutely no different from the previous Labor government, which did absolutely nothing for the people of Western Australia.

MS J.M. FREEMAN (Mirrabooka) [5.23 pm]: It is well known that there is a need for rapid transport infrastructure in the north metropolitan area. When in 2011 Hon Troy Buswell, the then Minister for Transport, announced the Metro Area Express light rail, it was absolutely because rapid transport into the northern corridor was needed. When the Premier came out to Mirrabooka in 2013 and said, “You’ve got to buy up land around here because we’re going to deliver light rail into the area”, it was because there was an absolute and recognised need for rapid transport. The government has failed to deliver to the people of Mirrabooka and the northern corridor on that urgent need. RACWA, in its report “Keeping Western Australians on the move”, showed that 71 per cent of people in the north of Perth travel to work by car, while in the east of Perth the percentage is 81 per cent. Mirrabooka, Koondoola, Balga and Alexander Heights all lay along the north east corridor. That is why the government made the promise of light rail.

The SPEAKER: Sorry, can I just disturb you? There is going to be some chaos in my gallery because of the visitors here. If people who do not need to sit down here are able to go upstairs and watch from there, it would be a help; otherwise we are going to have an overfull gallery. Sorry, member for Mirrabooka.

Ms J.M. FREEMAN: It absolutely galls me when the Liberal Party candidate for Mirrabooka goes around with the slogan, “Working Hard for Mirrabooka”. Not once has she said, “I am really disappointed that this government, which promised rapid transport into Mirrabooka and promised residents that they would have their urgent transport needs addressed, has not done so.” Not once has she called the government out on that lie to the people of Mirrabooka. Not once has she turned around to the people of Mirrabooka and said, “You should be disappointed that this government came in with fanfare, buses and maps and told us that it was going to deliver to this area.” Not once has any government member apologised to those people, because the government knows that there is an urgent need in the northern corridor for rapid transport.

I started talking about this when I was first elected in 2008. I did a survey in the community and talked about how people were disadvantaged because they had to use their cars and got caught in traffic. Seven Perth roads will make the national congestion top 10, identified by Infrastructure Australia, by 2031, and Wanneroo Road is one of them. We know that that road is gridlocked in the mornings and afternoons. I raised the issue of Flinders Street with the Premier when we did not have a Minister for Transport, because this government never seems to be able to sort out who it wants to take the wheel and drive the needs of the community. The government has failed the people of the northern corridor; it has failed the people of Mirrabooka. It has not delivered on what it knows to be a need. When the government went to Infrastructure Australia looking for money for MAX, it said, “Buses won’t do it. We need light rail for the northern corridor.” The government has failed those people dismally and it costs people massively. There are reports that commuters travelling to work in the CBD spend anything up to \$10 000 annually. People in the northern suburbs are paying for the government’s failure to deliver and its failure to honour its promises to them. If the government’s candidate does not stand up and condemn the government for not delivering on that promise to the people of Mirrabooka, she cannot stand behind a slogan that says, “Working Hard for Mirrabooka”. She cannot do that, because the government has failed them. It came, it saw, it left and it never delivered.

MR W.R. MARMION (Nedlands — Minister for Transport) [5.28 pm]: I know we have other speakers, but I might as well make a contribution to defend the brilliant plan we have. The problem is that there is not enough time to outline how good it is, but we should start at the very beginning and talk about the Liberal–National government’s capital expenditure in its eight years in office in comparison with the time that the Labor Party was last in office. It will probably take up two minutes.

When we came into office in 2008, we immediately spent more than \$1 billion in 2008–09. A little bit of 2008 was under the Labor Party, but that was an increase of nearly \$700 000 on what the Labor Party spent in the previous year. I will sum up the expenditure from 2001 to 2007. It was \$0.36 billion, \$0.34 billion and \$0.52 billion. The financial year 2004–05 was high for Labor, at \$0.85 billion. It stayed there, at \$0.87 billion in 2005–06, and in 2006–07 it started to slip off again, to \$0.76 billion. Then in 2007–08 it was \$0.74 billion. We came into office and it went straight up to over \$1 billion. It dropped back to \$0.8 billion in 2009–10. It slipped a little down to \$0.6 billion in 2010–11, but then we ramped it up strongly in 2011–12.

Debate adjourned, pursuant to standing orders.

VALEDICTORY SPEECHES

Member for Dawesville

DR K.D. HAMES (Dawesville) [5.31 pm]: Thank you, Mr Speaker, and I thank members for their attendance in the chamber. I am going to read my speech, and I think this is one of the few times in 20 years that I have ever read a speech in this house, but I do not want to miss out anyone.

What to say after 20 years of Parliament? There are very many things to talk about and especially very many people to thank. But, first, I will relate a brief history of my life for the record, as I will never again have the opportunity, and it may help the staff of the future preparing my eulogy for this house! I was born in King Edward Memorial Hospital for Women on 24 March 1953, with my mother travelling to Perth from Derby on one of the old state ships for the delivery. My first five years were in the Kimberley, mostly in Derby, where my grandfather was a butcher, before coming to Perth. My father, in his late 20s had decided to study medicine, despite having completed only what is now called year 10. He had worked as a stockman with Main Roads, as a shot-firer's assistant on Cockatoo Island and as a butcher, and came to Perth with my mother, my sister and me, and with another sister due. Sadly, my younger sister died soon after, but two more brothers arrived. Times were tough when we were young, with my father a student for eight years, but with a very resourceful mother we did not want for much, although such delicacies as tripe, tongue, brains and lamb's fry were familiar dishes.

I went to Bassendean Primary School and then had brief stints at Victoria Park and Mandurah Primary Schools before finishing at Dianella Primary School, and then going to high school at Guildford Grammar School. I finished there in 1970, not knowing what I wanted to do next. A five-minute conversation with my father, at that time divorced and working as a doctor in Wagin, soon sorted that out. I had planned to study agriculture at the Muresk Institute, with the view of eventually buying a farm of my own. Dad said, "Why don't you do medicine? Then you can easily buy a farm." It sounded good to me, so that is what I did. Sadly, it has taken me until two years ago to finally buy the farm—still, better late than never.

All of my high school years were spent in Dianella, next door to a vertically challenged but very spunky blonde chick. There is a lot more to that story, but Stephanie and I married in 1977, just after I graduated in medicine. Four years later—I emphasise "four"; not less than one—we had our first child, the first of six. We are now lucky enough to also have six grandchildren. After graduating and working in hospitals and training in general practice, I took over my father's practice in Inglewood in 1981. In 1985, I became a councillor with the City of Bayswater, and in 1993 I was elected as the member for Dianella. That seat was abolished in 1997, but I was fortunate to be elected as the member for Yokine, and under Richard Court was made Minister for Housing; Water Resources; and Aboriginal Affairs. I lost the seat with the ending of the Court government in 2001. I worked doing Aboriginal heritage surveys and medicine for four years, before being re-elected in Dawesville in 2005. My eternal thanks go to Sally Plummer, who gave me the casting vote in a 16-all draw in the preselection.

I spent four years in opposition, and I was elected Deputy Leader of the Opposition in January 2008. As we all know, under Colin Barnett, 2008 was a great year for those on this side of the house, winning the election and forming government. Having an alliance with the Nationals rather than a coalition, I became one of the few Liberal Deputy Premiers in the state's history, serving in that role until February this year. In the last eight years I have been Minister for Health; Aboriginal Affairs; Tourism twice; and Training and Workforce Development. I am the longest serving health minister in the state's history, the longest serving Liberal Deputy Premier, and the fourth longest serving Deputy Premier, with Eric Ripper beating me for third by one month. Thanks, Colin!

I am often asked what the highlights of my career are. Such things are not easy, but there are a few. I still like to take credit for the first desalination plant in Western Australia, even though it was the Labor Party that built it. At least I got the proposal to cabinet submission stage when we lost the election in 2001. As we all know, success has many fathers. Ernie Bridge started the farm water grants scheme, which I continued and significantly expanded. Kevin Prince started the infill housing program in Lockridge, which I expanded to Balga and many other suburbs. The only initiative that was mine alone was the Aboriginal swimming pool program, and I am very proud of its continued success.

I think I fared a little better my second time around, and I am extremely proud of our hospital construction program, with new hospitals either built or under construction or about to start, such as Albany Health Campus, Busselton Health Campus, Fiona Stanley Hospital, Perth Children's Hospital, Midland Health Campus, Karratha Health Campus, Newman Hospital, Onslow Hospital and Warren Hospital. This government also has a commitment towards the Quadriplegic Centre. We have done major upgrades in Joondalup and Kalgoorlie and there is something like 30 or 40 other towns where we have made major changes. We made significant changes in health management, such as establishing the four-hour rule. I think that our country health system changes, in particular the royalties for regions-funded Southern Inland Health Initiative, have transformed the management of health in country Western Australia.

We passed the Medicines, Poisons and Therapeutic Goods Bill in 2013 after the act had been in operation for 62 years, and the Public Health Bill after the act had been in operation for 103 years. Yet the decisions in health that gave me the greatest satisfaction were the ones that few know about: in particular, being able to write off debts—sorry to former Treasurers who do not know about this!—for those in severe financial difficulty, such as an overseas woman with children who suddenly found herself with a huge maternity bill after her Australian partner left her. In particular, I was pleased to support Claire Murray and her family, initially so that she could have liver transplant surgery in Singapore, and later to reduce the debt burden on her family. There was extensive public criticism of that decision, and only those who know the details of her life story will understand the reason for that decision being the one at the top of my list. My only regret is that the outcome for the Murray family was so sad.

I must say something about tourism, as that was the portfolio that gave me the greatest enjoyment. The tourism industry and the people who work in it are amazing, and some, I am sure, will remain my friends for many years after my departure from this place. Hopefully, there are many who believe I was successful in my relatively short period in the role, but whether or not that is the case, it is certainly an industry I love. I also wish to recognise the fantastic work done by those involved in the management and development of Rottneest Island.

Now is the time for thankyou, and first and foremost is my family. Stephanie, my wife of almost forty years, has been my rock. The intensity of my life over those years as a general practitioner, a councillor and then a member of Parliament has at times been extreme. Throughout all that time, and at the same time raising six children with little help from me, Stephanie's support and love have been continuous. I could not have done it without her, and I will be forever grateful. I do not think I have ever said this before, Stephanie, but thank you.

Being the child of a politician, or of any person who has a job with a high public profile, is never easy, with high expectations and a lack of father time. I would like to thank my children—my daughter Tiffany and my granddaughter Elicia are in the gallery—and our extended family network for their love and continued support.

Throughout my time as a member of Parliament, my staff have been amazing, especially those who have been with me for most of my journey. Christian Allier in particular, who is also in the gallery, started as a patient in my surgery, but soon progressed to campaign manager when I contested the seat of Dianella, and worked for me for the majority of my career, including my four years out of Parliament.

He was soon joined by Maryanne, then Melinda Hayes and Ian Wight-Pickin—two of them are in the gallery. Our team became the foundation on which all else was based. My other electorate staff—Garry, Nicki, Ruth, Lyn Wight-Pickin and now Amanda, Gaynar and Ashley—have all worked long and hard with great dedication and loyalty. I thank you all.

As a minister, I have had many staff over the years, and none better than those recently when the atmosphere has been that of a close team of friends, all working to ensure we found the best way to support those in need of our help. Again, I thank you all. The support I have received from my ministerial departments over the years has been excellent, and I am greatly appreciative of all those involved. In particular, I mention Roger Payne, Jim Gill, Cedric Wyatt—Ben's dad—Hayden Lowe, Ruth Shean and Stephanie Buckland, as well as the various board chairs, especially Peter Prendiville, who gave oversight and direction.

I have kept Health WA separate as I want to particularly thank the health directors general with whom I spent most of my time as Minister for Health. They are Kim Snowball, Professor Bryant Stokes and recently David Russell-Weisz. For those who have not worked it out, health is a tough portfolio. Expectations are enormous and problems are never far away. We went through hard times and good times aplenty, and their support and encouragement was always a certainty. I will always think fondly of the directors general and their senior staff who I regard as friends, and I hope they will eventually recover from the experience of my never-ending pressure and midnight "thought bubbles". Good luck to all of you in the future.

I would like to especially thank my electorates who have supported me for 20 years in Parliament. To the electorate of Dawesville in particular, I give a huge thanks. Over the 12 years I have represented them, my support has steadily grown, moving from the second most marginal seat in the state to the margin now being over 12 per cent—even beating my neighbour David Templeman! My supporters have been incredible, with many becoming close personal friends, some of whom are here today. For example, our prawn fundraising function last Sunday had 330 friends and supporters and we cleared over \$25 000 for the campaign. To all of you, thank you once again, especially to the past and present presidents and members of the Dawesville and Halls Head branches.

I also want to recognise the media. I have great respect for the tough job that you do. I understand that it is your job to inform the people of Western Australia and it is inevitable that at times members of Parliament will not appreciate the way you have done so. However, I have always been treated by the media with great respect and friendship, and for that I am extremely grateful. I will never forget one of the media joining me in having tears in my eyes as I resigned the tourism portfolio in 2013. That is one reason that I now always refuse to do media interviews in the Japanese garden next to Dumas House—bad memories.

Last but not least, I want to thank the staff at Parliament. How you put up with us, I do not know—some for many years. We keep you up until unreasonable hours and we are always needing something, whether it be papers, assistance, advice, vanilla slices or cups of tea or coffee, and you are always there for us. For the last 20 years of making this house my second home, thank you.

Finally, I want to say thank you to my parliamentary colleagues on both sides of Parliament—most of you, anyway, with one exception. Thank you to our team for your friendship and support. Thank you for allowing me to be your deputy leader for so long. Thank you, Colin, in particular, for your excellent leadership and for giving me such great opportunities and the freedom to pursue those matters about which I have been passionate. Thanks to you, Roger, for your role as shadow minister, which I think you have performed exceptionally well. How do we judge our performance as politicians? Is it by how many people recognise us and say hello in the street? Is it the balance between the good mail and abusive mail? If you are a minister, you will get some of that. Is it the vote in your electorate and the relationships you form with your constituents—or is it the volume of invective from the opposition? Certainly, it is not the latter, as it seems you are “the worst minister in the history of the state” while you are there, then the new minister takes on that role when you go. To your own side, you are the “best minister ever” while you are there and then “Kim who?” when you leave.

After 20 years in Parliament, there are many things I have tried, some my own initiative and many from others. One thing is sure: we share the credit when it works and are given the blame when it fails. I see members from both sides of this Parliament doing their absolute best to support their constituents. Sadly, seldom does the public get to see and appreciate the huge dedication in time and effort that the vast majority of members in this Parliament make to their constituents.

But do you know what? It does not really matter. The great satisfaction you get as a member of Parliament is to do those things—to see your constituents’ lives improved and even saved by the efforts of yourselves or your staff. There are not too many people who leave this place voluntarily unless they are long-serving members like me. We certainly do not stay for the pay or the working hours, as most of us could do better outside this place. But we still do it, and we still want to do it because we love it. When I came to this place, I changed from being in one of the highest regarded professions to one of the lowest—going from a doctor to a politician. Why is it that the public have such a low regard for members of Parliament? I think it must be in our genes as, even for me, my part-Irish background demands that I have a negative overall reaction to politicians. The great news for us all is that those who actually know us do not think that way. We are okay; it is just all the rest of you that are bastards! Despite the negative view of politicians, we are always in great demand to attend functions, open events, or meet constituents and we are always treated with great respect when we attend.

I think back over my 20 years of Parliament and remember the good times such as watching Brendon announce the alliance of the Nationals with the Liberals in 2008 when we knew that you were going to Labor and the absolute gut-wrenching devastation of losing my seat in the 2001 election. Knowing all that, would I then choose another course for my life? No way. I would do it all again in an instant, even if the events of those years were unchanged. There are certainly things that I would do differently—mistakes I would seek to avoid and issues I wish I had pursued harder. But in the end, we are all human, and can only do the best we see at the time. To my fellow members who are leaving and about to speak, congratulations on your careers. I hope that you enjoy retirement as much I intend to. To those who stay, enjoy the time you have left, as you never know when or how it may end. Make the most of every opportunity, but above all, do what is right for you, your family and your constituents. To Zak Kirkup, the Liberal candidate for Dawesville—good luck. I am very confident that you will make a great member of Parliament.

I now have the opportunity to make a parting statement that partly refers to shadow Minister Roger Cook. Apologies to God and the creators of Psalm 23 —

Yea though I walk through the valley of the Shadow of Roger,
I shall fear no evil,
For Colin art with me,
My friends doth comfort me.
Surely their love will follow me all the days of my life,
And I will dwell in the house of the Assembly forever.

Well, not quite forever because it is now time to go. Thank you all for your attention. It’s goodbye from me, and it’s goodbye from him.

[Applause.]

Member for Bunbury

MR G.M. CASTRILLI (Bunbury) [5.48 pm]: The time has come, the walrus said, when all good things come to an end—somebody said that somewhere along the way. Mr Speaker, may I say that on reflection, 12 years has come around very, very quickly. It has been an experience of my life that I will never regret. I have met some wonderful people around the state of Western Australia and in other states of Australia, and many from overseas. It has been a humbling experience. It has been character-building and it has been my absolute privilege to be the member representing the fantastic City of Bunbury. In one role or another, I have been in public life in Bunbury for 26 continuous years. That has all been made possible by the continued support and faith that the wonderful people of Bunbury have had in me. I wish to publicly thank the people of the Bunbury electorate for the honour that they have afforded me in allowing me to represent them. I will never forget their kindness and I will never forget their encouragement and the support they have afforded to me and my family.

To my dear wife, Loretta, who—here we go!—from the day we were married has always been by my side attending functions, meetings, electioneering, taking complaints and suggestions whether she liked it or not, and hopefully most suggestions were nice. Loretta supported me through thick and thin, and when I was not able to attend functions she would represent me. Bunbury, I think, is fortunate because it got two for the price of one. Loretta is my best asset and best vote winner. She is a true people's person and I owe her everything. My daughters Lisa and Deanna grew up with me always being on the move and often away from home. At times I wondered what impact it would have on them with me being away so often, but they have totally supported me and Loretta in our roles, and I want to thank them sincerely. I have a great son-in-law, Joe, and three beautiful grandchildren, Rose, Dominique and Alexia, whom I look forward to being able to spend more time with soon. My parents, Antonio and Michelina, have supported me all the way. My father is my greatest supplier of political wisdom. My mother cooked and cleaned et cetera all along the way for all the functions, and, at the age of 87, still to this very day cooks for the entire extended family get-together every week and keeps our family unit strong. I cannot describe or put into words the appreciation that I have for them both. The support from my sister, Teresa, and brother-in-law, Geoff, my brother, Frank, and sister-in-law, Debbie, and their families over 26 years has been enormous and I cannot thank them enough. My parents, brother and sister and their families have played an enormous part in my overall success, including babysitting for Loretta and me when we had to go to functions, assisting with all the functions and fundraising events and setting up booths—you name it. Family support has never been in question.

