

# Legislative Assembly

Tuesday, 20 March 2007

**THE SPEAKER (Mr F. Riebeling)** took the chair at 2.00 pm, and read prayers.

## LEGISLATIVE ASSEMBLY - TELEVISION FOOTAGE AND PHOTOGRAPHS

*Statement by Speaker*

**THE SPEAKER (Mr F. Riebeling):** Because we have had an event that happens only once every 80 years, members are required to listen to me for a little while. Firstly, I advise members that I have given approval for media organisations to take television file footage today between two and three o'clock. This is conditional upon the footage being available on a pooled basis to all the television stations. I have also approved the taking of photographs by the print media of the chamber today. I have also given approval for photographs to be taken of the chamber today with members sitting in their places. Similar to the photographs taken last year with the old seating and carpet, these photographs will record members sitting in the newly refurbished Legislative Assembly chamber. The photographs will be taken from the Speaker's gallery and from the public gallery.

## LEGISLATIVE ASSEMBLY - DISTINGUISHED GUESTS

*Statement by Speaker*

**THE SPEAKER (Mr F. Riebeling):** Members, I wish to acknowledge the presence in my gallery of Lynn and Kieran Lovelock - Lynn is the Clerk of the Legislative Council in New South Wales; Hon Bob Sneath, President of the Legislative Council in South Australia; Hon Jack Snelling, Speaker of the House of Assembly in South Australia; Malcolm Lehman, Clerk of the House of Assembly in South Australia; Jan Davis, Clerk of the Legislative Council in South Australia; Hon Jenny Lindell, Speaker of the Legislative Assembly in Victoria; Hon Robert and Margot Smith - Hon Robert Smith is the President of the Legislative Council in Victoria; and Wayne Tunnecliffe, Clerk of the Legislative Council in Victoria. I thank them all for coming to Western Australia to acknowledge the refurbishment and opening of our chamber.

[Applause]

## LEGISLATIVE ASSEMBLY - REFURBISHED CHAMBER

*Statement by Speaker*

**THE SPEAKER (Mr F. Riebeling):** Members, this is the first time we have used the newly refurbished chamber. Of course, during the long break, the refurbishment and installation of air conditioning took place. The push to rebuild the chamber occurred because of the passage of the legislation to increase the number of members of the Legislative Assembly from 57 to 59. We now have a chamber with 62 seats, with provision to increase that to 64 seats when needed. To allow for 64 seats in the chamber and to allow greater ease of access to all chairs, we needed to remove the walkway behind the old seating. A significant example of the old seating has been preserved both in this chamber and also in the Constitutional Centre. The public gallery has been rebuilt with 106 fixed chairs to avoid excessive noise. We have installed 18 flat screen televisions to allow visitors to view proceedings no matter where they are seated in the gallery. They will have captioning to advise which member is speaking and on what subject. The stainless steel balustrade has been given extra height, and toughened glass has been added to increase the safety of the general public. Two hearing loops have been installed in the gallery and the chamber. Disabled access has been built into the chamber.

Members will note that the unique blue of the chamber has been retained. The old carpet has been replaced with a far less busy design featuring the state emblems of the kangaroo paw and the black swan. The staff area has been changed to take into account the new height of the chairs at the rear of the chamber. Air conditioning has been installed, which was a major job to achieve in a building of this nature without damaging the fabric of the building.

The chamber now has a full set of lines at the back, which is the barrier between my gallery and the chamber itself.

Despite the limited space available to the architects and builders, the new layout gives each member a more functional workplace and greater access to each of the seats. The cost of renovation was approximately \$1.4 million for the chamber and public gallery. The cost of the air conditioning was \$570 000. Undertaking both jobs at once created significant savings to the end cost of the work.

The Australian content of the construction was 95 per cent. The Western Australian content was 90 per cent of the entire job. The majority of workmanship and materials was sourced in Western Australia. I need to thank a number of firms for their skills. The first is Connell Wagner, which provided project management and

engineering advice. That was done principally through Graham McDonald, who gave such good advice that we decided to employ him at Parliament House. He now works for Building Services. If anything goes wrong in the chamber, we know where to find Graham. I also thank Philips Griffiths Architects, which provided the architectural design. West Australian Mechanical Services provided building operations and air conditioning, mainly through Roger Collins. Burgtec and Sympari Furniture, mainly through Franz Schubert, Brett Bertolotti and Jim Carlton, provided the new members' seats and desks. I also thank Griffiths Design Group, Tascot Templeton Carpets and Malco Floor Coverings, which provided the supply, design and installation of the new carpet. The project was overseen by Peter McHugh, the Clerk of the Legislative Assembly, and a nervous Speaker also watched on occasions! Management on behalf of the Parliament was undertaken by the Parliamentary Services Department, headed by Russell Bremner, and by Peter Pascoe, who looked after our interests. The Department of Housing and Works, primarily through Gordon Armstrong, also lent assistance. Our television and sound expert, Kate Goldie, gave us expert advice on television coverage and the usefulness of the new microphones.

A number of issues have arisen from the new setup. The first is the location of the new television cameras. The problem with having a walkway that leads straight into the field of a camera is that a member may be on his feet giving a speech and vision of him may be blocked temporarily when members try to reach their seats. I ask members to bear that in mind and to assist in minimising the blocking of vision of members. It should last only a short period. We are assessing alternative locations for the two cameras.

The Speaker's dais, which I am standing on, has been moved back slightly. That inhibits the use of the swinging doors behind the dais. We are looking at whether they can be altered to stop them swinging into the space behind my dais. If that is possible, it will happen in the next few weeks. We will keep an eye on that to see whether the reduced gap inhibits the flow of people.

The height of the seating has reduced the view from my gallery, so those people whom we cannot see, cannot see us either. We intend to install monitors similar to those in the public gallery to assist people viewing proceedings from the Speaker's gallery. Members will note that the large pictures of the third and fifth Parliaments that used to hang in the back of the Parliament have not been replaced. I am considering alternative historic photographs to see whether those spaces can be filled again.

Members should all have instructions on how the seats and desks operate. I do not wish to become an air hostess, advising members how seatbelts and other things operate. If members read the instructions, I am sure they will be able to work all that out.

I remind members of the changes to standing order 38, which now reads -

- (1) Members will acknowledge the Chair when entering and leaving the Chamber and will not pass between the Chair and any member who is speaking unless it is unavoidable, the Chair is acknowledged and the Chair has indicated its approval for the member to proceed.
- (2) Members will not pass between the Chair and the Table.

That is reasonably self explanatory, but we will keep an eye on it and if there are problems, we may need to address the operation of that standing order.

One of the interesting aspects of the renovations was the renovation of the chair that I sit on, which proudly displays a brass plaque that reads -

THIS CHAIR  
WAS MADE IN 1912  
From Timber Taken From The Long Jetty Fremantle  
*FIRST BUILT IN 1873*

That appears to be absolutely wrong, from what we now know. The plaque remains there because I think it is of historical interest, but we have photographs of the chair taken in the 1870s. It appears that someone may have thought of building it. It now appears that Mr Lee Steere, when he stole the Mace from the Legislative Council, also stole the chair, which was very good of him.

I table a list of all the contractors that assisted in the rebuilding of the chamber.

[See paper 2508.]

I think all members are now present. We will now allow the photographer to take the historic photos. I ask all members to turn and face the camera.

#### **PROCEDURE AND PRIVILEGES COMMITTEE - MEMBER FOR MURCHISON-EYRE INQUIRY**

*Release of Documents - Statement by Speaker*

**THE SPEAKER (Mr F. Riebeling):** I advise members that, in view of the Assembly's resolution to refer certain matters to the Procedure and Privileges Committee for its investigation, and the implicit need to examine

unreleased committee documents, I have authorised the Clerk of the house to release documents, minutes and transcripts held in the Clerk's custody that are relevant to the Economics and Industry Standing Committee's inquiry into vanadium resources at Windimurra, and are deemed necessary for the PPC's investigation into the actions of the member for Murchison-Eyre in the early release of committee documents.

#### SELECT COMMITTEE INTO CHILD MIGRATION - RELEASE OF DOCUMENTS

*Statement by Speaker*

**THE SPEAKER (Mr F. Riebeling):** I wish to advise members that under the provisions of standing order 32, I have approved the release of a submission and appendices dated August 1996 that were made by the former Department of Family and Children's Services to the former Legislative Assembly Select Committee into Child Migration. The request was made by Oliver Cosgrove.

The select committee was terminated prior to the conclusion of its inquiry as a result of the dissolution of the Legislative Assembly on 14 November 1996. Although the committee tabled an interim report on Wednesday, 13 November 1996, individual submissions made to the select committee were not tabled and were, therefore, not publicly available. Under Legislative Assembly standing order 30, any committee evidence or documents that were not published or publicly released cannot be disclosed until the expiration of 10 years and subject to the determination of the Speaker. With regard to the above-mentioned documents, the 10-year period expired on 14 November, and I have decided to release the documents.

#### MINISTRY, PARLIAMENTARY SECRETARIES AND MINISTERS REPRESENTING

*Statement by Premier*

**MR A.J. CARPENTER (Willagee - Premier)** [2.16 pm]: Before I launch into the brief ministerial statement, I congratulate you, Mr Speaker, on the refurbishment of the Legislative Assembly.

**The SPEAKER:** Thank you.

**Mr A.J. CARPENTER:** In 30 or 40 years the seats may have softened sufficiently to accommodate what they need to accommodate. The refurbishment is an improvement. I also note the reference to Franz Schubert, which would explain the classical nature of the design and the fact that, as I understand, the refurbishment is not quite finished. Very good.

I take this opportunity to inform members that a number of changes to the ministry came into effect on Friday, 2 March 2007. For the information of members, I table a list of the new ministry and parliamentary secretaries and the new administrative arrangements for the representation of ministers between the houses.

[See paper 2509.]

#### CONTACT WITH LOBBYISTS CODE - REGISTER OF LOBBYISTS

*Statement by Premier*

**MR A.J. CARPENTER (Willagee - Premier)** [2.18 pm]: In November 2006 I announced that the Western Australian government would be establishing a Register of Lobbyists. Today I table the Contact with Lobbyists Code, which creates the Register of Lobbyists, establishes rules for contact between lobbyists and ministers, parliamentary secretaries, ministerial staff and public sector employees and establishes standards of conduct for lobbyists who wish to be included on the Register of Lobbyists. The Contact with Lobbyists Code has application through the ministerial code of conduct and the codes of conduct that apply to public sector bodies.

The Contact with Lobbyists Code will operate in such a way that no minister, ministerial staff member or employee of a public sector body will be permitted to have professional contact with a lobbyist unless the lobbyist is included on the Register of Lobbyists. This requirement will come into effect on 16 April 2007.

Over the next four weeks lobbyists will be able to apply online to the Director General of the Department of the Premier and Cabinet to be included on the Register of Lobbyists. The dedicated website address for the Register of Lobbyists is [www.lobbyistsregister.dpc.wa.gov.au](http://www.lobbyistsregister.dpc.wa.gov.au). I am advised that this site should be live before close of business today.

My government recognises that lobbying is a legitimate part of the democratic process. All vibrant democracies have lobbyists. In Western Australia the overwhelming majority of lobbyists are honest, decent individuals who operate according to ethical business practices. Unfortunately, the reputation of lobbying and lobbyists has been damaged through the actions of Brian Burke, Julian Grill and Noel Crichton-Browne. Evidence submitted to the recent hearings of the Corruption and Crime Commission has shown that Burke, Grill and Crichton-Browne have, at the very least, shown an absolute contempt for standards of political probity and a total disregard of the ethics expected of individuals operating in the sphere of public life. For this reason, the government will not allow Burke, Grill and Crichton-Browne to be on the Register of Lobbyists.

The Contact with Lobbyists Code is deliberately minimalist in its approach. It applies only to lobbyists who represent third parties. It does not apply to business lobby groups, trade unions, or religious or charitable bodies. Nor does it apply to recognised professional and technical occupations. The information requirements of the Register of Lobbyists are also minimalist. The register will contain a lobbyist's business registration details, details of employees who are engaged in lobbying, and names of clients who are currently being represented by the lobbyist. These details will need to be updated every three months. To remain on the register, lobbyists will need to keep their details up to date and abide by a set of principles of ethical conduct that are included in the Contact with Lobbyists Code.

*Point of Order*

**Mr C.J. BARNETT:** This is a time for three-minute statements. That time has elapsed. We are prepared to not interfere with the Premier completing his statement but I note that this should have been a major ministerial statement, allowing the opposition to respond. This is an insult to the Parliament on the first sitting in this new chamber.

**The SPEAKER:** The first part of the point of order is correct; brief ministerial statements should be three minutes in length. It is also a practice of this place that three-minute statements should not be subject to interjections because of the limited nature of them. I notice that there have been a number of interjections. I am sure the Premier will be finished shortly.

*Debate Resumed*

**Mr A.J. CARPENTER:** The Contact with Lobbyists Code and the Register of Lobbyists will be administered by the Director General of the Department of the Premier and Cabinet. The director general is authorised to accept or reject applications to be on the Register of Lobbyists and to remove lobbyists from the register in appropriate circumstances. A review of the Contact with Lobbyists Code and the Register of Lobbyists will be conducted after the first 12 months of its operation. The review will be aimed at determining whether legislation is required to regulate the activities of lobbyists. The government is mindful that the Corruption and Crime Commission is continuing to investigate the activities of certain lobbyists and this could in turn lead to recommendations concerning the regulation of lobbyists. A review in 12 months' time will therefore be able to take account of any recommendations emerging from the CCC.

I table the Contact with Lobbyists Code.

[See paper 2510.]

## EMERGENCY SERVICES

*Statement by Premier*

**MR A.J. CARPENTER (Willagee - Premier)** [2.22 pm]: In recent months the community of Western Australia has been tested by natural disasters. These disasters have placed our volunteer and career emergency personnel under significant pressure. These incidents range from floods and fires in the south to cyclones in the north. As Premier, I have been able to witness first hand the professional and dedicated response of the staff and volunteers involved in emergency management. Last month, with temperatures in the south of the state soaring and firefighting resources already stretched, my colleague the Minister for Police and Emergency Services declared a bushfire emergency period. This extraordinary power under the Bush Fires Act has been exercised only twice in the state's history and is reserved for occasions where there is a real threat of a bushfire catastrophe. In this instance the Fire and Emergency Services Authority worked with the Bureau of Meteorology, local fire managers and officers from the Department of Environment and Conservation and determined that the predicted weather conditions created the potential for extreme fire danger across large tracts of the state. The remarkable efforts of our bushfire volunteers, career and volunteer Fire and Rescue Service personnel, Department of Environment and Conservation fire crews and State Emergency Service volunteers are acknowledged. If not for their prompt response and tireless work in Dwellingup, Waroona and other affected communities, the impact would have been far greater.

At the start of this month we faced a further natural disaster in the form of tropical cyclone George and the impending threat of tropical cyclone Jacob. On Friday, 9 March, George crossed the coast just east of Port Hedland and we all know the significant impact it had on Port Hedland and South Hedland, remote indigenous communities, pastoral stations and the deadly results it had upon the Fortescue Metals Group rail camps. Cyclone George tragically claimed three lives and caused 28 injuries. It has also left in its wake extensive infrastructure, property and environmental damage.

I want to put on record the state government's and the community's thanks for the dedication and commitment of our emergency services during the emergency situation, including the volunteer State Emergency Service, volunteer fire services and the state urban search and rescue team, comprising career Fire and Rescue Service and St John Ambulance personnel. My sincere thanks also go to FESA, Department of Health staff and

emergency medical teams, St John Ambulance paramedics, Western Australia Police and the Department for Community Development for their commitment and professional approach. I want also to acknowledge the extraordinary efforts and support from the Australian Defence Force, Emergency Management Australia, Red Cross, Horizon Power and other personnel from commonwealth and state government agencies. In particular, the contribution by local governments during these emergencies was outstanding, vital and, importantly, successful. It is pleasing to see the community response and the quick re-establishment of normal operations in Port Hedland and surrounding communities.

Finally, I wish to thank the employers and families of all volunteers, who showed tremendous understanding and support during these emergency periods caused by the bushfire and cyclone events. It is important to note that the current cyclone and bushfire season is not over and could extend into April this year.

### **SOUTH WEST YARRAGADEE AQUIFER - RECOMMENDATION OF SUSTAINABILITY PANEL**

*Statement by Minister for Water Resources*

**MR J.C. KOBELKE (Balcatta - Minister for Water Resources)** [2.25 pm]: The Carpenter government gives Western Australia's water future the highest priority. With the south west's drying climate and expanding population, it is essential that we conserve water wherever practical. Our approach is to provide a secure water supply through a range of initiatives, including climate-independent desalination, new surface and groundwater sources, water trading with irrigators, demand management, catchment management initiatives and water recycling. Our strategy has been recognised by national leaders, including the Prime Minister, as an example to the rest of Australia.

In December 2004, the government commissioned a sustainability panel to provide transparent, independent and publicly available advice on the adequacy of investigations into the south west Yarragadee aquifer and whether the Water Corporation's 45 billion litre water supply proposal would be sustainable. The panel has considered all relevant environmental, social and economic factors, and released its report on the weekend. The independent panel has concluded the proposal is sustainable, with the inclusion of adaptive management and monitoring commitments. The Environmental Protection Authority, in its assessment of the proposal, also recommended these management and monitoring controls. The panel also found the Water Corporation's investigations and assessment of and justification for the feasibility of the plan have been comprehensive and thorough. I note that the panel believes that this proposal has been well planned to achieve social, economic and environmental net-benefit outcomes. I take this opportunity to thank the panel members - Barbara Wiese, the chair; Professor Peter Newman; Nicky Cusworth; Dr Geoff Syme; and David Reid - for their time and effort in providing this valuable, independent advice. In securing our water future, the Carpenter government will ensure that all major developments are economically, socially and environmentally sustainable.

I table a copy of the panel's report for the benefit of members.

[See paper 2511.]

### **AUSTRALIAN SURF LIFE SAVING CHAMPIONSHIPS**

*Statement by Minister for Tourism*

**MS S.M. McHALE (Kenwick - Minister for Tourism)** [2.28 pm]: I am delighted to inform the house that today marks the beginning of the Australian Surf Life Saving Championships, which are being held at Scarborough Beach until Sunday, 25 March. The championships were launched by the Premier yesterday, and this is the first time since 1991 that Western Australia has held this event. This is a very significant year to welcome the event back to Western Australia as 2007 is the Year of the Surf Lifesaver and also the centenary of surf-lifesaving. Known affectionately as "the Aussies", these championships have brought to Perth 6 500 competitors from over 200 surf-lifesaving clubs around Australia, international competitors and approximately 400 officials. Following intense competition from most Australian states, it was a real coup for Western Australia to win the right to host the event from 2007 to 2009.

These championships encapsulate the surf-lifesaving movement and its vital role in our community. I would like to commend surf-lifesavers, who have given their time as volunteers in the service of their communities for well over 100 years. Channel Nine, the media partner, will broadcast national coverage of the event over two weekends. The event also attracts an international television audience, enabling us to promote our marine holiday experiences and our relaxed lifestyle to audiences around the world. Over the next three years, the Carpenter government will invest \$5.85 million into this event, which is expected to inject approximately \$25 million into Western Australia's economy. At the conclusion of the "Aussies", another key Western Australian marine event will begin. The newly-named Drug Aware Pro Margaret River will attract 250 professional surfers from across the globe to meet in Western Australia's south west. The state government has invested \$415 000 into this year's international surf event, in which Western Australians Melanie Redman-Carr, Claire Bevilacqua, Taj Burrow and Jake Paterson will compete. The Carpenter government continues to demonstrate its ongoing commitment to growing tourism in this state by securing events of this key nature.

I am pleased to remind members to join me this evening at the Tourism Council of Western Australia's tourism function, which will celebrate the winners of the 2006 Western Australian tourism awards. I encourage all members to join approximately 50 tourism stakeholders in the Parliament House courtyard to meet key tourism representatives, view the tourism displays and feast on some superb local produce. I thank the Tourism Council of Western Australia for its initiative in hosting this function.

### INDUSTRY AND EXPORT AWARDS

*Statement by Minister for Industry and Enterprise*

**MR F.M. LOGAN (Cockburn - Minister for Industry and Enterprise)** [2.30 pm]: I bring to the attention of the house the proactive nature of the government in recognising and awarding businesses that are at the top of their game, and of the flow-on effects of this recognition.

The state's premier business awards - the Western Australian Industry and Export Awards - has recognised the achievements of Divex Asia Pacific Pty Ltd in the category of Emerging Exporter. Divex is a world leader in the testing and manufacture of diving and sub-sea equipment and is a terrific example of an innovative Western Australian company. Since receiving the award, Divex has secured new international contracts to supply deep-saturation diving systems and re-breather technology to three countries. It is quickly establishing itself as a successful Australian exporter, providing some of the most up-to-date underwater technology to the military and commercial sectors. Divex is located at the Australian Marine Complex in Henderson, an area known worldwide as a leading facility for marine-related industries in Australia.

The government is serious about developing diverse industries through its four pillars strategy, which will ensure the sustainable prosperity of the state through not only the resources sector, but also the growth of innovative sectors such as marine and defence, biotechnology, renewable energies, and information and communications technology. The Carpenter government recently announced the investment of \$174 million into the Australian Marine Complex, which amount will provide for the construction of a floating dock, a new transfer system, the dredging of a 17 metre-deep basin to accommodate the floating dock, an extension of the existing eastern wharf, site works and electrical upgrades. This massive commitment is about creating the best possible environment for the marine and defence industries, and encouraging businesses large and small to relocate to a world-class facility in Western Australia.

Divex is a great example of an innovative Western Australian company, and the government will continue to recognise, award and encourage such enterprises throughout Western Australia. The Carpenter government is making decisions for the future. It encourages innovation and promotes new industries to ensure that Western Australians have well-paid, skilled jobs into the future. Supporting businesses such as Divex, through recognition and infrastructure, is all part of the government's commitment to ensuring that Western Australia remains successful beyond the boom.

### QUESTIONS WITHOUT NOTICE

HON SHELLEY ARCHER - RESIGNATION FROM AUSTRALIAN LABOR PARTY

**40. Mr P.D. OMODEI to the Premier:**

In light of the revelations of the Corruption and Crime Commission, and of her dubious past, has the Premier asked Hon Shelley Archer to resign from the Australian Labor Party?

**Mr A.J. CARPENTER replied:**

I have already made quite clear for the public record my response to the circumstances involving Hon Shelley Archer. I have told her that she should resign from the two parliamentary committees on which she has represented the government. I removed her from the role she performed for me on the Community Development Employment Projects task force. She is now a backbench member in the upper house of the state Parliament. With respect to the other part of the question, if I want the Leader of the Opposition to be privy to every private conversation I have with members of Parliament, I will invite him to take part; otherwise, I will not.

HON SHELLEY ARCHER - RESIGNATION FROM AUSTRALIAN LABOR PARTY

**41. Mr P.D. OMODEI to the Premier:**

I have a supplementary question. Did the Premier ask Hon Shelley Archer to resign or did he not?

**Mr A.J. CARPENTER replied:**

I responded to that question. Let me ask a question in return.

Several members interjected.

**The SPEAKER:** Members!

**Mr P.D. Omodei:** Did you ask her to resign?

**Mr A.J. CARPENTER:** I feel a bit like Herschelle Gibbs facing the Dutch leg spin bowler.

**Mr P.D. Omodei:** Did you ask her to resign?

**Mr A.J. CARPENTER:** Has the Leader of the Opposition asked his deputy to resign? Has he asked Hon Anthony Fels to resign? Did the Leader of the Opposition send him on an 18-day study tour to Britain?

**Mr P.D. Omodei:** Did you ask her to resign or not?

**Mr A.J. CARPENTER:** I have answered the question.

#### OPPOSITION'S ECONOMIC MANAGEMENT

#### 42. Mr J.R. QUIGLEY to the Treasurer:

Can the Treasurer please advise the house if the opposition's proposed expenditure review committee will give the community confidence in the opposition's ability to manage the Western Australian economy?

**Mr E.S. RIPPER replied:**

I thank the member for the question. There is a short answer, but I prefer to give a somewhat longer answer on this occasion. I welcome the announcement by the Leader of the Opposition that the opposition will establish an expenditure review committee. Boy, does it not need one? The opposition's record in government was five budgets out of eight in the red. If the opposition needs some reminding of its record in government, I will again quote from the letter by the former Under Treasurer John Langoulant to Richard Court. This letter is worth quoting over and over again.

Several members interjected.

**The SPEAKER:** Order! I call to order the Deputy Leader of the Opposition and the member for Roe.

**Mr E.S. RIPPER:** In his letter to Richard Court, he said about the member for Cottesloe that -

I have expressed my concern to you on a number of occasions about the disturbing trend of Cabinet and individual Ministers to embark upon expenditure proposals out of context with the budget.

The opposition, in government, had no budget discipline whatsoever, and it has none in opposition. I will be interested to see how the proposed expenditure review committee of the opposition will deal with the funding questions for the promises that it has already made; perhaps it will abandon those.

Several members interjected.

**The SPEAKER:** I call to order the member for Dawesville.

**Mr E.S. RIPPER:** I note that the proposed new committee has only one member; that is, the member for Vasse. I wonder who else will be on this committee. We know it cannot be the member for Cottesloe. We saw once again the excruciating file vision of the member for Cottesloe's press conference held a couple of days before the last election. There is no way in which the member for Cottesloe can be on the proposed expenditure review committee.

It cannot be the member for Kalgoorlie because, as I understand it, the member for Kalgoorlie does not speak to the member for Vasse, and that would make the operations of the committee a bit difficult. Anyway, presently he is having the living daylight belted out of him by his colleagues because of his views on daylight saving. He is otherwise occupied.

I do not think it can be the member for Leschenault because an article in *The West Australian* quotes him saying -

... that if Mr Buswell had voted for Mr Omodei "then it says a lot for the character of a person who aspires to high political office".

Obviously, he thought it says a lot for the negative character of a person who aspires to high political office.

I doubt that the member for Hillarys, as fine a person as he is, is a candidate for membership of the opposition's proposed expenditure review committee. I think he would have trouble being a member of a committee chaired by the member for Vasse when his view of that member is expressed as follows -

"His cowardly and gutless disloyalty will be the start of his demise and I think you will find the shining star of Troy Buswell will diminish over the coming months.

"Let me tell you, if he is the future of the Liberal Party then God help the Liberal Party."

Members can see that the member for Vasse has a problem. He cannot find any member on his side who will be a suitable member of the opposition's proposed expenditure review committee. That difficulty relates only to members of Parliament. There is someone outside this place to whom he could talk and to whom he has talked. He can hold expenditure review committee meetings in the Parliament House car park. He can talk to Noel

Crichton-Browne there, as has been his habit. That is their regular meeting spot. Although the members for Leschenault, Hillarys and Cottesloe are not possible candidates for the expenditure review committee, Noel Crichton-Browne could be a candidate, and the venue for the meetings would be in a Commodore in the car park of Parliament House!

#### BIRD DEATHS IN ESPERANCE

#### 43. Dr G.G. JACOBS to the Minister for Health:

Thousands of birds in Esperance have died from lead poisoning and local rainwater tanks have been found to have high levels of lead, the likely source of which is the lead carbonate that is stockpiled and exported through the port of Esperance.

- (1) Why has the chief environmental health officer declared that there is no risk to human health?
- (2) What basis in evidence is there to make this declaration, given that no public health screening has been undertaken?
- (3) Does the minister intend to undertake an expanded testing process to check the blood levels in local residents; and, if so, who and where?
- (4) Why, by the end of last week, had medical practitioners in the town received no memos, briefings or communication regarding the handling of this event?

#### Mr J.A. McGINTY replied:

- (1)-(4) I thank the member for Roe for this question, which is a matter of very significant public concern. I share the concern he has expressed in his question. The two groups in the community that are most at risk of lead contamination are children under the age of five years and pregnant women. The lead testing clinic, which has been established at the Esperance District Hospital, will be prioritising its work around those two particular groups and will be encouraging people, through the local media and other information that is released, to take advantage of the lead testing that is available. However, anyone from the Esperance community is entitled to use the service free of charge. There are already 2.5 full-time equivalent phlebotomists in Esperance who are assisting with the blood tests. In addition, today another phlebotomist travelled to Esperance and will begin working at the hospital's lead-testing clinic on Wednesday, 21 March at 10.30 am. Additional phlebotomists who are required will be provided by the Department of Health in negotiation with PathWest. The lead testing clinic at the hospital will take its first appointment tomorrow morning and will operate between the hours of 8.00 am and 4.00 pm each weekday. Priority will be given to the two classes of people to whom I have already referred. Residents can walk in off the street and be tested, but, given the expected high demand for the testing, residents are encouraged to make an appointment at the clinic. Initially, the clinic will run for three weeks. This estimate will be reviewed and the clinic will be resourced for as long as it is needed by the people of Esperance. The staff at the clinic comprise a registered nurse, an enrolled nurse and an administrative assistant. As an alternative, residents can visit their general practitioner and obtain a pathology request form and undergo a blood lead test by the existing phlebotomy team at the Esperance District Hospital, which includes the two full-time phlebotomists and the half-time phlebotomist to whom I have referred. The expected turn-around time for the blood tests for lead levels is three days. We have arranged for PathWest to conduct extra shifts, if required, to process those samples to bring certainty to the people of Esperance about whether or not they have been contaminated by lead.

Rainwater tank testing will be undertaken at no charge to anyone in Esperance who requires it. Two environmental health officers arrived in Esperance this morning. Initially they will remain in Esperance for one week. Beyond that, the amount of time that is required to complete the testing will be reviewed. They will assist the single environmental health officer who is permanently employed at the Shire of Esperance. The Shire of Esperance has advised that three other staff at the shire are also assisting the environmental health officer on this issue. The rainwater tanks thought to be most at risk are those that are located within two kilometres of the port. The testing of those tanks will be made a priority. As of last week, the Shire of Esperance had received 280 requests for rainwater tank testing. They will all be tested, based on the priority I have already indicated, for not only lead, but also nickel exposure.

There is growing concern here. The Department of Health has drafted information kits, which it aims to have posted on the website by Friday, 23 March. Updated question and answer sheets on both nickel and lead were finalised yesterday and also now appear on the Department of Health website. Not only lead, but also nickel is a serious concern. I am advised that biological testing for nickel is complex and difficult to interpret. The most likely pathways for exposure of the human population to nickel include nickel dust in the air and the drinking of contaminated rainwater. Environmental monitoring is the quickest and most reliable method of testing, and this is occurring through the rainwater tank-testing

program. All rainwater tank samples will undergo a broad screening that includes tests for both lead and nickel.

The Department of Health has also undertaken to review honey testing in the region to determine whether lead and nickel are affecting honey. Exposure to elevated levels of nickel will result in skin irritations and more frequent asthma attacks for people who are sensitive to nickel. The next shipment of nickel from the Esperance port is scheduled for Sunday, 25 March. The Department of Environment and Conservation has established an ambient air monitor for the port, which is monitoring for both lead and nickel.

We all share the concern expressed by the member for Roe about the situation in Esperance. We will do everything that is necessary as a government to protect the health and the concerns about the health of the people of Esperance. I invite the member for Roe to bring to me or the department any suggestions for ways in which we can improve the response in providing assistance to the people of Esperance, and we will act on them. I ask the member for Roe to convey to the people of Esperance our ongoing very serious concerns and our determination to ensure that no stone is left unturned in dealing with this problem.

#### BIRD DEATHS IN ESPERANCE

##### **44. Dr G.G. JACOBS to the Minister for Health:**

Since the cause of the bird deaths was determined to be lead on 3 March, and a clinic has not yet been established, does the minister concede that his response to this potential public health disaster has been inadequate and he has ignored community concerns about the health impact on local children?

##### **Mr J.A. McGINTY replied:**

No.

#### WATER FROM KIMBERLEY

##### **45. Mrs C.A. MARTIN to the Minister for Water Resources:**

Given the Appleyard report on bringing water from the Kimberley, is the minister aware of any more recent studies that would give credibility to the member for Cottesloe's renewed call to bring water from the north through "Col's canal"?

##### **Mr J.C. KOBELKE replied:**

I thank the member for her question. The member is very worried about these outlandish calls that water be taken from the Kimberley despite all the value it has to the people in the Kimberley, culturally, spiritually and economically. The simple answer is no; no further advice has been received that supports the claim and the statements by the member for Cottesloe that we should be again pursuing this pipedream of bringing water from the Kimberley.

**Ms S.E. Walker** interjected.

**The SPEAKER:** I call to order the member for Nedlands for the first time.

**Mr J.C. KOBELKE:** The member for Cottesloe seems to be more concerned with promoting his own ego than dealing with the facts of the matter.

Several members interjected.

**The SPEAKER:** I call to order the Leader of the Opposition and the member for Nedlands.

**Mr J.C. KOBELKE:** Is it now the opposition's policy to bring water from the Kimberley?

**Mr P.D. Omodei:** Is it still on the list of potential supplies?

**Mr J.C. KOBELKE:** No.

**Mr P.D. Omodei:** When was it removed?

**Mr J.C. KOBELKE:** After the Appleyard inquiry. Is it Liberal Party policy?

**Mr P.D. Omodei:** I don't think you should rule out bringing water from the north.

**Mr J.C. KOBELKE:** We have here the promotion of ego over any fact or reality. An article in the *Sunday Times* as recently as 18 March states -

... Mr Barnett said, "I recognised a few years ago that water would be a pre-eminent issue for Australia - I realised it ahead of everyone else."

That was a bold claim by the ego from Cottesloe. When the member for Cottesloe was Leader of the Opposition, he made a range of statements that the Labor government was simply blowing out the water issue and it was not a real issue. I take, for example, a press release from the Leader of the Opposition dated 9 April 2002 -

Several members interjected.

**Mr J.C. KOBELKE:** The member for Cottesloe was the Leader of the Opposition at the time. In 2002, when Labor was saying that we must address the water issue, the member for Cottesloe said -

Perth has been scared into thinking there are serious water shortages and forced to suffer through water restrictions when the Labor Government simply has not turned on the tap.

Last weekend the member for Cottesloe said that he had recognised before anyone else that there was a major issue with water. However, I can quote a range of statements in 2002 in which the member for Cottesloe made it very clear that he did not believe there was a major issue with water. That is just one example of how the member for Cottesloe would rather promote his ego against that of the Leader of the Opposition than deal with this issue in a factual way.

We do not need to seek advice from only Professor Appleyard or the Water Corporation. The Minister for the Environment and Water Resources in the Howard Liberal government, Malcolm Turnbull -

**Mr C.J. Barnett:** A good mate!

**Mr J.C. KOBELKE:** Malcolm Turnbull, a good mate of the member for Cottesloe, said on radio 6PR on 19 April 2006 -

I think most people recognise that whether it's a canal or a pipeline, the economics are just not feasible, not realistic, the cost of water, by the time it got to Perth, would be so much greater than, for example, the cost of desalinating water on the spot.

That statement was based on evidence that is available to everyone - everyone, that is, except the ego from Cottesloe, because he does not want to deal with the facts. If we base this issue on the facts, in no way would we go for the second best option. To bring water from the Kimberley is the second best option by a long shot. The Appleyard report states that it would cost more than \$5 a kilolitre to pipe water from the Kimberley to Perth. That can be compared with the cost of desalination at only \$1.16 a kilolitre. More importantly, the environmental impact of piping water from the Kimberley will be far greater than the environmental impact of a desalination plant. The energy cost of piping water from the Kimberley is about 5.8 kilowatt hours a kilolitre. That can be compared with an energy cost of only 4.5 kilowatt hours a kilolitre for the desalination plant in Kwinana.

In closing, I will respond to the interjection from the member for Cottesloe about Yarragadee. In 2002, the then Leader of the Opposition said on radio 6PR -

Perth is not short of water. I think everyone is conscious it's a precious resource, we need to harvest it carefully, we need to use it wisely and conserve where possible, but there is a Perth water strategy that was produced in 1995, it looked 20 to 30 years into the future, and, indeed, the development of resources such as the Yarragadee formation was already underway.

The member for Cottesloe claimed in 2002 that the south east Yarragadee was already under way.

**The SPEAKER:** Order! Members on my right, question time has been running for approximately 25 minutes, and we have managed to get through only four questions. We need to speed up the answers.

HON SHELLEY ARCHER - PREMIER'S SUPPORT

**46. Mr B.J. GRYLLS to the Premier:**

Why has Shelley Archer retained the Premier's support to remain in caucus and in Parliament, when due to her unacceptable and reprehensible behaviour the Premier has sacked her from parliamentary committees?

**Mr A.J. CARPENTER replied:**

I understand that the Leader of the National Party is relatively new to Parliament. He would do well to brief himself on the practices and the rights and privileges of members of Parliament and on the rights and capacities of people in positions such as that which I hold. It might also be of some value to the Leader of the National Party to familiarise himself - I fear that he has not - with the law pertaining to spent convictions.

HON SHELLEY ARCHER - PREMIER'S SUPPORT

**47. Mr B.J. GRYLLS to the Premier:**

As a supplementary question, does the Premier trust Shelley Archer with confidential government information?

**Mr A.J. CARPENTER replied:**

Shelley Archer is a member of the state Parliamentary Labor Party. I have asked her to resign from the two parliamentary committees of which she was a member. I have removed her as the chairperson of the community development employment program task force. She is now a backbench member of the state's upper house, and that is her capacity as a parliamentarian.

**The SPEAKER:** I call the member for Murray to order for the first time.

## PERTH DEVELOPMENTS - PROPHETS

**48. Mr J.N. HYDE to the Minister for Planning and Infrastructure:**

Have there been any new prophets of Perth's developments in the past few weeks, and is there any value in their visions?

**Ms A.J.G. MacTIERNAN replied:**

I thank the member for the question. In the past couple of weeks we have been bombarded with prophets telling us what we can do to make Perth a better city. I start off from the proposition that Perth is a very good city. Always we can make it better. However, I am not sure that we need all the experts who have visited the state. Mr Charles Landry made a very sensible comment. He said that he wanted to see urban spread right throughout the metropolitan area and not just be confined to the central business district. We were very pleased that Mr Landry gave us great credit for our Network city plan for Perth, which does precisely that. We are delivering that through a raft of projects, be it the Armadale Redevelopment Authority, the Cockburn central project, the Murdoch program or all our transit-oriented development studies.

Several members interjected.

**The SPEAKER:** I call the members for Vasse, Murray and Cottesloe to order.

**Ms A.J.G. MacTIERNAN:** We had that vision, which, of course, was steadfastly opposed by the opposition at the time. Mr Kennett also visited the state and he had a number of interesting things to say. One of his most interesting reflections was that the City of Perth had difficulty showing leadership because it was very small in real terms and had a small revenue base compared with that of most cities. He felt that that reduced its capacity to drive progress. We know that that particular manifestation of the City of Perth was driven by the visionaries in the opposition. Indeed, I believe that the Leader of the Opposition personally presided over the carving up of the City of Perth and creating the tiny towns. Having said that, I compliment the City of Perth because it has always cooperated with the state government. When we have needed to take over the planning powers for areas of Perth -

Several members interjected.

