Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
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LEGISLATIVE COUNCIL

Wednesday, 13 March 2019

Legislative Council

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THE PRESIDENT (Hon Kate Doust) took the chair at 1.00 pm, read prayers and acknowledged country.

CITY OF NEDLANDS — DRAFT LOCAL PLANNING SCHEME 3

Petition

HON ALISON XAMON (North Metropolitan) [1.01 pm]: I present a petition containing 50 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 petitioners, strongly oppose the Draft Local Planning Scheme No. 3 (LPS3) for the City of Nedlands, as modified by the Minister for Planning.
>
> The draft LPS3 targets areas of the Hollywood, Melvista and Dalkeith Wards in the City of Nedlands for high density redevelopment. Our objections to the draft LPS3 include but are not limited to the following:
>
> - Development of a plan whose sole aim is to achieve density targets without regard for the consequences.
> - Destruction of the local character and amenity of established residential communities, with huge social implications for both current and future residents.
> - The targeting of residential land for high density re-zoning, ignoring significant areas of non-residential land within the City of Nedlands such as the under-utilised land adjacent to the Fremantle rail line that could be re-zoned.
> - Minimal or no access to either public or private green space for current and future residents in the affected areas.
> - Destruction of the green canopy in areas targeted for high density development.
> - Lack of strategic transport planning for Stirling Highway, which is already close to capacity as advised by Main Roads.
> - Failure to consider the concerns that were raised against the advertised version of LPS3 in Q1 2018.
> - Failure to inform individual residents directly affected of the full implications of the zoning changes.
> - No opportunity for residents in the targeted areas to provide feedback on the Minister's version of draft LPS3. The imposition of LPS3 on the community against its wishes.
>
> We ask the Legislative Council to support:
>
> - The rejection of the draft LPS3 for the City of Nedlands.
> - A more holistic approach to town planning that addresses the concerns above.
> - A process of community consultation that endeavours to capture the local community's vision for the development of the City which can then be used as a solid basis for the update of the Local Planning Strategy and LPS3.
> - Update of the draft LPS3 and the Local Planning Strategy including proactive public consultation.
> - Full transparency in the planning process.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 2458.]

MEDITERRANEAN FRUIT FLY

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [1.04 pm]: As members will be aware, in December we held a forum of Carnarvon growers amid concerns about the increase in rates levied for medfly eradication. One of those concerns was the lack of equity in distribution of the levy across the industry. Today, our government has introduced a revised rate for Carnarvon growers to rid the region of the destructive Mediterranean fruit fly. A rate will now apply to all properties engaged in commercial horticultural activities, regardless of zoning, and will be based on the size of each property rather than the value of the property. The rate will apply to some commercial horticultural properties that were not previously rated. This will broaden the base for the levy and see rates reduced for most growers.

The revised rate follows extensive consultation to deliver a fairer system for Carnarvon growers, and will fund continued area-wide baiting as part of a broader pilot program to eradicate medfly from the region. From this process, it is clear the majority of landowners support the new declared pest rate.

The state government has increased its funding to the eradication effort and through the Department of Primary Industries and Regional Development will produce and release sterile medflies at no charge this financial year. Our government is investing more than $4 million into four medfly projects, including $3.6 million into the Carnarvon medfly eradication program. The project has been successful in reducing fly numbers from more than seven flies per trap, per day at the start of the project to 0.5 flies per trap, per day in January 2019. We will consult with growers about the best model for continuing the medfly program from July 2019 onwards.

MENTAL HEALTH — CLINICAL GOVERNANCE REVIEW

Statement by Parliamentary Secretary

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [1.06 pm]: I rise to inform the house that the consultation period has opened for the review of the clinical governance of public mental health services. This consultation forms part of the review of the clinical governance of public mental health services that the Minister for Mental Health announced in May 2018. This review was established in response to recommendations made by the 2017 "Review of Safety and Quality in the WA health system" and the 2018 "Sustainable Health Review: Interim Report to the Western Australian Government". Over the next three months, health professionals, community and industry groups, consumers and carers are invited to share their views via an online survey.

The McGowan government is committed to ensuring our mental health services provide the best possible care to Western Australians. This review will inform changes that may be necessary to the clinical governance of our mental health system. We must continually strive to ensure that clinicians are engaged, the needs of consumers are met and our services are accessible. The consumer is at the centre of how we design our mental health system. Consequently, the panel will engage with consumer groups to ensure that the needs of consumers are at the forefront of its considerations. We understand that it is not enough to provide services; people need to be able to find them and easily navigate a system that at times can be confusing and can prevent people from accessing the services they need.

The independent panel will meet with a range of stakeholders to seek feedback on clinical governance in our public mental health services, including roles and responsibilities, processes, system integration, and effectiveness and culture. The independent panel comprises a consumer and carer advocate, and industry experts who were selected based on their experience and expertise within the field of mental health. Panel members include: Dr Martin Chapman, chair; Professor Bryant Stokes, AM, special ministerial adviser; Ms Margaret Doherty, consumer and carer representative and advocate; Dr Peggy Brown, AO; and Dr Grant Sara. Panel members were selected based on their experience and expertise. This review, led by a team of experts, will provide much needed recommendations to allow necessary improvements to be made. I thank the panel members for agreeing to participate in this significant and far-reaching review. A final report, including findings and recommendations, will be delivered by 30 June 2019, and will allow necessary improvements to be made.

SCHOOLS — BULLYING

Motion

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [1.10 pm]: I move —

That this house notes the importance of developing strategies to prevent and manage bullying in schools.

Today is a timely opportunity to have this debate and discussion in this house, primarily because this Friday, 15 March, is National Day of Action against Bullying and Violence in Schools. The theme for 2019 is "Bullying. No Way! Take action every day". The national day of action gives schools the chance to not only take action in this space, but also, more importantly, empower students and young people to be part of the solution when addressing bullying in their schools and school community. As this debate progresses over the next two hours, I look forward to hearing from members across the chamber about their experiences in their school communities, and perhaps some examples of what is and what is not working well in their schools. We all have a responsibility to ensure that every student is given the best opportunity to learn in a safe environment.

We know that a number of schools in this state have strong leadership and a strong school culture and are able to deal with bullying incidents in a very good fashion. However, parents are understandably concerned that the balance is not always quite right. The perception is often that the student who is being bullied is the one who has to change their actions, and the student who is undertaking the bullying is "let off", if you like, from any consequences. I want to share with members throughout this debate those schools that are managing bullying incidents well, and share some of the strategies used in those schools and school communities. I particularly want to assure parents that bullying is not tolerated in schools and is most definitely taken seriously. Australian research suggests that up to one in four students have experienced face-to-face bullying, and one in five students have experienced online bullying at some point in their lives. The physical harm that may be caused by bullying is often obvious and well recognised. If bullying is both ongoing and untreated, it may also cause both short-term and long-term psychological harm. It may cause physical health impacts such as fatigue; mental health impacts such

as depression and anxiety; and social impacts such as self-doubt and reluctance to participate in group activities. That is why it is important that schools, parents and what I like to call the broader school community work together to ensure that bullying behaviour is not accepted and not tolerated in schools. Every student has the right to be in a safe environment in which they have the absolute best opportunity and support to be able to learn. Parents first and foremost want their child to be happy. They also want their child to feel safe at school. The parents in the room may want to correct me on that, but I imagine that parents first and foremost want their child to be happy.

Hon Donna Faragher: I agree 110 per cent.

Hon SAMANTHA ROWE: I am so glad you agree, Hon Donna Faragher.

In order to achieve this, everyone has a role to play and a responsibility to undertake. Schools absolutely have an imperative role in creating a safe environment for students. Parents and carers also have a vital role. The broader school community also needs to take responsibility for the role it plays in making sure that schools adopt behaviours that are respectable and acceptable in society. That includes community sporting groups. Bullying is a learnt behaviour. If kids see bullying on the sports field and see adults interact in an adverse way outside their school environment and their home, that will have an impact. Therefore, we all have a role to play to make sure that students are given the best start and the best opportunity to study and learn in a safe environment.

Last year, the Minister for Education and Training asked me to lead a project of work to look at how we can reduce the incidence of bullying in schools. We recognise that this is a very sensitive and at times very emotional issue not just for schools, but particularly for parents and school communities. That gave me the opportunity to share with schools the best practice that we can find in this area. The schools that have got this right provide an opportunity for us to showcase where it is working well and what that looks like. Other schools can then say, "Okay; maybe we need to treat this, or treat that." It also provides an opportunity for parents to say, "This is what it looks look when it is done well." If parents are concerned that bullying is not being dealt with in a way that they find satisfactory, they can turn to an example of where it is being done well and there are good outcomes and say to their school, "Have you looked at this model? What do you think about the processes that school X has in place?"

As part of that project, I visited a number of schools across the state, both metropolitan and regional. I met with different stakeholders, including principals, teachers, parents and students. When I visited these schools, I often had separate discussions with these groups. That is very important. We want students to feel that they can be open in the discussion and not have teachers listening in to what they are saying. It is important that parents are able to speak openly about their experiences and what they think is working well in their school's anti-bullying policy and what is not. It is important to hear from teachers who have buy-in on the anti-bullying policy and culture in their school.

That was a very important exercise to undertake. A number of common themes came out from those visits to schools that had a positive and strong culture and in which the anti-bullying policy was working well. The first theme was that there was strong leadership and what I like to call a whole-of-school approach. That includes buy-in from not just the principal and the leadership team, but also the teachers and support staff at the school, so that not just one person is championing the anti-bullying policy or process but a consistent message is being sent throughout the entire school. It is also important to have buy-in from the parents and carers, and from the students. Everyone needs to be on the same page and say, "This is the culture we want for our school." It is also important to have a clear definition of bullying. We need to use clear language that everyone understands. Parents need to understand the difference between a one-off violent incident, which is absolutely not appropriate or acceptable, and bullying. It came through loud and clear from the meetings I had that everyone needs to be on the same page, with a clear understanding of the definition of bullying. There are three critical aspects to the definition of bullying: it involves a misuse of power in a relationship, it is ongoing and repeated, and it involves behaviour that can cause harm. As I said earlier, there are many harmful aspects, including physical and psychological, to ongoing bullying for young people. There also needs to be a formal and clear process for how bullying is dealt with in a school. Everyone needs to be well aware of that formal process, so that everyone in the school can say, "This is our bullying process." Any teacher in the school can then turn to it and students can understand the process, if either they are being bullied or they are the person who is doing the bullying. There also need to be clear consequences. A formal process needs to be followed and understood, so that everyone involved is very, very clear about what will and will not be tolerated in the school. A suggestion made by a principal about how to have that buy-in from all parties and stakeholders was to have a social contract between students, teachers and parents, so that everyone understands what will be accepted and what everyone wants for the school. This would work particularly well for new schools that want to set up a new anti-bullying policy, as they could get everyone involved right at the get-go about how they want the school to look and grow into the future.

I also held a forum towards the end of last year, to which students, teachers and parents were invited to share with me and others the tools and resources they would find useful in dealing with bullying. To facilitate this process, we invited Professor Donna Cross from the Telethon Kids Institute, who is an expert in the field of the prevention of bullying and cyberbullying, as well as the Commissioner for Children and Young People, Mr Colin Pettit. They are both experts in this field. It was great to have their input, and also for them to have the opportunity to hear what students and parents felt they needed. These are people who have done years and years of research—

Professor Donna Cross in particular—on what works best for young people. At times during the forum, we split up the students from the adults so that they could feel they could participate openly without parents or teachers overseeing them. We also had a separate discussion with parents and teachers, so that those two groups could hear from each other about their concerns. A lot of the problem comes down to a lack of communication. If clear communication does not exist—if a school is not open with parents and parents feel that they cannot contact the principal or a teacher if a bullying issue has arisen with their child—it will lead to a whole lot of awful problems, which can escalate really quickly.

Professor Donna Cross was able to share with parents and teachers some of her suggestions on what to do when a student approaches them about being bullied. She advised that it is actually really rare and really hard for a young person to make that first move to ask for help, or to put up their hand and say that they are not comfortable, are not feeling safe and feel like they are being bullied. She stressed that that is a really big step. She talked throughout the forum, and also in an article I have here entitled "Cyberbullying: Building Resilience", about something called the LATE model for teachers. For those who are not aware what this is, the LATE model stands for listen, acknowledge the young person's concerns, talk about options and end with encouragement. The article outlines the model as —

> ***Listen***—Thank the student for sharing the information with you, ask open ended questions, use non-invasive communication options such as walk and talk;
>
> ***Acknowledge the young person's concerns***—using reassuring statements such as 'It sounds like you are having a tough time';
>
> ***Talk about options***—so that students feel in control of their own problems. Ask the student what they have tried already and if it has worked for them and what they would like you to do to help them;
>
> ***End with encouragement***—to give the student a feeling of hope and that they could come back and talk some more if needed. It may also be beneficial to follow-up with students at a later date, to ensure the problem has been resolved or to offer further assistance.

Professor Donna Cross noted that this approach is not only restorative, but also empowering for the young person. She said that it is about trying to build on the strengths of the young person, rather than taking over and encouraging learnt helplessness. She noted in her article —

> "It's a delicate conversation and teachers need to respect how hard it was for that young person to speak to an adult and to work through a process that empowers that young person and gives them control and agency in the situation."
>
> "The error we've often made in the past is believing that the best action is for parents or teachers to take over and quickly fix the situation.