I want to pay a special tribute to my staff—Leanne Maher, Yasmine Pearce and Taryn Barrett. They are the face of me and my office. A huge part of my electoral success is due to my fantastic team. They shield me from pain, they bring me back to reality, they re-energise me and they get me back on track. They have put their heart and soul into their work. They know their community and have often worked on weekends outside normal office hours. Bunbury has been very fortunate to have such caring people who have never been able to take no for an answer in their quest to assist people. I have to say that they have made me look good and they are the real champions of Bunbury. I want to make one special mention of Leanne Maher. We have worked together for 20 years. I owe Leanne big time and it is a debt that I will never be able to repay. Leanne has been my conscience, and, together with Loretta, has been my rock and salvation. Loretta, Leanne and my daughter Deanna are in the gallery tonight along with some of my special friends.

I want to thank the Premier of this state, Hon Colin Barnett, for giving me the privilege and honour of being a minister. It is something that I will always treasure and be thankful for. I have met some wonderful people and gained an enormous amount of experience and satisfaction in that role. To all my parliamentary colleagues in this chamber and staff of this Parliament, I thank you for your friendship and support over the 12 years. The work we do for the betterment of Western Australia is something that I certainly value and appreciate. To my lifelong friend and former chief of staff Gary Brennan, I offer my thanks and appreciation for his support and valued expertise and guidance over many years. He has also been my campaign manager and supported me in all my public life. To members of the campaign committee over the years, I give my heartfelt thanks and appreciation for your wonderful work and support. To the Bunbury branch of the Liberal Party, in particular Findlay and Glenys Osborn who are tireless workers, I also say thanks, and to the many dedicated members and supporters who have helped me over the election days during my 12 years, a really big thank you.

While considering my parting comments, I revisited my inaugural speech back in 2005, as I suppose some of us do on occasions such as this. I reflected on the great statesmen and women of Western Australia who had the respect of the Parliament and the respect of the citizens, while retaining their dignity and getting on with the job. It is about not mistaking civility for weakness. Perhaps I was somewhat naive in 2005, but I remain proud that I have held onto the value of respect. Many times I have talked about the Choose Respect initiative that I introduced into Bunbury back in 2008. Cultural change is hard work. It is long term and it is difficult to measure any short-term success, but I strongly believe that a community as a whole has the responsibility to work towards building resilience in our young people, to teach respect, including self-respect, from an early age, and for us all to be considerate of others. Without respect, no matter how many laws we make in this place and

how many services that we, as a government, put in place, they can be only bandaid solutions that will always need to be increased. It disturbs me that members of Parliament are often portrayed as rude or having childlike tantrums, and I ask: what message is that that we, as role models, are sending to our community?

In my inaugural speech, I also acknowledged the political differences that exist in this chamber, but I also focused on the importance that we all have much in common and the common goal is to achieve better outcomes for Western Australia. I spoke of my preference to get things done through building partnerships and working with people to achieve great outcomes. There have certainly been times over the past 12 years when I have been frustrated with process-driven issues. However, I believe that I have stayed true to my beliefs and, on the whole, the great outcomes that I have been able to achieve for Bunbury and Western Australia have mostly been possible through teamwork.

One example of a strong partnership saw the establishment of Treendale Gardens, a fantastic home and respite centre for young people with degenerative neurological diseases or acquired brain injuries. Prior to Treendale Gardens, there were no facilities outside the metropolitan area and our young people were either placed in aged care or forced to be away from their families. At the time, our efforts hit one brick wall after the other, but we did not give up. After forming a partnership with the Multiple Sclerosis Society of WA, we were finally successful in opening this home in 2012 that has now changed the lives of so many people. It remains one of my proudest and most emotional moments. I want to thank chief executive officer, Marcus Stafford, and the MSWA for coming along on this incredible journey.

There have been many great moments. Bunbury has seen huge improvements in its health services in particular. In 2005, when I was first elected, our region had no adolescent mental health offices. Counsellors were actually treating young people in their cars. Carers and consumer support groups were using my office for their meetings. Although I accept that there is much to be done, Bunbury now has some of the best facilities and clinicians for mental health. Our hospital has had huge upgrades and is now delivering many specialised treatments that were previously available in only Perth. So much is often said about the big picture projects, but by far the most challenging and most rewarding aspect of being a member comes from the individuals who come to you for help. I am sure that everyone in this chamber has experienced stories of unimaginable hardship and courage that some of our constituents have revealed. Over the years, I have been humbled by literally thousands of people who have entrusted me with their story. I take great pride in the efforts that my office has made to give these individuals or families hope to empower them or to simply break down walls that they had found impenetrable and to find a way forward. I believe that the true privilege of the role we all have is that we are in a position to make a life better.

Our Bunbury community, I believe, is special. Although we are a rapidly growing city, we have never lost our country soul. We have not developed that atmosphere that I so often see in other cities of heads down, always rushing, too afraid or too busy to engage. No matter where you go for a walk in Bunbury, it is most likely that someone will make eye contact with you, offer you a smile and say hello, whether you know them or not. We still know who our neighbours are. We still keep an eye out for each other and although I am very proud of all the great infrastructure improvements that we have achieved over the past decade, all the best buildings in the world will never replace that caring spirit that nurtures a community. My biggest thank you of all is to the people of Bunbury.

After 26 years of public commitment, Loretta and I will be taking a bit of time to travel to catch up with some of our overseas family. However, working for Bunbury in our community will always be part of our life, and I look forward to seeing the many projects I have worked on so hard over the past decade come to fruition and I will continue to watch our beautiful city bloom.

I take this opportunity to wish everybody in this chamber and all of us who are retiring all the best for their future endeavours. We are here and I think our main thing is to look after our people, to listen to our people and to help them solve their problems because, as we all know, when people come through our offices, sometimes we are the last port of call and they rely on us to solve their issues. They dump on our shoulders and say, "Please fix my life." I think that is one of the great privileges we have. Thank you.

[Applause.]

Member for Wagin

MR T.K. WALDRON (Wagin) [6.01 pm]: When I was approached to stand in 2000, I met a friend of mine, a guy called Ian Taylor, for some advice. Many of you will know Ian; he was a former Labor leader, Deputy Premier of the state, and, for many years, a minister. We worked together in the seventies. Ian gave me great encouragement and I will never forget what he said to me. He said, "Tuck, whether you are in it for 20 years, are Premier for 10 or last one term, it won't matter; it will be the greatest experience of your life." Taylor, man, you were dead right. He was dead right. What a privilege and great honour it has been for me. I have had a wonderful 16 years in this place. I have had a ball and I have enjoyed every minute of it. But, wow, how much have I learnt since I have been here. I have learnt heaps. I do not know whether you remember your first day in this place, but I was fair dinkum scared.

I always remember the first day I put my head down for prayers just next to the member for Eyre over there. I looked up and saw Geoff Gallop, Jim McGinty, Colin Barnett and Hendy Cowan and thought, “Tuck Waldron, what the hell are you doing here?” I thought to myself, “You’ve done it this time; you’ve just gone too far.” I felt like ducking out that back door and going back to Jingalup. Do you know what? I remember watching Geoff Gallop make a speech—a terrific man—but he made a few blues. I thought: hey, if he can do it, I can do it. We are all just people and I have made plenty of blues in here. You get on with it and you learn as you go. I love this game because it is all about people. In Western Australia we have fantastic people. When you move around your electorate, the best part is working with people.

I want to tell you a story about how I met a certain person about eight months in. You meet all types. My Nationals have heard this, I am sorry. I went to a garage, filled up my car with petrol and walked in to pay the bill. As I walked in there was a lady going off about politicians to the guy behind the counter. She was saying, “Blooming politicians; they’re all lying, cheating, thieving, stealing so-and-sos. They’re all underworked and overpaid; they go on junket trips; they lie and they cheat.” She was ripping into it. I could see the bloke behind the counter, who I knew really well and who knew I was a local member, was uneasy, so I tapped the lady on the shoulder and quietly said, “Excuse me, I should introduce myself; my name is Tuck Waldron; I’m actually your local member of state Parliament.” With this the lady got really embarrassed and started to apologise and said, “Oh, I didn’t really mean what I was saying.” She was trying to apologise and I said, “No; don’t worry; you were making your point. You are right; we do need to lift our game a bit.” We had a good chat. Then she went to leave. She did not know that I had been in real estate for some 16 years. As she walked out the door, she turned to me and said, “Anyway mate, it could have been worse, you know; you could’ve been one of those lying, cheating, stealing, thieving real estate mongrels.” I looked at her and said, “I was for 16 years.” The woman looked at me and shook her head and said, “There’s no bloody hope for you is there, mate?” I still see that lady and we joke about it and I tell her that I tell the story and she is scared that I would name her, but I never will. She is one of the thousands of people you meet.

What I love about my area is that it is an important part of the state. It is heavily agricultural and farming but with mining, tourism and a little bit of fishing. There are lots of industries; it is productive and it is a great place to live. Once again, it is about the people. What inspires me is the way people in our small communities make things happen. I love that. They get off their behinds and drive you as the local member to make things occur. Over my years that is what has inspired me to keep doing what I have done because they inspire me and I have been very proud to represent that region. I often say when I speak at an opening or if someone has been given a grant, that governments can give money but governments do not really make things happen; it is the locals that make it happen; they drive us and force us to do what is right.

I see a great future for my region—a fantastic future. I have never seen agriculture in a better position. The opportunities for agriculture going forward are huge. When you see the Twiggy Forrests, the Gina Rineharts, and the Walshes of this world down there, it is fantastic, so I think the future for my region is good.

I want to touch on royalties for regions because it is one of the best things that has happened in country WA. I got involved in Parliament to try to lessen the inequities between the country and the city and I think royalties for regions has done that to a great extent. I am lucky, like many of you, as we get to go around the state and around my region and see the difference royalties for regions has made to communities and the confidence it has instilled in people. They are very proud of their communities. It has reshaped country WA and long may it continue.

I want to mention a couple of important things in my community. The importance of sport is one and I am biased when it comes to sport, as you all know. I really believe that and I will talk a bit more about it in a minute. I am very concerned about road safety in my region. All too often I see people who have been affected by road death, trauma or injury. It lasts forever. We need to improve it and it is something I hope to get involved in when I leave this place. In my inaugural speech I suggested that we should get rid of handing out how-to-vote cards. They have always annoyed me. I do not like handing out how-to-vote cards and all the stuff that goes with it. I reckon we should put them on signs outside and in the booths. People know what they are doing; let them go for it. Anyway, that probably will not change.

I was very fortunate and very honoured to serve as a minister for six and a quarter years. Premier, thank you very much for the opportunity and the faith you showed in me. To the Leader of the Nats, Brendon, thank you, mate, for the great confidence, support and encouragement. Thank you to the former leader, my mate, the member for Warren–Blackwood, Terry, for continuing to support me. I also thank my ministerial colleagues for their great support while I was doing that ministerial job. Again, I learnt so much in that position. I thoroughly enjoyed the role and I am very proud of what we achieved. People talk about the stadium. I am very proud of the stadium. We got a bit of criticism early because we took a long time investigating the stadium and planning it, but I think that was time well spent. I think the result will be great. I am just as proud of all the other state sporting facilities in the city. We did a lot and I appreciate the support I got to do that. We can host Commonwealth Games here and world championships. We can host major world events in this city and I am very proud of that. Probably

most of all, on the little facilities we had built around the country, I want to tell you the story about Pingrup, a little place east of Nyabing, which is east of Katanning. There is not much at Pingrup. They had two netball courts, which you would not even park your car on, they were that bad. The young mums at Pingrup wanted to redo them so that their kids could play tennis, netball and basketball. Some of the older people in the area were not really keen on it. “We haven’t got enough kids; it’s a waste of ratepayers’ money.” These women got on to me, and, as women so often do, drove the idea and I thought: why should the kids of Pingrup not be able to play netball and basketball? We got with the shire and got funding through the department. A few months ago I was coming back late from Jerramungup and I saw the lights, so I went up and there were about 80 adults and 40 kids enjoying that facility. Those facilities are very important for Pingrup as they are for everywhere else. I am also very proud of the programs we developed and I want to mention KidSport, which I think has been a very successful program. It is all about giving kids from lower socioeconomic areas a chance to participate in clubs and sport, and I think that will benefit those kids, their families, and the community.

When the Premier told me I was minister for liquor licensing, I must admit I was a bit scared for a while. I thought, “Blooming hell—liquor!” One of my mates rang me up and said, “You got liquor, Tuck. At least you’re damn well qualified!” I am very proud of the two tranches of liquor reforms that we put through. I think we have made some really good changes. There is more to do. I am proud of the liquor review that we did. That is a good document going forward. I love the work that we did with liquor in Aboriginal communities in the north that were not licensed. At the request of those communities, I went there and we were able to make those communities alcohol free under law—under section 175 of the Liquor Licensing Act. I think we did that for about 17 or 18 communities in my time, and probably 13 of them have gone really well. I hope that continues.

I am also proud of the establishment of the racing infrastructure fund and the focus on safety. We had a big focus on safety in the racing industry, and that was really, really important. I have to keep watching the clock! Once again, it is all about people.

I want to touch again on the importance of sport. When I was young, I happened to overhear someone say, “The problem with young Tuck is he will never get anywhere because he’s too focused on sport.” They were probably right. I was focused on sport. But I knew that I had to do other things for my family—I had to study and do all those other things. However, do you know what? Sport has been very good to me. The longer I have lived and been involved at every level of sport, the more I am convinced of the huge value of sport, particularly team sports and people working together. It is not just sport. It can be arts and culture, community groups or service clubs. Working in teams is the way to go. I thank, once again, the Department of the Premier and Cabinet for the support that I got for those programs.

I quickly want to talk about parliamentary committees. During my term in Parliament I was on the Standing Committee on Delegated Legislation, the Education and Health Committee and the Economics and Industry Committee. Committee work is very important. It increases our knowledge as parliamentarians. However, the best thing is that it brings members of Parliament from both sides together. We get to work together and understand each other and have respect for each other. That is really, really important.

I want to mention a couple of parliamentary memories that I have from over the years. When I was first in this place, I used to promote Jinalup. Jinalup is the little town that I come from. There is not much at Jinalup except the school, the tennis club and the golf course, and three houses. I love Jinalup. In my early speeches, I always talked about the mighty purple and gold. One day, I made a speech about drought, I think it was, and I talked about Jinalup, and at the end of my speech I got a note from the then Attorney General and Minister for Health, Jim McGinty, which said, “Tuck, can I meet you out the back; I need to talk to you?” I was a bit worried—why would Jim McGinty want to talk to me? I met Jim out the back, and Jim said, “I just want to say, Tuck, that was a really good speech”, and I thought “That’s pretty good! Thanks, Jim. That’s really nice.” He then said, “But I’ve got a question. Where the bloody hell is Jinalup?” Jinalup is 20 kilometres south west of Kojonup, and it is the social centre of the south west—do not worry about that!

I want to let members know that when they see the Dockers run out, the Dockers’ purple comes from Jinalup. I have said that the colours of Jinalup are purple and gold. When I was on the West Australian Football Commission and the Dockers football team was being put together, Grant Dorrington was in charge of working out what the colours would be. They had consultants, they had kids writing in and they had focus groups; it was going on and on and all this money was being spent. I said, “Dorro, this is bulldust, mate. Give them purple and gold—“Mighty Jinalup”. Just go for it!” It became a joke. On it went, but I kept at it. At the big night at the Fremantle passenger terminal when the Dockers were launched, with 900 people and the smoke and all the rest of it, out came the jumpers, and I saw the purple and thought, “Bloody hell! He’s done it!” Grant did apologise later that he could not get the gold in there. So, when members see the Dockers out there, remember that.

Another thing I want to touch on is that I will always remember when I first came into this place, we were over on that side, in opposition. The backbench of the Labor Party at that time called themselves the halfback line. I remember that it had on it the late Paul Andrews; John Bowler; the member for Albany; and the member for Mindarie. Is John Quigley still the member for Mindarie? It is Butler, sorry; I am showing my age. There was

also Martin Whitely. I thought the member for Collie–Preston was in it, but Peter told me he was not; I am sure he was. They used to give us a hard time. A lot of stuff went backwards and forwards. I gave a speech about the opening of the Popanyinning toilets and how important they were. Those boys gave me a terrible time about the Popanyinning toilets. Every time I spoke, they would say, “Are you opening any more toilets, member for Wagin?” and all that sort of stuff. The late Paul Andrews grabbed me one day, and he said, “Tuck, I want to speak to you. I was taking my wife and kids to Albany, and we decided to go through York. While we were on our way down from York, all of a sudden my young fellow got really crook. We were in a bit of a diabolical, and I looked up and I saw Popanyinning, and I thought, Tuck’s toilets!” He said, “They saved the day, and we will never give you”—I will not say that word—“a problem about Tuck’s toilets again.”

I remember that the late Phil Pandal over there used to explain big words to me that I could not understand, like “fishwife”. I am still not quite sure what that means! I also want to mention Eric Ripper, because at one stage in this Parliament, early on, I was the only National here. I got caught in a situation and I did not have a clue about what was going on, and Eric Ripper gave me a little warning. I am forever grateful for that. I come now to Arthur Marshall. I do not think he is in the best of health at the moment, but when I was first in this place, he always encouraged me to speak on sport. I also need to mention the late Bill McNee. Who remembers Billy McNee’s fire and brimstone speeches? We would all be out in the courtyard, and someone would say “Billy’s up”, and this place would fill and Billy would let loose. I did not agree with much of what Bill said, but it was entertaining anyway.

Now for my thank-yous. I had better get rolling. I want to thank all the members I have served with in this place, on both sides, from all parties. I have made great friendships, which I will cherish forever. Can I say to all members here—enjoy what you do, respect the history and importance of this place, and never underestimate the great privilege and honour it is to serve in this place. Also, never underestimate the value of what you do and the value of how you can help many people in their lives. It does not matter what party we are from; we all do that at stages in our career.

I wish everyone in this place the best in the coming election, and say good luck to Kim, Wendy and John, my fellow retirees.

I want to thank all the parliamentary staff. I cannot go through them all. They do a great job and I have so many friends here. I, too, want to thank the media. I always got on well with the media. I do not always agree with them, and they probably do not always agree with me, but we both have our roles to play.

I thank my ministerial staff—Steve Manchee, my first chief of staff, and Michael Cutler; who I think is here tonight. Michael was sensational for me. We are great mates. He is a very talented young man. He gave me very good advice and I will be forever grateful to you, Cuts. I thank Nick Sloan and Jon Nicholls, my advisers. They are great blokes. I always try to enjoy what I do. We had a lot of fun. Those guys worked very hard and they were very loyal and knowledgeable. I would have been no good without them. I also thank Paul Jarvis, Simone Knox and Peter Rule, who are my media people. Jarvo was there for the longest time. Thanks, mate; we had a lot of fun. I also thank Sue Lothian, who was the executive officer in my office. Sue used to work for John Kobelke. John Kobelke said to me that Sue runs a pretty tight ship but she will never let me get into trouble, and he was dead right. Thanks, Sue. I thank all the girls—Karin Stacey, Terrie Perrit, Narelle Jones, Misty Milne and Meredith Graham, and Donna Kennedy, who was involved in the liquor review. I feel that I have missed someone; if I have, I am sorry. Thank you, guys. It was a great time in my life.

