

Legislative Council

Thursday, 24 September 2009

THE PRESIDENT (**Hon Barry House**) took the chair at 11.00 am, and read prayers.

TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2008

Assent

Message from the Lieutenant Governor and Deputy of the Governor received and read notifying assent to the bill.

METROPOLITAN REGION SCHEME AMENDMENT 1114/33 — JANDAKOT STRUCTURE PLAN, CELL 1 — MANDOGALUP

Statement by Minister for Child Protection

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [11.03 am]: I present today for tabling metropolitan region scheme amendment 1114/33, as modified, which will transfer approximately 18 hectares of land zoned rural in the metropolitan region scheme to the urban deferred zone. The amendment is a modified and reduced version of an earlier proposed amendment for the same locality, which covered approximately 352 hectares. The subject land is part of a larger area of land located west of the Jandakot water mound recommended in the Jandakot structure plan of August 2007 as being suitable for development over the longer term. The amendment area is to the east of the Kwinana Alcoa site. A buffer area for the Alcoa site is still subject to consideration and therefore this amendment proposes an urban deferred zone rather than an urban zone for the subject land.

The urban deferred zone is a zone which indicates an area is suitable for urban development, including residential, in principle, but there are significant planning issues requiring resolution before the land can be transferred from the urban deferred zone to the urban zone. In the case of this amendment, the issues requiring resolution are the finalisation of the Kwinana air quality buffer and finalisation of a state government level urban water management strategy. When the Kwinana air quality buffer is finalised, land not affected can be transferred to the urban zone, while affected land will remain in the urban deferred zone.

In accordance with the statutory provisions for amendments to the metropolitan region scheme, the original larger version of the amendment was advertised for three months. Twenty-four submissions were received on the original amendment—11 in support, six objecting and seven containing neutral information or comments. Alcoa objected to the original amendment due to concern about residential development occurring in the area before all issues are resolved and the possibility of health and amenity effects on the future residents. To address Alcoa's concerns, a modified and reduced version of the amendment is proposed and the land is proposed to be zoned to urban deferred. Furthermore, in order to ensure that Alcoa's concerns are properly addressed at such times as applications for transfer of land to the urban zone at Mandogalup occur, the following directive to the Western Australian Planning Commission under section 17 of the Planning and Development Act 2005 is applied —

No decision to transfer land in the Mandogalup locality from the Rural or Urban Deferred zone to the Urban zone is to be made without the approval of Cabinet and the Minister responsible at the time for the Metropolitan Region Scheme and amendments or changes proposed to be made to it. No such decision will be made until the Kwinana Air Quality Buffer has been finalised, clearly indicating what land is within a buffer and should remain in the Rural or Urban Deferred zone and what land is outside a buffer area and therefore could be transferred to the Urban zone, subject to whatever other planning circumstances may apply to the site at the time.

Advice of this requirement has been included in a statement added to the report on submissions for the original amendment previously adopted by the WAPC. The report on submissions as adopted by the WAPC remains unaltered, but the modifications approved by the Minister for Planning and cabinet, and the above requirement will be included in a statement added to the report on submissions. Further, the section 17 directive will be laid before each house of Parliament as required by the Planning and Development Act.

I now table the documentation for metropolitan region scheme amendment 1114/33, as modified and I commend it to the house.

[See papers 1314-1315.]

Consideration of the statement made an order of the day for the next sitting, on motion by **Hon Ed Dermer**.

WEST COAST ROCK LOBSTER FISHERY — MANAGEMENT ARRANGEMENTS 2009-10 SEASON*Statement by Minister for Fisheries*

HON NORMAN MOORE (Mining and Pastoral — Minister for Fisheries) [11.08 am]: I have today announced new management arrangements for the commercial west coast rock lobster fishery for the 2009-10 fishing season. The arrangements include reductions in pot usage, restrictions on days when fishing is allowed and minimum and maximum size changes, and are intended to achieve an overall catch of 5 500 tonnes. However, I recognise that under the fishery's current input-based management system, it is extremely difficult to manage an exact catch figure. The catch range around this season's target is likely to range between 4 950 and 6 050 tonnes. The catch target has been set to protect the sustainability of the western rock lobster fishery, smooth the catch and reduce the economic impact of the record low puerulus count in the past three years. Poor puerulus settlement in recent years means that the number of lobsters available to the fishery is expected to be significantly reduced in seasons 2010-11 and 2011-12. By setting a target of 5 500 tonnes in 2009-10, it should be possible to maintain a similar catch in the 2010-11 and 2011-12 seasons.

As well as ensuring that there is a more consistent catch over the next few years, it is also important to improve the economic return from the available catch. To assist this, separate catch targets and likely ranges will apply to the three fishing zones and for the first and second halves of the season. The catch will be monitored on a weekly basis during the season with a formal review scheduled for January 2010. If the catch level in any of the zones differs significantly, or looks like it will differ significantly from its target, adaptive management action may need to be taken. Any action will focus on varying the number of days available for fishing in a particular zone to ensure the catch targets are achieved. This approach of varying days fished, rather than unit values, reflects feedback from fishers.

A set of business rules is under development to help guide how such adjustments should be decided. The rules will be made available to industry before the start of the season. In developing these management arrangements, I have considered advice from the Western Rock Lobster Council, the Rock Lobster Industry Advisory Committee and the Department of Fisheries. I have listened to industry's views and believe that this new management package balances the sustainability and economic objectives, at the same time as providing a practical operating environment for fishers and processors.

Consideration of the statement made an order of the day for the next sitting, on motion by **Hon Ed Dermer**.

PAPERS TABLED

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

JOINT STANDING COMMITTEE ON AUDIT — ESTABLISHMENT*Notice of Motion*

Hon Norman Moore (Leader of the House) gave notice that at the next sitting of the house he would move —

- (1) That pursuant to section 43 of the Auditor General Act 2006 —
 - (a) a Joint Standing Committee on Audit be established, comprising four members (including the Chairman) of the Legislative Council Standing Committee on Estimates and Financial Operations and four members of the Legislative Assembly Public Accounts Committee, two of whom from each house support the government.
 - (b) the Chairman of the Standing Committee on Estimates and Financial Operations be the Chairman of the joint standing committee; and
 - (c) the standing orders of the Legislative Council relating to standing committees be followed as far as they can be applied.
- (2) That the Legislative Assembly be invited to pass a similar resolution.

CHILD DEATH REVIEW — IMPLEMENTATION OF RECOMMENDATIONS*Motion*

Resumed from 23 September on the following motion moved by Hon Sue Ellery (Leader of the Opposition) —

That this house notes the recommendations of the "Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present" report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the house on the implementation of those recommendations.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [11.17 am]: As I have completed my introductory remarks, I will get to the heart of this motion. Yesterday I referred to how important it is to have collaboration between departments in a small community such as Halls Creek. Collaboration

between departments is only as good as are the chief executive officers in the community. On a visit to a small community one might find that everything is working well. However, on a return visit one might find that the CEO has moved on and the community has gone backwards. The same applies to community workers who work in remote communities. Unfortunately, some community workers go to remote areas for only six months and are then transferred to another area. Some community workers stay longer, but generally the time that they have in those areas is limited, and that is unfortunate. It is hoped that housing and office accommodation can be improved to encourage community workers to remain in the area with confidence for a couple of years.

Regional interagency groups ensure coordinated responses to problems experienced. The development of strong interagency relationships is absolutely critical to the work of child protection. The implementation of a comprehensive people development framework targets the competency in identifying and responding to child abuse and in assessing risk in a child-focused manner. Eighty case managers across the state have been trained as practice leaders. Members might wonder why we have to keep on implementing programs and appointing practice leaders. I will take members back in history. One of the most extraordinary headlines I have seen was on the front page of the newspaper in 2006. It was at the time that I was forcing through changes to the Department for Community Development. The front page of the newspaper was blank, apart from a few words which, in effect, said "In memory of all the children who have died." I am not sure whether it concluded with the words, "whilst being known to the department". Nevertheless, it was an extraordinary step for a Western Australian newspaper to take. Everyone who read *The West Australian* that morning became aware of what was happening at the Department for Community Development. They were aware of it because I was coming into this place and driving everyone crazy, just as I am now, by saying what was wrong. However, I am now pleased to come here as Minister for Child Protection and tell members about the good we are doing and the reforms that the government is putting through. Some of those reforms had already begun when Hon Sue Ellery took over as Minister for Child Protection, so she did not have as torrid a time as her predecessor, Hon Sheila McHale, and the then director general of the department, Jane Brazier; nor would she have wanted to.

An article in *The West Australian* on 1 September 2006 was titled "Why won't you protect the children, Premier?" The subheading for that article was, "What DCD staff told the watchdog". These are all front page stories in *The West Australian* of that time, and they were all the result of my research and the research team that worked with me. Another headline in *The West Australian* of 15 September 2006 ran, "Child death probes controlled by DCD". The director general was allowing only child deaths that she thought should be probed to go forward to the Child Death Review Committee; there was that degree of secrecy. Another headline from *The West Australian*, on 13 November 2006, ran, "Child abuse must be reported". On 9 January 2007 there were further headlines about child care in *The West Australian*. Another article from the same newspaper appeared on 8 March 2007 and was headed, "Premier backs down on child sex abuse". The Premier had stood firm and said that we did not need mandatory reporting in Western Australia. However, my colleague Hon Barbara Scott and I were particularly forceful in that area, and the government backed down. Before the end of this term of government, I will hopefully bring forward legislation providing for all forms of abuse to be reported.

We can see what neglect does to children. If neglect goes unreported, those children will not have much of a chance in life. Yet another headline from *The West Australian* of 31 August 2006 ran, "Wade Scale report to stay secret". The Labor Party would not release that report. The final nail in the coffin came after the Department for Community Development had received 12 terrible reports—one bad report too many; Hon Sheila McHale was quietly moved aside to another portfolio, and the director general, Jane Brazier, resigned. I make no apology for that. I knew what was wrong with that department; I investigated it and brought it to the surface. When Hon Sue Ellery took over the portfolio—I think Hon David Templeman was her predecessor—the reforms began. The department was split in two, which was something that I had been calling for for a long time. Prudence Ford then released the report that I spoke about earlier.

We now have the necessary people development framework in place; it targets the development of staff competence. Staff competence is very necessary in child protection work because it is very difficult work to undertake. I was a child protection officer, and I know how hard they work. When I say that the old DCD had a culture of fear and intimidation, I always say that it was the management that was not working. As members know, when management does not work properly, it flows down so that nobody knows what they are doing. That was the pity of that department; there were some very good workers in the department, but they were not being recognised because of very poor management and a minister who was not across the portfolio.

I am pleased to report the implementation of a new electronic case information management system. The old CCSS system will be phased out. Under the old system, a person walked through the door of the department and his details were taken down and put onto the computer system so that the department could track the client, and any department could log on to the system to see where around the state the client had lived. The new IT system is called ASSIST and it is ongoing. It will result in more effective recording and use of child protection information and electronic case files. It will replace the old system and make it much easier for caseworkers to follow up on clients. Phase 3 of ASSIST will come on stream from 30 November 2009, which will result in

better case recording, planning and management capabilities. For example, if a client has a transient lifestyle and moves from Broome to Perth to Albany, the new system will be able to track the client's movements and provide instant information on why the client visited the department in Broome, Albany, Halls Creek or wherever.

The department is working with the commonwealth Department of Families, Housing, Community Services and Indigenous Affairs and with Centrelink for voluntary and involuntary income management. The commonwealth government has contributed \$7 million to establish a family and domestic violence hub in the east Kimberley. Local district memoranda of understanding have been developed with drug and alcohol services in 15 of 17 sites. Since March 2009, senior officers of the Department for Child Protection have been co-located with police to provide better coordinated responses to domestic violence episodes. The roll-out of this measure is continuing, with nine regional sites to be included by the end of 2009. That measure will provide more social workers for police stations.

Another key action to better engage with Aboriginal families in preventive services is the expanded recruitment of Aboriginal staff. In addition, Aboriginal practice leader positions are located in districts to ensure that services, including risk assessments and case planning, are appropriate for and accessible to Aboriginal children and their families.

The child first interview team has been established to provide multi-agency child protection assessment and forensic interviewing services. I looked at the child first interview centre, which has new premises. While I was there, a female and two male police officers came in carrying Coles bags. One of the police officers said, "These are pyjamas for the kids". I asked him to explain that a bit further, and he took me out the back. For every child who comes into crisis care, McDonald's has donated a bag with a teddy bear in it. The police have a whip-round every month to buy pyjamas and toothbrushes to include in the bag with the teddy bear, so that every child who comes into crisis care can come in at any time of the night and will at least have their own pyjamas, toothbrush, toothpaste and a teddy bear to cuddle. I thought that was just so wonderful. The program is never reported in the papers, but it is such a good story. The police are providing for the kids out of their own pockets, and I thank them from the bottom of my heart for doing that for our children in care. The delivery of psychological services to rural communities through the use of videoconferencing is being trialled. There has been progressive recruitment of community child protection workers in remote areas to engage and work specifically with vulnerable communities and families to help them identify and address local concerns. The structure and delivery of staff in case supervision have been improved with the location of senior practice development officers and senior care for children officers in each departmental district.

Mandatory reporting of child sexual abuse by teachers, doctors, nurses, midwives and police officers commenced on 1 January and it certainly is working very well. The Department for Child Protection received \$43.9 million—\$68 million over four years—of funding for that and there has been a 23 per cent increase in child protection notifications and a 78 per cent increase in child sexual abuse notifications in the period 1 January 2009 to 30 June 2009 when compared with the corresponding period last year. Teachers, doctors and police in the main are putting in the main reports under mandatory reporting.

Commencing in July, the department convened the Interagency Child Safety Directors' Group, chaired by the director general, which focuses on the delivery of appropriate services to vulnerable children and their families, including children who are in the chief executive officer's care. The group was established as part of the child protection reform agenda to improve the way that state government agencies work together in providing these services.

I established the Ministerial Advisory Council on Child Protection in March 2009 and asked Hon Peter Foss, QC, to chair it. Peter has a very good grip on social issues and he is eminently qualified to chair such a group. The council comprises representatives from four advisory committees within the child protection portfolio and three expert representatives. The role of the council includes providing me with expert advice on child protection policies and practices in Western Australia. I have also asked the council to identify current and emerging child protection issues that impact on children and young people in care and their families.

Following extensive consultation, the Department for Child Protection launched the responsible parenting initiative, which I have spoken about. I have also spoken about the ParentSupport and Best Beginnings programs, and the department has introduced a system of responsible parenting agreements and responsible parenting orders. The Department for Child Protection has facilitated information sharing between agencies and that is critically important to our work.

A critical aspect of child protection is the Signs of Safety framework that we are using. Because ministers do not often get a chance to talk about the good work their departments are doing, and I will explain what Signs of Safety is about, I have decided to take the house through it. One of the biggest problems in child protection that has been identified in many child death inquiries is the Tower of Babel problem; that is, in simple terms, everyone is speaking a different language. Recently in England, a child known as Baby P died. All the agencies knew about Baby P and they all had files on the child, but they were not talking to each other about the child—

each little department worked in silos. We cannot really have that in child protection work; all agencies must talk to each other about children that come to their attention. The Signs of Safety framework is designed to create a shared focus amongst all stakeholders in child protection, both professional and family. It is designed to help everyone link their way into and through the case from the biggest person, such as someone like the director general, a judge or child psychologist, to the smallest and probably the most important person, the child in the family.

The Signs of Safety framework is a Western Australian designed system that is used all over the world. It was created and developed by Andrew Turnell and Steve Edwards in the 1990s in collaboration with more than 150 Western Australian child protection workers. Signs of Safety is now used in the United States, Canada, the United Kingdom, Sweden, Finland, Denmark, the Netherlands, New Zealand and Japan. Not many people in this place would realise that this world-class child protection system that is being used all over the world has just been implemented in Western Australia, although parts of it have been used since 1990. However, there is now a whole integrated focus to put Signs of Safety into the department.

The impetus to create Signs of Safety arose from Steve Edwards' experience of 16 years as a front-line child protection practitioner working in the north west of Western Australia. Edwards was very dissatisfied with most of the models and theories around at that time. After 16 years of front-line practice, Edwards felt that most of the guidance and policy did not quite match with what he had learnt at university and in training. As I said, there is a lot of theory in child protection, but putting that theory into practice is very hard for practitioners. It had very little correspondence with his experience of actually doing child protection work, undertaking investigations, deciding when and how to remove children, working with wards of the state and dealing with angry parents. As a result, throughout his child protection career Edwards sought new ideas that might better describe his experience in practice. He arrived at five disciplines.

The first is the need for a clear and rigorous understanding of the distinction between past harm, future danger and complicating factors. We take that into consideration in the case of each child. A clear and rigorous distinction needs to be made between strength and protection, based on the working definition that "safety" is regarded as strength demonstrated as protection. Therefore, if a child is surrounded by strength in that the people around that child, who sits in the middle, have strength, then the child is safe. All statements are to be rendered in straightforward rather than professionalised language that can be readily understood by service recipients. That is so important, and sometimes we experience that other language when we go to a specialist who sits there and talks way above our heads. If only people would put things into simple language!

The Signs of Safety framework is based on understanding that parents and children are the most crucial people to think themselves into and through the situation and that the best chance of change arises when people actually understand what is being said and everyone understands each other. Therefore, the communication tool in the Signs of Safety program is very important. As much as possible, all statements should focus on specific observable behaviours, such as: Mary is not taking prescribed medication or attending appointments with the psychiatrist. Statements should avoid meaning laden, judgement-loaded terms such as: she is controlling; he is in denial; she is an alcoholic. Hon Sue Ellery would probably admit that a lot of what comes to us as ministers is judgement based instead of being factually based. I think that if we can get that out of the practice and look at the actual factual basis of what we see in front of us, child protection workers will be a lot better off and so will the people whom they are dealing with.

Hon Sue Ellery: I found that that did not actually come so much from the workers. It was the people caught up in the system who tended to use that emotive language. I have to say that I did not see so much of that emotive and subjective language from the workers themselves. It tended to come more from the parents who did not have access.

Hon ROBYN McSWEENEY: Yes. The Leader of the Opposition is correct. However, I have seen judgements being made by perhaps inexperienced workers, who once they are trained in this work will go back to making judgements on a factual basis. Certainly, child protection has been used, and probably always will be used, by one parent against another. I used to find when I was working in this area that the mother would make an allegation against the father, and the father would retaliate by making sure that he also had an allegation on record at child protection so that they both had something on paper that they could take to court.

Another important discipline is the skilful use of authority. Mapping or assessing child protection cases together with family members almost always involves some level of coercion, so the authority needs to be exercised skilfully. In both of the cases that the assessment example has drawn from, each worker offered the mother a choice between working with the mother on the assessment, or having the worker do that work with her supervisor back at the office. This is a concrete demonstration of the skilful use of authority that is necessary in using Signs of Safety. That skilful use of authority needs to be taught. However, it is not something that can be learnt in five minutes. People need to do the practice and keep doing the practice.

Another important discipline is to maintain the underlying assumption that the assessment is a work in progress rather than a definite set piece. Signs of Safety always seeks to create assessments that are drawn from a professional stance of inquiry and from humility about what the professionals think they know, rather than a paternalistic professional stance that asserts “this is the way it is”. This will be an important part of the transition from the child safety assessment framework that is used now to the Signs of Safety framework. This will provide the basis for a consistent and evidence-based child protection framework. However, the same underlying concerns about the safety structure will still exist, because we are dealing with people and the problems that people have. That will be underpinned by the Signs of Safety assessment and planning framework.

The new Signs of Safety framework will enable practitioners to interpret the critical indicators less defensively, and will provide them with analytical and practice skills. It is the case that sometimes child protection work becomes very defensive. Sometimes people do not like the way that the child protection officer is working with the family, and the family will retaliate and be very defensive. A considerable body of research indicates that many children and young people caught up in the child protection system feel that they are pawns in big people’s games and they have little to say or contribute to what happens to them.

I always try to put myself in the situation of these children. One minute they are at home, the only place they know, and the next they are sitting on a chair in a room that is probably set up in a very friendly way, but it is not their home. These children need to be sat down and told what is happening. It may well be the case that these children need to be involved with Signs of Safety, but when children are in a crisis situation and they are taken away from their home in the middle of the night, it is very hard for them. It is also very hard for children who are taken from one home to another home in a care situation. They have new beds and new rules—everything is new. Some kids leave one set of care with hardly anything. Hopefully that will be phased out by the measures that I am taking, but it is a harsh reality in the care system that sometimes placements break down. I intend to introduce special guardianship orders to deal with this issue. I will probably be one of the first ministers in Australia to do that. Those orders are based on the United Kingdom model. They will give children a chance at a permanent placement. That is a good thing, and I will be talking about that more when I get that legislation in place. I have already spoken to about 90 social workers. I was on my feet for an hour and a half. We had a very good discussion about what that will mean legislation-wise, and what it will mean for children and for parents and foster carers. It is a very good system.