I can totally relate to that, because my natural instinct, if someone came to me, would be to try to fix it for them. It is really important that parents and teachers at the forum were able to hear this message and have it reinforced. Professor Donna Cross works with the Department of Education and has assisted in the past in making sure that we have suitable programs and tools in place to support teachers and parents across the state.

On Friday, we will be releasing resources to assist our schools and parents when they are dealing with these very sensitive and emotional issues. A number of resources are already out there, but what kept coming back to us was that sometimes parents just did not know where to go. It can also sometimes feel a little overwhelming, as there is so much information out there. We want to try to create a one-stop shop, so that schools and parents have access to that huge wealth of information that is already out there to support them, and also a planning template for schools, to encourage them to have an anti-bullying process and to outline what that should look like, in case that is not clear to them.

Hon Colin Tincknell: Will you take an interjection?

Hon SAMANTHA ROWE: I will, hopefully, have a right of reply, and I will be happy to take your interjection then. I have only two minutes left now; sorry.

We will also have a dedicated Connect community, so that public school staff can share strategies—I think it is important that schools can share what is working well and what is not; that is pretty important intellectual property—and there is a resource for parents that provides advice and strategies if their child is being subjected to bullying behaviour. There is not a one size fits all. This is an extremely stressful issue for parents to go through, but we want to make sure that we get that balance right. Yes, there are schools across the state that are doing a fantastic job, and I congratulate them. We want to be able to showcase what they are doing and to use them as best-case examples. But we need to be able to support parents who feel like they are not being heard or that they do not have the chance to communicate properly with schools, as well as to support the students. Sometimes, just being kept up-to-date and in the loop and having that line of communication is all parents are looking for. There are pretty simple things we can put in place. That will not solve everything—absolutely not—but there are little things we can do to try to support our school system, our parents and, most importantly, our young people. I look forward to hearing the other contributions.

HON DONNA FARAGHER (East Metropolitan) [1.30 pm]: I rise to support the motion moved by Hon Samantha Rowe. As she indicated, it is timely, given that this Friday is the National Day of Action against Bullying and Violence. It is an important awareness raising day for schools, but equally, in my view, every day should be a day of action against bullying and violence. Bullying, in any form, is completely unacceptable. I absolutely agree with Hon Samantha Rowe that it is critical that schools deliver programs that support all students to be safe from harm, including bullying and discrimination, and promote tolerance and respect. We also need to ensure that parents and caregivers are supported with knowledge and practical resources to help them to be better informed about bullying and what they can do about it. I will be interested to see what is launched on Friday.

We know that bullying occurs in a variety of ways and for a variety of reasons. It can start off with teasing about someone's appearance, gender, sexuality, cultural background or religion, or for any other reason. It can arise when friendships break down. It can be straight-out intentional harassment just because someone does not like someone else. It can be verbal or physical. It can occur through online interaction via social and other media. It can be overt or hidden, or a combination of both. Either way, bullying has a lasting impact on the person being bullied, as well as their families and carers. It is an uneven power play, in which the victim inevitably cannot easily respond to the bullying or stop it from happening repeatedly. The impacts on a child's overall health and wellbeing and, very much from a school perspective, their learning potential, are clear. Some of the consequences, as we have seen, unfortunately, so many times, can be both devastating and tragic. Maggie Dent, like Donna Cross, is often viewed as one of the queens of commonsense on children's issues. In a blog post some time ago she raised some good issues. She wrote —

> Many victims are chosen because they appear vulnerable or just because they are different—not because they are weak. They have a different culture, they have big ears, —

Some people have issues with people's red hair. I do not know why, but there you go.

Hon Samantha Rowe: It is outrageous.

Hon DONNA FARAGHER: It is outrageous, and I am quite sure the Minister for Education and Training would agree with me on that. The post continues —

> they are overweight, they seem to have no friends or they have a noticeable life challenge. Then there are the victims who are chosen because they have what the bully values and wishes he/she had good looks, wealthy family, courage to be individual, a girlfriend/boyfriend, artistic talent, lots of good friends, school success or even a happy family. The bully's actions are what then causes the victim to struggle—being frightened for one's safety, being shamed, harassed, constant verbal and psychological abuse, and being excluded all cause deep trauma within children and adolescents. The thinking processes become distorted and the inner critic voice of many victims will become negative, toxic and the cycle of self-destructive and critical thoughts continually erodes the victim so that they then attack themselves. Effectively, **they bully themselves and expect to be bullied** this is a very difficult cycle to break and this can have lethal consequences especially in adolescence.

For all those reasons, and many more, as Hon Samantha Rowe said, we need to view bullying as not just a school issue but a whole-of-community issue. It starts with parents, absolutely, but it also requires active school and community involvement.

I want to say a bit about cyberbullying, as one example. As a member of Parliament, a member of our community and a mum, I would say that this is a huge area of concern for many parents. For the life of me, I cannot understand how people can write the things they do online, hiding behind very hurtful and cruel words that we as adults, let alone a 10, 12 or 14-year-old child, would find distressing. Children who have their lives ahead of them are victimised by heartless bullies—that is what they are—who somehow think it is okay, it is a joke, or whatever else might be going through their minds. I am not going to repeat everything, but things that are written include "no-one actually likes you", "you should just kill yourself", "you don't know what's coming", "you're ugly; you're fat." Terrible words can be written about the death of a family member. These are not just words. Then there are videos that often go viral. Gone are the days, unfortunately, when home was actually a safe place; someone who might have been bullied at school could at least retreat to their family outside of school hours. Today, there is actually no safe place—it is 24/7, and it is absolutely unrelenting. It is particularly disturbing when we hear and read stories of bullying behaviour being justified or not taken seriously. In preparing for today, I saw a report from just last month on Channel Nine that relates to a Gold Coast situation. I do not know the details, but I will just read it as it is. It states —

> The father of one of two Gold Coast girls allegedly abusing a peer in a video posted online says his daughter was "simply mucking around".

This is the father. The report continues —

> The video of the pair allegedly telling another child to "kill herself" has caused widespread outrage after it was posted to Facebook …

> The girls can be heard telling the unknown recipient of the video to "kill herself" and that "everyone hates her".
>
> The mother of the girl targeted told 9News her daughter was "simply not coping" as a result of the abuse.
>
> Meanwhile, the father of one of the two girls in the video says his daughter was "mucking around" and she is planning to apologise.

I know that we would all agree that telling someone to kill themselves is not mucking around.

Hon Alison Xamon: It is disgraceful.

Hon DONNA FARAGHER: It is disgraceful.

More generally, a significant body of work was undertaken by the Commissioner for Children and Young People last year, in a report titled "Speaking Out About School and Learning". I am fortunate to be on the Joint Standing Committee on the Commissioner for Children and Young People, and we often get to hear the really good things that the commissioner does, but that particular report provides a really good insight into issues surrounding engagement in schooling and learning, very much drawing on the views of children themselves. The research involved 1 800 year 3 to year 12 students. Although the commissioner found that the majority of students felt safe at school all or most of the time, some 11 per cent of year 3 to year 6 students, and 20 per cent of year 7 to year 12 students surveyed felt unsafe sometimes or often. The commissioner put those figures into perspective when he stated —

> Compared to the size of WA's student population, that equates to around 50,000 Year 3 to Year 12 students who sometimes don't feel safe and are often afraid someone will hurt or bully them at school.

These are our students; these are our kids, and this is what they are telling the commissioner. The report went on to highlight that some 44 per cent of year 7 to year 12 students reported being afraid at least once in the current school year that someone at school would hurt or bully them. Disturbingly, some 28 per cent said that they had stayed away from school at least once as a result. The commissioner made a number of findings, and highlighted suggestions made by students that could improve safety in schools. No doubt a number of these suggestions have also been put forward through the consultation that Hon Samantha Rowe referred to. As the commissioner highlighted in a general policy brief —

> Evidence strongly suggests that children and young people who feel safe and are safe are more resilient, confident and have a stronger sense of self-identity.
>
> Adults have a responsibility to help children and young people understand their rights about safety, support them to speak up about any concerns, and to act appropriately on concerns regarding safety. Furthermore, adults are responsible for creating environments that are child safe.
>
> A child safe organisation values children and understands safety doesn't just happen. A commitment to protecting children and promoting their wellbeing is embedded in the organisation's culture and is understood and accepted by everyone.
>
> Within education, safety is critical for learning as it affects students' willingness to attend school and their ability to engage in learning.
>
> The importance of adequate systems and structures to promote and support student safety in schools and to respond to concerns for safety cannot be understated. Within schools, feeling and being safe is essential for students to be ready and able to engage with learning.

It is with that in mind, and a whole range of work and what we know as human beings, that it is critical that schools have appropriate supports and a variety of resources, whether that be whole-of-school strategies to address and prevent bullying from happening in the first place, to professional learning for teachers, classroom activities and so on. Certainly within our education system, a number of programs are well established. Those programs are focused on resilience, conflict resolution, positive communication, self-regulation skills and the like—namely, the PATHS program, Friendly Schools PLUS and many more evidence-based programs that can make a positive difference in not only tackling bullying but also helping to build resilience, empathy and emotional and social strengths and competence. School counsellors and support staff are also vital.

I notice that students from Perth College, my former school, are in the public gallery. Welcome! We are talking today about the important issue of bullying.

Good pastoral care is also very important. That was strongly supported by the former Liberal government and I am pleased that it continues to be supported under the current government. School chaplains are highly valued within their schools. YouthCARE, a wonderful organisation, provided me with a snapshot. The organisation now has 434 chaplains in 610 schools. In 2018, the chaplains talked to more than 2 200 students every week, more than 800 staff and more than 350 parents and carers. They do amazing work and provide that added opportunity to students who may feel that they cannot talk to a teacher. They may not feel that they can speak to their parent, but they may well feel confident enough to have the support and understanding of a chaplain. That is critical, and it is wonderful to see so many chaplains in our schools.

In recognising all these initiatives, can we say that it is enough? No, we cannot. Do we need to continue to look at new ideas and evidence? Yes, we do, because it is still happening. Bullying is an issue not just for schools; it is a community issue. From a parent's perspective, I absolutely agree with Hon Samantha Rowe that it is important that we ensure that parents have the resources and support they need to deal with bullying of their child. A recent national survey of parents undertaken by The Royal Children's Hospital showed that one in five parents reported that one or more of their children was bullied in the last school term. Almost every parent of a child who was bullied said that the experience affected the whole family. Obviously, one would expect that. One in six parents had felt physically sick and one in five felt depressed or anxious. Almost half worried about the long-term effects of bullying on their child—I thought it would be 100 per cent—and many were angry and frustrated at being unable to help. One in three felt guilty for not being able to stop the bullying and one in four felt helpless. The survey indicated also that 87 per cent of parents were not confident that they would know whether their child was being bullied and only half said they would know whether their child was the bully. They are sobering statistics. This is one survey, and other surveys will be undertaken. Notwithstanding that, there clearly is an issue here and it is something that we need to continue to address.

In bringing my remarks to a close, I indicate again that I strongly support the motion. It is up to us as members of Parliament, as members of our community and as parents to continue to call out bullying. It is up to us to stand up for those who cannot or who do not feel that they can speak up. First and foremost, it is up to parents to teach their children to be respectful, kind and caring to others, to guide them to make good decisions, and to help them learn about what it means to be a good friend. That is a very good start. Parents need to have good communication with their children so that children feel that they can talk about what is actually going on. We need to ensure from a school perspective that there are strong and consistent consequences to respond to bullying. We need to ensure that positive anti-bullying and resilience-type programs are embedded in every school. There must be a whole-of-school focus on it, and it starts when a child first enters kindy and learns, as I said, how to be a good friend, and builds empathy and resilience. All that is critical, and that cannot start early enough.

I will quote again from Maggie Dent, because I like her—she is great. She says —

> … to change human behaviour you need more than a one-hour-a-week program that lasts a term. The message that bullying is unacceptable must be embedded within a school culture that focuses equally on academic growth and building emotional and social competence within an inclusive caring school environment.

To torment, to intimidate, to harass or to threaten another human being, whether inside or outside the school walls, should never be accepted. We need to ensure that children who are bullied are supported and cared for. We need to ensure that their family and caregivers are also supported and are given the tools and support they need to help them work through those situations. Children should not feel terrified to go to school. Children should not feel terrified to check Facebook or Instagram, or whatever social media platform they use, on their iPhone to see whether another hateful message has been sent to them just as they are going to bed or when they wake up in the morning. Put simply, every child matters and we should, and must, have a zero tolerance approach to bullying irrespective of when, where or how it occurs.

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [1.48 pm]: I will not take a lot of time because I appreciate that others want to make a contribution to this motion on bullying in schools. I begin by thanking Hon Samantha Rowe for the work she has done at my request on this issue. The result will be helpful to parents. There is a difference between children taking the normal development journey—learning how to resolve conflict and stand up for themselves, knowing what to ignore and what not to ignore—and bullying, which is deliberate and ongoing, and whether thoughtful or not, is done to cause hurt. Whether a young person thinks through the full consequences of the bullying when they are doing it, they cannot walk away from the fact that they know they have said something mean for the purpose of being mean. They know that. There is a difference between those two things. Good schools with strong leadership and a great school culture manage that, and they get the balance right. Whatever the program is, dealing with bullying appropriately is about the leadership and the culture in the school. There are a range of programs that could be used. The advice of Donna Cross or Maggie Dent is equally valuable, but both of them would say—Hon Donna Faragher pointed out that Maggie Dent did say—it is about the culture and the leadership of the school.