I thank Ron Alexander and the staff from the Department of Sport and Recreation, and Barry Sargeant and the staff from the Department of Racing, Gaming and Liquor in my ministerial days, and everyone from across the industry. I had a great relationship with Ron and with Barry. They are very different people, but I found them great to work with and I will be forever grateful.

To my electorate office staff, we all know how important they are. Tonight I have here Linda Nottle and Di Dohle, who have been long-serving staff members for me. To you, Linda and Di, you are sensational. You have been brilliant for me, particularly when I was a minister. I was a minister in a country electorate, so those girls were pretty much the member for Wagin a lot of the time. They did a great job. Thank you very much.

I also thank Jill Sounness, Lisa Goldsmith and Rosemary Archer. Jill whipped me into shape when I started out as a young polly and probably did not know what I was doing. Thank you, Jill; I appreciate that. Thanks also to Samantha Scott, Jackie Ball and Tori Castledine, who helped me with media, and Dorrie Kerrigan and Janet Sieber, who helped out from time to time.

I want to thank the National Party—Dexter Davies, Jamie Kronberg and Helen Day when I first here; Mary and Stuart Graham; Bob and Chris Wiese; Doug and Jenny Fowler; Alan and Rita Marshall; Ian Robinson and his wife, Debbie; and Vin Dawes and the Young Nats. Thank you very much for everything. Our Young Nats are fantastic.

I also thank my parliamentary team. I served under four leaders. Hendy Cowan was a fantastic fellow, an icon of Western Australian politics. Max Trenorden is a terrific bloke. I hope to catch up with Max in the near future. Brendon Grylls is an outstanding leader and an outstanding Western Australian. I have learnt very much from

Brendon. You have done a great job, mate. I also thank Terry Redman. I was very lucky to have Terry and Brendon as leaders. They are fantastic leaders and fantastic guys. To Mia, that little kid at Rottneest who was mates with my daughter. It was great to turn to Mia one day on the front bench and say, “Here we are, Mia, sitting on the front bench”.

I am running out of time and I want to get to my family. To my late mum and dad, thanks for your love and for giving me every opportunity in life. Thanks to Delphine and Rosemary, my sisters, who are here tonight. Thanks very much for your great support, great advice and great love. To Peter and Brenton, my brothers-in-law. Pete’s not too well at the moment but he rang me today. Get well, Pete. To Brenton, thanks, mate. Brenton and I played footy together at Claremont just after the war, and he is a great brother-in-law. I thank him for everything he has done for me.

I have only one of my beautiful daughters here tonight—Kelly, who is my second daughter, sitting in the back row there. I have Jemma in Sydney, Kelly here tonight, Bonnie who is on Barrow Island at the moment, and Jessica who is working in a restaurant in Subi trying to make a quid! When I speak, I always say that I have four daughters, and that is why I am bald, broke but very, very happy! I realise the effect that being a politician can have on your kids; they have been great support to their dad, and I know they have made many, many sacrifices. I now have grandkids that I did not have when I started. I have Ali, Ben, Tyson and Seanna. They are wonderful! One of the reasons I am leaving is because I want to have time with them.

To my beautiful wife, Noelene, “Noelsie”, I said when I stood down as a minister—she still has not watched that either, by the way—that Noelsie is a little ripper, and she is a little ripper. She has been an unbelievable support to me and given me so much love. Thank you, darling. I know the sacrifices that Noelene has made, but the thing I love about Noelsie is that she has always given me the opportunity to do my own thing. When I have wanted to have a go at something new, she has said, “If you want to do it, have a go”, and I tell you what, mate, I am looking forward to that caravan! We will have a ripping time then.

During my maiden speech I saw the Premier, who was not the Premier then, pass a note to Hendy Cowan. Hendy later passed me the note. The Premier and I played football together at Claremont, and the note said, “Hendy, ask that little fat bald-headed bloke if he ever damn well handballed”. Every time the Premier and I opened something new when I was minister, he would always have a go about me not handballing. I have to admit that I did like to kick a goal! But, Premier, I want to prove something to you. Here.

[Applause.]

Mr T.K. WALDRON: As you can see, I did not handball often because I just about killed Mia!

Mr R.H. Cook: That’s why he never handballed.

Mr T.K. WALDRON: I did handball at training a bit.

I will finish by saying thank you to my electorate and the constituents in it—fantastic. Thank you for the great opportunity I have been given.

Members, good luck to you all, and I just wish you all the best at the election. It has been a blast, and after Wendy’s speech it is time for a beer. Thanks.

[Applause.]

Member for Kalgoorlie

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [6.22 pm]: Thank you, Mr Speaker, for the opportunity to officially close this most exciting and rewarding chapter of my life. After nearly 14 years in the political arena, it is time to leave the ring and pursue my passion for regional Australia through other avenues.

My path to Parliament has taken some unexpected turns. In 2004, I was asked by someone I hardly knew, Eric Charlton, to take on the job of state president of the Nationals at the time when it was virtually insolvent. Why I said yes, I really do not understand to this day. It was decided that the only way to get our little party back onto its feet was to close the office, terminate the lease and take the administration back to our home in Esperance. There, with an ancient fax machine, a dodgy phone and mobile phone reception that only worked if I stood on a stack of brick pavers outside the farmhouse—thank goodness we never got round to laying those brick pavers!—I took on the arduous task of bringing our party back to relevance.

The one vote, one value legislation of 2005 gave us another serious knock, prompting one journalist to predict that the next election would see the party reduced to one seat. One mantra of my life and leadership has been that out of adversity there is always opportunity. What was the opportunity of the drastic reduction of regional seats we were about to witness? The opportunity was to campaign for the balance of power. With no money, our campaign for the 2008 election was long and based on individual effort. One particular campaign trip sticks in my memory. I drove from Esperance to Broome with my then 17-year-old daughter and her friend in their little Nissan Pulsar to start their gap year living and working in Broome. Not happy with them driving by themselves,

I said I would go with them as long as we stopped at every local government on the way and talked about the Nationals and the balance of power. Strangely, the girls agreed! Elise is here in the chamber tonight.

So, in Kalgoorlie–Boulder I first met Ron Yuryevich and his councillors. He has often recounted that he wished me good luck, and I retorted, “There’s no such thing as luck. Luck is having a plan and seizing opportunity.” Leonora shire president Jeff Carter told me later that after I had given my pitch to his councillors and left, they rolled around laughing.

Wiluna was the best. With two gorgeous girls, we were pretty popular in the Paradise Hotel. While the girls fended off the mine workers, I was approached by a gappy toothed fellow with sun-hardened skin and dirt under his nails. He told me how he had lived in Sydney and worked in Newcastle, “But nothing beats living in Wiluna”, where he drove a grader for the shire. He said, “I’ve got a good job, people appreciate what I do and they thank me for it. I’ve got everything I need, except a good woman. Would you marry me, love?” I often recount this story and describe my suitor as a precious Australian. He loves where he lives, he is doing essential work for our nation, and he needs to be respected and valued. This is one of the lessons we should learn from the recent United States presidential election.

People ask me how I ended up in Parliament. I became a member for Agricultural Region specifically to head off a brawl between the old and new leaders of the Nationals, who after the redistribution both laid claim to the same seat, Central Wheatbelt. I was so proud that while the one vote, one value redistribution was tearing other political parties apart, we had a smooth transition. Murray Criddle retired, and I moved into ag region to babysit the seat for Max Trenorden at the next election so that the new boy could have Central Wheatbelt to himself. It was very clear that if the Nationals were to survive, we had to be more than just a farmers party and be willing to take risks to win new seats. With that in mind, I decided to lead by example as state president and run for Mining and Pastoral Region in 2008, which, much to my surprise, we won with 1.5 quotas. So I went from being the first female president of the Nationals to being the first female leader of the National Party in the Legislative Council.

If one suicide mission was not enough, I then agreed to stand for the seat of Kalgoorlie to support our push to win Legislative Assembly seats in the Mining and Pastoral Region. Some might call it luck that I survived in three different seats in Parliament, but I put it down to having a plan and seizing opportunity.

It was also not luck that as a member of Parliament I could do what many could not—and that is keep my promises. My key role in the development of the royalties for regions policy and its transition to becoming a key determinant of the Liberal–National alliance is something of which I will always be very proud. It enabled us to at last deliver on some of the things that had been long promised in regional areas. Much is said about the \$6.9 billion of expenditure over eight years into 3 700 projects that have gone a very long way to address the shameful neglect of infrastructure and services in regional WA over successive governments. In my mind, the most important outcome of royalties for regions is the changing mindset of regional people from despair, hopelessness and even apathy to a new optimism, a new will to fight and new courage to dare to dream. Instead of fighting tooth and nail for basic services like health and education, we can now look to the future, innovate and try new things.

However, the expenditure of royalties for regions still needs some tweaking. On 18 June 2008, in my response to the budget in the other house, and in opposition at the time, I observed that to deliver services to the regions in a more equitable manner and more efficiently, we should follow the principle of subsidiarity. That means responsibility of service delivery should be as close as possible to the point of delivery. I do not think we are doing subsidiarity very well. This is particularly apparent in the decision-making and delivery of services around health, mental health, suicide, family services and juvenile justice. In remote places like Laverton, Leonora and especially the Ngaanyatjarra Lands, the use of fly in, fly out and drive in, drive out services has resulted in huge cost with little result and considerable waste. It is time to start delivering these services through people who are resident in these communities, even if they do not have the necessary degree or piece of paper, and then support them through training, professional development and mentoring. In Kalgoorlie–Boulder we have seen fully functioning, locally driven and managed organisations lose their contracts to big, bureaucratic, national non-government organisations that know how to write a good tender, but do not know how to deliver in a way that takes in the idiosyncrasies and unique issues of the delivery point.

This is a message that was delivered loud and clear by Aboriginal elder Kado Muir and the people of Leonora in response to a spate of suicides last year. Kado called for boots on the ground. He spoke of people in the community who had been put through a plethora of training courses but whose skills were not being used to help the community deal with the crisis and heal. The issue of subsidiarity was a key focus of the review of the Regional Development Commissions, which I chaired while I was a member of the other place and parliamentary secretary to the Minister for Regional Development. The report, “Review of Functions and Responsibilities of Regional Development Commissions”, contains references to achievements all over the world in delivering services remote from the centre of government, and there are many lessons to learn.

In my inaugural speech in the other house on 26 February 2008, I called for exploration incentives for mining companies. That became Nationals policy and the Exploration Incentive Scheme, delivered through royalties for regions, has brought huge benefits to the state, not only through expanded exploration and new discoveries, but also through the complete geophysical and aerial mapping of the state, as well as the development of world-leading online tenement management technology and pre-competitive data sharing. Analysis of the scheme by ACIL Allen Consulting has indicated a return of \$10 for every state dollar invested under the scheme, or up to \$24 if we count the economic impact of the discovery and commercialisation of new mines. I have enjoyed being a voice for the mining industry in Parliament, especially in the leadership role I took in successfully campaigning against any increase in the gold royalty, and helping prospectors and leaseholders get their concerns to government about amendments to the Mining Act, and anomalous increases in local government rates on mining leases.

Among the many other things, two matters stand out. The first was calling for and supporting an inquiry into the sandalwood industry, which resulted in amended legislation, a strong focus on illegal harvesting and a new harvesting contract system. The second was conducting an inquiry into the pastoral industry in the southern rangelands and the subsequent rangelands reform program. The latter was a more disappointing outcome; I believe that the opportunity to more productively use our rangelands has been squandered and that there is much to be gained from diversification and, in particular, capturing carbon credits. My father, who is here tonight, championed this cause through the Jennings review in 1979 and I sorely wanted to finish his work. Sadly, I will have to leave that to others to achieve.

Members, I must tell you, though, that my proudest moment of all was to be elected member for Kalgoorlie in this place. Kalgoorlie is where I was born. My family are up to their fifth generation in the pastoral industry in the region and the red dirt, the great western woodlands, the feisty people and the ancient Aboriginal culture and language fill my soul.

I came to the role with a long to-do list, much of which I have achieved. These include upgrades to the Goldfields Arts Centre, Great Eastern Highway, Kalgoorlie–Boulder Community High School and Goldfields Rehabilitation Services Inc. It also includes new seniors' accommodation in Kalgoorlie–Boulder, the state-of-the-art Ray Finlayson Sporting Complex, and the buildings I am most proud of—the fabulous new accommodation blocks for the WA School of Mines, which were made possible only through \$20 million in royalties for regions funding.

It is wonderful to see funds go to arts, early childhood learning, healthy eating and support for government agencies in the Ngaanyatjarra lands. In Laverton I worked hard to see the store that had been closed for 18 months reopen, funding for a new hospital, and the upgrade of main street and community facilities. Leonora has enjoyed an upgrade of the bowling green and sporting facilities, a new multipurpose building for services coming to town and an upgraded wastewater and sewerage system. Menzies has been spruced up with a main street upgrade, expanded shire offices, and a very welcome water park and new youth centre.

There are myriad smaller projects and achievements that I have had the honour of supporting, and I will touch on a few that I believe have made a difference. When I was campaigning for the seat of Kalgoorlie in 2012 it was brought to my attention that the city would soon have only 23 doctors, when the optimum number was 40. People were waiting weeks to see a GP, or for hours to be attended to in the emergency department. I was asked to chair the Kalgoorlie–Boulder GP working group, and with the assistance of the wonderful crew at Rural Health West and with the Chamber of Commerce and Industry of Western Australia, the Chamber of Minerals and Energy, City of Kalgoorlie–Boulder and the Goldfields–Esperance Development Commission around the table with other health agencies, we devised a unique strategy called Forward to Fellowship. This was to source international medical graduates and then to closely mentor and support them to gain their fellowship. It was an attractive proposition, and in two years we solved the doctor shortage and halved the number of patients attending the emergency department. This type of collaboration is a real example of resolving community challenges.

Another focus of mine has been mental health, so I was very honoured to accept the role of inaugural chair of headspace in Kalgoorlie–Boulder. This service is very important for people with mental illness, their families and carers, as is a subacute accommodation facility in the goldfields to complement the Kalgoorlie Health Campus mental health unit. We are all very disappointed that promised funding for this facility was removed from the budget this year and this is a fight that I know our Nationals candidate for Kalgoorlie, Tony Crook, will continue should the people of Kalgoorlie–Boulder elect him to replace me.

Having been raised as a child with a very close association with the Wongi people of the goldfields, I have a strong affinity with Aboriginal people and have dedicated much of my time as a member of Parliament to giving them a voice. It was an absolute honour to represent the Nationals on the Joint Select Committee on Aboriginal Constitutional Recognition and play a part in recommending legislation to bring that into effect.

I helped my friend and mentor, respected Aboriginal elder Bruce Smith, to bring together all the elders of the vast goldfields and central desert regions to form for the first time a council of Aboriginal elders. Two years ago, the town of Laverton was experiencing despair and rampant lawlessness, and I worked with local Aboriginal elders, the Shire of Laverton, police and other agencies to develop the Laverton community safety plan, which has seen juvenile justice issues virtually eliminated. We have had three successive school holidays that were juvenile crime free. I cannot praise the community development officer, Marty Seelander, the police officer in charge, Heath Soutar, the local elders and the Shire of Laverton highly enough for their commitment to collaboration and working together that has achieved this result. I also hope that my work and advocacy has put the Ngaanyatjarra lands on the radar so that government is aware of the amazing art, language and culture of the central desert people as well as their huge potential for sustainability given half a chance.

I must not forget my role as Deputy Speaker. It certainly was a great honour to have this role, if a little challenging going straight into the chair having been in the other place. I cannot thank you, Mr Speaker, and the Assembly staff enough for your support and helpfulness when needed—especially getting me into the chair with a broken leg. Of course, the staff of Parliament are an amazing group of people who make you feel so welcome, particularly those of us from the regions. We are away from home a lot, and they are like family—the people in the library, catering staff and the security staff.

So what have I learnt? I have learnt that we survive in this state in spite of government, not because of it. It was very frustrating as parliamentary secretary trying to get some progress through the bureaucracy. There are some fantastic people in our public service but I fear that it has been severely damaged, first by the mining boom when many flocked to the high wages and career prospects of the big mining companies, and then by the savage downsizing and recruitment freezes of more recent times. Recommended reading for future ministers on this issue is *Quarterly Essay* 60 by Laura Tingle, titled “Political Amnesia: How We Forgot How to Govern”. She warns of loss of memory in the public service and the predominance of “meretricious players who flit across the private ministerial advisory stage”, using a 1982 quote from then Treasury Secretary John Stone. She also quoted from a Spanish–American philosopher George Santayana who wrote, in 1905 —

Progress, far from consisting in change, depends on retentiveness ... Those who cannot remember the past are condemned to repeat it.

In my inaugural speech in 2008 I referred to Lieutenant General John Sanderson’s warning that we are failing to recognise the perils of not nurturing the whole continent. His opinion was that terra nullius is being created in Australia again today. How far have we come since those words of John Sanderson in 2007? I am afraid to say, not far. When regional cabinet met in Kalgoorlie–Boulder in 2015, I was forced to ask why it was that anyone over level 7 had to have an ocean view. Why is it that we disown and reject our inland? This is where the nation’s riches lie and where, with positive reinforcement, Australians would discover it is a great place to live, as did my friendly Wiluna grader driver.

A valedictory speech is not complete without acknowledgement of the people who helped along the way. Electorate staff are critical to the success of an MP and in spite of often being called “secretary” or “receptionist” are highly skilled people who need to have a huge knowledge of the community, how government works and how to problem-solve. They deal with people who range from those in the highest office to those with the lowest standards of behaviour and respect. They all deserve a medal. I must particularly thank Victoria Young, who is in the gallery tonight. She joined me when I was first elected and had no computer, no office and no phone. Her sense of humour and flexibility were invaluable. Along the way I have also had the services of Sarah Downe, Dorothy Henderson, Margie Thomas-Close, Beth Richardson, Mandy Reidy and Kerrie Stones, who all brought their own special skills and experience to the job. I count them all as true friends.

Much loved by not only my staff but also my colleagues’ staff is Frances Archer in Broome. Her capacity for work, knowledge of the system, memory of who’s who and persuasion skills are beyond amazing. Frances knows me as though she was me and her guidance, advice and pre-emptive action, when necessary, leave me forever in her debt and I will treasure our lasting friendship.

I also thank my friends and supporters in the Nationals, including “Mr Grumpy” Allan Marshall, and his offsider and my first vice president, Allan Holmes—a formidable pair—Jocelyn Bowey, Marg Agnew, Sheryl and Greg Liddicoat, Terry Fleeton and Bryce Greatorex, and my steadfast Kalgoorlie branch. John Bowler is a wonderful friend and supporter who talked me into standing for the seat of Kalgoorlie. I am forever grateful to my confidantes, fierce supporters and sounding boards, Jane Coole and Louise Paterson, who were always on my side and ready to brainstorm whenever I hit a brick wall. I would not have survived without you two.