**The SPEAKER:** Order, members!

**Ms A.J.G. MacTIERNAN:** In our time in government, we have made four expansions of the East Perth Redevelopment Authority, taking over the planning powers for the power station, the riverside, the cultural centre and the Northbridge link. The City of Perth has been a willing partner in all of that. Of course, our own home-grown expert also made some comments. Of course, that expert is none other than the Leader of the Opposition. He wants to put the "wow" factor back into the city. Interestingly, he said that he wants a whole series of river precincts linked by fast ferry services to give ready access to the heart of the city. This man who is advocating fast ferry services, however, is exactly the same visionary who opposed providing fast train services. I will refer to a few quotes that the Leader of the Opposition, the "wow" man, made in Parliament just a couple of years ago. He said -

The Perth to Mandurah railway is well and truly premature.

The visionary went on -

. . . this project is at least five years ahead of its time, and possibly 10, in that the infrastructure that is in place now is more than adequate to cater for the traffic that comes from Mandurah and goes north.

Mr Speaker, no rail, no Perth-Bunbury highway! The greatest boon that has been delivered to central Perth is our railway, which will bring 70 000 people a day into the heart of the city.

## CABINET DECISIONS - REVIEW

**49. Mr T. BUSWELL to the Premier:**

I refer to comments reported in *The Bulletin* on 7 March from former Western Australian Premier Carmen Lawrence, when she said that it was up to this government to review cabinet decisions on all projects associated with Brian Burke and Julian Grill, including -

whether they had an effect on the final decision-making even if the ministers involved were not affected by the Burke-Grill lobbying.

- (1) How many cabinet decisions were made on the recommendation of disgraced former ministers Norm Marlborough, the member for Riverton and the member for Murchison-Eyre?
- (2) What action has the Premier taken to ensure that these cabinet decisions are reviewed in a thorough and independent manner?

**Mr A.J. CARPENTER replied:**

- (1)-(2) On a number of fronts I find the question remarkable; remarkable for the audacity of the member who asked the question to dare get on his feet and ask questions of this nature. Is the Deputy Leader of the Opposition the member who squatted down in a car out there in the darkness with Noel Crichton-Browne so that no-one could see him, concocted the evidence that he was about to provide to the Corruption and Crime Commission, and went there and gave his evidence in concert?

Several members interjected.

**Mr A.J. CARPENTER:** Was that the Deputy Leader of the Opposition or was it some other person who somehow or other now occupies his seat? Does Noel Crichton-Browne exercise any influence over the government?

**Mr P.D. Omodei:** Are you answering the question? You are here to answer the question.

**Mr A.J. CARPENTER:** I feel bad about doing this but I just have to, don't I, member for Nedlands?

**Ms S.E. Walker:** Premier, you don't have to.

**Mr A.J. CARPENTER:** There I was taking a stroll at lunchtime. I picked up a copy of the *Subiaco Post* and what did I see? It is a good story. The front page is headed -

Lib 'disgusted' by the party

Several members interjected.

**Mr A.J. CARPENTER:** It is in this week's edition and is available for everybody to look at. It is a good story. Actually, it is all about how the member for Cottesloe is unfairly treated, according to the member for Nedlands, but the tail end of the story states -

Ms Walker, the shadow Attorney-General, sees the latest lapse -

That is related to the member for Cottesloe -

as part of a much wider swell in the Liberal Party against her and others who openly oppose the influence of former senator Noel Crichton-Browne.

...

... her supporters say she despairs that his influence is as strong now as it was when he was in the party.

**Mr T. Buswell** interjected.

**Mr A.J. CARPENTER:** Member for Vasse, it says -

They say that many Liberal MPs owe their endorsements, and their seats in parliament, to him and his supporters.

**Ms S.E. Walker** interjected.

**Mr A.J. CARPENTER:** Now that we are in an open forum, I ask the member for Nedlands: was she by any chance referring to the member for Vasse?

Several members interjected.

**Mr A.J. CARPENTER:** What hypocrisy this is!

Several members interjected.

**Mr A.J. CARPENTER:** The audacity of the Deputy Leader of the Opposition! He was fingered by his own shadow Attorney General, whom we know, holding such an important office, would not go out and make false or misleading statements. We must therefore assume that what she is saying is absolutely true. Who would know more about the internal workings of the Liberal Party than the shadow Attorney General, who has suffered at the hands of the monstrous Noel Crichton-Browne, and who sees his evil influence still at work with the Deputy Leader of the Liberal Party sitting in that chair opposite?

**Ms S.E. Walker** interjected.

**Mr A.J. CARPENTER:** Is the member for Nedlands saying that he is not one of the people she was referring to?

Several members interjected.

**The SPEAKER:** Order, members! I guess therein lies the problem with directing comments towards the member for Nedlands, because she has a loud voice and I hear it.

**Mr A.J. CARPENTER:** Mr Speaker, I enjoy the contributions to the parliamentary debate by the member for Nedlands; they are well thought through.

Several members interjected.

**Mr A.J. CARPENTER:** Did I hear the member for Cottesloe interject?

**Mr C.J. Barnett:** Yes. Corruption in cabinet; too right!

**Mr A.J. CARPENTER:** Corruption in cabinet! How does the member for Cottesloe reckon he would have fared with the Corruption and Crime Commission on his tail when he was a minister? How does he reckon he would have fared? I have a pretty good idea. The former government never had a CCC, just like John Howard does not have a CCC. He has sent his new Assistant Minister for Health and Ageing to investigate potential corruption by the minister he has just got rid of. Imagine if the federal government had a CCC over there. That government would be shredded.

The former Premier and member for Fremantle, Carmen Lawrence, is free to make comment as she sees fit. The member for Vasse may have forgotten, but I think he has asked a very similar question already. The answer to this is: if there are issues that require investigating, we have a very powerful organisation that is quite capable, and demonstrably so, of doing just that - that is, investigating them - unlike the eight years that members opposite were in government and made every shonky deal in the book, every shonky deal that could possibly be imagined, and there was nobody or nothing to investigate it. They would have been torn to shreds, and they know it, which is why they never had a CCC. They never had a CCC because none of them would have survived it.

**Ms S.E. Walker** interjected.

**Mr A.J. CARPENTER:** The member was not a minister. In relation to that part of the question that seeks that I reveal which minister advocated which project within cabinet, pity help those opposite if they ever get into government, if that is their attitude. They have missed the entire point of what has been under investigation by the CCC about cabinet confidentiality, why it is important and why it should not be breached, and why that question is completely and utterly born of ignorance.

#### CABINET DECISIONS - REVIEW

##### 50. **Mr T. BUSWELL to the Premier:**

I have a supplementary question. What specific actions has the Premier taken to ensure that his cabinet decisions have not been corrupted by the influence of Brian Burke and Julian Grill?

**Mr A.J. CARPENTER replied:**

It is quite difficult to see. I would like to stand out here beside my seat and give myself a bit more space. I feel as though I have worked myself into this one.

**Mr C.J. Barnett:** Come on, hotshot interviewer. Go on. You used to ask the questions. Try answering them.

**Mr A.J. CARPENTER:** In a sense, I feel sorry for the member for Cottesloe. When I read those comments in the *Sunday Times*, on the one hand I thought, "Well, this is good. He has provided us with a whole pile of ammunition", but I actually felt sorry for him as an individual. In all the time he has spent sitting there, barking from the sidelines, he has learnt nothing - not one thing - and all his colleagues know it. He has not learnt a thing.

**Mr C.J. Barnett:** Come on, answer.

**Mr A.J. CARPENTER:** It is best he remain quiet, I think. It may have escaped the notice of members of the opposition, but certain actions have taken place, some of them directed by me, in the past few months in relation to ministerial responsibility and ministerial activities. Over and above that, there is an organisation called the Corruption and Crime Commission that is set up to investigate corruption, misbehaviour and misconduct wherever it can be found. It is in fact a standing royal commission with no terms of reference and with almost no inhibition about the matters it can pursue in investigation.

**Mr P.D. Omodei** interjected.

**The SPEAKER:** I call the Leader of the Opposition to order for the second time. It is time we allowed the Premier to speak without a torrent of interjections.

**Mr A.J. CARPENTER:** I think I have made the point. The CCC is there to investigate matters. If issues are brought to my attention that require action, such as the dismissal of a minister, I think I have demonstrated that I will do it.

**The SPEAKER:** Before we go on, clearly the sound system in this place is much better than it used to be. I hear every word that members are uttering. Therefore, a lot more people will be called to order if we continue at that level of interjection.

#### CLIMATE CHANGE - LIBERAL PARTY POLICY

##### 51. Mrs J. HUGHES to the Minister for Climate Change:

I am very pleased to see that the minister is called the Minister for Climate Change, as this shows that the government is putting this issue on the front foot.

**Mr T. Buswell:** Don't make a speech; ask a question! Talk about Wanneroo!

**The SPEAKER:** Order, I call the Deputy Leader of the Opposition to order for the second time.

**Mrs J. HUGHES:** Can the minister inform the house of any recent developments or proposals in respect of the development of a carbon trading scheme in which Western Australia could take part?

##### Mr D.A. TEMPLEMAN replied:

I thank the member for Kingsley for her ongoing concern about the very important issue of climate change. I was interested and somewhat surprised when I read *The West Australian* and noted that the opposition spokesperson for the environment suggested that Western Australia should take the lead globally in developing a carbon trading scheme. We would expect that that would have merit. However, when reading on one finds that in terms of the draft Liberal Party statement that has been released on its draft environment policy the Liberal spokesman contradicts himself. This demonstrates that the Liberal draft environment policy was out of date before it was released!

I will go through a couple of key important issues because the house needs to understand the difference between the opposition's approach to climate change and the government's action on climate change. We all know that, until recently, the federal government was full of sceptics on climate change. The Prime Minister is now being dragged by his ears to recognise that this is an issue that we all face in our communities in Australia.

I will refer to some of the things quoted in the policy. Let us look at what we should be doing. The opposition spokesman said that emissions trading will only be supported if it applies equally to all countries and jurisdictions. That is at complete odds with the Minerals Council of Australia and the Business Council of Australia, which both recognise that that is unrealistic. Not only that, when the Prime Minister established the ministerial emissions trading working group he already acknowledged that some five years ago. The opposition spokesman has not read his policy. Even more bizarrely, he states -

**Mr C.J. Barnett:** "Bizarrely"?

**Mr D.A. TEMPLEMAN:** If it is not a word, it is now. The Liberal policy justifies its backward position by stating that there are more millionaires in China and India than there are in Australia. According to my notes, the policy states -

Supporters of the Kyoto proposals need to explain why all of Australia's residents, including low income earners, should pay for climate change when India's eighty thousand millionaires are excluded.

That is an interesting point. It is interesting to note that India has a population of 1.1 billion people and that they live on incomes that all of us in Australia would recognise as extreme poverty. We also know that per capita greenhouse emissions of Indians are 20 times less than Australians. The policies of the opposition get better - they get more zany! In today's *The West Australian*, Dennis Jensen, the federal member for Tangney, who is the Howard government's greatest climate change sceptic and who was rescued by the Prime Minister in his preselection process, referred to the third point of the Liberal Party's policy on climate change. He said that we should string up "a giant shade-cloth between orbiting satellites in an effort to combat global warming". He continues -

"You would need four satellites over hundreds of square kilometres and a glorified shade cloth in between, attached to the four of them," . . .

This is the mentality of members opposite. They have a three-point plan. They intend to introduce nuclear energy. We know their policy on nuclear energy and what they intend to do. Secondly, they will focus on millionaires in India and China and make them more environmentally friendly. Thirdly, the big killer is the idea of shade cloth strung up in outer space.

## ROAD SAFETY - REVIEW

**52. Mr J.E. McGRATH to the Premier:**

Given that nine people died on Western Australian roads last weekend and that just last week a Royal Automobile Club report card gave the government a C for road safety, citing poor implementation of the road safety strategy, delays in the completion of road safety projects, and the failure to get the road safety message through to young drivers, will the Premier instruct the responsible minister to immediately undertake an independent, bipartisan review of road safety strategies in Western Australia; and, if not, why not?

**Mr A.J. CARPENTER replied:**

Despite the question, this is a matter I take very seriously, unlike the opposition. I recall that in the past the opposition has criticised the government for trying to crack down on speeding drivers.

**Mr J.E. McGrath:** Never.

**Mr A.J. CARPENTER:** If I were to read back through the opposition's commentary on road safety, I would find that it has made some very foolish and embarrassing statements.

**Mr M.J. Cowper:** The dead bodies on the side of the road are your responsibility.

**The SPEAKER:** The member for Murray may wish that he had asked that question, but he did not. I call him to order for the third time.

**Mr A.J. CARPENTER:** The member for Murray would not know.

This is a matter I take very seriously. Far too many people, particularly young people, are being killed on our roads. The figure for road deaths has now almost reached the level it was at regularly when the opposition was in government. It is almost as high as when 200 people per annum were regularly killed on the roads. The present government was elected and it put in place a new strategy and a new set of policy positions. It reduced the road toll from above 200 to 165 per annum. There was a steady decrease. In other words, our approach saved the lives of an average of 35 people per annum.

**Mr R.F. Johnson:** You can't say that.

**Mr A.J. CARPENTER:** The member for Hillarys, of all people, should know better. He was shadow Minister for Police for a long time, and he saw what the government was doing. In spite of the fact that there are more cars and more drivers on the road, we brought the road toll down from the very high level it was at to around 160. Last year there was a significant increase, and the figure was around about 202, which is far too high. Those 202 people died unnecessarily. This year the figure for the first three months is even higher, which is a matter of the gravest concern to all of us. The government has a very good road safety campaign, but it is under review. It will be reviewed this year.

Several members interjected.

**The SPEAKER:** Order!

**Mr A.J. CARPENTER:** Trying to make political mileage out of the carnage on the roads is about as low as the opposition can get, particularly given that the situation was far worse when the opposition was in government.

The preparation of young drivers is as good as, or better than, it has ever been. I guarantee that when most members on this and the other side of the house went for their driver's licence, the test constituted their ability to drive around the block safely. That is pretty much what a test constituted. These days young people have to go through a rigorous set of assessments before they get their licence. Cars have never been safer and the quality of the road network has never been better.

**Mr T.K. Waldron:** That is not right.

**Mr A.J. CARPENTER:** It is better, although we can always make significant improvements. We are witnessing - I think the vast majority of the population believes this too - complete irresponsibility on the part of a number of drivers, which will ultimately result in their deaths or the deaths of perfectly innocent young people. The irresponsible idiots driving on our roads must be dealt with. In my view, the best way to deal with people who endanger innocent lives - not to mention their own lives - in that way is to punish them severely for their reckless behaviour.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr A.J. CARPENTER:** Other measures can be, have been and must be taken, and the government has taken, is taking and will continue to take those measures. It is unacceptable that so many people are being killed on our roads. When I drive back from Bunbury or Mandurah and observe the many individuals alone in their vehicles

who drive at 140 kilometres an hour, at least, whistle past me in the same direction and weave in and out of traffic, I know that ultimately there will be only one result from that sort of behaviour. That class of drivers must be taught a lesson and removed from our roads.

#### RENTAL TENANTS

**53. Ms J.A. RADISICH to the Minister for Consumer Protection:**

Can the minister advise the house what measures the state government is implementing to ease the burden on tenants entering the rental market?

**Ms S.M. McHALE replied:**

I thank the member for Swan Hills for her question and for the advocating she has done on behalf of low-income tenants in her electorate.

On 5 March the government announced that, effective from 5 April, letting fees would be abolished.

**Dr G.G. Jacobs** interjected.

**The SPEAKER:** Order, member for Roe!

**Ms S.M. McHALE:** As members know, rents are at an all time high and many tenants in many of our electorates are struggling.

**Dr G.G. Jacobs** interjected.

**The SPEAKER:** Clearly, the member for Roe thinks that he can interject on any question, even though he has not asked a question. The member for Roe will stop interjecting. I call the member for Roe to order for the third and final time.

**Ms S.M. McHALE:** It is necessary to put on record the history of this issue, because that will show members that ANY accusations of gross hypocrisy can be laid at the feet of the member for Vasse and at the feet of the opposition. It is important that members who are new to this place are made aware of the history of this issue. The member for Vasse is leaving the chamber because he is aware of the gross hypocrisy on his part. In 1995 the then Liberal government passed legislation abolishing letting fees. At the same time, it deregulated real estate agents' fees for property management, which led to fee increases and increased revenue for agents. There was a lead-in time of 12 months. The member for Vasse may not be aware of this matter, but his colleagues are aware of it, because they were part of the cabinet that decided to abolish letting fees. The Liberal government capitulated to the real estate industry in an extraordinary and unprecedented move, and one that members of the then Labor opposition argued was illegal. That move was to de-proclaim a piece of legislation. It was unprecedented for a government to de-proclaim a piece of legislation because it was being threatened with a campaign in more marginal seats. We are resolute about this. This move will ease the burden for tenants entering the market. We could enforce this measure immediately and remove just one of the burdens in a very high and overheated market to relieve the economic burden of many tenants. We are proud of this. The member for Vasse should understand the gross hypocrisy of his comments. His government abolished letting fees. It is on the record; it is a matter of fact. The opposition capitulated; we will not.

#### SCHOOLS - USE OF SCHOOLS OF ISOLATED AND DISTANCE EDUCATION AND FLY IN, FLY OUT TEACHERS

**54. Mr G. SNOOK to the Minister for Education and Training:**

I refer to the disgraceful situation whereby schools across the state, including those in major regional centres, have been forced to resort to teaching students through the Schools of Isolated and Distance Education or fly in, fly out teachers.

- (1) Why has this situation been allowed to occur?
- (2) Why did not the government disclose the massive failing prior to the start of the school year?
- (3) Can the minister guarantee that the education of affected students has not been compromised by his government's incompetence?

**Mr M. McGOWAN replied:**

- (1)-(3) I thank the member for Moore for the question. It is true that we started the school year a number of teachers short. We were around 260 full-time and part-time teachers short three days before the school year started. From memory, by the time the school year started, we were down to around 200 short. The latest figures I have received show that that figure is in the vicinity of 60 around the state. Putting those figures into context, there are 1 300 more teachers in the Department of Education and Training teaching children in the public education system than when we came to office. That is the context of a public education system that has grown, but not by a great deal, in the time that we have been in office.

Proportionately, the number of teachers per student has improved immensely. As a consequence of that, we have seen a reduction in class sizes in the system. We have teachers dedicated to behaviour management and discipline, and a nationally well-respected program that is seen as having delivered a good result. We have about 230 teachers dedicated to the Getting it Right literacy and numeracy strategy. I repeat that there are 1 300 extra teachers but at the moment we are 60 down on where we would like to be. Overall, we are 1 240 teachers better off than when we took office. We would like more teachers in some parts of the state. We have 50 people in the department working very hard to try to get teachers into some of those schools. It is very difficult to attract teachers to some parts of the state. I apologise to those communities that have been affected by this. I am not happy about the situation. It is very difficult to get teachers to go to some of these communities.

The problem with the recruitment and transfer systems throughout the state is somewhat exacerbated by the fact that we often have local selections, so we do not know the position of an individual school until a few days before the school year starts. In addition, schools will often say that they have a full complement of staff. When the school year starts, some staff do not show so schools are a few teachers down but they did not know this before the school year started. We are dealing with a system that has more than 30 000 people working within it. Of course there will be all sorts of factors and difficulties going on in individual schools around the state. What has the government done? When I became aware of the problem, we went to a private sector recruitment agency called Gerald Daniels to give us advice on how to attract teachers to country areas. It is the first time it has been done in the department. It was not done during the opposition's term in office. It had a similar problem.

**Mr C.J. Barnett:** No, we didn't.

**Mr M. McGOWAN:** Yes, it did. I recall that the opposition started some school years 100 teachers down. We have private sector advice about what to do. We are in Britain recruiting teachers and we are working in other states to attract teachers. Lance Twomey is chairing a long-term task force, with a 30 to 40-year horizon, to look at how to improve teacher recruitment so that we do not face this problem in the future. We are doing things. We are looking at recruiting teachers earlier. As I said, we are looking overseas. We are also looking at measures to improve the status and morale of teachers. People in this state should remember that we are thousands of teachers and education assistants better off in our public school system than when we came to office.

## SOUTHERN YARRAGADEE AQUIFER - WATER EXTRACTION

### *Petition*

**MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition)** [3.30 pm]: I have a petition with 1 991 signatures in the following terms -

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

We the undersigned residents of Western Australia, are concerned that the proposal by the Water Corporation to extract 45 Gigalitres of water from the Southern Yarragadee Aquifer will threaten future water supply for the region.

We also believe that further extraction of water will cause irreversible environmental damage to wetlands, the Blackwood River and its tributaries, Poison Gully, Milyeannup Creek, St Johns Brook and the Scott River.

Now we ask the Legislative Assembly to direct the government to ensure that **NO** water is taken from the Southern Yarragadee Aquifer, until South West water needs are met and guaranteed for the future and the environmental impact be fully assessed by an independent scientific body.

This is 1 991 signatures on top of 6 000 previously and a whole heap in the Legislative Council.

[See petition 183.]

## FALUN GONG

### *Petition*

**MS S.E. WALKER (Nedlands)** [3.31 pm]: I have a petition with 520 signatures in relation to the persecution of Falun Gong practitioners in China. The president of the group is a member of my electorate. I do not necessarily know about all the things in the petition but I present it on their behalf.

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

We, the undersigned, say, we support the **Coalition to Investigate the Persecution of Falun Gong (CIPFG)** to investigate the alleged forced organ harvesting allegations and the illegal detention of Falun Gong Practitioners in detention centers, labor camps, prisons and hospitals.

Now we ask the Legislative Assembly

1. recommend to the Federal Government that it:
  - prevent Australian citizens from travelling to China for organ transplants; and
  - prevent companies, institutions and individuals providing goods and services to China's organ transplant programs;
  - until such time as it is satisfied that no organs used have been harvested against the will of the donor;
  - demand an end to the persecution of Falun Gong practitioners in China; and
  - assist CIPFG with the research and investigation of the alleged harvesting of organs from, and the illegal detention of, Falun Gong Practitioners.
2. recommend to the Western Australian Government that it:
  - end Western Australian funding agencies, medical organizations and individual health professionals participation in any Government of China-sponsored organ transplant research, meetings or training;
  - inform residents that donor organs sourced from the Peoples Republic of China may be from non consenting prisoners of conscience including Falun Gong practitioners; and
  - assist CIPFG with the research and investigation of the alleged harvesting of organs from, and the illegal detention of, Falun Gong Practitioners.

[See petition 184.]

#### **DAYLIGHT SAVING REFERENDUM**

##### *Petition*

**MR T.K. WALDRON (Wagin)** [3.32 pm]: I present a petition containing 1 197 signatures, which conforms to the standing orders of the Legislative Assembly and 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 we are strongly opposed to the introduction of Daylight Saving to Western Australia. Furthermore, we request that a referendum be held before 31 October 2007 so that a democratic decision can be reached.

Now we ask the Legislative Assembly to initiate the said referendum and ensure that the said referendum takes place before 31 October 2007.

[See petition 185.]

Similar petitions were presented by the member for Avon (1 120 signatures), the member for Nedlands (66 signatures), and the member for Greenough (1 713 signatures).

[See petitions 187 to 189.]

#### **SMARTRIDER CARDS - LEEMING NEWSAGENCY**

##### *Petition*

**MR T.R. SPRIGG (Murdoch)** [3.34 pm]: I present a petition with 13 signatures, which are in addition to the 400 signatures in petitions previously lodged. It reads -

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

We the undersigned request that the Leeming News Agency because of its proximity to the Murdoch Bus and Train Station be accredited to sell Smart Rider Cards.

[See petition 186.]

#### **SUNSET HOSPITAL SITE - A CLASS RESERVE 1667**

##### *Petition*

**MS S.E. WALKER (Nedlands)** [3.35 pm]: I have a petition of 36 signatures relating to preserving the Sunset site's open landscape.

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

We the undersigned residents of Western Australia are opposed to the subdivision and sale, whether by freehold or lease hold, of any part of A Class Reserve No. 1667 for private development or trade.

We are opposed to the construction of any new building within the existing open spaces of reserve 1667.

We request that the Sunset Hospital site be dedicated to heritage and recreation.

We request that the entire site be placed in Parks and Recreation Reserve, as suggested by Nedlands City Council,

We ask that, given the site has a Permanent Entry as a Place of Significance with the Western Australian Heritage Council, that all open landscapes be retained as they are part of the Statement of Significance.

[See petition 190.]

### **MUELLER PARK, SUBIACO**

#### *Petition*

**MS S.E. WALKER (Nedlands)** [3.36 pm]: I have a petition with 86 signatures in relation to the preservation of Mueller Park, Subiaco.

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

We, the undersigned residents of Western Australia, oppose in the strongest possible terms the destruction of the over 100 year old Mueller Park, Subiaco in the electorate of Nedlands, which contributes significantly to the historical value of Subiaco.

We ask the Legislative Assembly to allow this green and shaded precinct to remain as it is – an important part of Subiaco's public open space.

We ask that it continues to be used by the community for a range of recreational pursuits with the trees providing aesthetic amenity and shade value to the residents and visitors to Subiaco and their animals.

[See petition 191.]

### **PAPERS TABLED**

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

### **ESPERANCE HEALTH ISSUES - CONDEMNATION OF GOVERNMENT**

#### *Notice of Motion*

**Dr G.G. Jacobs** gave notice that at the next sitting of the Legislative Assembly he would move -

That the government be condemned for its lack of action in handling health issues in Esperance relating to lead pollution.

### **ROAD SAFETY SYSTEM - INDEPENDENT REVIEW**

#### *Notice of Motion*

**Mr J.E. McGrath** gave notice that at the next sitting of the house he would move -

That this house acknowledges the loss of 64 lives on Western Australian roads this year, nine in the weekend just gone, and calls on the government to undertake a comprehensive and independent review of the road safety system.

### **DAYLIGHT SAVING AMENDMENT BILL (NO. 2) 2007**

#### *Notice of Motion to Introduce*

Notice of motion given by **Mr M.J. Birney**.

### **HON SHELLEY ARCHER - FITNESS TO BE A MEMBER OF PARLIAMENT**

#### *Matter of Public Interest*

**THE SPEAKER (Mr F. Riebeling)**: Today I received a letter from the member for Vasse seeking to debate as a matter of public interest the following motion -

That this house considers that Hon Shelley Archer is not a fit and proper person to be a member of Parliament.

This matter appears to me to be in order. If at least five members stand in support of it - and they have - the matter can proceed.

**MR T. BUSWELL (Vasse - Deputy Leader of the Opposition)** [3.43 pm]: I move -

That this house considers that Hon Shelley Archer is not a fit and proper person to be a member of Parliament.

[Interruption from the gallery.]

**The SPEAKER:** Order!

**Mr T. BUSWELL:** It gives the opposition no pleasure to be moving this motion. However, it is compelled to do so simply because the Premier of this state has chosen not to act. In question time this afternoon we heard two clear reasons the Premier should act: firstly, the leader of the National Party asked: "Do you trust Shelley Archer?" He could not answer whether he trusts a member of his government. All he said was, "She is a member of the Legislative Council".

**Mr A.J. Carpenter:** Do you reckon I trust you?

**Mr T. BUSWELL:** This is not about me; it is about Shelley Archer's suitability to be a member of Parliament and the Premier's failure to take action. We asked the Premier whether he had asked Shelley Archer to resign, but he could not answer. I put it to the Premier that he did ask her to resign. He said, "Shelley you've got to leave the ALP." What happened? She did not do it. When the Legislative Assembly sat recently in the Legislative Council chamber the Premier said, "I am here, the Premier of this state and I dedicate myself to protecting standards in government in Western Australia. I will go out as the great crusader and clean-up the Australian Labor Party. I will root out the influence of Brian Burke and Julian Grill." The analogy is that he drew a line in the sand. Do we know what happened? Hon Shelley Archer, suitably backed by her husband, Kevin Reynolds, came up to the line and jumped over it, but the Premier has done nothing in response to that. He can say that he has removed her from a couple of committees; however, we all know that that means absolutely nothing. Let us consider what Shelley Archer did. She is a confessed go-between for Brian Burke and various ministers; a convicted fraudster in the state of Western Australia; and a person who is not suitable to serve in the Parliament of this state, yet the Premier is refusing to act because he does not want to be in conflict with Kevin Reynolds. The reason for that is threefold. Firstly, Kevin Reynolds exercises considerable power within the Australian Labor Party in this State; secondly, his union, the Construction, Forestry, Mining and Energy Union, donates hundreds of thousands of dollars to the Premier's political party; and, thirdly, the Premier knows, as we all do, that, in the past, Kevin Reynolds has not been afraid to use the workplaces of Western Australia -

[Interruption from the gallery.]

**The SPEAKER:** Order! Members in the gallery are entitled to be here but they are not entitled to participate in any debate. The yelling out of comments is not acceptable. Any further comments and I will have the people responsible removed from the gallery.

**Mr T. BUSWELL:** Does the Premier know what? All that is rotten about his party are unions, Shelley Archer and his inaction. It is here today! We can hear it dribbling over the balcony from the gallery. That is why the Premier needs to take action against Shelley Archer. It is on display for everyone to see. I refer the Premier to the Corruption and Crime Commission to consider what happened during its hearings and compare his treatment of Shelley Archer with the treatment of Norm Marlborough before Christmas last year. What did Shelley Archer admit to in her evidence to the CCC, and what actions were uncovered? She regularly spoke on the telephone to Brian Burke. She passed information on to Brian Burke in a deceptive way in that she did not inform the people from whom she got the information of its intended destination. We all know about that deceit and her abuse of her relationship with ministers. We contend that that alone warrants her expulsion from the Parliament. However, the Premier will say that, based on a technicality, he cannot expel her from the Parliament. That is understood, but he has another option; namely, to pursue her expulsion from the ALP. I refer to what happened to Norm Marlborough when he was revealed as a person who spoke to Brian Burke on a regular basis and who may have attempted to obtain favours for Brian Burke. Let us not forget that when the Premier pushed Norm Marlborough out of the Parliament at the end of last year, none of the information about his leaking confidential cabinet information, particularly concerning the finance brokers scandal, was public. We did not know that. Mr Marlborough was caught out talking on the phone to Brian Burke trying to curry favour with him. The Premier then came in here and said, "I am incandescent with rage." Norm Marlborough was then sent out the door. The Premier says in this place that he cannot remove a person from Parliament. Technically, of course he cannot do so, and he could not have removed Mr Marlborough. However, Mr Marlborough has gone, and Shelley Archer is still here. The Premier refused to support her, yet she is still here. We know that the Premier took her into his

office and asked her to leave the ALP, but she is still sitting in this Parliament. Then there was the sensational information that Shelley Archer sits in the chamber a confirmed fraudster, a crook.

**Mr A.J. Carpenter:** What's your point, Arthur? What's your point, son?

**Mr C.J. Barnett:** Crooks in the Labor Party; that's the point.

**Mr A.J. Carpenter:** No; hang on! What did you just say?

**Mr T. BUSWELL:** A convicted fraudster.

**Mr A.J. Carpenter:** Who?

**Mr T. BUSWELL:** Shelley Archer, who was convicted of 35 counts of social security fraud for claiming from the commonwealth of this country the payment of, I believe, a single mother's pension when she was gainfully employed as a level 5 public servant in the then office of industrial relations. Thirty-five counts of a payment received every two weeks amounts to 70 weeks; it is possibly 70 weeks of claims. What sort of an individual does that conduct indicate? I am not talking about a person who mistakenly filled in a form or pressed too hard on a triplicate copy; I am talking about a person who repeatedly fronted up to the commonwealth to receive a social security payment to which she was not entitled. What happened? We all know that she was found guilty, she paid back the money and she was fined \$6 000.

The Premier asked me what the point is. The point is that it is an issue of character, which the Premier seems unwilling to confront, although some of his backbenchers have. Let us have a look at what they say. The member for Yokine said -

The problem with Shelley is going to be what has already happened . . . She needs to examine her conscience in terms of her position in the Parliament. She has compromised the Westminster system in terms of her actions.

The member for Yokine said that there were perceptions about her actions and she had to go. The government's own Minister for Energy does not trust her and will not let her see documents that he has in his possession. He said that she must be absolutely and clearly aware of her ethical responsibilities. I know that the Premier will stand and tell us that it was a spent conviction and that technically he cannot take any action on a spent conviction.

Several members interjected.

**Mr T. BUSWELL:** When did Hon Shelley Archer apply for a spent conviction? It happened some time between 2002 and now. We know that because she could not have applied for it for at least 10 years after the conviction. At some time therefore in recent history Hon Shelley Archer applied for a spent conviction.

I was interested to read the Auditor General's web page and to find out what it said about the benefit of a spent conviction order. It states -

The main benefit of having a Spent Conviction Order is that you will generally not have to disclose or acknowledge the conviction for employment or some other purposes.

Why would anyone apply for a spent conviction? It is so that the person does not have to disclose the conviction when that person fronts up somewhere for employment at some stage down the track. I suggest to the Premier that Shelley Archer got a tap on the shoulder from big Kev and that he said, "Shelley, we've got you a spot in the Mining and Pastoral Region, no worries at all. You're in but you'd better clean up your resume." The spent conviction therefore was applied for as part of that process. The Premier cannot hide behind the technicalities of a spent conviction to avoid his responsibilities in taking action against Shelley Archer. This motion does not tell the Premier to remove her from the Parliament. He has adequately explained and we understand the technicalities behind his inability to do that. He can ask her to leave the Australian Labor Party. We contend that the Premier has attempted to kick her out of the ALP and she is not going.

**Mr A.J. Carpenter:** What's your point, Arthur? You reckon you already know what I've done and that is what you want me to do. What's your point, governor?

**Mr T. BUSWELL:** The Premier has done absolutely nothing.

**Mr A.J. Carpenter:** But you have just said that I've done it.

**Mr T. BUSWELL:** The Premier came into this Parliament, puffed his chest out, drew a line on the ground, put on his crusader's cape and said, "I'm going to clean up the ALP." This is the Premier's first test and he has done nothing.

**Mr G. Snook:** Nobody intimidates me!

**Mr T. BUSWELL:** The Premier said that nobody intimidates him. The Premier has done nothing, absolutely nothing.

Several members interjected.

**Mr T. BUSWELL:** The Premier should ask Hon Shelley Archer about some interesting aspects of her employment history. She is a very colourful person. I will not detail all of the aspects, but I will tell the Premier that during 10 years in various offices she made a number of trips to the Industrial Relations Commission on a range of areas. The one I love most is just after she was convicted of fraud when the office of industrial relations told her that it was inappropriate for her to stay in the employ of the state and it dismissed her. She lodged a claim for unfair dismissal and that claim was upheld.

**Mr A.J. Carpenter:** It was upheld!

**Mr T. BUSWELL:** Yes. The Premier should listen to this: the office of industrial relations then reappointed her as a level 1 employee - remember that she had been parachuted in as a level 5 employee. She appealed to the Industrial Relations Commission. Does the Premier know what the commissioner of the day said? He said that there was no way that the commission had made any mistake at all. He said that the best of her capacity dictated that she remain at level 1. The Premier should read what the commissioner said about her. He said that she had, at best, average written skills, attitudinal problems, generally poor performance and - the best one - irregular time-keeping skills. She was a person who did not turn up for work.

The purpose of this motion is quite clearly to force the Premier to take a stand and indicate clearly to us and the people of this state whether he is determined to follow through on the promise he made of protecting standards in Western Australia. That is the simple issue that confronts the Premier. It is not about technicalities; it is about the Premier and his commitment to uphold the standards in government and in the ALP, and to root out the influence of Brian Burke and Julian Grill.

I think the Premier has a serious issue. I spoke to him last year when he dealt with the member for Ballajura. I used the analogy of the tree of knowledge, which has sadly passed on to tree heaven! I said at the time that this government was rotten and that one branch was ready to fall off.

**Mr A.J. Carpenter** interjected.

**Mr T. BUSWELL:** The Premier sat and mocked me, as he is now. However, guess what has happened since then. A lot of branches have fallen off this government; the tree is dead. The Premier must act; he has an obligation to act for the good governance of this state. Shelley Archer clearly is not a person whose character suggests she should remain in this Parliament. The Premier must act; he has refused to act so far. We will be very interested to hear how the Premier responds to this motion.

**Mr C.J. BARNETT (Cottesloe)** [3.56 pm]: This motion states that Hon Shelley Archer is not a fit and proper person to be a member of this Parliament. She is not - it is as simple as that - for three principal reasons: the evidence before the Corruption and Crime Commission, which in itself is enough; her previous serious conviction for social security fraud, as we have just heard; and her failure to acknowledge that she has done anything wrong. She does not get it; there is no remorse and no apology, just arrogant denial.

Government members must vote on this motion. They could play around and try to amend the motion, but that would not fool anyone. They must vote on whether they agree with us that Hon Shelley Archer is not a fit and proper person to be a member of this Parliament or stick to so-called Labor solidarity and support her. If government members do not feel comfortable with that choice, I ask them to at least abstain, make a point of integrity, walk out of this chamber and not vote either way. It will be interesting to see what they will do. Government members will have other opportunities to vote on this CCC debate, as this issue will not be over in one to two weeks. We will debate this issue about a good number of government members one by one. They will all have their day in the sun, I assure them of that.

The evidence before the Corruption and Crime Commission is probably well known to most members. There were three issues involving Hon Shelley Archer: Broome airport, the pearling industry issue and an issue related to the iron ore industry. The companies involved in those issues each had in common that they had engaged the disgraced and grubby as they come former Labor members of Parliament, Brian Burke and Julian Grill. Another common element was that they had used Hon Shelley Archer as their person on the inside. She even admitted in the CCC that she was their go-between. She was not acting for her constituents; she was not acting for this Parliament, the Labor Party or the good people of Western Australia; she was acting for Grill and Burke. She was their person on the inside. It was not Labor helping Western Australia; it was Labor helping itself, and she was into it up to her eyeballs.

We are probably all familiar with the long-term plans for Broome airport. There is a need to move Broome airport to create more land for development. It was an issue that was before the Minister for Planning and Infrastructure. I must say to the minister that a lot of these pathways lead straight to her door. Step-by-step we will get to the minister's door. The Minister for Planning and Infrastructure gave Hon Shelley Archer a copy of a letter from the Shire of Broome which she immediately faxed to Brian Burke. That is hardly proper conduct.

**Mr A.J. Carpenter:** To the Shire of Broome?

**Mr C.J. BARNETT:** It was a letter from the Shire of Broome on the airport, which Shelley Archer faxed to Brian Burke, who was acting on behalf of the owners of Broome airport. Information therefore on the shire's position was passed on by a Labor member of Parliament to someone in the middle of a commercial negotiation to favour that person to earn money; cold, hard cash for Brian Burke and Julian Grill. The Honourable Shelley Archer - what a misnomer that is - was acting as the go-between. She was their person on the inside.

The second issue was a proposal by Hon Jon Ford, the Minister for Fisheries, to change the policy on hatcheries in the pearling industry. A small pearling company, Nor West Pearls Pty Ltd, was concerned that that policy might disadvantage small pearlbers. It is quite legitimate for that company to have a point of view. Nor West Pearls engaged Burke and Grill. Once again, Brian Burke went to none other than Hon Shelley Archer, the go-between. She was ready and willing to serve not her constituents, not the Labor Party, not the people of Western Australia, but Brian Burke and Julian Grill, to help them make money. That is what it was all about. It was as simple as that. This was small-time thuggery. That is what was going on in this Parliament, and that is what the Corruption and Crime Commission has exposed. In that case, she obtained from the minister confidential material that was about to go to cabinet. Brian Burke had a copy of that material before it had even gone to cabinet! If members think that is not serious, if not criminal, then we will see about that down the track. Brian Burke also managed to get his hands on a memorandum of understanding with the Northern Territory government. This is what the CCC has unearthed. How much more information did the go-between get, for example, from the Minister for Planning and Infrastructure's office - perhaps not with her knowledge, even - and pass on to Burke and Grill?