I want to preface my remarks by saying that I visit hundreds of schools, and most of them are doing a really good job on tackling this issue. However, it is frustrating for me, as I am sure it is for many members in this place, to hear the examples of where it is not going well. I want to give members a couple of examples. I remember talking to a grandmother whose adolescent daughter was being bullied on Facebook. It was happening outside of school hours, but it was being done by other girls in the school. The response of the school was that because it was happening out of hours on social media, it was not its place to intervene. If it was happening during school hours, the school would deal with it, but because it was happening after hours, even though it involved students from the school, the school said that it was not its place to intervene. That is not an acceptable response. Equally unacceptable is when the victim is told that they need to change their behaviour. The victim is told that they need to spend lunchtimes in the library so that they are isolated from the individual or individuals who are doing the bullying. That is not acceptable either as a sole solution.

Recently, I have had two very distressing telephone conversations. One was with the mother of an 11-year-old boy who has just switched schools because of the impact that sustained bullying has had on him and his mental health. That involved a public school in the western suburbs. The other conversation was with the father of a 17-year-old from a very highly regarded private school along Stirling Highway. The 17-year-old had committed suicide at the end of a period of sustained bullying that the family did not know about. These were deeply distressing phone calls, but they wrote to me letters of such deep distress that I felt I could not just send them a letter in response; I needed to speak to them directly. I am glad that I did. They are truly awful sets of circumstances.

Although both these situations are at the extreme end of what can happen when bullying is sustained, they reinforced in my mind the importance of asking Hon Samantha Rowe to do a piece of work around resources to help parents find their way and to identify good practice and case studies of when this issue has been handled really well. We will say more about this on Friday. We need to be vigilant about bullying, and Hon Donna Faragher is right: we need to call it out when it happens.

Most people do not know that politicians work behind the scenes, without making a fuss in this place, to get things done, irrespective of what party we are in. When I was in opposition and Hon Peter Collier was the Minister for Education, there would be occasions when I would ring his office and say, "There is this issue that I am not interested in taking to the media, I am not interested in raising in the Parliament, I just think we need to get it fixed." He would ensure that his office assisted to get it fixed. Hon Donna Faragher has come to me on a couple of occasions to get similar things fixed, as have other members—mostly members in the lower house—and I try to get things fixed. Unfortunately, many of those things are around this issue of bullying. Parents are at their wit's end to know how to engage with their school, across the spectrum of schools, to tackle this issue. It is clear to me that parents need assistance, and they are looking for and are asking for that assistance, to help them work their way through the system to address these issues.

There is a difference between children going through their normal developmental journey, learning how to be resilient and how to resolve conflict, and ongoing and sustained abusive behaviour, which is what bullying is. I do not accept the argument that this whole debate is all about helicopter parents trying to ensure that nothing negative ever happens in the life of their child. Good schools with strong school cultures and strong leadership know that that is not what real bullying is about. They know the difference and how to get the balance right. I am confident that most schools do a sensational job in managing all the issues they are expected to deal with these days, but we can do better when it comes to ensuring that all schools across the sector are consistent in their response to bullying, and that parents are provided with the assistance that they need.

HON ALISON XAMON (North Metropolitan) [1.55 pm]: I want to thank the member for raising this issue. It is a very important one, and I think it is unsurprising that there are so many people indicating that they want to speak, because it is an issue that absolutely deserves the full attention of this house. I note that the motion is also a very timely one. As has already been said, this Friday is the National Day of Action against Bullying and Violence, which is held on the third Friday of March every year, and I note that the theme for this year is "Bullying. No way! Take action every day".

As has already been discussed, the consequences of bullying and the harm associated with it have been well documented. Bullying does have a lasting effect on children and their families and can have an ongoing impact on children's mental health and wellbeing, as well as their physical health. Bullying also impacts school attendance and can therefore be detrimental to school achievement. There is clear evidence that being a victim of bullying is associated with poor mental health and a high risk of depression, anxiety, self-harm and suicidal ideation. As has already been said by the minister, prolonged bullying can also be fatal, and we are aware of tragic cases when sustained bullying has led a young person to take their own life. Unfortunately, bullying is also very common. According to headspace, up to 46.8 per cent of Australian secondary school students report that they have been bullied in some form or another over the past 12 months.

I want to concentrate on a few elements of this, because although anyone can be a victim of bullying, some children can be particularly vulnerable. I am talking about students with disability, Aboriginal students, those from non–English speaking backgrounds, and also LGBTIQ students, all of whom have been identified as being at increased risk. The Victorian Equal Opportunity and Human Rights Commission reports that bullying is a significant and widespread problem for students with disability, with six out of 10 of those students reporting that they have been bullied because of their disability. Young people with disability have been known to have poorer mental health than other young people, and recent research has found that almost half of their poorer mental health outcomes can be directly attributed to the bullying that they are experiencing. There is a real imperative to address bullying in this cohort of students. Studies have also found that LGBTIQ young people may face up to twice as much abuse or violence as other students, and 80 per cent of homophobic bullying occurs at school. These statistics are very confronting. I know from my own experiences as a student at John Curtin Senior High School that the boys who were dance students were subject to very serious ongoing physical bullying, whether they were gay or not. People said that they were gay because they danced. It was endemic and horrendous and I sincerely hope that is not the case now. In fact, I imagine it has changed significantly, but I remember how awful it was.

I am pleased to note that there are now some quite significant things happening in the space for LGBTIQ students. The Commissioner for Children and Young People has established advisory committees that focus specifically on the needs of LGBTIQ children and young people in Western Australia. Many of the key priority areas identified by this group relate to making schools safer, including improving experiences in school through inclusive policies, practices and professional development for staff; reducing harassment and discrimination for LGBTIQ children and young people; and improving access to safe spaces and support, and events and activities. I think these are really commendable initiatives.

Other positive steps forward have been taken, such as the drive for gender-neutral toilet options in schools—almost like what we have in our own homes—and efforts to ensure school ball dress policies are more inclusive. These initiatives stand in stark contrast to the often appalling media response to the issue. I particularly note the disgraceful front page from a couple of weeks ago about the school gender swap. I certainly hope that that young child has been receiving the support that she needs because, as we know, 50 per cent of transgender young children reported that they have attempted suicide. It is a really serious issue. It also highlights the importance of programs such as Safe Schools and why we need to ensure that these programs are in place. These sorts of programs save lives and we really need to remember that.

I think it is appalling that being Aboriginal also increases a student's risk of being bullied at school. The situation is getting worse rather than better, with bullying being increasingly identified by Aboriginal respondents to Mission Australia's youth survey as a key issue that Australians face. Bullying of Aboriginal students been found to not only impact on their school attendance and progress, which is particularly concerning given efforts to address the gap in education between Aboriginal students and other students, but also contribute to children having trouble making friends and their willingness to take part in sport and leisure activities.

As I have said, bullying is also more commonly experienced by children from non–English speaking backgrounds. A survey undertaken by the Foundation for Young Australians found that 80 per cent of secondary students from non-Anglo backgrounds, most of whom were from migrant and refugee backgrounds, experienced racial discrimination during their lives and that over two-thirds of these experiences of racism occurred at schools.

As has been mentioned, there can be a tendency to attribute normal childhood nasty behaviour to bullying when it is not. Bullying is repeated, intentional behaviour that is intended to cause distress. We talk about the four different types of bullying: physical, verbal, cyber and social, or relational, such as excluding someone, telling others not to be friends with them, spreading rumours or embarrassing someone in public. All schools are required to have anti-bullying plans in place to deal with bullying and cyberbullying. Anti-bullying plans are sometimes called managing student behaviour plans. If I click on the page, "Preventing and managing bullying in schools" on the Department of Education's website, it says, "There is currently no information relating to this subject", which I think needs to be rectified. Having said that, I acknowledge that there is information about bullying on other parts of the department's website.

I want to make some general comments about parents. I absolutely agree with comments that have been made about the need to ensure that parents have the tools to be able to best address issues of bullying that occur against their children. As a mother of three, it is an area of which I would be greatly vigilant. However, not all children who are being bullied have the resource of parents who give a damn about them. There are parents who are absent or have died and sometimes kids are absolutely left unto themselves. We have to acknowledge that, far too often, some of the most bullied children are also the ones who have nobody who gives a damn about them and nobody who is looking out for them.

The fact that bullying rates are so high clearly indicates that our schools are not yet safe spaces for all students. It is, of course, vital that we develop strategies to prevent and manage bullying in schools. Schools need to be caring, positive environments that celebrate diversity in all its forms. That means school staff need to be equipped with the skills they need to be able to support all students, particularly those who we know are more vulnerable to bullying. I am pleased to note there are strategies and programs have been evaluated and demonstrated to be effective. In 2017, the New South Wales Centre for Education Statistics and Evaluation undertook a comprehensive review of literature on effective anti-bullying programs in schools. The review found that anti-bullying programs reduce bullying by an average of 20 to 23 per cent. The most effective anti-bullying interventions take a holistic, whole-of-school and whole-of-community approach; allow students to develop social and emotional competencies and learn appropriate ways to respond to bullying; and provide professional development for staff. The most effective programs also ensure systematic implementation and evaluation. Although the report noted that there are a range of effective whole-of-school anti-bullying approaches, researchers identified that schools need greater support to maximise the outcomes of anti-bullying interventions and identify what is likely to be successful based on their specific contexts and requirements. It is simply not enough to provide a range of anti-bullying resources to schools and then just leave them to their own devices. Interventions need to take a whole-of-school approach, including teacher training, and support an inclusive school culture with individual counselling and policies, and plans for conflict resolution. In rolling out school-based anti-bullying initiatives, it is absolutely essential to ensure a particular focus on students who have already been identified as being at greater risk of bullying. That includes concentrating on enhancing the inclusion of students at risk, as I have already mentioned. We know that these

strategies work. Research has shown that, for example, where there are protective policies in place for LGBTIQ students, they are more likely to feel safe compared with those in schools without similar policies. These students are almost 50 per cent less likely to be physically abused at school, less likely to suffer other forms of homophobic abuse, less likely to self-harm and less likely to attempt suicide.

In addition to programs that aim to prevent bullying, we also need to provide adequate support for children, including limiting their distress and preventing long-lasting difficulties in later life. It is appalling that one of the widely advertised first points of contact for children and young people who need urgent advice—Kids Helpline—is unable to meet demand and 56 per cent of calls do not get through. This is an area, for example, in which we are going to have to do better.

I want to talk about bullying and the issue of addressing violence in schools, because they are interlinked. Addressing violence in school is also very topical at the moment and I acknowledge the crossover between responding directly to violence and addressing bullying. Although not all school violence is related to bullying, we know that a significant amount is. Although programs that aim to prevent bullying must be an essential part of reducing violence in schools, we also need strategies to address violence when it happens. Of course, it goes without saying that students and staff should all be safe at school. It is not okay to be subject to violence. That being said, I am concerned about the minister's action plan to address school violence and the plan's potential to have unintended negative consequences, particularly for some of our most vulnerable students. I am concerned that the rhetoric around this plan allows no flexibility or understanding of individual circumstance. It is very disappointing that, other than mentioning that policy changes will not discriminate against students with disability, there is no recognition of the underlying reasons for students' behaviour. Our response to behavioural issues has to be appropriate and in the best interests of the child, and take into account underlying causes such as whether they are experiencing mental health issues, have a disability, or there are substance abuse issues or external stressors and traumas that might be happening in those children's lives. All of that will require different and tailored support; indeed, it would be great to see an interagency response where appropriate.

I note that yesterday the minister released a media statement titled "Violence policy at work in WA public schools", which identified that there has been a 700 per cent increase in the number of students who have been excluded from school. It stated that at this time last year, no student had been excluded from school and that seven had been excluded this year. It also promotes the statistics as a measure of success of the tough new measures. We know that engagement in education is a protective factor against suicide, particularly for troubled kids; likewise, disengagement is a very real risk factor. I think characterising the policy as a success based on the number of children excluded or expelled completely fails to take into account what is happening to those students, including, for example, those with problematic home lives and those who might not be able to travel to access other educational options.

Members, year 6 was a terrible, terrible year for me. At that time I had a very traumatic home life. My mother was gone, and my father was in and out of mental health institutions and during that time attempted suicide twice. In that six-month period, I was a tiny 10-year-old girl who was responsible for three acts of violence against my fellow students. I was called up to the principal. It was unusual for me. I was a minister's daughter. I had always been the teacher's pet; I was always really well behaved. There was no explanation that I was capable of giving as a tiny child for why I was behaving in such an appalling way. I wish someone had been able to ask at the time what was happening to me at home. It was very difficult for me to make sense of what was going on and it was very difficult for me to regulate my behaviour. It was not until my father did suicide that same year that perhaps people had some inkling of what was going on with me. My point is that sometimes kids do things that they would not otherwise do because of chaotic home lives—things that are completely out of their control. I am not happy that that is what happened for me, that I did that, but I am just saying that life is sometimes very complex for children.