One tool that is used when child protection workers sit down with children and talk to them is the three houses tool. That tool was developed in Western Australia by Sonja Parker, a child protection worker-social worker at Princess Margaret Hospital. She developed this tool when she was working with an eight-year-old girl by the name of Tia who had been brought into the hospital by her grandparents. The tool is extremely effective. It uses three houses: the house of worries, the house of good things and the house of dreams. The workers sit down with the child, and wherever possible with the parents or carers of the child, and they explain the three houses process and obtain their permission to use that process on the child. The three houses are explained to the child by using one sheet of paper for each of the three houses. They start with the house of worries. That is particularly the case if the child is anxious or uncertain. When the workers have finished with the drawings of the three houses, they obtain permission from the child to show those drawings to parents, extended family and professionals. The house of worries may include things such as mum’s health—she is in hospital, or she has mental problems and she looks in the mirror a lot and cries a lot; or someone who was drunk came to the house and smashed the windows. The interviewer can then get a real picture of what the child has worries about. The house of good things may include things such as mum used to cook for me, and I like mum’s cooking; or I like staying with my nanna because I have fun with my nanna. The house of wishes and dreams may include things such as I want to have a happy family; I want people not to come in and steal our things; or I want my dad not to have to go to jail any more. That tool, which as I have said was developed in Western Australia, is very simple, but it is very effective because it helps the workers to build up a picture with the child without the child being aware of what they are doing. With this tool, Aboriginal children—or any child who likes words and pictures— can draw what is happening to them. One of the characters is a good fairy, which I cannot find at the moment, but all these things are used to work out what is going on in a child’s life. In my day, I remember using anatomical dolls. A three-year-old will play with dolls, but when I think back, I did not have sufficient training to sit with a child and use anatomical dolls. They do not use them now because practice has moved on. They may in some cases, but certainly it has moved on since then.

As I said, the purpose of this plan is to help practitioners and children. It is a holistic view. I know that Hon Sue Ellery, the former minister, was starting to bring it into the department. It is absolutely fabulous that this plan comes from Western Australia.

I talked yesterday about the health of children up north being improved, and referred to our Best Beginnings program. I will refer to what the department is doing with health assessment and plans for children in care. This is being effectively addressed through a joint pilot program between the Department for Child Protection and the Department of Health. The Department of Health continues to convey in-principle support for the statewide

rollout of the health care plan for children in care project. Community health services prioritise at-risk groups. Children in care are among the most vulnerable children in our community. In England, all children in care are prioritised. That is what I would like to see in the areas of health and education, and I am working towards that. I think our children in care need to have priority.

The Department for Child Protection and Department of Health are currently collaborating on a six-month pilot program to improve health outcomes for children in our care. It commenced on 28 April in the districts of Fremantle, great southern, Midland and the Pilbara. The pilot comprises four key components addressing the physical, mental, dental and developmental health for children in care; these are as follows —

Medical review upon entry to care. For children not requiring a specialist medical service ... a standardised medical examination will be conducted within 10 working days.

Mental health screening. The Strengths and Difficulties Questionnaire ... mental health screening tool is to be administered for all children entering care, with results used to inform the care planning process and facilitate any necessary referrals, such as to Child and Adolescent Mental Health Services.

Dental health screening. As a safety net measure, school-age children are automatically enrolled in School Dental Services as part of the care planning process. A prioritised referral pathway for children in care under school-age requiring dental treatment has also been developed with Dental Health Services.

Community health nurse assessments. All children in care are referred to community health nurses (either following a medical examination for children new to care or as part of a child's annual care plan review for children already in care). The Department of Health has undertaken to action referrals from the Department for Child Protection within 15 working days. Age-appropriate health and developmental assessments are conducted by child health or school nurses, with assessment reports and referrals to be provided to Department for Child Protection Case Managers and carers. The reports, including any appropriate recommendations/referrals, form the basis of the health dimension of each child's overall care plan.

A joint Department for Child Protection and Department of Health implementation committee is overseeing the operation of the pilot and a memorandum of understanding formalising the collaborative intentions of both departments have been signed.

That is a really good news story on something I have implemented. Within 10 days of coming into care all children will have their health checked so that we can pick issues up at the start when they come into care, whether it is hearing, eyesight, mental health problems and other health issues that may not have been picked up in their short lives.

The Department of Health and my department have jointly created an evaluation framework for the project. The evaluation will determine the effectiveness of the healthcare planning project in addressing the unmet health needs of children in care and evaluate the direct effect of the project in terms of staff workloads, and attitudes and satisfaction with the new framework and care pathways and barriers to enable us to do a statewide rollout. I would appreciate a statewide rollout, and that is something I am working towards.

As at 28 August, 93 children in care had been referred for a community health nurse assessment. Of those, 36 were in the Midland district, 27 in the Pilbara, 16 in the great southern, and 14 in the Fremantle district, so work is continuing. The feedback I have to date is that those health checks are picking up, identifying and addressing the health needs of children who have been involved in that pilot program.

I will move from state programs into federal government programs. I refer to the report titled "Overcoming Indigenous Disadvantage Key Indicators 2009" that was tabled at COAG in July 2009. This also fits in with the recommendations of the Child Death Review Committee. The report reads —

The important COAG target of 'Life expectancy' is clearly linked to the 'Young child mortality' target and the 'Disability and chronic disease' headline indicator. In turn, these outcomes will be influenced by outcomes such as 'Birthweight' and 'Injury and preventable disease' in the 'Early childhood development' strategic area for action, and 'Obesity and nutrition' and 'Tobacco consumption and harm' in the 'Healthy lives' strategic area.

The report continues —

Analysis of the 'things that work', together with wide consultation with Indigenous people and governments, identified the following 'success factors':

- cooperative approaches between Indigenous people and government—often with the non-profit and private sectors as well —

This goes back to the Halls Creek approach —

- community involvement in program design and decision-making—a ‘bottom-up’ rather than ‘top-down’ approach —

Which we all recognise —

- good governance—at organisation, community and government levels
- ongoing government support—including human, financial and physical resources.

The lack of these factors often contribute to program failures.

I mentioned yesterday that we cannot go in and rebadge an old program and expect it to work because it will still have the same ingredients for failure that it had previously.

COAG’s strategic areas for action in the “Early child development” area include maternal health, teenage birth rate, birth weight, early childhood hospitalisations, injury and preventable disease, basic skills for life and learning and hearing impediments. In the area of “education and training” they are school enrolment and attendance, teacher quality, Indigenous cultural studies, year 9 attainment, year 10 attainment and transition from school to work. In the area of “Healthy lives”, they are access to primary health, potentially preventable hospitalisations, avoidable mortality, tobacco consumption and harm, and obesity and nutrition. Obesity and nutrition are particularly important for Aboriginal children. Areas for actions are tooth decay, mental health, suicide and self-harm. There have been many suicides in the Aboriginal communities, which is absolutely devastating for them. I went down to Narrogin and spoke to the Aboriginal reference group there and found \$50 000 from the Department for Communities’ budget so that the clinical psychologist could stay down there for a bit longer. That money was to go towards helping—I think the health department put money in as well—Aboriginal people to visit the homes of the bereaved so that they can give them some love and attention and provide support.

Hon Alison Xamon: I know how young a lot of those Aboriginal children are and I think it is something we should all pay a great deal of attention to.

Hon ROBYN McSWEENEY: I think so too. It is an absolute tragedy. The Gordon inquiry first started because that beautiful little girl Susan Taylor was found hanged on the fence of an Aboriginal community.

Hon Alison Xamon: We are talking about eight-year-olds attempting suicide.

Hon ROBYN McSWEENEY: It is very hard for us to understand because we cannot put ourselves in the shoes of an Aboriginal person. The thought of eight-year-olds attempting suicide absolutely breaks my heart. We cannot imagine it when we know our own eight-year-olds are playing with dolls, going to school and probably driving their parents a little crazy if they are boys and being very boisterous. It is very hard to understand. Each and every one of us has a duty to take an interest in and see whether we can indeed improve the lives of Aboriginal people. That includes me as the minister. I am reading out all this information and speaking about it so that everyone in here knows what I am doing and what the department is doing. There is no secrecy. If any member of this place or, indeed, of the community, has any ideas on improving any situation, I am always happy to hear from them with any suggestions.

Under economic participation are: labour market participation, full or part-time by sector and occupation, Indigenous-owned or controlled land and businesses, homeownership and income support. As members can see, a lot of these cross state boundaries. I said it was a federal government report, but the issues need to cross over and certainly do. Sometimes there is a bit of a blur between federal government money, state government money, local government money and royalties for regions money, even though that is state government money. Under home environment are: overcrowding in housing, rates of diseases associated with poor environmental health, access to clean water and functional sewerage and electricity services. Let us take the issue of access to clean water, functional sewerage and electricity services. They are just part and parcel of what we all take for granted. Certainly in those outer remote communities they do not take them for granted, because it is not there.

Safety and supportive communities is another area. Our government has inherited that but it is up to our government to work towards making change, which, unfortunately, is slow. Nevertheless, there will be change and there is. Under this area is participation in organised sport, arts or community group activities, access to traditional lands, alcohol consumption and harm, drug and substance use and harm, juvenile diversions and repeat offending. The next one is governance and leadership. Case studies in governance will be done and it covers governance capacity in skills and engagement of service delivery.

I think the federal government is on the right path. I work with minister Jenny Macklin on some issues. The Ford report is integral to the recommendations of the child death review, in which chronic neglect is present, and those reforms and the reforms that were put forward in that report are of the same substance. I thought I would see exactly what those reform projects are and where they are up to. Project 1 is with the Department of Housing and housing support. That is still underway. When it is completed, the respective roles of the Department for Child Protection and the Department of Housing will have been negotiated regarding the provision of housing

and tenancy support, and it will have facilitated the Department of Housing's role in supporting people in public housing tenancies who would become homeless should they be evicted. This is particularly important for the mutual clients the Department of Housing and the Department for Child Protection work with, who often experience transience and periods of homelessness. It is most unfortunate that in Western Australia more than 13 000 people are regarded as homeless. The National Affordable Housing Agreement that has just come in will go some way towards fixing that. Under that housing agreement Western Australia has to meet targets to receive the funding. Under the supported accommodation assistance program there were 137 programs, including women's refuges, and they will be funded. I have told the department that if something is working well, we will not reinvent the wheel; we will provide funding and perhaps put more money into it and provide the support. I am at present setting up a NAHA advisory group. I have asked Hon Kay Hallahan if she will chair it for 12 months. She chaired the Supported Accommodation Assistance Program State Advisory Committee, and I am very pleased that she has agreed to do that. I am in the process of appointing the other members.

I have spoken on project community engagement. With regard to the demand forecasting model, I have explained how the former Department for Community Development was not funded enough. It never had enough money; it was in absolute crisis, as I used to point out day after day. The morale of child protection workers was low. I think the Perth office had a complete change of staff within 12 months. For many years it struggled and was under-resourced. I know that Hon Sue Ellery fought hard to get funding for the new department, and I received an 8.7 per cent increase this year. If members think that was easy, I can tell them it was not.

I was determined that this department would remain funded on the demand model, and Treasury has agreed that funding will be met for the residential care programs that we are rolling out now. That funding is for programs to ensure that children can live in home accommodation. There will be four-bedroom houses with cottage parents, which is probably the easiest way to describe them, so that children can participate in normal family home behaviour. That is what I am trying to do. The old hostels for six to eight kids will no longer exist; they will be like family homes.

The resource allocation model refers to demand services. I have explained the child protection framework and the signs of safety. Consistent intake refers to when a client first comes into the department, meets with a social worker and the social worker takes down details. That is now called intake, and there will be a more effective and efficient intake within the department.

The casework practice manual has been revised and streamlined. I have with me a copy of the field worker guidelines on staff programs. The first part of the document refers to staff training. The issue of staff training and under-training of staff came up time and time again in the Child Death Review Committee and comes up in most of the reports. Training has been ramped up. There is training on the impact of trauma on children so that child protection workers can learn firsthand to develop skills and knowledge around working with children who have experienced trauma. Most children who come into care have been through some form of trauma, and I would say that just coming into care is a trauma in itself. Under the program heading "Working With People from CaLD Backgrounds", the document states —

To develop practices which are socially and culturally appropriate to people from culturally and linguistically diverse backgrounds.

I would suggest that there are many people who probably do not know much about our Aboriginal cultural history. That is one program that the department has rolled out very quickly. Under the program heading "Practical Skills for Court", the document states —

... field workers will have an opportunity to develop their skills in drafting an affidavit in less than 2 hours, —

That is part of the work of a child protection worker —

an application in 5 minutes, as well as more about their role when attending the Children's Court.

The first time a field worker goes to the Children's Court can be a pretty onerous task. Another program heading is "Identify and Respond to Children and Young People at Risk", which states that field workers must —

Identify factors contributing to the maltreatment of children, and the role of the Department in statutory interventions with families where abuse occurs.

There is a three-day program of core training for residential care workers. Another program is headed "Addicted Parenting". A lot of child protection workers have to work with addicted parents. The document states that it —

Provides an introduction to the complex areas of drug use and addictive behaviours (both drug and non-drug, such as gambling), with a focus on how the addictive patterns of a parent can impact on the quality of their parenting.

When I was a child protection worker, I was in the office by myself and a heroin addict who was very high came in and managed to shut me in my office. I had quite a torrid time sitting there talking to him and wondering whether he was going to hurt me. That is what field workers put up with all the time. Certainly one would hope they would not be sitting in an office by themselves. However, that happened in a country area, and when I was working there, I was the officer on duty. Quite often other workers would be out in their cars visiting another community and I was left there.

Another program heading is “Effective Writing and Recording Skills”. The department in most of the reports has referred to poor writing and insufficient and ineffective recording; that is, not recording a report properly. Another program heading is “Therapeutic Crisis Intervention”, which states —

5 day Crisis prevention and Management system for working with young people

Child protection workers work with a range of people and a range of ages, and certainly with many young people. Another program heading is “Orientation to Principles and Practices of Child Protection”. That is a five-day intensive program with other training packages around it. Another program heading is “Measuring Family Functioning”, which states —

An introduction to the Family Functioning Profile, a unique system designed to support a structured intervention process with hard to reach families in a variety of contexts.

There are families, unfortunately, that just will not engage with the department. That is very sad for the children in those families, because if families do not engage, their children are often taken into care.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Deputy Chairman of Committees (Hon Michael Mischin) in the chair.

*Standing Committee on Estimates and Financial Operations — Nineteenth Report —
“Follow-up to Report 12 Balga Works Program” — Motion*

Resumed from 10 September on the following motion by Hon Giz Watson —

That the report be noted.

Hon PETER COLLIER: I will pick up where I finished off. As I said previously, I think one of the biggest disappointments of the whole Balga Works fiasco was that the biggest culprit in the whole disaster has been let off scot-free; that is, Michael Carton. Having said that, the committee in its efforts forensically identified problems not only in the program, but also in the Department of Education and Training in dealing with a program such as Balga Works. The Balga Works program, in itself, potentially was a very good program. As I have said before, I feel that as a community we do not deal adequately with people who are disengaged from our education system. That is something that we really need to improve in the years ahead.

I will get back to the Balga Works program. When I was a member of the committee, I and other members of the committee were dissatisfied with the response from the Department of Education and Training. I felt that it was a fairly heartless response and did not give sufficient weight to the fact that the department in effect was largely responsible for the impact not only on the school, but also on the students and the former workers.

When I finished off my previous comments, I gave a commitment that I would check on what had happened to those former employees. The Director General of the Department of Education and Training came along with members of the department to a follow-up committee meeting, which resulted in the second report of the committee. I attended that follow-up committee meeting at which the director general showed, I thought, an admirable degree of contrition on the part of the department. She said that things could have been done better and that if there was any way that the department could assist the former employees, she would be willing to do so.

Since the last time this motion was debated in this place I have followed up on this issue. As a consequence of that second committee hearing every attempt has been made to try to find those former employees. I spoke to one of the former employees who has flown the flag on behalf of all the former employees. She has been dissatisfied with the progress that has been made to this stage. I can report that that former employee provided the names of as many former employees and students as she could. The department has tried to identify the former employees and students. Eleven letters were written to former employees asking them to provide commentary on their view of and attitude towards Balga Works, the impact that it has had on them and the support mechanisms that are available to them. Five of those 11 former employees took up the opportunity to meet with officers from the Department of Education and Training.

Hon Ken Travers: Did the letter invite them to have a meeting or just to make comment?

Hon PETER COLLIER: My understanding is that the letter invited them to have a meeting; but it is my understanding.

Hon Ken Travers: I was confused by the way you described it.

Hon PETER COLLIER: I understand that the letter offered them the opportunity to meet with departmental officers.

Hon Ken Travers: Or to provide written comments.

Hon PETER COLLIER: I cannot confirm that. All I know is that they were written to and asked to provide feedback. I am not sure whether that was to be in written form or by way of a meeting. All I know is that five responses were received and those five people met with the department. Those negotiations are continuing. I have developed quite a close bond and friendship with some of those former employees and I will continue to follow up on this issue. I will ascertain whether there are further issues; and, if so, I will ensure that they are identified and resolved.

The entire investigation into Balga Works was a very long, drawn-out process but it was definitely worthwhile. It identified some real problems with how, in some instances, the Department of Education and Training communicates and the accountability mechanisms within the department to carry out some of the school functions. It also became apparent to me, and I am sure to other members of the committee as well, that sufficient support mechanisms are not available for those people who are disengaged. If we were to put the program in a theoretical component, it would appear to be a program that would produce very productive and positive outcomes for those students who are among the most marginalised in our community. As for the actual Balga Works program, there are not too many positives. There are a lot of disenchanted and disaffected former employees, ranging from the principal to the former employees who were at the coalface, plus a number of students who have, basically, disappeared into the ether. I wonder what has happened to them, because they are the most marginalised within our community. It was a very sorry tale.

I am very thankful to the members of the committee: Hon Giz Watson, Hon Sheila Mills, Hon Helen Morton, Hon Ken Travers and Hon Brian Ellis. I think I have named all the members.

Hon Ken Travers: You substituted for Hon Anthony Fels.

Hon PETER COLLIER: That is correct. I was trying to think of the other member. Anyway I would like to thank all those members most sincerely. The investigation certainly identified problems within the department. I feel that the department has learnt from the experience. It did take it a little longer than members of the committee would have anticipated or preferred, but in the long run it has identified some shortfalls, not only in the support we provide for marginalised students but also in the accountability mechanisms for our schools running a program such as Balga Works.

Hon Ken Travers: Before you sit down, how many former employees were contacted?

Hon PETER COLLIER: I spoke with a former employee and asked her to provide me with as many names as she possibly could. I understand that the department contacted all those people whose names it had, and that was 11.

Hon Ken Travers: Eleven?

Hon PETER COLLIER: Yes. There is a real problem with communication. Most of the employees, as the member would be aware, were from Hurson Pty Ltd. I was as surprised as the member by the number. The department contacted all the employees they could possibly contact.

Hon Ken Travers: They were employees of Hurson and not those who were employed in accommodation or elsewhere in the program associated with Balga Works?

Hon PETER COLLIER: That is correct.

Hon Ken Travers: I thought there would have been more than 11 who would come forward.

Hon PETER COLLIER: I agree. I personally spoke to the director general about this and she said they are the only names that the department has. As I said, I also spoke to the former employee and she has been proactive from the word go to try to overcome the problems with Balga Works.

Hon Ken Travers: I suspect I know who you mean, but it is probably not appropriate to name them.

Hon PETER COLLIER: No; I would prefer not to. I speak to that former employee regularly, and I will continue to do so.

Hon KEN TRAVERS: I thank the minister for that update. I am glad that the Balga Works matters are continuing to be progressed. By way of the exchange at the end of the minister's contribution, I am surprised that only 11 people have come forward. I am not sure what we can do if the department says that it has made its best

endeavours and the person to whom the minister has been speaking has done the best she can. It adds a further perspective to how people can disappear, particularly when we consider the number of staff and students involved and that some of those students, because of their age, could still be in training somewhere.

I ask the minister to think about the experience of Balga Works and the proposal for independent state schools. How can some of the things that happened in Balga Works be prevented from happening under the independent state schools proposal? I thought about this the other day. Even though attempts had been made under the current system to keep checks and balances on the principal of Balga Senior High School, they were unsuccessful in controlling that principal. However, if Balga Senior High School had been an independent state school and the principal had had unfettered capacity to operate, what would have been the outcome? I would be interested to know whether the minister has any comments to make about that. I suspect that one of the arguments that will be put is that a school council would oversee the principal. Balga Works is instructive in this case, because it was evident that there was close collaboration between the principal and the parents and citizens association at Balga Works. I am trying to choose my words carefully. Even though we are protected by privilege I do not want to unfairly malign people who in some cases were motivated by the right reasons, but did the wrong thing. Therefore, I do not want to name those people in this place. The members of the P&C played a role in this issue and they were clearly part of the problems that occurred at Balga Works. They were instrumental and assisted in those problems. I ask the minister to comment on how the proposal for independent schools would work bearing in mind the experience of Balga Works.

Hon PETER COLLIER: I thought I got only one bite of the cherry!