Another issue is the dispute between Cazaly Resources and Rio Tinto about the pegging of the Shovelanna iron ore deposit. That issue is not yet resolved. The disgraced former minister, the member for Eyre, is now sitting in the sin-bin. It is lucky there are a few empty spaces in this new arrangement of the chamber, because the Premier will be filling them as we go through this process. The former minister made a decision. That decision is currently in dispute and is before the Supreme Court; I am conscious of that. The point is that an issue has been raised in the CCC about how an upper house committee had been urged to investigate this matter and make it a term of reference for an inquiry. That had been orchestrated by none other than Brian Burke. The person who was pushing for that was none other than Hon Shelley Archer. Why? To help Brian Burke's client, presumably. Again, why? What is it about? It is about money - nothing else.

I now come to the spent conviction. Are we talking about a confused teenager or a young mother who was struggling to make ends meet? I do not know the circumstances in which Shelley Archer found herself at that time. I guess at that time in 1992 she would have been in her late thirties or early forties. She continued to claim the single parent payment for 70 weeks. That was social security fraud. It was not a clerical error. It was not an oversight. It was not something that had been missed in a moment of confusion. For 70 weeks she defrauded the commonwealth. Was she an ignorant teenager? No. She was a mature woman. She knew what she was doing. It was a clear criminal act that she perpetrated, in full knowledge of what she was doing. Was she impoverished? No. She was a level 5 in the public service. The equivalent salary today would be about \$60 000 a year. She was earning \$60 000 a year in the Western Australian public service, and at the same time she was defrauding the commonwealth. As the Deputy Leader of the Opposition has said, she was found guilty and was fined, and she had to pay back the money, and 10 years later it was recorded as a spent conviction.

What has been the response from the Premier? The Premier claimed in the media that he had removed Shelley Archer from the two parliamentary committees of which she had been a member. The Premier does not have the power to do that. However, as I understand it, she resigned. That is certainly a big penalty! The Premier then said that he could not do any more than that, because it is illegal to discriminate against someone on the basis of a spent conviction. Hang on! The Premier is not her employer. The Premier does not have to choose between Hon Shelley Archer and someone else. It is not a matter of discrimination. It is matter of morality, ethics, probity and propriety. That is what it is about. The Premier and all Labor members are continuing to allow Hon Shelley Archer to be a member of their caucus. That is their choice. I do not care what the Labor Party membership rules say. I do not care what the Labor Party executive says. I do not even care particularly, although I guess we will find out in time, what the upper house may say. Every Tuesday morning, Labor members sit in caucus with this person! They include her as one of their own! This person has been convicted of serious fraud. On three occasions she has committed improper behaviour - corrupt behaviour - as highlighted by the CCC. Had it been only one occurrence - the fraud case - and had it been committed a long time ago and not been so serious, perhaps we could say that was in the past. Had it been only one occurrence of passing on confidential information, perhaps she could have been given a slap on the wrist and told not to do it again. However, it was not just one occurrence. It was 70 weeks of serious fraud. So far there are three cases before the Corruption and Crime Commission involving this member, and involving at least two different ministries, yet members opposite are defending her.

It will be interesting to see how Labor members vote on this motion. This will be the new member for Peel's first vote. I think he is a decent person. How will the new member for Peel vote on this motion? What

standards will he set in this Parliament compared with his predecessor, Norm Marlborough? Will he vote to defend someone who has been found guilty of serious social security fraud and who has been shown by the CCC to have behaved corruptly? We will be watching the member for Peel, and every other member of the Labor Party. The member for Peel now has the chance to do something about this member, who should not be in this Parliament.

*Withdrawal of Remark*

**Ms A.J.G. MacTIERNAN:** Mr Speaker, under standing order 92 a member should not make imputations of improper motives and personal reflections on a member unless a substantive motion has been moved relating to those matters. The member for Cottesloe made a reference that implied very strongly that I had been involved in corrupt behaviour and that the matters that were before the CCC reflected badly upon me. I think that was highly improper, and I ask that the member withdraw those comments.

**The SPEAKER:** Order! I listened relatively closely to the member for Cottesloe's comments on this matter. A motion of this type does not provide the capacity to imply any wrongdoing by anyone other than the person mentioned in the motion. I do not think any imputation has been made. However, the minister is perfectly entitled to raise this question. I will read the *Hansard* record of what the member for Cottesloe said about the minister and make a determination on that matter later today.

**Mr C.J. BARNETT:** I do not believe I did make any adverse reflection on the minister. If the minister in any way felt that was the case, then I will apologise and withdraw, but I do not believe I did so.

*Debate Resumed*

**MR A.J. CARPENTER (Willagee - Premier)** [4.08 pm]: I take this opportunity to respond to the motion and to some of the comments that have been made. I find it remarkable to sit in this Parliament with people who have had senior ministerial responsibilities, and others who aspire to that, and listen to what they say. They have revealed to everyone their complete ignorance of parliamentary processes and procedures, and the powers of various members of Parliament, not to mention the law. The members for Vasse and Cottesloe are demanding that I - the Premier of Western Australia - act unlawfully!

**Mr T. Buswell:** Read the motion! Where does it say that?

**Mr A.J. CARPENTER:** It was not in the motion. It was in their arguments in support of the motion.

**Mr T. Buswell:** What did you say to the former member for Peel before he left the Parliament?

**Mr A.J. CARPENTER:** As I understand it, the former member for Peel has not been compelled to leave the Labor Party. He is still a member of the Labor Party. Also, as I understand it, the former member for Peel has no spent convictions. He may have, but I would not know. I will run through that issue. I spent some - some, not all - of my pre-parliamentary working life as a journalist. I always endeavoured to make sure that what I presented was factual and could not be challenged in a court of law as libel, slander or whatever else it might provoke as a response. In about 20 years as a journalist, I never, ever faced that sort of action as a result of anything I did. When this issue of the spent conviction came up, I thought it would be wise, to say the least, before I made any public comment, to actually ascertain my position in respect of the law. That was the case not as a humble journalist - a person able to comment quite freely - but as the Premier of Western Australia, who has quite a deal of responsibility to act at least lawfully. Therefore, I asked for some advice about what having a spent conviction meant to a person in applications for employment opportunities and so on, about what commentary could be made and about what actions could be taken against a person because of a spent conviction. The law is absolutely crystal clear. It is sad that after such a long time it appears that no-one opposite - maybe the shadow Attorney General knows; I do not know - who has spoken on the matter in question time or on this motion seems to have acquainted himself or herself with the law. Would it be acceptable for the Premier of the day to act unlawfully?

Several members interjected.

**Mr A.J. CARPENTER:** I refer to any circumstance. Members opposite should direct their attention to the law of the land.

**Mr C.J. Barnett:** You're excusing her serious social security fraud. You're saying it doesn't matter. She is a member of Parliament - of course it matters!

**The SPEAKER:** Order, member for Cottesloe!

**Mr A.J. CARPENTER:** The member for Cottesloe's ego gets in the way; that is the problem. Does he think I should act unlawfully?

Several members interjected.

**Mr A.J. CARPENTER:** The member for Cottesloe is requiring me to act unlawfully; in fact, he is demanding that I act unlawfully.

**Mr C.J. Barnett:** You are defending her social security fraud.

**Mr A.J. CARPENTER:** No, I do not.

**Mr C.J. Barnett:** You are.

**Mr A.J. CARPENTER:** No.

Several members interjected.

**The SPEAKER:** Order, members!

Several members interjected.

**The SPEAKER:** Order, Leader of the National Party!

**Mr A.J. CARPENTER:** I have made it quite clear that I do not defend social security fraud at all. In fact, quite the contrary. I condemn the actions of Hon Shelley Archer in surreptitiously providing information to Brian Burke, without the knowledge of the ministers from whom she was extracting the information. I took an action appropriate to that.

Several members interjected.

**The SPEAKER:** Order, members!

**Dr K.D. Hames** interjected.

**Mr A.J. CARPENTER:** Is the member going to take part in the debate?

**Dr K.D. Hames:** I would like to. Sadly, there's not enough time.

**Mr A.J. CARPENTER:** The member should ask his leader whether he can. If not, he should remain quiet.

Several members interjected.

**The SPEAKER:** Order! Unfortunately for the member for the Dawesville, what the Premier just said in relation to his interjection is dead right: there is a way of contributing to debate, and interjecting is not that way. If the member wishes to contribute, he should stand up and do so.

**Mr A.J. CARPENTER:** What we have here is the current Deputy Leader of the Liberal Party, and the former Leader of the Liberal Party and the Deputy Leader of the Liberal Party when the Liberal Party was in government, demanding that the current Premier - me, Carpenter - act unlawfully.

**Mr R.F. Johnson:** In what way?

**Mr A.J. CARPENTER:** It comes under the Crimes Act. Social security fraud is a commonwealth offence. It is an offence against commonwealth law.

**Mr C.J. Barnett:** It is an offence against every Australian; that's what it is.

**Mr A.J. CARPENTER:** It is an offence against commonwealth law. The Crimes Act of 1914, section 85ZV, reads as follows in relation to spent convictions -

Subject to Division 6, but despite any other Commonwealth law or any State law or Territory law, if a person's conviction of a Commonwealth offence or a Territory offence is spent, the person is not required:

- (a) in any State or Territory - to disclose to any person, for any purpose, the fact that the person has been charged with, or convicted of, the offence;

That is the first point I would like to make. As a former journalist, I had a suspicion that that was the case. The whole purpose of spent convictions is that a person has a clean record and people do not, under any circumstance, have to reveal that they have had a conviction. If we do not like that situation, we should press the commonwealth government to change the law - that is the commonwealth government that is stuffed full of corruption right now!

Several members interjected.

**The SPEAKER:** Order, members! I call the member for Cottesloe to order for the second time.

**Mr C.J. Barnett** interjected.

**Mr A.J. CARPENTER:** The member displays his inability to act appropriately. One of his great weaknesses as a minister and as Leader of the Opposition was his inability to behave appropriately or to behave with any degree of moderation.

I have just said that under commonwealth law people who have a spent conviction do not have to reveal that they have that conviction.

**Ms S.E. Walker:** Yes, they do, Premier - with certain classes of employers.

**Mr A.J. CARPENTER:** They do not have to when they come into the Parliament.

**Ms S.E. Walker:** Should they?

**Mr A.J. CARPENTER:** They do not have to. The member for Nedlands can contribute. I intend to be on my feet for some time and I will draw the member into the debate later.

**Mr J.H.D. Day:** You're not hiding behind the legality of this, are you?

**Mr A.J. CARPENTER:** I am hiding behind the legalities! I am the damned Premier of the state; I have to act in accordance with the law of the state!

Several members interjected.

*Withdrawal of Remark*

**The SPEAKER:** I direct the member for Murdoch to withdraw that comment, and I call him to order for the first time.

**Mr T.R. SPRIGG:** I withdraw.

*Debate Resumed*

**Mr A.J. CARPENTER:** In relation to what appropriate action can be taken or even commentary made by me or any other person once that piece of information about the spent conviction had come to light, the commonwealth law is again absolutely crystal clear. Section 85ZW of the Crimes Act states that it is unlawful to disclose the fact that someone has been charged or convicted of an offence that has been spent if the person knows or ought to know that section 85ZV applies.

**Mr C.J. Barnett:** Just cover it up, eh?

**Mr A.J. CARPENTER:** It is the law.

**Mr C.J. Barnett:** Oh, come on! This is the Parliament. Get real!

**Mr A.J. CARPENTER:** This is the Parliament, where we make the law! This is commonwealth law. If the member for Cottesloe does not like the commonwealth law, he should get on the phone to his friend the Prime Minister and suggest that he alter the commonwealth law. Under section 85ZW of the Crimes Act, it is unlawful to take account of a person's spent conviction. So the rabid outcry that I have to not only take account of the spent conviction, but also have that said person thrown out of the Labor Party or the Parliament is an invitation or a demand that I break the law!

Several members interjected.

**The SPEAKER:** Order! I call the member for Cottesloe to order for the third time.

**Mr A.J. CARPENTER:** There are two unrelated matters here. We are talking about two things. One is the revelations of the Corruption and Crime Commission, and I acted to the degree that I thought was appropriate for that matter. The second - I take up the opposition's argument - is that because a person has a spent conviction, that person should be thrown out of the Parliament. If that were the case, the person should not have been allowed in the Parliament in the first place. If we do not want that, let us legislate here or get the commonwealth to change its legislation to that effect. Do not ask the Premier of the state to act unlawfully. Of course, members opposite cannot do that.

**Mr T. Buswell:** Throwing her out of the Labor Party is not unlawful under that act.

**Mr A.J. CARPENTER:** It is unlawful to take account of a spent conviction; what does the member think that would be?

**Mr C.J. Barnett:** Precious! Can't you take into account the fact that one of your members has 70 weeks of fraud?

**Mr A.J. CARPENTER:** The member for Cottesloe is a sad case. I think that his epitaph will be "He could have been so much more". His temperament gets in the way. The member knows I cannot.

I go back to the original contributor to this debate, the member for Vasse. What genius in the opposition's strategy group decided that the best person to prosecute a case of this kind in the Parliament was the member for Vasse? When on his feet he said it was absolutely outrageous that Hon Shelley Archer was "cavorting" - I think he meant consorting - with a person who had a conviction for fraud.

**Mr T. Buswell:** I did not say that.

**Mr A.J. CARPENTER:** Yes, the member did. Check *Hansard*.

**Mr T. Buswell:** I said that it was a disgrace that she had been convicted for fraud.

**Mr A.J. CARPENTER:** For a moment I thought he was reflecting on his own activities.

**Mr T. Buswell:** I said that it was a disgrace that she was convicted of fraud. You tried to twist that around.

**Mr A.J. CARPENTER:** The member was in a vehicle in the car park of Parliament House concocting his story for the Corruption and Crime Commission with none other than Noel Crichton-Browne, who, my memory tells me, has two convictions for fraud against the commonwealth. The member for Vasse, chief prosecutor of Hon Shelley Archer, was in a vehicle in the car park meeting secretly to concoct his cock and bull story to the CCC with a man who has two convictions for fraud against the commonwealth. Why did his leader not take action against him? Why does he not get up now, turn to him, and say "Troy, mate, it is all over; out you go from the Parliament and the Liberal Party because you are dealing with convicted fraudsters"?

**Mr T. Buswell:** Let us see what the CCC has to say about Shelley Archer and what it says about me.

**Mr A.J. CARPENTER:** Why did the Leader of the Opposition not do that? He is the "man of steel". I have seen the photograph, which I like. There he was, in front of pictures of Muhammad Ali. Muhammad Ali is suffering badly from Parkinson's disease these days. I think that the Leader of the Opposition might end up with the same result if he continues to behave the way he is behaving. He had the chance to deal with issues that came before him properly but he failed.

**Mr P.D. Omodei:** It does you no credit to reflect on Muhammad Ali and Parkinson's and comparing me with that.

**Mr A.J. CARPENTER:** I did not say that. I refer to the photograph of the Leader of the Opposition. I think the headline stated "I won't surrender". He will not surrender to what; to the member for Vasse? Fair go! He should just knock him out of the way because he is a lightweight with a big ego. The Leader of the Opposition is better than he is. The Leader of the Opposition was in front of a Rocky Balboa photograph. When the Leader of the Opposition had the chance to show his mettle, he did not do anything. The member for Vasse is still sitting next to him. He is the man who sat in the car park with Noel Crichton-Browne - the double fraudster - concocting their evidence before the CCC. What have we now discovered? I put a question directly to the Leader of the Opposition: will he stop any members of his parliamentary party speaking to, dealing with or having relations with Brian Burke, Julian Grill or Noel Crichton-Browne? He answered no; why should he? Is that not what he said?

**Mr P.D. Omodei:** None of my colleagues owes his or her preselection to any of those people.

**Mr A.J. CARPENTER:** Thank you; come in spinner! For the benefit of the tape I repeat that the Leader of the Opposition said that none of them owes his or her preselection to any of those characters. Would that be an accurate assessment, member for Nedlands; that none of the people on her side of the Parliament owes his or her preselection to Noel Crichton-Browne? Would that be an accurate assessment? Because, M'lud, I refer members back to exhibit A, which I plucked from the *Subiaco Post* at lunchtime. It carries an article about the shadow Attorney General. She is a person who should stand above all others in her knowledge of the law and the application of the law, and be aware of what she says and the possible ramifications of what she says publicly. In the article she attributes to Noel Crichton-Browne the preselection of an unnamed number of people in her own party. That is today; right now. The member for Vasse is one of them, is he not?

**Mr T. Buswell:** Not true.

**Ms S.E. Walker:** I do not know but it is certainly true that there are people who owe their preselection to Noel Crichton-Browne.

**Mr A.J. CARPENTER:** The member for Nedlands has just said that it is certainly true that there are people who owe their preselection to Noel Crichton-Browne. They are sitting on the other side of the Parliament watching me and listening to what I say. They are interjecting and are holier than thou. They owe their preselection to a double fraudster - Noel Crichton-Browne. We have just heard the member for Nedlands, the shadow Attorney General, tell the Parliament that there are members sitting here right now, looking at me, who owe their preselection to none other than the double fraudster Noel Crichton-Browne.

**Mr P.D. Omodei:** You owe your premiership to Brian Burke and Julian Grill.

**Mr A.J. CARPENTER:** If I owe my premiership -  
Several members interjected.

**Mr A.J. CARPENTER:** What did the member say about Peter Featherby?

**Mr R.F. Johnson:** You better do a good job because we are watching you.

**Mr A.J. CARPENTER:** Who, Featherby? Do not worry about that! At this very time in the Parliament, at around 3.24 pm, we have heard the shadow Attorney General, the member for Nedlands, tell the Parliament that there are members sitting on her side of the chamber who owe their preselection to Noel Crichton-Browne, the double fraudster. I said today that he is a person who is banned from the lobbyists' register. The Leader of the Opposition says that he will allow his members to quite freely deal with him, has he not?

**Mr P.D. Omodei:** My members can talk to whoever they like but they will be judged accordingly. The Premier's register does not fix that.

**Mr A.J. CARPENTER:** I am comforted by the fact that my assessment of what the Leader of the Opposition said before was correct. He has absolutely no intention of stopping, directing otherwise or trying to inhibit any members of his side of the Parliament from communicating with Noel Crichton-Browne, Brian Burke or Julian Grill. I find it somewhat strange that he is taking the position he is taking in the Parliament. However, strange things happen in politics. From this discussion we have heard the shadow Attorney General - in other words, the alternative first law officer of the state - a person who understands the law and understands why I am inhibited by the Spent Convictions Act, tell the Parliament -

**Mr C.J. Barnett:** You do not have the guts to deal with her.

**Mr A.J. CARPENTER:** Member for Cottesloe, may I tell you one thing? I do not hide behind anything or anyone. I have asserted before that the member does.

**Mr T. Buswell** interjected.

**Mr A.J. CARPENTER:** The member for Vasse sets the moral paradigms from which we all have to view the world. It is pretty disgusting, actually, looking through his moral prism. If the member for Vasse had been a minister on my side of the Parliament and behaved the way he did, I would have sacked him. The Leader of the Opposition should sack him. I would have sacked him because his behaviour was totally inappropriate. If I had had a situation presented to me that reflected the behaviour that the member for Vasse was conducting with Noel Crichton-Browne, I would have sacked him. I would have said that it was grossly improper for him to sit in a car in the car park in a secret meeting with a double fraudster and concoct his story in advance of appearing before the CCC and then report back on what he was asked and how the CCC responded to his answers.

**Mr C.J. Barnett:** You have been talking for 20 minutes and have not got to the evidence before the CCC, which is the substance of this debate. You have done everything but address the corruption that has been displayed within the hearings of the CCC.

**Mr A.J. CARPENTER:** Unfortunately, I have to disagree with the member for Cottesloe. I have addressed the issue not only today, but also on numerous other occasions when it has come before me. That concerns not just Hon Shelley Archer but other members who are far more senior in their roles than she is. As pointed out, there are still a couple of members in the Parliament who are living proof of that.

**Mr C.J. Barnett:** Can you say it? Can you say that she behaved corruptly?

**The SPEAKER:** I distinctly remember the member for Cottesloe giving his speech and then sitting down. I urge him to allow the Premier to give his speech.

**Mr A.J. CARPENTER:** The member for Cottesloe is full of bluster. However, when we strip what he says in a lot of these debates back to its substance, we find absolute nonsense. That has been his form in Parliament over a long period. It is all bluff and bluster, and when we penetrate it, we realise there is nothing there; it is absolute gibberish. He is effectively demanding that I break the law. I choose not to; I choose to act lawfully. I think I will set a better example to the people of Western Australia if I act lawfully than if I act unlawfully. I certainly feel better in myself if I act lawfully rather than unlawfully. That was the thrust of the member for Cottesloe's argument, aside from attacking the Minister for Planning and Infrastructure and then pretending to recant. I am very grateful for the contribution of the member for Nedlands. I expected that she would be unable to resist honesty when the question was put to her. She has answered the question honestly and provided us with a little insight into the people sitting on the other side of Parliament; that is, that some of them are over there by dint of what they owe to Noel Crichton-Browne, despite the facade that is put up to try to pretend otherwise. She made a very good contribution, and I am sure she will win a lot of support and friends amongst her colleagues for letting us all know that. That, in essence, is the response to the motion. I am the Premier, and when information about any member of the government has come to my attention from the Corruption and Crime Commission, I have acted in a fashion that I considered appropriate. If I have not acted appropriately, I will be judged by the broader population. That is the job.

**MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [4.32 pm]:** Today, the retiring commissioner of the Corruption and Crime Commission, Kevin Hammond, said that charges would inevitably result from the recent high-profile public hearings. The report of his statement in *The West Australian* stated -

Many influential holders of public office "wouldn't recognise a conflict of interest if it walked up and kicked them in the backside," he said.

Right now, the Premier has Hon Shelley Archer right beside him and Kevin Reynolds kicking him in the backside. The Premier said in this Parliament that on the day that he was intimidated in his position, he would walk out the door. However, because he has been intimidated, he has not dealt with Hon Shelley Archer. He said that if she was a minister, he would have sacked her. Would he have then been in breach of the Spent Convictions Act? He sacked the members for Ballajura and Murchison-Eyre from the Labor Party. Hon Shelley

Archer has done exactly the same thing as they did. She has been found to be corrupt by the Corruption and Crime Commission on three occasions, and they have been articulated here today. The Premier knows that. He has sacked the people who were not involved in the union movement, but those who are involved in the union movement are still sitting in this house. The Premier is intimidated. Not only that, but also the members for Ballajura and Yokine and the Minister for Energy all say that she should go. What message is conveyed to the people of Western Australia when the Premier is pictured in election advertisements with his arm around Hon Shelley Archer, saying that she is the person for the job? Did the Premier know about the charges and the spent conviction?

**Mr A.J. Carpenter:** No.

**Mr P.D. OMODEI:** The Premier did not know. Does the Labor Party have any procedure for asking about convictions? Does the Labor Party have as any part of its preselection process a requirement for people to report previous convictions? This person deliberately broke the law 35 times. The Premier might say that he cannot discriminate under that act, yet he would have sacked her if she had been a minister. He makes conflicting comments. He cannot say one minute that if Hon Shelley Archer had been a minister, he would have sacked her, and then in the next minute say that it would have been illegal if he had done so. That is what he is saying here today. The Premier was prepared to sack the members for Ballajura and Murchison-Eyre from the Labor Party, but he is not prepared to sack Hon Shelley Archer. It was found conclusively in the Corruption and Crime Commission that she breached the Corruption and Crime Commission Act through her activities; not once, not twice, but three times. Not only that, she acted as a go-between, giving confidential information to Brian Burke. The Premier continues to make smart remarks about people on this side of the house when he knows himself that if it were not for Brian Burke and Julian Grill, he would not be in the position he holds today. He might not have gone out and directly sought that position himself, but he knew that Brian Burke and Julian Grill's apparatchiks were voting for him to get him into that position. The Premier was the person who brought Norm Marlborough into the ministry and brought Brian Burke and Julian Grill back into vogue.

**Mr A.J. Carpenter:** Who did?

**Mr P.D. OMODEI:** The Premier did, through his actions in bringing Norm Marlborough back into the Cabinet. He gave carte blanche approval for Brian Burke and Julian Grill to act corruptly in Western Australia. However, it is not just Brian Burke and Julian Grill; the Premier's ministers allowed Burke and Grill to manipulate them into breaking the law. The Premier has a lot to answer for and there is no doubt in my mind that he needs to sack Hon Shelley Archer or he will have no credibility in this state. The Premier has been intimidated. He said that when he felt intimidated, he would walk out the door. Unless he sacks Hon Shelley Archer, everyone will know that he has been intimidated.

**MR B.J. GRYLLS (Merredin - Leader of the National Party)** [4.37 pm]: These are questions for every member of the Western Australian Parliament. Does the Western Australian Parliament forgive dishonesty and corruption and ignore unacceptable and reprehensible behaviour? I respect my role as the member for Merredin and the leader of the Western Australian Nationals. This Parliament should not forgive dishonesty and corruption; it should set and adhere to standards of behaviour. Hon Shelley Archer has abused her position and brought disrepute to this Parliament, but she remains a member. The Labor government, the labour movement and the state bureaucracy have been infiltrated by corrupt people. Vested interests have gained influence and bad decisions have been made. Hon Shelley Archer is not fit to be a member of Parliament. She should not have the support of the Premier or any member of the Western Australian Parliament. If there is any truth to her title - the honourable member for the Mining and Pastoral Region - she should resign from this Parliament. If we, as a Parliament - the elected representatives of the great state of Western Australia - are not prepared to condemn and demand the resignation of members who have acted in this way, we are all culpable for lowering the standards and the public standing of the Western Australian Parliament. The time has come to demand accountability. The question for every member of this chamber is: are we prepared to act, or is it easier to ignore this?

**MR E.S. RIPPER (Belmont - Deputy Premier)** [4.39 pm]: I do not defend the actions of Hon Shelley Archer, either last year or 15 years ago. However, I find this motion unusual. Firstly, it is unusual in a procedural sense. For the first time in my memory, the house is dealing with a motion about the character of an upper house member. It is interesting to compare the way the house is dealing with the issues relating to the member for Murchison-Eyre with the way it is attempting to deal with the issues relating to Hon Shelley Archer. When it comes to a member of this house, the government accepted an opposition motion to have an inquiry by the Procedure and Privileges Committee, in which evidence will be heard and the matter tested and judged, and then a recommendation made to the house. When it comes to a member of the other place, the opposition jumps straight to a conclusion. The opposition has taken the lead on both of these matters. It is unusual that we are dealing with a motion relating to a member of the other house. It is usually the case that each house takes care of its own. It is also unusual that we are dealing with a motion such as this without hearing evidence and dealing with the matter properly, as in the case of the member for Murchison-Eyre. I want to know what the rules are

with regard to these matters because I smell the stench of hypocrisy from the other side. I note that members on the other side used the words “convicted fraudster”. I wondered which of those words was the key word. Is the key word “convicted”, because if it is, the Leader of the Opposition should not be in this Parliament, let alone on the front bench, because he is the only person I am aware of in this house who has been convicted of a criminal offence. I am not going to go further on that matter.

Several members interjected.

**The SPEAKER:** Order, members! I think we have finished with that.

**Mr E.S. RIPPER:** If the key word is “fraudster”, I want to know why Hon Peter Collier is still a member of the opposition front bench, because he apparently had some trouble with signatures on Liberal Party membership forms. As I remember, the member for Nedlands came off stress leave to defend Hon Peter Collier.

*Point of Order*

**Ms S.E. WALKER:** I have never been on stress leave. I was on long service leave. This keeps being raised and I would like to correct the record.

**The SPEAKER:** I think the point of order has corrected the matter.

*Debate Resumed*

**Mr E.S. RIPPER:** I smell the stench of hypocrisy from the other side. I want to look at the case of Hon Anthony Fels because I think that bears on the standards that the opposition has expounded. I think the member for Cottesloe said that the relevant rule was that one could not help a lobbyist to make money. If one did that as a member of Parliament, one was not a fit and proper person. What did Hon Anthony Fels do? Noel Crichton-Browne wrote a motion and a speech that Hon Anthony Fels read into the parliamentary record almost word for word. It was embarrassing to see Hon Anthony Fels on his feet delivering his speech and the words written by Noel Crichton-Browne appearing on the screen. He was helping a disgraced lobbyist to make money. He knew what he was doing; he knew that Noel Crichton-Browne was representing IMF. That has been given in evidence to the CCC. He went further, because Noel Crichton-Browne dictated to him the terms of reference for a possible inquiry by a parliamentary committee. He knew that Noel Crichton-Browne was a paid consultant for Cazaly Resources. So, if the relevant rule is “convicted”, one member of the opposition is gone; if the relevant rule is “fraudster”, another member of the opposition is gone; and if the relevant rule is that a member through improper use of his parliamentary position helps a lobbyist to make money, when the member knows that is the case, another member of the opposition is gone. Yet no action whatever has been taken against those three members of the opposition. Hon Anthony Fels may have left the front bench, but he was sent on a trip as compensation. He is still a member of Parliament. The Liberal Party has not put forward a motion to say that Hon Anthony Fels is not a fit and proper person to be a member of Parliament. This is immense hypocrisy from the Leader of the Opposition and his colleagues. I do not support the actions of Hon Shelley Archer, nor do I support the actions of Hon Anthony Fels. I want to see standard rules applied to the activities of all members of Parliament. I do not want to see the unparalleled hypocrisy that we have seen from the opposition.

Another matter I want to deal with is the question of law. We do not govern according to our whims. We are not here as autocrats or dictators, doing whatever we want. This is a government of laws, not of people. We exercise our powers according to law. I criticised the member for Cottesloe because all too often he has scant regard for the legal obligations and paradigms in which ministers have to operate. We have had plenty of debates on this issue in which the Leader of the Opposition has come in here and said, “You are a minister; just roll up your sleeves and do it. Don’t worry about what the law says.” We have had the same argument again from the member for Cottesloe. He has asked the Premier to break the commonwealth Crimes Act. I do not regard that as a proper line of argument in this house. I do not believe that has proper regard for the rule of law or for the fact that we must govern according to legal constraints, not according to political expediency or our whims. It is gross hypocrisy from the other side. I cannot vote for this motion.

**DR E. CONSTABLE (Churchlands)** [4.46 pm]: This motion begs the question of who is a fit and proper person to be a member of Parliament. I think it is worth looking up the word “honourable”, because it is a title carried by members of the upper house. What does “honourable” mean? What sorts of attributes can we conjure up in our minds to associate with “honourable”? Perhaps it might be some of the following: admirable, worthy, praiseworthy, moral, principled, good, respectable, upright, proper, reputable, decent, and acceptable. I am sure we could think of many more. One might say that in a democracy it is the voters who make the final decision about who is fit and proper. With our system of elections for the upper house it is not the ordinary voter who makes that decision. It is in fact the preselection process of a political party and the people involved in it that decide who will get a seat in the upper house. The current system of electing people to the upper house here depends to a large extent on the wisdom or otherwise of members of political parties and the preselection processes they engage in. The dependence on political parties is particularly evident in our upper house, where almost all people vote according to a party ticket rather than for an individual, as happens in the lower house.

Any candidate who is preselected in a winnable position on a political party's ticket is virtually assured of easy passage into a seat in the Legislative Council. Then they are given the title "honourable". In these circumstances the voters rely on the wisdom or otherwise of the members of political parties who choose those people to have the title "honourable". It could be said there have been occasions when people who are commonly called party hacks have had easy passage into Parliament as a reward for long service to the party. Perhaps Hon Shelley Archer is a case in point. What sort of checks does the Labor Party carry out, and the Liberal Party for that matter, on candidates standing for preselection? Do the members of the Labor Party care that a candidate for public office was found to have been engaged in Centrelink fraud on multiple occasions? Do they bother checking that out? Do they discuss it? How is it that a person with this sort of history can be preselected? Does the Labor Party really believe that a person with this sort of history is a fit and proper person to be preselected for a safe upper house seat? Apparently, members of the Labor Party do believe that because Hon Shelley Archer has the title "honourable". Does she pass the "honourable" test? A person who examined the information from the Corruption and Crime Commission hearings could be forgiven for concluding that she has failed that "honourable" test miserably. I support the motion.

**DR K.D. HAMES (Dawesville)** [4.50 pm]: I thank the Premier for the opportunity to say something. Luckily, I find that I have two minutes left. What was it that the Premier thinks the member for Ballajura did that was worse than what Shelley Archer has done? The situation with the member for Ballajura occurred before these recent exposures by the Corruption and Crime Commission. The member for Ballajura neglected to pay superannuation payments to his staff and issues arose concerning his meeting with Mr Minniti. What did he do that was so much worse than what Hon Shelley Archer did that warranted the Premier's demanding he resign as a minister and leave the Labor Party? I contend that the only difference is that Hon Shelley Archer has a union member and union movement standing behind her and the member for Ballajura did not have that. I believe that when the Premier was in that meeting with Hon Shelley Archer - I know the Premier; I know what he is like - he asked her to resign and she said, "No; no way am I going." I want to know what the Premier said in reply. I can see his smile. I know I am right; I know that is what he said to her. He considered her behaviour as a go-between at the beck and call of Brian Burke, and he knew in his heart that her actions were totally inappropriate and he asked her to go, but she said no. He knew his hands were tied. To be fair to the action he took against the member for Ballajura, he should have said, "She goes or I go." That would have met the Premier's line in the sand and would not have led to the drawing that was in the newspaper of the line in the sand and the circle around Shelley Archer with Kevin Reynolds standing behind her.

**Mr A.J. Carpenter:** It was a cartoon.

**Dr K.D. HAMES:** He lacked the courage. It was a great cartoon, and its depiction was absolutely accurate. He told Shelley Archer to go; she would not go and the Premier wimped out.

**DR J.M. WOOLLARD (Alfred Cove)** [4.52 pm]: I support this motion, based on the findings of the Corruption and Crime Commission. The Premier is muddying the waters by referring to the spent conviction. I believe he is hiding behind the commonwealth act rather than basing his view on state legislation.

**Mr A.J. Carpenter:** It is a commonwealth offence.

**Dr J.M. WOOLLARD:** Under the Constitution, we as members of Parliament are not employees. However, that should not be the issue. The issue should be the findings of the Corruption and Crime Commission, and on that basis I support the motion.

Question put and a division taken with the following result -

Ayes (23)

Mr C.J. Barnett	Mr J.H.D. Day	Mr J.E. McGrath	Mr T.K. Waldron
Mr M.J. Birney	Mr B.J. Grylls	Mr P.D. Omodei	Ms S.E. Walker
Mr T.R. Buswell	Dr K.D. Hames	Mr D.T. Redman	Mr G.A. Woodhams
Mr G.M. Castrilli	Ms K. Hodson-Thomas	Mr G. Snook	Dr J.M. Woollard
Dr E. Constable	Dr G.G. Jacobs	Dr S.C. Thomas	Mr T.R. Sprigg ( <i>Teller</i> )
Mr M.J. Cowper	Mr R.F. Johnson	Mr M.W. Trenorden	

Noes (31)

Mr P.W. Andrews	Mr J.C. Kobelke	Mrs C.A. Martin	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr R.C. Kucera	Mr M.P. Murray	Mr T.G. Stephens
Mr A.J. Carpenter	Mr F.M. Logan	Mr A.P. O'Gorman	Mr D.A. Templeman
Mr J.B. D'Orazio	Ms A.J.G. MacTiernan	Mr P. Papalia	Mr P.B. Watson
Dr J.M. Edwards	Mr J.A. McGinty	Mr J.R. Quigley	Mr M.P. Whitely
Mrs D.J. Guise	Mr M. McGowan	Ms M.M. Quirk	Mr B.S. Wyatt
Mrs J. Hughes	Ms S.M. McHale	Ms J.A. Radisich	Mr S.R. Hill ( <i>Teller</i> )
Mr J.N. Hyde	Mr A.D. McRae	Mr E.S. Ripper	

Question thus negatived.

**POLICE AMENDMENT BILL 2006***Second Reading*

Resumed from 29 November 2006.

**MR R.F. JOHNSON (Hillarys)** [4.58 pm]: The opposition will support this bill, which amends the Police Act. I am sure members will be delighted to know that, in light of our support, no controversy will occur in this debate. In addition, I am recovering from a bout of flu so I will limit my comments.

**Ms J.A. Radisich** interjected.

**The ACTING SPEAKER:** Order, member for Swan Hills.

**Mr R.F. JOHNSON:** I appreciate the kind comments from some members opposite who have shown some concern over my temporary disability; namely, my lack of voice and everything else.

**Mr F.M. Logan:** Do you have a temporary disability?

**Mr R.F. JOHNSON:** Nothing that a bag of eggs would not put right!

This bill is a very simple one. It will bring Aboriginal police liaison officers, who have been doing very important work now for many years, under sections of the Police Act, namely sections 9, 13, 23, 33E and 33K. The proposed amendments in the bill will bring those officers under the same disciplinary provisions that apply to members of the police force appointed under part 1 of the act. I suggest that without a doubt these amendments will assist the Commissioner of Police. It will mean that he can treat all officers in the same manner, whether they be fully sworn officers or Aboriginal police liaison officers. The inclusion of Aboriginal police liaison officers under section 23 of the Police Act will mean that a breach of the rules, orders or procedures could result in a reprimand; a fine of not more than three per cent of the annual base rate of pay of the officer concerned; a reduction to a lower rank; a reduction in salary to a specified rate within the limits of salary fixed for the rank held by him or her; suspension from duty; or even dismissal. These options will be open to the police commissioner on these amendments to the Police Act.

**The ACTING SPEAKER (Dr S.C. Thomas):** Members, there is still far too much noise occurring in the chamber and it is difficult to hear the member. The member for Avon is not in his seat and is at risk. I ask members to carry on their conversations outside the chamber.

**Mr R.F. JOHNSON:** I am having great difficulty, Mr Acting Speaker. This is cutting-edge legislation and there are these chit-chat comments going on in the chamber. Members know that I am not very well but they do not care! They are making me raise my voice. I have already given a promise that I will not speak for long. I know they are all waiting for tea.

**Ms M.M. Quirk** interjected.

**Mr R.F. JOHNSON:** Yes, it is actually; the Bali bug.

**A government member:** Do you want us to leave you alone?

**Mr R.F. JOHNSON:** No, a cup of soup would be rather nice though.

Mr Acting Speaker, some members are trivialising the comments I am making, and I find that most distressing!

**Ms J.A. Radisich:** Someone of your age needs to rest!

**The ACTING SPEAKER:** Order, member for Swan Hills!

**Mr R.F. JOHNSON:** I seek your protection, Mr Acting Speaker, from the member for Swan Hills because I feel as though I am being bullied in this chamber!