I was contacted by a range of stakeholders following the minister's announcement that she would be developing the violence action plan. Those stakeholders were concerned that the plan would have unintended consequences, particularly for students with disabilities such as autism, and it was parents of children with autism in particular who raised those concerns. I raised this issue in questions without notice while the plan was being developed. Yet now, disappointingly, feedback from the schools is that school staff are being put under pressure to explain decisions, and not to suspend or exclude vulnerable students for behaviour that is clearly the result of significant underlying issues. It is clear that excluding a student in these circumstances is not only inappropriate, but also likely to have a significant long-term negative impact. I remind members that we are talking about children. They have a right to an education, but, further than that, they have a right to be protected from discrimination, and in all actions their best interests should be our primary consideration. So when a school becomes a place where young people experience trauma and harm, it has an immediate as well as a life-long impact. The social costs of bullying are absolutely considerable. I also note that the economic costs of bullying are also considerable and felt by the whole community. I note that economic analysis by PricewaterhouseCoopers for the Alannah and Madeline Foundation last year found that bullying in Australian schools has cost an estimated $2.3 billion over 20 years for each school year group. Therefore, we know that anti-bullying initiatives make a significant difference. It is imperative that these programs are given the priority that they so clearly warrant. I would like to see outcomes like reduction in violence not only in schools, but also across the community longer term to be used as a measure of success of

anti-bullying and anti-violence programs and that we do not measure success by the number of children who have been excluded from school. We have to get that balance right. I believe that we can strike the right balance by working to ensure that our schools are safe places for everyone, while also appropriately responding to the needs of vulnerable children.

Childhood is a complex time. Children do need to learn how to be resilient, but also parents need to not enable their children when they are bullies. We need to ensure that children who do not have present parents are able to get support and that schools are able to step in to support children when they do not have anyone else to protect them. We also need to remember that even the students themselves, whether they are engaging in acts of violence or otherwise, may often have very deeply complex issues occurring in their own lives. This is why there is no one-size-fits-all solution. It is really important that we are able to identify those students who are at risk and who are experiencing trauma, and, ideally, be able to refer them to additional supports as soon as possible. Schools have the capacity to be our frontline resource for damaged children and children who are experiencing trauma. Schools can be the pathway to ensure that children do not go on to experience lifelong mental health issues or, indeed, take their own lives.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [2.15 pm]: I thank Hon Samantha Rowe for bringing this exceptionally important motion to the house today. Nobody in this house wants to see ongoing bullying of children in our schools. As parents, and aunts and uncles of young children, and indeed teenagers, bullying is something that we have all dealt with in our families, so I am very pleased to contribute to the debate today. I commend the government on the steps it has taken so far in implementing some strategies to address particular areas of violence in schools.

In addressing the motion today, which notes the importance of developing those strategies, we could have moved a step further by recognising the strategies that have been adopted so far. I support them, but I have some questions that I will highlight, particularly around how the 10-point plan will be delivered in regional areas. It is all fantastic and it is a strategy that would work in the metropolitan area. It seems to be very credible to me.

Hon Samantha Rowe: I don't want to interrupt you, but if there's time, I will reply. But the motion is not about the 10-point plan.

Hon JACQUI BOYDELL: I know, but it is one of the strategies that will be adopted. Therefore, if the 10-point plan is a strategy that the government will be working with to combat bullying and violence in schools, I would like to understand how that will impact on regional schools in particular.

In talking about that action plan very quickly—I do not want to completely focus on it—I would like to understand the government's strategy to adopt strategies for actions 1, 3, 5, 7 and 10 in regional areas. Action 1 states —

> Principals to suspend students who attack other students or start fights.

Nobody wants to see fighting in schools. It is abhorrent. Nor do they want to see the recording of fights, posting of fights on social media or children standing by and watching them. They are traumatic for anybody. I applaud the 10-point plan, so do not get me wrong, Hon Samantha Rowe. I absolutely support it. However—Hon Alison Xamon did touch on this, particularly in a regional situation—what happens when a child in a regional area is suspended from school? Where do they go? When that happens, it becomes a larger community issue. They say that it takes a village to raise a child, but how do communities support children who are in extremely violent situations and who require an enormous amount of support to be educated? How will they respond to that?

Hon Alison Xamon: And with absent parents.

Hon JACQUI BOYDELL: Yes, it is often the case that their parents are absent. I acknowledge that, absolutely. I understand that there is suspension, but how do we provide ongoing support for those children and families, particularly in a regional setting where there are limited services to deal with those issues? Action 3 is headed "New alternative learning settings for the most violent students". What is that? Where can we do that in regional Western Australia? How will it be rolled out? How will the community know that these children are being engaged in an alternative learning setting? Action 5 is headed "Provide training and support for school staff". I absolutely support that initiative, but how will that be delivered in the regions? Action 7 is headed "Free parenting program for parents of young children". Again, what is the plan to roll out that program in a regional setting? Will that program possibly be extended to parents with teenage children, because often issues do not come to light until children are aged 11 to 12 years? At that point, parents actually need a different type of assistance, because the children are dealing with the issues we spoke about today—cyberbullying and overt and covert bullying within the school environment. Action 10 refers to the Premier's Youth Forum that will give young people an opportunity to have a voice and identify actions themselves to address violence in their community. I commend that plan, but I hope that opportunity is afforded to regional students as well. I hope that they will have an opportunity to come to the table, at the highest level, at the Premier's forum, to have those discussions and have the Premier and the minister listen to them about how we can implement change in a regional setting, because students and staff of regional schools probably understand schools in a regional setting better than anyone. Some insight into how the minister will deliver that forum would be great.

I commend the plan. I absolutely agree with it in principle. It is heartening that we have moved on as a society from when I, or some of us in this house, was going to school and incidents occurred, which would now be seen as bullying, but at the time may have been seen as character building or just boys being boys, or girls being girls, or the environment that students are in. That is not acceptable and there has to be some way to address the bullying that people are feeling. We cannot ignore people's feelings; if people feel bullied, they can justifiably say that they have been bullied. I am very, very pleased that we can have this conversation and shine some light on behaviour that is actually bullying. I note, as other members have done, that this Friday, 15 March, is the National Day of Action against Bullying and Violence. I would like to place on the record my support for that initiative, with the hope of encouraging all facets of our society to be kind and supportive of each other while we work together to reduce bullying and the harm that it creates. I think we, as members of Parliament, have a unique opportunity to do that in the way that we engage with each other.

I note the statistics released by the Minister for Education and Training yesterday in her press release, which are astounding. The incidence of violence and bullying in our schools and the very high percentage of people who feel they have been bullied is alarming. I commend the minister on her plan of action against bullying.

I would like to share the definition of "bullying" set out on the Bullying. No Way! website. It is interesting to read and take note of what bullying is. It is easy to see bullying as violent, overt, loud or aggressive behaviour, but it is a number of behaviours. Sometimes people need to read a definition in order to recognise that their behaviour is actually acting out a form of bullying. The website states —

> Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.
>
> Bullying can happen in person or online, via various digital platforms and devices and it can be obvious … or hidden … Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records)

The many different research papers and discussions on this issue and studies on this topic vary slightly but most are in agreement that between 25 and 45 per cent of students indicate that they have been bullied at school at some stage in their life. That is a frightening statistic we would all like to see reduced. Unfortunately, we also see the prevalence of bullying in many adult workplaces. Those numbers are far too high. The government needs to move from, as said in the motion, noting this issue's importance to actually developing strategies, which it has started to do, and providing ongoing support for those strategies to continue to be delivered in our schools.

The bullying we see now is evolving. Bullies have realised that they will be caught for any overt bullying strategy, because everyone has a camera on their phone these days; do they not? We are now seeing different behaviour from bullies. The covert bully has started to evolve in our schools. These bullies inflict damage silently, often in the most hurtful manner. In schools, we see students experience looks that make victims feel constantly uncomfortable or a group of students turn their backs on a victim approaching them to engage in a social setting, which ostracises and isolates that student. That isolation of young people is heartbreaking and soul destroying. At lunchtime closing a circle when a student walks up to them and not allowing them to sit down is bullying; it is isolating and ridiculing people. It is not overt but still undermines their very soul. It is exceptionally disheartening to see that happen.

The incidence of cyberbullying, as other members have talked about today, has increased in recent years. The devastating impact upon students includes the incidence of suicides after sustained cyberbullying, which is sadly becoming a reality. This was highlighted, in particular, by the devastating case of Dolly Everett. Without strong action in this area from all stakeholders, I fear we will see only increases in the number of children and teenagers who can no longer stand the barrage of assaults that comes with cyberbullying and will devastatingly feel that suicide is the only option.

Although the government has to some extent addressed overt bullying—I agree with that entirely—I think there is a way to go on addressing covert bullying in which particular groups of children strategically get together and seek to isolate and ostracise children. The children feel completely alone and that they cannot share their experience with their parents, teachers, mentors, aunts or uncles. As adults in that situation, we need strategies and coping mechanisms to support our young people. The 10-point plan provides some of that support, and that is a great thing.

I want to talk about my electorate in particular. My electorate of Mining and Pastoral Region is very large. The schools in my electorate vary, not only in size, but also in student and staff capability. They are very open about that, because they are all working in the interests of the kids at their school and the community in which they participate. They all want to improve the service they are providing to their students and their families. They all face very different and often difficult challenges in providing a safe and inclusive space in which to educate their students. If a student who lives in Perth or the wider metropolitan area has an issue with feeling safe at school or with bullying at school and their family is determined to move that student to another school, that option is

available to them, and they should take up that option. However, parents in regional communities do not necessarily have a school in a suburb next door to which they can move their child. Parents in regional communities are also often economically attached to the community in which they live, because that is where their job is, so they are torn between trying to provide for their family and trying to provide a safe and appropriate school environment for their children. That is not solely the problem of government; it is due to the geography of our state. However, it means that parents and students in regional areas have limited options.

I go back to the question that I asked at the beginning of my contribution to this debate, namely: how is the government seeking to provide alternatives, not only for victims of bullying, but also for children who inflict bullying behaviour on other students? It is not good enough to simply suspend or expel those students and let them run amok on the streets. Those students could be living next door to me or another member or someone in our community. If as a community we do not provide those students with ongoing assistance, we cannot expect those children to grow into healthy, community-minded young adults. There are some gaps in that area. In regional areas, expulsion is certainly not an answer. We need to provide alternatives in the form of education support, emotional and psychological support, and family support. That presents real challenges for parents and families in regional areas.

I will be watching this space and how the 10-point plan will be further rolled out. The government may have some strategies within its 10-point plan to address the concerns of parents and students in regional areas. I look forward to that becoming available. The government demonstrated in its decision-making processes on Schools of the Air, camp schools and Moora Residential College, and in its lack of funding for a number of schools in my electorate, that it does not have a true understanding of the challenges faced in education and by educators in the regions. I suspect that when we get more detail about the strategies that this government has put in place, we might see some further development of that. I hope that is right, because I welcome the opportunity to work with the government to further develop opportunities for educators and parents and children in regional areas. I am happy to be proved wrong and that the government does understand regional education. I am happy to be part of the process to assist the government to further work towards strategies that will be in the interests of regional students. I am happy for the 10-point plan to be rolled out in regional areas, and even in our regional centres would be a start. Children in regional Western Australia deserve the same support and quality education as children in the metropolitan area. It would be fantastic to see that as a principal priority of this government.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.34 pm]: I say at the outset that I will definitely be supporting this motion, and I thank Hon Samantha Rowe for bringing it to the chamber.

Pedagogy is a fascinating element of our community and our society. Having spent 23 years in the classroom, without a day off, as a secondary teacher in the private system, in both a boys' school and a girls' school, and in the public education system, I can attest to that. I loved every second of it. However, having said that, pedagogy has shifted significantly from the time I had my education in Kalgoorlie—I will not say how many years ago, but many years ago. In those days, and until about 25 years ago, the fundamentals of our education system were always to best prepare the child for life beyond compulsory education in not only skills and qualifications, but also resilience and self-esteem. Those fundamentals have never changed. Every education system should generate towards that positive outcome. However, that has changed significantly. Gone are the days when the whole of the fundamentals of education were based on curriculum. As I said, back in the 1970s when I graduated, and until the late 1980s, the fundamentals of education were almost exclusively generated towards the academic component. There was a miniscule amount of pastoral care. Pastoral care was basically detention on a Friday afternoon, when the bad kids were sent out of the classroom and into detention, and that was it.

We are living in an increasingly complex society, and that is creating profound challenges for our education system. Children now bring a multitude of issues to school every single day, right across the length and breadth of the social spectrum of our community, with drug abuse, single-parent families, relationship breakdowns, transient populations, and economic circumstances that prevail negatively on families. Children are faced with constant issues. The school environment today is much more complex than it was in the past. Bullying is one of the most profound issues that our schools have to deal with. It is not just the norm. It is not what has always been expected of bullies—that they will push, hit or bash up their adversaries. Make no bones about it. I am not talking about the usual suspects. Bullies nowadays are much more sophisticated. They use their sinister mechanisms in a variety of ways, no more significantly than through social media and cyberbullying. The depth to which bullies will go to diminish the self-esteem of their peers is extraordinary. Let us not forget that it is not just the children in our schools. It transcends our community. All we need to do is look at the posts and vile that comes out of Twitter. It is ironic that we have the audacity to pass moral judgement on our children, when grown adults behave in that way as well. Those values transcend our education system. Therefore, our education system needs to rise to the occasion. Imagine what it would be like for an eight-year-old boy or a 14-year-old girl to be told you are ugly or you are fat, or you are this or that; go and kill yourself. However, this happens day in and day out. Make no bones about it. Tens of thousands of students in our classrooms right now are suffering in silence, I promise you, all because someone has disowned them or unfriended them on Facebook, or their peers have isolated them because they did not turn up to a party or did not invite them to a party. Dolly Everett, a beautiful 14-year-old girl, was completely ostracised, alienated and condemned by her peers to the degree that she was in such a dark space that

that young lady took her own life. Is that not compelling? Is it not a terrible indictment of where we are as a community that that child felt so isolated that she took her own life at 14 years of age? She is one of thousands. Make no bones about it.