Of course, family means everything. My parents, John and Maxine Tonkin, are here tonight and were an inspiration. Both have an Order of Australia for their services to the state. When I was proud, they were bursting at the seams. When I was hurt, they were wounded. They are forever following my progress and giving me feedback. I love you, mum and dad. To my four beautiful kids—Kat, Anna, Elise and James—and to my granddaughter, Ashlee, you have weathered this well and made me so proud. Thank you for your support and care. And, finally, to

my rock, Ian—your love, support, wisdom and devotion are the only reason I have been able to do this. You went absolutely above and beyond and I will devote the rest of my life to returning the favour.

My final comments, if I can have your indulgence, Mr Speaker, will be around endeavouring to improve our record of women in Parliament and achieving senior roles. The challenge for many women is that they do not see their way clear to enter politics until they have their family responsibilities largely off their hands. That was the case for me. Having done my best, along with working and studying, to support my four wonderful kids in their formative years, I was 49 before I became engaged in politics. Imagine my surprise when, in 2013 at the state election, one of my opponents told their booth workers to say “Don’t vote for Granny Duncan” when I had not even turned 60. A year later, Hilary Silbert reminded me that our first woman parliamentarian, Edith Cowan, was elected at that age, and she strongly encouraged me to seek higher office. I also received advice from my dear friend Professor Lenore Layman, who helped me edit the history of the National Party on its centenary in 2014. She said that I should not let my hair go grey while I was a member of Parliament. I thought she was joking, but I think she was probably right.

Given that women live longer than men, it is bemusing to me that ageism seems to strike earlier for women. I really got the message when I received an email from the electorate officer of one of my National Party colleagues congratulating me on my achievements and decision to retire and finishing off with an observation that it is good when people realise they have reached their use-by date! I can assure you that I have not reached my use-by date and I have plenty of passion to continue to serve my country and the people of the inland for a fair while yet. However, I have reached the end of my usefulness in this place.

[Applause.]

SENTENCING LEGISLATION AMENDMENT BILL 2016

Third Reading

Resumed from an earlier stage of the sitting.

MRS L.M. HARVEY (Scarborough — Minister for Police) [6.46 pm] — in reply: I will endeavour to proceed after those amazing valedictory speeches from four incredible people who have dedicated a lot to their communities and contributed substantially to this place.

I will not go into too much detail in the third reading debate of the Sentencing Legislation Amendment Bill, but I will address elements of the legislation and thank members for their contributions. I believe that what this legislation does is very important. It allows serious violent offenders, domestic violent offenders and serial arsonists to potentially have GPS tracking and post-sentencing supervision orders imposed upon them upon the completion of their sentences for the crimes they committed, particularly if it is the view of the Prisoners Review Board that they could present a danger to the community. For the first time it will give the government the opportunity to track and monitor the activities of offenders and to prevent them from re-offending and thereby prevent them from creating more victims and thus keep the community safe.

The legislation will also correct an injustice whereby individuals who were sentenced prior to 4 November 1996 and prior to the passage of this legislation were denied the opportunity of participating in resocialisation programs. They will, upon the proclamation of this bill, be given the opportunity to engage in resocialisation programs. That is very important, particularly for long-term prisoners, as they re-enter the community through staged re-entry and through day release. Allowing them to reintegrate and understand the changes that have occurred in the community during their period of incarceration is very important for their successful reintegration into society. The only offender category that had been denied the opportunity for resocialisation programs were those who were sentenced prior to 4 November 1996, which was an omission in a previous piece of amending legislation that had passed this place.

Resocialisation programs assist prisoners to reintegrate into society. I would like to correct the record and the assertions made by the member for Girrawheen that this legislation somehow allows the Department of Corrective Services to abrogate its responsibilities for the rehabilitation of prisoners. Corrective Services will always have responsibility for doing its utmost to rehabilitate prisoners, to engage them in programs to moderate their behaviour and to improve their responses; for example, if they respond with violence during conflicts. Those tensions and expectations of the Department of Corrective Services still exist for all offenders, and the Inspector of Custodial Services and, indeed, the Minister for Corrective Services will ensure that the corrective services department makes those opportunities available to all offenders who choose to avail themselves of them. Resocialisation programs currently exist for a range of prisoners. This legislation will enable prisoners who were sentenced pre-1996 to take advantage of those programs to assist them with reintegration.

The other aspects of this legislation that I think will be very important if we are going to make inroads into reducing the incarceration rate of Indigenous people in this state were not examined at great length. However, the opportunity for a suspended fine, for example, will allow an offender to complete a community based order. This will be a tremendous opportunity once we finish all the work and make it available across various different

parts of regional Western Australia and metropolitan Perth. It will allow for an offender to participate in a conditional release order. The member for Warnbro was very generous in his praise of this aspect of the legislation. A release order could include an offender taking advantage of educational opportunities, vocational opportunities, personal development programs or unpaid voluntary work as deemed appropriate by the chief executive officer of the Department of Corrective Services. That will be a good opportunity, particularly for Indigenous offenders who are often given a fine as a court outcome, to suspend the fine and have some kind of meaningful outcome and meaningful consequence for their actions that will not result in them being inappropriately incarcerated.

The changes to minimum sentences will bring back the ability of the courts to issue a three-month rather than a six-month sentence as the minimum sentence allowed to be imposed. I think that will go some way to address the sentence creep that has occurred since that change was made. By sentence creep, I mean sentences for offences that we would ordinarily expect to have a shorter term of incarceration being pushed up to six months or more because of the removal of the ability of the court to impose a sentence of less than six months. By bringing the thresholds down to three months, I think we will see better sentencing outcomes and opportunities. We may well also see a change in the remand prison population as a result of that. There is some anecdotal evidence that the remand population has grown because the judiciary realised that for some offenders who are held in remand, by the time they get to court they have effectively served a short sentence and can then be given a penalty of time served in lieu of a six-month minimum sentence. Once again, a disproportionate number of Indigenous men in particular are affected by that aspect of the legislation, so it will be interesting to see the outcomes of allowing the option of shorter sentences.

Much was made about the gag order et cetera. I would like to put on the record the very good work and the discourse in interrogating aspects of the bill that members were passionate about, particularly the member for Warnbro who recognised the benefits of this legislation to drive down the Aboriginal incarceration rate in this state and the opportunities for justice reinvestment, which is a broad description to cover off on a range of initiatives that will be enabled by the passage of this legislation.

I thank members for their contributions to the debate and I look forward to shortly moving to the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. Much was said in debate on the sentencing administration legislation about family and domestic violence. I have no doubt that many members will passionately contribute to debate on the next order of the day.

I thank members for their contributions and I commend the bill to the house.

Question put and passed.

Bill read a third time and passed.

Sitting suspended from 6.54 pm to 8.00 pm

BILLS

Returned

1. Aquatic Resources Legislation Amendment Bill 2015.
2. School Boarding Facilities Legislation Amendment and Repeal Bill 2016.
3. Residential Tenancies Amendment Bill 2015.
4. Disposal of Uncollected Goods Amendment Bill 2015.
5. Licensing Provisions Amendment Bill 2015.

Bills returned from the Council without amendment.

6. Pilbara Port Assets (Disposal) Bill 2015.

Bill returned from the Council with an amendment.

7. Aquatic Resources Management Bill 2015.

Bill returned from the Council with amendments.

BILLS

Receipt

1. Obsolete Legislation Repeal Bill 2015.
2. Limited Partnerships Bill 2016.

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

Second Reading

Resumed from an earlier stage of the sitting.

MR J.R. QUIGLEY (Butler) [8.05 pm]: I rise on this Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 to proffer the opposition's support for it. My comments on this bill will be somewhat different from my comments on the last bill that came before the chamber when I challenged the constitutionality of part 5A of the Sentencing Legislation Amendment Bill. In this case, we agree with all the bill's provisions. We will not vote against any provision in it. However, having said that, my one criticism—I will deal with only one class of offence—of the bill is this. Tragically within Western Australia, victims of domestic family violence comprise half the number of murders per annum, which we can round out to about 40 are. We know that about 20 women or children a year are murdered in domestic violence settings. My one regret about this bill is that it has taken the government so long to bring it on. It is now 18 months since the Law Reform Commission published its report on the review of the Restraining Orders Act. It is chilling to think that in the time it has taken for this bill to come before the chamber, on the second last day of this Parliament, another 30 murders in a domestic violence setting will have occurred. Although that seems like a phenomenal number, if this legislation had come on earlier, would it have prevented any of those murders? That is problematic and doubtful insofar as legislation can prevent things, but it would have allowed us to perhaps develop more policy around this area.

My starting point is the Western Australian Ombudsman's report on domestic violence published 12 months ago. The Ombudsman attended this Parliament to present his report in the Centenary Room. The report was of a study of deaths and other domestic violence. At that time, he indicated that during the study period of 18 months, there were 30 murders—30 people died. I hasten to say they were mostly women, then children, and I think also a man—so mainly women and children are the victims of domestic violence but not exclusively. We know, for example, that only last week a mother, daughter and other people were convicted of murdering the partner of the mother's daughter, so there are cases in which males are victims of this, but it is mainly crimes committed by men against vulnerable and physically weaker people—not emotionally or intellectually—and they are women and children. Of those 30 deaths during the Ombudsman's study period, which, as I said, ranged over 18 months, I think just over half the number were Indigenous women. The Ombudsman identified that of the number of women murdered—3.5 per cent of the Western Australian population—just over 50 per cent of the number of victims murdered in domestic violence settings, are Indigenous women. Of the 13 Indigenous women who died in domestic violence situations, over half the number of them were murdered in remote or very remote areas. As my measuring stick when I look at this whole area of death by domestic violence, I suppose I first look at Indigenous people in remote or semi-remote areas and ask myself what we are doing as a Parliament to stem this tragic flow of death. In that regard, I turn to the death of baby Charlie at the hands of the late Mervyn Bell. Baby Charlie was murdered on 19 March 2013 and the death was a subject of review by the Corruption and Crime Commission, which was looking at police performance. This evening I do not wish to be critical of the police performance in the specifics or of any of the sergeants named in that report, but to look at the agency response and how this death could have been prevented.

Of course, beyond murder, there are many other forms of domestic violence and the Law Reform Commission reported on amendments to the Restraining Orders Act and has taken up what now around Australia is a much broader definition of domestic violence, and that is contained in this bill. It includes the withholding of financial support for women and children—trying to take away their autonomy.

[Quorum formed.]

Mr J.R. QUIGLEY: Clause 7 of the bill will insert a new section 5A in the legislation that provides examples that are not exclusive examples but are for the guidance of the court. They include not only assault against a family member, but destroying property; causing injury to an animal, such as killing the partner's cat or dog to cause distress, which has never been included; denying financial autonomy, which I have touched upon; and most importantly, causing any family member who is a child to be exposed to behaviour referred to in this section. The bill that the government brings forward picks up on the recommendations of the Law Reform Commission report, which is available for all members to read, and I will not take the time of the chamber tonight or labour that point for too much longer. What is contained in this bill is reflective of the findings and recommendations of the Law Reform Commission, which received, from memory—I have not got the footnote in front of me—over 30 submissions from people in the community, the courts, women's groups, the legal profession, departments and all sorts of bodies. Over 30 submissions form the basis of the Law Reform Commission's report, which this bill takes up.

I do not want to criticise the bill, and we will support it. However, I want to speak for a moment about what the bill does not contain. The evolution of this law has come a long way in 20 years. In the last 20 years, this law has

been advanced by governments formed by both parties. Therefore, this legislation is driven not by ideology, but by the common purpose of all members in this chamber to develop the law to further protect the victims, or possible victims, of domestic violence. This will not be the end of the matter. The law will continue to evolve.

As I have said, it has been some 18 months since the report of the Law Reform Commission was presented to the Attorney General and tabled in the other place. Since that time, community thinking has moved on. One of the most informative documents we could read when it comes to where public policy ought to go is the report of the Victorian Royal Commission into Family Violence. I think the report of the Law Reform Commission made about 74 recommendations. The report of the royal commission made about 370 recommendations—I have read them several times but I have not taken particular note of the actual number of recommendations. The Labor opposition, in informing our policies going forward and in fashioning where we will go if we form government after the election, has looked at that report and recommendations as an indicator of best practice in Australia. It is evident from both that report and the report of the Ombudsman on domestic violence, which I will come to, that there is room for improvement in both legislation and policy.

I have had some experience with domestic violence as a solicitor advocate with clients, and also as a member of this Parliament, when people have come to my electorate office seeking assistance to obtain a violence restraining order, and that has also informed my views substantially. I believe there are areas that can be further pursued and developed. For example, women who suffer domestic violence during the course of a relationship breakdown often have to go jurisdiction shopping. The Law Reform Commission noted in its report that people who are in a matrimonial dispute can go to the Family Court of Western Australia, and thousands of people do that, of course. The Family Court of Western Australia has the power to make orders under the violence restraining orders legislation. However, as the Chief Justice of the Family Court of Western Australia has said, the court is limited to circumstances in which the person who is sought to be restrained is present in court at the time. Under the Family Court Act, the Family Court cannot make an order under the violence restraining order legislation without the male, the husband or the partner—I usually say that because most victims are women—being present in court at the time. From my experience in legal practice, often a woman seeks urgent orders in relation to both her place of abode and the bank account and to help to restrain the husband or partner from continuing the abusive behaviour. It was recommended that the Family Court Act be amended in that regard, because the woman has to go down there while the partner is not there. She can get some of the orders down there; she can get a misconduct order down there, but the enforcement of that is cumbersome—it is by way of contempt of court, not by way of arrest or a charge. Then she has to go up Victoria Avenue and the Terrace to the courts to get a violence restraining order. This unnecessarily puts these women through a second court process. We think that that could have been amended and we will move to do that in the future, and we urge the government to think of that as well.

There was another matter that Rosie O’Grady, the former Australian of the Year —

Mrs L.M. Harvey: Rosie Batty.

Mr J.R. QUIGLEY: Rosie Batty; I am sorry. Why did I say Rosie O’Grady? Sorry; I apologise and hope it is corrected in *Hansard* to Rosie Batty. She presented a petition to the federal government shortly after —

Mrs L.M. Harvey: Rosie O’Grady’s is a pub!

Mr J.R. QUIGLEY: I was not going to say that, minister!

Rosie Batty presented a petition to the federal government—I agree with her—stating that precedence should be given to family law cases involving domestic violence. Chief Justice Diana Bryant said that the Family Court could do that, as long as it was given an extra judge in every state. Given the amount of social and economic disruption and the lag in the Family Court, that is probably warranted too.

The royal commission identified that there needs to be a cross-agency approach to the response to family violence. Often several agencies interact with the family and one agency does not know what the other agency is doing. One agency might be able to identify a serious problem with the family but does not inform any other agency. An area for further statutory reform is that the agencies dealing with domestic and family violence should have access to each other’s database. This would require legislative amendment.

Let us take the death of baby Charlie in Broome as an example. I go to this death, which is in the forefront of my mind, because only three weeks ago two children were murdered in the family home in my electorate. Within two days of that weekend, an elderly gent was charged with the murder of his wife in a domestic violence setting in Yokine. Many missed opportunities that require structural and legislative change may have prevented the death of baby Charlie. Although we do not criticise the provisions in this legislation, they do not go far enough. If we look at the death of baby Charlie for a moment, the police were called to a disturbance at an intersection where a naked woman was in obvious distress. She had retreated by that stage to, I think, the carport of a house near the intersection. Two constables were speaking to her, and another constable spoke to a neighbour who reported that there was an incident that involved assault and family violence. That constable did not tell the other

constables. The woman, Ms Mullaley, was transported to Broome hospital, where she gave the nurse an account of domestic violence. The nurse assumed that the police had properly reported this to their own database, and that the police were on top of it. Although the nurse had a history, she did not enter it into database and nor was she required to. When Ms Mullaley's father went down to Broome Police Station in distress about the disappearance of Mervyn Bell in the vehicle with the baby, the police did not have a proper history of the matter. The whole system did not operate so as to protect the victim, who was the child. The police, as came out in the Corruption and Crime Commission report, could have rung Telstra or the service providers to triangulate Mr Bell's telephone to locate him, but that is done only when there is the threat of a life being in danger. The officers who were then looking at the case did not have a full history.

We say there should be further legislation to establish a common database—it will be sort of disturbing for the police in some regard to have that access and they may hold it on a separate file within their database—so that everyone dealing with the family is working from the same set of known facts. This is very important when one looks at the report of the Ombudsman, where he goes through the effect of the interaction between the Department for Child Protection and Family Support and families at risk. As happens so often, although the department knew of the danger it did not actually initiate action to help obtain restraining orders that would be protective of the family or children. At paragraph 1.3.18 the Ombudsman identified that of the deaths he was looking at—the children involved in those 30 fatalities—over 30 children were directly affected by family violence. Eighteen, or sixty per cent, were male, and 12 were female. Twenty-one, or 70 per cent, were Indigenous, and nine were non-Aboriginal. Forty-four per cent of the duty interactions with the Department for Child Protection and Family Support identified family and domestic violence, and DCPFS, although knowing of the domestic violence, concluded that it was not departmental business. The department did not proceed with action in a further 271 cases of the 290 duty interactions in which the department identified family and domestic violence as an issue. In 93 per cent of the cases in which the department identified that the family was at risk, the department felt that it was not its business to interfere or to initiate action. That is on page 32 of the Ombudsman's report.

The department assisted with two violence restraining order applications and provided one referral for help regarding the 70 children in the VRO sample. The department did not provide any active referrals for legal advice or help from an appropriate service to obtain a violence restraining order for any of the children involved in the 30 fatalities. We see a systemic failure here. I am not looking at departmental officers; I am looking at the system. There is a systemic failure when the department is reluctant to become involved. The Ombudsman noted that during the 290 duty interactions in which the department identified family and domestic violence, the department did not use the common screening tool to screen for family and domestic violence or accept the risks posed by family and domestic violence against the key risk indicators identified by “The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework”. This is further evidence of a complete failure of the system.

Although we support this legislation, it is only the skeleton—the bare bones—of an appropriate response by the Parliament of Western Australia and the agencies of government to this horror show. I say “horror show” of domestic violence when we see that half the number of murder victims in Western Australia are women and children in a domestic violence setting. I invite members to pause for a moment to think that if half the number of murders in Western Australia were committed by terrorists or jihadists, there is no doubt that this community would be at war with them. If half the number of murders in Western Australia were committed by organised crime, we would be at war with organised crime; it would be intolerable. Yet half of the population—the male half of the population—seems to be at war with the females. That is not to slur on every male; that is to say that in half the number of murders—that is, 20 murders per annum—the perpetrators are men against women. This legislation provides a useful next step from where we were but it is only a step. A lot more work needs to be done, both in this Parliament legislatively and by the government of the day in developing policy.

As the Corruption and Crime Commissioner noted in the first sentence of his report into the review of the circumstances of the death of baby Charlie in Broome on 19 March 2013, the words “domestic violence” are a euphemism for serious criminal conduct and should be prosecuted as such. It should be; we cannot go on any longer with agencies having a look at this and saying, “Too hard”, and not making referrals. So often it is the case—I have had this in my office and I am sure other members will have experienced it as well—that a victim comes into my electorate office, complaining about domestic violence. I ask, “Have you reported it to the police?” They say, “Yes”, and I say, “Get a violence restraining order”. This is in cases in which the police have not attended and have not issued a first-up police restraining order. But violence restraining orders should not be an alternative to prosecution. As Mr McKechnie, QC, said in his report into the death of baby Charlie, domestic violence is a euphemism for serious criminal behaviour and should be prosecuted as such.