I have quoted from parts of the minister's second reading speech, and the explanatory memorandum is very simple and explains in clear detail what this amending legislation will do. It is, as I see it, mainly commonsense housekeeping legislation. My only concern is whether the police minister will to some extent class Aboriginal police liaison officers differently or treat them as ordinary police officers and thereby bolster the 350 extra police officers promised by the government in its four-year term. I will be interested to hear, when the minister responds, whether Aboriginal police liaison officers will be included in the total number of police officers in the state, now that they will be given more recognition under this amending bill.

Far be it for me to stand, speak and sit down in about five minutes! However, it would be a shame if the minister's motive behind this amending bill is to bolster the number of police officers. I am waiting for the police minister to tell the truth about whether the government met its promise of an extra 250 officers in its first four-year term; I know that it did not. The police minister will not admit the truth that the government did not meet its commitment.

**Mr J.C. Kobelke:** I get the figures from the WA Police and they show that we did.

**Mr R.F. JOHNSON:** I have the figures too. I want to raise that issue, either during debate on the Premier's statement or on one of the consolidated fund bills. I have figures for six years from 2001 which show quite clearly that the government did not meet the figure of an extra 250 officers. The minister knows as well as I do that he does not have a hope in hell of meeting the promise of an extra 350 officers over and above that number in the current four-year term. The minister has less than two years to go now and he will not make it. He is running out of foreign imports into Western Australia. There is something that I get cross about. I see many organisations advertising for people: the Army, the Navy and the Air Force. I saw an advert on television last night advertising for recruits. I ask the minister: when was the last time he saw a decent advertisement on TV, in newspapers or anywhere else for recruits for the police service?

**Mr R.F. Johnson:** That is what some very great people have said throughout the years!

**Mr T.K. WALDRON:** Is that right? Well, there we go!

It is important that the Commissioner of Police be given power over all members of the police force with regard to promotion and discipline. The bill provides that the current APLOs can undertake a transition course to become fully-fledged police officers. That will be very good.

**Mr R.F. Johnson:** They are doing that at the moment.

**Mr T.K. WALDRON:** Yes, and their travel and accommodation costs are being paid, which is excellent. Eventually, all the current APLOs will either become police officers or will cease their employment with the police force. It is important that the police force continue to recruit police officers from within the Aboriginal community, because a lot of benefit is gained from their cultural knowledge and understanding. They also become important role models in their communities. Recently I met with an Aboriginal gentleman by the name of Revis Ryder. He is a senior constable in Narrogin. I have known Revis for some years. He is a strong family man and sets a great example. He was a very good footballer and played in both state and country competitions. His son now plays for Essendon. Revis has been training with the local footy club. His influence on young Aboriginal people has been immense. In his role as a police officer he has helped in a lot of situations and provides a good example for not only Nyoongah but also other Aboriginal young fellows to follow. I hope we do not lose him from our area.

It is important that the police force comprises people from all cultures. Like other members I have had to deal with families that have experienced problems or disputes, or have had their children taken into care. The APLOs and the fully-fledged Aboriginal police officers can be very useful in those situations. It may be a bit of a drawback at times if they are too close to the families and are seen to be aligning with one family in a dispute rather than the other. However, I have experienced on a number of occasions that I found fairly tough that their presence has made a big difference to all involved.

This bill is a step in the right direction. I encourage more Aboriginal people to join the police force. As I have said, we will be supporting the bill.

**DR J.M. WOOLLARD (Alfred Cove) [5.14 pm]:** I also will be supporting the Police Amendment Bill. I thank the minister for the briefing that I was given. I understand from the briefing that the main reason this bill is on the table is to give the Commissioner of Police the same disciplinary powers for both Aboriginal police liaison officers and sworn police officers.

**Mr J.C. Kobelke:** And also greater flexibility in handling situations in which there is an indiscretion or some other problem.

**Dr J.M. WOOLLARD:** It is really the indiscretions that have been committed over the past four or five years that have encouraged the government to implement this bill. I believe that within the next year approximately 80 per cent of the current APLOs will have undertaken the 27-week officer training course and will become sworn police officers. That means that fewer than 20 per cent of the current APLOs will be covered by this bill. Will that number remain at 20? One of my concerns, coming from a health background, is the growth in the number of carers in the health industry as opposed to registered nurses. Will Aboriginal police liaison officers be encouraged to become sworn police officers? Will a greater number of APLOs be employed after the implementation of this bill, or is this bill purely for disciplinary purposes, and once the current APLOs have ceased their employment with the police force, that will be the end of their role?

**MR J.C. KOBELKE (Balcatta - Minister for Police and Emergency Services) [5.17 pm]:** I will seek first to answer the questions that have been raised by the member for Hillarys. Currently, Aboriginal police liaison officers are not counted as sworn officers but form a separate set of figures. My understanding is that that will continue. As the member is well aware, a lot of the current APLOs are doing the required training so that they can become sworn police officers.

**Mr R.F. Johnson:** I would not say a lot. The most I have seen is about six or seven, and perhaps two or three others.

**Mr J.C. KOBELKE:** I think it will certainly be the majority over time. That is the current indication. The member is right. We attend graduation ceremonies together quite often. There have been a number of former APLOs in each graduation ceremony. Those former APLOs are graduating on a regular basis. There are now a lot of cadets at the Police Academy. We will see whether that continues. That is how we perceive it is likely to unfold.

I thank the member for Wagin for his contribution, and also for the particular example that he mentioned of an Aboriginal police liaison officer. The member for Wagin mentioned also the calibre of both Aboriginal police officers and Aboriginal police liaison officers and the important role that they play. Clearly, given the high rate of interaction between WA Police and the Aboriginal community, it is crucial that Aboriginal officers form part

of the police force. It is fantastic that many of these APLOs are becoming sworn police officers. However, there will be a continuation of the role of APLOs. I appreciate the comments made by the member for Wagin, which highlight the fantastic job that these officers are doing.

The member for Alfred Cove put on the record her comments and mentioned the information that she was given at the briefing that she was offered. With respect to the specific question that the member asked, which I did not write down -

**Dr J.M. Woollard:** My comment was that that because 80 per cent of the APLOs will now become sworn police officers, fewer than 20 per cent of the APLOs will be left. Will you be employing more APLOs so that you will be able to assist not only Aboriginals but also people from other cultures to become police officers?

**Mr J.C. KOBELKE:** It is my understanding that there will not be any encouragement for the appointment of more Aboriginal police liaison officers. The commissioner may from time to time seek to change policy and see how it unfolds. However, that is my understanding of the current policy. The member quite rightly alludes to the fact that there is an attempt to encourage members of the community who come from an Aboriginal background to become police officers. I was recently very pleased to welcome the first police cadet group in many years. Police cadet training has been reintroduced for young people leaving school at 17 or 18 years of age who are keen to get into policing. Traditionally, potential police recruits would frequently get caught up in work outside the police force and would put aside the ambition to become a police officer. By recruiting cadets and giving them on-the-job training at perhaps a more professional level than was experienced by cadets in the past, the government will encourage more of those people to become police officers. At the first cadet induction, I was very pleased to see some young people who I assumed were of Aboriginal background. They are coming through the system and are being given encouragement and support, so that there will be reasonable numbers of Aboriginal members of Western Australia Police. It is a challenge that the government has to face up to, and I think that that is happening. I think that answers the member's question.

I thank all members who have contributed to the debate, and I thank the opposition, the National Party and the Independents for their support for what is, although a fairly minor bill, a quite important bill in terms of making sure that Western Australia Police is very efficient and effective, and that it looks to the particular interests of our Aboriginal police liaison officers and to the involvement of Aboriginal people in the work of Western Australia Police.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

#### *Third Reading*

Bill read a third time, on motion by **Mr J.C. Kobelke (Minister for Police and Emergency Services)**, and transmitted to the Council.

### **EQUAL OPPORTUNITY AMENDMENT BILL 2006**

#### *Second Reading*

Resumed from 1 November 2006.

**MS S.E. WALKER (Nedlands)** [5.22 pm]: I feel that members are somewhat dwarfed by the new surroundings. Maybe the desks are lower; they are certainly narrower. Anyway, it is very nice.

The opposition will not oppose this bill. How could we oppose it? It is commonwealth legislation. I was very surprised yesterday to receive in my office a flyer about a seminar being held today about racial hatred laws and tenancy. It stated that racially offensive behaviour in public would soon be unlawful. It is already unlawful under the commonwealth act. This bill is really window-dressing by the state government. The Attorney General is sneaking out of the chamber because he knows what I am going to say about this bill - that it is window-dressing. The contents of the bill are remarkably similar to those of the commonwealth Racial Discrimination Act 1975. The Attorney General has for the past six years denied the public of Western Australia the opportunity to have these sorts of conciliations and hearings, because he has failed to invoke the intergovernmental arrangement that he could have invoked under the Equal Opportunity Act.

However, before I turn to that, I am tempted to raise an issue that I was not going to raise. During the long summer break, a letter arrived on my desk - unprompted and uninitiated by me - from a government minister -

**Mr M.W. Trenorden:** Was it my marriage proposal?

**Ms S.E. WALKER:** No, it was not the member for Avon's marriage proposal. I am still after his pension, since members no longer have one!

This letter arrived on my desk from a member who is now a former minister. It was a very pompous letter and, as I said, unprompted. It reads -

Dear Sue,

**RACIAL VILIFICATION**

I write with respect to comments made by you in debate -

On a particular bill, the debate on which I contributed to. The letter continues -

I think you are confused on a number of fronts. First, you are confused -

The letter goes into detail about what I was confused about. The letter continues -

Moreover, you appear to be confused as to which aspects of the incident -

I am not sure whether he wrote this letter. In fact, this is a letter from the former Minister for the Environment, the member for Riverton. It is a very pompous letter. To be honest, I was going to bring the letter in here; I looked at it and I put it to one side. I thought I would come to Parliament and tell the minister that being a minister had obviously gone to his head, cut the letter up and put it in the bin. However, I am not the one who is confused, as the Corruption and Crime Commission transcripts reveal. It is the member for Riverton who is confused; I am not confused at all. I suppose I am confused about who wrote this letter, now that it is common knowledge that Mr Burke, Mr Grill and Mr Crichton-Browne are writing letters and speeches for everybody. I do not know who wrote this letter. Maybe it was the member for Victoria Park, or someone that the member for Victoria Park knows.

In any event, this is how confused the member for Riverton was at the Corruption and Crime Commission hearings. I am not the one who is confused; he is. I have tried to find the member for Riverton's precious phrases that he used when he came out of his house and said that he thought he was in fairyland or wonderland and that something was happening to him, and asked if he was in a time warp. He was confused then. In his evidence to the Corruption and Crime Commission, he said that he was guilty only of being clumsy with his words. I think he is confused. I will read a few things, because when people write to me and try to tell me that I am confused about the law and what I have said, I think they deserve my response.

On page 610 of the Corruption and Crime Commission hearing transcripts for 22 February 1997, Mr Urquhart questions Mr McRae. The transcript reads -

Why did you pretend to Mr Grill that you hadn't actually seen the brief for this matter?

Mr McRae replied -

I don't know that I did pretend. I just don't remember.

Mr Urquhart then said -

Go to page 1. This is you ringing Mr Grill and, apart from the normal pleasantries, "How are ya?" and "Can you talk?" the very first question you ask is, "Did we make any progress with your request?" Why were you saying that when the request had been finalised?

Mr McRae's answer was -

Look, I don't - I don't know.

He was confused.

**Mr R.F. Johnson:** He still is.

**Ms S.E. WALKER:** He still is. This is lovely. Mr Urquhart continues his questioning on page 611 of the transcript. It reads -

You see, Mr McRae, what I want to suggest to you is that you did that deliberately before you raised the question of your fundraising?

Would you like to answer that? Do you agree with that?

Mr McRae says -

I didn't hear a question.

The confused member is here somewhere. I cannot see him; he is in his time warp again. The transcript continues -

I said to you that you deliberately did that before you raised the question of the fundraising. Do you accept that you deliberately indicated to Mr Grill that this matter was actually still outstanding?

I accept that I've indicated to him that it was outstanding.

Right? But to suggest that I deliberately did it to mislead him, no, I don't accept that.

**Mr M. McGowan:** What has this to do with the bill?

**Ms S.E. WALKER:** The member is right to ask what this has to do with the bill. The former minister wrote to me, minister, and said I was confused about the bill. I am saying that I am not confused; this man is confused, and he has demonstrated it at the Corruption and Crime Commission. He was asked by the Corruption and Crime Commission about his relationship -

*Point of Order*

**Mr M. McGOWAN:** As I understand it, the debate is on a bill concerning equal opportunity laws. The member for Nedlands is now using the debate as an opportunity to read bits of the transcript from the Corruption and Crime Commission hearings, which have nothing to do with that. The normal rules of relevance require that a member address the bill, and I cannot see how this relates at all to the bill.

**The ACTING SPEAKER (Dr S. Thomas):** My ruling is that I cannot see the link or relevance in this circumstance, and I direct the member to redirect her statements to the bill before us.

*Debate Resumed*

**Ms S.E. WALKER:** Thank you, Mr Acting Speaker. Here is the relevance. At the end of this very pompous letter he states -

Given that you are now a supporter -

**Ms J.A. Radisich** interjected.

**Ms S.E. WALKER:** Come on, member. If the member had received a letter like this, she would have to laugh as well. He stated -

Given that you are now a supporter of broadening the opportunities for individuals to be pursued under circumstances of racial aggravation, I trust that you will see fit to support the Government's amendments to the Equal Opportunity Act, which will introduce the potential for civil remedies on the grounds of racially offensive behaviour.

That was his motivation; it was this very bill. He said that I was confused but I am saying no, the member for Riverton is confused. After becoming a minister of the state, if he wanted to write such a pompous letter and tell me that I was confused in my profession and in my shadow portfolio, I will retort and say that he was confused in his. That was the point of it.

**Mr R.F. Johnson:** He wrote to you?

**Ms S.E. WALKER:** Absolutely.

**Mr R.F. Johnson:** Goodness me. When?

**Ms S.E. WALKER:** On 12 December.

**Mr R.F. Johnson:** Last year?

**Ms S.E. WALKER:** Yes. It was a letter from the Minister for Multicultural Interests and Citizenship. I am saying people should read the Corruption and Crime Commission transcripts and they will see that he is confused. We will see who is confused. That is why this is relevant. It is because the disgraced former minister wanted Mr Grill to give him \$30 000 as a fundraiser.

*Withdrawal of Remark*

**Mr A.D. McRAE:** The member for Nedlands is now lying to the Parliament. She should withdraw from doing that because to tell such an untruth both impugns my reputation and misleads the house.

**Mr R.F. Johnson:** You have no reputation, my friend. It is gone; zilch.

**The ACTING SPEAKER (Dr S.C. Thomas):** Member for Riverton, it is against the standing orders of this house to impugn a member by implying that he or she is lying. I have to ask the member to withdraw that comment.

**Mr A.D. McRAE:** I withdraw the suggestion that she was lying. In my point of order, Mr Acting Speaker, I was saying that the member for Nedlands was intentionally misleading this house.

**The ACTING SPEAKER:** Member, exactly the same rules apply. A member may not use the words "lying" or "intentionally misleading" under the standing orders of this house. I ask the member to withdraw his "intentionally misleading" statement.

**Mr A.D. McRAE:** I withdraw.

*Debate Resumed*

**The ACTING SPEAKER:** I ask the member for Nedlands to tread carefully and warily when making any statement, particularly in relation to the CCC.

*Point of Order*

**Mr A.D. McRAE:** My objection to the member's suggestion that I asked Julian Grill for \$30 000 through fundraising is both factually incorrect and impugns my reputation. It results in her misleading the house. I ask that Mr Acting Speaker rule on those matters.

**The ACTING SPEAKER:** It is part of normal debate that these things go on. I will ask Mr Speaker to look at the transcript of this to see whether there have been any transgressions. It is my ruling at this stage that there have not been. I would, however, direct the member for Nedlands to refer to the bill in front of us and refrain from extending debate and getting us sidetracked.

*Debate Resumed*

**Ms S.E. WALKER:** Thank you, Mr Acting Speaker. It was just that I was shocked. I have never received a letter on a point of law from a minister. I have not even received one from the Attorney General! If I did, it was certainly not correct.

The point I was making was that the disgraced former minister took the time from his busy portfolio issues to write me a two-page comprehensive letter that I do not think he wrote anyway - he certainly signed it - to say that I was confused. I was not confused. I was drawing attention to the fact that if one looks at the CCC transcripts, the member for Riverton was confused. He could not remember that he got a donation from Mr Grill at one stage.

*Point of Order*

**Mr A.D. McRAE:** The member for Nedlands is now deliberately ignoring your directions, Mr Acting Speaker. I say she is wilfully ignoring the directions. If you, Mr Acting Speaker, are not able to bring the member into line, I think it will reflect poorly on the house.

**The ACTING SPEAKER:** I direct the member to return to the bill in hand. This debate cannot continue in the same manner. I ask the member to direct her attention to the Equal Opportunity Amendment Bill 2006.

*Debate Resumed*

**Ms S.E. WALKER:** Thank you, Mr Acting Speaker. I just want to clarify and finish on this note. At page 576 on 22 February -

*Point of Order*

**Mr A.D. McRAE:** Having now received direction from the Chair twice, the member for Nedlands is now intending to proceed once again to the transcripts of the CCC hearing about which there is no finding as yet and about which there is some discussion on the accuracy of the transcript. The member is continuing to refuse to comply with your directions, Mr Acting Speaker. I ask that you give her that direction.

**Mr M. McGOWAN:** The question is the relevance of what the member for Nedlands is reading into *Hansard* and this Parliament to the bill that is currently before us. It appears to me that everything the member for Nedlands is saying and reading has absolutely no relevance to the bill, is deliberately provocative and unnecessarily bileful and nasty, and completely irrelevant to this debate. Mr Acting Speaker, you have ruled twice that this issue is not relevant and the member continually disregards your ruling.

**Mr M.W. TRENORDEN:** We are playing with semantics. People's feelings are regularly hurt in this chamber in the course of debate. The reality of the previous two speakers is that they are challenging your rulings, Mr Acting Speaker. Even though it might be a gentle challenge to the rulings, it is still a challenge to your rulings. I think this charade should come to an end. The charade is that two members from opposite sides have actually challenged your rulings, Mr Acting Speaker.

**The ACTING SPEAKER:** On the point of order and the activity that has gone on so far, I agree that the charade has carried on far too long. I will no longer allow the member for Nedlands to refer to the CCC unless the material refers directly to the Equal Opportunity Amendment Bill 2006. I direct that debate will now go back to that bill because I have not seen the link or the relevance to the debate strongly enough to allow the member to continue to refer to those areas.

Member for Avon, on the questioning of the ruling, although open to some question of clarification, there has not been a deliberate slight to the Chair or a questioning of the authority of the Chair. I intend to leave it at that.

*Debate Resumed*

**Ms S.E. WALKER:** I do not know whether the member for Riverton would remember the letter, because he said he did not remember an email that was put to him about a donation at the CCC. I will ask him whether he remembers this letter. Does he recall it? The letter states, in part -

Moreover, you appear to be confused as to which aspects of the incident the test for racial harassment applies to. It is not the seriousness of the concomitant assault, but rather, whether the conduct was intended to racially harass . . . or whether the conduct was likely to harass . . . .

Does the member for Riverton remember the letter?

**Mr A.D. McRae:** Yes.

**Ms S.E. WALKER:** He does. That is funny because he has been confused before when people asked him about written material. I thought I would ask him that before I continued with the bill. If people would like to look at page 576, 22 February 2007, they will see what I am talking about.

See, member for Riverton, things come back to bite one. He has demonstrated in this Parliament a profound lack of humility on some occasions. For him to write that letter to me in that tone says a lot about his character, actually.

I will come back to the notes I have prepared on this bill. This bill reflects, in essence, the insincerity of the present government on the issue of racial discrimination. Among other things, the government came into power on a promise to address racial discrimination and to promote multiculturalism. Indeed, the former Premier, Dr Gallop, took on that portfolio himself. However, I can find only one short speech he made on that topic in this Parliament. I do not know why the public gave votes to the government in that area.

**Mr R.F. Johnson:** He very rarely went to multicultural functions.

**Ms S.E. WALKER:** I do not know whether the former Premier was a nice bloke, but I certainly never found that anything he ever said had substance. It may have had intellectual analysis, but I never found that it had any substance. I can refer to some debates on this subject, in which he never really got down to the nitty-gritty. Who can forget the Gallop government's response to the last round of urban terrorism in this state, when swastikas were painted on synagogues and people were threatened with firebombs, just two years ago? The government did nothing. It was only because I was angered to think that swastikas were being painted on synagogues and people were being targeted, and believed that the penalty should be increased to 20 years' jail, that the government was dragged, kicking and screaming, into introducing a bill.

The greatest travesty of the Equal Opportunity Commission in this state is the fact that it is headed by Yvonne Henderson. When the bill was introduced increasing the penalties for criminal damage and assault to 20 years in circumstances of racial aggravation, a consultation paper was released, and it is still in existence. It should not be in existence, because some of the content is historically wrong and a travesty of justice. I referred to it the last time this subject was debated, and I will refer to it again. It is a glossy booklet, and it is wrong. The Attorney General should address himself to this. Fairness should be a key in his character. The document states, at page 10 -

The strict adherence to the White Australia policy changed in the 1930s with the adoption of the policy of assimilation when policymakers believed that with time and the right environment people who were not of Anglo-Celtic background could assimilate . . .

In the 1960s and 1970s a further concession was made through the policy of integration . . . Despite these changes, multiculturalism as it was then defined did not gain ascendancy until the Whitlam era in the early 1970s when it became the basis for migrant settlement and welfare policy.

One of the first tasks of the Whitlam Government was to rescind the White Australia policy, introduce a non-discriminatory policy of immigration . . .

That is historically wrong, unfair and politically motivated. Yvonne Henderson, the commissioner, should hang her head in shame. I have done some research. For instance, there is nothing in this booklet about Jack van Tongeren and urban terrorism, which I raised last time. A whole chapter was omitted, and she still has not corrected it. The truth is that the trade union movement and the Labor Party promoted the white Australia policy. Arthur Calwell, the first Australian Labor minister for immigration said "Two Wongs don't make a white". I am only saying this because this document could have contained a balanced view but it does not. It is entirely wrong for Yvonne Henderson, the commissioner, or whoever wrote this, to keep this document circulating in public in Western Australia. It is clearly wrong.

**Mr R.F. Johnson:** Did that document come from the Department of the Premier and Cabinet?

**Ms S.E. WALKER:** It is from the Equal Opportunity Commission. It says "Office of Multicultural Interests".

**Mr R.F. Johnson:** That is part of the Department of the Premier and Cabinet.

**Ms S.E. WALKER:** When I had my last briefing I think I was given this pamphlet again by the person who briefed me. It is entirely wrong. The only reason I am raising this now is because when the pendulum swings so far one way, it needs to swing back. I looked at an article entitled "Two Wongs Don't Make a White: Changing Notions of Race and Ethnicity in Australian Nationalism." The abstract for this paper states -

This paper examines the rhetoric of Australian nationalism in relation to race and ethnicity, highlighting the varying ways in which these notions of identity have been constructed in different contexts. Arthur Calwell, the first Australian Minister for Immigration, made the comment in the title of this paper in 1947 and it exemplifies the government's attitude towards 'Asian' migration during the post-war period. The Australian government, while seeking many thousands of immigrants from northern Europe, imposed tight restrictions on the migration of Asians and other non-Europeans to Australia.

**Mr R.F. Johnson:** I think the member for Girrawheen had a lot to do with that pamphlet.

**Ms M.M. Quirk:** I did not.

**Ms S.E. WALKER:** She looks guilty. It is not right, is it?

Arthur Augustus Calwell was born on 28 August, 1896. He was appointed honorary secretary of the State Service Clerical Association. He was also the foundation president of the restructured Australian Public Service Association. In 1940 he was endorsed by the Labor Party for the seat of Melbourne, which he won in that year's election.

**Mr M. McGowan:** Is the point of this debate to attack Arthur Calwell? He died in 1973.

**Ms S.E. WALKER:** The point of this debate is racial vilification. The minister should be quiet and get on with his education portfolio; it needs a lot of work.

**Ms J.A. Radisich:** Now who is being pompous?

**Ms S.E. WALKER:** That is part of debate.

This is the history of the White Australia policy. On Tuesday 15 November 1994 in the House of Representatives, Mr Ruddock said -

In 1966, the coalition, under Harold Holt, abolished the White Australia policy. I remind honourable members that that policy had been kept in place by the Australian Labor Party for a long time. We do not often hear people repeating the comments of the former Labor leader, Arthur Calwell - comments which I found extraordinarily insensitive - such as, 'two Wongs do not make a White.'

I raised this because the Attorney General, in his second reading speech, waxes lyrical about how the government has dealt with multiculturalism and racial issues in this state. The fact is that the government has been wanting.

**Ms M.M. Quirk** interjected.

**Ms S.E. WALKER:** Why did the member for Girrawheen not bring in a bill when swastikas were being painted on synagogues? She did nothing.

**Ms M.M. Quirk:** Because I am not the Attorney General.

**Ms S.E. WALKER:** For goodness sake, neither am I. For the member to say that she is just a member of Parliament, and not the Attorney General, and therefore she cannot do anything is just pathetic.

Let us hear from somebody who was actually in the Labor Party at that time. I quote from an article entitled "The Demise of the White Australia Policy" -

Don Dunstan recalled that he was summoned to Calwell's office, following the 1961 attempt, and submitted to a tirade: "Calwell said it would ruin the Party if we altered the immigration policy and that it was only cranks, long hairs, academics and do-gooders who wanted the change and that the worker would never stand for it."

Calwell later wrote in his autobiography -

For political and diplomatic reasons, the 1965 Federal ALP conference removed the words 'White Australia' from the Labor Party platform. We certainly did not try to water down the policy nor take the ideal of a White Australia from the hearts and minds of the Australian people. Nobody will ever be able to do that.

That was the Labor Party's attitude. Members opposite should obtain his article and make sure they give an accurate history to Western Australians of both sides of government. I wanted to raise that because I thought it was very important that, even though we are not in government, someone at least gave a more frank picture of what was happening. The article further states -

The Union movement held a large power base within the ALP (indeed, it contributed far more monetarily than the branches did; "In NSW in 1960, for example, the ALP received four and a half times more from Unions than Branches in affiliation fees"), and it was the Unions which also figured

large in the defence of the White Australia Policy, especially the Australian Workers Union (which still “continued to discriminate against Australians of Chinese descent”).

I am just responding to the Attorney General’s second reading speech, in which he says -

In 2001, this government commenced implementing a policy and legislative program that recognises and affirms the great ethnic, cultural and racial diversity of the people of Western Australia, and the contribution they make to our society. The anti-racism strategy and the Western Australian Charter of Multiculturalism are testimony to the government’s continuing commitment to multiculturalism . . . Part of the program also involved reviewing the effectiveness of existing criminal laws dealing with public acts of racial hatred . . .

This government did not do that; we on this side of the house did that. I wanted to set the record straight. At the time, the provisions of the Criminal Code were inoperative and impotent. There had never been a prosecution. The law reviews were a good thing in relation to this issue. As I have said, the government has brought in a bill that largely reflects the commonwealth act. I want to refer to that act, because I do not think the opposition will be seeking to go into consideration in detail on this bill. The bill provides as follows in proposed section 49E, and this is a basic issue -

. . . for a person to do any act, otherwise than in private, that is reasonably likely to offend, insult, humiliate or intimidate another person on the ground of -

- (a) the race; or
- (b) a characteristic that appertains generally to persons of the race . . .

That is slightly different from the commonwealth act, which I will refer to. The bill goes on as follows -

- (c) a characteristic that is generally imputed to persons of the race, of that other person or of a relative or associate of that other person.
- (2) Conduct is taken not to occur in private if it -
  - (a) consists of any form of communication with the public or a section of the public, or
  - (b) occurs in a public place or in the sight or hearing of people who are in a public place.

There are exceptions, which are basically the same as those in the commonwealth act. The provisions were inserted in 1995, on the twentieth anniversary of the Racial Discrimination Act 1975. At the time it was said that it would affect people’s freedom of speech. In fact, it has not done that. I have looked at some relevant cases, which I will refer to. It has really stopped people from making racist comments. A commonwealth procedure has been available to Western Australian citizens. Admittedly, a few people have had to go online because the Attorney General would not enact the intergovernmental provisions under the Equal Opportunity Act. For a long time now, the Attorney General could have, under section 7 of the Equal Opportunity Act 1984, made an arrangement with a minister of the commonwealth for or in relation to the performance on a joint basis of functions related to the promotion of the objects of the act; or the performance by this state or by an authority of this state on behalf of the commonwealth of functions relating to the objects and performance of this act. That meant that people could conduct their business through the Equal Opportunity Commission in Western Australia. However, if people wanted to make a complaint under these provisions for racial discrimination or harassment or offensive behaviour, the Attorney General made them go online and do it through Sydney. I think that was very unfair. Alternatively, they had to write. The Attorney General could have changed that. Now he has come into Parliament with this bill and said, “Look, aren’t we good? We’re making it unlawful in this state.” The fact is there is already commonwealth law in place that Western Australians can use. The Attorney did not need to bring in this bill. He could have used the intergovernmental agreement provisions.

Having said that, we are making this amendment, and people will for the first time be able to make conciliation at the commission’s office. If a person has a complaint about racially offensive behaviour, the whole thrust of the commonwealth and state acts is that people should work on conciliation. The last resort is to go to the State Administrative Tribunal. Section 18C, in part IIA of the commonwealth act, which relates to prohibition of offensive behaviour based on racial hatred, states -

- (1) It is unlawful for a person to do an act, otherwise than in private, if:
  - (a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and
  - (b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.
- (2) For the purposes of subsection (1), an act is taken not to be done in private if it:
  - (a) causes words, sounds, images or writing to be communicated to the public; or

- (b) is done in a public place; or
- (c) is done in the sight or hearing of people who are in a public place.

The exemptions are virtually the same as those that we will vote on in this bill. I want to make it clear that it was not necessary to bring this legislation to the house. It is basically the same as the commonwealth legislation, with two differences. Firstly, a person cannot have a go at another person because of a particular characteristic of that person's race. I suppose that applies to people wearing turbans if they are Indian. Also, a person cannot have a go at someone's relative; a person cannot be racially offensive about that relative. That is why the Liberal Party is not opposing this bill. The current Western Australian act allows a person to bring a complaint to the commissioner about sexual or racial harassment only if it applies to employment, accommodation and education. Currently in the WA Equal Opportunity Act there are two classes of discrimination. The first is a general discrimination on sex, marital status or pregnancy, gender history, family responsibility or status, sexual orientation, race, religious or political conviction, and impairment or age. The second class, as I understand it from my briefing, is racial or sexual harassment in relation to employment, accommodation or education. The test in relation to religious or sexual harassment is found at sections 24-26, discrimination involving sexual harassment. That test is firstly that a person has to make an unwelcome sexual advance and, secondly, that the recipient has to demonstrate that the advance is unwelcome. Thirdly, the recipient has to demonstrate that he or she has suffered a disadvantage as a result of rejecting the person's advance. The new provisions of the test are much simpler for a victim who is subject to racial hatred, because all that is required is an objective test - that the person did an act in public likely to offend, humiliate etc. Instead of being a subjective test, as it is for sexual harassment, it is an objective test.

The process is that a person makes a complaint to the commission, the commission investigates, there is a compulsory conference, and conciliation is attempted. If there is no conciliation, the complaint is referred to the State Administrative Tribunal. An appeal lies to the Supreme Court pursuant to section 105 of the State Administrative Tribunal Act, for which the tribunal has to give leave. The issue that will concern most people is: what sort of conduct will come under these provisions? Two examples from Western Australia are contained in an article by Hannah McLane, a Nyoongah lawyer, who had lodged complaints in 1997 in relation to two media organisations in this state. The article was entitled "Stirrings: Racial Vilification before the Human Rights and Equal Opportunity Commission". The cases came before the commission because, according to Miss McLane, the organisations, refused to conciliate. The first case, *Corunna & Ors v West Australian Newspapers Ltd*, involved a *West Australian* cartoonist, Alston. I will read a few excerpts so that members understand what sorts of cases will be taken to the commission and the test that is involved. There are two examples; one was lost and one was won.

[Leave granted for the member's speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on page 376.]

*Sitting suspended from 6.00 to 7.00 pm*

### PREMIER'S STATEMENT

*Consideration - Motion*

Resumed from 1 March on the following question -

That the Premier's Statement be noted.

**MR G. WOODHAMS (Greenough)** [7.00 pm]: Before I begin my formal presentation, I congratulate all those involved in the arrangements for our chamber. I appreciate that they certainly took a lot of effort. Therefore, I extend to both the members of Parliament and the professional staff from Parliament House my congratulations and thanks for the circumstances we find ourselves in now.

As the member for Greenough, I am particularly proud to represent the area. Over the past couple of years, in particular, during my term as the member for Greenough, a range of issues have ebbed and flowed. I will highlight the ones that are particularly important at the moment. Most members of the house would recognise that one of the things we cannot seem to escape from at the moment is the issue of whether we should have daylight saving. There certainly are continuing debates in the wider community, as well as within this house, about the pros and cons of daylight saving. It probably does not surprise members that certainly the majority of people with whom I have had dealings in the electorate of Greenough overwhelmingly reject the notion of daylight saving and support the idea of holding the referendum this year. I will not spend a lot of time talking about the need for a referendum. However, I want to reflect in this house in this presentation that I make in response to the Premier's Statement that daylight saving has had a major negative impact on many people in the electorate of Greenough, and they certainly have not been shy in coming forward and asking me to represent

their views as such. They seek the earliest opportunity to vote at a referendum on daylight saving. I will save some of the detail for a later day in this house.

One of the most important issues that I am sure has preoccupied previous members for Greenough in this house in probably the past three or four terms of the Parliament of Western Australia is the potential to develop the port of Oakajee, which is roughly 15 kilometres immediately north of Geraldton. The port of Oakajee is often mooted to handle the iron ore that is at this stage being shipped out of the port of Geraldton. Certainly, in past Parliaments, Oakajee was seen to be the port from which that iron ore would be exported. However, the port of Oakajee remains problematic in a sense. I know that the member for Geraldton, who is in the house at the moment, and I have been spoken to by and have engaged with many of the different iron ore proponents about their attitudes towards Oakajee and the infrastructure that would need to be developed around that proposed port. I understand the government's position on Oakajee at the moment, so I will not debate the whys and wherefores of its position. However, I want to reflect once again in this house that particularly for a lot of the people who live around the proposed port of Oakajee - principally, they are people whose main activities are agriculture or primary production - the distinct possibility exists that their properties and perhaps their livelihoods will be disturbed, not necessarily by the building of the port of Oakajee, but by the infrastructure, in particular railway lines, that would be necessary to provide the effective delivery of essentially iron ore to that proposed port.

There are various groups throughout the electorate of Greenough. However, the main one to which I will refer is the No Northern Rail Alliance. It opposes the development of a railway line that would essentially travel north east away from the proposed port of Oakajee, then head off through the agricultural hinterland, and eventually go into the pastoral Murchison and up into the Weld Range and Jack Hills area, which is out of my electorate. However, it will certainly have a major impact. I have had many discussions with members of the No Northern Rail Alliance, as well as some of the iron ore proponents who are looking at the railway lines that would need to be constructed to deliver iron ore to that proposed port of Oakajee. In no uncertain manner have I and also Hon Murray Criddle from the other place let it be known to not only the No Northern Rail Alliance, but also some of the proponents, that the stance that we take on this matter is one that -

**Ms S.E. Walker:** Mr Acting Speaker, point of order. I call your attention to the state of the house.

**The ACTING SPEAKER (Mr M.J. Cowper):** The attendance in the chamber has been drawn to my notice. As there are not 13 members present, ring the bells.

[Quorum formed.]

**Mr G. WOODHAMS:** I perhaps have some advice for members of the house. If we had put up a sign, "Half-price admission; member for Greenough's response to the Premier's Statement", it might have enticed more members into the house. However, I appreciate your concern, Mr Acting Speaker, and your taking the point of order from the member for Nedlands.

**The ACTING SPEAKER:** The member sells himself too far short, I am sure.

**Mr G. WOODHAMS:** I appreciate that, Mr Acting Speaker. I was talking very enthusiastically about the proposed development of the port of Oakajee.

More importantly, I was talking about some clearly demonstrated and considerable concern expressed to both Hon Murray Criddle and me by people living close to the proposed port who would be likely to feel some impact from the development of railway lines that would serve that port. I suggest that we have been taking the side of our constituents in this process. Their belief is that the northern railway lines would be most disturbing to not only their economic but also their social futures. I deliver those comments knowing that several members in the house who are in government and who will be involved in the future development of the port of Oakajee take on board some of those considerations.

The lack of suitable teaching staff, in some senses, in some of our schools has been well documented in recent times. What is described as mainstream subjects are being delivered by the School of Isolated and Distance Education at Geraldton Senior College, Hedland Senior High School, Jerramungup District High School and the Eastern Goldfields Senior High School. I will not once again enter into the debate about whether delivery by SIDE is appropriate. Suffice it to say, I believe that consistency in delivery of education is particularly important. Some people within the Department of Education and Training would most appropriately say that consistency in delivery is far better than being taught face-to-face by a range of teachers in a revolving door scenario. Having made those comments, I believe it is incumbent on all governments to ensure that all our schools are adequately staffed. Schools throughout the electorate of Geraldton have struggled to acquire teacher numbers. I highlight the Western Australian College of Agriculture at Morawa as one that has struggled for appropriate teaching staff in the time I have been the member for Greenough. That is not a reflection on the school. However, these shortages and the shortages across the state indicate that the teaching profession and public schooling are facing changing times. It is important that governments of all persuasions look at the opportunities and alternative methods of delivering education, particularly in regional Western Australia. I am

very fortunate to be living in the electorate of Greenough and being approximate to the city of Geraldton, where there is a university. The Geraldton University Centre provides teacher programs to develop, at this point, primary school teachers who can undertake all their studies through the staff there. One way in which we could extend the development of teachers, particularly in regional Western Australia, would be to create more of a teaching college system within our regional universities. Not only I am raising it, but also it has been raised with me by constituents in the electorate of Greenough who would note the economic savings as the first indicator of a positive outcome. A constituent of mine was telling me last week that his daughter is enrolled in primary school education teaching at the Geraldton University Centre for cost savings of \$15 000 a year. That is a marvellous amount of money to save, from a regional perspective, if that opportunity is available. I imagine that many of our rural electorates would prefer that teaching professions were developed at regional universities rather than have to pay the extra expense of travelling to Perth. Even though I have only touched on that issue, it is also important.

I am sure, Mr Acting Speaker (Mr M.J. Cowper), that you are just as enthusiastic as I am about embracing the new boundaries of our electorates when they are released later this year by the Electoral Commission following the passage of the Electoral Amendment Bill 2005. I look forward to those challenges in whatever the shape of the electorate might be. That too is one of the issues that is causing great and continuing concern to people in the electorate of Greenough. I imagine it is true in your electorate, Mr Acting Speaker, and in many other regional electorates. There will be far fewer of them come the next election, whether that be some time towards the end of next year or early in the following year. That is in the government's hands. There is a feeling in regional Western Australia, particularly from people outside the larger regional centres, that they have been cut adrift regarding representation. They have a certain sense of despair about how they will effectively get representation in this Parliament of Western Australia. This issue has consistently raised its head; rarely does a week go by without it being raised with me.