One of the choice posts on her Facebook page was: "Why don't you just go and cut your wrists until you bleed. You'll do everyone a favour." That is shocking. That is what our schools have to deal with day in and day out.

Let us have a look at bullying in the old sense. I acknowledge the work the government has done on coming down hard on those who engage in physical bullying. I support that; I have no problem with that at all. But make no bones about it: those who engage in physical bullying are the thin edge of the wedge. I know that about 900 or so of these students have been suspended, excluded or expelled up to this point in time, but I say to members opposite that the vast majority of them will be repeat offenders. It is not 900 individual cases; they will be repeat offenders. These kids will have been in a lot of very, very dark places. They are repeat offenders. As I said, as a lifelong educator, I am not convinced that expelling or excluding these students really does them much good at all. A lot of these kids have a lot of social issues. They wear it as a badge of honour—they honestly do—which is a shame. They will say, "I'm off again!" They will go and take some drinks from the IGA store or wherever it might be and do a whole raft of other things, but does that improve them as an individual? Does it develop their self-esteem or resilience? No, it does not. I am not advocating against it; all I am saying is that if we are going to isolate these students, we have to provide something for them. I will get to that in a moment in terms of some of the mechanisms we introduced in government, which have been retained by the current government.

As I said, they are the thin edge of the wedge. Most bullying is not overt physical action by one child against another. That is unacceptable and, yes, those children need to be isolated in some shape or form, because we have to look after all the children. It is not just the bullies; we also have to look after the victims, because their self-esteem has been challenged as well. But let us not forget that the vast majority of the bullying in our school environments comes from those who do it online or through isolation.

Hon Samantha Rowe: When I spoke to Professor Donna Cross, she actually said that more bullying happens face to face than online.

Hon PETER COLLIER: Who said this?

Hon Samantha Rowe: Professor Donna Cross from the Telethon Kids Institute. That is from her research.

Hon PETER COLLIER: She perhaps needs to get back into the classroom. I have no problem with that; I am not diminishing her views. All I am saying is that online bullying is absolutely rampant in our schools. Having been education minister for six years and having visited almost 700 schools, I can assure the member that it is a cancerous problem within our school environment. Of course, responsibility for that should not rest on the shoulders of the schools themselves; it is a community responsibility. It really bugs me, and I know it must bug the current education minister, when people go on the radio and carry on about schools not doing this or that. I would really like to see a little parental responsibility every now and then in some of these issues. Parents need to take a bit more responsibility for the actions of their children. But it must be a holistic approach. It should not be just the schools and it should not be just the parents; it should be the community as a whole. Collectively, we have to do something to engender within our society a culture that is supportive and ensures that everyone works towards those two key principles of resilience and self-esteem within our children. We can look at ATAR scores et cetera, but it is no good someone getting an ATAR score of 98 if they have massive self-esteem issues, because those issues will fundamentally undermine that individual's success.

As education minister, I was insistent on the provision of a holistic approach to bullying strategies. Yes, we did look at that thin edge—those children who engage in physical bullying. There is a significant number. Most are repeat offenders. This is historical. Members should not get too excited when the numbers go up and say that it shows that their policies are working or whatever, because most of them are repeat offenders; it is the same kids. We need to look after that cohort of students. When I took over as education minister, we had what were called behaviour centres, which basically isolated the students. The students would spend a couple of days in these behaviour centres. I said that was fine, but it was like putting a bandaid on a broken arm—it does not really solve the problem. I said that if these kids had issues, we needed to help them develop the life skills they needed to better socialise with their peers. I expanded those behaviour centres and changed the name—I did not like the name at all, because, again, it was just like a badge of honour for these kids. I made them engagement centres. There was not one in the wheatbelt or the Kimberley, so I put one in both those areas. I wanted the centres to develop much more tailored programs for each student who went to them—they might be there for two to three weeks—to empower that child and make him feel better. There is nothing better in life than success, particularly for a child. For that child to develop an awareness of things he had not done before, to develop some literacy and numeracy skills or some geography skills or whatever it might be, would enhance the esteem of that child. I was very happy with the fact that those engagement centres offered a lot more to children than just a punitive approach of pulling them out of school and plonking them in the centre for a couple of days, which did not teach them anything and meant they would continue to do the same thing. We are all creatures of habit. They would just keep on doing it. As I said, the idea was to say, "What can you work with?" It worked.

We also opened a learning academy in Midland for the very high-order students who really have issues with socialising with their peers. We went to the last election with a promise of two more—one in the north metropolitan area and one in south metro. I really hope we can get those one day. Some students are increasingly disengaged from mainstream schooling and we need to look after them. I did that myself. I based that on the curriculum and re-engagement in education schools model. These schools are independent, non-government schools that deal specifically with disengaged students. A lot have been in juvenile justice. A lot are from very broken homes. I love those schools; I spend so much time with them. Back in 2008, when I was shadow education minister in opposition, the then government actually cut their funding, which really did not impress me. We committed to increasing that funding to make up that shortfall. We won government in 2008—I do not know how, but we did. Even though I did not become education minister then, we were fortunately able to provide more funding for those CARE schools so that they could retain their level of funding. They deal with hundreds upon hundreds of seriously disengaged students. They are wonderful. Members should go out there. There were eight when I started; there are 13 now. I do not know whether they have expanded. There are more campuses but there are 13 fundamental CARE schools. They teach the kids a whole raft of life skills. They deal with them one on one, providing psychology support and peer support et cetera. They are great. They are so good. These kids really do well. They might get a certificate II or something. I would go out to make the presentations. You want to give a kid who has not had too many positives in his life a cert II in jewellery making at the age of 15 or 16, and to watch their gleaming faces and see how wonderful it is. There is just that little seed: "I'm not a loser. I can do something." It really does help that child. These students are right at the edge of the wedge and would, more often than not, be the perpetrators of what has traditionally been regarded as physical bullying. They are taken out of school, but they have to be given something; we need to engender something in them that is life changing, so that they do not just sit back and assume that this is the way it has always been. Members can bet their bottom dollar that most of the students in the CARE schools who have been in juvenile justice would not go to a mainstream school, and if they did, they would not last two weeks. They would be incarcerated just after they turned 18. This is a fact, guys. A lot of the students in the CARE schools are from the juvenile justice system. Members need to look at the positive work they are doing; it is magnificent.

There was also the chaplaincy program. I told YouthCARE when I was in opposition that my goal was to put a chaplain into every school that wanted one. I was bashed by the usual subjects, who carried on about whether there should be chaplains in schools, but I wear it proudly. For some reason, people have this misguided notion that chaplains in our schools are sent there to read the Bible to students, and that is all they do, but nothing could be further from the truth. Chaplains provide a wonderful vehicle for pastoral care. Some students who have real social issues at home, with relationships, peers, or whatever it might be, do not feel comfortable talking to the school psychologist, and being assessed. They do not like talking to their head of house, the head of their year group or the deputy. In some instances they do not even like talking to their parents about things. The compassionate role that chaplains play is absolutely formidable. I doubled the number of chaplains in our schools so that, by the time I left, every school that wanted a chaplain had one. I am so proud of that. Never once, in the entire time I was minister, did any school say that it did not want its chaplain any more. Dozens of schools wanted them, and when the federal government—a federal Liberal government, I might add—withdrew its funding for the chaplains, in my second last year as minister, 2016, we filled the gap and propped up the program to ensure that not only were the existing chaplains retained but also 188 new chaplains were appointed, which has been very successful.

In addition, it is absolutely vital that we engage with parents, so that the parents are part of the process and when children suffer or are struggling, the parents feel that they are part of their child's development. The development of the child and parent centres commenced at the end of the previous government in 2007, and we introduced them in 2008, and expanded their role significantly. Initially they were for developing literacy and numeracy skills and providing mental health assistance, but I expanded their role to include much more in the way of parenting workshops, so that the parents were part of the child's development. Let us not forget that all those child and parent centres are in low socioeconomic areas, and they engage with tens of thousands of students every week. Additionally, the 37 Aboriginal KindiLink centres that we opened when I was minister provided an avenue for support for Aboriginal parents in 37 primary schools, and were allocated to a raft of other primary schools. Again, I was trying to get the parents involved in their children's education. The kids at the door is not my responsibility; the parents are responsible.

A number of the strategies that we used—the engagement centres, the learning academy, the additional support for the care schools, the chaplaincy program and the KindiLink program—were very successful. In addition, there is the independent public schools program, under which parents were very much a part of decision-making in their school environment. It is absolutely vital, to overcome the scourge of bullying, that the entire community is a part of it. That is why I was insistent that, in independent public schools, parents had a say in the ethos, the culture and the values of the school. Fundamentally, that is what it is all about—a rich tapestry, with everyone working together. Isolating the bullies who hit the other kids and get great value out of physical violence is a good thing in a way, because it gets the child out of that environment in the short term. However, as I said, unless we do something with that child to develop their life skills, it is putting a bandaid on a broken arm.

That is where we are at in the area of bullying. We have an issue at the moment, because it transcends all areas of society, not just the school environment. The schools are a microcosm of our society. While we are out there bashing each other up on social media, we can hardly pass value judgements on our students who are doing the same. Ideally, if we all work together, we can start to make that message consistent and effective. Our education system is the one real opportunity we have to prepare our students for life beyond compulsory education, both academically and in developing self-esteem and resilience. Collectively, that is the way to go to overcome the scourge of bullying.

HON COLIN TINCKNELL (South West) [2.55 pm]: I will make a short presentation here, because I am very keen to hear others speak as well. I have learnt a lot from the speakers today, so I commend Hon Samantha Rowe for bringing this subject to the house. What I have heard today is very good. I have heard what the previous government did, and now we are starting to hear what the current government is looking at doing. However, if we put our faith only in governments and schools to get rid of this problem, I fear that we will fail. It is a societal problem, and, as Hon Peter Collier put it, the schools and the students are just reacting to what parents and other people do in general society.

Society can be changed in a couple of ways—through prevention and culture—but it is hard work. We have heard those words mentioned already today. How do we create culture? It is not very easy. A lot of kids at school would not actually understand what culture means, and the value of culture. Obviously, some of the private schools have it ingrained. The kids arrive and they are given a rundown on how that school operates, and the behaviour that is acceptable. Generally within the first few weeks they understand what the culture is and what is acceptable. It is a bit different at government schools. Some government schools work very well in trying to build a culture, but all people have a part to play in that. Obviously, the parents have the number one role. The behaviour of their children is totally their responsibility. How do we make people better parents? From the schoolyard, or from the government, we cannot. It is up to the parents, and they have a major role to play.

In a prevention sense, in preparing students when they arrive at school, we should let them know that they will be subject to bullying. I think a lot of schools are too scared to mention that from day one, because they want to put their school in a good light, so talking about the darker side of things that happen in schools is not something they want to promote. I worked in schools for the last 21 years before I became a member of Parliament, and it is important that we prepare everyone for what they are going to face. That is one way that we can beat bullying—prepare the students for what they will be facing. In the old days, we said things like, "Sticks and stones may break my bones but names will never hurt me." It was a pretty strong message when I was a kid, and it did not really mean much to me, but as I got older I realised what it meant. Sometimes, we do not prepare our kids when we send them off to school. We are thinking the school has the situation in hand, with experts, psychiatrists, and experienced teachers. Surely the school has that under control—but no, it is the responsibility of parents. When they send their children off to school, they are ultimately responsible for how those children react to the bullying that is going to happen. I have a child who was bullied, but once we see a child being bullied, how are we going to react and handle that issue?

Prevention can be done in many ways. We have heard about cyberbullying. One obvious method of prevention would be to ban mobile phones or those sorts of apparatus in schools. Maybe kids should hand in their mobile phones when they arrive at school and then pick them up when they leave. Obviously, if they were sick and had to go, they could get access to their phone to ring their parents and get them to pick them up. That is one method of prevention. I am not saying that it is the answer, but it is one thing that could help. Kids would not have access to their mobile phones during lunchtime and they would have to communicate with each other face to face. They would not have the use of a smart phone to continue the bullying in the classroom or at lunchtime.

People who belong to a great sporting outfit often pride themselves on the culture of the club. Why does the team have success? It is not just the ability of the team; the expertise of the players and the coaches is only one part. A team can have the greatest players and coaches, but it will not have success if it does not have the greatest culture. That is why I come back to the word "culture". It is important that schools lay out the rules to students from day one when they arrive and prepare them for the bullying that will come.

It was really good to hear from the previous education minister about what his government did and some of its successful programs. I was not aware of that. I am very pleased that the current education minister has kept those programs going. Of course, federal governments will come in and muck it up, but it was good that this government had the money to put aside to continue those programs.

The other thing I would like to touch on is authority. Teachers and headmasters today are under threat from parents and students. We have seen the horrible violence towards teachers. Over the last 20 or 30 years, we have all had a role in undermining the authority of teachers and headmasters. Society has asked for a different way to approach this. When I went to school, I never, ever spoke back to a teacher. I would not even speak to the headmaster or headmistress if they spoke to me. They were held in high esteem; in those days, they were held well above lawyers and doctors in our society. That is not the respect that teachers, headmasters and people working in the education system get from society these days. Society has a role to play in ensuring that teachers are looked up to. They

perform probably the second most vital role that can be performed for a child—that is, teaching that child, and not just teaching them education. If a teacher goes to school thinking that he will be involved just in the education process, he will have to learn very quickly. On his first day at school, he may have a kid who has been bashed on the way to school and whose mum is in jail and whose dad has been raped. Who knows what has gone on in that kid's life that morning. Teachers have to face that every day. We have to prepare our teachers and students. We need to build a culture.