There are two issues here. Firstly, there is the situation with Balga Senior High School. The former principal was a decorated principal. Let us make no bones about it—he was a very good principal. In fact, he was a former principal of the year. I feel that he was, to a degree, led by the nose by a fairly unscrupulous character in Michael Carton; there is no doubt about that. Members of the Standing Committee on Estimates and Financial Operations and those who have read the report will know that a conglomeration of circumstances arose to contribute to the debacle that occurred at Balga Senior High School. If anything, we have learned from that and, as we saw from the department's response, a lot of the processes have been tightened up.

That in itself seems like a contradiction when we are looking at independent public schools. I understand that there is a bit of disquiet in the State School Teachers' Union of WA about independent public schools. It is saying that it will create a two-tiered system and so on. I do not think it will, to be perfectly honest. Hon Ken Travers commented on the mechanisms for preventing what happened at Balga Senior High School occurring again. What occurred in that instance was an extraordinary set of circumstances, and I am very doubtful that it could occur again, but I am sure that that will not satisfy or placate Hon Ken Travers. We are looking at 30 pilot independent public schools. I actually did the policy for the independent public schools and I leaned very heavily on the mid-1990s policies of the former Minister for Education Hon Norman Moore. What was announced by the minister last week is a little more refined than the policy that the Liberal Party put to the public last September. We are trying to find a common medium so that we can give schools more autonomy. We will always have to have accountability mechanisms from the Department of Education and Training; there is no doubt about that whatsoever. However, schools have been calling out for more control over operating mechanisms, particularly in areas such as behaviour management, staffing, curriculum and curriculum development. That troika is exactly what will happen with the independent public schools.

These are pilot programs and they will be very closely monitored over the next 12 months; they will be rolled out during 2010. Ideally, they will be rolled out to more and more schools, so that the people who are responsible for what goes on in the classrooms are directly responsible for the classrooms at the coalface. This is a unique opportunity for schools to take ownership and to empower themselves to determine what goes on in the classrooms rather than be controlled by head office. When I was shadow Minister for Education and Training, I visited literally dozens or hundreds of schools over a three-year period. I spoke to principals' associations and the teachers' union. The teachers' union, to its credit, has always been consistent about this: it has not been supportive of more autonomy for schools. However, the principals and teachers I spoke to were supportive. They particularly wanted ownership of those three issues.

It may be that some things will slip through the cracks, and that is why the government is rolling this out in a measured fashion. Over the first 12-month period it will be introduced in 30 schools; it will then roll the program out to more schools. If a system is identified within what has been thus far established and we can take the program further, so be it. That will, of course, be for the Minister for Education to determine. She will consult with schools and the department to ensure that the roll-out has been successful in providing more flexible and innovative opportunities for our schools.

Hon KEN TRAVERS: I appreciate the minister's comments and I do not want to get into a debate about independent schools; that can be debated on another day. I suspect, given that the principal of Balga Senior High School was so heavily decorated and the school had undertaken some innovative programs in the past, that if that

structure were still in place today, Balga would have been one of the schools chosen as one of the new trial schools. The minister mentioned the three key elements of behaviour management, staffing and curriculum. If we go back to the early documents, that is exactly what Mr Hammond was trying to do. He was addressing issues about how to manage student behaviour across the board, including who was to be recruited into programs. In this case, behaviour management extended to providing off-site accommodation for them. In respect of staffing, in the very early years it was all about how to transfer full-time equivalent funding from the department into funding that could be used to employ Mr Carton. In this case, I will not choose my words carefully: Mr Carton was the ringleader of the crooks. He presented himself as a person who was interested in everybody else. Maybe we are being unfair on him, but he was clearly one of the key people who took the school down that path, which was about trying to engage the services of Mr Carton and his companies to deliver programs and a different curriculum, and to deliver them in a different way. It was also about employing people to come into the school to provide those programs. It is of concern when we think about what happened with the Balga Works program and the three areas mentioned by the minister. I hope, given the minister's knowledge of this area, that some protections for independent schools will result from the lessons of Balga Works. On a superficial level, I can sit here and look at what is proposed for independent schools and think that Mr Hammond would have loved the proposal. He would have been able to set up the Balga Works program from the very beginning as an independent school with a cooperative P&C or school board, as it would be re-termed. He would have been able to get the process up and running a lot earlier.

I am not convinced, but, as I said, I am not interested in having a broader debate today about whether this is a good or bad thing. Given the lessons of Balga Works, how will we make sure that some of the independent schools do not fall prey to the Mr Cartons in this world who offer these sorts of programs? How will we prevent a substantial repeat of what happened with Balga Works? The ultimate role of committees such as the Standing Committee on Estimates and Financial Operations is to identify problems and to put structures in place to make sure that the same problems do not happen again. Mistakes will happen and errors will occur; it is about trying to protect the state's finances and the state's children from such things in the future.

Hon HELEN MORTON: I want to add a couple of comments before the minister responds. I thought that this report was an interesting extension of the inquiry that we held into the Balga Works program.

One area that rang true for me throughout the Balga Works inquiry was the almost total inability of the Department of Education and Training to provide capacity for research and innovative creative ideas; it had no capability to provide that at the department level, the district level or down at the level of Balga Senior High School. I think a lot of the frustration that came through in the mechanisms used by the people on the ground was about not only trying to get around that incapability of the department, but also the objections and the things that were put in their way to stop them and obstruct them from trying to do anything different. I wonder whether, had the independent schools initiative been up and running, this program might have been a success. Nobody in our inquiry ever doubted the need for a program such as Balga Works to proceed. That program was identified and it was not a bad concept; the way in which it was implemented and some of the people involved in that implementation were the problem. I firmly believe that a lot of that problem stems from the incapability of the department to properly enable a school such as Balga Senior High School to implement a service that it needs and has a good idea of how to go about it. In trying to put the program together, the school had nothing but obstruction from the department and part way down the track, of course, the program ran into financial difficulty because money from the department was being held up and not progressed in a timely manner. Therefore, I wonder whether the school would have been more successful in getting sponsorship from other agencies that were interested in being involved in the program had it had more independence from the department in that process. I think that it might have happened more easily and that the program might still be operating or have been able to operate and come to fruition if it were operating in a more independent manner of the department.

Hon Ken Travers: I guess that if that is the case—I am not trying to be smart with this—and we accept that argument, one could argue when we are abusing Mr Carton in his role that what we are saying is that he actually was not a crook, for want of a better term. I guess the questions are: would the program have worked; and, was Mr Carton honourable or dishonourable in his intentions? I agree with the member's comments about the lack of innovation and the slowness of the department to move and respond to an innovative program. The other problem, as I see it, was that, once the program got underway, it grew like topsy.

Hon HELEN MORTON: If the program had been required to operate in a much more businesslike manner so that it was totally reliant on cash flow and financial management in a business sense at the school and if it did not have to rely on at least two other tiers of decision making before it could actually manage the funds, it may well have been forced to use more businesslike and viable financial arrangements. I think that discipline would have been brought into that arrangement had the program been operating with the independent schools approach.

Hon Ken Travers: If that were the case, would the member also accept that the skill set, again from the evidence we got, of the staff at the school would need to be significantly enhanced for that to work? Because,

again, I think that one of the problems we identified was the skill level of the staff doing that financial administration—no offence to them, it is just that they were not trained in it.

Hon HELEN MORTON: It might have been that they could have done less of the work with the red tape and bureaucracy that they had to maintain and they might have been able to focus their efforts in the local initiatives that they had proposed. I am not saying that what I suggest is right or wrong; I simply say that, since I heard about the independent schools initiative, the idea of whether the Balga Works program would have been able to run more effectively under that arrangement has crossed my mind many times.

Hon PETER COLLIER: I follow on from what Hon Ken Travers and Hon Helen Morton were saying and get back to the concept of whether the independent public schools initiative could in itself potentially lead to further cases of Balga Works.

I go back to the point that I made earlier in that I do feel Balga Works was an exceptional case. I was staggered—I am sure we all agree—at the level of ineptitude in accountability mechanisms within the Department of Education and Training. Alarm bells about this program went off for two years and yet it was allowed to continue. There was obviously a bit of a nudge, nudge, wink, wink situation about what was going on within the school and within the department in a lot of instances. I think no fewer than five auditors' reports were done, some of which specifically related to Balga Works; there was a raft of parliamentary questions; and a raft of complaints from the community, and the department at large basically turned a blind eye to it. Certainly, alarm bells about the program should have been ringing by the end of 2005. The simple fact of the matter was, and the member is quite right, that due to the perceived status of Mr Hammond in not only the community at large but also the department, probably a little more latitude was granted than would normally have been provided. He may have succeeded, as Hon Helen Morton said, within the independent public schools scheme. He may just have succeeded because, of course, he would not have had to go around the barriers or cut corners or whatever if he had been given that latitude or flexibility. There is inflexibility at the moment in that perhaps schools do not have the autonomy to divest a lot more of their energies for disengaged students or a particularly talented group of students or whatever—it exists to a degree already, I must say; a lot of schools already have those responsibilities. It will be possible for independent public schools to be very proactive in innovative programs such as Balga Works and there will be a lot more support from the department. What happened of course was that Mr Hammond was getting, dare I say it, mixed messages from the department. He really got mixed messages from the Department of Education and Training about the Balga Works program. Had he been given the opportunity to go ahead with the full imprimatur of the department, the program may have succeeded, but he did not have that. The conjuncture whereby there was a communication problem between the department and the principal, and a maverick on the side that was really calling the shots, made it very, very difficult.

Therefore, I think that a lot of the responsibility—I am on the record as saying this over and again—lies with the department's ineptitude in not doing anything about something that was blatantly obvious to everyone. When we talked to people about it in retrospect and asked: Why was this not done? Why was this person allowed to do this? Why was he able to transfer these funds from a full-time equivalent? Why was he able to transfer funds from this program to that program? Each time he had simply been ticked off. As I said, given the circumstances, that is bizarre, and I think that is symptomatic of problems within the department. Independent public schools are meant to give schools more autonomy and flexibility, particularly in those areas, so I would be dismayed if we ever got into a situation whereby the horse bolted with the rapid speed at which it did at Balga Senior High School from 2004 to 2007.

Hon GIZ WATSON: I do not want to say anything more about the motion in substance, but I would again like to thank the members of the committee for the amount of effort that they put into this inquiry. This inquiry, which at times was long and forensic and fairly exhausting, is an excellent example of how the Parliament can work effectively to look into a complex issue and look at how to solve problems so that they do not come up again. I really appreciate the way that the members of the committee worked at this task. Once it had been determined that the problems at Balga Senior High School had nothing to do with the minister of the day, we were able to get down to the job of working out exactly what the problems were. The inquiry raised the fascinating issue of what degree of autonomy and flexibility should be provided not only in education, but in every other field. That tension was played out in the Balga Works example. Hopefully, lessons have been learnt from that, and those lessons will be reflected in future practices in the department. We all agree that there was, and still is, a crying need for the sorts of innovative approaches that were attempted to be taken at Balga Senior High School. It is just that a series of factors combined and it became a kind of perfect storm, unfortunately. It took a lot of time for the matter to come to a head, and it took a lot of additional time for us to delve into the causes and offer some solutions.

I again thank not only the members of the standing committee, but also the staff of the committee, who did an extraordinary job. I particularly thank Lisa Peterson, who worked tirelessly to do the forensic work that often

goes on behind the scenes in these sorts of inquiries. I want to make sure that she is fully acknowledged for that work.

Question put and passed.

*Standing Committee on Estimates and Financial Operations—Eighteenth Report—
“Budget of the Office of the Auditor General” — Motion*

Resumed from 10 September on the following motion moved by Hon Giz Watson —

That the report be noted.

The DEPUTY CHAIRMAN: I understand that Hon Ed Dermer has five minutes remaining

Hon ED DERMER: I concluded the remarks that I wished to make at the last opportunity, so I am happy to cease at this point.

Hon JON FORD: I was involved in some work on the eighteenth report of the Standing Committee on Estimates and Financial Operations. That raised a number of interesting questions for me. An argument was put by the Auditor General about whether the three per cent budget cut that had been demanded by the government of the day should apply to his office. The argument that was put by the Auditor General was that although he understood that efficiencies should be applied to agencies, his agency reported to Parliament, so that should be a directive from Parliament. That raises some issues in itself, and I will touch on that a bit later.

Another interesting issue is the attitude of people towards the Auditor General. Interestingly, when we talk about the Auditor General, most people, certainly in our world, tend to think of the Auditor General as a policeman or an authority figure who is out to trap them. Certainly, when we are in opposition we tend to look at the Auditor General's reports to see what the government of the day and its agencies have been doing, and at what needs to be rectified and who should be held responsible for that, and whether the government is going to deal with those matters. We have debates from time to time in the public domain based on those sorts of reports that are put out by the Auditor General. As ministers, we hope that the Auditor General will not find too much wrong with our departments and agencies; but, if he does, our response is normally that we will implement any recommendations that the Auditor General may make about a matter that he has inquired into.

I want to tell members about my experience with audits when I was working in the oil and gas industry. Audits are generally used to ensure that the personnel and the other assets of a company are safe. In fact, companies will employ a number of people within their audit team to look at regular intervals at all the aspects of their operations. Those aspects are not just financial. Those aspects include how those companies manage their business, manage safety, manage their clients and manage their research. That audit team may pick a couple of people out of the organisation, or from a joint venture partner, who are not directly involved in the operations but who have expertise and are able to apply a fresh set of eyes to look for things that might otherwise be missed. The culture within those companies is to regard audits as a management tool to support businesses and assist businesses to make continuous improvements to their operations. That is also the attitude that I take to audit reports in general.

I will give members an example. During my time as a minister, I had cause to write to the Auditor General and request him to look into a specific matter that had arisen in a department within one of my agencies. I had been asked a question in this house about the expenditure of that department, and I had asked the responsible chief executive officer to look into the matter, but I was not happy with the response. My request to the Auditor General had an immediate effect, in that the answers that I got from that department started to change in detail and in direction, and a cultural change took place in the way that department approached its task. I therefore believe, as a result of that experience, that the work that is done by the Auditor General should not be looked at as just some sort of pecuniary device. The Auditor General has an important role to play from a governance perspective in showing us how we can do things better. I have noticed over a period of time that instead of looking just at finances, the Auditor General is now starting to look at policy outcomes and how they are implemented and what they are achieving. That is a change for the better.

I do note, however, that it is difficult to get the Office of the Auditor General to do any more work. The Auditor General's resources tend to be fully exploited at any given time. The Auditor General will consider requests for audits from the general public, from members of Parliament, from agencies and from ministers. He also has to work out the public interest priorities with regard to how the resources of his office should be distributed. I therefore think that an argument can be put that a review should be undertaken of the Auditor General's agency with a view to determining whether he has sufficient resources to carry out the good work that he is doing—particularly in light of what seems to be a change in focus for his office—to add value to the work that is done by the Western Australian public service. The Auditor General is also doing very good work in examining the implementation of government policy. We can argue about government policy all day and all night. That is our job. The Auditor General looks at the policy of the government of the day with a view to determining how

effective it is in its implementation. That should not, in most cases, reflect badly on the government of the day. It is about showing how things can be done better, or whether the assumptions that have been made are actually working, remembering that it is government agencies that nine times out of 10 are the primary source of advice for the government when it is determining how to implement its policy.

Any argument or debate about how the Office of the Auditor General should be funded should be treated not with suspicion or fear, but with a view to how this office can better assist in the good governance and running of the affairs of the state. I am sure that all ministers can, and do, see real value in what the Office of the Auditor General does for them.

Sitting suspended from 1.00 to 2.00 pm

Hon JON FORD: Prior to the luncheon break, I was talking about the expanded role of the Auditor General from what it has traditionally been, which was the examination of financial matters, to examining the implementation of policy and the ability of that policy to achieve certain outcomes.

Another matter that was raised in the Standing Committee on Estimates and Financial Operation's report into the budget of the Office of the Auditor General was the issue of who was responsible for the budget—that is, whether in the Auditor General's mind it is the executive or the Parliament. It is an interesting debate. Clearly the role of the Auditor General is independent of the executive. However, there is an argument that the Office of the Auditor General is not clearly independent because it relies on the executive to provide its budget and that budget is ultimately either approved or not approved by Parliament. I do not think anyone is arguing that the Auditor General is not independent of the executive. Certainly there is a perception in the Auditor General's mind that perhaps that is not the case. That matter must be given more scrutiny in the future and certainly be clarified before the end of the next budget round. I do not see how a budget cannot come through the executive, because the government occupies the Treasury bench. The government is elected by the people to control the government and therefore that is its position.

Hon NORMAN MOORE: The issues raised by Hon Jon Ford are interesting. There is an argument in some quarters that the budget of the Office of the Auditor General, the Ombudsman or other authorities that report directly to Parliament ought to be determined by someone other than the government. I do not think there is any practical way that that can be achieved. I agree with the honourable member that the government of the day is elected by the people and it presents a budget to Parliament. The government determines how much money each agency should get based on the submissions of those agencies. That budget is presented to Parliament and Parliament ultimately determines whether the budget is acceptable, albeit it would be very difficult for Parliament to isolate a particular agency and seek to either increase or decrease its appropriation. However, it is fair to say that governments respond to the demands from agencies that believe they need additional support.

Hon Ljiljana Ravlich: The government did not do that in this case.

Hon NORMAN MOORE: The former government introduced the Auditor General Bill 2006. That bill provided for a committee of audit. The committee of audit would not have determined the budget of the Auditor General, but it would have been able to give an opinion to the government about how much the Office of the Auditor General ought to get. That is what the former government did. It did not put in place a system that allowed Parliament to independently determine the Auditor General's budget; it introduced legislation that would have put in place a mechanism whereby a parliamentary committee would have made recommendations. That was as far as it went. I also add for the member's edification that the previous government intended the Legislative Assembly's Public Accounts Committee to be the committee of audit. It did not even involve the Legislative Council. That was the attitude of the previous government because it had the numbers in the other house. The former government wanted to make sure that what the committee recommended about the Auditor General's budget would always be what the government wanted. That is one of the reasons why this house did not proceed with that committee. It is all very well for Hon Ljiljana Ravlich to moan and groan about these things, as she does from time to time, but on this occasion Hon Jon Ford and I agree that the mechanism that we have in place is probably the only way to manage these issues.

Today I gave notice that we would seek to form a committee of audit. Without going into that issue, because it is now on the notice paper and members can read what the intention is, I will say that in the context of today's debate, that committee will be a committee of both houses and it will be chaired by the Chairman of the Standing Committee on Estimates and Financial Operations of the Legislative Council. That is how it should be done. It is the government's intention that the membership of that committee will have an equal number of members from both sides of the political spectrum. We are seeking to put in place a mechanism to enable Parliament to have a far greater say about the Auditor General's budget. Members would also be aware that the Standing Committee on Estimates and Financial Operations has a provision to deal with the Auditor General. Schedule 1 of the standing orders states —

2.3 The functions of the Committee are to consider and report on —

- (d) to consult regularly with the Auditor General and any person holding an office of a like character.

A mechanism is in place that allows the Auditor General's concerns to be heard by a parliamentary committee. That was quite deliberately put in the standing orders to give the Auditor General a chance to confer with a committee of this house for the mutual benefit of the Auditor General and the committee. Assuming that the house agrees to the proposed committee of audit, a joint committee of both houses will be involved in making recommendations about the Auditor General's budget.

I would like to apply that also to the Fish Resources Management Act so that a parliamentary committee could make recommendations to determine the Department of Fisheries' budget, because I might get more money than I otherwise get! Parliaments are far happier to spend money than are governments, because Parliaments do not have to bother about the bottom line. That is always the difficulty with competing interests in government and Parliament. I acknowledge the comments made by Hon Jon Ford, and I draw the attention of the house to the fact that we have put this motion on the notice paper. It will sit there for the next week or so, during the recess, and I would like to deal with it when we come back. If members have a particular interest in that area, they might like to have a look at it and come back and talk to me about it. I should make the point that it would come under the standing orders of the Legislative Council, which provide for participating members. That might solve some of the problems that some members have.

Hon LJILJANNA RAVLICH: This is a very small report, but it is a very interesting one. It arose out of the imposition by the newly elected government of a three per cent efficiency dividend across all agencies. By definition, that included the Office of the Auditor General. The Auditor General had made some public comments that he was already working as efficiently as he could with the budget that he had been allocated in the previous year; consequently, it would be very difficult for him to absorb a three per cent cut.

A report was released by the commonwealth government about departmental restructures and the like, entitled "Size Does Matter", which argued that large agencies such as Health and Education, each of which in WA has an annual appropriation in the order of \$4 billion, tend to have the capacity to build up a bit of fat. They tend to load up the number of full-time equivalents and get away with it to some extent because they are very complex agencies and it is very difficult to identify which part of a very complex organisation may not require all the resources that it seeks. Smaller agencies, with 10 to 15 full-time equivalents, do not have very much fat stored up. Consequently, the impact of a three per cent efficiency dividend is likely to be felt much more acutely by a small agency than it is by a large agency. The Director General of the Department of Racing, Gaming and Liquor, Barry Sargeant, is a very good man who rates budgetary consideration as a high priority for him and his organisation. When he puts in his annual budget bid, he tries not to build up the fat in his agency. He is very honest, and makes sure that he does not cause the Treasury to expend money where it is unnecessary. Consequently, he hardly ever seeks additional resources; he always makes do with what is available. The three per cent efficiency dividend would have had a significant impact on his agency.