Another issue that occupies the minds of many in the electorate of Greenough is one that will shortly come before federal Parliament. I am referring to the future of the single desk of AWB. As I am sure you will recall, Mr Acting Speaker, there have been many debates about the future of the single desk and where it appropriately belongs and whether it belongs at all in the future of wheat marketing in Australia, let alone Western Australia. In the past month I attended three of the meetings conducted by the wheat industry review around Western Australia; namely, in Geraldton, Dalwallinu and Merredin. Farmers who attended the meetings showed a very strong preference for a single-desk system. I will not enter into the debate about who should hold that single desk, but I believe I am effectively representing the constituents of the electorate of Greenough when I say that the vast majority of that electorate would prefer a single-desk system. I realise that it is not a state government responsibility, but in the context of Western Australia's vitally important role as the major wheat exporting state in Australia, it would be remiss of me not to remark on the importance of that decision and its impact across regional Western Australia when it is made at federal government level. Obviously, that will impact also on Perth given Kwinana's very large export facility.

To change tack entirely, I refer now to some icons of the electorate of Greenough and the mid-west. One I am about to mention might surprise some. I believe that two icons are under serious threat: one is the sand dune system of the coastal mid-west and the other is the Moresby Flat Topped Range. I inform members who might not know of the Moresbys that they are the flat-topped hills immediately behind Geraldton. The Moresbys - certainly some of them - have the potential to become the Kings Park of the mid-west. It will require initiatives of future governments to make sure those flat-topped Moresbys are preserved for future generations. The greater urban area of Geraldton is expanding at a considerable rate and its impact on the Moresbys is likely to be far more severe in the next 10 to 20 years. I am sure land developers could identify the Moresby range as a wonderful location for housing developments or, dare I say in the context of the function that is taking place in the courtyard at the moment, for tourist developments.

I have nothing against tourism developments if they are in the appropriate context. I suggest to members that had our ancestors not had the foresight to quarantine the land that is now Kings Park to create that magnificent landmark, which is close to Parliament House and which is identified as one of Perth's principal attractions, the Kings Park land would have been used for blocks of high-rise buildings and the area would have become a continuation of the city precinct. Had that happened, we would not have that absolutely wonderful aspect of our history and heritage.

[Member's time extended.]

**Mr G. WOODHAMS:** On behalf of the electorate of Greenough, I make a plea by asking that great and considerable thought be put into preserving the Moresby range, which is that extensive line of hills and small mountains that run to the south and north of Geraldton.

I make the same plea about the sand dunes that are immediately to the south of Geraldton in my electorate, some of which are colloquially known as the Southgate Dunes. The sand dunes extend to Cape Burney, and even

further. At the moment the government is considering whether to develop those sand dunes as urban land. Once again, I choose to reflect the views of my constituents in the electorate of Greenough who say that those sand dunes are iconic and that they are identified with the greater area of Geraldton and Greenough. Indeed, the sand dunes are where the Greenough River meets the Indian Ocean. Environmental moves should be made by this and future governments to ensure that much of that sand dune system is preserved for the future. It might be reasonably simple for a developer to put forward an economic proposal that makes a lot of sense to a particular local or state government. However, if we remove all the things from an area which are important and with which we identify, what will future generations identify with? If all the things that attract people to live in a particular area are removed, why will future generations want to live in those areas? From my perspective, and certainly from the perspective of the electorate of Greenough, the heritage of those two icons is particularly important.

I have mentioned the close relationship between the electorate of Greenough and the City of Geraldton. Undeniably, the City of Geraldton remains the main business, educational, recreational and sporting centre for the majority of people in the electorate of Greenough. They choose to shop, educate their children and conduct their business in Geraldton. However, members would be aware that shortly the City of Geraldton and the Shire of Greenough will amalgamate. The amalgamation of those two councils has not been forced; rather, the amalgamation was discussed over a considerable period, but not without some difficulties, great debate and division within the wider community. I presume that the amalgamation will mean that the word "Greenough" will not be a part of the amalgamated entity's new name. I may be proven to be incorrect. I argue for the preservation of the word "Greenough", because it has particular importance in the history of Western Australia. I reflected on where the word "Greenough" came from and its importance in the history of Western Australia during my inaugural speech a couple of years ago. The amalgamation of the City of Geraldton and the Shire of Greenough will change the political nature of those communities. It will also have an impact on a range of development issues and on representation at the local government level. It will provide challenges for not only local government, but also the Western Australian government, because it will have to deal with a larger and more comprehensive political entity in regional Western Australia. Undeniably, regional Western Australia, with a couple of exceptions, feels that it is on the outside looking in as far as development opportunities are concerned.

That leads me to my next topic; that is, Western Power and the number of blackouts and power outages that many communities in the mid-west, particularly in the electorate of Greenough, have suffered in the past year. For example, in the past year Morawa has experienced at least 19 recorded instances of power outages. Many businesses in the town of Morawa have acquired their own generators to supplement what Western Power is attempting to do. The inadequacies of the south west interconnected system, the lack of infrastructure in regional areas and the inability of the SWIS to serve communities on the periphery of the system have been well documented in this house. One of the great areas of neglect of Western Australian governments in recent times has been the provision of appropriate infrastructure in regional communities. It has been suggested that some communities on the periphery of the system will move away from the SWIS and return to a system that I knew very well when I was growing up in Gairdner River, which is on the south coast between Albany and Esperance. The closest town was Jerramungup, which was 32 miles away. Jerramungup had a diesel generator that supplied power to the town. I am sure that other members of the house would be familiar with diesel generators. There were no powerlines in the farming area; they existed only in the town. Some communities are so frustrated with the lack of electricity delivery that they are looking at either developing their own infrastructure or retreating to the old system. That capability exists under the provisions of the legislation. I do not know when the last generator disappeared from the south west agricultural area, which is now identified as the SWIS; however, some councils may look to create their own power supply and on-sell it back to Verve Energy. Members should not be surprised if that happens. Once again, that issue resonates strongly in the electorate of Greenough, particularly in Morawa, Kalbarri and Dongara. The upgrading of the line capacity to develop the requisite power in those towns will not happen quickly enough for them. Therefore, it is likely that they will develop their own infrastructure.

Another major challenge, which has been echoed in this house on many occasions, is the necessity to upgrade Indian Ocean Drive. I noticed that a press release was issued recently informing us that two new passing lanes would be built on Brand Highway to alleviate some of the congestion on that road. I probably travel Brand Highway more often than most members of the house. The new passing lanes will alleviate some of the considerable dangers, rather than the congestion, that drivers face on Brand Highway. A fantastic number of heavy haulage vehicles are driven on Brand Highway, no matter what time of day or night it is. In the majority of instances, people who are travelling in the opposite direction to those types of vehicles will be driving at 100 kilometres an hour. I am not talking about lanes that are separated by a gully in between. In many parts of the highway, the two-way lanes are narrow. I recognise the government's attempt to upgrade Brand Highway. The development of Indian Ocean Drive to make it a primary tourist route from Perth to Dongara and then to Geraldton is most necessary from the point of view of safety more than anything else.

The past year was probably the worst year for primary industry since records were kept for the electorate of Greenough. Farms have operated on the Greenough Flats since the 1840s. It was once the breadbasket of the Swan River Colony and was the major grain-growing area until the middle of the nineteenth century. However, there has never been a worse impact from drought on not only the Greenough Flats, but also the many shires across my electorate. There has never been a drought as severe as this one. The economic and social impact of the drought has driven many people away from the area and from their farms. It has split up families and it has led to social disintegration in a number of small rural communities. I will not comment on what the Western Australian government should be doing in this instance. I believe that the government recognises the impact the drought is having, over which it has no control. The government has certainly attempted to solve some of the difficulties that have arisen. The current drought in Greenough is the worst in recorded history.

**MR P.W. ANDREWS (Southern River)** [7.33 pm]: I also add my congratulations to the good job of the Speaker and his staff on the work that has been done on the new chamber. The chamber is a very different place from what it was only a few months ago. I congratulate those involved on the good planning and execution of the work. It would be remiss of me to not take the opportunity to put on the record a couple of matters that I believe need attention at Parliament House. Members of Parliament tend to live with the facilities that they are given because they know that a school in their electorate might not have the best air conditioning or its carpet might need replacing. We feel the need to be constrained in the amount we aspire to spend on Parliament House. However, Parliament House is the house of the people. It is not our house. Members of Parliament do not own it; it is the house of the people. During the original debates about where Parliament House should be located, it was argued that it should not be located on the hill because the horses would not be able to get up the hill and therefore the parliamentarians would be cut off from the public. To some extent, the house has become cut off from the public in a particular fashion. When people in our electorates want to meet us to discuss issues that are important to them, we generally meet them in our electorate offices, which is appropriate. However, sometimes because members attend Parliament for a number of weeks at a time, we find it difficult to meet with our constituents. Therefore, it is useful to invite them to Parliament. Not everyone to whom we speak is from our electorates. People from many places visit us to speak on all sorts of issues. I am not embarrassed by it - because we live with what we have - but it can be difficult to share an office with another member of Parliament. Sometimes when a member walks into his office, his colleague is talking to a constituent about private matters. It is inappropriate that that should happen. I love my colleague from Mindarie very much, but we are certainly the odd couple in the Parliament. The member for Mindarie is a very entertaining, exceptionally intelligent, talented, active and lively member. However, he annoys the hell out of me when he gets going. I annoy him too because I leave the stuff that I have been studying all over the floor. We are the odd couple.

**Ms J.A. Radisich:** What about when you used to share an office with the former member for Roleystone?

**Mr P.W. ANDREWS:** We loved each other so much that it was not a problem.

In all seriousness, on one occasion I was talking with a distressed constituent in the corridor. That is neither a professional nor appropriate way to operate. It goes without saying that backbenchers need more meeting space.

Western Australia trades with Asia. Australians tend to be low-key about how they project themselves. They believe that that is just how they are and therefore they show themselves in that way. However, foreign people judge us on how they are received. Overseas guests would enjoy being received in the courtyard on a balmy night like tonight. If they were received outside during the middle of summer when it was 40 degrees or were taken through draughty corridors during the middle of winter, we would not be presenting ourselves or the state as best we could. We must be very conscious of the way we project ourselves, particularly to visitors from other parliaments and other government officials. I like the manner in which our Speaker does his job. He does an excellent job with our overseas guests. However, the facilities of Parliament House are not up to an appropriate standard.

**Dr S.C. Thomas:** Are you not just saying that to get a better run when the food comes out?

**Mr P.W. ANDREWS:** I have done very nicely tonight. It was a very enjoyable evening.

Some people from other jurisdictions might see it as a distinction to meet the Premier in his St Georges Terrace office, but others would consider the Parliament to be the centre of government. I put on the record that we must address the way that we receive people. The Great Hall in Parliament House in Canberra is well placed to receive international guests and to make them feel welcome. It projects Australians in a positive way.

I will raise a couple of issues in my electorate which I am not happy about and which also relate to the broader community. I was pleased recently to read an article in *The Australian* about the decrease in the number of young people in particular who smoke marijuana. Part of the reason is that there is a choice of drugs available these days. Overall, the feeling is that the rate of consumption of illegal substances has decreased. That is the positive side. The negative side for me can be seen at a deli in my electorate. It is an ordinary deli in an ordinary shopping centre. It has been shifted, but right alongside all the usual lollies, chips and ice-creams was this drug paraphernalia. People will say that they are only pipes and it is what people do with them that is

illegal, but a sign in this shop says “cannabis smoking is harmful to your health”. Straightaway we know that the implements are intended to be used for the consumption of cannabis. The deli also sells plastic bags with symbols on them. I do not know much about the drug trade but I understand that different types of marijuana are put in those bags and sold. There is a stack of different types of bongs, bags and pieces of equipment right alongside where kids buy lollies. This rubbish is in an ordinary suburban deli. That is not right.

Last Sunday I was down at the Subiaco markets where I found a whole shop with bongs and that sort of thing on the shelves. If we cannot construct a law to ban the sale of bongs, while falling back on the old argument that it is what one does with them that is illegal, I need to try to find some way of banning these things from suburban shopping centres. It is all right if we go down to the markets and make a choice and it is there. I can vaguely accept that, although I do not like it. If I had my way, I would get rid of these shops entirely. Surely it is not right for these products to be sold in a local deli. It comes under the Cannabis Control Act. I intend to write to the Attorney General to see if there is some way of banning the sale of these goods through legislation or consumer protection. I would not like it to be left to local government to do that sort of thing. I am at a loss to know how to handle it. I have given it a considerable degree of thought. I wanted to place on record the fact that this is totally inappropriate. It is sending out the wrong message in a place that is not appropriate for that sort of material. The consumption of that drug is illegal.

**Dr S.C. Thomas:** That approach could be described as being soft on drugs.

**Mr P.W. ANDREWS:** I know the member will try to construct an argument. We are trying to find a way that makes that sort of thing inappropriate. What sort of message would an ordinary kid receive if he went into that place? He would think it was okay. It is not okay. The government and the opposition might differ in the way we go about handling the problem but I hope that we are on the same page when trying to get rid of that particular problem.

When I was teaching 14-year-olds in a Catholic school I asked how many of them had tried marijuana. They wrote out the answer and handed it in. I ask members to guess what percentage of 14-year-olds in a Catholic school in Gosnells had smoked dope at some stage.

**Dr S.C. Thomas:** About half?

**Mr P.W. ANDREWS:** Yes, about half - 50 per cent.

**Dr S.C. Thomas:** It is not unusual, member. You could probably ask the Protestants in my electorate the same thing and get the same answer.

**Mr P.W. ANDREWS:** Drugs do not discriminate; they hate all religions. That is what I will pursue with the Attorney General. I do not know whether he will have an answer. I want to put that deli on some degree of notice, but I am struggling to find a way to do it.

**Mr R.C. Kucera:** The best way is to shame the shopkeepers.

**Mr P.W. ANDREWS:** That is the only way.

**Ms J.A. Radisich:** Have you asked them?

**Mr P.W. ANDREWS:** No. When we went in there the second time, they had shifted the goods.

It would not be a member for Southern River’s free-ranging speech if I did not mention kidneys. For some reason I seem to have become the resident expert in the state on all things kidney-like. I am happy to take on that role. My friend Julie Edmonds from Kidney Health Australia (WA) said that it was destiny that I had kidney failure because it meant that I could represent her organisation. I was less than enthusiastic about that at the time.

**Ms J.A. Radisich:** Fortunately, they will fall outside the lobbyists’ register.

**Mr P.W. ANDREWS:** That is right; it will fall outside the Register of Lobbyists. The WA division of Kidney Health Australia receives \$7 000 to \$9 000 per year in funding from the state and has recently put in for a sizeable grant. I have written to the Minister for Health hoping that it gets that grant to carry out its very good work. Just a few years ago it had six people working in its office. It carries out all sorts of programs. One person in three in Western Australia has some indicator of diabetes and potential kidney disease. Not only are we starting to come onto the crest of a wave, but also we will be absolutely flooded by a tsunami of ill-health in the next few years. It will cost the state hundreds of millions of dollars. The investment of \$350 000 in the many programs run by Kidney Health Australia would certainly be well spent. One of the reasons that I particularly like that organisation is that the person running it, Julie Edmonds, is so committed to it. When I was on the Education and Health Standing Committee, we found a proliferation of support organisations for various diseases. There are hundreds of diseases. Many support organisations were starting to soak up funding because obviously they needed someone to act as their CEO. This is good value for taxpayers’ dollars. If we do not spend that sort of money now, we will pay a lot for it later.

I wish to talk about a few things relating to organ donation and kidneys. I recently read a suggestion in a newspaper from a person from Northam. His advice to the Minister for Health was that if the government wants people to donate organs, it should pay for people's funerals. I put on record that I do not support any incentives for people to become organ donors. To donate organs to provide the payment for a funeral is an inducement. It is contrary to the act and it is self-defeating in the end. It would not increase donations anyway. Australians tend to do things voluntarily. We get better results from people when they volunteer. Yes, the rate of organ donation is low. Offering those sorts of incentives would not work and it would certainly be counterproductive in the long run.

There is one thing that we can do. Members may want to offer an incentive. Let us put it in the context of the debate that we were having today about road safety. A number of people are killed on the roads often because of the acts of the individual such as not wearing a seatbelt, choosing to speed or that sort of thing. When people get their licence, they have to submit to a test and spend a certain number of hours under supervision and that sort of thing. I suggest that, as part of the licensing process, people should make a decision about what they want to have done to their body if they die in particular circumstances, making them eligible to be an organ donor. I am not saying that we should force people to make a decision one way or the other but that they tick on their driver's licence, yes, no or perhaps against a third category of leaving it up to someone else. One of the major problems with organ donation is that when relatives are approached, the reason usually given for saying no is that they simply do not know the wishes of the person who has died. To make it compulsory for people to indicate their preference regarding organ donation at the time of applying for a licence would certainly reinforce that having a driver's licence is a very serious matter. It would impress upon 17-year-olds who are applying for a licence that a car can be very deadly. I am not suggesting that a cheaper licence could be offered as an incentive if people make a decision to donate their organs. In the end, if a person is about to pass away, the relatives will be asked that question anyway. It is a sensible suggestion on two levels: first, everyone must make his or her intention known; and, secondly, it would impress upon a 17-year-old the seriousness of getting behind the wheel of a car.

[Member's time extended.]

**Mr P.W. ANDREWS:** On a personal basis, it would be remiss of me if I did not acknowledge some of the doctors at hospitals. Nurses have a great reputation and are the most respected people in the professions. They certainly get a lot of the attention, which they deserve. My experience over many years, particularly over the past six months, is that the attention I received from doctors in hospital has been absolutely fantastic. When things went wrong in the middle of the night, they were there. They would turn up at all hours. I cannot fault them. Western Australia is very lucky to have such great people in the medical professions, particularly in the public hospitals, with such great skills and international reputations. A number of doctors assisted me and I would like to thank Andrew Mitchell, who is a great surgeon, Luc Delriviere, who is from Belgium and is a wonderful transplant surgeon, and He Bulang, who is from China. Western Australia has a real collection of medical professionals from around the world. My renal physician, Harry Moody, is a fantastic person and a great doctor and he heads the renal unit at Sir Charles Gairdner Hospital. He is supported by Wei Lim, who I see on a regular basis. These people are of international standing. If the organs in Western Australia are not donated, not only will people die, but also we will lose these good professionals. Their work is based on organ donation. If the government cannot provide them with the ability to do their job, they will be lost to Western Australia. I have a great respect for the medical profession and the individuals I have named have done me a great service. I certainly appreciate everything they have done for me.

It is unfortunate that an article on organ donation which highlighted non-heart beating donation was published recently in *The West Australian*. When a person's heart stops beating he or she is dead. If a member's heart stops beating and cannot be resuscitated, he or she will be dead. The two organs by which death can be identified are the heart and brain. The article in *The West Australian* referred to shifting the concept of organ donation from brain dead to non-heart beating donation. A trial has been undertaken in Western Australia of people who have been seriously injured in car accidents whereby their skull is removed; therefore, their brain does not expand and they do not progress to a brain-dead state. Their heart stops because of other injuries. I received a phone call from *The West Australian* and I explained what it was about.

**Ms S.E. Walker:** Are you saying that a person can still be alive, even though their heart has stopped, and the skull is removed? I did not understand what you were saying.

**Mr P.W. ANDREWS:** When their heart stops beating they are dead. A person in an intensive care unit will have their heart supported. A person does not progress to brain dead because the brain does not expand.

**Ms S.E. Walker:** Are you saying that their heart is being unnaturally kept going and, at the same time, their brain is not progressing towards brain dead?

**Mr P.W. ANDREWS:** That is right. Eventually, the heart will stop beating. While the heart is beating the person is alive. When it stops the person is dead. I made that very clear to the press. It was the basis on which organ donation was previously done. Once the heart stops, the organs must be removed within 10 minutes. The

article in *The West Australian* was fine and explained it nicely. However, the headline was “Organs to be Removed Before Death”. I am a pro-life member of Parliament, so why would I support something like that? Not one member in this place would support it. It is a ridiculous position to take.

**Ms S.E. Walker:** With the heart being kept going artificially and the skull removed, if that person’s brain improved would their heart keep going?

**Mr P.W. ANDREWS:** Not necessarily. If the brain was improving, 99 per cent of the time the heart would also be improving. That person would not be suitable for organ donation.

**Dr J.M. Woollard:** Their brain can be dead and they can still live for several years.

**Mr P.W. ANDREWS:** I am talking about brain death. The point that was made in the article was very clear. The headline talked about removing organs before death and we would not approve of that.

I will move on to a couple of other issues. I am always looking for rental accommodation. These days home ownership is an issue, particularly in my electorate. Two real estate agents who have been helpful to me are Hazel McGinty and Graeme Watson.

**Mr J.A. McGinty:** They must be good.

**Mr P.W. ANDREWS:** She is not related to the Minister for Health.

Several members interjected.

**Mr P.W. ANDREWS:** I am sure the two members who interjected would make good real estate agents. They have been exceptionally helpful. A couple of people who were desperate to find rental accommodation sought help from me and these real estate agents helped me out straightaway and I acknowledge that.

I refer now to Homeswest accommodation. Families can be quite different and some families in Homeswest homes are challenging. I acknowledge the people in my part of the world who deal with people who are in Homeswest accommodation. They deal with difficult situations and they do it exceptionally well. If it is taking years to ask families to have their tenancy terminated while families are looking for homes, we are going down the wrong track. I am pleased that the process of putting pressure on those people who are doing the wrong thing and getting the people who want to do the right thing into Homeswest accommodation is happening in my electorate. I am grateful to those people who deal with it face-to-face on a daily basis.

I acknowledge one of the great organisations that I have in my electorate. I am pleased that in one of the main streets in my electorate - Warton Road - there are many churches. I fancy myself as the pope of Southern River. I am pleased to have a Hindu temple, a Sikh temple, protestant churches, including the Church of Christ, and a few Catholic churches in my electorate. It is a good religious community. The Southern Districts Alliance Church plays host to an organisation known as the Warton Road Friendship Centre. That organisation uses that church’s facilities. It is a great concept which was started about 14 years ago by Mrs Meryl Ramsay who, unfortunately, passed away last year and her daughter, Margie Walker, has taken over. The centre has 145 members, which is a good membership for any social organisation. On average, 110 people turn up each week. It is not a centre for retired people only. People from the age of 30 to 80 attend on a regular basis and the centre offers wood burning, oil painting and water colours. The centre has a sewing room, a mosaic room, a pool room, a talking table, which would suit members in this place, and a crochet table, which would suit the member for Mindarie.

They make jewellery and they do scrapbooking and paper tole. It is not only a social occasion, but also an arts and crafts event, which people find enjoyable. They do not take public money; they provide for themselves. The organisation charges \$2 for morning tea. These people go on all sorts of tours to places such as Monkey Mia, Joondalup of all places, and the Swan Valley. Their next trip will be to Jandakot airport. People come there from places as far away as Rockingham and Victoria Park. It is very well attended. They involve people with disabilities and their carers. I will give members an idea of who is involved in it. Margaret and John Vernon are part of the care team. Robbie and Barbara Hall are also part of the care team and look after the wellbeing of people while they are there. Marie and John Kemsley collect the money, which is always a terrific task. Joy Davidson is their longest serving member. Valerie Mezger and Ken Edwards are very talented oil painters. My electorate officer was down there today and was very impressed. I congratulate them. I also found out that Pam Hannah likes the talking table. She would go very well with the member for Albany! Marie Briers is into paper tole. Margaret Townson is one of the newest members, with Glenys Jeakes and Kath Tilbrook. It is a very successful community organisation. It has won all sorts of awards in the arts and crafts section of the Kelmscott show.

Recently, a program on television referred to Thornlie as the hoon capital of Western Australia. That surprised me. It has a few hoons, but I have met with the police on numerous occasions. They have done an excellent job; they have picked up many of these individuals and confiscated their cars. I was quite surprised to see on television the claim that Thornlie was the hoon capital. When I checked why that claim was made, I found that

the report was based on the number of cars that had been taken off the road. I would like to think that it was partly because I had been proactive in asking the police to not only do surveillance, but also train constables so that there could be a police presence and these cars could be taken off the road. As I have said, it was branded the hoon capital of Western Australia. It certainly is not. A few young blokes need to be caught, but that label was the result of the success of catching these people.

Amaroo Village is a very good aged care facility that used to be in my electorate. It has a history of providing first-class facilities and great service for people as they age. Unfortunately, it is experiencing an industrial situation. The two sides have negotiated to a point of difference of some 30c or 40c an hour between what is being offered and what is acceptable. I will not take sides in that dispute. Obviously, as a Labor member of Parliament, I would like the workers to receive more than they are currently earning. They are on moderate wages of about \$14.75 an hour. They could walk across the road and get a job in any of the shops that are advertising for workers and get paid much more. These people are cleaners and assistants and are very dedicated to the people they look after. For many aged people, they are the last group of friends they will have. As I say, I hope the situation can be resolved in a short time, because I would not like it to go on for much longer. Amaroo is no longer in my electorate, but I have an attachment to the facility. I have offered to be a mediator or do whatever I can to resolve that situation. The workers are asking for a very moderate amount. I hope the Amaroo board can come up with a suitable offer for the workers to secure their services for the future, because if it does not, it will simply lose those workers. I know that both sides are feeling that they are at a stalemate. If there is anything I can do to relieve that situation, I would certainly like to do it.

I acknowledge all the schools in my electorate. I say over and over again what a great job they do and I am very pleased to have wonderful principals and staff in my electorate.

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

[Continued on page 388.]

### **EQUAL OPPORTUNITY AMENDMENT BILL 2006**

#### *Second Reading*

Resumed from an earlier stage of the sitting.

**MS S.E. WALKER (Nedlands)** [8.05 pm]: Before the dinner break I was giving some examples of how the new provisions are used and how it has been said that they curtail freedom of speech. I thought I would read an article written by a Nyoongah lawyer, Hannah McGlade, in which she refers to two decisions handed down by the Human Rights and Equal Opportunity Commission in April and May 2001. They are very interesting because they are examples of how a case is lost and how a case is won. The first case is *Albert Corunna v West Australian Newspapers Ltd*, which related to a cartoon published by Alston in the daily newspaper, *The West Australian*. The article states -

The cartoon concerned the return of the head of the ancestral warrior, Yagan, from a British museum. In doing so, it drew explicitly upon offensive stereotypes concerning Aboriginal people, and referred directly to the complainants by name.

Hannah McGlade's commentary says -

In *Corunna*, Commissioner Innes adopted the 'reasonable victim test' and found that there was a breach of section 18C, -

That is of the commonwealth act, which is virtually the same as the legislation we are debating -

which prohibits acts which are 'reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate . . .' peoples on the basis of race. This was based on his findings that the cartoon:

- Presents a demeaning portrayal of Yagan;
- Contains derogatory and demeaning references to the Waugyl, a religious figure;
- Treats the issue of death in a manner which causes offence to Aboriginal people;
- Provides intimate details of the ancestry of individuals in circumstances where the intercourse was not a matter of choice for the Aboriginal women concerned, and suggests a diminishing of race by the resultant racial mix;
- Reinforces a misinformed and stereotypical view of Aboriginal people taking advantage of government grants.

However, the Commissioner went on to conclude that the cartoon was exempted under section 18D of the RDA on the basis that the respondent acted 'reasonably and in good faith'.

She also refers to another case, *Mingili Wanjurri v Southern Cross Broadcasting Ltd*.

She states -

This case concerned the radio station 6PR . . . and the controversial announcer, Howard Sattler. It stemmed from a segment of the Sattler program, 'Taxi Talk', in which two taxi drivers 'Hughie' and 'Vince' (both regular guests on the program) made extremely derogatory statements concerning Nyungar culture and religion. The broadcast was also directed at the Nyungar protests of the re-development of the old swan brewery site.

The article goes on to list five dot points indicating what was said. She continues -

The 'derogatory comments about significant religious figures' could not be exempted and the suggestion that 'people would behave in the ways described on a religious or sacred site' were in no way reasonable. Rather, they showed a 'culpably reckless and callous indifference toward the Nyungar people'.

She goes on to say -

The cases of *Corunna* and *Wanjurri* are significant precedents that mark the HREOC response to the serious problem of racial vilification by the media toward Indigenous peoples. The upholding of the complaint in *Wanjurri*, and the level of damages awarded, shows that the RDA may be able to protect Indigenous peoples' right to freedom from racial vilification. Although the differences between the two cases, in particular, the findings of reasonableness, appear somewhat arbitrary, it is a huge relief to see the potential protection offered by this new area of the law. The Australian media have been alerted to the legislative prohibition and their corresponding obligations.

I am trying to give members an example of how the provisions which were introduced by the commonwealth in 1995 and which we are now introducing in Western Australia, although we do not really need them, have been used successfully and unsuccessfully.

I would like to refer to another case, because this concerns not just Aboriginal people but also any people who are referred to by their racial background. I did some research on the Racial Hatred Bill 1994. The second reading speech to the bill provides some understanding of why the provisions were introduced. Mr Lavarche, the Attorney-General and member for Dickson, gave the second reading speech on 15 November 1994 in the House of Representatives. He said -

Next year will mark the 20th anniversary of the passage of the Racial Discrimination Act. The act was the first specific Commonwealth law on human rights. It was based on the fundamental belief that all Australians irrespective of race, colour or national or ethnic origin are entitled to fair treatment. In this country, we take pride in the community's consensus that everyone should be able to advance through life on their own efforts and abilities; that it is wrong to judge anyone on the colour of their skin or the sound of their accent.

He later said -

The Racial Discrimination Act does not eliminate racist attitudes. It does not try to, for a law cannot change what people think. But it does target behaviour - behaviour that causes an individual to suffer discrimination. The parliament is now being asked to pass a new law dealing with racism in Australia. It too targets behaviour - behaviour which affects not only the individual but the community as a whole.

Those amendments were brought in after very comprehensive consultation. He also outlined -

Three major inquiries have found gaps in the protection provided by the Racial Discrimination Act. The National Inquiry into Racist Violence, the Australian Law Reform Commission Report into Multiculturalism and the Law, and the Royal Commission into Aboriginal Deaths in Custody all argued in favour of an extension of Australia's human rights regime to explicitly protect the victims of extreme racism.

The commonwealth introduced legislation that we have not introduced. He also stated -

The bill also provides for a civil regime by the amendment of the Racial Discrimination Act.

This is similar to what we are speaking about. He continued -

Section 18C will be inserted in the act to make it unlawful . . .

It goes into what our bill is about. He later stated -

A number of initial points need to be made. First, the provision is civil and not criminal in effect. That is, the process will be initiated by the victim of alleged unlawful behaviour via a complaint to the Human Rights and Equal Opportunity Commission -

In Western Australia, this will of course be the Western Australian Equal Opportunity Commission -

and not by police investigations. Secondly, like all complaints under Commonwealth human rights laws, the commission will endeavour to resolve the matter by private and confidential conciliation. Only if conciliation cannot resolve the matter is there a public hearing and a determination by the commission. The commission can immediately dismiss frivolous or vexatious complaints.

He went on to say -

The bill requires an objective test to be applied by the commission so that community standards to behaviour rather than the subjective views of the complainant are taken into account.

I wanted to refer to those comments, because I thought it was important for us to understand why those provisions came into being, how they have been acted upon and how the provisions that are before this Parliament will not really inhibit freedom of speech. I also looked at the case of Jones v Toben in the Federal Court of Australia in 2002. The explanatory memorandum to the judgement for that case refers to section 18C of the commonwealth Racial Discrimination Act and the publishing on a website of material that vilified Jews. It states -

The Court was satisfied on the evidence adduced by the applicant that the respondent, as director of the Adelaide Institute, has published material on the World Wide Web which is reasonably likely, in all of the circumstances, to offend, insult, humiliate and intimidate Jewish Australians or a group of Jewish Australians . . . The Court was further satisfied that the respondent published the offending material because of the ethnic origin of Jewish Australians.

The explanatory memorandum outlined the sorts of things that were put on the website, including comments such as -

A there is serious doubt that the Holocaust occurred;

B it is unlikely that there were homicidal gas chambers at Auschwitz;

C Jewish people who are offended by and challenge Holocaust denial are of limited intelligence;

D some Jewish people, for improper purposes, including financial gain, have exaggerated the number of Jews killed during World War II and the circumstances in which they were killed.

It also stated -

The respondent be restrained, and is hereby restrained, from publishing or republishing to the public, by himself or by any agent or employee, on the World Wide Web or otherwise:

It then goes on to say what the respondent cannot put on the site.

I think the commonwealth Act has been good legislation. We did not really need to do the same thing here through this bill, but it is good legislation. It is slightly different from the commonwealth legislation. I was not going to ask that we go into consideration in detail on the bill but I might, so that the Attorney General can briefly tell me about the differences in this bill that allow a person to bring a complaint if a racially offensive remark has been made about a relative, or allow a remark to be racially offensive if it refers to a characteristic of a person's race. I would be interested to know whether the Attorney General could provide examples of that, because it is important that the public know the sorts of things that they will and will not be able to say about people and their ethnic background. I hope I have not missed out anything. The Liberal Party supports the bill, and I look forward to the consideration in detail stage.

**DR J.M. WOOLLARD (Alfred Cove)** [8.17 pm]: I will also support this bill, which in many ways is a resumption of state rights. Amendments made in 1995 to the commonwealth's Racial Discrimination Act 1975 introduced many of the provisions that we see before us today in this bill. There are some variations. I believe that the commonwealth act does not allow a group to go to the Human Rights and Equal Opportunity Commission with a complaint on behalf of an affected party. I believe that provision is applicable only in New South Wales and Victoria through their relevant state acts. As has already been said in the house, these are not new provisions; they really just give us parity with the other states. Some other states introduced this type of legislation. New South Wales was the first to do so and Queensland the second in the early 1990s, prior to the changes to the commonwealth legislation in 1995. It has taken Western Australia 12 years to catch up; that is, six years under a Liberal government and six years under a Labor government.

**Ms S.E. Walker:** In fact under the Liberal government they could access the commission here, but it was stopped by the Labor government when it came to power.

**Dr J.M. WOOLLARD:** Did people access it before, though?

**Ms S.E. Walker:** Yes.

**Dr J.M. WOOLLARD:** I was not aware of that. It was my belief that, historically, an act of discrimination had to go to the HREOC.

**Ms S.E. Walker:** Yes. They could do it here, but this government stopped them.

**Dr J.M. WOOLLARD:** Hopefully, the Attorney General will explain that a little more, because my understanding was that if there was a complaint, it could not be dealt with by the state's Equal Opportunity Commission; it had to go to the Human Rights and Equal Opportunity Commission, where the conciliation was confidential. If there was some substance to the complaint, the issue would then go to the Federal Magistrates Court of Australia. That meant that any person then had to abide by the rules of court and be subject to the costs involved in going to the Federal Magistrates Court. It would have been a very taxing issue for any party who wanted to make such a complaint. Therefore, I am very pleased that this power is finally coming back to Western Australia, so that a complaint by an individual or by a cultural group on behalf of an individual will go to the EOC, where again there will be confidential conciliation. If there is no substance to the complaint, the complaint will be dismissed. If there is some substance to the complaint, it will go to the State Administrative Tribunal. I believe that if the EOC says there is some substance to the complaint, it will provide some support to the person making the complaint at the State Administrative Tribunal. That support will be given purely if the EOC believes there is substance to the complaint. If that is not the case, a person can still go to SAT but will not have that support. As I have said in this house before, Attorney General, although I was very sceptical about the State Administrative Tribunal Act when it was first introduced, I believe that SAT is doing a wonderful job.

**Mr J.A. McGinty:** I believe it has done remarkably well in its short life.

**Dr J.M. WOOLLARD:** It has. I believe that most of the issues that go to SAT are settled by mediation. I think that this type of issue, in particular, will be settled by mediation. Therefore, it will not be very stressful for the person making the complaint. I am concerned that every few months it seems that some other matter is going to SAT. I have not seen the budget for a SAT increase. I believe SAT does a good job. However, I am concerned that if this government sends too much to SAT, the waiting list will become very long, and the public will be very unhappy. I am pleased that these complaints will go to SAT, but I wonder how many complaints will go to it. I have been told that it is likely to be two per cent of the complaints. Therefore, five to 10 complaints a year for this type of issue could go to SAT.

The introduction of this legislation was very late. It was a promise given to the community by the previous Premier. His platform was for multiculturalism and racial equality. That was in 2001. It took until 2004 for the changes to be made to the Criminal Code. This legislation will now incorporate the civil offences, and I am pleased to see that. However, I ask the Attorney General: why has this taken so long? What is happening is good. I am pleased that it means that the state is resuming some of those powers and that we are looking after our own in Western Australia. However, I am a bit disappointed that we have had to wait 12 years for this to happen.

**DR G.G. JACOBS (Roe)** [8.24 pm]: I thank the house for the opportunity to speak to the Equal Opportunity Amendment Bill 2006, which I will not oppose. In part III, the issue of racially offensive behaviour is one on which I would like to perhaps concentrate. That is because there is an issue of race; that is, ethnicity. I support the proposed section dealing with racially offensive behaviour. I also support the definitions and the comments made by the Attorney General. The conduct complained against must be more than just a mere slight, and the response must be that of a reasonable person belonging to the race in question.

I did not intend to talk for too long on this issue. However, under the heading "Racially offensive behaviour", the bill refers to three categories and teases out the issues, as it were. I am not necessarily opposed to that, but I will make a point about proposed section 49E(1), which states -

It is unlawful for a person to do any act, otherwise than in private, that is reasonably likely to offend, insult, humiliate or intimidate another person on the ground of -

(a) the race;

I do not think anybody in this chamber would argue about that. It continues -

(b) a characteristic that appertains generally to persons of the race; or

(c) a characteristic that is generally imputed to persons of the race,

of that other person or of a relative or associate of that other person.

The point I am getting to - I will ask for reassurance from the Attorney General - is that paragraph (c) refers to a characteristic that is generally imputed to persons of the race. I reflect on the Victorian example of two pastors who have unpronounceable names, particularly one of them. However, let us call them pastors Daniel and Danny. These two pastors ran a Christian convention - a Christian revival, if one likes - in Melbourne, Victoria. They talked about the characteristics of Christianity, and the belief systems of Christians versus that of Muslims.