I will not go on, because I want to give the member a chance to respond. I thank the member for bringing this motion to the house. It has been valuable to me. I have learnt a lot. She will get our support for this motion.

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [3.03 pm] — in reply: Firstly, I thank all members who made contributions to today's debate. I pretty much agree with everything that Hon Donna Faragher said. It was great to have everyone in the chamber contribute. I also acknowledge that the Minister for Education and Training, Hon Sue Ellery, made a contribution. Hon Alison Xamon, as always, gave a very passionate and heartfelt contribution. I thank her for sharing some of the experiences that she has had in this space. Hon Jacqui Boydell raised a number of issues that are important to her in how the 10-point plan will affect regional schools. I cannot provide an answer to her today; I do not have that information with me. I was not referring to the 10-point plan in my contribution. Nevertheless, I totally take on board the issues that she raised and hopefully someone will be able to get answers for her in that space. I thank Hon Peter Collier for his contribution. Obviously, as a former education minister, he has a huge amount of experience in the education sector. I also thank Hon Colin Tincknell for his contribution.

A lot of issues were raised and I will not have time to address them all. Hon Colin Tincknell said that we need to have a change of culture and that making sure there is a strong school culture is very important. I totally agree. He asked how we do that, and I think it is by making sure that we have collective buy-in from all stakeholders—all the groups involved, including schools, parents and students. The culture can be changed, but it takes time. It is not something that will happen overnight, but there must be buy-in from all the parties involved. I think the member also said that we cannot eliminate bullying, and I agree that we cannot eliminate bullying.

Hon Colin Tincknell: It's human nature.

Hon SAMANTHA ROWE: It is human nature, but we can make sure that we have in place programs and tools to best support teachers and schools, because they are at the forefront of this. We can make sure that programs, tools and resources are available for parents so that they better understand how to deal with these highly emotional and stressful situations. We can also make sure that we have tools and support for students so that young people know where to go for help.

Hon Colin Tincknell: I don't want them to wait until the bullying has started; it needs to be well prepared and in advance.

Hon SAMANTHA ROWE: I do not disagree. Some of the best examples in our public school system can be seen in the whole-of-school approach to ensuring that there is a strong anti-bullying policy. When we have had that buy-in from all stakeholders, there has been less incidence of bullying. Obviously, if there is strong leadership and a strong school culture, it can be prevented from happening at the beginning. Obviously, prevention is always better than the cure.

Hon Donna Faragher said that we always need to look at new ideas and new ways to deal with issues in this space, and I agree, particularly with cyberbullying. For some of us, it is a new space to be involved in. It is kind of terrifying for people to get their head around what can happen with cyberbullying on social media and to try to understand how it occurs and how parents and other adults can assist young people to navigate social media. We cannot ban them from using it. It is a part of their life. It is how they communicate with their peers and their friends. If we try to ban them from using it, we will make it worse for them; they will be isolated from a very important part of their life. It is about teaching them how to use it safely, and to teach them how to use it safely, we need to understand how to navigate that space. I imagine that will keep changing over time. I am not sure whether that is what Hon Donna Faragher was referring to when she spoke about new ideas and making sure that we constantly address this issue. New things will keep coming up and we need to ensure that what we have in place is current and works effectively for all the different stakeholders who are affected by bullying in our society.

Hon Alison Xamon mentioned that bullying has long-lasting effects on individuals and she said that we need to understand that a number of individuals in society are more vulnerable. She is absolutely right. One of the comments that the Commissioner for Children and Young People made to me when I had a meeting with him about bullying is that kids need to have three really important relationships in their life. The first is with family, the second is with a teacher and the third is with their peers or their friends. If children can start out with those three core relationships, the likelihood is higher that they will not be bullied at school or be the bully. That is not always the case for everyone so we need to make sure that we look out for those who are more vulnerable in our schools. I am really glad Hon Alison Xamon highlighted that in her contribution. I thank members of the house for their support of the motion and all their contributions. They were really worthwhile.

Question put and passed.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Simon O'Brien) in the chair.

Joint Standing Committee on the Corruption and Crime Commission — Seventh Report — "Unfinished business: The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms" — Motion

Resumed from 20 February on the following motion moved by Hon Alison Xamon —

That the report be noted.

Hon ALISON XAMON: I have spoken to other people in this place. I would like to be able to say more on this report, but I am aware that there are other reports that members wish to discuss further.

Consideration Postponed

Hon ALISON XAMON: As such, I move —

That consideration of the seventh report of the Joint Standing Committee on the Corruption and Crime Commission be postponed until the next sitting of the Council.

Question put and passed.

Standing Committee on Procedure and Privileges — Fifty-fourth Report — "Standing Order 6(3): Recalling the Council" — Motion

Resumed from 20 February on the following motion moved by Hon Martin Aldridge —

That the report be noted.

Hon MARTIN ALDRIDGE: I rise to make a contribution to the fifty-fourth report of the Standing Committee on Procedure and Privileges, "Standing Order 6(3): Recalling the Council". Members would be aware that this matter goes back some way—to the latter part of 2017, if I am not mistaken—to which reference is made in the report. The inquiry was extensive, not in terms of its scope, nor the length of time it took to consider these matters, but because of the membership of the committee. Some 11 of the 36 members of this house constituted the Standing Committee on Procedure and Privileges' inquiry into standing order 6(3). It was an interesting experience. The committee's membership represented the will of this place when it voted to amend a motion by me during motions on notice to include and extend the membership of the committee to all party leaders who were not already members of the Standing Committee on Procedure and Privileges for the purpose of the inquiry. It will be interesting to see how the house deals with future referrals of standing orders, matters of privilege, or other matters that may be referred to the Standing Committee on Procedure and Privileges arising from this new standard, if not precedent, that has been set by this inquiry.

It was late 2017, as the report mentions, when the Legislative Council was heading into a parliamentary recess. Earlier that year, the Council had defeated a regulation on two occasions for amendments to the gold royalty in Western Australia. There was some concern that the Treasurer of the state would continue his crusade to increase the gold royalty in Western Australia as gold royalty 3.0 was to be gazetted shortly after the Legislative Council was set to rise in 2017. I think that was a genuine concern and it led to the crafting of, at that time, a temporary order, as it was anticipated, which would have provided a protection to the Legislative Council during the recess. Keep in mind that quite a lengthy recess was planned between the end of 2017 and the beginning of the 2018 sitting year. If I am not mistaken, we did not come back until March in the 2018 sitting year, so there was some concern about some premeditation by the government and that it planned to, for the third time, defy the vote of the Legislative Council and re-gazette gold royalty 3.0. Part of the motion, as it was then, whilst providing that protection during the recess, was to also refer the matter to the Standing Committee on Procedure and Privileges to report. If I am not mistaken, the temporary order was to be suspended upon receiving that report from the PPC. Obviously, much water has gone under the bridge since then, because in late 2017 when I moved a motion to suspend standing orders, the Leader of the House gave a commitment to this house that the government would not do what we feared it would do during the recess. That motion was then withdrawn by leave of the house. My substantive motion then sat on the notice paper for much of 2018 until 12 and 19 September, when the house dealt with the motion with amendment. That amendment, as I have previously mentioned, was the addition—whether they liked it or not—of the six party leaders to the Standing Committee on Procedure and Privileges for the purpose of the inquiry.

I want to talk a little bit about the substance of the inquiry that the standing committee held. My view has not changed regarding the need to reform our standing orders on this issue. Time and again, we talk in this place about many things, but some of them are repeating themes. One is the importance of the separation of powers between the executive, the judiciary and the Parliament in our system of democracy. We talk about the protection of our sovereignty and our institution. Often when we talk about those things, it is about protecting our Parliament and our Legislative Council—this place—from, typically, the executive and executive action. Another thing that is often referred to is the importance of the Legislative Council as the house of review, to provide a check and balance

on government as the house of accountability. There is often a healthy tension between the two houses of our state Parliament. We often compete with our colleagues in the other place about our respective relevance. I will not delve into that too much out of respect for the camaraderie between the two houses of Parliament, but I would argue that the Legislative Council prides itself on its focus in delivering and performing its legislative functions. Despite these two principles, which I think we all hold dear, we continue to be vulnerable in some respects. Although the motivation for anticipating a change to standing order 6(3) was obviously and clearly motivated by uncertainty going into the recess at the end of 2017, having reflected on that during 2017, which led to the passage of the motion in September 2018 and resulted in this inquiry, I think the circumstances remain that there is some validity in considering how we can better protect this chamber from executive action.

Standing order 6(3) as it stands today vests the entire power, in practice, with the Leader of the House. Members would be aware that standing order 6(3) did not exist before 15 November 2016, so it is a relatively new order. Before then, the standing orders did not have a recall provision as they do today. Indeed, that became a problem when the Legislative Assembly and the Legislative Council was recalled by the government of the day to deal with a casual Senate vacancy. If I am not mistaken, that arose from the resignation of Senator Bullock. Standing order 6(3) states —

> When the Council is adjourned, the President may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council will next meet.

Obviously, several parties are mentioned in standing order 6(3)—the President, the Leader of the House and the leaders of all parties. The key figure from all those people mentioned in standing order 6(3) is the Leader of the House. The Leader of the House has that discretion, after consulting with the leaders of all parties. That does not mean that the leaders of all parties need to agree to recall the house, but certainly consultation needs to take place, and there is still a discretion, as I read the standing order, for the President to exercise his or her powers with respect to that recall. Ultimately, recall can occur under our standing orders only upon the request of the Leader of the House. It is fair to say—I am not sure that members will disagree with this point of view—that we cannot discharge the powers and functions that we have as a Legislative Council in many respects unless we are sitting. We cannot, for example, disallow subsidiary legislation, unless we are sitting.

The CHAIR: Hon Martin Aldridge on the question that the report be noted.

Hon MARTIN ALDRIDGE: Tomorrow, according to the weekly bulletin, the chamber will consider a disallowance motion on government regulations, which was moved by Hon Robin Scott. Increasingly, the Parliament is giving more and more power to the executive by way of regulation-making powers. It was only yesterday, during the second reading debate on the Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018, that members were expressing their concern about the skeletal nature of that bill and the power that we will be vesting in the government to make decisions around the operations of the container deposit scheme in Western Australia. Uncertainty was expressed about what the regulations will look like or what they will compel of our citizens. Some regulations will obviously be more time-sensitive than others. There will be those that may be passed by government and they can simply wait until the house returns in its ordinary sitting cycle to be dealt with, but others may need to be dealt with in a more timely manner. I think the primary reason to have a modified recall provision from what currently stands in the standing orders will be to deal with subsidiary legislation—a core function of this house.

Additionally, another important protection is with respect to matters of privilege and contempts of the Council. How can we defend and uphold our rights and privileges without amendment to the recall provision? It empowers one person—the Leader of the Government in the Legislative Council. I think that it is fair to say that recalling the house for certain circumstances, whether it to be deal with a matter of privilege or to deal with considering the disallowance of subsidiary legislation, may not be in the government's interest or in the interests of the government party. As I reflect on some of the debate that occurred during the consideration of this motion that led to the inquiry, people reflected on what the Legislative Council used to have, which was an adjournment debate, which allowed for an adjournment motion that the house rise until a point in time, to be amended by the house as it saw fit. That practice occurs in other jurisdictions and, if I am not mistaken, it occurred in the Australian Senate until it adopted a recall provision very similar in nature to the one that I proposed for the Legislative Council.

I draw members' attention to standing orders 93 and 94, which provide that matters of privilege can be raised with the President in many different forms. However, ultimately, the President has to report to the Council. The President cannot do that if the Council is not sitting. Members might be aware that we have at times in our cycle lengthy periods of recess. We have a lengthy period of recess in the middle of the year, typically in the order of five to six weeks, and we have a longer recess at the end of the year, typically in the order of two to three months. We also have a particularly long recess when we head into an election year, whereby we may have a period from, say, late November or early December through to the formation of the new government and the opening of the houses of Parliament, which typically occurs in the April of the election year. The Legislative Council, despite the fact that its members are elected for a fixed four-year term from, I think, 24 May, has limitations not only on its ability to review subsidiary legislation of the executive, but also with respect to matters of privilege and contempts

of the Council. Some may argue that at some future time we may need to review standing order 93 in particular, to set out a more modern process for dealing with matters of privilege with respect to reporting to the Council when it is out of session.

It is interesting that this matter is before us now because the chamber was contemplating last week—I had anticipated that we would further contemplate it this week, but that will not be the case—the Corruption, Crime and Misconduct Amendment Bill 2017, which reinstates the jurisdiction of the Corruption and Crime Commission to investigate certain matters by members of Parliament. One of my great concerns with how we deal with that bill—noting that it is a matter before the house, so I do not want to delve into it—is how we protect the privileges of the house from executive action. That executive action could be from the Corruption and Crime Commission or another investigatory body of the executive. The government proposed that the protection we have is to seek judicial review. I am not sure that is right, but it would be interesting to test that at a later time.

The other opportunity we have is to raise a matter of privilege. As I have outlined to members, we are somewhat constrained by our standing orders from raising a matter of privilege when we are in recess. As I have just outlined, there are some very lengthy periods of recess in which the Legislative Council does not exist and, therefore, cannot exercise its powers and functions. There may be times when the Council may wish to direct the government to do something—to table a document. Something could arise while we are in recess. The Corruption and Crime Commission could release a report on something of a pressing nature and it may not be in the government's interest for the Parliament to consider the ramifications of that report. In very rare circumstances, we would consider a recall provision that would give greater power to members of this chamber, not solely the Leader of the Government.