So often the police throw upon the victim responsibility for the decision whether or not to prosecute. The police say to a woman who has been badly injured or who has sustained bodily harm with a swollen face and a cut lip, “Do you want him prosecuted? Do you want him arrested?” There is a whole lot of emotional baggage from the

relationship coming into that decision: “Do I want the father of my children arrested? Do I want him prosecuted?” It should be the police who take ownership of that responsibility, because this is a crime and it should be treated, first and foremost, as a crime. The agencies should be working together to gather the evidence necessary to prosecute the crime.

In the Ombudsman’s 2015 report “Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities” it is noted, rather gently, at paragraph 1.3.24 that —

Implementation of DCPFS’s policy framework will be critical to further improving DCPFS’s response to family and domestic violence

But until we have an integrated approach across agencies we will not achieve that. Look at the death of baby Charlie. There were at least three agencies involved—the police, Department for Child Protection and Family Support and the Department of Health. It should be a mandatory requirement for these agencies, after gathering evidence of domestic violence, to report it to the police. It should be a mandatory requirement for the police to prosecute when the evidence is available.

As I have already mentioned, there are many cases of behaviour under proposed section 5A that may constitute family violence but fall short of a criminal offence—for example, under proposed section 5A(2)(g) —

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

Another example, under proposed section 5A(2)(h) states —

unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or a child of the member, at a time when the member is entirely or predominantly dependent on the person for financial support;

There are many cases that do not involve criminality but often lead to criminality. One of the good things about the legislation is its introduction of behavioural management orders. A lot of women do not want to lose the breadwinner; they have three or four children, they are living in a house and they do not want to lose the breadwinner, so they are reluctant to prosecute. They just want the violence to stop so that they and their children can live in peace. This bill, picking up on the recommendations of the Law Reform Commission, introduces the concept of behavioural management orders. This is a very good thing, and deals with the contravention of behaviour management orders. I will not take the time of the chamber tonight to go through all those provisions, because that would be unnecessary. It is there for all members, and we all agree with it.

I believe other areas could be developed as legislative responses. My most recent interaction with domestic violence involved a family friend who had unfortunately suffered this experience. She was assaulted, and her face swelled up like a football. The swelling was immense and the bruising was terrible. I encouraged her to seek a restraining order. She was worried about pursuing one at the time, because she was battered and bruised. The experience reminded me of my days in legal practice. The woman had to go down to the Central Law Courts, file the application with the registrar and then sit in the waiting room with people looking at her distorted face. She was eventually seen at about quarter to four in the afternoon. She was sitting there battered and injured in the public waiting room all day. I think there is scope for development of the concept of these orders being obtained on affidavit evidence. I notice that one of the Law Reform Commission’s recommendations was that the police—it should be all departments—hand a pro forma document to the victim about what she will need to prove or say to obtain an order, and that orders can be obtained by way of affidavit evidence without the necessity to appear in person in the first instance.

I am thinking of Mareva injunctions in the Supreme Court, and they are pretty heavy. The most recent experience I have had with a Mareva injunction is a case in which a person resigned from a firm and took its list of clients and intellectual property with him. The company from which the documents were taken was able to go down to the Supreme Court, in closed session, and file an affidavit about what had happened. The court issued a warrant for a court-appointed officer, in this case a chartered accountant, to go to the residence of the person and execute a search warrant to take away all the documents listed in the Mareva injunction. If businesses can go to the Supreme Court and, on affidavit evidence, obtain warrants to enter people’s houses and seize computers and documents, I cannot for the life of me see what is standing in the way of restraining orders being issued on affidavit evidence, which, months down the track, could be tested on cross-examination if need be. There is a lot of room for further legislative improvement.

One of the things that the Victorian royal commission into family violence noted was the necessity for the police to develop and publish a separate strict protocol for dealing with the Indigenous population. There are all sorts of unique problems with Indigenous families, who often live in very small communities in remote locations. The victim cannot flee to a shelter or to some safe harbour; they are in the community with all their family, and so is the perpetrator. It requires orders that would banish the perpetrator from not only going near the victim, but also the community, and that would introduce all sorts of issues. I know, Mr Acting Speaker (Mr P. Abetz), that you

visit some of these communities so you would appreciate what I am talking about. We think that further policies should be developed specifically for the way that the police deal with Indigenous victims. Indeed, that should not be restricted to the Western Australia Police. It should be across the agencies; the Department of Health, the Department for Child Protection and Family Support and WA Police should all be working to the one protocol with this vulnerable subset of our community.

In part of my speech this evening I talked about accommodation, which is another area that this act does not address; leases and occupancy of residential tenancies is not dealt with in the legislation. Often the tenancy is in the name of the perpetrator and what is the woman, the victim, to do? Is she to take the children and run from her residence? She is at sixes and sevens to get the restraining order because the place where she is living is rented in his name. Legislative provisions should give victims the option of going to the landlord under court order and having the lease transferred to their name. Indeed, I will go further. With state housing—many of these victims are within state housing—the Department of Housing should immediately transfer the tenancy into the victim's name. Any rental arrears et cetera should not be transferred to the victim but should be the responsibility of the perpetrator. There is not enough accommodation in shelters for many of these women to get to safe harbour, so they must have dominion and control over the family home. I realise that with private residential arrangements it would be a big step for this Parliament to say that a private landlord has to forgive rental arrears or hold them over et cetera. But there could be legislative provision to transfer the lease into the victim's name and the lease payments no doubt would be met pursuant to a Family Court order relating to maintenance provisions for the wife/victim. Of course, that also falls within the new definition in proposed section 5A of —

unreasonably denying the family member the financial autonomy ...

A private landlord could be required to replace the name of the lessee, the perpetrator, with the name of the victim and at the same time a Family Court order could state that the perpetrator pay the rent. That is possible.

The provisions of this bill will be fully supported by the opposition. We just lament that it has taken this long for the bill to be brought in. I do not want to be miserable and labour on that for too long, but we have just missed the opportunity of developing further policy in this area. As I have said, a legislative response is insufficient. When we go through that Ombudsman's report and look at how many interactions between Department for Child Protection and Family Support and victims were never referred on for further action, we think it is lamentable at its lowest.

At the moment the Department for Child Protection and Family Support is the lead agency. However, according to the figures in the Ombudsman's report that I have mentioned this evening, the department did not proceed with further action in 93 per cent of the department's interactions, or 271 of the 290 duty actions, in which family and domestic violence was identified. We have to change that. As I said, if those figures had been based on 20 murders a year by jihadists, we would make the change. This Parliament and the federal Parliament have both passed incredibly stringent laws against terrorism, the planning of terrorism and attempted acts of terrorism, and introduced laws that allow people to be taken into custody and to be locked up for days at a time before they are brought to court et cetera. We take that very seriously. If we look at how many terrorism murders there have been in Australia, they are infinitesimal compared with domestic and family violence murders. It is even arguable that the Lindt cafe murders were an act of terrorism. Some people said they were; others say they were not done in the name of jihadism. It was done by that crazy man because he was facing a murder trial for the murder of his previous spouse, for which I notice his partner has been recently convicted. We would go to war. It is more compelling in this setting that we have a massive shake-up, that the agencies are compelled to go to a common database, and that the police have to get over it and cross-publish on to a database each reported incident of domestic violence. The courts need to know.

I will give an example of the type of men who come before the court by referring to the case that I referred to earlier of a family friend who was a victim of domestic violence and who went to court. We assisted her in going to court but she had to wait all day. When she filed her papers with the registrar, the registrar asked, "Does he still live at", and she gave his previous address. He had been previously involved in circumstances of domestic violence. We need all agencies to have access to a common domestic violence database so that the court can keep abreast of where these people are and can tell whether the police have served an order or whether there have been previous complaints to the Department for Child Protection and Family Support, and the police will be required, legislatively, not by reason of a published or unpublished protocol, to record the offence and issue an incident report number so that it is formally in the system. If that had happened in the death of baby Charlie, the first officer who was spoke to the eyewitness at the intersection where Ms Mullaley was located, would have had to put it in the database so that back at the station they would have known it was a domestic violence incident and that the woman had been quite heavily assaulted. When she went to hospital, the nurse would have been required to go to the same database and enter the history that she received. Then, when Mr Mullaley—the father of the victim and the grandfather of the deceased—went to the police station to complain about Mr Bell taking off with the child, by going to that same database, the police would have immediately known that this incident involved a child at risk, and fired up everything. They would not have left it until the next day when the story unravelled in its full and gruesome detail.

We will support all aspects of the bill as it goes through. If elected to government next year, we will move swiftly to bring in further legislative reform. If—I say “if” as a great big if—that happened, we would be looking forward to the opposition of the day likewise supporting us because it is not a question of politics; this is a question of the great scourge on our community.

Finally, the Victorian royal commission’s report, which I think is the best document that I have read on this, prioritises the first five years of a child’s life because if a child in those first five years—those important, early years—is subjected to or witnesses family violence, the likelihood of them engaging in family violence later in life is very, very high; it is amazingly high. Therefore, all efforts should be made and the starting point of a concerted approach on this should be to make sure that all this happens, especially—most importantly—for families with young children. I note that in proposed section 5A of the bill, proposed subsection (2) states —

Examples of behaviour that may constitute family violence include (but are not limited to)

...

- (1) causing any family member who is a child to be exposed to behaviour referred to in this section.

That is because it is perpetuating. Although we have to move swiftly with all the agencies across the board to make a concerted approach to reduce this number of deaths from 50 per cent a year, hopefully to zero, certainly making a substantial reduction and having the departments move more swiftly to protect exposed families is especially important when children are involved.

Finally before I sit down, earlier this year I spent some days down at the Central Law Courts watching a murder trial of an Indigenous man who had been incarcerated for violence. While he was in prison at Hakea, his former partner took up with a new partner in the township of Narrogin. He got on the phone from the prison and threatened her life immediately upon release. This was trialled before Mr Justice Hall. Upon release, the offender caught a bus to Narrogin, and at every bus stop he got out and went into the toilets at the service stations and published his intent to murder her. He eventually disembarked from the bus in Narrogin and committed the most violent murder on this woman; after which, he committed the most heinous acts of sexual assault upon her remains. It was absolutely depraved conduct. He pleaded not guilty and of course was ultimately convicted and sentenced to life imprisonment. This is just another example of the heinous conduct by members of the male community against the more vulnerable members of our community—the female population. It is not exclusively men. I cited earlier the case that was sentenced the week before last relating to the man who was murdered and left in the boot of his car while the car was set on fire. That was at the behest of his former partner and her mother. However, the perpetrators are almost exclusively men against women.

We need a coordinated cross-agency approach and we need to break down some of the departmental barriers. The police like to say that their database is secure and will not be published to anyone, but in the domestic violence setting that has to go by the board. The Department of Health has to have access to that database, as do police. There has to be a common database. We are all working to the same common set of facts and moving in the same direction. The courts and government departments need access to a database of perpetrators. When a perpetrator comes before the court in response to a violence restraining order or a family violence restraining order application, the court itself could go to that database and look at the perpetrator’s previous history.

Other members want to speak on particular aspects of this bill. The member for Fremantle will move an amendment tomorrow and that, I think, will be on the notice paper. It is to do with the examination of witnesses. From memory, it is section 106 of the Evidence Act. I will leave it to the member for Fremantle to speak about that.

I thank the chamber at this late hour, on the second last day of this Parliament, for being attentive during my address. It is late and it is deep into the parliamentary session. I am very passionate about advancing the cause of law reform and about advancing policy in this area. This Parliament owes it to all families, and all women and children, to do all that it can to stem this tide of violence. We commend this bill to the house as a good step, but it is a step; it is not a destination. It is one step in the journey. The Labor Party looks forward, if elected to government, to the opposition taking the same approach to this bill. If things do not go as well as I hope they do and I, unfortuitously, find myself on this side of the chamber—heavens to Betsy I hope that not be the case!—the Labor Party will be urging the government to keep on going but at a faster pace than what has happened these past 18 months. The opposition commends to the chamber the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016.

MS S.F. McGURK (Fremantle) [9.04 pm]: I would like to speak on the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. Like the shadow Attorney General who spoke before me, the Labor Party has considered this bill and supports it, although with some frustration that it is at five minutes to midnight in this term of government that we are considering such an important raft of legislation. As was said previously, this is only part of what should be considered as a comprehensive piece of work that is required if we are to seriously tackle the large, growing and unacceptable number of incidents of family and domestic violence

in this state. In June 2014, the Attorney General tabled an extensive report from the Law Reform Commission titled, “Enhancing Family and Domestic Violence Laws, Final Report — Project No. 104”. That report followed a very comprehensive discussion paper in 2013 around how our laws could be improved to make them more responsive to the particular circumstances of family and domestic violence. I think we are at a relatively immature part of that debate still in understanding the complex dynamics of violence within family situations and personal relationships and the danger people are in. It is not always women but, by and large, the violence is by men against women and children. Although I have not done so, I would like to look closely at the statistics of grown men who are the subject of family violence, although the point is that any violence is unacceptable and any violence in family situations needs to be addressed; it does not matter who is the victim, whether it is women, children or grown men.

If we really want to understand the dynamics of family violence, we need to understand the way women are viewed in our society and the power dynamics between men and women. Just yesterday when we were discussing the Sentencing Legislation Amendment Bill, I and other members of the house indicated that if we are to address this issue effectively we need to look at primary prevention, education about respecting women in our community generally, increased respect for women in our community and for that message to be not only taken up but implemented by a large number of institutions in our community, including schools as well as community organisations and sporting organisations; in fact, any organisations that might be within this Parliament. They might be political organisations that need to take that message on board and begin to not only send that message within their ranks but also live that message, if you like, in how they deal with conflict. Primary prevention is important and education is important if we are to deal with the root problems that lead to the persistent number of family and domestic violence cases in our community.

This Restraining Orders and Related Legislation Amendment (Family Violence) Bill contains some amendments to the Restraining Orders Act and a raft of other amendments to legislation relating to family violence. This is good; it is an improvement and has been called for by a range of organisations in this state. A lot of work has been done on it and it is great that, in this policy area, the Attorney General has finally started to earn his money and do something about it. As the shadow Attorney General said, I intend to move an amendment that relates to a default position for witnesses in family violence cases. That is, the default position should be that witnesses be regarded as special witnesses and can give their evidence either remotely or by CCTV unless they choose to be in the court for particular circumstances. The default position would be that they be regarded as special witnesses rather than the other way round. When we were debating the Criminal Laws (Domestic Violence) Amendment Bill 2016, which I think was the member for Armadale’s bill, and which the government voted against for no good reason, I relayed a story about a woman I used to work with about 10 years ago and then knew her through other professional associations and some social associations. Earlier this year I was contacted by her, and I did not realise it, but she had moved to Melbourne. The reason that she had moved to Melbourne was that she had been very seriously assaulted in the middle of the night by her partner, who attacked her with a wrench and nearly killed her. It was only after hearing her screaming that neighbours, whom she did not know, managed to get into the house and interrupt the assault. Her partner took off, was on the run from police and changed his identity for, I think, a couple of weeks before he was caught by the police. In those circumstances, the woman I knew was moved interstate by a women’s refuge and is now living in Melbourne. As a result of those circumstances, she is coming back to Perth to give evidence. She was given the option of giving evidence remotely because she had moved interstate, but she said that she wanted to come back and face the court. She wanted to look at a jury and have a relationship with the people who would be deciding the fate of the accused in that case. I think that was a very gutsy move on her part, and from everything I have seen about that woman, she has been pretty gutsy all round. It was a terrible situation, because I know her quite well and had no idea that that had happened to her. It was a very serious assault and caused upheaval throughout her whole life. I imagine there are many other circumstances that occur in our community of which many of us are just not aware.

Tomorrow, I would like to move the amendment that I mentioned. I do not know what the government’s response to that will be. I know that the amendment has been given to the Deputy Premier; Minister for Police, but I do not know what her response or the Attorney General’s response will be. I know that this and other matters were raised by a number of organisations representing legal practitioners working in the family violence area. I contacted the Women’s Law Centre of WA. There are a number of organisations such as the Women’s Law Centre and the Community Legal Centres Association WA, as well as lawyers in the domestic violence area advocating for women. They called for a range of suggestions and improvements to the legislation and put them to the Attorney General. I understand that they have been rejected by the Attorney General, and the point about the witnesses is one of those concerns. As I said, I hope that there will be a reconsideration of that by the government because, to me, it seems an entirely reasonable proposition to give protection to witnesses.

The Domestic Violence Legal Workers Network, which is a group of lawyers working on behalf of victims of domestic violence, met to discuss the bill before us today and made suggestions to improve the bill to the Attorney General. One of the more significant issues is what happens when a restraining order is sought, the substantive application is not granted and an interim restraining order is not given. What happens if the matter is

simply adjourned for another hearing? That will mean that if the person who is experiencing domestic violence has made the decision to apply for a restraining order, and the magistrate has decided, for whatever reason, not to grant a restraining order and not to grant an interim order, it could take a number of months—I have heard up to six months-plus—before that person could make another application for a violence restraining order. Even if it took only a number of weeks, it would leave that person exposed, with no protection. In fact, the person has signalled to the person from whom they are seeking protection that they are taking out a protective order. Many advocates, including Rosie Batty, have said that actions such as taking out a restraining order, or leaving the family home, may be used by men who are violent or are threatening violence to try to stamp their authority or exercise their control over the victim. That could leave the person who is seeking the restraining order very much exposed. I would be interested to hear what the Minister for Police has to say about how we can provide people who seek a restraining order with some protection during that time. There may be a significant gap. I do know what happens in other states in those circumstances. That issue has been raised not only by the Domestic Violence Legal Workers Network but also Legal Aid Western Australia, the community legal centres and the Women’s Council for Domestic and Family Violence Services WA.

A second issue that has been raised as an improvement to the bill is the ability to vary or end a tenancy in situations of domestic violence, at least in line with the law in New South Wales. There has been some discussion about improving the tenancy laws to make them responsive to a situation in which women in a violent situation are compromised because of who has signed the agreement for the tenancy or other situation in which they may reside. The tenancy laws need to be made more responsive to the circumstances of family violence.

Another issue that has been raised by advocates is the legislative requirement that the police record every domestic violence report and provide a victim report number. I think that is recommendation 15 in the Law Reform Commission’s report. Although there have been some improvements in how the police deal with domestic violence incidents, from what I can gather, we still have a way to go compared with other states.

Finally, another suggestion that was made by lawyers representing victims of domestic violence is that amendments be made to the criminal laws to make cyberstalking and the publication of intimate images criminal offences. That may have already been picked up —

Mrs L.M. Harvey: It has, member.

Ms S.F. McGURK: — in the Sentencing Legislation Amendment Bill.

Mrs L.M. Harvey: No; this legislation covers technological abuse and cyberstalking.

Ms S.F. McGURK: Is that about the GPS?

Ms M.M. Quirk: That is in the sentencing legislation.