The two Dannys have been to the Supreme Court over the issue of vilification. I understand that that court proceeding, which went all the way to the Supreme Court, has now been overturned. The original assessment and ruling by Judge Higgins have been overruled. We are talking about two years down the track, with much suffering and much cost for two pastors. What they said at a Christian revival was deemed to be offensive to a religious group, the Muslims. This was caught up in the Victorian Racial and Religious Tolerance Act. I ask for the Attorney General's reassurance that this provision is nothing like that or has nothing to do with religious vilification. Members may not be aware that I have a strong Christian faith, and that as a Christian I have been called a fundamentalist and a flat-earther. I have been called everything -

**Ms S.E. Walker:** I could give you a list of the terms that I have been called!

**Dr G.G. JACOBS:** Absolutely. I and other members could list the names that are given to those who follow the Christian faith. I implore the government to ensure that no law prevents people from using those names. No law should prevent someone from calling me a blind fundamentalist, a flat-earther or a blind unscientific creationist. I understand that the case involving the two Victorian pastors Daniel and Danny, which went before the Supreme Court, has been caught up in Victoria's religious vilification legislation. I want a reassurance from the Attorney General that this government has no plans to introduce religious vilification legislation in the foreseeable future. I support the tenor of the Equal Opportunity Amendment Bill 2006. I hope that proposed section 49E(1)(c), which refers to a characteristic that is generally imputed to a person's race, is racial and not religious. We are talking about a person's ethnicity, not a person's belief or ideas. After reading proposed section 49E(1)(c), I was moved to make the point that we do not want religious vilification legislation. The two pastors in Victoria went all the way to the Supreme Court, at great expense, to have the original decision overturned. Not only did they suffer during that ordeal, but so too did their families and congregations. We must distinguish between race and ethnicity and religion. I ask for the Attorney General's reassurance that the government has no intention to introduce a religious vilification type provision in this or any other bill. Such a provision would cause much pain and expense. I do not want a law that stops someone from expressing their view about me and my beliefs. Although the names that I am called are sometimes painful, essentially a law against such name calling would produce more problems than it would solve.

**MR J.A. MCGINTY (Fremantle - Attorney General)** [8.34 pm]: I thank members opposite who have contributed to this debate for their indication of support for the legislation. I will endeavour in my response to deal with the issues that members opposite raised.

Firstly, I assure the member for Roe that the government has no intention of moving down the path of introducing legislation covering religious vilification. The issue was raised in a discussion document perhaps two and half or three years ago and a statement was made at the time, based on the feedback that we received from most of the mainstream religions, that we would not go down the path of making provisions covering religious vilification. From memory, the exception at the time was those of the Muslim faith who, for very obvious and readily understandable reasons, sought additional protection, most probably because its members were being subjected to particular public comments and discriminatory behaviour. The other mainstream religions were all opposed to any legislation that would make racial vilification an offence and something that could be taken before the State Administrative Tribunal under the Equal Opportunity Act. They did not want religious vilification to become something that the law proscribed for the simple reason that they took the view that it would be too much of an incursion upon reasonable freedom of speech about religious matters. I share that view. This government will not introduce a bill that contains provisions that relate to religious vilification. The member gave a number of examples of criticisms that have been made of him. I would probably agree with most of those, but they were not racially based and, therefore, they do not come within the purview of the legislation.

I will deal with some of the questions raised by the member for Nedlands. I will use some examples to explain the provisions of the bill. Racially offensive behaviour is defined in the legislation as behaviour that is reasonably likely to offend, insult, humiliate or intimidate another person on the basis of race or characteristic. I will give some examples of a characteristic appertaining generally to a person's race. We appreciate that tattoos are synonymous with being a Maori. They are characteristic of the Maori race. Another example is ethnic dress. For instance, in Fremantle on Sunday I opened the Indian festival, which was organised by the Hindu Association of Western Australia. Distinctive aspects of the Hindu culture were prominently on display. Magnificent as they were, things like ethnic dress worn by a number of the women at the festival could be considered a characteristic of, if not Hindus, certainly Indian people. Hair styles and jewellery could also fit into a description that is characteristic of that particular race. A contemporary example of an imputed characteristic would be to call a person who comes from Iraq a terrorist.

**Ms S.E. Walker:** What if you refer to an Indian person's turban? Do they wear turbans for religious reasons or because of their race?

**Mr J.A. McGinty:** I do not know the answer to that.

**Ms A.J.G. MacTiernan:** Sikhdom is religious. They are Indians by race. Following the dictates of Guru Nanak they determined in the sixteenth century not to cut their hair or beards. The turban then was essentially a device for containing their hair.

**Mr J.A. McGINTY:** I thank the member for Armadale for that explanation.

I have covered the issue of an imputed characteristic with the example of an Iraqi person being called a terrorist. Another example would be to suggest that because someone comes from Africa, he or she must be suffering from AIDS or HIV. That is another racial slur based upon an imputed characteristic. Another issue the member raised was the question of a complaint of racially offensive behaviour on the ground of race against a relative or associate.

**Ms S.E. Walker:** How would that work?

**Mr J.A. McGINTY:** An example given to me was of me walking down the street in Fremantle with an Aboriginal or Italian friend and somebody was fairly seriously critical of me for associating with either a black person or an Italian person, or whatever. If that were directed at me, it would give me - the racially offended person - the right to lodge a complaint because I would have been vilified for associating with a person who was an associate. That is an example of how that provision might work. A relative would be a spouse or a family member and an associate could be a work colleague. A good example might be for one person to abuse another person on the basis that the other person's father was a "black bastard".

**Ms S.E. Walker** interjected.

**Mr J.A. McGINTY:** That might not have been the best example. Perhaps a good example is a case that recently featured in the Corruption and Crime Commission whereby somebody was derided for being a wog, a sprog and a market gardener.

**Ms S.E. Walker:** Exactly. I have been asked to raise that matter with you. Are you going to get a prosecution for that?

**Mr J.A. McGINTY:** We are talking about a matter regarding civil rights going to the Equal Opportunity Commission and to the State Administrative Tribunal if need be, rather than being prosecuted in the courts.

**Ms S.E. Walker:** How would a person lodge a complaint against Mr Burke on that basis? Could they lodge a complaint?

**Mr J.A. McGINTY:** A complaint could be lodged if the matter met the threshold test of being likely to offend, insult, humiliate or intimidate a person clearly on the basis of race or imputed characteristics. It could perhaps come under all three of those potential headings. If a person could make out sufficient grounds, he could go to the Equal Opportunity Commission.

**Ms S.E. Walker:** It is sort of entrenched to say "wogs, sprogs and market gardeners".

**Mr J.A. McGINTY:** In what way is it entrenched?

**Ms S.E. Walker:** It seems to be entrenched. Some people in Perth would say that that is a normal thing to say.

**Mr J.A. McGINTY:** It is a generational issue and it is dying out. I know of people who belong to generations older than mine who used to regard it as common parlance to refer to Jews in a derogatory sense. I do not hear that said anymore from anyone. Fortunately, that has died out.

**Ms S.E. Walker:** Perhaps they would not do it in front of you at the moment in the position you're in.

**Mr J.A. McGINTY:** Possibly.

**Dr G.G. Jacobs:** You don't hear it said as much of Italians these days either.

**Mr J.A. McGINTY:** These days, people are full of admiration for Italians. It is certainly not used in a derogatory sense. Sometimes it is used in light banter, and sometimes Italians themselves lead that banter. It is not used in a cruel, threatening or humiliating way.

**Ms S.E. Walker:** Some people are quite hurt by it.

**Mr J.A. McGINTY:** They were 50 years ago. However, the level of admiration for the Italian people throughout the world today is such that it does not have the same sort of sting as it would have for an oppressed minority.

Another point is that the matter of a relative or associate is already provided for in the Equal Opportunity Act under other provisions. That is not a new concept specifically related to race; it is already catered for in some of the other grounds for discrimination, at least. Its application for other bases of discrimination would apply also to racial discrimination. Therefore, it will not break new ground other than by the application of that test for race. They are the major issues that have been raised. Was there anything else?

**Ms S.E. Walker:** We may have to go into consideration in detail given that it is 8.45 pm and a few members wanted me to ask the Attorney General some questions about the history of the intergovernmental arrangements and how that was stopped.

**Mr J.A. McGINTY:** We can cover that during consideration in detail.

**Ms S.E. Walker:** I am sorry about that.

**Mr J.A. McGINTY:** That is fine. My earlier example of Indians as a race and of the Sikhs or Hindus, which are religions, has been covered in the explanations that have been given.

**Ms S.E. Walker:** Are the Jewish classified as a religion or as a race? Excuse my ignorance. That came under the Racial Discrimination Act. I apologise to anyone who is Jewish for my ignorance.

**Mr J.A. McGINTY:** I will need to get advice on that. The member for Armadale is a great follower of some of the more obscure aspects of this.

**Ms A.J.G. MacTiernan:** That is a very difficult issue. Some people say that the Jewish are a Semitic people and are therefore not a distinct race. They argue that it is a religion rather than a race. However, some atheists also identify with being Jews.

**Ms S.E. Walker:** I do not want to offend anyone. I just did not know.

**Mr J.A. McGINTY:** I cannot add much to that. I thank members for their support for the legislation.

Question put and passed.

Bill read a second time.

*Consideration in Detail*

**Clauses 1 to 5 put and passed.**

**Clause 6: Section 4 amended -**

**Ms S.E. WALKER:** This clause relates to groups instead of persons, and to group complaints. I thank Mr McDonald for the excellent and informative briefing he gave on this bill. During that briefing, he mentioned that other states had this sort of legislation. Which states have this legislation? Do the states that have this legislation allow groups, and does the commonwealth government allow groups?

**Mr J.A. McGINTY:** The commonwealth and every jurisdiction, except the Northern Territory, have this provision. In addition, the Victorian and New South Wales legislation allows for complaints to be made by representative bodies on behalf of the people.

**Ms S.E. Walker:** I guess the Albert Corunna cases which I referred to would have been brought by a group of people.

**Mr J.A. McGINTY:** I am not 100 per cent sure about Albert Corunna, but a complaint can be made by an individual or a group of individuals, all of whom are adversely affected. With this legislation we will now be able to have a representative body that might consist of people who may not be directly affected. The body itself will have the power to make the complaint, but every member of that representative body may not be directly affected by the particular action.

**Ms S.E. Walker:** Someone in the body has to be.

**Mr J.A. McGINTY:** The representative body will need to be able to satisfy the commission that the people who make up its membership are affected by the racial slur.

**Ms S.E. Walker:** It says in the bill that a group complaint means a complaint lodged under section X by a person on behalf of the person. Does the person who is lodging it not have to be affected, as long as the person lodging it on behalf of that person is affected?

**Mr J.A. McGINTY:** Under the existing provisions of the act, a complaint can be lodged only by a person who is aggrieved and on behalf of other people who would be aggrieved.

**Ms S.E. Walker:** The Attorney General is talking about the commonwealth act, not these provisions.

**Mr J.A. McGINTY:** I am talking about the existing provisions of the state Equal Opportunity Act that state that a complaint can be lodged by a person who is aggrieved and on behalf of other people who are aggrieved.

**Ms S.E. Walker:** But that refers to the remedies that are already in the act.

**Mr J.A. McGINTY:** Yes, that is right.

**Ms S.E. Walker:** At the moment what remedies in the act will this provision change?

**Mr J.A. McGINTY:** The remedies remain unaltered up to a damages award of \$40 000. The area we are now talking about relates to who can make the complaint.

**Ms S.E. Walker:** Under the Equal Opportunity Act as it stands at the moment - we should forget about this bill - people can bring a complaint for sexual harassment, for instance, in employment in different areas. The Attorney General is changing the whole lot in the Equal Opportunity Act. This is not relating just to the bill.

**Mr J.A. McGINTY:** The remedies are unchanged.

**Ms S.E. WALKER:** I am probably using the wrong terminology. At the moment there are certain remedies. If someone thinks that his or her particular set of circumstances come within the grounds of discrimination in the current act, that person can seek a remedy. At the moment someone cannot bring a group complaint for any of those remedies that are currently in the act, but this bill is applying not only -

**Mr J.A. McGinty:** There can be a group complaint by a group of people, all of whom are adversely affected by the discriminatory behaviour.

**Ms S.E. WALKER:** Certain complaints can be brought under the current Equal Opportunity Act but they cannot be brought as a group, as I understand it. This changes section 4(1)(a) under "complaint" to enlarge who can bring the complaint, not just for the provision that we are bringing in today but for all the complaints.

**Mr J.A. McGinty:** Yes, that is right. This might help clarify it. At the moment there can be a representative complaint. That name has been changed to a group complaint. In both those circumstances, everyone in the group or representative complaint needs to be directly affected by it. In addition, we are now adding in a representative body, which might be the Nyoongah Aboriginal corporation, for instance.

**Ms S.E. WALKER:** Could it be a union representing workers?

**Mr J.A. McGinty:** That is not a race. It might be under another heading.

**Ms S.E. WALKER:** If some females have been sexually harassed in the workplace, could the union bring an action on their behalf?

**Mr J.A. McGinty:** A representative body can bring an action.

**Ms S.E. WALKER:** At the moment it cannot do that.

**Mr J.A. McGinty:** That is right. There is one exception. Under the act, both unions and employer bodies have always been expressly allowed to bring actions on behalf of their members. That is an exception to the general rule.

**Ms S.E. WALKER:** Can the Attorney General give me an example of how this has not worked, and why it has worked in some situations and now will work?

**Mr J.A. McGINTY:** Perhaps I can do it by way of example. A group of people who are economically disadvantaged and who do not speak English might have recently arrived in Australia. A representative body, which may be a body corporate, could make an application on behalf of that group of people who would not have the resources to do it themselves. That will now be allowed to be brought forward, whereas in the past the people themselves who were affected had to act either as a group or as individuals to seek redress. It is really looking at socially excluded people and giving a body the power to make an application on their behalf rather than the application being made by them as individuals.

**Ms S.E. WALKER:** At the briefing I realised there was a lacuna in the law in relation to bullying harassment. I am talking about groups. This clause is about being harassed. Why was that not included as an amendment, considering it is quite extensive in the Public Trust Office?

**Mr J.A. McGinty:** Workplace bullying, as such, is not currently provided for in the Equal Opportunity Act. The member for Nedlands gave an example of the alleged bullying in the Public Trust Office.

**Ms S.E. WALKER:** It could be anywhere.

**Mr J.A. McGinty:** Sure, but that has received prominence recently. The redress there is not through the Equal Opportunity Act on the grounds of discrimination.

**Ms S.E. WALKER:** I know, but it would be easy for the Attorney General to make that amendment.

**Mr J.A. McGinty:** This legislation is compliant to race and changes to the existing structure of the Equal Opportunity Act. It is not something that the legislation addresses.

**Ms S.E. WALKER:** Is it in the commonwealth act?

**Mr J.A. McGinty:** No.

**Ms S.E. WALKER:** Is it in any of the state acts?

**Mr J.A. McGinty:** No.

**Ms S.E. WALKER:** The Labor lot in all the states is pretty poor. What more can I say?

**Mr G.M. CASTRILLI:** The definition of “group complaint” refers to a person on behalf of himself or herself or on behalf of a group. Does it mean that a person can lodge a complaint on his or her behalf, or on behalf of a group without their consent?

**Mr J.A. McGinty:** It requires consent. The Equal Opportunity Commissioner, in dealing with a group complaint, would be required to be satisfied that each of the complainants had assented.

**Mr G.M. CASTRILLI:** I can lodge a complaint on my behalf, but if I think members of a certain section of my community are offended, I cannot lodge a complaint without their consent?

**Mr J.A. McGinty:** That is the case under the current legislation. For example, the Bunbury Italian Club might think that something that is racially offensive to Italian people has been said. It might have standing to take up that issue on behalf of the Italian people of Bunbury, with or without their consent.

**Mr G.M. CASTRILLI:** Therefore, it can do it with or without their consent?

**Mr J.A. McGinty:** They are not naming particular individuals.

**Mr G.M. CASTRILLI:** As an individual, can I do the same thing on behalf of the Italian community in Bunbury with or without the Bunbury Italian Club’s consent?

**Mr J.A. McGinty:** Generally speaking, the commission would be required to satisfy itself that there is consent. Obviously, if the Bunbury Italian Club took up a case and one person in Bunbury of Italian origin said that he did not agree with it, it would not invalidate the application being made by the representative body. Under the current arrangements, a group is a group of people, all of whom are adversely affected and all of whom would need to consent.

**Mr G.M. CASTRILLI:** Under this clause a representative body can make a complaint on behalf of a group, but an individual person who is aggrieved by what has been said about the Bunbury Italian Club cannot.

**Mr J.A. McGinty:** The simple answer to that is that it is not clear. Provided that the representative body, which is not defined or limited to bodies corporate, was generally understood to be representative of that group of people, it might well be that you could make that application as a representative body on behalf of a particular group of constituents. A fair bit of flexibility is built in, but the requirement to show that you were acting on behalf of that group of people would be where the question would be raised.

**Mr G.M. CASTRILLI:** It raises a few possibilities. I could get two or three people together and we could loosely call ourselves whatever, without being incorporated. Does this clause prevent me getting three or four of my mates together to lodge a complaint on behalf of the community of Bunbury?

**Mr J.A. McGinty:** You could do that, but the commission would say that it must be satisfied that you are actually acting on behalf of the community of Bunbury or that particular subset.

**Mr G.M. CASTRILLI:** Therefore it is up to the commissioner to determine the matter.

**Mr J.A. McGinty:** It is a flexible arrangement.

**Dr K.D. HAMES:** I heard the minister make the comment that if a person called someone a black bastard, a group could take action on the aggrieved person’s behalf. While I have a good and close relationship with Aboriginal people, I have heard them call non-Aboriginal people white bastards, to use a reasonably toned down turn of phrase.

**Mr J.A. McGinty:** The more colourful phrase was that used by the young girl in Kalgoorlie.

**Dr K.D. HAMES:** I did not hear what she said. “White c” is a commonly used term by Aboriginal groups. In this instance, are terms used against the white race contrary to the legislation?

**Mr J.A. McGINTY:** Yes is the short answer to the member’s question. The circumstance that arose in Kalgoorlie was a criminal prosecution. Kalgoorlie Magistrate Kate Auty threw it out.

**Ms S.E. Walker:** It was a wrong charge.

**Mr J.A. McGINTY:** Yes. She basically said it was an inappropriate charge because this was the sort of language that would be commonly used in the heat of the moment and, as I recollect the magistrate’s comments, without intent - not that intent is important because an objective test is applied. The magistrate used a lot of commonsense in that case rather than picking up that person for using street slang. That was in the criminal context. We are talking about the simple context and an application being made by an aggrieved individual for some redress to the Equal Opportunity Commission. The standard in a criminal case is significantly higher than the standard in a civil matter before the Equal Opportunity Commission.

**Ms S.E. Walker:** In the Kalgoorlie case an assault charge of some sort must have been laid. What were the charges laid against that person?

**Mr J.A. McGINTY:** I cannot remember; it was some time ago.

**Ms S.E. Walker:** That is the charge that should have been laid because it was racial aggravation. I am not trying to be smart. That is exactly the sort of thing that that legislation was brought in for. I do not know what the charges were. I think they used the other charges. The way it should have been done was to consider it as an assault, and the circumstance of aggravation would have meant the imposition of a higher penalty during sentencing. You gave the example that if you were walking down a street and someone called you a black bastard, it would work in the same way. I wanted to make that point. I do not know what charges were laid against that person.

**Mr J.A. McGINTY:** It was the first charge laid under the new provisions of the Criminal Code that we put in a few years ago.

**Ms S.E. Walker:** I don't have the code in front of me, but it was the one involving incitement.

**Mr J.A. McGINTY:** It was the racial harassment provisions of the Criminal Code.

**Ms S.E. Walker:** Put those provisions to one side. We also made it a circumstance of aggravation in criminal damage, certain assaults, GBH provisions and another group. People were fire bombing restaurants and that sort of thing.

**Mr J.A. McGINTY:** If it was racially motivated, it was a circumstance of aggravation, yes.

**Ms S.E. Walker:** That girl must have had a charge of some sort of serious assault laid against her.

**Mr J.A. McGINTY:** I am advised that it was assault occasioning bodily harm. I agree with the member that the appropriate charge would have been aggravated assault occasioning bodily harm.

**Ms S.E. Walker:** Because your adviser seems to know, AOBH -

**Mr J.A. McGINTY:** Is the member just drawing attention to the fact that I do not?

**Ms S.E. Walker:** I'll get to that! I am just getting to the bottom of this. Did we attach to the AOBH the circumstance of aggravation if it was racially motivated?

**Mr J.A. McGINTY:** Yes, they can charge -

**Ms S.E. Walker:** You don't have to charge that.

**Mr J.A. McGINTY:** It is just a sentencing issue.

**Ms S.E. Walker:** I don't know; it may be a circumstance of aggravation. However, my question is: does the circumstance of aggravation attach to the assault occasioning bodily harm in that it is racially motivated? I think it does.

**Mr J.A. McGINTY:** Yes, I think it does.

**Ms S.E. Walker:** My point is that that should have been a circumstance of aggravation because while she was kicking the girl in the head, she was calling her a white slut. I would have thought that that was the very thing that this Parliament intended to stamp out.

**Mr J.A. McGINTY:** I think the member is right.

**Ms S.E. Walker:** Not use the other provisions of people putting posters up and that sort of thing.

**Mr J.A. McGINTY:** The police in Kalgoorlie laid the charges. This was a new provision in the Criminal Code that had not previously been tested. I think that today the police would have done exactly as the member has just indicated, and that is -

**Ms S.E. Walker:** The DPP should have.

**Mr J.A. McGINTY:** The police lay the charge -

**Ms S.E. Walker:** It doesn't matter; the DPP gets the file and writes the indictment.

**Mr J.A. McGINTY:** No, it came up in the Kalgoorlie court. There was a plea of guilty and it was disposed of there and then.

**Ms S.E. Walker:** No, that doesn't matter; it always goes to the DPP if it is an indictable matter.

**Mr J.A. McGINTY:** If it is an indictable matter, but I think this case was dealt with summarily in the Kalgoorlie court. Particularly when dealing with kids and street language, a bit of commonsense ought be applicable in those circumstances.

**Dr K.D. HAMES:** I ask the minister to continue his comments.

**Mr J.A. McGINTY:** I think that is eventually what happened in Kalgoorlie. It really arose out of the Jack van Tongeren situation in that if somebody commits a crime in circumstances of racial motivation, that is the nature of the charge that should be raised. That is the member's point and I am agreeing with her.

**Ms S.E. Walker:** No, you're not. It was Jack van Tongeren. However, if someone sets alight the home of a Jewish person and puts a swastika on it, that person should be charged with criminal damage and there should also be a circumstance of aggravation if it was racially motivated.

**Mr J.A. McGINTY:** Yes.

**Ms S.E. Walker:** There should. It should also apply to the person who assaulted the woman. What is the difference? A person could torch someone's house and put a swastika on it, or a person could kick someone in the head and call that person a black bastard or a white slut. What is the difference?

**Mr J.A. McGINTY:** Yes.

**Ms S.E. Walker:** I think it is important, because we are bringing in legislation that says that if a person calls someone a black bastard, that is the subject of a complaint. You want to stamp out that behaviour, but you're saying that they're just street kids. I don't agree with that. I'm just making that point. You're saying that it's okay to kick someone in the head and at the same time call that person a white slut or a black bastard.

**Mr J.A. McGINTY:** No. I assure the member that I am agreeing with her. However, I also say independently of that that judicial officers should exercise commonsense in their application of the law in particular circumstances. In the pure application of the racial harassment provisions of the Criminal Code to that particular issue, in isolation from the assault, the magistrate quite properly exercised her discretion and threw out the charge.

**Ms S.E. Walker:** Can I have a copy of the transcript?

**Mr J.A. McGINTY:** Most probably.

**Ms S.E. Walker:** Come on; most probably! You have copyright!

**Mr J.A. McGINTY:** I will make one other point by way of clarification of an issue that I referred to earlier, and that is whether Jews are a race or a religion. It has been held for the purposes of Australian law, applicable in these circumstances, that a Jew is a member of an ethnic group. If a person racially harasses someone on the basis of his or her Jewishness, that is caught by the provisions that we are now talking about.

**Dr K.D. Hames:** Does the same apply to Muslims?

**Mr J.A. McGINTY:** It has not been held and I think it would be more difficult to hold it for Muslims. It is far more clear cut that Islam is a religion rather than a race. There is some argument about whether Jews are a race. It has been held for the purposes of this sort of legislation that they are an ethnic group, but I do not know that it could be held that Muslims are an ethnic group. I do not know; it has not been held anywhere in Australia.

**Dr K.D. Hames:** But the similarities are such that Jews could come from any country in the world, and are not just of Israeli origin. Nor should we be able to be racist against Jews, Muslims, Hindus or Buddhists.

**Mr J.A. McGINTY:** That is when we start to get into the very issue that the member for Roe raised when he spoke about not wanting to go down the path of religious vilification.

**Ms S.E. Walker:** But you will because some Muslims are identified with the burqa. What if you were walking down the street with a person dressed like that and someone had a go at that person?

**Mr J.A. McGINTY:** I think the short answer to the member's question is not necessarily. The dress or the characteristic would need to be associated with the person's race or national origin. For instance, if I were walking down the street with the Archbishop of Perth and he had on his mitre and someone abused me for being associated with him, no, that would be purely religious. There would be nothing national or racial in its basis. The presence of a burqa, I think, is a religious symbol more so than an ethnic or racially based symbol or characteristic. That has not been resolved in Australian law. The Jewish issue has. I think the Muslim issue is more problematic.

**Ms S.E. Walker:** What about a turban on a Sikh?

**Mr J.A. McGINTY:** I am told that British law has determined that Sikhs can have an ethnic characteristic to them and therefore would be caught by this law if the British law applied here. It has not been determined in Australia.

**Clause put and passed.**

**Clause 7 put and passed.**

**Clause 8: Part 3 Division 3B inserted -**

**Mr G.M. CASTRILLI:** Proposed section 49E(1)(c) states -

a characteristic that is generally imputed to persons of the race,

Can the Attorney General give me some examples of that?

**Mr J.A. McGINTY:** I gave a few examples earlier. I will briefly run through them. A Maori man with a tattoo -

**Ms S.E. Walker:** What about an Italian with tomatoes in his pockets? I said that for the member for Bunbury!

**Mr J.A. McGINTY:** I think that was a racial slur!

**Ms S.E. Walker:** I was joking!

**Mr G.M. Castrilli:** I'm starting to get interested in this bill now!

**Mr J.A. McGINTY:** I think the member for Nedlands is just asking, "Is that a tomato in your pocket or are you just happy to see me?"

Several members interjected.

**The ACTING SPEAKER:** Order, members! Can we return to the bill? I would like to go home.

**Mr J.A. McGINTY:** One example is of a Maori man with a tattoo, which might be a characteristic of a Maori person because it is very common among Maori people. If the tattoo were the basis of the racial abuse or harassment and it was referred to in some derogatory way, that could be the characteristic. Another example is ethnic dress. Subject to the discussion we have just had, if a burqa were a national dress rather than a religiously based dress, that would be caught.

**Dr K.D. Hames:** We are exaggerating; no-one makes racial slurs against Maoris, or at least no-one who has any commonsense!

**Mr J.A. McGINTY:** Yes. It could sometimes involve hairstyles or jewellery. There are also imputed characteristics. An example of that could be a person from Iraq being referred to as a terrorist. Although that is not a national characteristic, it is an imputed one. They are the bases of racial harassment. One can obviously think of a range of other bases upon which different ethnic groups were racially harassed in Australia over the years.

**The ACTING SPEAKER (Mr A.P. O'Gorman):** Like Irishmen.

**Mr J.A. McGINTY:** I will leave the Irish out of this, I think. I am using a few current examples of where this issue might arise because of a characteristic or an imputed characteristic.

**Mr G.M. CASTRILLI:** Proposed subsection (2) states -

Conduct is taken not to occur in private if it -

(a) consists of any form of communication with the public or a section of the public; or

I am thinking about a rather unfortunate comment that was made by Brian Burke, which I do not need to repeat, that arose during the Corruption and Crime Commission hearings and was relayed to the public by the media. The minister knows what I am referring to. Although he may have made that comment in private, it became public when it was communicated during the CCC hearing and then picked up by the media. That comment has obviously offended some parts of the community.

**Mr J.A. McGinty:** I understand that the reference to wogs and sprogs and market gardeners was made in a private telephone call.

**Mr G.M. CASTRILLI:** I was not going to say that, but that is what I am referring to. Since that has become public, there has been a fair bit of angst among some people. If I understand the Attorney General correctly, in those circumstances there is no remedy for anybody from that community to take appropriate action.

**Mr J.A. McGinty:** No, for two reasons. Firstly, it was said in a private telephone call. Brian Burke had no control over the subsequent publication of that comment through the CCC and *The West Australian*. There was no nexus between the publication of that comment and him saying it. Secondly, generally speaking courts have immunity to hear evidence. People cannot be sued for defamation for what is said in a court or tribunal because of that protection. The publication of that material essentially came about as a result of the tribunal hearing evidence.

**Mr G.M. CASTRILLI:** I thank the minister.

**Ms S.E. WALKER:** That raises an interesting point about the CCC. Who makes the applications for suppression orders?

**Mr J.A. McGINTY:** My understanding of what occurred was that the CCC indicated that it would never publish the names of cabinet ministers in relation to what was allegedly said in cabinet. The CCC asked the government to make submissions on the application of the principle of public interest immunity or cabinet confidentiality. As a result, the commission made the suppression order. Submissions were received from the State Solicitor's Office after the CCC invited comment on the application of that principle, in the same way that the CCC today issued a press release on the issue of parliamentary privilege and its proceedings.

**Ms S.E. WALKER:** Who made the application to suppress the comment about the "best man"?

**Mr J.A. McGinty:** I don't know.

**Ms S.E. WALKER:** If that happened again and the Attorney General had the opportunity, he could suppress those racist comments.

**Mr J.A. McGinty:** The CCC decides what to suppress.

**Ms S.E. WALKER:** The government could make a submission next time.

**Mr J.A. McGinty:** As I understand it, the government's submission, which was made at the invitation of the CCC, was more about the application of the law. The government said that in terms of a description of which position was adopted by which minister around the cabinet table, to the extent that Norm Marlborough was talking about those issues, the identity of individual cabinet ministers should be suppressed, because the public interest is in promoting free and frank discussion around the cabinet table and that principle should therefore be upheld. The CCC had a concern and sought assistance from the State Solicitor's Office on the extent of the law.

**Clause put and passed.**

**Clauses 9 to 17 put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Mr J.A. McGinty (Attorney General)**, and transmitted to the Council.

**PREMIER'S STATEMENT**

*Consideration - Motion*

Resumed from an earlier stage of the sitting on the following question -

That the Premier's Statement be noted.

**MR J.H.D. DAY (Darling Range)** [9.27 pm]: I appreciate the co-operation of the house in waiting for me to arrive. I was in the Deputy Clerk's office looking through material relating to the inquiry being undertaken by the Standing Committee on Procedure and Privileges.

I will take the opportunity presented by this debate to raise two or three issues relating to my electorate. Two of those issues concern the health portfolio. I am sure that the Minister for Health will not be surprised to know that I will first raise the issue of Kalamunda District Community Hospital and its future, and in particular matters concerning the operating theatres at that hospital. Kalamunda hospital has had a somewhat unfortunate history under this government. The redevelopment of the hospital finally occurred and was completed a year or two ago. That was welcome, but it was very much overdue, and followed the \$5.5 million in funding that was allocated under the previous government in 2000. From the point of view of the local community, the very disappointing aspect of this issue is that obstetric services were removed from Kalamunda hospital at the end of April 2006, despite the community in my electorate, and particularly in the Shire of Kalamunda, expressing widespread concern. Members of the community were very keen to ensure that obstetric services would continue to be provided at Kalamunda hospital. However, despite that concern, the government made the decision to go ahead with the removal of obstetric services.

The latest issue of concern to the community is the future of the operating theatres at the hospital. The theatres have been closed since Christmas. Of course, the theatres are normally closed for three weeks or so over the Christmas period. However, in this case, the theatres have failed to reopen after that usual closure period. I understand that this is due to concern that was raised following some examination and assessment of the environmental issues in the operating theatres at Kalamunda hospital, particularly relating to infection control and sterility. As the Minister for Health has confirmed in response to a letter from me to him, a review is being undertaken about what is necessary to be provided for upgrading or rebuilding the theatres to ensure that they meet contemporary infection control and sterilisation standards.

My understanding is that the cost of upgrading or replacing the two theatres at the hospital is in the order of \$6 million, or about \$3 million for one theatre. Given that the minister is in the chamber, I am not sure whether he is able to confirm that that is the case. However, as I understand it, the cost is in the order of \$6 million, which is a very large amount of money relatively speaking. It raises the concern, of course, about whether the government will say that this is all too much and not reopen the theatres. If that is the case, it would not only be a major disappointment for the local community, but also produce a great deal of anger, given that, despite the fact that obstetric services were removed, the community was assured that surgical services would be continued at Kalamunda hospital. Therefore, there really is a very strong moral obligation on the part of the government to ensure that surgery is able to be provided in the long term at Kalamunda hospital and that, therefore, the theatres are put into a condition in which that surgery can be undertaken. The government needs to resolve the issues as quickly as possible and ensure that the theatres can be reopened.

The second concern relating to the standard of the theatres is that this must have been known some years ago, I would have thought, because there was certainly a plan or an intention in the redevelopment that was announced by the previous government back in 2000 to include in that redevelopment two new operating theatres. Therefore, my assumption is that there would have been some knowledge of the fact that there was a need to upgrade the theatres going back some years. I think it is unlikely that the government would have found out about this problem only in the past six months or so.

**Mr J.A. McGinty:** I think that's right. Personally, I found out about it only at Christmas time when surgery was ceased because of the infection concerns that were then raised. Therefore, I have no personal knowledge, but I am sure you're right about the general corporate knowledge.

**Mr J.H.D. DAY:** Yes. I can understand that the minister might not have known personally. However, is the minister able to provide any assurance to the community, given that he has been good enough to provide that information, that he will ensure that funding is provided to upgrade or rebuild the theatres, such that they will be able to be reopened as soon as possible?

**Mr J.A. McGinty:** I am more than happy to give a more detailed response later. However, my starting point is that obstetrics was removed from Kalamunda hospital and taken to Swan District Hospital as part of a broader plan. The same thing happened in my electorate of Fremantle with Woodside Maternity Hospital. I was very disappointed when I saw that the theatre was shut, because that was not my desire or intention. I have conveyed to the health department that I would like to see surgery remain at Kalamunda. It is an issue, obviously, in the light of the cost that you referred to, of the long-term plans and what will be the cost. A range of options have been presented, which we are trying to work through at the moment, as to the way in which surgery can be continued at Kalamunda, which I would like to see, and whether that can be achieved.

**Mr J.H.D. DAY:** I thank the minister for that response. I very much hope that there will be a clear statement from the minister and the government in the near future that the theatres will be rebuilt or upgraded in such a way that they will be safe to use and surgery can continue in the long term at Kalamunda, because if that does not occur, the community will, at the very least, feel extremely let down by the government.

**Mr J.A. McGinty:** The starting position for the health department is that the theatres will remain closed. That is not a view I support.

**Mr J.H.D. DAY:** That is an interesting comment. I know that there has been an agenda of some people in the health sector to downscale Kalamunda hospital for many years. That has been the subject of a lot of political debate - debate that I would have preferred did not occur, in fact. However, given that the concerns exist, they must be taken up in the political arena by me as the local member of Parliament. There needs to be a commitment from the government. Obviously, it needs to be a ministerial decision to ensure that the theatres are reopened as soon as possible. Certainly, I hope that that will occur. It is, as I said, regrettable that the redevelopment which included two new operating theatres and which was planned and about to go out to tender when the 2001 election was held did not go ahead. If it had, we would now have two new operating theatres at the hospital at a far lower cost than will apparently be the case now.

I raise that issue on behalf of the local community. It is certainly an important one. It is a matter of substantial concern that surgery cannot be provided at Kalamunda at the moment. It is accepted that surgery is being provided at Swan District Hospital for people from the Kalamunda community. However, there is a very strong sense of ownership and a very strong sense of wanting to have surgical services available for the local community within the Shire of Kalamunda. That must be done in a sensible way, of course. I understand that it cannot involve excessively complex surgery, very long stays, joint replacement operations or cardiac surgery, for example. However, many surgical procedures can and should be able to continue to be provided at Kalamunda for the local community, and, indeed, for residents from other parts of the metropolitan area or other parts of the state, when that is appropriate. I raise that issue on behalf of the community, and I am glad that the minister has been prepared to take on board the comments that I have made.

I make an additional point. As the minister is aware, there is a plan to build a privately funded medical centre on the Kalamunda hospital site. For that centre to go ahead, it depends very much on retaining at least the range of services that had been, until Christmas at least, available at Kalamunda hospital. If there is not the commitment to retain those services, and if there is a further downscaling of what is available at Kalamunda, such that it becomes essentially only an aged care facility, that would very much put in jeopardy that privately funded medical centre. That would be a great loss to the local community and would also remove the possibility of having Kalamunda and its planned medical centre available as a teaching facility for people training as general practitioners in the medical profession.

important aspect of the project was the involvement of students and the achievement of something positive within the school community. A large part of the principle behind this project, which is undertaken in Canada under Michelle Loughery's direction, is to encourage young people, particularly those from a disadvantaged background or those who are disengaged from the community, to become involved in a positive project and to increase their self-esteem and skills. As I understand it, there are many examples in Canada of people who have been put on a much more positive course in life as a result of this type of activity. The results achieved at Forrestfield Primary School are a great credit to all who were involved. I congratulate all the staff at the school and everyone else who was involved in producing a very positive outcome for the local community at Forrestfield.

Debate adjourned, on motion by **Mr J.C. Kobelke (Leader of the House)**.

*House adjourned at 9.47 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### PUBLIC SECTOR - REPRESENTATION OF WOMEN IN SENIOR MANAGEMENT POSITIONS

1754. Mr P.D. Omodei to the Minister for Public Sector Management

I refer to the Public Sector Standards Commissioner's report tabled on 21 November which comes on top of a damning equal opportunity report from earlier this year exposing the Government's poor performance in giving women equality.

Given these two reports have found a significant reduction in women being appointed to vacant or acting CEO positions from 2002 to 2006, how does the Minister respond to criticism that the Minister and the government are failing to bring equality to women in the public sector?

Mr A.J. CARPENTER replied:

Department of the Premier and Cabinet advises:

The Government is actively committed to supporting women at all levels within the public sector, particularly those within senior management. The equity and diversity plan for the public sector work force for 2006 to 2009 was issued in June 2006, and provides quantifiable objectives for women in senior management and in the SES. The objective for women in the SES in 2009 is, for example, 30 per cent. Chief Executive Officers and public sector agencies are charged with the responsibility for increasing the number of women in senior management. To support CEOs there are a number of work and family flexibilities contained in a range of industrial, legislative and policy-based frameworks that underpin the public sector. The Government's commitment to increasing the number of women in senior management is also being realised through:

- The Department of Consumer and Employment Protection's (DOCEP) Pay Equity Unit, which was established in 2006, to develop a working plan to reduce the gender pay gap in Western Australia;
- The CEO Diversity Forum (Forum) in May 2006 endorsing a pilot sector-wide secondment program to fast track opportunities for aspirant women leaders and championing mentoring and networking opportunities for women in senior management;
- The Department of the Premier and Cabinet's Public Sector Management Division (PSMD) implementing the recently endorsed Leadership Development Strategy, which offers a range of programs, directed toward leadership capabilities and skills development. Including, for example, the Australian and New Zealand School of Government Scholarships Program, Pathways to Leadership Program; Career Development Programs and Graduate Development Programs; and
- The recently established Women in Leadership in the Public Sector Planning Group, which comprises representatives from DOCEP, PSMD, the Office of Equal Opportunity in Public Employment and the Office of Women's Policy, and will examine strategies designed to increase the number of women in senior management.