The committee's conclusion in the report points out —

> The PPC's consideration of the matter has not resulted in support for the proposed amendment at this time.

The report also points out that other jurisdictions had effectively used the provision—namely, the New South Wales Legislative Council and the Australian Senate, which have very, very similar provisions to the proposal that I put to the Legislative Council in late 2017 and again in 2018. The committee's report does not identify any technical issues with the application of such a provision, simply that the inquiry did not result in support for the proposed amendment at that time.

The committee's report at paragraph 1.20 states —

> The PPC also examined an occasion in the NSW Legislative Council in which an absolute majority of members forced a recall of that House for the purpose of debating a confidence motion in a Minister. Although the PPC noted the potential for such a recall provision to be misused, the attendant public and parliamentary scrutiny that would accompany any recall would mitigate the possibility that such a power would be exercised capriciously or without valid and cogent reasons.

I do not think that provision would be used lightly. I know that during the consideration of the motion to refer this matter to the Standing Committee on Procedure and Privileges, members raised concerns that from time to time there could be political motivations to use the recall of the house as a tool. That certainly has not been the experience in other jurisdictions; the provision has been rarely used in those jurisdictions in which the power exists. Similarly, it requires an absolute majority, which is quite a high and reasonable bar to recall the house and for it to sit. If an absolute majority of the house feels that it is fit for the house to sit, why not afford the house the opportunity to sit? Obviously, those members would need to be satisfied of the public interest that would be served by the house sitting for whatever the purpose may be.

The CHAIR: Hon Martin Aldridge, on the question the paper be noted.

Hon MARTIN ALDRIDGE: Thank you, Mr Chair; I will not take up too much time.

In providing a summary of the report, I feel that this issue will come up again in the future and, unfortunately, the house may need to experience that we are exposed in this respect. It is unfortunate that we have been unable to reach a position of support for this matter at this time. It is interesting to note, and some members will pursue an argument that it is entirely at the government's discretion when the house should sit, that standing order 6 allows the house—of course, only while it is sitting—to amend the sitting schedule by absolute majority. Of course, that is a power we can exercise only when the house is sitting; obviously, it cannot be exercised when it is not sitting. It is interesting to note that despite this government's complaints, there has not been a single-party majority in the Legislative Council of Western Australia since the 1983 general election, some 35 years ago. In those 35 years, not a single party has controlled this chamber.

Hon Kyle McGinn: The LNP—the Liberal–National Party.

Hon MARTIN ALDRIDGE: There is no Liberal–National Party in Western Australia.

Hon Kyle McGinn: Are you sure about that?

Hon MARTIN ALDRIDGE: Yes.

The CHAIR: Order! I will give members on my right the call in just a moment; there is plenty of time.

Hon Colin Holt interjected.

The CHAIR: Members on my left can have the call in due course as well; Hon Martin Aldridge has it for now.

Hon MARTIN ALDRIDGE: Maybe if the Labor Party was a bit nicer to its friends in the Greens, it might be a bit closer to having a majority in this house. But even if it did, it would still fall short. I think that members should reflect on that and that this house, as in all politics, is governed by arithmetic, and if an absolute majority wants to do something, including changing any act of Parliament, or indeed amending the state's Constitution, this house can do that. But, unfortunately, an absolute majority of members of this house cannot recall the house as it stands today. I think it is a missed opportunity and I believe that this issue will be reconsidered in the future. That concerns me as the Parliament considers reinstating the power of the CCC with the view that our right of defence against the privileges that members of Parliament have, arising from their membership of this place, will and can only be exercised while Parliament is in session.

Hon MARTIN PRITCHARD: Very briefly, as a member of the Joint Standing Committee on Delegated Legislation, I thought I would highlight that matters of disallowance do not count down in periods when the house is not sitting; it actually refers to sitting days. I thought that clarification might be appropriate for members who do not know that particular rule.

Hon NICK GOIRAN: I was not a member of the Standing Committee on Procedure and Privileges that prepared the fifty-fourth report, "Standing Order 6(3): Recalling the Council". I have now had the opportunity to not only familiarise myself with the report, but also hear Hon Martin Aldridge's remarks. I think we could describe Hon Martin Aldridge as the original agitator on this matter, and I have a lot of sympathy for everything he has just said.

If members have not had the opportunity to read this report, I especially encourage them to have a look at paragraphs 1.17 to 1.20 and then in their own mind rationalise how the report then gets to paragraph 1.21. By explanation, I recognise at the outset that something a little extraordinary has happened in that there are five esteemed members of the Standing Committee on Procedure and Privileges and then the house, in its wisdom, co-opted another six members onto the committee. I can imagine how difficult it would be to get 11 members to unanimously agree to a report; nevertheless, that is what has happened here because there is no minority report, findings, recommendations or anything like that. I congratulate the 11 members concerned for finding common ground as they have. However, in my experience, often when people try to seek unanimous agreement, they end up falling to the lowest common denominator, and I think this report is an example of that. By way of explanation, I draw to members' attention that, very helpfully, the Standing Committee on Procedure and Privileges at paragraph 1.17, on page 3 of the report, sets out a number of scenarios in which it considered whether there was any merit in having a temporary standing order. At paragraph 1.17, the committee notes —

- That similar procedures have operated effectively, though not frequently, in the Australian Senate and the NSW Legislative Council;

The very first thing that the Standing Committee on Procedure and Privileges tells us when it is contemplating whether we should have a temporary order along these lines is that there have been similar procedures elsewhere and they have operated effectively, though not frequently. The report then lists the two places that this has happened—the Australian Senate and the New South Wales Legislative Council. The report then states —

- That a temporary order is a time limited proposal that does not result in a permanent change to the Standing Orders; …

That is a statement of fact. In other words, if members do not like the trial, they can always change things afterwards. Thirdly, it states —

- That a temporary order would not disturb the existing capacity of the Leader of the House to recall the Council if required.

It would not disturb any of the existing mechanisms. That is the background. The Standing Committee on Procedure and Privileges then launches into an analysis of whether this house should consider a temporary order along the lines that Hon Martin Aldridge has been seeking. The next two paragraphs look at a couple of scenarios that have occurred elsewhere. In particular, the report looks at a situation in the Senate that occurred, would you believe, on 20 June 1967, when it was recalled to consider a disallowance of postal and telephone charges regulations. The second precedent was on 15 December 2005, when the New South Wales Legislative Council was recalled to consider a bill following riots in Cronulla. I found it quite helpful for the committee to show us some precedents and, if we were going to go down this path, we could see that somebody else has tested it, what it would look like and whether it had caused any great controversy. Clearly, it had not. In paragraph 1.19, the committee draws to our attention that the Cronulla riot recall would have been possible under our existing recall powers in any event.

After having said that we could trial a temporary order, that it would be for only a particular period and that the procedures have operated well elsewhere, including in the Senate and the New South Wales Legislative Council, paragraph 1.20 states —

> Although the PPC noted the potential for such a recall provision to be misused, —

For the first time we find some possibility of a problem —

> the attendant public and parliamentary scrutiny that would accompany any recall would mitigate the possibility that such a power would be exercised capriciously or without valid and cogent reasons.

In conclusion, it launches into —

> However, having carefully considered the precedents established in the Australian Senate, the NSW Legislative Council, and the relatively rare examples of their use of the recall power activated by an absolute majority of members, the PPC is not satisfied that this House should adopt a similar provision at this time.

I cannot find a single sentence in paragraphs 1.17, 1.18, 1.19 and 1.20 that helps me understand how the committee came to the conclusion that we should not adopt a similar provision. It spent a lot of time telling us that this has happened in other jurisdictions, has not caused a problem and could be a temporary order for a short period. The committee considered all this and even the possibility that the power could be misused but that that would be mitigated anyway, but, by the way, it is not satisfied that we should do this. Hopefully, one of the 11 members can help me—there may well be a simple explanation—because I do not understand how we jump from an analysis of all those other jurisdictions where there has been no problem to a conclusion that the committee is not satisfied we should adopt this at the present time. If this has worked without problems elsewhere, has occurred rarely and would be a temporary order, it is not clear to me why we would not test it.

Having said all that, those are just my comments on the flow of the report. I should say that I am personally a very big supporter of certainty. One of the excellent outcomes of our jurisdiction now having fixed-term elections is that parties, members, and, might I go so far as to say, families can plan their lives. Believe it or not, members of Parliament do have lives outside this place and the impositions on families are significant. Having some modest amount of certainty about when we will have elections—once every four years on the second Saturday in March—is incredibly helpful. I feel for our federal colleagues who are waiting at the moment to find out when exactly the federal election will take place. It would be very painful to wonder whether they can organise something to happen on this day rather than that day. I am glad that we are not in that situation in our own jurisdiction any longer. I use that as an analogy to this situation. It would be highly desirable for all members, if an extensive recess is coming, that we do not find ourselves being called back at short notice. But that is a matter of convenience and, at the end of the day, we need to recognise that it is a great privilege to be a member of this place. If there is an emergency—maybe along the lines of the Cronulla riots—maybe we will have to deal with that and come back here expediently. Of course, that will be able to be done, as Hon Martin Aldridge has said, only in limited circumstances as currently available. I thank members for taking the time to look at this important matter.

Hon ALISON XAMON: I want to make a few comments about this report. I thank Hon Martin Aldridge for his contribution. I think it outlined some of the concerns about why this matter was put forward in the first place. It also outlined some of the thinking that went into it. At some point in the future, there is always a possibility that this matter may be revisited.

I will start by saying that one of the precious conventions of this place that I would be keen to preserve is that of amending our standing orders by consensus, or at least the consensus of a seriously overwhelming majority of members, such as if one or at the most two members objected to something but everybody else was in fervent agreement. I think it is important that we attempt to maintain that convention. That means that sometimes even very good proposals may not be able to get quite the level of support in this place that we would consider to be appropriate to not offend that convention. I find that convention particularly important because I am merely one of four Greens members in this place. By sheer weight of numbers, it would be very easy for the concerns of my party or other parties in this place to be easily bypassed and overwritten, were we not to protect that convention. It is important for members to be mindful of that. Perhaps that might go some way towards explaining to Hon Nick Goiran why the report does not reflect a line of logic that may seem to be the likely outcome one would have expected, considering some of the commentary in the report. I draw members' attention to the specific wording at the conclusion of the report, at paragraph 1.22 —

> The PPC's consideration of the matter has not resulted in support for the proposed amendment at this time. The PPC therefore makes no recommendation in relation to the proposed amendment.

That is a very deliberate choice of words, members. Those words do not suggest an outright refusal to ever consider this matter in the future. Indeed, they also do not reflect an outright rejection of any consideration of the proposed temporary order as it was initially presented. I would suggest that implies that the committee was unable to achieve the necessary consensus as per the conventions of this place with regard to how we change our standing orders.

This is a complex issue. Hon Martin Aldridge has raised a range of legitimate concerns. As has been pointed out, there is precedent in other jurisdictions in which such a provision has been employed, not only successfully, but also, fortunately, rarely. That is a very important consideration as well. We need to acknowledge that we also want to preserve the right for governments to govern. A government of the day may be concerned about the prospect of a sporadic recall of the house, perhaps for the purpose of mischief. However, on the flip side, a government may indulge in a certain level of mischief by not allowing the house to sit and exercise its authority to ensure that

wrongdoing is not being undertaken. A number of examples have been given in this place of the sorts of matters that may warrant an urgent recall of the house. There is an inherent tension in this place between making sure that the government can govern, and at the same time ensuring that the government is able to be held to account.

Personally, I have a lot of sympathy for the point that was made by Hon Nick Goiran about the need for certainty for people who have families and other commitments. It would be most unfortunate if we were to recall the house at a time when members in good faith have gone overseas for holidays, or have had surgery, or whatever. We all have complexities in our lives that we need to be able to manage, in addition to the huge number of hours that we perform in our roles as members of this place.

I say from the outset that the Greens are unlikely to become a party of government at any point in the near future. I know that sounds strange, but I am suggesting that may be the case. I am also suggesting that it is not likely that the Greens will be seeking to enter into government with another party at any point in the near future.

Hon Nick Goiran: Not likely?

Hon ALISON XAMON: No, not likely. I mention that because it almost becomes an argument for why the Greens would support an amendment such as this. That is because it is unlikely that in the near future we will be in government and will need to worry about an opposition and a crossbench that might try to recall this place against our wishes. However, having said that, we are also a party that respects the conventions of this place, and, as such, we will always err towards enabling members to abide by the conventions of this house.

One of the things that this report has done is put a shot across the bow to this government and future governments that the expectation of every member in this place is that the capacity for the government to recall the house is a power that at the moment is reserved by only the government and is effectively given to the government on trust, and that is what we expect will happen. I note that the original impetus for this debate was a lack of trust. Therefore, it was beholden on this government to demonstrate that any trust that was imbued in it was indeed used correctly. I would like to conclude my comments on that particular point. This is a matter that can be revisited at any given time. It is the case that, right now, members are choosing to support the convention of not changing the standing orders unless there is broad consensus. The decision of the house has been to enable the government of the day to maintain its sole authority to recall the house. I point out that that can be removed at any time. However, whether there is an impetus to do that is up to the government and how it chooses to exercise that power.

Hon SIMON O'BRIEN: I want to advise the Committee of the Whole House of a few things that might assist in its contemplation of this matter. The conclusion of this report, at paragraph 1.22, states in part —

> The PPC therefore makes no recommendation in relation to the proposed amendment.