To return to the subject of the Auditor General, the committee recommends in this report that the budget of the Office of the Auditor General be maintained at least at the 2008-09 level. That seems to be a fairly reasonable recommendation. It is particularly reasonable in hindsight in the light of some material that was tabled today in the other place showing that the expenditure growth of this government is in the order of 13.5 per cent. Despite that expenditure growth, the government could not afford to give the Auditor General an exemption from the three per cent efficiency dividend. The question that should be put straight to the Premier is: why? The government and the Premier have been spending like drunken sailors.

Hon Norman Moore interjected.

Hon LJILJANNA RAVLICH: Can the Leader of the House explain it? The government's solution is increased taxes and charges and to keep spending like there is no tomorrow, with 13.5 per cent expenditure growth. This is totally unsustainable. The government did not have the wisdom or the good sense to provide the Auditor General with an exemption from the three per cent efficiency dividend.

Hon Norman Moore: Everybody wanted an exemption. You know that.

Hon LJILJANNA RAVLICH: I know that, but I would have thought —

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

CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009

Second Reading

Resumed from 23 September.

HON JON FORD (Mining and Pastoral) [2.19 pm]: The Criminal Code Amendment (Graffiti) Bill 2009 is intended to do four things: it defines a graffiti implement, and we have heard some interesting debate about what that definition is; it creates a new criminal offence and penalty for a person to sell a graffiti implement to a child; it creates a defence that can be relied upon where the accused believed on reasonable grounds that the purchaser of the graffiti implement was not a child; and it doubles the existing penalty in section 445 of the Criminal Code to a maximum of two years' imprisonment and a fine of \$24 000. As has been said before, the opposition supports this bill. I personally support it because it reflects the attitude of Western Australian society to the destructive practice of graffiti. However, I support the bill with some reservations because I am not sure how effective it will be in its own right. We need to review the bill and see how it goes over time. I am not sure whether it will work.

I wish to say a couple of things about graffiti. Graffiti is not a new phenomenon. Arguably, it has been around since modern man existed. We have different names for the artworks or vandalism on buildings and naturally occurring structures such as trees, cliffs and rock faces. It could be argued that in the early days of the Egyptian empire, hieroglyphics was a form of graffiti. In the very early days of that society, the Egyptians developed a written language out of the symbols and pictures that they put together. During a recent trip to China I had the great privilege in Macau to see on a piece of rock that had been struck with a stone the first example of the Chinese written language. It was interesting to see how close the symbol on this piece of stone resembled the Chinese written language.

Then we have the petroglyphs in the Burrup. We have had some debate about them. Rocks all over the north west are covered with these strange symbols. Some are obviously pictures and some are stylised symbols. It is generally accepted that the Aboriginal language is an oral language and not a written one. Perhaps what we witness when we look at the petroglyphs on those rock structures is the result of an attempt to change an oral language into a written one. We do not look at them as graffiti. If we move forward through history, especially up in the Kimberley again, I can take members to a place in Beagle Bay and other places near Kalumburu to see where the sailors on the *Beagle* came ashore and drew pictures and the name of their ship on the rocks.

The most famous prison boab—there are many prison boabs in the Kimberley—is the one just outside Derby. It has some very old inscriptions on it. As the tree has aged and expanded, they have become quite pronounced. Some of the prison boabs that I have seen date back to the nineteenth century. There are boabs from more contemporary times—the 1970s and 1980s. Nevertheless, the inscriptions add to the character and structure of the Derby tree. Whilst the tree is protected now, and rightfully so, nobody would look at it and say that the inscriptions are graffiti. People look at the prison boab as an historical structure. They try to read what is inscribed on the tree to get a feel for some of the history that that tree has gone through. It is a very old tree.

Other examples of that type of inscription can be found on many rock faces and buildings around the world. Indeed, people in London show with pride some of the graffiti dating back over the centuries that describe some historical events. Some are as simple as people's names from a range of centuries over time.

Industries have developed out of graffiti. Everybody here would be familiar with some of the graffiti that is painted on the walls that separate the Catholics and Protestants in Ulster, Ireland. I have never been there. I am very familiar with one image of a masked gunman. The media seems to flash it up every time there is trouble in Ireland between those two groups of people. I recently saw a television show where both sides of that argument take people on tours along the walls and explain what is behind those pictures and that graffiti.

I have a piece of the Berlin wall at home. The Berlin wall was coated in graffiti. The piece that I have is part of what is called an historical document. The type of graffiti on each side of the wall is completely different. There was not as much graffiti on the eastern side of the Berlin wall as on the western side. People go there specifically to look at it as an historical document.

A lot of modern art and modern media has been based on graffiti. Andy Warhol was widely respected for his contribution to modern art. His work is celebrated at the New Museum of Contemporary Art in New York. A lot of the work that he has done and the images that we have seen certainly have strong links to the graffiti of his era, and they have certainly influenced contemporary graffiti artists and been used in modern-day marketing.

There is a link with graffiti. Some of the members who have spoken in this debate have spoken of the Indigenous involvement with graffiti, and the link between graffiti and people who suffer from substance abuse and live in poverty—people who have ill-disciplined lives as youths. There is actually a subculture that is very strong and we celebrate it—not all of us celebrate it, but as a general society we not only tolerate it but also celebrate it. I am talking about hip-hop. A multimillion-dollar industry is associated with hip-hop. If we listen to any of the young person's radio stations, we hear it; we cannot escape it. I am an old Triple J fan, but because hip-hop is such a dominant force in the music industry, I cannot listen to Triple J as much as I would like because I am not a great fan of hip-hop. Nevertheless, it has a huge influence on fashion, music and art. Part of the subculture that has evolved around hip-hop involves a degree of graffiti. The questions that then arise are: when is graffiti

destructive and a menace and when is it art; what possible future is there for graffiti; and how can it be contained? I do not think we can stop graffiti. Most of the people involved in hip-hop, and certainly the hip-hop dancers I have witnessed, are young white males typically in the age bracket between 12 or 13 years old and 20 or 21 years old. The dance moves that they do become a bit more difficult for people over that age—they risk serious injury. It is quite a sight to see. We recognise the people who participate in that subculture simply by the clothes they wear around town.

When we examine similar subcultures, we find that graffiti engenders a feeling of worth in people; it brings together people with common ideas and values at that stage of life. It is a form of rebellion against society. People of that age take risks. As a society, we exploit risk-taking; for example, we prefer our front-line soldiers to be young people. The reason we exploit risk-taking is that when people are 18 or 19 years old, they think they are 10 feet tall and bulletproof. People of that age are prepared to take risks. Some of us do not grow up. I started riding a motorbike at the age of 13, and I still ride a motorbike. Everything tells me that it is dangerous.

Hon Ed Dermer: The most unfortunate ones don't live long enough to find that they're not bulletproof.

Hon JON FORD: A lot of my friends found that out. However, most people grow out of it.

The one thing we know about a rebellious nature is that the more pressure that is put on these people, without some sort of outlet to express that rebellion, the more they will rebel and the greater the risks they will take. Then, all of a sudden, the subculture is not focused on art, fashion or camaraderie; it is about us and them—let us take them on. People have talked about increased risks. We have talked about people who put themselves in extraordinary danger by climbing on high-level structures to tag or do more expansive work or by hanging off the sides of trains. They put themselves in harm's way to do those sorts of activities. Then there are the people I think we are really trying to focus on—those who engage in the destructive behaviour of tagging. I suspect that they are a minority; actually, I would be confident in saying that they are definitely a minority. Tagging cannot be described as art or as something that would have value in the future. It is all about rebellion and their fight for recognition. We have to look at why people do this and why they feel that this is the way to express themselves. I was brought up with classical music, so the way I rebelled—it may not sound very rebellious—was to spend a good amount of time playing jazz. I even toyed with punk rock. I had to give away punk rock because my hair was never long enough; I could never quite get the spikes in my hair. To my parents, I was a radical. When I grew older and had children of my own, I found that when they reached that age, their rebellious nature was expressed through grunge music and some very strange demonic sounds. I am sure that my father thought it sounded like demons when I played jazz!

Hon Ed Dermer: You didn't bring your saxophone along?

Hon JON FORD: No, I did not.

The way that I developed my relationship with my children was not to stamp my feet and say that they were wasting their time with that music; I encouraged them by giving them an outlet. I gave them access to the best teachers they could possibly have. I gave them the best instruments that I could afford. I used to drive them all over the place so that their bands could play and rehearse. On the weekends my house was full of all sorts of strange young men and women playing all sorts of weird and wonderful music. I remember sitting on the driveway with my wife and reading the Sunday paper while all this activity was going on in the house and coming to the sudden realisation that perhaps we should just leave them there and buy another house.

An important point is that punitive measures are only part of the answer. The threat of imprisonment and increasing fines are only part of the solution. We have to give these people an outlet. This has been tried in other jurisdictions and there has been some limited success. Some talented artists who incurred the wrath of the community and suffered punishment have, with the right encouragement, now found themselves in the mainstream media market. Victoria and New South Wales have painting walls; in fact, people are encouraged to express their artistic talent at some public buildings. It is quite a competitive area; people have to show that they have some talent before they can paint on these buildings. We have to invest some money in these young people and assist them to find other outlets for what can and does turn into pretty destructive and isolating behaviour.

As I have said, I support the bill, but I do not know how the heck we can describe a graffiti implement. If we take away their access to a brush or a spray can, as sure as eggs they will find something else. Everybody will remember, I hope, that fantastic Pro Hart television advertisement for carpet, in which he sprayed cans of baked beans and cans of paint —

Hon Ed Dermer: He had a marvellous dragonfly at the end of it all.

Hon JON FORD: That is exactly right; it was a marvellous dragonfly, which is a feature of many of his famous paintings. That is an example of the creativity that these young people can come up with in pursuit of their subculture. These young people are far more ingenious and can react much more quickly than we can in this place. We are constrained by the rules of Parliament and by law. The fact that these young people are rebellious

in nature and see risk taking as worthwhile means that no matter what we do, they will be one step ahead of us. Why do we not try to harness that energy? What can we do to exploit, for their benefit, that rebelliousness and risk taking? Risk taking can come in many shapes and forms. It can be in the way that people think, the ideological position they take in life and the positions they put to society, the community and their peers. It can be expressed in all the arts, such as dance, music and sculpture. A whole range of risk taking can be expressed and exploited in a positive way for the benefit of the whole community. That is the point we are missing with what we are trying to achieve here. This is only one part of the response.

The bill creates a defence that can be relied upon if an accused person believed on reasonable grounds that the purchaser of a graffiti implement was not a child. I understand what we are trying to do here, but there seems to be a basic assumption that only children are involved in graffiti. Even under the lawful definition of a child, I do not believe that is the case. In fact, experience tells me that the people who make grander expressions of graffiti have been at it for a long time. The size of some of the murals means that a great deal of planning must go into them. There is the whole process of how such works will look when constructed. When people are standing only 18 inches away from a wall they still have to have in their mind's eye what the finished work will be. Not many young or older children will have developed these skills. There certainly needs to be a defence for people who find themselves in a position where they are accused of selling a graffiti implement.

The bill doubles the existing penalty to a maximum of two years' imprisonment and a fine of \$24 000. If people are willing to hang off the side of a train travelling along rail tracks at 80 or 90 kilometres per hour, the last thing they will be thinking about is a term of two years' imprisonment or a fine of \$24 000. They will have already made up their mind that they are going to do it. Notwithstanding my earlier comments that I think there is an expectation from the community that we should do something, I do not think that this will work for all those other reasons. These people already have a predisposition to rebel and risk take, which is demonstrated by their behaviour.

Hon Ed Dermer: Recent research has indicated that frontal lobe development may not occur until someone is about 25 years of age. Surfing trains would stand as evidence to support that.

Hon JON FORD: Hon Ed Dermer is absolutely right. I did see that. That is why I was hinting that as a society we already exploit that risk taking in that we first place young men and women at the front line to fight our wars because young people will put themselves at risk much more easily than older people. In fact, for fighter pilots in the air force, there is the term "losing the edge", which is applied when people are taken off fast jets and put into transport planes. There needs to be a certain amount of risk taking for a fighter pilot to be effective.

Hon Ed Dermer: The more mature ones are flying Hercules while someone else is taking on the front-line fighters.

Hon JON FORD: We do not see old men or women flying fighter planes, and people never have done. In the First and Second World Wars it was the young men who jumped out of the trenches and out of the landing barges, and it was the old men at the back who egged them on. It was not until we lost a generation of young men that the older men started to replace them.

Hon Ed Dermer: Older men are more likely to be senior officers.

Hon JON FORD: That is not always the case. I should get back to the relevance of graffiti, but that is a good demonstration of risk taking. What is the greatest risk? Is it risking being splattered over the front of a train, being electrocuted, falling off a high building, being hit by a car or being hit by a car while trying to paint the side of a bus, or is it risking two years' imprisonment or a fine of \$24 000? Most people involved in graffiti will not even know it is a risk to contemplate. We can fool ourselves in this house that society spends its whole time looking over the Criminal Code and the penalties involved for certain offences, but the fact of the matter is that we and the judiciary are about the only people who do that. There will be some media interest at the time it is implemented or at the time someone is arrested. I suspect that when the first person gets arrested for this offence and is threatened with two years' imprisonment or ends up with a penalty of two years' imprisonment, the only thought in the minds of the other young people involved in the more destructive aspects of this subculture will be that it is not them. They will not be thinking that they should really consider \$24 000 because it is a lot of money. They are probably thinking that they have got nothing so nobody can take anything from them. They will not consider the two years in jail because it has happened to another person and not to them.

This brings me back to the point that in all these matters we must have reward as well as punishment. I have yet to see successive governments in this state deal with graffiti by placing the same emphasis on a reward, or a carrot, as on a stick. However, I think the police genuinely try to encourage young people who find themselves involved in the more destructive behaviour to channel their efforts into more positive behaviour. We can see that with the PCYCs in the state. Blue Light discos, run by the police, have a large participant base of young people. There are also good examples of the police channelling young men, and increasingly more young women, into contact sports such as boxing and martial arts. We can argue about the benefits and disadvantages of those

activities, but if they are conducted in a controlled environment, the development of pride in their skills could entice them back into mainstream society. They can even turn those skills into a very profitable career, and, through their careers, they can assist the next generation of young people.

Hon Ed Dermer: The elements of discipline and tradition necessary to learn martial arts are also very helpful.

Hon JON FORD: That is exactly right.

I will not label these young people as troubled. Many of them are normal young men and women who are at a difficult developmental stage and really need assistance, guidance and a sense of belonging, rather than being pushed further out onto the fringes of society.

A personal example that I will cite is that of my experience with motorcycles. As a young fellow, I became involved on the fringes of the subculture of motorcycle riding and racing, and I came to know many people who were involved in outlaw motorcycle gangs. I still love motorcycles, motorcycle racing and mechanics, but my experience gave me an insight into part of that subculture that has no place in our society. To a young man, especially somebody who was in the Air Force and was encouraged to be gung-ho and take risks, it was a very, very attractive pastime. By going into motorcycle racing, I developed my riding skills, which assisted me on the roads from a defensive point of view and made those skills second nature, which is needed on gazetted roads. I also managed to move away from the more destructive elements of that subculture. I can see why the Western Australian community expects us to take stronger action when setting penalties to discourage offenders, but we need to encourage these young people into a more productive lifestyle, whilst developing their skill bases and bringing them back into society. I have no information on the demographic of these people, but I imagine that many of them do not have such a great time at home. They probably derive enjoyment in their lives by expressing themselves in their graffiti and taking these risks. It may give them a feeling of having some control over their lives that they might not feel they have at home.

The opposition supports the Criminal Code Amendment (Graffiti) Bill 2009, but it hopes that this and future governments can strike a balance between cause and effect, and try to improve society's ability to encourage and nurture our young people and the subcultures around mainstream society so that they play a more positive role in society.

The DEPUTY PRESIDENT (Hon Matt Benson-Lidholm): Before we proceed, I take this opportunity to acknowledge the presence in the President's gallery of the Deputy Speaker of the House of Commons, Sir Alan Haselhurst, and Lady Angela. I welcome both of them on behalf of the Legislative Council, and I wish them well and trust they will enjoy their stay in Western Australia.

[Applause.]

HON HELEN BULLOCK (Mining and Pastoral) [2.56 pm]: I rise to support the Criminal Code Amendment (Graffiti) Bill 2009. Over the past few days we have heard lots of contributions to the second reading debate during which lots of good points have been made. I hope the government takes those points, as well as members' concerns, into account. I will not repeat the concerns of members, but I will add a few more.

There can be no doubt that graffiti is a serious issue that must be addressed. The clean-up of graffiti costs local and state governments about \$25 million per annum. The 2009-10 budget of the City of Kalgoorlie-Boulder allocated \$90 000 to a graffiti response unit, and a further \$200 000 for the upgrade of the closed-circuit television systems around graffiti hot spots, making a total of \$300 000 for a small place like Kalgoorlie-Boulder. That city has a population of 30 000, so graffiti costs an average of \$10 a person—a lot of money.

Graffiti generates a great deal of anger and frustration amongst business communities, with many business owners having to spend countless hours cleaning tags from the front walls of their shops and business premises to make them more presentable. The cost of purchasing the chemicals and equipment needed to clean up graffiti also places a considerable burden on any business.

The question to be asked is whether these issues will be resolved with the passing of this bill. The explanatory memorandum very clearly states that this bill does four things. However, if one takes away the definition of a graffiti implement or the other mumbo-jumbo, it does only two things. The first is to off-load the burden of graffiti to business owners, by making it an offence to sell a graffiti implement to a child. The second thing it does is impose higher penalties on people who carry out graffiti by increasing the maximum financial penalty to \$24 000 and the period of imprisonment to two years. Two years' imprisonment will not benefit any offenders in any way, but it could have the potential to turn graffiti offenders into serious criminals. For petty offenders, our prisons can be a school or education institution of a different sort; different from our mainstream education system. I am sure honourable members know what I mean. A penalty of two years' imprisonment —

Hon Liz Behjat: That is the maximum.

Hon HELEN BULLOCK: The member has had her go; now it is her turn to listen!

Sending young offenders to prison will not serve the purpose that this legislation purports to serve. Putting people in prison also costs taxpayers a lot of money. In terms of a fine of \$24 000, I wonder how many offenders could afford to pay that fine. If offenders are not going to pay the fine, does the government want to send them to prison?

We must think about innovative ways. We need to think about long-term solutions to those problems, alternative ways—not just harsher punishments. For example, please allow me to suggest to members such alternatives. We could run targeted educational programs. Instead of allocating extra funding to Corrective Services, why not allocate those funds to education agencies to raise awareness among young people that graffiti is not art; it is a criminal act? We could run some art appreciation classes in schools to help young people differentiate between tasteful art and destructive art such as graffiti. Maybe we could channel that so-called artistic expression into some genuine artwork, with proper guidance from qualified art teachers. We could also run similar education programs in our remote Indigenous communities. Members will probably say I am too idealistic, but I cannot see an alternative. Why do we not just give it a go?

There have been a lot of extreme views expressed in this chamber. I would like to add one of my own to the list; that is, in my opinion education is the key to solving most, if not all, of our social problems.

HON MATT BENSON-LIDHOLM (Agricultural) [3.03 pm]: Members, I likewise do not intend to speak at length about the Criminal Code Amendment (Graffiti) Bill 2009. I do not think it is necessary. The words that have been spoken by a number of members certainly clarify many of the issues that I have with this bill. Significantly, if I can sum up immediately, this bill is more about punitive measures than necessarily providing the framework to go forward and address this very significant issue.

I do not purport to know a heck of a lot about graffiti. I do not even think I own a spray can of paint. I never was the greatest artist either. I reckon, as a reasonable sportsman, I might have been able to draw a deep breath—that is about where it started and finished.

Hon Simon O'Brien: The member has many talents.

Hon MATT BENSON-LIDHOLM: It certainly had nothing to do with artwork; I can assure the minister of that! Whatever those talents may well be, I will leave that to the minister!

Hon Simon O'Brien: You are a form of artist; no doubt about it!

Hon MATT BENSON-LIDHOLM: I support the broad intent of this bill. I am a bit concerned about why the government has drawn out the entire proceedings in the first place. Every government member who spoke saw fit to aim criticism at the opposition benches. I suppose we do take that on board, but it becomes somewhat counterproductive when something like seven speakers basically sing from the same hymnbook when it comes to that point.

My suggestion to the government is that these issues are very complex. I will speak from personal experience. My home in central Albany is close to nightclubs and so on. My place has been defaced by graffiti and I have had to get out and clean the mess up. I know there are enormous costs to private individuals and there are costs to schools. As members would appreciate, the costs are quite significant. There are disincentives. There are many issues associated with this problem that we have in society. Hon Phil Gardiner gave a very Dr Spock-like dissertation about the issues that we have. I will be honest with members: I see the points that Hon Phil Gardiner made as being very productive in giving the government some sort of direction about where we need to go to post this bill.