Ms S.F. McGURK: The GPS provision is in the sentencing legislation. Their suggestion is that cyberstalking and the publication of intimate images be made criminal offences. A number of suggestions have been made.

[Member’s time extended.]

Ms S.F. McGURK: It seems to me that the question about witnesses and the protection of witnesses is a key issue, as is how we deal with some exposure by people who apply for a violence restraining order or a family violence restraining order but are not given it or are not given an interim order. There was some discussion about whether the refusal to issue an interim VRO could be appealed, but the length of time that that might take could be counterproductive to dealing with the substantive application. On the other hand, it could also mean that magistrates would be forced to give reasons for decisions so that they would be a little more careful about why they did not provide the applicant with some sort of protection, as is recognised is needed under this bill.

Literally kilograms of reports have been written on the sorts of reforms that are needed in the area of family violence. If only that could be translated into action, perhaps we would get somewhere. The Law Reform Commission report, for example, makes the point at page 4 in the introduction —

It is also vital to acknowledge that the ability of the legal system to reduce family and domestic violence and protect victims and children from harm is limited.

It goes on to refer to the need for preventive mechanisms, which I spoke about before. It also refers to the specific reforms that are needed to the Western Australian legislation, some of which have been picked up here, but many still have not. The Law Reform Commission report also refers to the need for police to be educated and for their systems to be more responsive.

Like the shadow Attorney General, I would like to refer to the Western Australian Ombudsman’s recent report “A report on giving effect to the recommendations arising from the *Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities*”. The report was handed down only a couple of weeks ago. The substantive report is important and useful, but sobering on the number of fatalities, the number of Indigenous deaths and the number that occurred in remote communities during the period that this report covers, which I think was 30 months. There is a need for our systems to address the circumstances under which not only fatalities, but also domestic violence incidents occur.

The most recent Ombudsman's report, tabled a few weeks ago, contains an examination of whether the recommendations that arose from the original report have been implemented. I do not know how many members read the most recent report, but one of my concerns is that there seem to be a number of claims by particularly the police but also other government agencies, that they are working towards implementation of the strategies suggested. I think the Ombudsman's office seems to accept that that represents steps commencing to give effect to recommendations. I will give a couple of examples.

Recommendation 2 of the Ombudsman's original report reads —

In developing and implementing future phases of *Western Australia's Family and Domestic Violence Prevention Strategy to 2022: Creating Safer Communities*, DCPFS collaborates with WAPOL, DOTAG and other relevant agencies to identify and incorporate actions to be taken by state government departments and authorities to collect data about communities who are overrepresented in family and domestic violence, to inform evidence-based strategies tailored to addressing family and domestic violence in these communities.

That is very sensible; we should collect data about where these incidents are concentrated. But looking at the detail of what is being done, it seems to me to have an air of aspiration or intention rather than implementation. For instance, the Family and Domestic Violence Data Working Group has been reconvened and has committed to exploring the opportunities to strengthen and improve data collection, including the exploration of methods to strengthen data collection across the state. But the Department of the Attorney General has informed the Ombudsman's office that data collection continues to improve in this area, including the violence flag—that seems good. That will contribute to a better dataset that will allow analysis. So some measures have been taken. Sorry, I read from the wrong place, but the bit I wanted to highlight reads —

DOTAG relevantly informed the Office that 'DOTAG will continue to collaborate with DCPFS and WAPOL to identify opportunities for improved data collection within the justice sector in relation to overrepresented groups ...

Similarly, in relation to recommendation 5 on Aboriginal family violence strategies—this is in regard to the implementation of the government's Kimberley plan—the Department for Child Protection and Family Support states —

Implementation of the Kimberley Plan is well underway. An action included in the first twelve month work plan is to work toward formulating partnerships between alcohol and other drug services, mental health services and family and domestic violence services.

Two forums will be held to discuss a trial of an integrated intervention program. I just see the words "forums will be held" and then the government will discuss a trial. The government had 12 months to hold the forums. The trial could have been held since the announcement of the Kimberley plan that the Deputy Premier; Minister for Police discussed at the Council of Australian Governments. I think the government should be ashamed of the small amount of resources that have been put into that plan. It put out a 20-point plan to combat family violence and provided no additional resources, except for additional resources to the Kimberley plan. I ask the Deputy Premier to correct me if I am wrong, but was \$3 million put into that Kimberley plan? If it is more, I am happy to be corrected but it is a pretty paltry amount considering the amount of money that gets floated around this state.

Mrs L.M. Harvey: As you are aware, as I understand it, the \$3 million went into the expansion of services for victims, but more investment is going into that plan. Obviously, the research needs to be built upon to understand how to better integrate the services.

Ms S.F. McGURK: If it was more than \$3 million, I would certainly be interested to hear that.

I do not have time to go through how the Ombudsman's original recommendations are being implemented. A number of those recommendations state that there is an intent to do something, there is a plan to do something, a workshop will be held to do something, the operation manuals will be reviewed, the internal police policies will be reviewed and the Ombudsman will work with other agencies to develop systems to work in cooperation rather than actually demonstrating that it has done that work. Other people have been a little concerned that the Ombudsman has not consulted outside agencies; he has just worked within the government. What about other service providers and victim advocates? A lot of people do a lot of work in the area of family violence. It would be interesting to hear their views about how the government is going in this area of family violence. The statistics show that, unfortunately, we still have a long way to go.

The Law Reform Commission of Western Australia report stated that external agencies need to assess how we are going in implementing the many recommendations we have in this state and also a lot of good data from other states. Victoria is the obvious one with the work that it did in its royal commission. Good work was also done in other states. For instance, it would be interesting to hear the Deputy Premier explain why WA has not signed on to Our Watch, the national program. I do not know whether she was asked about that when she went to COAG.

There are many benefits to the Restraining Orders and Related Legislation Amendment (Family Violence) Bill. We are glad it is finally before the house. We are keen to see it progress so at least there will be some improvements for victims of family violence after eight and a half years in government.

MS J.M. FREEMAN (Mirrabooka) [9.34 pm]: I rise to speak on the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. I do not want to take up too much of the house's time at this late hour that we are debating this very important piece of legislation. I note that the contributions of the members for Butler and Fremantle were very comprehensive. We all know in this place that domestic violence and family violence is the number one law and order issue because of the impact that it has on the wellbeing of our community and our children. If we consider that WA Police attended 75 983 incidents of domestic violence over an 18-month period up to November 2015, we can see that it is a considerable issue that needs to be addressed. Victims of family violence need to have the tools to be able to push back and get themselves to safety.

I note that the Department of Commerce's "Improving the interaction between residential tenancy laws and family violence restraining orders" options paper, released in October, includes in its introduction a definition of family violence —

Family violence is behaviour which results in physical, sexual and/or psychological damage, forced social isolation, economic deprivation, or behaviour that causes the victim to live in fear.

I understand that the restraining orders in this bill will take into account an extended definition of family violence.

To add to the debate before the house I want to talk about residential tenancy laws and the fact that we are debating the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 tonight without the requirement for residential tenancy laws to be addressed. In 2014, the Law Reform Commission released a report, "Enhancing Family and Domestic Violence Laws—Final Report", which brought about the bill before the house. The commission in that report also called for changes to residential tenancy laws. Indeed, when the Residential Tenancies Amendment Bill 2015 was debated in this house, I was the opposition lead speaker and I said very strongly to the parliamentary secretary that if he had one legacy to leave, it should be bringing in changes to tenancy laws to protect victims of family and domestic violence. He seemed to undertake to try very hard in that regard, so it was a great disappointment to me to see only an options paper released in October 2016. We have had a piece of legislation brought in at five minutes to 12, as the member for Fremantle said. One of the most important aspects is to be able to have a safe system for people to be able to continue with a plan for living their daily lives without fear and with the capacity to maintain their routines, and that is not available to people because we have only an options paper.

Even more galling is that the Victorian Parliament is discussing these changes. The Victorian government is actually putting in place changes to its tenancy laws as we speak, while we have only an options paper before us. That seems to me inconceivable, given that the report was handed down in 2014, there is understanding on both sides of the house that this is an important issue and that we had tenancy legislation before this house only a few weeks ago. The parliamentary secretary has just entered the chamber, and he knows that I have raised with him that we need to change the tenancy legislation to protect victims of family and domestic violence.

Frankly, I am really disappointed that the response is not a legislative response. It is not as if there has not been enough time and that there is not enough information and, given what has happened in other states, that there is not the capacity to know what should happen. The Victorian government has enacted the National Domestic Violence Order Scheme Act 2016, which provides for a national recognition scheme for Victorian family violence safety notices, family violence intervention orders and domestic violence orders made in other states and territories and in New Zealand. A Victorian family violence safety notice is the equivalent of a restraining order in Western Australia. This followed on from the Council of Australian Governments agreement in 2015. Is the minister able to say what the Western Australian government is doing to ensure that someone fleeing from domestic violence in Victoria, for example, to Western Australia has the protection afforded similar to the Victorian family violence safety notice, the family violence intervention order or the domestic violence order, or would someone fleeing family violence there have to deal with the court system all over again? I would be interested to know whether this legislation deals with that. If it does not, how do we ensure that some sort of bureaucratic nightmare cannot lead to a person being put at risk?

We have said that we support this legislation and the introduction of family violence restraining orders. However, we need to understand that that must be in the context of fully supporting and funding the community sector. The Safe Systems Coalition outlined by the member for Fremantle is made up of a number of women's health organisations and community law centres. I note that the coalition is calling on the Western Australian government to commit to improving the system to keep victims of family and domestic violence safe and hold perpetrators to account for their violence. In the lead-up to the 2017 Western Australian election, it calls on all parties to establish high-level cross-government leadership on this issue, utilising a collaborative, coordinated and adequately resourced approach to preventing violence against women, making the justice system safe,

supportive and responsive to the needs of women escaping violence, holding violent perpetrators accountable, and keeping victims safe. On this side of the house we have shown our commitment in this area by bringing in private members' bills on two occasions.

Some of the statistics in this consultation paper are worthwhile putting on the record here for people who do not have the opportunity to read it. Nationally, the cost to the community of domestic violence is \$13.6 billion each year, and it is likely to rise to \$15.6 billion by 2021, if extra steps are not taken to reduce the incidence of family violence. The Western Australian government's framework to implement discussion on these things has detailed some of the critical figures on the impact in Western Australia on people subject to family and domestic violence. One of those research papers stated that Homelessness Australia indicated that in 2011–12, 34 per cent of people assisted by specialised homelessness services required assistance due to family violence. In real numbers, this represents over 7 200 people. We all know the impact in our own electorates of family and domestic violence and people seeking urgent care. It is important for the urgent care to ensure that people have a safe place to seek refuge.

I conclude by noting that this bill includes two anti-violence measures aimed at deterring violent behaviour in general, and these entail amendments to the Criminal Code to address violence against women that harms their unborn child, and increases the maximum penalty for unlawful assault. I want to make clear that I understand that this in no way undermines a woman's right to choose to terminate her pregnancy and in no way places at any risk those fundamental rights that were debated in this Parliament. I understand that if a domestic and family violence situation harms a pregnant woman and her unborn child, clearly, that needs to be taken into account, and this legislation will do that. But this cannot and never should be used as a way to undermine what has come into law—after a very contentious and difficult discussion in this place—to ensure that women in this community have the right to make their own choices around their own reproductive health. I thank Parliament and I congratulate the government for finally bringing in this bill, but I criticise it for bringing it in at such a late time. I also think that the legislation is completely lacking because the government did not bring in residential tenancy laws that could have assisted people who are fleeing family violence and ensured that they would not have to go through leaving tenancies to get new tenancy agreements or being discriminated against or all those things. Part of the importance of setting up a safe system is for victims to maintain their housing and not be left in a situation in which they are expected to bear the cost of damages caused by someone else's violence. I think that the consultation paper is just a paltry excuse for no action and it is a great disappointment.

DR G.G. JACOBS (Eyre) [9.47 pm]: I will not hold up the house for too long at this late hour. I express my general support for the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016, but I also make some points about why I believe it could have been improved. Of course, we all abhor violence in the family. It is not acceptable or tolerable. It is really important to show protections for family members against violence. "Family violence" as described in clause 7 of this bill is —

- (a) violence, or a threat of violence, by a person towards a family member of the person; or
- (b) any other behaviour by the person that coerces or controls the family member or causes the member to be fearful.

I am sure we all agree that this legislation needs to be passed. However, I want to make some points about the protection of those family members and the examples of the behaviour from which we attempt in this bill to protect them, which are —

- (a) an assault ...
- (b) a sexual assault ...
- (c) stalking ...
- (d) repeated derogatory remarks ...
- (e) damaging or destroying property ...
- (f) causing death or injury to an animal that is the property of the family member;
- (g) unreasonably denying the family member the financial autonomy ...
- (h) unreasonably withholding financial support ...
- (i) preventing the family member from making or keeping connections with the member's family, friends or culture;
- (j) kidnapping, or depriving the liberty ...
- (k) distributing or publishing, or threatening to distribute or publish, intimate personal images ...
- (l) causing any family member who is a child to be exposed to behaviour referred to in this section.

I would like to direct my comments to the protection of children, which is very important. It is referred to in clause 36, which amends section 30B(c), and states —

- (c) delete paragraphs (b), (c) and (d) and insert:
 - (b) the need to prevent behaviour that could reasonably be expected to cause the person seeking to be protected to apprehend that they will have family violence committed against them;
 - (c) the need to ensure the wellbeing of children by protecting them from family violence, behaviour referred to in paragraph (b) or otherwise being exposed to family violence;

It appears that there are protections for children except when they are in utero. I draw members' attention to division 4, which makes amendments to the Criminal Code. I make the point, and I think it is really important that I make this point in Parliament, that the protection of the unborn child is viewed in this legislation only as harm to the mother as "grievous bodily harm". Proposed new section 1(4A)(c) states —

- (c) a reference to causing or doing grievous bodily harm to a person includes, ...
 - ...
 - (ii) a reference to causing the loss of the woman's pregnancy;

Given my background in a profession that had something to do with and involved exposure to women, pregnancy and babies, I believe that we have provided protection for almost every family member in this legislation. We have prescribed it and even, in proposed new section 5A(2)(1), referred to children specifically. Even in the parameters of the terms used in family violence, and examples of the behaviour that is deemed to be family violence, the bill states at proposed new section 5A(2)(1) —

- (1) causing any family member who is a child to be exposed to behaviour ...

That is, except when that child is in utero. Call it a foetus or whatever, it is a baby, it is a human and it is a child.

I know the question in people's minds is, will this open up the whole abortion debate? I think the member for Mirrabooka touched on that. I was particularly interested in her comments towards the end of her speech. However, it is not about opening up the abortion debate; it is about those cases—they have been referred to in the other place—around the wilful violence to a woman's abdomen to inflict harm on a baby, and in some cases cause the death of a baby. My plea is that there should be more recognition of the baby and harm to that baby in this bill.

In a previous Parliament that I was part of we were promised a bill around foetal homicide that would protect the baby. There have been unfortunate cases in which violence has been directed at a pregnant woman's abdomen to inflict harm on a baby. It is my plea that if it is not in this Parliament, that we look at that issue, and I am not afraid of opening up the debate on abortion. I understand that the hour is late and that it is late in the parliamentary term. We cannot have the argument tonight, but there are a lot of good things in this bill. If members accept my argument—I am sure that some would not—there is perhaps a way through the suggestion I have put and we could at least reassure ourselves that we could look at having this debate soon. I refer members to the review of certain amendments relating to family violence restraining orders. That section of the bill refers to a review of the legislation. It states that the review date means the second anniversary, so two years after this legislation is passed. It states —

As soon as practicable after the review date the Minister is to review the operation and effectiveness of the amendments made to this Act by the Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016 Part 2.

Further, the minister is to cause a report of the review within six months after the review date. If I could be reassured by the people who accept the argument about protecting the baby in utero, perhaps I would accept that if we passed this legislation, its operation would be reviewed in two years; however, only part 2 will be reviewed. I have referred to the sections around unlawful violence to a woman who is pregnant. "Division 4—*The Criminal Code* amended" falls under part 3 of the bill. I do not necessarily need an answer tonight, minister, but we probably need to consider why the whole lot would not be reviewed instead of just part 2, leaving out part 3. If the review is into the operation of the bill, let us have a look at the operation of the whole bill in two years, and then perhaps the Parliament might see fit to review the protection of unborn babies.

MR P. ABETZ (Southern River) [9.57 pm]: I want to echo the words of my colleague the member for Eyre on the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016, but I will not touch on that particular issue. I think one of the things we would all agree on in this house is that domestic violence is a crime and ought to be a crime. I was very pleased to have met with the police in my area a couple of years ago. We talked about what the most common call-outs were for them, which in my area is domestic violence. The police shared with me that they have changed their approach to dealing with domestic violence. When they went

to a call-out, if the partner who was attacked said that they did not want the police to arrest their attacker, the police used to back off and let it be. However, if police have enough evidence from what they see when they get there and there is clear evidence of an attack having taken place, they can arrest the guy and take him away. If, the next morning, the lady says, “No, I don’t want my partner charged”, they can say, “Don’t worry about it. We’ve got enough evidence to charge him. We don’t need your evidence in court.” I think that is a very positive move to take cases seriously when the evidence is very clear.

In my eight years as a member of Parliament, more people have come to my office complaining about the misuse of violence restraining orders than of VROs not having the desired effect of keeping a violent person away. I have taken quite some interest in that. The Law Reform Commission of Western Australia report titled “Enhancing Family and Domestic Violence Laws: Final Report: Project 104” is an interesting read. When that report is read alongside the bill before us, this bill goes against a significant number of the Law Reform Commission’s recommendations. Dr Augusto Zimmermann, one of the law reform commissioners, wrote an article in *Quadrant* dated 1 November 2016—so it is fairly hot off the press—entitled “The Menace of Family ‘Violence’ Order”. His article reflects what the Law Reform Commission report indicated; that is, one of the real concerns about this bill is that it extends the relaxation of evidence rules already available for interim orders to final decisions. I believe that that really erodes the very notion of natural justice and also the right to be considered innocent until proven guilty.

The difficulty with violence restraining orders is that the person making the claim of violence can get a VRO but their claim is not challenged in any way. The person who is the subject of the VRO can lose access to their home and can lose access to their children and so on. I have a whole stack of emails with me that I have received over the years from people who tell their story of how VROs are being used inappropriately. The Law Reform Commission was very conscious of the fact that VROs are often misused. The commission rejects some of the bill’s contents because it stated —

... they were likely to exacerbate the existing problem of overuse and abuse of violence restraining orders, which are known to be used for tactical purposes in family law litigation.

I am sure that those who work in the family law space would be well aware of those issues.

The Law Reform Commission specifically rejected reducing the level of evidence required for final orders. Dr Zimmermann’s article stated that the commission —

... recommended that legislation should provide a fair and just legal response to family and domestic violence. Above all ...

... as Legal Aid confirmed, this does “not mean that fairness and the protection of individual rights are not important considerations”. In this context, it is vital to acknowledge that not every person who applies for a violence restraining order is a victim of family and domestic violence and not every respondent is a perpetrator ...