It should be noted that currently approximately 25 percent of public sector CEO positions are held by women. This compares favourably with the Parliamentary Liberal Party, who have a female representation of just 21 percent.

#### HEALTH - COUNTRY MEDICAL FOUNDATION

1755. Dr E. Constable to the Minister for Health

- (1) When did the Country Medical Foundation commence?
- (2) What funds have been allocated to the Country Medical Foundation in the last ten years?
- (3) What is the budget for the Country Medical Foundation during this financial year?
- (4) What is the value of each scholarship?

Mr J.A. MCGINTY replied:

1. 1989
2. \$497,000 has been allocated to the CMF by the Department of Health (DOH) over the last 10 years.
3. The Undergraduate Nursing Scholarship agreement expired in 2002, with the Department of Health's Office of the Chief Nursing Officer since managing the granting and administration of nursing scholarships directly. The DOH is unable to provide details of the CMF current budget as it no longer provides funds to CMF.

4. The CMF offers undergraduate medical scholarships. The scholarships are to the value of \$5,000 per annum.

ELECTORATES - FUNDING FOR PROJECTS AND WORKS IN 2005-06 STATE BUDGET

1757. Mr A.J. Simpson to the Treasurer

Can the Minister advise what funds were specifically allocated to be spent by the Western Australian State Government on projects and works in the 2005-2006 budget in -

- (a) the electorate of Kimberley;
- (b) the electorate of Maylands;
- (c) the electorate of Belmont;
- (d) the electorate of Merredin;
- (e) the electorate of Midland;
- (f) the electorate of Girrawheen; and
- (g) the electorate of Mandurah?

Mr E.S. RIPPER replied:

DEPARTMENT OF TREASURY AND FINANCE:

- (a) Capital Works expenditure totalling \$77.099 million was allocated to the electorate of Kimberley in the 2005-06 Budget. Details are as follows:

Department of Agriculture

- Completion of the redevelopment of the Kimberley Regional Office (\$2.0 million).

Broome Port Authority

- Completion of the extension of the Jetty (\$5.020 million); and
- Minor works at the Port (\$260,000).

Commissioner of Main Roads

- Ongoing improvements to the Broome - Cape Leveque Road (\$995,000);
- Widening and sealing of the Derby Spur on the Derby Highway (\$1.786 million);
- Ongoing improvements to Gibb River Road from Derby to Gibb River to Wyndham (\$1.5 million); and
- Reconstruction of various sections of road and bridges on the Great Northern Highway (\$520,000).

Country High School Hostels Authority

- Establishment of a hostel in Broome (\$6.6 million).

Department of Culture and the Arts

- Continuation of the construction of the Broome Performing Arts and Cultural Centre (\$2.5 million).

Department of Education and Training

- Completion of additions and improvements to the Kununurra District High School (\$1.1 million);
- Additional classrooms at the Roebuck Primary School (\$1.0 million); and
- Continuation of works on new buildings and additions to the Kimberley College of TAFE's Broome campus (\$3.350 million).

Fire and Emergency Services Authority (FESA) of Western Australia

- Replacement of the regional headquarters for the State Emergency Services in Broome (\$921,000); and
- Completion of the development and construction of a FESA Volunteer collocation in Derby (\$500,000).

Department of Health

- Continuation of works on Stage 1 of the redevelopment of the Broome Regional Hospital (\$2.4 million);

- Continuation of works on the redevelopment of the Kununurra hospital, including a new dental clinic (\$1.4 million);
- Continuing work on a replacement Multi Purpose Centre in Wyndham (\$1.0 million); and
- Other upgrades to health facilities across the Kimberley (\$14.0 million).

Department of Industry and Resources

- Continuation of work on Stage 2 of the Ord River Irrigation project (\$3.5 million).

Kimberley Development Commission

- Disability access for the Broome Office (\$87,000);
- Contribution towards the Mowanjum Arts and Tourism Centre in Derby (\$500,000); and
- Continuation of the Kununurra Multi-Purpose Youth Facility (\$100,000).

Department for Planning and Infrastructure

- Completion of works at the Wyndham Port (\$500,000).

Western Australia Police

- Continuation of works on new police stations at Bidyadanga and Kalumburu as part of the Government's response to the Gordon Inquiry (\$4.858 million);
- Continuing works on the Kimberley Police District Complex (\$1.0 million); and
- Commencement of work on a new police station for Derby (\$400,000).

Water Corporation

- Upgrade of sewerage pumping station No. 2 at Broome (\$2.337 million);
- Other water related projects in the Broome area (\$120,000);
- Upgrades to the Wyndham Town Water Supply (\$6.0 million); and
- Upgrades to the Lake Argyle Water Treatment Plant (\$1.185 million).

Western Power

- Phase 1 of a power supply project for Aboriginal communities (\$4.4 million);
- Establishment of a new linesman depot in Broome (\$1.5 million);
- Independent Power Producer interconnection and control and data acquisition systems at Broome (\$80,000) and Camballin/Looma (\$630,000);
- Other works in the Kununurra area (\$250,000);
- Upgrade to the town network in Derby and Independent Power Producer interconnection (\$225,000); and
- Connection of the Independent Power Producer at Fitzroy Crossing (\$825,000).

Local Government and Regional Development

- Revitalisation of the Derby Township (\$750,000 from the Regional Infrastructure Fund).

Tourism Western Australia

- Contribution towards the new Broome Visitors Centre (\$1.0 million).

(b) Capital Works expenditure totalling \$940,000 was allocated to the electorate of Maylands in the 2005-06 Budget. Details are as follows:

Public Transport Authority of Western Australia

- Continuing works associated with the upgrade of Bayswater Train Station (\$350,000).

Western Power

- General transmission works in the local area (\$172,000).

Department of Sport and Recreation

- Contribution towards the upgrade of floodlighting and construction of new cricket training facilities at RA Cook Reserve (\$67,800 from the Community Sporting and Recreation Facilities Fund).

Commissioner of Main Roads

- Installation of pedestrian access on Guildford Road in Maylands (\$350,000).

(c) Capital Works expenditure totalling \$1.344 million was allocated to the electorate of Belmont in the 2005-06 Budget. Details are as follows:

Fire and Emergency Services Authority of Western Australia

- Completion of the refurbishment of the Belmont Fire Station (\$300,000).

Metropolitan Cemeteries Board

- Ongoing maintenance at the Guildford Cemetery (\$33,000).

Western Power

- Completion of conversion works at the Rivervale Substation (\$1.001 million).

Department of Sport and Recreation

- Contribution towards the development of a local recreation plan for the City of Belmont (\$9,739 from the Community Sporting and Recreation Facilities Fund).

(d) Capital Works expenditure totalling \$23.669 million was allocated to the electorate of Merredin in the 2005-06 Budget. Details are as follows:

Commissioner of Main Roads

- Widening of Brookton Highway between Corrigin and Hyden (\$1.0 million);
- Reconstruction and widening of the Great Eastern Highway between Hines Hill and Merredin (\$9.299 million), Merredin and Walgoolan (\$6.901 million) and Tammin and Doodlakine (\$900,000); and
- Completion of the widening and sealing of the York to Merredin Road (\$1.550 million).

Country High School Hostels Authority

- Planning, design and analysis of the Merredin Residential College (\$25,000).

Water Corporation

- Bruce Rock Water Quality improvements (\$2.750 million);
- Commencement of construction of a 120 megalitre storage facility at Cunderdin (\$201,000); and
- Commencement of improvements to the quality of water for farms and main conduit disaster mitigation works on the Goldfields and Agricultural Water Supply (\$500,000).

Western Power

- General transmission works in the Merredin area (\$278,000).

Department of Sport and Recreation

- Contribution towards an extension and refurbishment of the kitchen, office and storeroom at Koorda Sports Club (\$19,475 from the Community Sporting and Recreation Facilities Fund);
- Contribution to resurface six tennis courts at the Quairading Tennis Club (\$16,617 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the installation of 16 synthetic golf tees at the Quairading Golf Club (\$4,765 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the replacement of the perimeter fencing around the tennis courts at Nungarin (\$6,309 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the installation of automatic reticulation of the football and hockey ovals in the Shire of Dalwallinu (\$35,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards an addition to the female change rooms at Kalannie Sports Pavilion (\$33,068 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the construction of a hockey ground in Hyden (\$17,907 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the resurfacing of three netball/multipurpose courts for the Hyden Netball Club (\$33,746 from the Community Sporting and Recreation Facilities Fund);

- Contribution towards Stage 2 of the refurbishment of the Hyden swimming pool (\$43,333 from the Community Sporting and Recreation Facilities Fund);
  - Contribution towards the installation of shade sails at the Trayning swimming pool (\$5,050 from the Community Sporting and Recreation Facilities Fund);
  - Contribution towards the resurfacing of two netball/basketball surfaces at Kondinin sporting complex (\$18,556 from the Community Sporting and Recreation Facilities Fund);
  - Contribution towards the resurfacing of four tennis courts with synthetic grass at the Greater Sports Ground in Burracoppin (\$20,000 from the Community Sporting and Recreation Facilities Fund); and
  - Contribution towards the installation of lighting to four tennis courts at the Goomalling Tennis Club (\$10,577 from the Community Sporting and Recreation Facilities Fund).
- (e) Capital Works expenditure totalling \$49.324 million was allocated to the electorate of Midland in the 2005-06 Budget. Details are as follows:
- Commissioner of Main Roads
- Improvement to pedestrian access to Victoria Street in Midland (\$500,000).
- Department of Education and Training
- Completion of additions and improvements at the Darlington Primary School (\$1.9 million).
- Fire and Emergency Services Authority (FESA) of Western Australia
- Completion of the development and construction of a FESA Regional Office collocation in Midland (\$220,000).
- Department of Land Information
- Upgrades to various business computer systems (\$13.281 million).
- Metropolitan Cemeteries Board
- Maintenance on site facilities at Midland Cemetery (\$33,000).
- Midland Redevelopment Authority
- Commencement of work on a heritage conservation projects at the Midland Railway Workshop site (\$3.140 million);
  - Continuation of environmental remedial and landscaping works on the former Midland Railway Workshop site (\$1.884 million);
  - Ongoing land marketing and project services (\$1.019 million); and
  - Provision of infrastructure and landscaping in the Helena Precinct to create a subdivision comprising 54 residential lots with public open space (\$4.193 million).
- Western Australia Police
- Ongoing development of the Police Operations Support Facility including the construction of the Forensics Unit (\$14.0 million); and
  - Continuation of works on Stage 2 of the Police Operations Support Facility, which will house Traffic Support Services (\$500,000).
- Public Transport Authority of Western Australia
- Ongoing improvements to the Midland Train/Bus Station interchange (\$436,000); and
  - Commencement of upgrade works at the Guildford Train Station (\$50,000).
- Western Power
- Work on the Kenwick - Kemerton Line and related works at Guildford (\$7.842 million); and
  - Other transmission works in the Midland area (\$279,000).
- Department of Sport and Recreation
- Contribution towards a feasibility study for the provision of indoor leisure facilities and the future of Swan Park (\$7,200 from the Community Sporting and Recreation Facilities Fund).

WA Sports Centre Trust

- Capital upgrades, maintenance and replacement facilities at the Midland Speed Dome (\$40,000).
- (f) Capital Works expenditure totalling \$900,000 was allocated to the electorate of Girrawheen in the 2005-06 Budget. Details are as follows:

Department for Planning and Infrastructure

- Commencement of the Koondoola Revitalisation Project (\$500,000).

Water Corporation

- Continuation of the Production Bore Replacement Program in the north metropolitan region (\$400,000).
- (g) Capital Works expenditure totalling \$1.4 million was allocated to the electorate of Mandurah in the 2005-06 Budget. Details are as follows:

Department of Sport and Recreation

- Contribution towards the redevelopment of the Rushton Park Sporting Complex for the Mandurah Football Sporting Club Inc. (\$400,000 from the Community Sporting and Recreation Facilities Fund).

Department of Health

- Commencement of works on Stage 2 of the Mandurah Community Health Centre (\$300,000); and
- Commencement of work on an upgrade of the emergency department at the Peel Health Campus (\$700,000).

## RESOURCES SECTOR - DISCOUNT ON MINING ROYALTY FEES

1758. Mr M.J. Birney to the Minister for Resources

- (1) Can the Minister advise which mining companies in Western Australia receive a discount on their mining royalty fees payable in return for employing certain levels of indigenous people?
- (2) Can the Minister provide a breakdown of each company and their respective discount arrangements and the cost to Government of each arrangement on an annual basis?
- (3) Can the Minister provide details of the agreed level of indigenous employment in each case?
- (4) What system is used to ensure that each company is adhering to the agreed levels of indigenous employment?
- (5) Can the Minister advise which companies currently enjoying a royalty discount are not complying with the agreed level of indigenous employment and their reasons for non compliance?
- (6) Can the Minister advise the actual numbers of current indigenous employment being achieved by each company currently enjoying a royalty discount?

Mr F.M. LOGAN replied:

The Minister for Resources has provided the following response:

- (1) None.
- (2) Not applicable.

PRINCESS MARGARET HOSPITAL FOR CHILDREN - GLUTEN-FREE DIETS AND  
WAITING TIMES FOR COLONOSCOPIES

1759. Dr S.C. Thomas to the Minister for Health

- (1) Do staff at Princess Margaret Hospital routinely or ever advise parents of patients diagnosed with Coeliac Disease to cease their gluten-free diet until they have a colonoscopy?
- (2) What is the average waiting time for a colonoscopy procedure for a child at Princess Margaret Hospital under the public health system?
  - (a) Do patients suffer adverse effects as a result of these delays?
- (3) Why do some patients wait months on gluten diets waiting for their procedure when gluten-free diets may assist their welfare?
- (4) What is the Government doing to reduce this particular waiting list?

Mr J.A. McGINTY replied:

Colonoscopy is not routinely undertaken for coeliac disease. The following answers are provided for gastrointestinal endoscopy, the routine procedure for coeliac disease:

- (1) Patients are routinely asked not to commence a gluten free diet (GFD) while awaiting a diagnostic endoscopy for coeliac disease, as initiation of a GFD may make it difficult to make a diagnosis. This is important because if coeliac disease is confirmed then a lifelong GFD is recommended. If a patient has commenced a GFD it would usually be suggested to reintroduce gluten to the diet so that a mucosal biopsy can be made.
- (2) The average waiting time for endoscopic procedures is six to eight weeks.
- (3) Urgency of need is taken into consideration when determining access to the procedure. Patients may be moved forward on the waitlist in order to avoid any adverse outcomes.
- (4) If patients are not ill and there is no urgency for an endoscopic biopsy they may wait for up to 8 weeks for a biopsy. This will occur in circumstances where coeliac disease is suspected on the basis of a blood test, but where significant symptoms are not present. It is still recommended that a GFD not be commenced until an endoscopy has been performed and proper diagnosis made because of the lifelong nature of coeliac disease and because of the limitations of the blood tests utilised.
- (5) The waiting list for endoscopic procedures is carefully managed so that risks to patients are minimised. An example of this is a patient who presented on Friday, 23rd February 2007, and was quite ill, has undergone an endoscopy and biopsy within 72 hours of presentation. An additional gastroenterologist is being appointed to the staff of Princess Margaret HospitalMH to improve patient access to services.

#### POLICE CLEARANCE CERTIFICATES - FEES

1760. Dr S.C. Thomas to the Minister for Police and Emergency Services

Why are separate fees applied to people seeking a police clearance for National Traffic Infringement Notices and National Traffic Convictions Notices?

Mr J.C. KOBELKE replied:

Certificates listing national traffic infringements and national traffic convictions are not provided by Western Australia Police. WA Police provide the following:

1. Traffic Infringement Certificate - lists WA traffic infringements only and costs \$16.50.
2. Traffic Conviction Certificate - lists WA traffic convictions only and costs \$16.50

Each certificate has its own unique information which is obtained through separate processes that integrate various WA Police systems. The fees are set on a cost recovery basis on each of these separate processes, although the final costing is similar. The fees are specified under the Police (Fees) Regulations 1981.

#### HOSPITALS - AMBULANCE TRANSFERS

1761. Dr S.C. Thomas to the Minister for Health

- (1) How many inter-hospital ambulance transfers occurred in 2006 between hospitals in the South West as defined by the South West Area Health boundary?
- (2) How many ambulance transfers occurred between South West hospitals and Perth hospitals in 2006?
- (3) How many hospital-nursing home ambulance transfers occurred in the South West in 2006?
- (4) How many hospital-RFDS ambulance transfers occurred in the South West in 2006?
- (5) How many of the transfers contained in questions (1) to (4) involved volunteer ambulance services?
- (6) How many of the transfers contained in questions (1) to (4) were conducted solely by volunteer ambulance officers?
- (7) What was the total cost incurred in providing the ambulance transfers contained in questions (1) to (4)?
- (8) What level of overtime was paid to employed staff to service the transfers included in questions (1) to (4)?
- (9) How many transfers are needed for a dedicated ambulance transfer service to be funded and based in the South West?
- (10) What would be the cost of providing a dedicated ambulance transfer service in the South West under the auspices of St John's Ambulance Service?

- (11) How much is St John's Ambulance Service funded for South West ambulance transfers as indicated in questions (1) to (4)?
- (12) Will the Minister consider funding a dedicated ambulance transfer service in the South West?

Mr J.A. McGINTY replied:

- (1) There were 1,178 inter-hospital transfers in 2006 within the South West Health Area.
- (2) There were 158 road ambulance transfers from South West hospitals to Perth hospitals in 2006.
- (3) In 2006 there were 82 ambulance transfers from South West hospitals to nursing homes and hostels.
- (4) In 2006 St John Ambulance Australia - WA Ambulance Service (SJA) transported 656 patients from South West hospitals to airports for transfer by the Royal Flying Doctor Service (RFDS).
- (5)-(6) In 2006, 15 of the 18 South West Ambulance sub-centres have only volunteer ambulance officers. These 15 centres undertook 1,019 of the 2,074 trips reported in answer to questions (1) to (4). One sub-centre has both volunteer ambulance officers and career paramedics and that centre carried out another 603 trips. It is not possible to identify separately how many trips managed by this sub-centre involved only volunteer ambulance officers.
- (7) The South West Health Area paid invoices totalling \$1,455,209 (ex GST) for the 1,992 inter-hospital transfer trips in 2006.
- (8) This amount and cost of any overtime paid to career paramedics at Bunbury / Collie and Busselton is unavailable. SJA does not record overtime against individual cases.
- (9) Most of the patient transfers to Perth (by road or RFDS) do not leave from Bunbury. Career paramedics undertake around 90% of road ambulance transfers to Perth. Around 60% of South West inter-hospital transfers are within the South West. Busselton, with a mixed Career and Volunteer staff, is involved in almost half of these. Without a specific proposal, this question cannot be answered.
- (10) Without a specific proposal, this question cannot be answered.
- (11) The South West Health Area paid SJA \$1,431,059 (ex GST) for a total of 1,969 inter-hospital transfer trips in 2006. Individual trips are invoiced. Ambulance transfers from a hospital to a nursing home or hostel are not inter-hospital transfers and are not charged to a Health Service.
- (12) No.

#### GAMBLING - FORREST TAVERN'S TWO-UP LICENCE

1762. Dr S.C. Thomas to the Minister representing the Minister for Racing and Gaming

With regards to the Forrest Tavern and the non-renewal of their Two-Up license, I ask -

- (1) Why after 81 years of hosting Two-Up games, has the 5 year license renewal been refused by the Department of Racing and Gaming?
- (2) What course of action do the owners of the Tavern have to appeal this decision?
- (3) Will the Minister reconsider the decision and re-offer the Forrest Tavern a five year Two-Up license as previously obtained by the Forrest Tavern?

Mr E.S. RIPPER replied:

The Department of Racing, Gaming and Liquor advises:

See answer to question 1484.

#### CAPEL RIVER

1764. Dr S.C. Thomas to the Minister for Water Resources

- (1) Has the weir near the mouth of the Capel River been repaired?
- (2) Has the bund constructed at the mouth of the Capel River been removed?
- (3) Has the bund been rebuilt next to the old weir?
- (4) When will work commence to repair the weir?
- (5) When will the work be completed?

Mr J.C. KOBELKE replied:

- (1) No.
- (2) Yes.

- (3) Yes.
- (4) November 2007.
- (5) April 2008.

#### WATER RESOURCES - ROUTE OF YARRAGADEE PIPELINE

1766. Dr S.C. Thomas to the Minister for Water Resources

- (1) What changes have been made to the proposed route of the Yarragadee pipeline from Jarrahdale to and including the Shire of Harvey?
- (2) Will the Minister provide a map of the latest proposed route in all the areas in (1)?
- (3) If not, why not?

Mr J.C. KOBELKE replied:

- (1) The planned trunkmain route that connects the proposed South West Yarragadee Borefield infrastructure to the Integrated Water Supply Scheme near Harvey has been undertaken in accordance with the Water Corporation's Environmental Management Review Program (ERMP) to develop and implement a landowner engagement program to finalise the route.

As a result of the landowner engagement program, the route has been amended to achieve the best sustainable outcome for stakeholders. The significant changes are identified in Attachment 1.

- (2) Yes. A series of maps detailing changes to the routes are provided at Attachments 2 and 3. [See paper 2507.]
- (3) Not applicable.

#### GOVERNMENT VEHICLES - AIRCONDITIONING UNITS

1767. Dr S.C. Thomas to the Treasurer

- (1) What volume of R134a refrigerant has been lost to the atmosphere through Government vehicles, air conditioning units leaking, or through vehicle accidents in 2005 and 2006?
- (2) How many air conditioning units of Government vehicles' have failed in temperatures over forty five degrees Celsius, and how often?
- (3) Is the Government aware of an Australian-made purely hydrocarbon refrigerant that can be used in all automotive air-conditioners without any modification to the existing system?

Mr E.S. RIPPER replied:

- (1) As government vehicles are bought new and generally retained for no more than three years, air conditioning maintenance is dealt with as part of normal warranty service. Consequently, no information is available about refrigerant loss. However, in view of the low age profile and good maintenance record of the fleet, it is anticipated that loss under normal conditions would be minimal. Where vehicles are involved in a collision, there is a risk that loss could occur where hoses or fittings are damaged. Repairs in such cases are handled through the insurance process and no specific information is maintained in relation to refrigerant loss.
- (2) New vehicles released in Australia are designed to handle ambient temperatures well in excess of 40 degrees and, while specific information is not available, failures (and consequently refrigerant loss) caused by temperature are likely to be rare.
- (3) Vehicle owners, including government, are required by manufacturers to use specified refrigerants. To do otherwise is to risk voiding warranty. Consequently, it would be neither feasible nor desirable to replace the specified refrigerant with something else - especially in a fleet of over 10,000 vehicles. Further, industry sources indicate that hydrocarbon refrigerants are not commonly used in mobile applications, as hydrocarbons pose risks of fire or explosion in such situations and are considered a safety hazard.

#### EXPOSURE TO REFRIGERANTS - HEALTH RISKS

1769. Dr S.C. Thomas to the Minister for Health

- (1) Was the gas leak at the Woolstores Shopping Centre in Fremantle on 8 January 2007 (that resulted in human toxicity) a leak of air conditioner refrigerant?
- (2) If so, what was the refrigerant?
- (3) What are the health risks posed by exposure to refrigerants R410a, R134a and R22?

Mr J.A. McGINTY replied:

- (1) Despite on-site testing by Government officers, the compound responsible could not be positively identified. Its origin and identity remains as speculation only.
- (2) Not applicable.
- (3) The health risks from exposure to refrigerants R22 (chlorodifluoromethane), R134a (tetrafluoroethane) and R410a [a 50/50 mixture of R32 (difluoromethane) and R125 (pentafluoroethane)] will vary with the concentration of the material. The effects of all three refrigerants are similar. Exposure to mists will irritate the skin and eyes. Liquid exposure can cause frostbite of the skin and severe irritation and frostbite of the eyes. Exposure to low concentration of vapours can cause dizziness and loss of concentration. Higher concentrations of vapours can cause central nervous system depression and cardiac arrhythmias. In confined spaces these gases displace air, which can result in asphyxiation.

#### WILLS - NUMBER CHALLENGED IN COURT AND AVERAGE TIME TAKEN TO RESOLVE

1771. Dr E. Constable to the Attorney General

- (1) How many wills were challenged in the courts in each of the past six years?
- (2) What was the average time taken to resolve the cases in (1)?

Mr J.A. McGINTY replied:

- (1) Number of wills challenged in Supreme Court 2001-2006:

Year of Lodgement	Number of Lodgements
2001	97
2002	88
2003	75
2004	124
2005	83
2006	102

- (2) Average time in weeks for resolution of challenges to wills (lodgement to completion):

Completion Year	Average Weeks to Complete
2001	49
2002	67
2003	65
2004	48
2005	61
2006	80

#### DISABILITY SERVICES - HOUSING AND PHYSIOTHERAPY SUPPORT IN SOUTH WEST REGION

1776. Dr S.C. Thomas to the Minister for Disability Services

- (1) What housing for people with a physical disability is available within the South West?
- (2) How much of this housing is provided by the Disability Services Commission?
- (3) Are there any plans to build housing or units for people with a physical disability within the South West Region?
  - (a) if so, what is the time frame?
- (4) What physiotherapy support will the Disability Services Commission offer to young adults within the South West, once Rocky Bay support is withdrawn?

Ms S.M. McHALE replied:

Housing options are provided by a number of non-government service providers in the South West area. These service providers include the Activ Foundation, Baptist Care, Anglicare, South West Family Support Association and My Place. The last two providers provide individualised support options in the family home. The majority of these options are for people with an intellectual disability.

The Disability Services Commission does not provide the housing. The Commission provides the recurrent funds that enable the ongoing direct care support for the individuals within the housing options.

The Department of Housing and Works (DHW) provides the capital funds for the spot purchase and the construction of the housing options under a Memorandum of Understanding with the Disability Services Commission. The Department also co-ordinates and project manages the construction of the housing options.

Some non-government service providers will spot purchase or construct housing options where they have the funds, though the majority of housing options are provided by the Department of Housing and Works. Some individuals may also live in their own home or have a private rental agreement. There are currently no plans to construct housing options for people with a physical disability in the South West. There is no one with a physical disability with accommodation support funding who has requested a housing option in this area. There are three options in progress for people with other types of disabilities, including an intellectual disability.

Therapy support for people with disabilities, including physiotherapy for young adults, is provided by the Department of Health, South West Area Health service. This is consistent with the model which is applied across regional and remote Western Australia, whereby the provision of therapy services for all people, including those with disabilities, is the responsibility of the Department of Health

#### NEWTON MOORE SENIOR HIGH SCHOOL - CANTEEN FACILITIES

1777. Dr S.C. Thomas to the Minister for Education and Training

- (1) What facilities will be made available for use as a canteen at Newton Moore Senior High School during construction and upgrading during 2007?
- (2) Will a canteen be provided for students at Newton Moore Senior High School on site during 2007 and 2008?
- (3) If yes to (2), will the Parents and Citizens Committee run the canteen?
- (4) Does the Minister expect food preparation facilities to be provided off-site during 2007 and 2008?
- (5) If an off-site food preparation service is to be provided, how will on-site distribution and transport between the two be managed?
- (6) Is the School expected to share facilities with Adam Road Primary School?
  - (a) if so, how?
- (7) How many high schools in Western Australia have no canteen facilities?
- (8) How would the School P&C replace the income derived from the canteen?

Mr M. McGOWAN replied:

- 1) Two vans will be used to provide canteen services at Newton Moore Senior High School during construction phase.
- 2-3) Yes.
- 4) No.
- 5) Not applicable.
- 6) No.
- 6a) Not applicable.
- 7) This information is not held by the Department of Education and Training.
- 8) Not applicable as the Parents and Citizens' Committee will run the temporary canteen services during the construction stage.

#### DAYLIGHT SAVING - COMMUNITY IMPACT

1779. Mr M.W. Trenorden to the Premier

I refer to the introduction of Daylight Saving in Western Australia, which commenced on Sunday, 3 December 2006, and I ask the Premier -

- (1) Has the Government requested that the Western Australian Nursing Mother's Association and any similar, appropriate authority, association, organisation or group, monitor and report to the public on the effect of Daylight Saving on newborns and infants, up to and including the age of three, regarding -
  - (a) any negative impacts on sleep patterns;
  - (b) any negative impacts on eating habits;
  - (c) any negative impacts on any other normal behavioural patterns;
  - (d) any new behavioural patterns, including those that are stress-related; and
    - (i) if not, why not?
    - (ii) if so, in what time frame?

- (2) Has the Government requested the monitoring and reporting to the public on the effect of Daylight Saving on the mothers of newborns and infants, up to and including the age of three regarding -
- (a) any additional sleep deprivation;
  - (b) any increase in stress-related behavioural patterns, including Post Natal Depression;
  - (c) any other negative behaviour; and
    - (i) if not, why not; and
    - (ii) if so, in what time frame?
- (3) Has the Government requested State-owned Children's Hospitals and the Western Australian Chapter of the Australian College of Paediatricians to monitor and report to the public on any increase in the admission of children, up to the age of twelve, that could be related to increased exposure to sunlight caused by Daylight Saving including, but not limited to -
- (a) dehydration;
  - (b) heat stress;
  - (c) heat exhaustion;
  - (d) heat induced rashes;
  - (e) sunburn; and
    - (i) if not, why not; and
    - (ii) if so, in what time frame?
- (4) Has the Government requested the Western Australian Teachers Union to monitor and report to the public on any health and safety issues relating to primary school children being released from school at 2pm to 2.20pm real time, the hottest part of the day?
- (a) If not, why not; and
  - (b) if so, in what time frame?
- (5) Has the Government requested that the Western Australian Cancer Council, or any similar appropriate association, organisation, or group, monitor and report to the public on any increase in the number or type of cancerous melanomas that could be related to increased exposure to ultra violet rays through impacts of Daylight Saving?
- (a) If not, why not; and
  - (b) if so, in what time frame?
- (6) Given that most of Rural, Regional and Remote Western Australia, has substantially higher average daytime summer temperatures than the Metropolitan Area and the South-West Coastal belt, has the Government requested an appropriate authority, association, organisation, or group, monitor and report to the public any negative impacts on these rural, regional and remote areas related to Daylight Saving including, but not limited to-
- (a) health impacts;
  - (b) social impacts;
  - (c) economic impacts;
    - (i) if not, why not; and
    - (ii) if so, in what time frame?
- (7) Has the Government requested that the Water Corporation, or any similar appropriate authority, association, organisation, or group monitor and report to the public on any increase in water consumption during the period of Daylight Saving?
- (a) If not, why not; and
  - (b) if so, in what time frame?
- (8) Does the Government concede that the advertising campaign requesting the minimal use of household air-conditioning systems between 3pm (2pm) and 6pm (5pm) is a direct result of the increase of peak power demand by one hour, as a result of Daylight Saving and with electrical generation and distribution facilities unable to cope with such demand?
- (a) if not, why not?

- (9) Has the Government requested that the WA Chamber of Commerce and Industry, or any similar appropriate authority, association, organisation, group, or any business monitor and report back to the public on any negative economic impact on export sales to our main trading partners, Japan and China, due to Daylight Saving adding a one-hour time differential?
- (a) If not, why not; and  
(b) if so, in what time frame?
- (10) Has the Government requested that the WA Chamber of Commerce and Industry, and/or similar appropriate authority, association, organisation, or group, monitor what, if any, positive economic impact or advantage created by Daylight Saving maintaining a two hour time differential, 12 months of the year, with New South Wales, the Australian Capital Territory and Victoria?
- (a) If not, why not; and  
(b) if so, in what time frame?
- (11) Will the Government on or around 25 March 2007 undertake a properly devised, constituted and promoted, state-wide referendum to determine the continuance or otherwise of Daylight Saving in the State of Western Australia?
- (a) If not, why not?

Mr A.J. CARPENTER replied:

- (1) As prescribed by the Daylight Savings Act 2006 a referendum on the matter of whether to proceed with daylight savings on an annual basis will be held on a day between 10 May 2009 and 13 September 2009.

The referendum process will provide an opportunity for all organisations and stakeholders to comment on their position regarding daylight savings, and for those matters to be considered by the public. The public will have the opportunity to make their own decision based on their experience and the cross-section of views presented by others. The outcome will be a final community decision as to the future of daylight savings in Western Australia.

#### TRIHALOMETHANES IN DRINKING WATER - MEASUREMENT, ACCEPTABLE LIMITS AND GOVERNMENT POLICY

1780. Dr S.C. Thomas to the Minister for Water Resources

- (1) What measurement is being conducted of trihalomethanes (THMs) in the drinking water delivered to Western Australians, including Perth residents?
- (2) What are the acceptable limits if THMs?
- (3) What is the Government policy on THMs in drinking water?

Mr J.C. KOBELKE replied:

- (1) Measurements for trihalomethanes (THMs) are conducted in all localities supplied with potable water by the Water Corporation. The frequency of testing in Perth is monthly, and either three-monthly or six-monthly in country towns based on previous results. These arrangements have been approved by the Department of Health.

In Perth, the THM testing is conducted by Analytical Reference Laboratories (WA) Pty Ltd, which holds National Association of Testing Authorities accreditation for THM analysis.

- (2) The long term average concentration for THMs recommended not to be exceeded in the Australian Drinking Water Guidelines is 0.250 milligrams/litre.
- (3) To meet the recommendations of the Australian Drinking Water Guidelines.

#### ADOPTIONS - NUMBER OF APPLICATIONS REJECTED AND GROUNDS FOR REJECTION

1788. Dr E. Constable to the Minister representing the Minister for Child Protection

- (1) How many prospective adoptive parents had their applications to adopt rejected by the Department in each of the following years -
- (a) 2001-2002;  
(b) 2002-2003;  
(c) 2003-2004;  
(d) 2004-2005;  
(e) 2005-2006; and  
(f) so far in 2006-2007?

- (2) How many prospective adoptive parents in each year in (1) had applications to adopt rejected on the grounds of -
- (a) age; and
  - (b) weight?

Mr D.A. TEMPLEMAN replied:

The Department of Child Protection advise the following;

1.
  - (a) 2001-2002 = 1
  - (b) 2002-2003 = 5
  - (c) 2003-2004 = 3
  - (d) 2004-2005 = 3
  - (e) 2005-2006 = 1
  - (f) 2006-2007 = 2
2.
  - 2001-2002 (a-b) Nil
  - 2002-2003 (a-b) Nil
  - 2003-2004 (a-b) Nil
  - 2004-2005 (a-b) Nil
  - 2005-2006 (a-b) Nil
  - 2006-2007 (a-b) Nil

#### ADOPTIONS - NUMBER FINALISED AND DETAILS OF ADOPTIVE PARENTS

1789. Dr E. Constable to the Minister representing the Minister for Child Protection

- (1) How many adoption orders were finalised for local adoptions and international adoptions by Western Australian parents in each of the following years -
- (a) 1997;
  - (b) 1998;
  - (c) 1999;
  - (d) 2000;
  - (e) 2001;
  - (f) 2002;
  - (g) 2003;
  - (h) 2004;
  - (i) 2005;
  - (j) 2006; and
  - (k) so far in 2007?
- (2) How many local adoptions and international adoptions, finalised in each year in (1), involved adoptive parents with the following social characteristics -
- (a) one parent aged 40 or older;
  - (b) single marital status;
  - (c) married relationship status;
  - (d) de facto relationship status; and
  - (e) same-sex relationship status?

Mr D.A. TEMPLEMAN replied:

The Department of Child Protection advise the following;

1.	Local	Intercountry
(a)	12	16
(b)	16	16
(c)	5	14
(d)	8	27
(e)	9	25
(f)	10	32
(g)	3	29
(h)	5	37
(i)	7	39
(j)	6	29
(k)	to date in 2007-	
	0	8

2(a)	Local	Intercountry
(a)	7	14
(b)	4	9
(c)	1	9
(d)	4	12
(e)	3	15
(f)	2	22
(g)	0	15
(h)	1	21
(i)	0	23
(j)	2	19
(k)	to date in 2007 -	
	0	7
2(b)	Local	Intercountry
(a)	0	0
(b)	0	0
(c)	0	0
(d)	0	1
(e)	0	0
(f)	0	0
(g)	0	0
(h)	0	1
(i)	0	3
(j)	0	1
(k)	to date in 2007 -	
	0	1
2(c)	Local	Intercountry
(a)	12	16
(b)	16	16
(c)	5	14
(d)	8	26
(e)	9	24
(f)	10	30
(g)	3	28
(h)	4	35
(i)	7	35
(j)	6	27
(k)	to date in 2007 -	
	0	7
2(d)	Local	Intercountry
(a)	0	0
(b)	0	0
(c)	0	0
(d)	0	0
(e)	0	1
(f)	0	2
(g)	0	1
(h)	1	1
(i)	0	1
(j)	0	1
(k)	to date in 2007 -	
	0	0
2(e)	Local	Intercountry
(a)	0	0
(b)	0	0
(c)	0	0
(d)	0	0
(e)	0	0

(f)	0	0
(g)	0	0
(h)	0	0
(i)	0	0
(j)	0	0
(k)	to date in 2007 -	
	0	0

GOVERNMENT SECONDARY SCHOOLS - SPECIFIC SUBJECTS NOT OFFERED  
TO YEAR 11 AND 12 STUDENTS

1790. Dr E. Constable to the Minister for Education and Training

- (1) Which government high schools will not be offering Chemistry as a TEE course during 2007 in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (2) What are the reasons for not offering Chemistry in each school in (1) in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (3) How many students in the schools referred to in (1) are studying Chemistry in the following settings -
  - (a) another school; or
  - (b) through Schools of Isolated and Distance Education (SIDE)?
- (4) Which government high schools will not be offering Physics as a TEE course during 2007 in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (5) What are the reasons for not offering Physics in each school in (4) in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (6) How many students in the schools referred to in (4) are studying Physics in the following settings -
  - (a) another school; or
  - (b) through Schools of Isolated and Distance Education (SIDE)?
- (7) Which government high schools will not be offering Calculus as a TEE course during 2007 in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (8) What are the reasons for not offering Calculus in each school in (7) in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (9) How many students in the schools referred to in (7) are studying Calculus in the following settings -
  - (a) another school; or
  - (b) through Schools of Isolated and Distance Education (SIDE)?
- (10) Which government high schools will not be offering Applicable Maths as a TEE course during 2007 in the following year groups -
  - (a) year 11; and
  - (b) year 12?
- (11) What are the reasons for not offering Applicable Maths in each school in (10) in the following year groups -
  - (a) year 11; and
  - (b) year 12?

- (12) How many students in the schools referred to in (10) are studying Applicable Maths in the following settings -
- (a) another school; or
  - (b) through Schools of Isolated and Distance Education (SIDE)?
- (13) Which government high schools will not be offering English Literature as a TEE course during 2007 in the following year groups -
- (a) year 11; and
  - (b) year 12?
- (14) What are the reasons for not offering English Literature in each school in (13) in the following year groups -
- (a) year 11; and
  - (b) year 12?
- (15) How many students in the schools referred to in (13) are studying English Literature in the following settings -
- (a) another school; or
  - (b) through Schools of Isolated and Distance Education (SIDE)?
- (16) Which government high schools will not be offering LOTE as a TEE course during 2007 in the following year groups -
- (a) year 11; and
  - (b) year 12?
- (17) What are the reasons for not offering LOTE in each school in (16) in the following year groups -
- (a) year 11; and
  - (b) year 12?
- (18) How many students in the schools referred to in (16) are studying LOTE in the following settings -
- (a) another school; or
  - (b) through Schools of Isolated and Distance Education (SIDE)?