It is not a simple problem; it is a very complex issue. I will point to one example of how complex it is. I suppose it gets back to the definition of “graffiti”. I am sure most members here would have gone up to the media part of the gallery of this chamber, and indeed the other one—particularly, dare I say it, in the other place—and looked at the sort of graffiti nonsense that is there. I do not know whether members want to call that graffiti, but certainly the destruction that has occurred in this place is indicative in some respects of a way of thinking that I do not understand. I have not travelled to many parts of the world and taken a heck of a lot of notice of graffiti. It might say something about Australians, but it is certainly an issue that perhaps warrants, with the follow-up that I am suggesting we pursue, some sort of education program.

I do not believe, as Hon Helen Bullock has said, that whacking big fines and possibly sentencing people to jail is necessarily the complete answer. I can understand the frustration. I have been there; I have experienced graffiti myself. Certainly, as a former high school teacher and administrator, that was often the case in a relatively small country town in the great southern part of Western Australia. I understand the frustrations. But I cannot honestly see that charging an uncle, an aunty, a father, a grandfather or someone else who is 18, 19 or 21 years of age with providing a juvenile with a spray can, which in turn that juvenile decides to use on someone else’s fence or wall—or he may have scratched a bus or a train or whatever else—is the ultimate solution.

It is probably a bit like mandatory sentencing. The community is crying out for solutions, but to think that the mandatory sentencing bill that recently went through is going to solve all the problems associated with assaulting police officers, for instance, is quite silly. It is just not going to happen. It will make some of us feel better. I think that is what the bill before us purports to do. It makes people in the broader community happy about things. Someone is seen to be paying the penalty for a very unsociable sort of act. I can understand that. However, I get back to the point that I made: what we need to do is put in place structures whereby we can make sure that in the years to come we stop graffiti. I suppose I am a bit of a realist in that I do not think it is necessarily possible that that is going to happen. There seems to be a fine line in some communities or societies between graffiti and art. But if we do not stop graffiti, I certainly would like to see progress made towards minimising the damage, the costs, the inconvenience and the time associated with cleaning it up. Generally speaking, there is an acceptance in certain parts of the communities in which we live in and/or represent that graffiti is good. I think most of us would accept that when a person leaves graffiti on a wall of his home or his workplace or wherever else, it simply encourages the people who engage in that type of antisocial behaviour to continue to do it. These issues are obviously very important to us. We know that graffiti will continue and that it will impose significant costs on society.

Hon Simon O'Brien: You have expressed your concern about it. What do you think should happen to people who carve things on the bench in the press gallery?

Hon MATT BENSON-LIDHOLM: That is a very good question. Maybe rather than putting an answer on the record right now, perhaps the Deputy Leader of the Opposition might like to give serious consideration to the matter. I am sure that he understands the point I am making. I do not necessarily think it is the sort of thing that we need to debate here and now. A government member came to me some time ago when the Criminal Code Amendment (Graffiti) Bill first reared its head and made that point to me. The member was very concerned about taking people there, even though the public are not supposed to be taken to that place. The fact that there is graffiti there is concerning.

Hon Ed Dermer: The trouble about the graffiti upstairs is it is very tasteless and very offensive.

Hon Peter Collier: Some of it is also quite creative.

Hon MATT BENSON-LIDHOLM: There is a fine line.

Hon Simon O'Brien: Depending on who was speaking at the time, they are probably quite justified calls for help!

Hon MATT BENSON-LIDHOLM: I dare say that the Deputy Leader of the Opposition's name was not even dreamt of in those terms!

I will comment on some of the statements made in the second reading speech. The government made an election commitment to do something about graffiti and I commend and acknowledge the government for that. We all acknowledge that the issues associated with graffiti vandalism are a significant concern. The second reading speech states —

Sadly, graffiti vandalism is nothing new, but for as long as it has been around, so too have there been efforts from local community members and governments to rectify the problem.

I put it to members that the efforts made by members on both sides of the chamber and, indeed, in both houses, are often reactive. This bill is somewhat of a reactive bill. The comments in the second reading speech are ad hoc. The government has again responded in a knee-jerk reaction to the pressures brought to bear on it, as with the mandatory legislation, by a very concerned community. Members of Parliament are vested with greater responsibilities than to just react in an ad hoc and knee-jerk way when trying to achieve what the general community seeks to achieve. There must be more substance to it. The bill certainly provides a deterrent effect and preventive function. The deterrent effect is necessary but imposing punitive measures that increase fines and possibly impose jail sentences on offenders will not stop graffiti. I acknowledge the seriousness of the crime. There is no problem in that regard. The personal costs are also mentioned in the second reading speech. As I said, I can attest to that. The minister, in his second reading speech, also said —

Agencies and stakeholders such as local governments, Main Roads Western Australia, Perth Transit Authority, Water Corporation, Western Power and Telstra all operate programs to combat graffiti.

This is a huge issue. I watch Eagles football games as often as I can. Sometimes I travel on the train from Victoria Park to West Leederville. I agree with Hon Ed Dermer when he said yesterday that the extent of the graffiti on Western Australian trains is a massive concern for us all. Multifaceted programs need to be put in place. A cross-agency, government-focused approach must consider why young children in particular get bored and do these sorts of things. Hon Philip Gardiner said that there are underlying social issues. It is not the domain of the Water Corporation, Western Power or Telstra to determine what those issues are; it is the role of government to come to terms with the underlying causes that see our young people in particular do these things.

The most amount of destruction is caused by a relatively young group in society. Let us be honest about it, imposing punitive measures and getting the Water Corporation or Public Transport Authority to find a solution to this problem is nonsense.

Any attempt to address the issue of graffiti is good. However, as I have just indicated to members, if the approach is not multifaceted and does not look at the root causes of the problems in society, it is doomed to failure, just like the mandatory sentencing bill will not necessarily stop people from belting police officers and the like. I suggest that we should look at the causes rather than the symptoms of the problem. I can understand why people want to take punitive measures because society does not want to put up with the sort of nonsense that it has had to put up with. However, I urge the government to think long and hard about the issues raised by members on this side, and some of their own members, and look at the underlying causes and reasons for graffiti. Let us put in place procedures, programs and strategies that will build upon the measures contained in this bill.

HON SALLY TALBOT (South West) [3.18 pm]: We find ourselves, on occasions, having some quite surprising debates in this place. I had not intended to speak on the Criminal Code Amendment (Graffiti) Bill 2009. However, sometimes we hear contributions during the second reading debate that spark ideas and take what we thought was perhaps going to be a relatively fast-tracked debate into areas that perhaps members had not thought of before.

Hon Michael Mischin interjected.

Hon SALLY TALBOT: That is okay, Hon Michael Mischin. After he has been here for a while, he will find that occasionally members get caught up in the debate.

I want to make what is, for me, a spontaneous rather than a well-prepared contribution to the debate.

Hon Michael Mischin: I will not stifle your creativity.

Hon SALLY TALBOT: I appreciate the member's cooperation. I am sure that members are looking forward to hearing his summary of this quite extended debate. Without speaking for my colleagues, who are quite capable of speaking for themselves, as they have demonstrated quite ably, it is fair to say that the support for this bill on this side of the house is based on a fairly self-evident observation that graffiti is a big problem for our community. There is nothing quite so confronting, apart from perhaps physical violence, as coming out of one's house in the morning and finding some additional decorations on the outside. I had that experience a few years ago when I lived in Victoria Park and came out and found a series of what I now know are called tags on fences and lampposts down the street by my house. One of my big frustrations about graffiti, apart from the cost of the clean-up, is its unreadability. I stood there for some hours trying to work out what the tags said, and whether it was anything interesting. In the end, I took the advice of some of my son's friends and accepted that it was just tagging and was not supposed to be actually sending me any message.

I realise that this is a difficult time to be speaking in an extended debate, when members are just getting their tastebuds worked up for their cucumber sandwiches at afternoon teatime. However, one of the things that have brought me to my feet is that I have detected certain sentiments in the words of some of the government speakers on this bill, of whom we have had rather more than would normally have been expected. While there has been a considerable amount of sincerity and well thought out comment, particularly from some of our colleagues in the National Party, from some of the Liberals we have heard what I think on occasions have tended to be some fairly simplistic conclusions being drawn about graffiti. To summarise that, it is probably best expressed by the words of Hon Brian Ellis, who said that, purely and simply, graffiti is vandalism. Why do we not just call it vandalism and address it as the crime of vandalism? Everybody on this side, beginning with Hon Kate Doust, who made a very interesting second reading contribution, has pointed out that perhaps things are not quite as straightforward as that. In that context, I paid particular attention to what was said by Hon Ed Dermer. He caught me slightly by surprise when I walked into the chamber one evening and found him on his feet holding a copy of the *Macquarie Dictionary*. I understand that in the American Senate, where there is a common practice of filibustering legislation, on one occasion a senator stood up and read through every single constitution of every single American state.

Hon Ken Travers: Did they have graffiti in them?

Hon SALLY TALBOT: I do not think there was anything to do with graffiti, but one can imagine the debate in the Australian Parliament in which some equivalent references might be made to make sure that every consideration of every state had been encompassed. We of course would not engage in anything of that nature on this side of the house. My son, who takes a forensic interest in American politics, also tells me that on one occasion a senator stood up with a very large recipe book and read every recipe from beginning to end, including the lists of ingredients and all the methods. I suppose that might have had something to do with what Hon Ken Travers has been to today—the physical activity task force. I guess one could make contributions along those lines.

Hon Ken Travers: It is interesting that you mentioned that, because they actually talk about the interrelationship between physical activity and mental health. I just wonder how much it would actually also relate to graffiti prevention.

Hon SALLY TALBOT: That is an excellent point made by Hon Ken Travers, and in a sense it encapsulates the points we have been trying to make on this side—not just trying to make, but making quite effectively—that the whole —

Hon Ed Dermer: In my defence, I only referred to one of the definitions in the dictionary.

Hon SALLY TALBOT: I know the member only referred to one definition, and I was just about to return to that, but I will first address the point that Hon Ken Travers made, then I will return to Hon Ed Dermer.

The DEPUTY PRESIDENT (Hon Jon Ford): Order! There is an underlying rumble in the chamber. We are having a debate, not a general discussion. I know it is the end of a long session, but we do not have that long until afternoon tea. It is very hard for Hansard to hear what is being said if everybody is talking.

Hon SALLY TALBOT: Perhaps it is a perpetual rumble of appreciation for the fact that this debate is going into such detail.

Several members interjected.

The DEPUTY PRESIDENT: Steady, members! Do not encourage interjection.

Hon SALLY TALBOT: Hon Ken Travers, in his interjection, which I was more than happy to take, pointed out that the event he has just been to made a connection between physical and mental wellbeing. Perhaps this is one of the points the government should be addressing in its attempt to combat graffiti. That summarises pretty well what we are saying on this side. Although we will be supporting this bill because it is a step in the right direction and it will be supported by the community, it is yet a fairly blunt, crude instrument. I absolutely support the remarks that my colleague Hon Kate Doust made at the end of her second reading contribution when she suggested that at some stage—perhaps after 12 months—we should have a review of these amendments to see just how effective they have been.

I know that Hon Ed Dermer is getting nervous about the fact that I might have forgotten that I referred to him, so I now come back to address those points about him using the dictionary to look up the word “empathy”. I know that he was making a very good point, and there was not even a trace of filibuster about what he was doing. His point was that, although acts of graffiti cause distress to us, whether walking outside our houses and finding something daubed on the fence, sitting on a train and seeing that the windows have been scratched, or whichever way we encounter graffiti —

Hon Peter Collier: Or on your electorate office.

Hon SALLY TALBOT: Or daubed on our electorate offices. Indeed our colleague John Quigley, the member for Mindarie, was the victim of a very aggressive act of graffiti vandalism on his personal property.

Hon Kate Doust: They couldn’t even spell his name properly.

Hon SALLY TALBOT: As Hon Kate Doust says, they even misspelt his name, but I think he still knew that they meant him.

The point Hon Ed Dermer was making was that the distress that graffiti vandals cause to us, according to research that has been done into the mentality of the people that gives rise to these acts, largely arises from a lack of empathy—the lack of the ability to put oneself in somebody else’s shoes and appreciate the distress that might be caused. That point was very well made by Hon Ed Dermer, but I want to take it a bit further and suggest that, with a whole range of offences, from the most violent to the comparatively trivial, it seems to be a common trait amongst the perpetrators that they are not able to put themselves in somebody else’s shoes.

I once wrote an entire chapter of a book on empathy. I pointed out in that chapter that it is a bit of a fallacy to ever be able to say to somebody “I know how you feel.” In fact, if we think about our own life experiences, in a situation of real distress the last thing we want is somebody saying that they know how we feel, because often our first reaction is “Well actually, you don’t.”

Hon Ed Dermer: Is partial knowledge, or empathy, possible?

Hon SALLY TALBOT: Yes, I think types of empathy are possible. Perhaps it is better to talk about sympathy than empathy. Empathy is a very complicated concept. I am suggesting that, just as it is a complicated concept, it is a very complicated issue to deal with. The fact is that people committing offences of all kinds are often, to a greater or lesser extent, alienated from those around them. They are not able to say, “I know how you feel” when they walk away from the events they have created and when they look at their victim.

Hon Ed Dermer: Alienation can be linked to that as well.

Hon SALLY TALBOT: That is exactly right. They are not able to say, “If I put myself in your shoes, this is how I would feel.” That is one of the reasons why our courts have introduced the concept of victim impact statements in court in recent years. I do not think victim impact statements are made until after the judgement.

Hon Ed Dermer: I think that is correct.

Hon SALLY TALBOT: They are part of the sentencing process and an attempt to stand before the perpetrator and say, “This is what it feels like for you to have done this to me.” That is just one more illustration of how complicated the whole issue of graffiti is and why our reservations on this side of the house can be summarised as saying that we think that this is a blunt instrument and is a bit crude. We think that the government is probably responding to community concerns in a direction that the community is happy to see it go in. Like the community, the opposition will be watching very carefully to see just how effective these measures are.

Often when we are faced with these very complicated problems, not just as legislators and parliamentarians but as leaders in our community, a bit of lateral thinking is called for. A bit of lateral thinking can sometimes go a very long way, lead us in unexpected directions and have results that perhaps we would not have had if we had adopted blunt, crude instruments of control. One of the examples that I recall was described to me by a teacher. I will not name the school but it was a district high school in the outer suburbs of Perth. It had an ongoing problem in the girls’ toilets. The girls went into the toilets at lunchtime and put on layers of lipstick and then kissed the mirrors. There has been a lot of talk about lipstick in this debate; that is probably what reminded me of this story. I do not know how many members have tried to clean lipstick off mirrors. It is very difficult because lipstick, by virtue of the way it is constituted, is supposed to stay on. It is not supposed to come off when we lick our lips. I think a lipstick is yet to be invented that does not come off when we lick our lips but it is being worked on. We can send people to the moon but we cannot invent a lipstick that stays on. However, it does stay on mirrors and it is a real task to get it off. This had been going on at the school for several months. All sorts of things were tried to stop it, including notices being put up asking students not to put lipstick on the mirrors. They tried random raids by teachers in the girls’ toilets and still mirrors were being covered with lipstick. They tried peer monitoring. Nothing was working. One day the principal had a brainwave. He wrote on a little sticker, which was then fastened onto the mirrors, “Please note. As from today, these mirrors will be cleaned with toilet brushes.” Guess what happened? Nobody kissed the mirrors again. That is an example of how, if people think outside the box, calm down a bit and brainstorm, we can come up with a 100 per cent effective solution. There was no imposition of the rules, no extra resources were needed for policing and the problem was solved. It cannot be beyond us to make our instruments a little more sophisticated than this bill seems to be.

I have already referred to one of my frustrations with graffiti. When it was done to a place that I was living in, one of my frustrations was not being able to read what it said. We have already had references in this debate to windows on trains being scratched. I think Hon Kate Doust said that on the inaugural trip from Perth to Mandurah it was obvious that the graffitists had been all the way along the track and had tagged all the sheds. One of the things that I have noticed is that the places where we see graffiti suggest that the people who are responsible for it are taking the most enormous risks to their own personal safety. They are climbing on structures and hanging off bridges and they are in places all along the freeway where pedestrians are not allowed to go. These people are prepared to put their own personal safety at considerable risk to make their point. That adds to the theme that was introduced by Hon Ed Dermer about how alienated people are when they are doing it. There is another explanation. There was a recent TV series about being teenagers. I think it was called *Whatever!*

Hon Sue Ellery: Yes, *Whatever!*

Hon SALLY TALBOT: I do not know whether *Hansard* can pick up the exact intonation with which that was said. The first episode that I saw showed that when we measure the perception of risk, we can demonstrate empirically that teenagers perceive less risk. The experiment I saw involved an adult male and a boy aged about 14 or 15 years. They were presented with a series of images and had to tap “risky” or “non-risky” buttons. It was pretty straightforward. It was not a terribly sophisticated experiment. They were shown identical pictures. When the reactions were added up, the adult reacted to significantly more things that were seen as potentially risky than the teenager did. I would have been interested to see that experiment replicated with gender taken into account because I suspect there may be a different perception of risk between adult males and females and between teenage males and females.

Hon Ed Dermer: That might relate to the different policies that insurance companies develop and the risk assessment they do.

Hon SALLY TALBOT: Yes, indeed. One would not want to be a young man looking for insurance for a red sports car, for example.

There are two elements to what is going on here. I am not sure that I want to make some of the very broad assumptions that have been made by some speakers in this debate, such as Hon Philip Gardiner, about who is doing the graffiti. I do not want to go quite as far as that. I think we can make an assumption that the people who

fit into the category are probably young risk-takers. They may or may not also be alienated from their societies. That adds up to a pretty dangerous situation.

I was talking about the train trip to Mandurah, where graffitiists have already been at work. We need to look at the sort of explicit or tacit encouragement that we are providing to graffitiists. The other day I drove on a large section of the new Perth-Bunbury highway. I noticed that all the granite-grey material underneath the overpasses—at least the ones that I saw, where a minor road goes over the highway—have been decorated. They are patterned and coloured and they are quite attractive. This is a relatively new thing. We know we are getting to the category of no longer young when we remember the previous section of the freeway opening. I might remember the one before that. When I first moved to Perth, I think the freeway stopped at South Street. I certainly remember that when the section of the Kwinana Freeway to Safety Bay Road was built many of the overpasses were very unattractive to most of us, in that they were just left as great big grey concrete slabs in the middle of nowhere, but of course they were extremely attractive to a graffitiist, who would have seen them as a blank canvas. I think, therefore, another degree of complexity is introduced into the whole issue of restraining graffiti activity if we look at the effect that our lack of public art might be having on the level of graffiti. We leave large, drab public spaces that are unattractive for us as non-graffitiists but that provide an open invitation to people who have a spray can in their hand. Just as I have given honourable members that illustration of lateral thinking, with the story about the lipstick on the toilet mirror, maybe we need a bit of lateral thinking here. Maybe we can have a serious look at what we do with public art. I have a colleague who works for Bunbury Regional Art Galleries, whose lifelong commitment as an artist is to increase the percentage of public art and increase the percentage of funding in every project that is set aside for public art. I believe that is an issue that cannot be set aside from the whole topic of graffiti.

I want to move on to the topic of what exactly is graffiti. As I said, I thought that Hon Brian Ellis' characterisation of all graffiti as vandalism was perhaps a bit too much of a blanket statement to encompass what graffiti actually consists of. Before I got to my feet, I was slightly distracted because, to the horror of one of my staff, I admitted this morning that I had only just heard about someone called Banksy. The staff member took it upon himself to enlighten me and sent me a whole series of Banksy's cartoons from the internet. They illustrate beautifully the next point that I want to make, which is that as politicians we have to acknowledge that graffiti plays an important role as an integral part of political debate, the political cultural heritage in which we situate ourselves and the whole cultural history of politics. I am happy to table these, although I suspect that my lack of education is being remedied much later than most members of this house who are perhaps more familiar with this work than I am. For instance, I am looking at a piece of graffiti here. I believe, on the basis of conversations I have had, that this comes from somewhere on the Israeli-Palestinian border. It is a most complex, beautiful drawing of a dove with an olive branch in its beak. It is wearing a military uniform. I am happy to table it if it is of any interest. I seek leave to table the document.

Leave granted. [See paper 1316.]

Hon SALLY TALBOT: There are many other images here. One that particularly appeals to me is that of a maid in a full maid's uniform who is holding up what appears to be a curtain over the wall and is sweeping stuff underneath. This is beautiful work. Every one of these works of art can clearly be classified as graffiti, but they also very clearly make graphic political statements. I would hate to see us going down a path where we stifle that form of political commentary.

Hon Brian Ellis: If it is requested, I think it is fair enough to do that, but surely you are not promoting graffiti.

Hon SALLY TALBOT: That is a very important point. I draw the distinction with a graffiti artist, because I recognise that the point that Hon Brian Ellis made about the connection between graffiti and vandalism is a very valid connection to make. If we are talking about a graffiti artist, it seems to me that some of this work might be done in a way that does not necessarily take into account who owns the property, what remedies might be sought by people or what tenure there is over the land. I think the whole essence of graffiti is a degree of spontaneity.

Debate interrupted, pursuant to standing orders.

[Continued on page 7649.]