Although it is true that most applications for violence restraining orders are properly made, sometimes they are unmeritorious or otherwise used for tactical purposes in family law litigation. And yet, many lawyers consider that violence restraining orders, in particular those applied for after proceedings have been instituted in a family law dispute, may actually exacerbate conflict and decrease the prospects of the parties reaching agreement, with a consequent impact upon legal costs.

This whole notion of interim violence restraining orders being made on uncorroborated evidence—simply on what the applicant says—leaves them open to abuse. I fully appreciate that in certain circumstances it is necessary, but there needs to be a real speeding up of the process. The time between the interim VRO being granted and the time the person who is the subject of the order can contest it in court needs to be reduced massively. Too much injustice takes place for those who are falsely accused of domestic violence and there are all the consequences of that. Just last week, a former police officer was pensioned off because he was badly injured in police duties. He had been married for over 25 years. He told me that his wife was a pretty fiery kind of person, yet they had been reasonably happily married. They ran a successful business and so on. On a number of occasions she had attacked him. He said, “I never fought back.” Some time back, she attacked him and the neighbours called the police. He declined to speak to the police because, being a former police officer, he knew the law, and the police took him away for questioning. He said, “I’m not going to answer any questions because I don’t want to say anything.” On the basis of that, his wife asked for a VRO and he was locked out of the house. They ran the business from home, so he could not go to work. She was drawing about \$300 000 a year from the business and he is an equal partner in the business, so he had no access to any of it. He was basically homeless, living in his car for a few days before a friend allowed him to stay at their house. When we see some of the machinations of that nature, I believe we need to make some provision in this type of legislation so that if anyone

is found to maliciously or vexatiously use provisions of a VRO they should face severe penalties. At the moment there are no penalties for that. In one of the emails I have, there is a quote from the Family Court in which the Family Court judge said it was very clear that the VRO had been used to try to gain advantage and was totally unfounded et cetera but there is no penalty for doing it. There is simply no disincentive for a person to use a VRO to achieve their ends because even if they are found out, it does not matter; there are no consequences. I believe that is a serious shortcoming in our VRO legislation.

I will leave my comments at that, given the time, except to mention that in the other house, Hon Nick Goiran gave quite a lengthy speech on the bill. I concur with a lot of the points he made, but they are on the record so I guess that should be sufficient for the purpose of my contribution to the second reading bill.

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

House adjourned at 10.08 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR MENTAL HEALTH — PORTFOLIOS — TEMPORARY STAFF

5893. Mr M. McGowan to the Minister for Mental Health; Child Protection:

For each of the financial years 2013–14, 2014–15 and 2015–16 can the Minister provide:

- (a) the total dollar amount spent on temporary workers by each department or agency under the Minister's control;
- (b) the total number of temporary worker contracts by agency and their position and level;
- (c) how many temporary workers are currently employed in each department or agency under the Minister's control; and
- (d) how many temporary workers have worked in the same position for longer than 6 months?

Ms A.R. Mitchell replied:

The Public Sector Commission has advised there is no accepted government definition of a “temporary worker”. In order to answer this question, the Member will need to provide further detail.

MINISTER FOR PLANNING — PORTFOLIOS — TEMPORARY STAFF

5894. Mr M. McGowan to the minister representing the Minister for Planning; Disability Services:

For each of the financial years 2013–14, 2014–15 and 2015–16 can the Minister provide:

- (a) the total dollar amount spent on temporary workers by each department or agency under the Minister's control;
- (b) the total number of temporary worker contracts by agency and their position and level;
- (c) how many temporary workers are currently employed in each department or agency under the Minister's control; and
- (d) how many temporary workers have worked in the same position for longer than 6 months?

Mr J. Norberger replied:

The Public Sector Commission has advised there is no accepted government definition of a “temporary worker”. In order to answer this question, the Member will need to provide further detail on the nature of the employment contracts in question.

ATTORNEY GENERAL — PORTFOLIOS — TEMPORARY STAFF

5899. Mr M. McGowan to the minister representing the Attorney General; Minister for Commerce:

For each of the financial years 2013–14, 2014–15 and 2015–16 can the Minister provide:

- (a) the total dollar amount spent on temporary workers by each department or agency under the Minister's control;
- (b) the total number of temporary worker contracts by agency and their position and level;
- (c) how many temporary workers are currently employed in each department or agency under the Minister's control; and
- (d) how many temporary workers have worked in the same position for longer than 6 months?

Mrs L.M. Harvey replied:

The Public Sector Commission has advised there is no accepted government definition of a “temporary worker”. In order to answer this question, the Member will need to provide further detail on the nature of the employment contracts in question.

MINISTER FOR STATE DEVELOPMENT — PORTFOLIOS — TEMPORARY STAFF

5900. Mr M. McGowan to the Minister for State Development; Transport; Innovation:

For each of the financial years 2013–14, 2014–15 and 2015–16 can the Minister provide:

- (a) the total dollar amount spent on temporary workers by each department or agency under the Minister's control;
- (b) the total number of temporary worker contracts by agency and their position and level;
- (c) how many temporary workers are currently employed in each department or agency under the Minister's control; and
- (d) how many temporary workers have worked in the same position for longer than 6 months?

Mr W.R. Marmion replied:

The Public Sector Commission has advised there is no accepted government definition of a “temporary worker”. In order to answer this question, the Member will need to provide further detail on the nature of the employment contracts in question.

PREMIER — PORTFOLIOS — TEMPORARY STAFF

5906. Mr M. McGowan to the Premier; Minister for Tourism; Science:

For each of the financial years 2013–14, 2014–15 and 2015–16 can the Minister provide:

- (a) the total dollar amount spent on temporary workers by each department or agency under the Minister’s control;
- (b) the total number of temporary worker contracts by agency and their position and level;
- (c) how many temporary workers are currently employed in each department or agency under the Minister’s control; and
- (d) how many temporary workers have worked in the same position for longer than 6 months?

Mr C.J. Barnett replied:

The Public Sector Commission has advised there is no accepted government definition of a “temporary worker”. In order to answer this question, the Member will need to provide further detail on the nature of the employment contracts in question.

MINISTER FOR MENTAL HEALTH — PORTFOLIOS —
GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION**5911. Mr M. McGowan to the Minister for Mental Health; Child Protection:**

For each department, agency and Government Trading Enterprise within the Minister’s portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

- (a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;
- (b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;
- (c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;
- (d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and
- (e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Ms A.R. Mitchell replied:Mental Health Commission

- (a)
 - (1) Christmas Nuts Hamper – Shared with all staff.
 - (2) Chocolates – Donated to Salvation Army Christmas Appeal.
 - (3) Chocolates and Biscuits – Donated to Salvation Army Christmas Appeal.
 - (4) Perspex or glass cube key ring – Retained by the staff member.
 - (5) Board games x2 – Placed in Inpatient Withdrawal Unit for clients to use.
 - (6) Handmade bowl – Placed in a meeting room.
 - (7) Pen – Used by the Commissioner.
- (b)
 - (1) 27/11/2015.
 - (2) 14/12/2015.
 - (3) 14/12/2015.
 - (4) 01/08/2015.
 - (5) 05/06/2016.
 - (6) 28/07/2016.
 - (7) 30/06/2016.

- (c) (1) e3Learning.
- (2) Acorn Life Path Team.
- (3) Tenacious House5.
- (4) Fresh Start.
- (5) Ex-Client.
- (6) Chamber of Minerals and Energy Safety and Health Conference.
- (7) Marion Centre.
- (d) (1) \$50.00.
- (2) \$50.00.
- (3) \$30.00.
- (4) \$10–\$50.
- (5) \$35.00.
- (6) \$150.00.
- (7) \$110.00.
- (e) (1) Former online training provider.
- (2) Nil.
- (3) Nil.
- (4) Nil.
- (5) Ex-Client.
- (6) Nil.
- (7) Contracted Service Provider.

Department of Child Protection and Family Support

(a)–(e) [See tabled paper no 4871.]

MINISTER FOR PLANNING — PORTFOLIOS —
GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION

5912. Mr M. McGowan to the minister representing the Minister for Planning; Disability Services:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

- (a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;
- (b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;
- (c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;
- (d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and
- (e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Mr J. Norberger replied:

Disability Services Commission

- (a) Nil.
- (b) Nil.
- (c) Nil.
- (d) Nil.
- (e) Nil.

Metropolitan Redevelopment Authority

(a)–(e) [See tabled paper no 4873.]

Department of Planning

(a)–(e) [See tabled paper no 4873.]

MINISTER FOR STATE DEVELOPMENT — PORTFOLIOS —
GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION

5918. Mr M. McGowan to the Minister for State Development; Transport; Innovation:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

- (a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;
- (b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;
- (c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;
- (d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and
- (e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Mr W.R. Marmion replied:

The Department of State Development advises:

- (a)–(e) [See tabled paper no 4869.]

The Department of Transport, Main Roads Western Australia, Public Transport Authority, Southern Ports Authority, Fremantle Port Authority, Kimberley Ports Authority, Pilbara Ports Authority and Mid-West Ports Authority advises:

- (a)–(e) [See tabled paper no 4869.]

The Office of the Government Chief Information Officer advises:

- (a)–(e) [See tabled paper no 4869.]

MINISTER FOR EDUCATION — PORTFOLIOS —
GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION

5921. Mr M. McGowan to the minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

- (a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;
- (b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;
- (c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;
- (d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and
- (e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Mrs L.M. Harvey replied:

Department of Aboriginal Affairs

- (a)–(e) [See tabled paper no 4872.]

Department of Education Services

- (a)–(e) [See tabled paper no 4872.]

Department of Education

- (a)–(e) [See tabled paper no 4872.]

Country High School Hostels Authority

- (a) Nil.
- (b)–(e) Not applicable.

School Curriculum and Standards Authority

- (a)–(e) [See tabled paper no 4872.]

Western Australian Electoral Commission

- (a)–(e) [See tabled paper no 4872.]

PREMIER — PORTFOLIOS — GIFTS, HOSPITALITY, TRAVEL AND ACCOMMODATION

5924. Mr M. McGowan to the Premier; Minister for Tourism; Science:

For each department, agency and Government Trading Enterprise within the Minister's portfolio of responsibilities, I ask in regard to the registration of the receipt of all gifts, benefits, hospitality, accommodation and travel by officers since 1 October 2015:

- (a) what was the nature of the gift, benefit, hospitality, accommodation or travel received;
- (b) what was the date of receipt of each gift, benefit, hospitality, accommodation or travel;
- (c) what is the name of the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel;
- (d) what is the estimated individual value of gift, benefit, hospitality, accommodation or travel; and
- (e) does the organisation have any commercial or financial relationship with the individual, organisation or private company that offered the gift, benefit, hospitality, accommodation or travel and if so, what is the nature of that commercial or financial relationship?

Mr C.J. Barnett replied:Public Sector Commission

(a)–(e) [See tabled paper no 4868.]

Department of the Premier and Cabinet

(a)	(b)	(c)	(d)	(e)
Scitech Board Game	13/10/2015	Scitech	\$20.00	Yes – DPC administers a five-year funding agreement between Scitech and the Western Australian Government
Book – 'Every Match A Home Match' (x2)	12/10/2015	Cricket Australia	\$20.00 (for two books)	No
Koko Black Christmas Gift Hamper	7/12/2015	Malaysian Consulate	\$100.00	No
Movie tickets (x2)	27/11/2015	EMC XChange Perth	\$35.00	Yes – DPC has purchased an EMC storage array system
Framed (signed) photo	11/12/2015	Their Royal Highnesses, The Prince of Wales and The Duchess of Cornwall	\$65.00	No
Bottle of Wolf Blass Red Label Chardonnay	22/12/2015	Southern Cross Cleaning (SCC)	\$6.95	Yes – SCC has a contract for Dumas House in West Perth
Small purse	22/12/2015	HRH The Prince of Wales	\$42.00	No
Christmas gift bag of items	22/12/2015	Consulate of the Socialist Republic of Vietnam	\$50.00	No
Bottle of Pierro LTC Semillon Sauvignon Blanc	23/02/2016	Urban Development Institute of Australia	\$31.99	No
Ferrero Rocher Collection (172g)	22/04/2016	Conservation Council of WA	\$10.00	No
Book — 'The Wild Side, Chronicles of Nature'	22/04/2016	BirdLife WA	\$20.00	No

Book — ‘People and Places’	22/04/2016	Friends of Forrestdale Lakes	\$10.00	No
Six soil samples (in 500ml glass jars)	23/03/2016	Cougar Sands	\$0.00	No
Small boxed floral arrangement	1/07/2016	Woodside Florist	\$40.00	Yes — the company provides wreaths for memorial services and commemorations attended by the Premier or his representative
Book — ‘The Southwest – Australia’s Biodiversity Hotspot’	1/08/2016	CEO of the Western Australian Museum	\$36.50	No
Book — ‘The Story of Gorgon’	20/06/2016	Former Managing Director of Chevron Australia Pty. Ltd.	Unknown	No
Butterflies in glass frame	1/08/2016	Director General, Department of Parks and Wildlife	Unknown	No
Book — ‘Connecting Two Cultures: Australia and the Philippines’	1/08/2016	Her Excellency, Mrs Minda Calaguian–Cruz, Ambassador of the Philippines	Unknown	No
Perth Modern School branded paperweight	19/08/2016	Perth Modern School	\$20.00	No
Four entrance tickets to Perth Royal Show	19/08/2016	Royal Agricultural Society of WA (RASWA)	\$116.00	Yes – the RASWA is a grant recipient
Coffee mug	19/09/2016	Bee Industry Council Association of WA	\$6.00	No

ChemCentre

Nil.

GoldCorp

(a)–(e) [See tabled paper no 4868.]

Lotterywest

(a)–(e) [See tabled paper no 4868.]

Rottneest Island Authority

(a)	(b)	(c)	(d)	(e)
Bottle of wine	11 December 2015	Keslake Nominees	\$20	Keslake Nominees is a construction company which provide services to the RIA relating to capital works projects
Chocolate gift pack	16 December 2015	BlochTech	\$50	BlochTech is an engineering company which provide services to the RIA relating to construction related projects
Bottle of champagne	25 February 2016	Rottneest Island visitor	\$20	Rented a RIA rental mooring

Tourism Western Australia

(a)–(e) [See tabled paper no 4868.]

Salaries and Allowances Tribunal

Nil gifts, benefits, hospitality, accommodation or travel received

(a)–(e) N/A.

MINISTER FOR MENTAL HEALTH — PORTFOLIOS — FRINGE BENEFITS TAX

5928. Mr M. McGowan to the Minister for Mental Health; Child Protection:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16:

- (a) how much of that was in respect to entertainment;
- (b) how much was the underlying expenditure that attracted the entertainment FBT; and
- (c) what are the details of the expenditure?

Ms A.R. Mitchell replied:Department of Child Protection & Family Support

The Department paid a total FBT payable amount of \$1,126,833 in 2015–16.

- (a) \$22,259
- (b) \$24,864
- (c) The entertainment expenditure is related to:
 - Staff attendance at business-related events, dinners/lunches and award functions (FBT related to non-award recipients);
 - Business meals with internal and external parties;
 - Recreational components of staff planning/development days;
 - Hospitality at business meetings with official departmental visitors; and
 - Hospitality for departmental functions held for staff.

Mental Health Commission

Total Fringe Benefits Tax for FBT year 2015–16: \$196,192.

- (a) \$1,435.00
- (b) \$28,799.60 (GST inclusive). Total number of attendees 211 with only 10 Mental Health Commission employees who attracted entertainment FBT related expenditure.
- (c) The Mental Health Good Outcomes Awards, presented by the Mental Health Commission at the University of Western Australia, University Club, celebrated individuals, groups, programs, services and partnerships across the government, private and community sectors that had made an outstanding contribution to mental health in Western Australia. The awards acknowledged the high standard and ongoing commitment demonstrated by those involved in innovative and effective programs, services and partnerships that address key mental health issues at a local, regional or state-wide level. It aimed to encourage individuals and organisations to continue to strive for excellence in their daily work and to enhance their skills and experience within the mental health field.

Total number of attendees was 211 (only 10 of which were employees).

The expenditure of \$28,799.60 comprises a meal and recreational component including the catering and venue hire, decorations and music.

MINISTER FOR STATE DEVELOPMENT — PORTFOLIOS — FRINGE BENEFITS TAX

5935. Mr M. McGowan to the Minister for State Development; Transport; Innovation:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16:

- (a) how much of that was in respect to entertainment;
- (b) how much was the underlying expenditure that attracted the entertainment FBT; and
- (c) what are the details of the expenditure?

Mr W.R. Marmion replied:

The Department of State Development advises:

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$612,182.

- (a) \$7,054.
- (b) \$7,342.
- (c) Entertainment expenditure is related primarily to employee meal expenses associated with meeting visiting dignitaries and other business contacts. The majority of the expense relates to the FBT applicable to accommodation expenses and other allowances for the Department's Regional Directors posted to the international trade and investment offices overseas.

The Department of Transport, Main Roads Western Australia, Public Transport Authority, Southern Ports Authority, Fremantle Port Authority, Kimberley Ports Authority, Pilbara Ports Authority and Mid-West Ports Authority advises:

Department of Transport

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$651 892.

- (a) \$18 754.
- (b) \$34 069.
- (c) Entertainment expenditure includes business lunches, staff award and recognition events, opening ceremonies, events hosted by DoT to recognise Transport achievements including hire costs of premises, employee/team building meetings & social events and community participation events.

Main Roads Western Australia

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$1 222 926.

- (a) \$20 888.
- (b) \$42 629.
- (c) Employee reward and recognition programs. Meals and venue hire associated with Regional Road Group meetings held offsite in a regional location. Meals associated with senior Officer Meetings held offsite. Staff events held across Main Roads.

Public Transport Authority

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$907 187.

- (a) \$20 657.
- (b) \$35 713.
- (c) Employee recognition awards, monthly staff social event subsidy (light food/snacks), employee interstate, intrastate travel meal expenses, Service award function, employee/team building meetings and social events and community participation events.

Southern Ports Authority

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$210 929.

- (a)–(b) Nil.
- (c) Not applicable.

Fremantle Port Authority

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$139 923.

- (a) \$27 684.
- (b) \$26 644.
- (c) Entertainment benefits associated with sponsorships, industry and business events, charities and local sporting clubs.

Kimberley Ports Authority

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$142 772.

- (a)–(b) Nil.
- (c) Not applicable.

Pilbara Ports Authority

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$693 294.

- (a) \$20 861.
- (b) \$18 253.
- (c) Operational business meetings, Board, Executive and employee functions and meetings.

Mid-West Ports Authority

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$16 851.

- (a) \$4 320.
- (b) \$8 816.
- (c) Customer meetings, Board and Executive functions, employee/team building meetings and social events.

The Office of the Government Chief Information Officer advises:

The actual expenditure on Fringe Benefits Tax for FBT year 2015–16 is \$10,625.21.

- (a)–(b) Nil.
- (c) Not applicable.