Mr M. McGOWAN replied:

1. (a-b) This data has not been collected at this stage. It will be available by the end of April.
2. (a-b) Due to response to question (1) this information is not available.
3. (a-b) Enrolments in TEE subjects are collected in June. The information will be available once all the data has been processed.
4. (a-b) This data has not been collected at this stage. It will be available by the end of April.
5. (a-b) Due to response to question (4) this information is not available.
6. (a-b) Enrolments in TEE subjects are collected in June. The information will be available once all the data has been processed.
7. (a-b) This data has not been collected at this stage. It will be available by the end of April.
8. (a-b) Due to response to question (7) this information is not available.
9. (a-b) Enrolments in TEE subjects are collected in June. The information will be available once all the data has been processed.
10. (a-b) This data has not been collected at this stage. It will be available by the end of April.
11. (a-b) Due to response to question (10) this information is not available.
12. (a-b) Enrolments in TEE subjects are collected in June. The information will be available once all the data has been processed.
13. (a-b) This data has not been collected at this stage. It will be available by the end of April.
14. (a-b) Due to response to question (13) this information is not available.
15. (a-b) Enrolments in TEE subjects are collected in June. The information will be available once all the data has been processed.

16. (a-b) This data has not been collected at this stage. It will be available by the end of April.
17. (a-b) Due to response to question (16) this information is not available.
18. (a-b) Enrolments in TEE subjects are collected in June. The information will be available once all the data has been processed.

AUTISM SPECTRUM DISORDERS - DIAGNOSIS IN CHILDREN

1806. Dr E. Constable to the Minister for Education and Training

- (1) How many diagnoses of autism spectrum disorder in Western Australian children were made (per 100,000) in each of the following years-
- (a) 2001-2002;
  - (b) 2002-2003;
  - (c) 2003-2004;
  - (d) 2004-2005;
  - (e) 2005-2006; and
  - (f) 2006-2007?
- (2) Which organisations were funded to provide early intervention assistance to children under school age in each of the years in (1)?
- (3) What was the average number of hours of early intervention assistance funded by the State Government for each child with autism spectrum disorder in each year in (1)?

Mr M. McGOWAN replied:

- (1) (a-f) Responsibility for this area rests with Disability Services Commission (DSC). (2) Funding responsibility for early intervention service providers rests with DSC. (3) As above

EARLY INTERVENTION THERAPY ASSISTANCE FOR SCHOOL-AGE CHILDREN

1807. Dr E. Constable to the Minister for Education and Training

- (1) How many school age children receive early intervention therapy assistance during school hours in Western Australia?
- (2) What is the average number of hours of therapy assistance provided to children in (1)?

Mr M. McGOWAN replied:

- (1) Responsibility for the provision of therapy services rests primarily with Disability Services Commission (DSC). In country locations the Department of Health has primary responsibility with DSC providing some supplementary funding. (2) As above.

SPEECH THERAPY FOR AUTISTIC CHILDREN IN PRIMARY SCHOOLS - NUMBER OF ASSISTANTS AND QUALIFICATIONS

1808. Dr E. Constable to the Minister for Education and Training

I refer to question on notice 1560 about speech therapy assistance for autistic children and ask -

- (1) How many education assistants are employed to provide speech therapy assistance to students with autism in Western Australian primary schools during school hours?
- (2) How many therapy assistants are employed to provide speech therapy assistance to students with autism in Western Australian primary schools during school hours?
- (3) How many of the education assistants referred to in (1) hold a four-year Bachelor Degree in Human Communication Sciences from Curtin University or equivalent undergraduate degree from a recognised university?
- (4) How many of the therapy assistants in (2) hold a four-year Bachelor Degree in Human Communication Sciences from Curtin University or equivalent undergraduate degree from a recognised university?
- (5) How many of the education assistants in (1) hold a Masters Degree in Speech Pathology?
- (6) How many of the therapy assistants in (2) hold a Masters Degree in Speech Pathology?
- (7) What are the qualifications of the education assistants and therapy assistants referred to in (1) and (2)?

Mr M. McGOWAN replied:

- (1) Education assistants are not employed as speech therapists. Some students with disabilities require assistance with communication and support may be implemented as part of an Individual Education

Plan (IEP) by an education assistant. The IEP will be developed by the classroom teacher in consultation with the speech therapist.

- (2) Responsibility for the provision of therapy support rests with Disability Services Commission (DSC). Responsibility for the provision of therapy in country locations rests with Department of Health with supplementary funding provided by DSC.

#### HOMESWEST OPERATIONAL STANDING COMMITTEE

1809. Dr E. Constable to the Minister for Housing and Works

- (1) When was the Homeswest Operational Standing Committee established?
- (2) Has the Homeswest Operational Standing Committee been disbanded?
- (3) If yes to (2), when was it disbanded?
- (4) To whom did the Committee report?
- (5) If yes to (2), whose decision was it to disband the Committee?
- (6) If yes to (2), why was the Committee disbanded?
- (7) Who were the most recent members of the Committee?

Mrs M.H. ROBERTS replied:

- (1) October 1999 (originally known as the Rental Sector Standing Committee).
- (2) Yes.
- (3) November 2006.
- (4) The Homeswest Operational Standing Committee was a sub-committee of the Housing Advisory Committee.
- (5) The decision to disband the Homeswest Operational Standing Committee was based on a recommendation from a review of boards and committees in the Housing and Works portfolio. The recommendations of the review were endorsed by the Department's Review Steering Committee, chaired by the Director General and comprised of representatives from the Department of the Premier and Cabinet, Department of Treasury and Finance, and the Minister's office. The recommendations were subsequently endorsed by the Minister for Housing and Works.
- (6) Whilst the review of boards and committees supported the purpose of the Homeswest Operational Standing Committee, it recommended that the Department should instead consult directly with relevant stakeholders as the need arises. The consultation method selected will depend on the nature and complexity of the issue. Methods include workshops, face-to-face interviews, surveys etc. This approach is consistent with recent guidelines issued by the Department of the Premier and Cabinet on involving the community and stakeholders in decision-making.
- (7) Mr Paul Pendergast (Shelter WA), Mr Rob Spinks (Tenants Advice Service), Mr Chum Taylor (Council on The Aging), Ms Lyndsey Fitzgerald (Financial Counsellors Association WA) and representatives from the Department of Housing and Works and the Department of Consumer and Employment Protection.

#### TRAIN STATIONS - PARK'N'RIDE COMMUTERS

1812. Dr E. Constable to the Minister for Planning and Infrastructure

- (1) In each of the past six years, how many Park'n'Ride commuters took the train each weekday from the following train stations on the Fremantle to Midland line -
  - (a) Leederville;
  - (b) Glendalough; and
  - (c) Stirling?
- (2) How many vehicles can be accommodated in the parking area currently provided at each of the following train stations on the Fremantle line -
  - (a) Leederville,
  - (b) Glendalough; and
  - (c) Stirling?
- (3) How much land around the train stations in (1) is available to be reclaimed by the State Government to provide more parking for Park'n'Ride commuters?

- (4) Will the State Government reclaim the land referred to in (3) for parking and if not, why not?
- (5) What action is the State Government taking to increase parking for Park'n'Ride commuters at the following train stations -
- (a) Leederville;
  - (b) Glendalough; and
  - (c) Stirling?

Ms A.J.G. MacTIERNAN replied:

I thank the Member for the question.

- (1-2) Could the member please clarify the question as none of the stations mentioned are on the Fremantle to Midland line.
- (3) Leederville - None  
Glendalough - None  
Stirling - Sufficient space for around 130 car bays
- (4) Leederville - No, land not available without compulsory acquisition  
Glendalough - No, land not available without compulsory acquisition  
Stirling - Yes
- (5) Leederville - None  
Glendalough - Planning and liaison with the local council has commenced  
Stirling - Planning has commenced for expansion of the car park with funding available in 2009/10

DEPARTMENT FOR COMMUNITY DEVELOPMENT - MONITORING OF CHILDREN  
WHOSE PARENTS HAVE PREVIOUS CONVICTIONS FOR CHILD ABUSE

1813. Dr E. Constable to the Minister representing the Minister for Child Protection

I refer to the front page article and photograph in *the West Australian* newspaper dated 14 February 2007, and ask -

- (1) Does the Department of Community Development monitor the wellbeing of children whose parents have previously been convicted of child abuse charges?
- (2) If yes to (1), for how long is their wellbeing monitored after their parent's conviction on abuse charges?
- (3) If yes to (1), how are they monitored?
- (4) If no to (1), why not?
- (5) Are parents who have multiple convictions for assaulting one of their children prevented from having the siblings of their abused child in their care?
- (6) If no to (5), why not?

Mr D.A. TEMPLEMAN replied:

The Office of Child Protection advises the following:

- (1-4) The Department for Community Development assesses whether parents who have previously harmed a child continue to pose a risk to their children. If the outcome of the assessment is that the parent poses a risk to their child(ren), the Department's policy is to establish a safety plan for the child(ren) and closely monitor the situation. The safety plan includes parental responsibility to engage with the Department and non government support services.

The length of time the Department monitors the safety of children is determined on a case by case basis. The child(ren) will be removed if the safety plan is jeopardised.

The child(ren)'s safety is monitored by maintaining regular contact with the child(ren) and the family during home visits and office appointments, separate interviews with the child(ren) and from reports provided by other government and non government organisations working with the family. Regular case discussions involving the family and all relevant agencies occur to monitor and co-ordinate the safety planning for the child(ren).

- (5-6) Any decision to remove a child from his or her parents' care would be made following an investigation of the child's safety and wellbeing. The Department is required by the Children and Community Services Act 2004 to apply for a Protection Order for the child, which is determined by the Children's Court.

## COMMUNITY DEVELOPMENT - STATE WARDS

1814. Dr E. Constable to the Minister representing the Minister for Child Protection

- (1) How many children became state wards in each of the following years -
- (a) 2001-2002;
  - (b) 2002-2003;
  - (c) 2003-2004;
  - (d) 2004-2005;
  - (e) 2005-2006; and
  - (f) 2006-2007?
- (2) What was the distribution orders made for children to become state wards in each year in (1) by the following age ranges -
- (a) under 2 years;
  - (b) 2 to 6 years;
  - (c) 7 to 11 years;
  - (d) 12 to 16 years; and
  - (e) 17 years and older?
- (3) How many state wards in each year in (1) were orphans?
- (4) How many children in each year in (1) were of Aboriginal and Torres Strait Islander background?

Mr D.A. TEMPLEMAN replied:

The Department of Child Protection advice the following;

- (1)
- (a) 291
  - (b) 231
  - (c) 254
  - (d) 281
  - (e) 349
  - (f) 276 (to 31 January 2007)
- (2)(a) under 2 years:
- (a) 66
  - (b) 66
  - (c) 88
  - (d) 99
  - (e) 88
  - (f) 66
- (2)(b) 2 to 6 years
- (a) 80
  - (b) 72
  - (c) 80
  - (d) 95
  - (e) 137
  - (f) 82
- (2)(c) 7 to 11 years:
- (a) 69
  - (b) 62
  - (c) 62
  - (d) 63
  - (e) 83
  - (f) 77
- (2)(d) 12 to 16 years:
- (a) 55
  - (b) 27
  - (c) 24
  - (d) 24
  - (e) 40
  - (f) 51

- (2)(e) 17 years and older:
- (a) 21
  - (b) 4
  - (c) 0
  - (d) 0
  - (e) 1
  - (f) 0
- (3) It is not possible to determine from the database if a child is an orphan at the time an order is issued.
- (4)
- (a) 105
  - (b) 72
  - (d) 96
  - (e) 91
  - (f) 154
  - (g) 111

#### DALYELLUP MIDDLE SCHOOL

1815. Dr S.C. Thomas to the Minister for Education and Training

As the Dalyellup Middle School is not expected to be opened until 2009, I ask -

- (1) When it does open in 2009, will students from the area who intended to commence schooling at Dallyelup Middle School in 2008 in year eight, be accepted into year nine in 2009?
- (a) if not, why not?
- (2) When it does open in 2009, will this include the year seven students from Capel Primary School?

Mr M. McGOWAN replied:

- (1)-(2) The District Director will be meeting with the Capel and Dalyellup school communities later this month to discuss these issues. Decisions will be taken after these meetings have been held.

#### FUEL AND ENERGY - ELECTRICITY USAGE IN PEAK PERIODS

1823. Mr J.H.D. Day to the Minister for Energy

With reference to the advertising campaign to encourage people to modify their electricity usage between 3pm and 6pm, I ask -

- (1) What is the total cost of the campaign?
- (2) How long will the campaign run?
- (3) How much has been expended to date?

Mr F.M. LOGAN replied:

The Minister for Energy has provided the following response:

- (1) The television, radio and print campaign is supported equally by the Office of Energy, Western Power, Synergy and Verve Energy for a total cost of \$800,000. Each entity will pay \$200,000.
- (2) The campaign was launched on 5 December 2006.
- Television advertisements end on Saturday 3 March 2007.
- Press advertisements end on Wednesday 7 March 2007.
- Radio advertisements end on Saturday 10 March 2007.
- These dates cover the traditional period of highest peak energy use in the South West Interconnected System.
- (3) Expenditure on media as of 26 February 2007 was \$540,657.87 (ex GST).

#### KING EDWARD MEMORIAL HOSPITAL FOR WOMEN - INQUIRY INTO OBSTETRIC AND GYNAECOLOGICAL SERVICES

1824. Mr J.H.D. Day to the Minister for Health

With reference to the Inquiry into Obstetric and Gynaecological Services at King Edward Memorial Hospital 1990 – 2000, undertaken in 2000 and 2001, I ask -

- (1) Which recommendations of the report have not been implemented?
- (2) For each such recommendation, what is the reason it has not been implemented?

Mr J.A. McGINTY replied:

- (1) Four recommendations from the report have not been implemented. The recommendations relate to legislative and statutory issues.

The four recommendations are as follows:

Rec 2.2 (No. 2) Legislative Framework

The Hospitals and Health Services Act and the Public Sector Management Act should be amended to ensure that where an inquiry is conducted under either or both of those Acts -

- a) witnesses and counsel have the same protections that are available under the Royal Commissions Act;
- b) those assisting the inquiry (including the inquiry's staff, consultants and those providing information to the inquiry) have clear and adequate statutory protections from personal liability;
- c) the inquiry has the power to refer any matter arising out of its investigation to a State or Commonwealth authority that has power under a law to investigate or take action in relation to a matter of that kind;
- d) the inquiry has the power to protect from publication any information given to it in confidence by a person who does not appear as a formal witness, and confidential information and evidence given to or obtained by the inquiry is protected from publication and access after the completion of the inquiry.

Rec 11.6.2 (No 166) Statutory Mortality Committees

Close attention will need to be given to matters such as -

- (a) the inclusion or amendment of definitions of maternal, perinatal and infant mortality (and related terms including stillbirths) - particularly having regard to the work that has been done towards the development of a national uniform classification system;
- (b) the streamlining and integration of requirements and procedures for identifying and reporting deaths, including the removal of inconsistencies within the Health Act and between the Health Act and the Births, Deaths and Marriages Registration Act;
- (c) the review of the current reporting obligations on doctors and nurses under sections 335 and 336 of the Health Act for the purpose of determining -
- (d) whether those statutory obligations, and the administrative requirements to give effect to those obligations, can be streamlined having regard not only to the provisions of the Health Act but also to the parallel reporting requirements to the Coroner and the Registrar of Births, Deaths and Marriages;
- (e) whether the practical benefits in retaining some or all of the obligations outweigh the administrative burden on doctors and nurses in complying with the obligations; and
- (f) whether, in practice, compliance with the obligations can be enforced;
- (g) whether there should be a power to exclude categories of deaths from those that are to be investigated and, if so, the extent and criteria for the exercise of that power;
- (h) legal and administrative arrangements to ensure that investigations and reviews are completed in a timely manner;
- (i) legal and administrative arrangements to ensure that the mortality committees carry out their educative roles, including producing timely reviews, case summaries, recommendations, "constructive comments" and statistical data;
- (j) legal and administrative arrangements to ensure proper reporting by, and public accountability of, the mortality committees; and
- (k) the membership, including the leadership, of the mortality committees.

Rec 11.6.3 (No 166) Health Act definitions of "death" and "stillbirth"

The definitions of 'death' and 'stillbirth' under the Health Act are to be broadened so that they are consistent with the definitions adopted by the NHMRC.

Rec 11.6.6 (No 169) Statutory Reporting Obligations for Doctors and Nurses

If doctors and nurses are to continue to be subject to statutory reporting obligations, those obligations are to be observed and enforced and administrative arrangements are to be put in place to ensure that they are observed and enforced.

(2) Rec 2.2 (No. 2) Legislative Framework

This recommendation was referred by the Department of Health to the Solicitor General for advice in 2003. The Solicitor General is of the opinion that existing legislation already provides the protection sought by the Douglas Inquiry and that this demonstrates that no legislative change is required.

Rec 11.6.2 (No 166) Statutory Mortality Committees

- b) Swan Kalamunda Health Service Review of Kalamunda Campus Theatre and Central Sterilisation Service Department (CSSD) September/October 2006
- c) Swan Kalamunda Health Service Theatre Review Options 14 December 2006
- d) Swan Kalamunda Health Service - Theatre Equipment/Environment Issues Report - 19 December 2006
- e) Silver Thomas Hanley - Architectural and Engineering Review - Commenced in January 2007 - currently in progress
- f) PathWest Infection Control & Occupational Infectious Disease Risks Report for the Kalamunda Campus Theatre & CSSD - December 2006
- 3) a) Swan Kalamunda - Kalamunda Campus - Theatre Equipment/Environment Issues. No specific recommendations.
- b) Swan Kalamunda Health Service Review of Kalamunda Campus Theatre and Central Sterilisation Service Department (CSSD).
- Option 1 Maintain theatre and CSSD service as is and carry the risks identified as above.
  - Option 2 Continue invasive surgery with major capital works and equipment purchase (to be costed).
  - Option 3 Only undertake Endoscopy procedures with the redevelopment of Clean Up Room and addition of Endoscopy Reprocessing Facility plus purchase of equipment.
  - Option 4 Closure of Theatre and CSSD pending 2nd Stage Redevelopment of Kalamunda Campus.
- Recommendation: To maintain service Option 3 until 2nd stage redevelopment.
- c) Swan Kalamunda Health Service Theatre Review Options.
- Option 1 All invasive surgery and endoscopy sessions to remain at Kalamunda including CSSD.
  - Option 2 All surgery and endoscopy sessions to remain at Kalamunda with centralisation of sterilisation services at Swan District Hospital CSSD.
  - Option 3 All invasive surgery at Swan District Hospital and endoscopy sessions only at Kalamunda (Recommended option).
  - Option 4 Transfer all sessions to Swan District Hospital.
- d) Swan Kalamunda Health Service - Theatre Equipment/Environment Issues Report. The options are presented in descending order of preference.
- Option 1 Undertake endoscopy procedures only with the redevelopment of the cleaning room and reprocessing facility plus purchase of additional equipment to meet the needs.
  - Option 2 Continue invasive surgery with major capital works to be undertaken and equipment to be purchased. Assessment could be made to transfer the reprocessing of surgical instruments to Swan District Hospital to meet sterilisation requirements.
  - Option 3 Closure of surgical service pending redevelopment with transfer of cases to Swan District Hospital.
  - Option 4 Maintain current services with current facility and carry the risks identified in the report.
- e) Silver Thomas Hanley - Architectural and Engineering Review - Not applicable.
- f) PathWest Infection Control & Occupational Infectious Disease Risks Report for the Kalamunda Campus Theatre & CSSD.
- Recommendation 1: A formal retrospective review of patients who previously underwent surgery or endoscopy in the Kalamunda Campus Theatre block or staff working in this area is not warranted due to:
    - lack of a recognised cross-contamination event;
    - very low risk of an unrecognised cross-contamination event;

- lack of evidence of a significant bloodstream infection rate or MRSA transmission rate; and
  - lack of evidence for significant rates of staff blood-borne virus exposure events.
  - Recommendation 2: A two-theatre suite performing invasive surgery should not continue in the current facilities due to:
    - the floor plan which necessitates inappropriate patient flow and work flow patterns resulting in potential cross-contamination between clean and dirty instruments and a work hazard for staff in terms of sharps injury;
    - inadequate airflow through the Theatre suite;
    - failure of the steam penetration in the one working autoclave; and
    - reliance on a bench-top steriliser.
  - Recommendation 3: A one-theatre suite performing flexible endoscopic procedures may be operated with structural modifications:
    - the current air exchanges in the theatre room are within acceptable limits for an endoscopy suite.
    - removing the endoscope disinfection machine out of the dirty utility room into the second theatre would allow separation of clean and dirty reprocessing areas. A fume hood is required.
    - provision of a hand basin in the dirty utility room.
    - provision of a larger ventilated cupboard to hang the processed endoscopes in the second theatre.
  - Recommendation 4: Performance of rigid endoscopy and minor procedures requiring reusable instruments would necessitate CSSD recommissioning.
  - Recommendation 5: A face-to-face meeting between the relevant stakeholders would be the best way to progress future surgical and endoscopy services to be provided at the Kalamunda Campus.
- 4) Yes. See attached reports for 2a, 2b, 2c, 2d and 2f. 2e report is still in progress and therefore not tabled. [See paper 2504.]
- 5) 2e report is still in progress and therefore not tabled.

#### KING EDWARD MEMORIAL HOSPITAL FOR WOMEN - INQUIRY INTO OBSTETRIC AND GYNAECOLOGICAL SERVICES

1827. Mr J.H.D. Day to the Minister for Health

With reference to the Inquiry into Obstetric and Gynaecological Services at King Edward Memorial Hospital 1990 – 2000, undertaken in 2000 and 2001, I ask -

- (1) Now that the previously unpublished sections of the report have been made public, following a Freedom of Information application, will the Minister table these sections?
- (2) If not, why not?

Mr J.A. McGINTY replied:

- (1)-(2) Yes. [See paper 2506.]

#### GOVERNMENT CONTRACTS - ROAD TRAFFIC AUTHORITY OF NEW SOUTH WALES

1828. Mr J.E. McGrath to the Minister for Planning and Infrastructure

- (1) Has the Road Traffic Authority of New South Wales won any Western Australian Government contracts for Variable Message Signs (VMS), Radar Speed Displays, Electronic Speed Limit Signs (ESLS), Changeable Message Signs (CMS) over the past two years?
- (2) If so, what were the contracts and what was the value of each contract?

Ms A.J.G. MacTIERNAN replied:

- (1) No.
- (2) Not applicable.

## ELECTORATES - FUNDING FOR PROJECTS AND WORKS IN 2005-06 STATE BUDGET

1832. Mr A.J. Simpson to the Treasurer

Can the Minister advise what funds were specifically allocated to be spent by the Western Australian State Government on projects and works in the 2005-06 budget in the following electorates -

- (a) Geraldton;
- (b) Kingsley;
- (c) Riverton;
- (d) Perth; and
- (e) Wagin?

Mr E.S. RIPPER replied:

- (a) Capital Works expenditure totalling \$19.369 million was allocated to the electorate of Geraldton in the 2005-06 Budget. Details are as follows:

Department of Education and Training

- Completion of new buildings and additions at the Batavia Coast Marine Centre located at the Central West College in Geraldton (\$4.2 million); and
- Commencement of the redevelopment program at the Geraldton Secondary College (\$4.0 million).

Fire and Emergency Services Authority (FESA) of Western Australia

- Completion of the development and construction of a FESA Regional Office collocation in Geraldton (\$125,000).

Department of Fisheries

- Ongoing maintenance on the Abrolhos Islands Airstrip (\$20,000).

Geraldton Port Authority

- Miscellaneous road, rail and minor works at the Port (\$2.634 million).

Department of Health

- Continuation of the redevelopment of the Geraldton Regional Resource Centre (\$5.074 million).

Department of Justice

- Planning funds to commence construction of a new 12 bed secure Juvenile Remand Centre in Geraldton (\$250,000).

Mid West Development Commission

- Continuation of works associated with the Geraldton Foreshore Redevelopment and CBD Revitalisation Project (\$2.630 million).

Western Power

- General transmission works in the local area (\$380,000).

Department of Sport and Recreation

- Contribution towards the construction of two additional squash courts, club facility area, courtyard and veranda areas for the Geraldton Squash Rackets Association (\$48,000 from the Community Sporting and Recreation Facilities Fund); and
- Contribution towards upgrading the installation of two run-ups for the long and triple jump pits and relocation of the jump pit for the Midwest Regional Athletics Development Council (\$8,202 from the Community Sporting and Recreation Facilities Fund).

- (b) Capital Works expenditure totalling \$304,000 was allocated to the electorate of Kingsley in the 2005-06 Budget. Details are as follows:

Department of Education and Training

- Completion of additions and improvements at the Woodvale Senior High School (\$200,000).

Western Power

- General transmission works in the local area (\$100,000).

Department of Sport and Recreation

- Contribution towards the installation of training floodlights at Emerald Park (\$3,575 from the Community Sporting and Recreation Facilities Fund).

(c) Capital Works expenditure totalling \$43.870 million was allocated to the electorate of Riverton in the 2005-06 Budget. Details are as follows:

Commissioner of Main Roads

- Continuation of works on the construction and sealing of Roe Highway from South Street to the Kwinana Freeway, including bridges (\$26.408 million); and
- Commencement of the construction of a pedestrian overpass on South Street at the intersection of Pinetree Gully Road (\$500,000).

Department of Conservation and Land Management

- Commencement of the construction of an environmental centre at the Canning River Regional Park (\$500,000).

Department of Education and Training

- Additions and improvements at the Willetton Senior High School (\$2.1 million); and
- Improvements to the Science Block at the Lynwood Senior High School (\$1.0 million).

Western Power

- Completion of the Southern Terminal - Cannington 330KV line (\$13.339 million).

Department of Sport and Recreation

- Contribution towards the installation of floodlighting for the Rostrata Junior Football Club at Prendwick Reserve (\$14,300 from the Community Sporting and Recreation Facilities Fund); and
- Contribution towards the installation of training lights for the Riverton Football Club at Riverton Reserve (\$8,630 from the Community Sporting and Recreation Facilities Fund).

(d) Capital Works expenditure totalling \$388.643 million was allocated to the electorate of Perth in the 2005-06 Budget. Details are as follows:

Commissioner of Main Roads

- Continuation of safety and network improvements to Stage 2 of the Perth Bike Plan (\$1.0 million).

Department of Consumer and Employment Protection

- Improvements to various business systems (\$2.3 million).

Corruption and Crime Commission

- Operational Support Equipment (\$11.955 million).

Department of Culture and the Arts

Fire and Emergency Services Authority of Western Australia

- Completion of the relocation of the Perth Fire Station (\$2.4 million); and
- Half life refurbishment of a Turntable Ladder (\$400,000).

Gold Corporation

- New facilities and equipment (\$2.045 million).

Independent Market Operator

- Market Regulator software (\$15.0 million).

Department of Industry and Resources

- Completion of air conditioning works at Mineral House (\$1.9 million); and
- Maintenance works at Mineral House (\$300,000); and
- Completion of the installation of a Land Clearing Permit System (\$600,000).

Department of Justice

- Commencement of construction of a new CBD Court Complex (\$44.301 million);
- Improvements to various business systems (\$12.063 million); and
- Refurbishment of the State Administrative Tribunal (\$208,000).

Western Australia Police

- Continuation of works on the new Vincent Police Station, which will replace the current Leederville Police Station (\$4.0 million);
- Commencement of relocation of the Perth Police Centre and construction of a new Perth Watch House (\$800,000);
- Surveillance Equipment (\$1.5 million);
- Facility Occupational Health and Safety modifications (\$3.392 million);
- Police Station upgrade program (\$1.0 million);
- Replacement equipment program (\$3.3 million);
- Commencement of the purchase of land and construction of a replacement Stirling Police Station (\$830,000); and
- Continuation of work on the Ellenbrook Police Station (\$600,000).

Public Transport Authority of Western Australia

- Upgrade works at the Claisebrook Depot (\$4.485 million);
- Continuation of upgrade works at the East Perth Station (\$250,000);
- Train control upgrade (\$1.717 million);
- Computing hardware and software (\$1.630 million);
- Track and associated works at the Claisebrook wash down plant (\$1.3 million);
- Barriers and other works at the Perth Train Station (\$3.758 million); and
- Other miscellaneous Capital Works (\$542,000).

Department of Sport and Recreation

- Stage 1 of the redevelopment of Members Equity Stadium (\$24.0 million);
- Planning works associated with the State Indoor Centre (\$1.7 million); and
- Contribution towards the installation of floodlighting to the petanque alleys at the French and Mauritian Society of Western Australia (\$8,483 from the Community Sporting and Recreation Facilities Fund).

Water and Rivers Commission

- Land purchases in Priority 1 areas (\$3.5 million).

Water Corporation of Western Australia

- Rehabilitation work on the Perth Main Sewer (\$5.0 million).

Western Power

- Energy Reform project (\$44.632 million);

- Information Technology (\$25.089 million);
  - Establishment of a contestable billing system (\$7.5 million);
  - Perth/Mandurah Rail Project transmission works (\$10.564 million);
  - Mobile plant and vehicles (\$18.4 million);
  - Metropolitan Pole strengthening (\$1.789 million);
  - Metropolitan capacity extension and communications (\$27.451 million);
  - General transmission works in the Perth area (\$3.726 million); and
  - Other general Capital Works (\$15.545 million).
- (e) Capital Works expenditure totalling \$6.865 million was allocated to the electorate of Wagin in the 2005-06 Budget. Details are as follows:

Commissioner of Main Roads

- Various improvements to Albany Highway in the Kojonup Shire from the Safer Roads Program (\$2.5 million); and
- Widening and realignment of the Pinjarra-Williams Road at the Collie Road turnoff to Quindanning (\$500,000).

Country High School Hostels Authority

- Completion of Stage 1 - improvements at the Narrogin Residential College (\$307,000).

Department of Education and Training

- New facilities for the design and technology centre at Narrogin Senior High School (\$2.0 million).

Western Power

- Completion of the installation of a fourth transformer at the Narrogin Substation (\$1.105 million); and
- General transmission works in the local area (\$444,000).

Department of Sport and Recreation

- Contribution towards the construction of 96 horse holding yards at the Kojonup Polo and Polocross Club (\$2,444 from the Community Sporting and Recreation Facilities Fund); and
- Contribution towards the construction of a multi-purpose arena at the Equestrian Ground in Narrogin (\$7,379 from the Community Sporting and Recreation Facilities Fund).

TONKIN HIGHWAY EXTENSION SOUTH

1835. Mr A.J. Simpson to the Minister for Planning and Infrastructure

In regard to the Tonkin Highway extension south of the Albany Highway, can the Minister advise on the progress of the wetland mitigation scheme?

Ms A.J.G. MacTIERNAN replied:

As part of the Tonkin Highway extension project, Main Roads has been working closely since July 2003 with a Wetland and Vegetation Mitigation Representation Group (WVMRG), which has representatives from the local Landcare Group, relevant local authorities and local environmental groups. The group has formally met on eight occasions to help develop and implement the wetland offset package.

To date, Main Roads has secured some 18ha within the Forrestdale industrial estate near Armadale Road and is proposing to fund various restoration projects along the Canning and Wungong Rivers, with the local Landcare Group managing these works. Both will form part of the offset package. Main Roads is currently awaiting feedback on other elements of the package from the Department of Environment and Conservation before acquiring further wetlands in the area to finalise the wetland offset package.

ELECTORATES - FUNDING FOR PROJECTS AND WORKS IN 2005-06 STATE BUDGET

1836. Mr A.J. Simpson to the Treasurer

Can the Minister advise what funds were specifically allocated to be spent by the Western Australian State Government on projects and works in the 2005-2006 budget in the following electorates -

- (a) Greenough;
- (b) Murchison-Eyre;
- (c) Stirling; and
- (d) Wanneroo?

Mr E.S. RIPPER replied:

- (a) Capital Works expenditure totalling \$46.215 million was allocated to the electorate of Greenough in the 2005-06 Budget. Details are as follows:

Commissioner of Main Roads

- Completion of Stage 1 of the Geraldton Southern Transport Corridor (\$2.5 million); and
- Completion of the widening and sealing of the Geraldton - Mt Magnet Road from Bringoo to Mullewa Shires (\$350,000).

Department for Community Development

- Construction of the Dongara Community Centre (\$312,000).

Department of Education and Training

- Commencement of additions and improvements to the Kalbarri District High School (\$2.6 million).

Department of Health

- Planning fees and initial works for a replacement Multi-Purpose Centre in Morawa (\$652,000).

Public Transport Authority of Western Australia

- Completion of Stage 1 of the Geraldton Southern Transport Corridor (\$12.921 million).

Water Corporation

- Continuation of works on a wastewater treatment plant for Narngulu (\$3.998 million); and
- Establishment of an infill sewerage program for the Mid West region (\$6.478 million).

Western Power

- Continuation of works on a new substation at Rangeway (\$4.972 million);
- Completion of works on the Pinjar-Cataby-Eneabba transmission line (\$1.916 million);
- Transmission infrastructure for new wind farms at Walkaway and Emu Downs (\$9.051 million); and
- Other transmission works (\$459,000).

Department of Sport and Recreation

- Contribution towards the extension of the Waggrakine Primary School Oval to AFL standard (\$6,224 from the Community Sporting and Recreation Facilities Fund).

- (b) Capital Works expenditure totalling \$43.680 million was allocated to the electorate of Murchison-Eyre in the 2005-06 Budget. Details are as follows:

Department of Agriculture and Food

- Completion of works on the South Boulder Quarantine Inspection Yard (\$700,000).

Commissioner of Main Roads

- Reconstruction of the Eyre Highway from Caiguna East to Balladonia (\$19.4 million);
- Construction and sealing of the Goldfields Highway from Wiluna to Meekatharra (\$5.3 million); and
- Improvements to the formation of, and gravel, on the Great Central Road (Outback Highway) from Laverton to Docker River (\$551,000).

Department of Health

- Completion of the replacement Warburton Clinic (\$3.130 million).

Department of Justice

- Continuation of works at the Eastern Goldfields Regional Prison (\$2.450 million).

Western Australia Police

- Continuation of works on the new police stations at Warakurna and Warburton as part of the Government's response to the Gordon Inquiry (\$3.881 million);
- Completion of new police station at Newman (\$964,000);
- Completion of the new Laverton Police Station (\$153,000); and
- Commencement of works on a new police station for Leonora (\$225,000).

The National Trust of Australia (Western Australia)

- Restoration works to heritage listed properties in the local area (\$495,000).

Water Corporation

- Continuation of works to improve the water supply in Mt Magnet and Meekatharra (\$2.250 million);
- Commencement of works associated with the Kambalda Water and Wastewater normalisation (\$2.232 million); and
- Commencement of the upgrade of the main conduit pumps station in Koorarawaly (\$593,000).

Western Power

- Interconnection works in the region (\$60,000).

Department of Sport and Recreation

- Contribution towards the construction of a multipurpose community and recreation centre in Kambalda West (\$1.0 million from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the upgrade of the town oval in Gascoyne Junction (\$80,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the development of a toddlers pool area at the Mt Magnet pool (\$67,200 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the installation of a synthetic bowling green at the Laverton Sports Club (\$20,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the construction of a fully reticulated grassed playing field in Menzies (\$66,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the upgrade of the Goldfields Tennis Club in Kalgoorlie (\$30,951 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards the construction of a BMX track at Lions Park in Meekatharra (\$10,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards resurfacing four outdoor netball and basketball courts at the Yilgarn recreation complex (\$16,712 from the Community Sporting and Recreation Facilities Fund); and
- Contribution towards the construction of 18 new golf tees at the Southern Cross Golf Club (\$5,918 from the Community Sporting and Recreation Facilities Fund).

- (c) Capital Works expenditure totalling \$13.136 million was allocated to the electorate of Stirling in the 2005-06 Budget. Details are as follows:

Albany Port Authority

- Acquisition of land (\$2.0 million).

Commissioner of Main Roads

- Installation of audible edgelines on Albany Highway from Cranbrook to Albany (\$500,000).

Department of Education and Training

- Commencement of the construction of a replacement primary school in Mount Barker (\$700,000).

Department of Health

- Planning and upgrade of the Denmark Multi-Purpose Centre (\$250,000).

Water Corporation

- Albany borefield rationalisation (\$2.119 million);
- Commencement of an infill sewerage program (\$6.304 million); and
- Other general works in the area (\$1.080 million).

Wester Power

- General transmission works in the local area (\$37,000).

Department of Sport and Recreation

- Contribution towards the construction of a skate park at McLean Reserve in Denmark (\$40,000 from the Community Sporting and Recreation Facilities Fund);

- Contribution towards the extension of the clubrooms at Ocean Beach (\$20,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards resurfacing four hard courts with synthetic surface at the Denmark Country Club (\$25,000 from the Community Sporting and Recreation Facilities Fund);
- Contribution towards resurfacing of the Mount Barker public swimming pool (\$42,833 from the Community Sporting and Recreation Facilities Fund); and
- Contribution towards the construction of 1,000-yard range, target shed and an extension to the clubhouse, including ablutions, at the Mount Barker Rifle Club (\$18,158 from the Community Sporting and Recreation Facilities Fund).

(d) Capital Works expenditure totalling \$63.040 million was allocated to the electorate of Wanneroo in the 2005-06 Budget. Details are as follows:

Department of Education and Training

- Completion of a new primary school in Two Rocks (\$5.5 million);
- Additions and improvements to Wanneroo Senior High School (\$1.0 million); and
- Commencement of the construction of new primary schools in East Butler and Neerabup (\$1.0 million each).

Fire and Emergency Services Authority of Western Australia

- Commencement of the construction of the new Eglinton Fire Station (\$400,000).

Western Australia Police

- Continuation of the construction of the Wanneroo Police Station (\$2.642 million).

Water Corporation

- Continuation of works at the Beenup wastewater treatment plant in the northern suburbs (\$14.001 million);
- Establishment of the Alkimos wastewater treatment plant (\$18.7 million);
- Commencement of works on the Carabooda Reservoir (\$700,000);
- Infill sewerage program works in the north metropolitan area (\$5.831 million); and
- Work on a wastewater treatment plant servicing Two Rock and Yanchep (\$100,000).

Western Power

- Replacement power poles (\$2.283 million);
- Continuation of the installation of a third transformer for the Landsdale substation (\$1.397 million);
- Purchase of land and line easement at Neerabup (\$1.988 million);
- Commencement of works on the Wanneroo-Pinjar line (\$1.504 million);
- Works at the Pinjar Power Station (\$900,000); and
- Other transmission works in the local area (\$2.092 million).

Department of Sport and Recreation

- Contribution towards the construction of a sound barrier behind the 100 metre firing line for the Perth Lever Action Rifle Club at the Wanneroo Shooting complex (\$1,572 from the Community Sporting and Recreation Facilities Fund).

Department for Planning and Infrastructure

- Commencement of the Wanneroo Revitalisation project (\$2.0 million).