Sitting suspended from 3.45 to 4.00 pm

QUESTIONS WITHOUT NOTICE

REDRESS WA — EX GRATIA PAYMENTS

954. Hon SUE ELLERY to the Minister for Community Services:

- (1) How many applications for ex gratia interim payments under the Redress WA scheme have been received since 1 July 2009?
- (2) How many ex gratia payments have been made since 1 July 2009?

Hon ROBYN McSWEENEY replied:

I thank the member for some notice of this question.

- (1) An application for an interim redress payment is a medical certificate from the applicant's doctor certifying that the applicant is terminally ill, or highly likely to be deceased by December 2010. Since 1 July 2009, Redress WA has received 23 applications.
- (2) The number of ex gratia payments that have been made is 38.

ELECTRICITY SUPPLY — HARDSHIP UTILITY GRANT SCHEME

955. Hon SUE ELLERY to the Minister for Energy:

I refer to question without notice 891 about the hardship utility grant scheme.

- (1) In the three weeks from 26 August 2009 to 16 September 2009, how many applications were received for HUGS assistance?
- (2) Is the minister now able to table the regional data requested in question 891?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. On behalf of the Minister for Energy, I provide this response —

- (1) A total of 148 customers received HUGS grants between 31 August 2009 and 18 September 2009. This is the closest reporting period able to be given due to the nature of the remittance advice Synergy receives from the Department for Child Protection.
- (2) Synergy is currently working on a regional break-up of HUGS referrals. The member will be informed when this information becomes available and it will be tabled when the Council next sits.

BENTLEY TECHNOLOGY PARK — HIGH-PERFORMANCE COMPUTER FUNDING

956. Hon KATE DOUST to the parliamentary secretary representing the Minister for Science and Innovation:

- (1) Will the minister update the house on the government's contribution to funding for the new high-performance computer that will be constructed at Bentley?
- (2) Will the government confirm that no additional funding will be provided to iVEC for the ongoing operational costs of the facility?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. The Minister for Science and Innovation has provided the following answer —

- (1)-(2) As this was a recent federal government announcement, as yet the state government has not committed to or determined the need for additional funding for the high-performance computer.

BRIDGETOWN FIRE — DEPARTMENT OF ENVIRONMENT AND CONSERVATION REPORT

957. Hon SALLY TALBOT to the Minister for Environment:

- (1) Has the minister received the Department of Environment and Conservation's report on the Bridgetown fire?
- (2) If yes to (1), when will the minister respond to the report?
- (3) Will the report be released to the public?
- (4) If yes to (3), when; and, if no to (3), why not?

Hon DONNA FARAGHER replied:

I thank the member for the question.

- (1)-(4) I am not aware of receiving that report in my office. However, I will follow up with the director general whether that report has been prepared and provide further information to the member.

DALYELLUP WASTE RESIDUE DISPOSAL FACILITY

958. Hon GIZ WATSON to the Minister for Environment:

I refer to the answer to question without notice 787 and to an article on page 16 of *The Sunday Times* of 20 September 2009 in which a Department of Environment and Conservation spokeswoman stated that the Dalyellup waste site was recorded on the Department of Environment and Conservation's reported sites register.

- (1) When was the site reported to DEC under section 112 of the Contaminated Sites Act?
- (2) Who reported the site to DEC?

- (3) Was the site reported to DEC under section 11(3) of the act?
- (4) Will the minister table a detailed summary of records for the site from the reported sites register, as described on the DEC website?
- (5) If no to (4), why not?
- (6) Given the duty of the department outlined in section 14(1) of the act to classify a reported site within 45 days of receiving the report, why has the site not yet been classified?
- (7) Given Millennium Inorganic Chemicals' admission that dioxins and furans are evident at the site, will the minister issue an investigation notice under section 49(2)(a) of the act?
- (8) If no to (7), why not?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

- (1) The site was reported on 31 May 2007.
- (2) The site was reported in accordance with section 11(4) of the Contaminated Sites Act 2003. Under section 96 of the act, the identity of a person who reports a site is confidential.
- (3) No. However, the site was reported within the period of grace that followed the commencement of the act, as outlined in section 11(6) of the act.
- (4) Yes. I table the attached document.
- (5) Not applicable.
- (6) Section 11(6) of act provides for a six-month period of grace for the reporting of sites that were already known or suspected to be contaminated. This period of grace expired on 31 May 2007. A total of 1 656 reports—74 per cent of the total number of sites reported since the act commenced—were received between March and June 2007, with 56 per cent received during May 2007 alone.

For sites reported during this one-off peak period, the Department of Environment and Conservation was not able to adhere to the requirements of section 14 due to the number of sites reported and the volume and complexity of supporting information.

DEC is in the process of classifying the Dalyellup site and sought expert advice from the Radiological Council on the appropriate classification of this site in July 2008. DEC sought this advice because the site contains radiological materials, and the Radiological Council has the appropriate expertise in relation to the level of risk of these contaminants. DEC anticipates completing classification of the site within two weeks of receiving the Radiological Council's advice. Whilst this is not included in my written answer, on seeing that it was asked for back in July 2008, I have asked the department to follow it up immediately with the Radiological Council.

- (7)-(8) I have discussed matters surrounding the Dalyellup waste disposal facility with the department; however, the chief executive officer, or his or her delegate, is the person empowered under section 49 of the act to issue an investigation notice. Nevertheless, Millennium Inorganic Chemicals is currently required to undertake groundwater monitoring as a requirement of the conditions of its Environmental Protection Act 1986 licence. DEC is currently reviewing the groundwater monitoring results to determine what further action, if any, is required to address any groundwater contamination issues.

In addition, I am aware that there are health concerns being raised by the community, and I have asked the department to seek the advice of the Department of Health on this issue as part of the licence application assessment process.

[See paper 1344.]

ENVIRONMENTAL APPEALS — MINISTER FOR ENVIRONMENT

959. Hon BRIAN ELLIS to the Minister for Environment:

Will the minister advise of the status of environmental appeal determinations made by her in the past 12 months?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question, and note his longstanding interest in matters surrounding environmental approval processes for a number of major projects in his region.

Yesterday marked the first anniversary of the Liberal-National government. I can inform the house that from 24 September 2008 to 23 September 2009, 445 appeals were determined on 93 proposals. The previous government, in the period August 2007 to August 2008, determined only 221 appeals. At the same time, in the

12 months to 23 September this year, I have issued 34 ministerial statements. I believe that this demonstrates a very clear commitment by the government and by me to ensure that appeals are properly assessed, that decisions are made and that strong environmental conditions are set.

The ability for me as minister to process this very large number of appeals is in large part due to the professionalism and dedication of the Office of the Appeals Convenor. As members would know, that is a very small office. It has dedicated officers who work tirelessly to deal with very complex issues. I also want to commend the Environmental Protection Authority and the Department of Environment and Conservation, which obviously provide advice during the course of determining those appeals.

AIR SERVICES — REGIONAL WESTERN AUSTRALIA

960. Hon KEN TRAVERS to the Minister for Transport:

I refer to the minister's announcement on 30 June regarding air services for regional WA.

- (1) Since the minister's announcement, which regional communities has the minister visited to discuss their future air services and what were the outcomes of those discussions?
- (2) Who has attended the discussions the minister has had?
- (3) Has the minister made a decision on which regional towns or airports will be included in any future regulated networks?
- (4) If no to (3), when does the minister expect to make a decision?
- (5) When does the minister expect tenders will be issued for the operation of the future regulated regional air services to regional WA?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of the question. I regret that in the time available I was not able to get a written response to pass to him. I apologise for that. However, I will endeavour to address the member's five-part question.

- (1) Since the time of the announcement, I have visited a number of regional communities, including Albany, Geraldton, Carnarvon, Exmouth, Karratha and Kalgoorlie. I will be visiting Esperance tomorrow. I have been visiting regional communities not specifically to discuss those matters but to deal with a range of portfolio matters, including discussions on aspirations for air services.
- (2) Typically, the discussions have been with elected officials, members of the community and other interested parties.
- (3) No, I have not made a decision on the future regulated networks. An independent consultant is being engaged at this time to further consult with industry to assess the optimal level of regulation required to deliver outcomes that I have previously mentioned in the house in response to questions from the member.
- (4) I will be making a decision once I have received and reviewed that independent report.
- (5) The member asked when I expect tenders to be issued for the operation of the future regulated regional air services to regional WA. Through Mr President, does the member mean when do I expect that tenders will be called or that licences would be awarded as a result of those tenders?

Hon Ken Travers: When the minister expects to call them, when he expects to have them closed and issued out.

Hon SIMON O'BRIEN: I cannot give precise dates but it has been the government's intention to call, if possible, for the expressions of interest or other engagement with potential operators or service providers before the end of this calendar year—I am fairly optimistic we should be able to do that—and to have the final outcome as soon as possible in the first half of next calendar year. As the member would be aware, at the moment we have licences for those regulated routes valid to 30 June next year. That was the reason for that time line.

TRAINING WA — INITIATIVES

961. Hon LJILJANNA RAVLICH to the Minister for Training:

I refer to page 5 of "Training WA: Planning for the future 2009-2018", which outlines the immediate initiatives for training, amounting to \$47.3 million.

- (1) Of the 11 initiatives, which ones provide direct funding to apprenticeship and traineeship training?
- (2) How much of the \$47.3 million will go to private training providers and how much of that money will go to technical and further education colleges?

Hon SIMON O'BRIEN replied:

Mr President —

Hon Ljiljanna Ravlich: Come on! We haven't got all day!

The PRESIDENT: Order! That is not required and it is unhelpful. Minister for Transport.

Hon SIMON O'BRIEN: On behalf of the Minister for Training, I have quite a few questions with some notice standing in the name of the honourable member. I was not able to identify the specific one in the course of her reading. Was it the question of which notice was given on Wednesday, 16 September?

Hon Ken Travers: The minister can table all of them. That would probably solve the problem.

Hon Ljiljanna Ravlich: No; it is the two-part one. It is probably the only two-part one.

The PRESIDENT: Can I suggest the member provide a copy of that question to the minister. The minister can look at it and provide the answer at the end of question time, if the answer is available. In the meantime, we can move on.

Hon SIMON O'BRIEN: Mr President, I believe I have it. It is the question.

Firstly, on behalf of the Minister for Training, without any sense of irony at all, I thank the honourable member for some notice of this question.

- (1) The 11 initiatives support the whole training system, including employers and apprentices and trainees. The \$10.6 million initiative to provide a rebate on workers' compensation premiums directly supports employers of apprentices and trainees.
- (2) The stimulus package of \$47.4 million included \$47.1 million to fund the 11 initiatives outlined on page 5 of "Training WA: Planning for the future 2009-2018" and supports the whole training system, including TAFE colleges and private providers.

AUSTRALIAN STANDARDS FOR THE EXPORT OF LIVESTOCK — ENFORCEMENT

962. Hon LYNN MacLAREN to the minister representing the Minister for Local Government:

I refer to the Australian Standards for the Export of Livestock that are administered by the Australian Quarantine and Inspection Service and cover the entire live export chain from farm to wharf.

- (1) How many AQIS staff are currently dedicated to administering and enforcing the ASEL across all ports in Western Australia?
- (2) What is the total number of live animals exported and live animal shipments that have left Western Australian ports since July 2005 when the ASEL standards came into effect?
- (3) At how many of these loadings was AQIS present?
- (4) How many cases has AQIS reported for noncompliance with the ASEL standards since 2005?

Hon SIMON O'BRIEN replied:

On behalf of the minister representing the Minister for Local Government, I thank the honourable member for some notice of this question.

- (1)-(4) The Australian Quarantine and Inspection Service is a commonwealth government agency; and, as such, it does not fall within the local government portfolio.

REDRESS WA — ARRANGEMENTS FOR TERMINALLY ILL APPLICANTS

963. Hon NICK GOIRAN to the Minister for Community Services:

I refer to the Redress WA scheme. Can the minister advise the house what has been put in place for Redress WA applicants who are terminally ill or who passed away during the assessment period of their application?

Hon ROBYN McSWEENEY replied:

I thank Hon Nick Goiran for the question. He has a special interest in Redress WA. When the guidelines for Redress WA were developed, it was able to pay an interim payment to an applicant if the applicant could provide medical evidence that he had a terminal illness. Unfortunately, under the former government's guidelines, if an applicant passed away suddenly while the application was being assessed, the estate would receive no payment whatsoever and the applicant's file was closed. This appeared unfair and rather harsh to me, so I had the guidelines amended to allow eligibility payments of \$5 000 to be made to the estate of the deceased applicant. I also ensured that the balance would be paid to the estate of applicants who had received an interim payment of less than the eligibility payment.

I read the comments that Hon Sue Ellery made in the adjournment debate last night. I note that the member is out of the chamber on urgent parliamentary business. I noted what she said last night and I acted very promptly to omit the incorrect sentence in the last line of the letter that the member mentioned regarding the departmental correspondence. I was absolutely horrified when I read what Hon Sue Ellery said in the adjournment debate. She said —

The letter she got today is signed by Stephanie Withers, Executive Director of Redress WA. In her letter, Ms Withers sets out the answer to the questions that I asked today, confirming that because he had received a \$2 000 interim payment, it would have been better for him to die and let his family claim \$5 000.

Stephanie Withers is a public servant and she does a very good job. Redress WA is very difficult to deal with. I wondered whether Stephanie Withers would have said that and I did not think that she would have.

Point of Order

Hon JON FORD: This is not an answer to a question; it is either a ministerial statement or a personal explanation. The minister is also debating comments that the Leader of the Opposition made yesterday while the Leader of the Opposition is away from the chamber on urgent parliamentary business.

The PRESIDENT: I will listen to the answer very carefully for another minute or so. I hope that the minister is getting to the point. Otherwise, I would suggest that a more appropriate forum in which to make those sorts of remarks might be a ministerial statement or during the adjournment debate. I will listen very carefully to whether the minister is getting to the point.

Questions without Notice Resumed

Hon ROBYN McSWEENEY: The third paragraph of the letter that I got this morning states —

With reference to eligibility payments, where an applicant who has received an interim payment of less than \$5 000 dies, Redress will make a further eligibility payment to increase the amount up to this point.

That is rather different from what the Leader of the Opposition said in the adjournment debate. If that is the case, Stephanie Withers, who is a public servant, is owed an apology.

WEST COAST ROCK LOBSTER FISHERY ADJUSTMENT SCHEME

964. Hon JON FORD to the Minister for Fisheries:

I apologise that no notice of this question has been given, but it is a topical subject. Given the perilous financial position that rock lobster fishers are currently dealing with and the significant doubt over the future viability of this fishery, I ask —

- (1) Will the minister consider establishing a fisheries adjustment scheme for this fishery?
- (2) Is the minister prepared to move the fishery from input management principles to quota management principles?
- (3) What measures will the minister take to ensure that recreational rock lobster fishers are playing their part in preserving rock lobster stocks?

Hon NORMAN MOORE replied:

I thank the member for the question.

- (1) Some preliminary thoughts have been given to establishing a fishery adjustment scheme but the quantity of funds that may be required are very significant indeed. I would have thought that an adjustment scheme that was perhaps beyond the capacity of the taxpayer to fund would be very difficult to implement. As the member knows, I have contacted the federal Minister for Agriculture, Fisheries and Forestry, Hon Tony Burke, to ask whether he will give consideration to the plight of the rock lobster fishermen in the same context in which he considers farmers under the exceptional circumstances arrangements. His initial response was not all that encouraging, I have to say. However, I do not give in the first time around and I intend to talk to him again. People who earn money in industry pay taxes to the federal government, not to the state government. The government that collects the revenue from the various industries in Australia has, in my view, an obligation to provide assistance if it is determined that assistance is necessary for the industry. I am seeking the federal minister's consideration of the plight of rock lobster fishermen in the same context as the plight of farmers under the exceptional circumstances arrangements. It can be argued that this is an exceptional circumstance.
- (2) The rock lobster fishery is an input-managed fishery and we are considering moving to a quota system. The Rock Lobster Industry Advisory Committee has been asked to provide me with its advice on a

quota system. I inform the member that all the advice I have received so far about the quota system is that it will be extraordinarily expensive to implement in the short term, although I personally have some sympathy for that course of action. It may be easier to manage lower catches in a quota system to enable the fishery to adjust better to the marketplace than under an input system. Work is being done on that and I will not make a decision in a hurry without knowing all the consequences of moving from one system to another.

- (3) The member would know, because he introduced it, that the integrated fishery management system is a process whereby fisheries are assessed on the basis of what proportion of the catch ought to go to recreational fishers and what proportion ought to go to professional fishers. The rock lobster fishery was the first fishery that was assessed. Ninety-five per cent of the catch is allocated to the commercial fishers and five per cent is allocated to recreational fishers. Any reduction in the total allowable catch—if I can use that expression because it is not exactly what it is; it is a harvest figure that we are seeking to achieve—should be shared by both recreational and commercial fishers. However, I am advised that the advice of the Department of Fisheries is that amateur fishers take only about two per cent of the rock lobster catch. I am having discussions with Recfishwest and other fishers about how to manage this. My view is that the pain must be spread amongst both sectors. I desperately hope that in the next few years the puerulus count does recover. In the past, when strong measures were taken, the industry rebounded and there was a very significant growth rate during the late 1990s and into the twenty-first century. We have taken measures that I hope are successful.

I am sorry to have taken so long to answer the question but it was quite a detailed question. I was rather amused at the interjection of Hon Ljiljanna Ravlich earlier because I recall that when she was a minister, she made vast numbers of ministerial statements during answers to questions.

ESPERANCE RESIDENTIAL COLLEGE — UPGRADE FUNDING

965. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Education:

In Council estimates held on 18 June this year, advice was given that no funds had been allocated in the budget or forward estimates specifically for improvements to the Esperance Residential College.

- (1) When was the decision made to spend \$1.5 million upgrading the facilities, and where is the money being allocated from?
- (2) Was the college advised of that before yesterday's ministerial press release; and, if so, when was the college advised?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of this question. On behalf of the Minister for Training, I provide this answer from the Minister for Education —

- (1) The decision was made on 2 December 2009. The money is part of the \$2.1 million allocation in the 2009-10 state Country High School Hostels Authority division budget for residential college redevelopment.
- (2) No; the college was advised immediately following the minister's press release.

WATER TARIFFS — ECONOMIC REGULATION AUTHORITY RECOMMENDATIONS

966. Hon ALISON XAMON to the parliamentary secretary representing the Minister for Water:

I refer the parliamentary secretary to the recently tabled report by the Economic Regulation Authority on recommended tariffs for water and wastewater for the Water Corporation, Aqwest and Busselton Water.

- (1) What is the expected financial impact of these proposed tariffs on single pensioners, pensioner couples and residential tenants?
- (2) Will the minister give rebates to large households to mitigate the recommended change to higher consumption charges and lower fixed charges?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. The Minister for Water has provide the following response —

- (1)-(2) The recommendations in the final report on the ERA's inquiry into the tariffs of the Water Corporation, Aqwest and Busselton Water are currently being analysed and considered by government and any comment on those recommendations would be premature at this time.

PUBLIC BUS AND TRAIN SERVICES — CLAREMONT RAILWAY STATION

967. Hon ED DERMER to the Minister for Transport:

- (1) Has the minister examined the feasibility of coordinating the Transperth bus services on routes 23, 24, 25, 27, 28, 102 and 107 with the passenger train service operating through Claremont station?
- (2) If yes to (1), what is the outcome of that examination?
- (3) If no to (1), why not?

Hon SIMON O'BRIEN replied:

- (1) No.
- (2) Not applicable.
- (3) Routes 23, 24, 25, 27 and 28 all operate between Perth and Claremont, although they all perform different functions, serving different suburbs and attractions along their respective routes. Route 102 operates between Perth and Cottesloe via Claremont station and route 107 operates between Perth and Fremantle via Claremont station. In the case of these services, the primary function of the route is to provide a direct connection to Perth. If Transperth was to coordinate bus services with train services at Claremont station, it would be unable to provide the consistent frequency of buses necessary for legibility. For example, the 102 departure from Perth would be set by the train time at Claremont, not by the need to provide an even frequency of buses within the busiest section of the road route. Routes 23, 102, 107, 78 and 79 are all coordinated to maximise the number of buses operating between Perth and the University of Western Australia. In addition to this coordination, the 102 and 107 routes are coordinated to maximise the frequency of buses travelling along Stirling Highway from Perth to Claremont. The 24 and 25 routes are coordinated through Subiaco to maximise the frequency for residents in that area. Although it is appreciated that some passengers would prefer to change to a train at Claremont station, it needs to be noted that this is the minority of passengers, compared with the number who prefer a direct bus to the central business district.

The PRESIDENT: Just to explain, I will give the call to the Deputy Leader of the Opposition because the Leader of the Opposition is unavoidably out of the chamber, and the Leader of the Opposition always has priority for a question if she requires that. She has in fact delegated that to her deputy.

DRAFT WASTE STRATEGY

968. Hon KATE DOUST to the Minister for Environment:

Has the minister released the draft waste strategy for Western Australia; and, if yes, when did the minister release the report, and in what form?

Hon DONNA FARAGHER replied:

I thank the member for her question. The draft waste strategy was released last week. It is available on the Waste Authority website. There is also a document, and I am quite happy to send a copy to the member if she would like one, and it is open for public comment. I hope that a lot of people will make comment. It has actually been released.

CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009*Second Reading*

Resumed from an earlier stage of the sitting.

HON SALLY TALBOT (South West) [4.36 pm]: Before question time, and before cucumber sandwiches, I was drawing attention of members to the fact that, as other members on this side of the house have pointed out, there is not always a clear distinction between graffiti and the work done by graffiti artists. I am grateful to the house for letting me table an example of the work of the graffiti artist Banksy. I also note that some Australian examples of what some people call graffiti should be seen in a much wider context and have a much wider appreciation than some of the stuff that we might want to equate with vandalism. The opening ceremony of the Sydney Olympic Games in 2000 was one of the great moments in Australia's history, which I am sure everybody in this house remembers well. I wonder what immediately comes into the minds of members when they think about the end of that opening ceremony, and how that was associated with graffiti. I wonder whether members remember what happened at the end of the fireworks display.

Hon Kate Doust: I didn't watch it.

Hon Adele Farina: I don't remember.

Hon SALLY TALBOT: Hon Adele Farina does not remember, and Hon Kate Doust did not watch it. However, as soon as I say it, both members will say “Oh yes, of course!”

The PRESIDENT: Order! Would the member please address her comments through the Chair, and then it becomes a debate and not a conversation.

Hon SALLY TALBOT: Thank you, Mr President, for reminding me about that. I am just trying to address the concerns of my comrades sitting around me here.

Honourable members will be interested to hear, as I am sure you will, Mr President, that that opening fireworks display was arranged by a very famous producer of these things, Ignatius Jones. He talked about the symbol that he used at the end of the fireworks display as being a fitting way to mark the new era. These are his words —

It’s incredibly Sydney. It symbolised for me the madness, mystery and magic of the city.

He talks about bringing joy and meaning into people’s lives with a quintessential message. One word came up across the Sydney Harbour Bridge, after all the fireworks had died down and everybody was getting ready for the anti-climax and thinking it was all over. All of a sudden, across the Sydney Harbour Bridge, the word “Eternity” appeared. For something like 37 years in Sydney, the word “Eternity” appeared everywhere on pavements and walls. Then, in the year 2000, at the end of the opening ceremony of the Sydney Olympic Games, came that word. The “E” was written with a kind of flourish, the word went up the hill, and the tail of the “Y” came right down underneath the word. We are talking here about a piece of graffiti.

Hon Michael Mischin: He used to write that with chalk.

Hon SALLY TALBOT: That is not actually true. I am happy to share all this material with the member. If there is anything he wishes to look up afterwards, he can go to the Wesley Mission website, which is <http://www.wesleymission.org.au/publications/eternity/eternity.htm>, where he will find this piece called “Eternity at the Olympics”. It is not true that the word was always written in chalk. I want to tell honourable members a little about this word. It is obvious from the interjections I am getting that this is news to some of them. Over a period of 37 years half a million instances of the word “eternity” appeared around Sydney as graffiti. It was done by a man named Arthur Stace. This is where it gets really interesting. In some ways Arthur Stace was the quintessential Australian hero in that he was a failure. He was born in Balmain in 1884 into a very poor family. His mother, father, two brothers and two sisters were alcoholics. He grew up in a brothel. His sisters operated the brothel. He grew up not only in poverty, but also with enormous depravation. He was made a ward of the state in 1896 at the age of 12. He was uneducated. He worked in the mines until the age of 14.

Point of Order

Hon MICHAEL MISCHIN: This is fascinating but it has absolutely nothing to do with the Criminal Code Amendment (Graffiti) Bill, which introduces one offence into the Criminal Code and amends the penalty to another.

The PRESIDENT: I was listening to the member very carefully. I presumed there was a story behind this gentleman and he became a significant artist or something. I must admit that I was looking forward to the use of the word “graffiti” in the member’s speech. I would hope that the member comes to the point very quickly so that her point relating to the bill is obvious to all.

Debate Resumed

Hon SALLY TALBOT: Thank you very much, Mr President. I appreciate the fact that at least two people in this house, including you, are following my comments with great interest. For the benefit of all honourable members, I will make the connection between my account of Arthur Stace’s life and the bill that is before us before too many more minutes have elapsed. Arthur Stace grew up as a very disadvantaged person. As I said, he went to work in the mines. He then became an alcoholic himself. He had a life of enormous depravation. His life descended to the point at which he was drinking methylated spirits at sixpence a bottle and living on handouts. Hon Michael Mischin will be pleased to know that this is the key point. In 1930 he attended a meeting at St Barnabas Church on Broadway in Sydney. It was there that he was metaphorically saved. He heard a message that he interpreted as being from a higher being and he became a regular churchgoer. One day he was at the Burton Street Baptist church in Darlinghurst. He heard the preacher the Reverend John Ridley speak. The preacher shouted, “I wish I could shout eternity through all the streets of Sydney.” It was from that moment on in late 1930 that Arthur Stace started what became his life’s mission, writing the word “eternity” all over Sydney. This man was barely able to write his own name. He died in 1967. The first half of his life was spent as a dropout, an illiterate and an alcoholic. The second half of his life was spent as a graffiti artist. There is the word, Mr President. That hardly fits with the characterisation of a graffitist as it has been described in this house during this debate.

Arthur Stace was called Mr Eternity. He only ever wrote the one word. This was his graffiti contribution. He became known as Mr Eternity. Nobody knew who was doing it; it was a great mystery. There were letters to the

editor on an almost daily basis speculating about who it might be. There is an account on the website of another minister. One day this minister saw him writing the word “eternity” on the ground and he said, “Are you Mr Eternity?” Arthur replied, “Guilty, your honour.” I am quoting from the website. Then he became known as Mr Eternity. This graffitist was known for one word, one word that became the icon of the opening ceremony of the Olympic Games in Sydney. That one word is now used by the Uniting Church, which runs the Wesley Mission, as an example of an artistic expression of a deeply spiritual principle. This section of the Wesley Mission website talks about the word “eternity” and there is a picture of fireworks at the top. It states —

What was the meaning of the single word that up to 4 billion people saw at the end of the Opening Ceremony of the Sydney Olympics? How can you use it to witness to people in Sydney during the Games?

That is just one example of how dangerous the path is that we are beginning to tread if we simply say that all graffiti is vandalism and all graffitists deserve to be punished for what they are doing. I get the feeling that it is time for me to draw my comments to an end.

Hon Ken Travers: Do you want an extension of time?

Hon SALLY TALBOT: I appreciate Hon Ken Travers saying that he will move for an extension of time, but I have covered the ground that I wanted to cover. I appreciate his offer but it is not one that I will accept.

Hon Simon O’Brien: Please proceed. We’ve gone through the pain barrier.

Hon SALLY TALBOT: I am glad that Hon Simon O’Brien is riding this out with us all. I am very gratified to hear that.

I want to make one further comment. I have spoken about the political aspects of graffiti and I have spoken about the artistic aspects of graffiti. I want to conclude by noting that sometimes graffiti can be quite funny. I must admit that this is a bit of a philosopher’s joke but I wanted to prove that even philosophers have a sense of humour. There is one very famous piece of graffiti that says, “God is dead, Nietzsche is dead and I’m not feeling too well myself.” On that note, I am happy to hand the debate over to others.

Debate adjourned until a later stage of the sitting, on motion by **Hon Norman Moore (Leader of the House)**.

[Continued below.]

PAPERS TABLED

Papers were tabled by **Hon Norman Moore (Leader of the House)**.

ESPERANCE ANGLICAN COMMUNITY SCHOOL — REGISTRATION FOR YEARS 11 AND 12

Petition

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [4.49 pm]: I seek leave to present a petition to the house. Unfortunately, this petition was not ready this morning and, given that Parliament will soon rise for two weeks, I seek the permission of the house to present it now.

Leave granted.

Hon WENDY DUNCAN: I present a petition containing 2 031 signatures couched in the following terms —

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

We the undersigned residents of Western Australia are opposed to the decision of the State Government to not grant registration for years 11 and 12 to the Esperance Anglican Community School, and reason that parents and children of Esperance are entitled to choice in education. Furthermore diversity of education adds to the attraction of the South-East region for professional and skilled workers therefore bolstering the economy.

Your petitioners therefore respectfully request the Legislative Council to recommend and support the granting of registration for years 11 and 12 to the Esperance Anglican Community School.

And your petitioners as in duty bound, will ever pray.

[See paper 1345.]

CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009

Second Reading

Resumed from an earlier stage of the sitting.

HON ADELE FARINA (South West) [4.51 pm]: The defacing of private and public property is a significant issue in our community. Ridding graffiti from public and private property is a significant cost to the community

for both the public purse and private property owners. There is a very low tolerance in our community for graffiti. The community has made it very clear that it is growing increasingly frustrated with the increasing trend of graffiti in our community. We all know that graffiti is a problem in our community, and measures are needed to combat this. As members will be aware from a parliamentary question I asked earlier in the week, the Parliamentary Library has recently released a report on crime statistics on an electorate basis. That report, which is titled "Estimates of Crime Statistics WA State Electoral Divisions: March Quarter 1999 — September Quarter 2008", shows a shocking increase in crime activity in Bunbury. Bunbury is now ranked in the top six highest crime electorates in WA, which is a significant rise of 13 ranking places since the last quarter and a staggering increase of 7.6 per cent in crime activity. The report shows that in May 2008, 96 offences were reported in the Bunbury electorate and that this number had jumped to 233 offences in the September 2008 quarter. This is a staggering increase of more than 240 per cent. Interestingly, the report also shows an upward trend in graffiti and assault offences in Bunbury, with graffiti offences the leading form of crime in Bunbury and accounting for one-third of the offences in the September 2008 quarter. The report illustrates what we all know—that graffiti is a growing problem in our community and that regional towns and communities are not immune from the problem. I take this opportunity to congratulate the Bunbury police for the fantastic job they are doing, particularly with the limited resources they have. Clearly, the marked increase in graffiti offences shown in this report indicates that our Bunbury police understand that this is a problem in our community and are targeting graffiti and making arrests. What is not clear from the report—the report does not go to this extent—is whether these efforts at combating graffiti and the upward trend of graffiti crime are having an impact in the community. Given the increasing trend in graffiti that has been highlighted in the report, it suggests that we are not yet there in combating this problem in our community. Although I welcome this bill and hope that it will go some way to combating graffiti in our community, I am concerned that it is likely to have limited success, but I will come back to that later.

This bill amends the Criminal Code provisions for graffiti offences. As the Deputy Leader of the Opposition, Hon Kate Doust, has stated, the opposition will support the bill. To the extent that this bill may have some value in combating graffiti, we support the bill. As my colleague Hon Ed Dermer said, this bill does not offer a complete answer to combating graffiti in our community. There are clear concerns with this bill that we need to address during its consideration in this house. As members know, the bill essentially does four things: it defines "graffiti implement"; it creates a new criminal offence and penalty for a person who sells a graffiti implement to a child; it creates a defence that may be relied on when the accused believed on reasonable grounds that the purchaser of the graffiti implement was not a child; and it doubles the existing penalty in section 445 of the code to a maximum of two years' imprisonment and a fine of up to \$24 000. I will take that last point first. Again we see that this government's response to a problem is to increase penalties as though this is the solution to the problem. We all know that it is not. Ample studies and analyses from around the world have established that increasing penalties does not have a deterrent effect. As I explained when I spoke on the mandatory sentencing bill, offenders do not stop and think about the consequences of what they are doing when they commit an offence. It is the furthest thing from their mind; in fact, they believe that they will not get caught. If they stopped to think about the possibility that they might get caught and the consequences of getting caught, I am sure that most would not go on to offend. The problem is that that is the furthest thing from their mind at the time that they undertake the offence, and that has been shown repeatedly by authors and crime analysts from around the world. The issue is penalties. Increasing penalties will not serve as a deterrent effect. It will not have the impact that we want to combat the crime.

I am intrigued by the proposal to double the fine penalty from \$12 000 to \$24 000. I am curious to know from the parliamentary secretary just how many times a fine has been imposed on a person found guilty of a graffiti offence under section 445 of the Criminal Code and what the highest fine imposed was. I trust that the parliamentary secretary will provide this information in his response to the second reading debate. I am also interested to know how many people convicted of a graffiti offence under section 445 of the code who received a fine penalty were able to and did pay the fine. Again, I trust that the parliamentary secretary will be able to provide this information because I am confident that the government would have looked into all this information before bringing the bill before the house. The bill proposes to double the fine penalty to \$24 000. It will be interesting to see how the courts will apply this and how many offenders who are found guilty will have the maximum penalty imposed and will have the capacity to pay the fine that is imposed. I doubt that many of the likely graffiti offenders will have the capacity to pay a fine, much less a fine of \$24 000, and I doubt that the penalty will be imposed by the courts. That brings us back to the issue of whether this is really a deterrent. We know the answer to that, and the answer is no.

The bill proposes to double the maximum term of imprisonment to two years. Again we see this government using a sledgehammer to solve a problem, and again we see this government using imprisonment as the solution to all of society's ills, despite providing no evidence to support the government's policy position on this matter. As we all know, jail should be used as a last resort, especially in the case of minors and juveniles. It is disappointing that this government continues to ignore this general principle and resorts to imprisonment as a

first option or, in this case, a first or second option. Hon Giz Watson spoke about how graffiti provides a platform for fame for its participants. She is absolutely correct in this. A whole subculture supports and promotes graffiti as being cool, or whatever the modern word for “cool” is.

Hon Kate Doust: Wicked.

Hon ADELE FARINA: Wicked? I do not know because I am not cool. It is all about being cool, being in the in-crowd and all about doing something that people know is against the law and not getting caught. This view supports my proposition that simply increasing penalties will not curb graffiti or stop it. As I stated when I spoke on the mandatory sentencing legislation, offenders just do not think about the consequences of their conduct at the time they are doing it. They believe they will not get caught and that they are indestructible. The graffiti subculture promotes this view. It means that this bill will not achieve what it aims to do. The government needs to explore and understand the subculture and implement measures to combat graffiti from this point of view. A couple of weeks ago I was listening to the radio when this matter was being discussed.

Debate adjourned, pursuant to standing orders.

ROAD TRAFFIC AMENDMENT (HOONS) BILL 2009

Assembly's Message

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

JOINT STANDING COMMITTEE ON THE REVIEW OF THE RACING AND WAGERING WESTERN AUSTRALIA ACTS

Assembly's Message

Message from the Assembly received and read acquainting the Legislative Council that it has agreed to the following motion —

1. That the Legislative Assembly agrees with the proviso contained in Legislative Council message 41 that the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts consist of three members of each house.
2. That the members for Albany, Kalgoorlie and South Perth be appointed as the Assembly members of the committee.

ADJOURNMENT OF THE HOUSE

Special

On motion by **Hon Norman Moore (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 13 October 2009 at 3.30 pm.

Ordinary

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.04 pm]: I move —

That the house do now adjourn.

Minister for Community Services—Reference to Uncorrected Hansard — Adjournment Debate

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [5.04 pm]: I will keep my comments brief. Earlier today during question time, in response to a question from Hon Nick Goiran, Hon Robyn McSweeney, the Minister for Community Services, made some comments. We believe she read from an uncorrected *Hansard*, which, as we all know, is unparliamentary. We have only to refer to the bottom of the page of the pink to see “Uncorrected Proof — Not to be Quoted or Distributed”. She made references to an adjournment debate from last evening’s sitting and to comments made by Hon Sue Ellery. I am advised by Hon Sue Ellery that the *Hansard* was corrected today. As a result of that, the minister should not have been referring to an uncorrected *Hansard* and making those inappropriate comments.

Perth Declaration for Patient Safety — Adjournment Debate

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [5.05 pm]: I wish to bring to members’ attention the Perth Declaration for Patient Safety. On 7 July this year I had the pleasure of launching the first Australian Patients for Patient Safety workshop. This led to the Perth Declaration for Patient Safety— part of a worldwide call to action to make patient safety a public health priority. The Perth declaration follows declarations in other countries, in London and Jakarta, and a call to action in Chicago, under the World Alliance for Patient Safety. The workshop equipped Australia’s first crop of Patients for Patient Safety champions, some of whom are in the gallery this evening.

The champions are people who are able to articulate the values, principles and commitment that will govern Patients for Patient Safety consumer partnerships throughout Australia; inform and influence state and national policymakers; inspire and energise patient safety advocates; reorientate the practices of health care providers throughout Australia; and work in effective partnerships with the World Health Organization.

The Perth declaration came about through the efforts of a group of people and organisations, some of whom I would like to acknowledge: Ms Stephanie Newell is the first Australian champion and was chairperson of the workshop steering committee—Stephanie is from Adelaide; Mr Tim Benson, chairman; Ms Michelle Kosky, the chief executive officer of Western Australia's Health Consumer Council—I acknowledge Ms Michelle Kosky in the gallery; Mr Martin Hatlie, the CEO of the Coalition for Quality and Patient Safety of Chicagoland; Professor Dorothy Jones from the Department of Health's Office of Safety and Quality in Healthcare—I acknowledge Dorothy in the gallery; Professor Jill Downie, Pro Vice-Chancellor, and Professor Phillip Della, head of the School of Nursing and Midwifery from the faculty of health sciences at Curtin University of Technology.

In launching the Perth workshop, I outlined a range of personal experiences, some of which I have mentioned in this house before, that led to my strong belief that patient and carer empowerment is the most effective tool in preventing avoidable harm in health care. These experiences included my roles as a clinician, when I first graduated and went to work as an occupational therapist throughout many different settings in Western Australia and other states. I have also had experience as a patient, as a family carer and advocate, as a hospital and health service chief executive officer, as a general manager, and as an opposition member of Parliament seeking openness and accountability on behalf of my constituents. In my role as parliamentary secretary representing the Minister for Mental Health, I seek to introduce and amend legislation.

The committee presented the Perth Declaration for Patient Safety to me at a function at Parliament House on 5 August 2009. Our band of champions has now grown across Australia, and we are linked to other champions within the western Pacific region, and thence to a worldwide band of champions under the direction of the World Health Organization. If the Department of Health wants to save three per cent in health expenditure, the ready solution is to prevent unintended harm to people coming into hospitals and healthcare services. I have previously raised these statistics in this house, but I will reiterate one of those statistics that indicates an area of opportunity to save an enormous amount of expenditure in the health sector. About 50 per cent of hospital patients have wounds, and 25 per cent of those wounds are preventable, hospital-acquired pressure ulcers and skin tears. They are preventable, hospital-acquired wounds, and the Patients for Patient Safety champions will be pursuing ways to decrease this statistic.

I support the new Australian champions in their call to action, and I would like to read some of the declaration to the house. In fact I will try to read all of it out, but if I do not, I will table the declaration. The declaration states —

We, the participants of the inaugural Australian Patients for Patient Safety Workshop convened in July 2009, to share profound health care experiences in our lives and to take forward our call for action to improve patient safety in Australia.

We are patients, family members, carers and health professionals—people from all walks of life. Each one of us is a testament to the personal experience of unintended harm in health care and its continuing impact. Much of that harm was preventable.

We declare

- Policies and protocols alone have not made us safer. This problem is systemic, widespread and deep-rooted. The fact that any person or family could one day experience needless devastating harm within the health care system is unacceptable
- Action must be taken now across all aspects and all levels of health care to prevent more harm occurring to others
- Our trusted health care workers and managers must recognise that we, your patients and our families, are an invaluable asset and resource for improving patient safety. We offer our stories and experiences. Seek to learn from our hard-won wisdom and partner with us to make lasting change
- We are the owners and funders of our health care systems and have collective responsibility for them. We ask everyone in the community, including health care providers, administrators and the Government, to join us in making the right to safe health care a priority for all people, especially those who are currently disadvantaged
- Care has no borders, neither does harm. The journey through all care settings must be better coordinated as too many lives have been lost or grievously harmed on this journey

- We need to receive care that conforms to the best evidence and practice. Safe practice must be supported by the reporting of and learning from patient safety incidents, education, innovative solutions and information
- Many barriers exist for Aboriginal and Torres Strait Islander people which limit access to safe health care. Interpreter services, effective communication, transport and accommodation are all integral elements of patient safety
- Patients know their own bodies better than anybody else. It makes sense to include patients in decisions about their care and treatment. Patients must always be told the options available, the expected outcome of each option including risks and complications, and the likelihood of each outcome occurring
- Patient safety is a basic human right. When harmed, people have the right to timely apology, explanation, redress and other remedies meaningful to them
- In accepting that all humans err, we nevertheless dedicate ourselves to ensuring that effective systems are in place to
 - Track and learn from health care errors, adverse events and near misses
 - Minimise the impact of errors on all involved, including the care provider
 - Make changes to prevent the same errors happening again
- Current reporting arrangements have failed to deliver safe health care for patients. We accept that everyone, including patients, their families and clinicians, needs to safely report patient safety issues and problems. We therefore demand the application of improved patient safety legislation, including sanctions, which enables good clinical practice and provides real safety
- We cannot stay silent any longer, waiting and watching as more people are harmed in healthcare. As Australians, we own this problem and will work together with actions that go beyond words. To progress this call for action to improve patient safety, we expect partnership at all stages and at every level of the Australian health care system

This Declaration is our kindling. We, the participants of the inaugural Australian Patients for Patient Safety Workshop, will use it to ignite the flame of change to advance patient safety for everyone.