TREASURER — PORTFOLIOS — FRINGE BENEFITS TAX

5936. Mr M. McGowan to the Treasurer; Minister for Energy; Citizenship and Multicultural Interests:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16:

- (a) how much of that was in respect to entertainment;
- (b) how much was the underlying expenditure that attracted the entertainment FBT; and
- (c) what are the details of the expenditure?

Dr M.D. Nahan replied:Department of Treasury

\$366,411 for the period 1 April 2015 to 31 March 2016:

- (a) \$405.94;
- (b) \$701.78; and
- (c) Department of Treasury's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Economic Regulation Authority

FBT Year 2015–16

1 APR 2015 to 31 MAR 2016

Actual FBT Expenditure was \$ 106,892.03

- (a) \$ 7,820.15
- (b) \$ 9,823.03
- (c) Economic Regulation Authority's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Government Employees Superannuation Board

Expenditure on Fringe Benefits Tax for the FBT year 2015–16 was \$37,937.76:

- (a) Nil;
- (b) Nil; and
- (c) Not applicable.

Horizon Power

The actual FBT expenditure for 2015/16 for Horizon Power was \$224,836.01

- (a) The amount paid that was in respect of entertainment was \$57,086.48
- (b) The total underlying expenditure that attracted the entertainment FBT was \$106,040.09.
- (c) Horizon Power's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Independent Market Operator

The Independent Market Operator's actual expenditure on Fringe Benefits Tax for the FBT year 2015–16 was \$42,541.31.

- (a) \$12,408.
- (b) \$26,617.
- (c) The Independent Market Operator's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Insurance Commission of Western Australia

The FBT expenditure for the Insurance Commission of Western Australia in 2015–16 was \$404,789.

- (a) Entertainment FBT expenditure for 2015–16 was \$5,545.
- (b) \$10,544.
- (c) The Insurance Commission of Western Australia's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Office of Multicultural Interests

\$13,917.39.

- (a) \$3,929.10.
- (b) \$3,736.00.
- (c) The Office of Multicultural Interest's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Office of the Auditor General

2015–16 Fringe Benefits Tax = \$115,510.

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Public Utilities Office

The Public Utilities Office's actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$64,132.63.

- (a) \$5,873.43;
- (b) \$11,169.53; and
- (c) Public Utilities Office's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Synergy

\$1,243,359.

- (a) \$180,800.
- (b) \$324,309.
- (c) Synergy's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Western Australian Treasury Corporation

Actual expenditure on Fringe Benefits Tax for FBT year 2015–16 was \$27,152.

- (a) \$27,152.
- (b) \$28,261.
- (c) Western Australian Treasury Corporation's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

Western Power

Western Power's actual expenditure on Fringe Benefit Tax for 2015–16 was \$881,903.

- (a) \$121,572.
- (b) \$115,597.
- (c) Western Power's expenditure on meals, refreshments and gifts from third parties, is in accordance with the ATO's requirements for FBT.

MINISTER FOR EDUCATION — PORTFOLIOS — FRINGE BENEFITS TAX

5938. Mr M. McGowan to the minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16, and:

- (a) how much of that was in respect to entertainment;
- (b) how much was the underlying expenditure that attracted the entertainment FBT; and
- (c) what are the details of the expenditure?

Mrs L.M. Harvey replied:Department of Aboriginal Affairs

Fringe Benefits Tax for FBT year 2015–16 was \$179,018.

- (a) \$3,076.
- (b) \$22,939.60.
- (c) The expenditure was related to the total cost of a function held to launch the 2015 Reconciliation Week Street Banner Project. The launch was held at Frasers Restaurant in King's Park and was attended by 200 guests. The fringe benefits tax paid relates to public officers who attended the function, which includes 15 Department of Aboriginal Affairs staff and 24 representatives from various other State Government agencies.

Department of Education Services

Fringe Benefits Tax for FBT year 2015–16 was \$45,338.

- (a)–(b) Nil.
- (c) Not applicable.

Department of Education

Fringe Benefits Tax for FBT year 2015–16 was \$4,503,051.98.

- (a) \$9,608.56 (Central and Regional Offices) and \$20,889.66 (Schools).
- (b) \$9,136.41 (Central and Regional Offices) and \$19,863 (Schools).
- (c) Details of central and regional offices actual expenditure are as follows :

Details of Expenditure	Cost \$
2015 Career Development Association Australia national conference dinner	220.00
2016 Learning Environment Conference Drinks	250.00
The Australian Association for Research in Education Conference 2015 Welcome Reception	75.00
The Australian Association of Special Education/The Western Australian Education Support Principals and Administrators Association Conference Dinner	540.00
The Australian Association of Special Education/The Western Australian Education Support Principals and Administrators Association Welcome Reception	280.00
The Australian Citizen Science Association Biennial Conference Dinner and Tour	140.00
The Australian Public Sector Anti-Corruption Conference Welcome Reception and Dinner	450.00
The Institute of Public Administration Australia 2015 National Conference Gala Dinner	170.00
The Institute of Public Administration Australia Achievement Awards	815.00
Meet the Minister – The Hon. Kevin Andrews, MP, Minister for Defence	54.00
The National Association of Agriculture Educators Conference	255.00
The National Aboriginal and Torres Strait Islander Ecumenical Commission 2015 Conference Gala Dinner	450.00
Australian Teachers Association – A Kaleidoscope of Wonder and Opportunity – Science Teacher Breakfast and Safari at Perth Zoo	75.00

The Institute of Internal Auditors Australia South Pacific and Asia Conference 2016 and Gala Dinner	255.00
The WA Early Childhood Education and Care Conference Sundowner and Networking	110.00
WA Education Awards	901.50
The Western Australian Education Support Principals and Administrators Association Educators Awards Night 2015	110.30
The WA Information Technology and Telecommunications Alliance Gala Dinner Presentation	198.00
The Western Australian Primary Principals Association Conference 2015 Dinner	330.00
Yapaneyepuk Indigenous Symposium Gala Dinner	50.00
Various Employees Working Meals	3407.61
TOTAL	\$9,136.41

The above information reflects central and regional offices and excludes schools as schools maintain details of their own entertainment expenditure and to answer the question for schools would require a survey to be completed by all schools.

Country High School Hostels Authority

Fringe Benefits Tax for FBT year 2015–16 was \$263,262.36.

- (a) \$440.08.
- (b) \$418.45.
- (c) Details of actual expenditure are as follows: Employees Working Dinner for \$418.45.

School Curriculum and Standards Authority

Fringe Benefits Tax for FBT year 2015–16 was \$56,029.

- (a) \$3,712.
- (b) \$3,529.
- (c)

Details of FBT expenditure 2015–16	Amount \$
2015 Award Ceremony held on 17/2/2016 to present student awards for educational excellence (annual function)	633
2015 Thank-you function held on 8/12/2015 to acknowledge volunteers and representatives from the system and sectors who contributed to the Authority's achievements of goals (annual function)	2,050
Meals provided at meetings with stakeholders for discussions of issues vital to the Authority's activities during 2015–16	846
Total as shown in (b) above	\$3,529

Western Australian Electoral Commission

Fringe Benefits Tax for FBT year 2015–16 was \$60 157.21.

- (a) \$25.99.
- (b) \$51.98.
- (c) Lunch with auditor and lunch with Commonwealth Secretariat.

PREMIER — PORTFOLIOS — FRINGE BENEFITS TAX

5941. Mr M. McGowan to the Premier; Minister for Tourism; Science:

For each department, agency and Government Trading Enterprise within the Minister's portfolios, what was the actual expenditure on Fringe Benefits Tax for FBT year 2015–16, and:

- (a) how much of that was in respect to entertainment;
- (b) how much was the underlying expenditure that attracted the entertainment FBT; and
- (c) what are the details of the expenditure?

Mr C.J. Barnett replied:Public Sector Commission

\$189,353.15.

- (a) \$2,629.22.
- (b) \$5,000.00.
- (c) Chief Human Resource Officer (CHRO) Forum.

Department of the Premier and Cabinet

\$2 175 081.

- (a) \$25 299.
- (b) \$24 056, including third party expenditure [see (c)].
- (c) DPC expenditure on meals and refreshments and gifts from third parties in accordance with ATO requirements for FBT.

ChemCentre

\$17 630.69.

- (a) \$4 037.50.
- (b) \$3,868.43 (exclusive of GST).
- (c) The expenditure was incurred for activities related to ChemCentre business development and sales.

GoldCorp

Actual expenditure on Fringe Benefits Tax for FBT year 2015–16: \$106,611.75.

- (a) \$33,510 (31%).
- (b) \$64,834.
- (c) Expenditure incurred in respect of entertainment by way of food and drink in relation to:
 - Meetings between Gold Corporation staff and external parties including customers, suppliers and other stakeholders; and
 - Internal staff events including employee reward and recognition events, staff training, committee meetings and networking events.

Lotterywest

The actual expenditure by Lotterywest on Fringe Benefits Tax for the 2015/16 year was \$125,232.73.

- (a) \$36,923.98.
- (b) \$33,567.25.
- (c) Conference function attendance \$7,023.36, Grant recipient event attendance \$10,862.49, Sector function attendance \$862.22, Staff functions \$3,777.72 and Staff wellness program \$11,041.46.

Salaries and Allowances Tribunal

FBT for 2015–16 was \$10,274.95.

- (a) Nil.
- (b) Nil.
- (c) Motor vehicle and car parking benefits.

Rottneest Island Authority

\$90,806.

- (a) \$4,689.
- (b) \$4,459.
- (c) Award dinner functions, coffee / lunch meetings.

Tourism Western Australia

Fringe Benefits Tax expenditure for the 2015–16 FBT year was \$166,326.58.

- (a) \$91,904.89 of the FBT expense was in respect to entertainment.
- (b) The underlying expenditure that attracted the entertainment FBT was \$87,387.75.
- (c) Details of the expenditure are:
 - \$19,360.15 for meal entertainment; and
 - \$68,360.15 for recreational benefits (including core work and corporate hospitality).

PLANNING — MOOLA BULLA LEASE — HALLS CREEK

5945. Ms J. Farrer to the parliamentary secretary representing the Minister for Planning:

I refer to Question On Notice No. 3616 regarding Moola Bulla Lots 360 and 361, and I ask:

- (a) how many dwellings are currently located on each Lots 360 and 361;
- (b) which stakeholders has the Minister worked with to resolve the land tenure issues of the site;
- (c) has the Minister met with any Native Title groups to discuss this issue; and
- (d) what future actions does the Minister have planned to implement to resolve this issue?

Mr J. Norberger replied:

- (a) The exact numbers are unknown.
- (b)–(c) The Minister has not met with or worked directly with stakeholders or Native Title groups regarding land tenure at the site. However, the Department of Planning has been in consultation with various stakeholders including the Department of Aboriginal Affairs, Department of Housing, Regional Services Reform Unit at the Department of Regional Development, Department of Lands, Department of the Premier and Cabinet and Shire of Halls Creek.

This includes a meeting convened by the Department of Lands on 26 July 2016, with officers from the Department of Aboriginal Affairs, Department of Regional Development, Department of Planning, Department of Child Protection and Family Support, and the Housing Authority to progress land tenure and planning matters.

- (d) Questions regarding resolution of land tenure issues should be directed to the Minister for Lands. In relation to planning matters, the Shire of Halls Creek released its final Local Planning Strategy in May 2016, which identifies the two lots for future detailed planning, including a structure plan. This can be progressed once Native Title and land tenure are resolved.

TRANSPORT — GNANGARA ROAD–WANNEROO ROAD–WHITFORDS AVENUE INTERSECTION — AT-GRADE ROUNDABOUT

5948. Ms M.M. Quirk to the Minister for Transport:

I refer to the answer to Question Without Notice C1040 in the Legislative Council that the State Government will contribute \$2 million to a proposed roundabout at the Wanneroo Road, Gnangara and Ocean Reef roads intersection, and I ask:

- (a) will you outline the details on what is intended to be spent from that contribution; and
- (b) can you confirm that no properties will be acquired from that \$2 million but those costs will be met from the City of Wanneroo?

Mr W.R. Marmion replied:

- (a) The \$2 million is a contribution towards actual construction costs associated with the proposed roundabout.
- (b) The \$2 million allocation will not be utilised for any property acquisition.

Any land requirements will be determined as part of the design process and Main Roads will continue to work closely with the City of Wanneroo during this process.

TRANSPERTH — BUS ROUTE 406

5955. Ms L.L. Baker to the Minister for Transport:

I refer to Transperth Bus Route 406, and ask:

- (a) what reasons can the Minister give for the route 406 extension causing buses to deviate through the narrow residential Seventh Avenue instead of taking the more well traveled commuting route from the Seventh Avenue Bridge via Railway Parade immediately onto the much wider, better equipped Central Avenue;
- (b) will the Department consider revising this route to Central Avenue as described in (a):
 - (i) if no to (b) why not;
- (c) what assurances has the Department put in place to demonstrate that feedback received by residents on the bus route chosen will be considered; and
- (d) will the Minister release a report including feedback received by Transperth on this route change?

Mr W.R. Marmion replied:

The Public Transport Authority advises:

- (a) The proposed extended Route 406 bus service in the Maylands area was selected for a number of reasons (as per the attached map):
 - (i) Buses cannot physically make the left hand turn from Seventh Avenue onto the Seventh Avenue Bridge;
 - (ii) Seventh Avenue is no different to many other residential streets in the metropolitan area that Transperth buses use on a daily basis. The road meets all operational requirements for the safe operation of a bus service; and
 - (iii) Transperth currently operates a dedicated school bus service on Seventh Avenue and Coode Street with no operational difficulties or community concern.

[See tabled paper no 4870]

- (b) Seventh Avenue meets all requirements for bus service operations.
- (c) Transperth receives feedback from the public on a range of issues on a daily basis and works diligently to resolve all complaints. Changes to public transport services need to be viewed in the context of Transperth's wider obligation to provide a safe, attractive and efficient public transport system.
- (d) It is an internal report that contains some personal details of community members. A summary is available should the Member request it.

CAPE LEVEQUE ROAD

5957. Ms J. Farrer to the Premier:

I refer to the Premier's recent announcement to spend \$65 million to seal the Cape Leveque road, and I ask:

- (a) can the Premier confirm that the \$65 million is not in the 2016/17 budget papers;
- (b) has the Premier met with any of the traditional owner groups on the Dampier Peninsular to discuss this matter;
- (c) how will the Premier ensure that the natural and cultural elements throughout the peninsular are protected and maintained; and
- (d) will a permit system be introduced to manage visitor access?

Mr C.J. Barnett replied:

- (a) The \$65 million is an estimate of the total cost to complete the upgrade of the Cape Leveque Road. There was a State allocation of \$500 000 to progress development activities for the project in the 2016–17 year. The Commonwealth has expressed a willingness to contribute to the project. The State funds will be formalised as part of the normal budgetary processes.
- (b) I have been approached informally by many people about improving the Cape Leveque Road including Aboriginal community members from the Dampier Peninsula, as well as pastoralists, tourism operators, Shire councillors and Broome townspeople.
- (c) Work to improve the Cape Leveque Road will comply with all statutory requirements, including the relevant environmental and Aboriginal heritage approvals.
- (d) This is yet to be decided.

**PREMIER — AGENCIES — DIGITAL WA —
INFORMATION AND COMMUNICATIONS TECHNOLOGY COMPATIBILITY**

5977. Mr M. McGowan to the Premier; Minister for Tourism; Science:

I refer to ICT compatibility in relation to the Digital WA strategy, and ask for each department and agency under your control:

- (a) are all computers currently utilising Microsoft software that is supported by Microsoft (only versions since 2014);
- (b) how many computers are currently using Windows XP;
- (c) how many computers are currently using Internet Explorer version 10 (IE10) or older;
- (d) what is the privacy risk for your departments and agencies for using software that is no longer supported by Microsoft; and
- (e) have you been made aware of the potential for information to be externally accessed by your departments using software no longer supported by Microsoft?

Mr C.J. Barnett replied:Public Sector Commission

- (a) Yes.
- (b) Zero.
- (c) Zero.
- (d) The Commission does not use any Microsoft software that is unsupported.
- (e) Yes, the Commission and DPC work closely to ensure our systems are secure.

Department of the Premier and Cabinet

- (a) No.
- (b) 10.
- (c) Nil.
- (d) None.
- (e) Yes.

ChemCentre

- (a) No.
- (b) 61.
- (c) 65.
- (d) To accomplish ChemCentre business requirements, some computers connected to or involved in the processing of data from specialist scientific hardware eg analytical equipment, run legacy and unsupported Operating Systems including Windows 95, Windows 98, Windows 2000 and Windows XP. This is due to limitations of the hardware and/or software requirements of these systems. The risks of running legacy/unsupported platforms are being mitigated by several controls including client based antivirus software, advanced firewall protection mechanisms (including Intrusion Prevention systems, anti-virus and anti-malware) and staff education. Further controls are being assessed to limit internet access to these hosts based on findings of a recent Office of the Auditor General Information Systems audit.
- (e) ChemCentre is aware of the advice from the Australian Signals Directorate on strategies to mitigate targeted cyber intrusions and has recently performed an assessment of the recommended control mechanisms. Control strategies that were previously not employed or were not in line with the recommendations have now been implemented or are in the planning stages for further mitigation. ChemCentre is also finalising plans for the migration of systems to supported platforms.

On behalf of Gold Corporation and its subsidiaries:

- (a) All computers are currently utilising supported Microsoft software, with the exception of one application that is currently being replaced.
- (b) Nil.
- (c) No.
- (d) The privacy risk for the Corporation is minimised and managed by ensuring that only currently supported software is deployed, that critical updates and security patches are kept updated and regular vulnerability testing is executed and actioned.
- (e) No.

Lotterywest Response:

- (a) In most instances, Lotterywest's computers are running supported Microsoft software. It is planned to upgrade all desktop computers to Windows 10 by 14 November 2016.
- (b) Lotterywest has two physical and five virtual computers running unsupported Microsoft software (Windows XP). These have been assessed for risk and appropriate measures put in place. It is planned to replace all Windows XP computers by 14 November 2016.
- (c) Lotterywest has 250 desktop computers and 65 notebook computers currently using IE10 or greater (i.e. IE11). Lotterywest will upgrade all desktop computers to IE11 on Windows 10 (as a minimum) by 14 November 2016.
- (d) Lotterywest's privacy risk arising from using unsupported Microsoft software has been assessed by external auditors as low.
- (e) Lotterywest is aware of the potential risks running unsupported software. Lotterywest's corporate website does not support any Microsoft browser lower than IE10 and remote desktop access to corporate data is controlled to ensure only supported applications gain access to information.

Salaries and Allowances Tribunal

- (a) Yes.
- (b) Nil.
- (c) Nil.
- (d) N/A as Microsoft software used by the Department is supported.
- (e) N/A.

Rottneest Island Authority

- (a) Desktop software (excluding Internet Explorer) – Yes: Operating Systems – No (see “b”).
- (b) 12 (Virtual machines) to support retiring legacy systems.
- (c) 107 (65%).
- (d) Minimal – strong control methods are in place.
- (e) Yes.

Tourism Western Australia

- (a) Yes.
 - (b) Nil.
 - (c) Three (3), but they are not used for operational purposes.
 - (d) Not applicable.
 - (e) No.
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