This is our promise.

*Perth, AUSTRALIA
August 5, 2009*

Gorgon Project — Inpex — Adjournment Debate

HON JON FORD (Mining and Pastoral) [5.15 pm]: I rise tonight to continue the adjournment debate that we had here late on Tuesday night; particularly the response that the Leader of the House gave in regard to Inpex.

The Leader of the House would have the house believe that the then Labor government stood idly by and let the Inpex project move to Darwin. In fact, like all these issues, there is a much more complex explanation than what the Leader of the House would have us believe. He is pretty good at trying to rewrite history in this house and good at feigning outrage and righteous indignation. What we saw on Tuesday night was a good demonstration of that prowess and talent; but nevertheless it does not mean that it is the truth. I do not think we will ever find out what the actual truth is in regard to Inpex. The development of that project would make a very, very good book; if the project ever gets developed. It would certainly make a good midday television show.

Let us picture at the time a small gas project situated in one of the most remote areas of Australia, struggling to get up and going, struggling to get investment at a time when there were a whole heap of other projects going on and investment dollars were unsure, with everybody knowing that big rewards existed with the development of gas fields, especially for players who had not yet had a significant foothold in the industry. That is the situation that we had with Inpex.

At the time, Inpex had access to a lease that was, by industry standards, generally regarded as quite a modest amount of gas. Most people up and down the Terrace who were involved in the industry talked about it being a typical project that would be good to piggyback onto another major project. At one stage people said for it to succeed, it needed to have access to a domestic market to assist it getting into the world market. Nevertheless, Inpex—a Japanese government-owned entity—was striving to get its foot in the door in what now everybody sees and recognises as a lucrative Australian resource.

At that time, where Inpex wanted to put the gas processing plant was on the Maret Islands. It went down the path with the local traditional owners in trying to develop consensus to put the development there. Inpex came to the Western Australian government looking at that. At that time, for some reason they were not getting much of a response from the commonwealth government. I can tell members that there was not much enthusiasm. I know that that was the case because they came and saw me as one of the local members. They also saw the lower house member up there, Carol Martin. They lobbied many members of government and opposition. The problem with the Maret Islands, if anybody has ever been there, is it is a very low-lying structure. That is good in some respects but not so good when building a gas plant. At the time that Inpex was pushing for the Maret Islands, the islands were reserves. They pushed to such a level that it became harder and harder for them to explain how they were going to fit the required processing onto the Maret Islands. Nearly every time they had a conversation with us in government, the proposal differed. It differed in quantity, size and what they wanted to do. Unashamedly, we as a government, recognising the development of oil and gas, wanted to stop the proliferation of spot sites all over the Kimberley. We were promoting a single gas hub to try to minimise that proliferation.

As is the case in a competitive market, Inpex did not want to share its market and its product or its processing plant with another competitor. Woodside at the time, along with its joint venture partners, was that competitor. Woodside was not particularly interested in developing a single gas hub with Inpex. At the same time, the Inpex company representatives in Australia were sending different messages to the parent company in Japan. So we had confusing messages at the national level and at the state level, and we had an increased proven reserve that would obviously require a much bigger plant. I know that is the case, because people in the industry and up and down the terrace were talking about the geotechnical problems that Inpex was having with the plant. In short, the rumours were that what we would end up with would be not a plant on the Maret Islands, but a huge low-level concrete pad to cater for the size of the operation that Inpex would need. What did Inpex need? What it needed was a bigger site. Again, we offered Inpex the prospect of sharing a gas hub. At the same time, now that Inpex had decided to tell the world that it was going to go to Darwin, the Premier was going around with a wink and a nod and saying, "I bet you that we can get it to come back to Western Australia. I'm sure we can do that. Wait and see. There's no guarantee yet that it's going to go to Darwin".

That must be true, because at a recent trip to the Northern Territory, the Northern Territory government showed some doubt about whether Inpex would actually be going to the Northern Territory. Why would that be? Well, it could be because what Inpex really wants to do is put the plant at Ango Point. Ango has always been one of the preferred sites. It is very clear from an oil and gas perspective that Ango is a significant site. The traditional owners are happy for that site to be developed. There is natural deep water at that site, so the ocean-dredging works that would be required would be minimal. Also, only low-level site works would be required. Although that site is not technically difficult, any technical issues that might arise with regard to putting in a gas hub could be resolved quite easily.

Why would not Inpex, or, indeed, the Premier, talk publicly about Inpex going to Ango? It is because we are having a debate about whaling. Interestingly enough, I suspect that is why the commonwealth did not show much of an interest in the Inpex project originally. The federal Minister for the Environment, Heritage and the Arts at the time, Minister Campbell, was advocating that we should take a strong line against the Japanese government for its exploitation of the whale resources in our oceans. We need to remember that the oil and gas industry is an industry that attracts investment only when people feel comfortable that their investment dollars will be safe. Although Ango is north of what we now know is a major whale breeding area, it would be difficult to develop that site in such an emotionally charged environment. That is now particularly compounded by the West Atlas disaster.

For the Leader of the House and the Premier to point the finger at our government and say "You guys wrecked it" is absolute nonsense. I will wait and see what the solution is. I do not believe that Inpex will end up going to the Northern Territory—or I will be very surprised if it does. If it does not, I bet that the site that the government will be trying to encourage people to support will be Ango. So, we will end up with a proliferation of oil and gas processing sites around the coast. However, unfortunately for that company and for the state, we have a disaster in that area with West Atlas.

Forrestdale Men's Shed — Adjournment Debate

HON ALISON XAMON (East Metropolitan) [5.25 pm]: I will unashamedly use this time to spread some joy and talk about a positive story from my electorate. One of the best parts about being a member of Parliament is that we have the opportunity to meet interesting people and look at the positive things that are happening in our electorates. Last month I had the honour of being invited to the opening of the Forrestdale Men's Shed. This shed represents an enormous amount of work by Terry Thompson in particular, and also a lot of other men from Armadale. It was a very interesting experience to go to a men's shed because I had not been to one before, although I had heard some very positive things about the Mensheds movement and the things it is doing for men, particularly for those with mental health issues. The shed is on a very large property. It is quite a big and very

simple shed. A lot of tools have been donated and a lot of work has been done on it. The men are building gardens and creating community plots in which people can grow their own vegetables. They had a big lamb on a spit, which they generously offered to share with me, but this vegetarian politely declined. It was really lovely. It was a terrific opportunity to talk to a lot of the men about why they are attracted to the Mensheds movement and what they hoped to get out of it.

I acknowledge their hard work and take the opportunity to share with members information about the Mensheds movement in general. The Mensheds movement has been referred to as the fastest growing phenomenon in Australia. The Forrestdale shed is one of approximately 300 men's sheds across Australia. There is nothing new about the idea of men's sheds or Aussie males swapping yarns in their sheds. The shed holds a very important place in the Australian psyche, particularly the Australian male psyche, and it plays a significant role in Australian male culture. In some ways, the demise of the backyard shed, as we build on ever smaller blocks and as people's recreational activities become more insular and they buy bigger televisions and change the way they recreate, mirrors a loss of support for many men—not all men—across a wide range of areas. The Mensheds movement has arisen in the past 15 years or so to fill this gap. Men's sheds provide a communal space for men in which to socialise, enjoy comradeship and engage in constructive activity. Importantly, it is a space where men can belong.

Mensheds is a grassroots movement. I will talk about that in particular because it is one of the movement's major strengths. Importantly, it has emerged in the absence of any policy framework and largely with no interference or support from either state or federal governments. As a result, the sheds are quite diverse. They range from informal garages to quite large industrial complexes, and they are located all over the place in both rural and metropolitan areas. Each shed has been crafted according to whatever the local community needs and wants. There is a really important lesson for government in that. I am not saying that we should not support the Mensheds movement—many of the sheds are supported in various ways by different levels of government across the country—but we must acknowledge that it is being run extremely well without being told what to do by policymakers.

Mensheds' members include all sorts of men, particularly a lot of older and retired men, as well as young men, unemployed men, men with mental health problems and Aboriginal men. One particularly valuable aspect of the Mensheds movement is the ability to reach older and isolated men, many of whom are facing issues associated with significant change, including ageing, health, retirement, isolation, unemployment, disability and also separation. A national vocational education and training research and evaluation program report that was published in 2006 found that half of the men involved in men's sheds are not members of any other community organisation and men's sheds was their only opportunity to be with other people. This finding demonstrates how effective men's sheds is at reaching those otherwise hard to reach and quite vulnerable members of our society.

Among the benefits experienced by the men involved is a positive effect on men's physical and mental health. It is the importance of mental health that is particularly attractive to me. A report was commissioned by Mensheds Australia last year that found that men's sheds achieved positive health, happiness and wellbeing outcomes for men who participate, as well as for their partners, families and communities. I am going to refer to an article that appeared in *Consult* magazine about men's sheds delivering real health benefits. The article refers to research that is starting to look at the issue of perhaps providing men's sheds in aged-care facilities. I note that there are members here who would be very interested in this as well, and perhaps looking at this as a solution to deal with men who find themselves in aged-care facilities who are particularly feeling the isolation. Those of us who have something to do with aged-care facilities would know that a lot of the activities that are usually offered in these environments are fairly sedentary, which is good for some people but not for everybody.

I refer members to the report into suicide prevention, which has been tabled, and note that the sort of men who are attracted to the Mensheds movement are in the category of high risk, which had been identified before—older men. It serves an important purpose in that regard as well.

It was interesting for me to be invited along. I did not quite know what to expect. As a feminist I did not know whether it would be some sort of woman-bashing exercise with men coming up to me and asking, "What are you doing here, Sheila?" and this sort of thing. It was not anything like that. I cannot tell members how welcome I was made to feel. It was just wonderful to be with these people, to hear their stories, and to talk about their motivation for wanting to do things. I walked away feeling inspired and moved by what these men are trying to do.

Again, I want to congratulate the members of the Forrestdale Men's Shed in particular, although I note that the Fremantle Men's Shed people were there as well. If members can get down to take a look at what they are doing, I highly recommend it. I acknowledge Terry Thomson and all of his work, and the wonderful contribution that is being made by this movement and the way they are building on a new wave of Australian tradition. I urge all members to seek out men's sheds in their own electorates and to go along and look at what they are doing because it is a very positive thing.

The PRESIDENT: This is where it gets difficult. With 10 minutes remaining of a 40-minute session, and having given members from all parties an opportunity to speak, I am now left with four members from one party—three of whom happen to have missed out on questions today too, and I am conscious of that. There is very little that I can do, except call the frontbench member, Hon Sally Talbot.

Draft Waste Strategy — Adjournment Debate

HON SALLY TALBOT (South West) [5.34 pm]: Today in question time the opposition asked the Minister for Environment a question. She was very pleased to receive this question because, unlike many of the questions we ask her, she actually knew the answer. The question that was asked by my colleague Hon Kate Doust was: “Has the minister released the draft waste strategy for Western Australia; and, if yes, when did the minister release the report, and in what form?” The minister was positively crowing at the fact that she knew the answer. The crucial thing is that we knew the answer as well. We do not often ask questions to which we do not know the answers. We knew the answer because I have had a copy of the document all week. Like the minister, last week I went to the Waste Management Association conference in Fremantle. When I got there on Friday, I found that the minister had been there earlier in the week. I will not say that she had “launched” the draft waste strategy; I do not know quite what the appropriate word is. She kind of snuck it out, but I cannot think of a term to describe what she did.

The minister stood up in question time today and answered a dorothy dix question from Hon Brian Ellis. She did a little skite about the number of ministerial statements she has made in the past 12 months and the number of appeals and approvals she has handled. The first question that occurred to me was whether she had done that as part of any sort of strategic management within her party, and the answer is clearly no. There she was saying how many approvals and appeals she had processed in the past year, yet some of her colleagues, in a discussion that she herself often joins, are going on about too much red tape, green tape and black tape, and all these logjams in the system. There she is getting up today and saying “I’ve done all this”, so we must ask what this stuff about needing fast-track systems is all about.

Much more serious than that was the point the minister made about the number of statements she has made over the past 12 months. She missed an opportunity this week. Why on earth did she not make a ministerial statement about the release of the waste strategy? We have been waiting for this document for months; it has been sitting on the minister’s desk. I have been asking her about it for months. Then I went down to Fremantle on Friday, and does anyone know where I found it? A little tiny thumb drive was provided to delegates at the conference and this document was on that little tiny thumb drive. I came back to Parliament House, went to my office, lobbed into the minister’s website and looked at the thousands of press releases that she has put out. Sometimes I get six a day, about all sorts of warm fuzzies. The website is the only place I ever see them, because they are never run in the media. Her office is probably running some sort of internal competition. Some people on our side might get a guernsey in that competition, but nobody in this house, I am happy to say. The minister is very happy to put out press releases about coffee table books and cute furry creatures that she gives name to, but there is nothing on the minister’s website about the state’s draft waste management strategy.

Hon Ken Travers: She told us today that she was keen to get our involvement.

Hon SALLY TALBOT: Hon Ken Travers should not get too excited.

The PRESIDENT: Order! I am sure Hon Sally Talbot wants to get through her comments so that other members can have an opportunity to speak. She does not need to be interrupted, particularly by members of her own side.

Hon SALLY TALBOT: Thank you, Mr President. I always welcome the enthusiasm of Hon Ken Travers, but I warn him not to get too excited, because this is what leads me to think that there is something very strange going on. All through this document it says not to try to contact the department before 1 October. I have a feeling that there is a bit of a slip-up there. Even the email address warns not to try emailing before 1 October. This is actually a pretty good document, and I commend it to members of this house. However, there is no link to the document on the minister’s website, there has been no press release about it, and she has not come into this place and made a ministerial statement.

I then went to the Department of Environment and Conservation website. As we know, the Department of Environment and Conservation has a big section devoted to waste. In fact, it has a very significant waste section. It is bigger than the Waste Authority’s website. I looked on the DEC website and there was nothing there. I typed in “Draft Waste Management Strategy for Western Australia” and found nothing. I then thought, “Let’s try again.” I cannot really hear what the minister is talking about, but I think she is trying to tell me that it is available on the Waste Authority website. Thank God for that is all I can say.

Several members interjected.

Hon SALLY TALBOT: The mystery deepens, but I am glad to be able to tell members where they can find a copy of this excellent document.

Several members interjected.

The PRESIDENT: Order! All the interjections are out of order. If the member makes a remark in a way that does not invite interjections, there is every opportunity for me to enforce the standing orders. If the remarks are made in a way that is provocative and invites interjections, it becomes a little more difficult.

Hon SALLY TALBOT: Thank you, Mr President.

In her question, Hon Kate Doust asked the minister when she had released it, and the minister carefully fudged the answer. The reason I suggest she did that was that on the day she released it, which I understand was a Wednesday, the minister was too unwell to come into Parliament and take up her parliamentary responsibilities, yet she was able to be in Fremantle doing something to do with getting this waste management strategy off her desk. I was a little surprised because on 29 June, the Standing Committee on Estimates and Financial Operations held a public hearing in which I played a part. I want to share with honourable members part of that discussion with Mr Barry Carbon, the chair of the Waste Authority. The dialogue goes like this —

Hon SALLY TALBOT: Is that draft strategy with the minister now?

Mr Carbon: Yes.

Hon SALLY TALBOT: Do you know how long it has been with the minister?

Mr Carbon: It has been with the minister in different forms off and on for about three and a half months. The minister has asked us to consider having a package that covers whether the legislation goes one way or whether it goes another way, because some things interact with the legislative provisions that are in Parliament now.

Hon SALLY TALBOT: This is the legislation that will take at least 75 per cent of the money away from the waste account.

Mr Carbon: There are probably two or three parts of that strategy that it would potentially impact upon, depending upon what Parliament decides about that bill.

Hon SALLY TALBOT: Is there going to be a plan B?

Mr Carbon: The minister has asked us to make sure, whichever way Parliament decides, that we can advise her promptly on what should be in that package.

I suggest that leaves us in no doubt that the minister wanted a plan A and a plan B, depending on what happened to the legislation in this house. As honourable members know, that bill arrived in this place this week. Last week when the minister announced the draft waste strategy, the bill was nowhere to be seen. We did not even really know about it in this house, as was pointed out to me. Yes, there was the minister, not launching, but letting the draft strategy go out, not for comment—not until 1 October—but there it was. I wonder what is going on here. It will be a long couple of weeks when we come back into this Parliament to debate this bill that is now in this house. One of the reasons for that is that nobody, but nobody, except the minister, supports what the government is trying to do with this bill. Recently the minister appeared on *Stateline* where she was questioned by Frances Bell, who asked —

...critics of yours on the Greens side of politics... say in your general role as Environment Minister that you're quite prepared to lay down and have Cabinet trample all over you. Is that the case?

The minister replied —

Well, I reject that. Every decision I make, I recognize that there'll be some people who like my decision and some people who don't like my decision...

I want to ask the minister: who likes that decision? Can I tell her what—I cannot find a single one. The minister went on to say —

...I can assure the people of Western Australia...that when I do make a decision, I make it based on very sound advice and very careful and considered consideration by me.

Given the fact that the minister made the decision to raise the levy by 300 per cent and to use that “extra” money to fund it—I use inverted comas because it is by no means extra money—what advice did she base her decision on?

Question put and passed.

House adjourned at 5.44 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES — CREDITORS OUTSTANDING

1062. Hon Ljiljana Ravlich to the Parliamentary Secretary representing the Attorney General

For each Department and Agency within the Attorney General's portfolios, -

- (1) What was the amount and number of creditors outstanding for less than or equal to 30 days as at 31 July 2009?
- (2) What was the amount and number of creditors outstanding for less than or equal to 60 days as at 31 July 2009?
- (3) What was the amount and number of creditors outstanding for less than or equal to 90 days as at 31 July 2009?
- (4) What was the amount and number of creditors outstanding for less than or equal to 120 days as at 31 July 2009?
- (5) What was the amount and number of creditors outstanding more than 120 days as at 31 July 2009?

Hon MICHAEL MISCHIN replied:

Commissioner for Children and Young People

These figures are supplied by DTF Shared Services which undertake financial transactions on CCYP's behalf.

- (1) \$300; 1 creditor
- (2) \$14,195.69; 2 creditors
- (3) \$28,849.03; 1 creditor
- (4)-(5) Nil.

Department of Corrective Services

- (1) \$2,555,785 owing to 197 creditors
- (2) \$75,277 owing to 40 creditors
- (3) \$51,081 owing to 35 creditors
- (4) \$43,308 owing to 29 creditors
- (5) \$111,633 owing to 61 creditors

DEPARTMENT OF THE ATTORNEY GENERAL

- (1) \$2,162,472 owing to 177 creditors.
- (2) \$52,292 owing to 14 creditors.
- (3) \$119 owing to 3 creditors.
- (4)-(5) Nil.

DIRECTOR OF PUBLIC PROSECUTIONS

- (1) \$90,453 owing to 32 creditors.
- (2) Nil.
- (3) \$65 owing to 2 creditors.
- (4)-(5) Nil.

Equal Opportunity Commission

SUMMARY OF OUTSTANDING CREDITORS AS AT 31 JULY 2009

	(1) < 30 days	(2) < 60 days	(3) < 90 days	(4) < 120 days	(5) > 120 Days	Grand Total
Count of Creditors	19	5	0	1	1	26
Sum of Invoice Amount	120,087.08	5,808.42	-	115.72	203.50	126,214.72

LAW REFORM COMMISSION

- (1) \$24,837 owing to 3 creditors.

(2)-(5) Nil.

LEGAL COSTS COMMITTEE

(1)-(5) Nil.

PARLIAMENTARY INSPECTOR CORRUPTION AND CRIME COMMISSION

(1) \$2,989 owing to 1 creditor.

(2)-(5) Nil.

PROFESSIONAL STANDARDS COUNCIL

(1) \$16,973 owing to 1 creditor.

(2)-(5) Nil.

Law Reform Commission

(1) \$24,837 owing to 3 creditors

(2)-(5) Nil

Legal Aid Commission

(1) \$101,916.00, 51 trade creditors

(2) \$10,306.00, 7 trade creditors

(3)-(5) Nil

Office of the Information Commissioner

(1) 6 creditors totalling \$1,488.97 outstanding for less than or equal to 30 days.

(2)-(5) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES — CREDITORS OUTSTANDING

1063. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Minister for Corrective Services

For each Department and Agency within the Minister's portfolios, -

(1) What was the amount and number of creditors outstanding for less than or equal to 30 days as at 31 July 2009?

(2) What was the amount and number of creditors outstanding for less than or equal to 60 days as at 31 July 2009?

(3) What was the amount and number of creditors outstanding for less than or equal to 90 days as at 31 July 2009?

(4) What was the amount and number of creditors outstanding for less than or equal to 120 days as at 31 July 2009?

(5) What was the amount and number of creditors outstanding more than 120 days as at 31 July 2009?

Hon MICHAEL MISCHIN replied:

(1)-(5) Please refer to Legislative Council Question on Notice 1062.