As Hon Alison Xamon has suggested, the conclusions reached by the Standing Committee on Procedure and Privileges are carefully worded. If members want to find out a bit more about the subject that we are talking about, I suggest that they read the report again, and this time read between the lines, mull the words more closely, and contemplate all its content. The report is fairly brief, so that can be easily done. They might then find that an old adage rings particularly true in this case; that is, before we search for the answer, we need to work out what the question is. I will come back to that question in conclusion in just a moment.

A few things have been mentioned in the course of this debate that are worth noting. We might find it informative to look at the report and at the experience and current practice in a range of jurisdictions. However, in general, what we discover is that legislatures either do not have a procedure along the lines of what has been suggested by Hon Martin Aldridge, or may or may not have provisions for recalling a house of Parliament in some circumstances outside of the scheduled sitting time. Clearly, all those Parliaments are getting by okay under those arrangements. Regardless of whether they have a mechanism for special recall of the house by means of the Speaker or Presiding Officer receiving a request from government, or whatever it might be, everyone seems to get on fine. We then come to the question, "Hang on. How urgent is it that we need such a provision as was suggested by our colleague?" We then note that the Senate was in fact recalled in circumstances in which an absolute majority of members petitioned the President to do so.

That was in 1967. I do not know when the Senate is next going to do it, but if it did so tomorrow, I wonder whether once every half century is really that significant. Extraordinary circumstances arise in politics a lot more frequently than that. That matter, of course, was to deal with some regulations relating to postal and telephone charges. Most members here would have some awareness of what those sorts of things are, although they seem to have disappeared these days, at least in the form contemplated in 1967.

The other occasion was in 2005, when the New South Wales Legislative Council was recalled on 11 and 12 December 2005 to pass urgent legislation. The reason given was that it was in response to public disturbances in Cronulla and other parts of Sydney. In that latter example, the Standing Committee on Procedure and Privileges noted that the recall was prompted by both non-government and government members. In any case, the recall could have been achieved by the usual request to the President by the Leader of the Government in the Legislative Council, particularly when there was cross-party support for a recall in order to consider a government bill. I do not think that particular example really counts in advancing the prospect that the Standing Committee on

Procedure and Privileges was asked to contemplate and report on. I do not know the purpose of that particular New South Wales legislation that made it so urgent or why there was not sufficient capacity already in the statutes of New South Wales to deal with riots and public disturbance at the time. There must have been some sort of political imperative and desire by all concerned to demand that something be done. That is probably not the best response, but one that was obviously deemed necessary by the parties involved at the time.

So we have one substantive example of the Senate, an upper house—a house of review it is, too—being recalled at the petition of an absolute majority of members. Only one, and that was over half a century ago. How often has this need been identified in similar terms here? As far as I am aware, never. However, the honourable member who proposed this suggests that it would be a useful option to have available to us. To that I would say: do we need provisions that are unlikely to ever be used, that we never seem to have been materially short of, and when no emergency or deficiency has come to light that would say that we should have had this particular capacity? To all of that I would say that that, of itself, is no reason to not have such a capacity. Other aspects of our standing orders are very rarely or have never been called into operation. Not so long ago we contemplated a standing order provision to deal with the expulsion of a member from his seat, from the house. That has never happened. One could make out a case for why we would have such a provision, but without referring overly to that particular debate, that of itself is no reason to not have a provision. We will not go into the whys and wherefores of that now, but there is a parallel that is relevant to this debate.

In relation to the particular matter Hon Martin Aldridge was concerned about—the possible reregulation of an offending charge while the house was in recess—that has been known to happen. However, I do not think that is a particularly strong reason to advocate for this particular recall function. It is not to say that we should not have a recall function, but I do not think it is a particularly strong one. If a government is going to behave in that sort of cavalier fashion and say, "Right; we'll wait until the Parliament's not sitting and then we'll put in some unpopular regulations", it is going to do it anyway. I have seen successive governments do it—governments from both sides, to their discredit. They have gone out the day after this house has disallowed regulations and re-gazetted identical regulations. So much for the disallowance power and the power to recall simply to disallow, if a government is going to thumb its nose at this place as we have seen in the past! But, again, that does not mean that Hon Martin Aldridge's concerns and his proposed remedy are without merit. That leads me back to where I started, when I said I would offer an alternative in conclusion, if the house would like to hear it.

The DEPUTY CHAIR (Hon Martin Aldridge): The question is that the report be noted. Hon Simon O'Brien.

Hon SIMON O'BRIEN: I thank members for their courtesy.

What should a member who is inclined to pursue this matter do about it? The Standing Committee on Procedure and Privileges, via its report, has not recommended anything to the house about either passing such a provision or not passing such a provision. It is silent on the question of whether to adopt or to not adopt a proposed order. That leaves it back with the members of this place, with the house itself, where any such decision could, should and does ultimately reside. What might a member like to do if they are of a mind to do so? Perhaps they could bring on a motion for substantive debate and let us see what sort of absolute majority or otherwise exists in the house. That is how we let the house decide. Members have the benefit of a very useful PPC report to help them do so. I would offer one word of caution, though, which I hope would be self-evident: that the suggestion to try a temporary order—to try it to see whether it works out—works when we are contemplating a variation to speaking times or whether to have afternoon tea at a particular hour or something like that, which are occasions that are visited frequently, but a temporary standing order for something that has been applied only once over 50 years ago in another Parliament is not really going to be much of a test, because I suspect that the recall of this house by an absolute majority of its members, if required, is unlikely to happen in the course of, say, a six or 12-month trial. If members want to collectively go down such an avenue, I suggest we go in for a penny and in for a pound—that we go holus-bolus. Of course, that will be a debate for another day, but I hope my comments have given members something to think about in marshalling their own thoughts on this matter.

Question put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Eighth Report — "The More Things Change…: Matters arising from the Corruption and Crime Commission's Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke" — Motion

Resumed from 20 February on the following motion moved by Hon Jim Chown —

That the report be noted.

Hon ALISON XAMON: I rise to continue the comments I was making on this report previously. To refresh the memories of members, this report arose following the Corruption and Crime Commission investigation into the charging of Mr Gene Gibson with the unlawful killing of Mr Joshua Warneke. He was subsequently found guilty of the offence, and went to prison for several years, but was later exonerated of the offence on the basis of serious wrongdoing in the way the police at the time undertook that investigation. The Corruption and Crime

Commission's original investigation highlighted some very serious matters in relation to the way in which the police deal with people with cognitive or intellectual disabilities, and issues around foetal alcohol spectrum disorder. Of great concern was the inadequacy of the procedure relating to Aboriginal people, particularly in the remote regions of our state, on issues of language and making sure that people being interrogated receive all the rights that should be available to anyone subject to police investigation. The report found that we are sorely wanting in that regard. The minister has given a response, and I will speak on that next time I get to speak on this report.

Consideration of report adjourned, pursuant to standing orders.

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

Sitting suspended from 4.14 to 4.30 pm

LEGISLATIVE COUNCIL — CHAMBER MICROPHONE LIGHTS

Statement by President

THE PRESIDENT (Hon Kate Doust) [4.30 pm]: Before we move to question time, I inform members that there is a minor problem with the microphones: the lights do not come on. They are working; it is just that the lights do not come on.

QUESTIONS WITHOUT NOTICE

ALBANY WAVE ENERGY PROJECT — CARNEGIE CLEAN ENERGY — TENDER PROCESS

144. Hon PETER COLLIER to the Minister for Regional Development:

I refer to the Labor government's decision to terminate its agreement with Carnegie Clean Energy to deliver the wave energy project in Albany and the fact that four of the five prospective proponents met the tender requirements, including one that partially met the requirements. Why did the minister meet with only Carnegie Clean Energy prior to the closure of the tender process and not the other proponents?

Hon ALANNAH MacTIERNAN replied:

I had no meetings with any of the proponents during the tender process. It would not be appropriate for me to have meetings with them during the tender process.

ALBANY WAVE ENERGY PROJECT — CARNEGIE CLEAN ENERGY — TENDER PROCESS

145. Hon PETER COLLIER to the Minister for Regional Development:

I refer to the Labor government's decision to terminate its agreement with Carnegie Clean Energy to deliver the wave energy project in Albany, the minister's consistent stated commitment to wave energy, and also the fact that the Premier stated that the project would mean hundreds of jobs to Albany. Given that four of the five proponents of the project met the tender requirements, why has the government abandoned this project after the Carnegie decision and not offered it to one of the other conforming proponents?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. We certainly did consider a number of alternatives but it was our view, on the advice that we received, that the quality of the applications of the other tenderers was not up to the standard of Carnegie. The Carnegie project had struggled, so we determined at this time to cease that project. It does not mean that at some future stage we might not be able to reconsider, but at this particular time we felt that it was not likely that we would achieve a positive outcome from approaching the other tenderers that had been unsuccessful.

MINISTERIAL FAMILY ACCOMMODATION COSTS — GUIDELINES

146. Hon MICHAEL MISCHIN to the Leader of the House representing the Premier:

I refer to the Premier's brief ministerial statement yesterday regarding his travel.

(1) Will the Premier table the itinerary for each of the six trips mentioned; and, if not, why not?

(2) What official events did the Premier attend on each of these six trips?

(3) What events did Mrs Sarah McGowan attend in any official capacity as ambassador for each of the six trips?

(4) Will the Premier table the guidelines referred to in the ministerial statement; and, if not, why not?

Several members interjected.

The PRESIDENT: Order! The Leader of the House has the call.

Hon SUE ELLERY replied:

(1)–(3) I table the attached information.

[See paper 2459.]

(4) The Premier has instructed the Department of the Premier and Cabinet to tighten the guidelines to clearly reflect that any additional accommodation costs are met by the Premier, opposition leader or relevant minister. Once amended accordingly, this will end any uncertainty going forward.

Given the service of that family, it is time for the attacks on the family, and some of the commentary, to stop.

Several members interjected.

The PRESIDENT: Order!

VOCATIONAL EDUCATION AND TRAINING — VETiS CONSULTING SERVICES

147. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the decision by the Australian Skills Quality Authority on 8 March 2019 to cancel the registration of VETiS Consulting Services as a provider of vocational education and training.

(1) How many schools were offering a VET qualification via VETiS Consulting Services this year?

(2) How many students are affected by this decision?

(3) Can the minister confirm that TAFE has taken over responsibility for the delivery of the relevant VET qualifications previously being provided by VETiS?

(4) What additional requirements are being placed on schools to transition to the new provider, and what support has been given to schools by the department to assist in this transition?

(5) Can the minister assure the house that students who have been affected by this decision will not be disadvantaged?

Hon SUE ELLERY replied:

I thank the honourable member for giving me a little notice of this so that I could provide her with an answer. The first thing that is important to understand is that the delivery of courses to students is still done by schoolteachers. It was done by schoolteachers under VETiS and it will be done by schoolteachers once TAFE takes over the auspicing. What VETiS did was certify that the course had been delivered and the students had met the qualifications attached to that course. In respect of the specifics asked by the honourable member —

(1) Sixty-four public schools were offering a VET qualification via VETiS.

(2) The number of students affected by the decision is 6 889 potential enrolments in public schools. I will talk a bit about the difference between those and private schools in a minute.

(3) Yes, TAFE has taken over the responsibility of auspicing the assessment of the qualifications. The delivery does not change; the auspicing arrangements have changed.

(4) The Department of Education, the School Curriculum and Standards Authority, the Department of Training and Workforce Development and the TAFE colleges have worked really closely, hard and fast together to provide support since we were officially advised of the decision by the Australian Skills Quality Authority to deregister VETiS. The Department of Education will meet the costs for those schools that will use TAFE, which will take over the auspicing.

(5) Yes, I can assure the house that students will not be disadvantaged.

I will just add an additional bit of information. We will not get the information on the number of students affected in private schools until the end of March. The information I have given the member is about public schools.

CHILD PROTECTION — CHILD SEXUAL ABUSE — ROEBOURNE

148. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the minister's answer to my question without notice asked on 19 February 2019, and answered on 20 February 2019, in which the minister reconfirmed that the Department of Communities is involved in the monitoring, assessment and management of every case in which a young person charged with or convicted of a sexual offence attends a public school, but indicated that the department is not involved in such cases in which the young person attends a private school.

(1) Why is the department not involved in such cases when the young person attends a private school?

(2) Will the minister table the act, regulation, directive, policy or other that empowers the department to exempt itself from involvement in these cases?

(3) If no to (2), will the minister undertake to comply with section 82 of the Financial Management Act 2006?

Hon SUE ELLERY replied:

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

(1) No reference was made to the Department of Communities not being involved in cases in which a young person attends a private school. As per the multi-agency protocols for students charged with harmful sexual behaviours, WA police notify both the Department of Education and the Department of Communities of all students charged. When a young person has been reported, charged or convicted of a sexual offence while attending school—public or private—an initial report will be made to the mandatory reporting service. When the Department of Communities receives a report, it will undertake an initial inquiry around the safety and wellbeing concerns of the victim.

When mandatory reports are made involving a young person who sexually offends, the Department of Communities will also undertake initial inquiries around the safety and wellbeing of the young person. If initial inquiries identify ongoing concerns, safety and wellbeing assessments will be undertaken to identify whether there are ongoing risks in the child or young person's current environment and whether restrictions need to be made to support the safety and wellbeing of them and/or others. When there are ongoing concerns for the safety of children, current protection orders and/or it is a current open case, the Department of Communities is engaged in interagency planning and support.

(2)–(3) Not applicable.

SCHOOL VIOLENCE

149. Hon JACQUI BOYDELL to the Minister for Education and Training:

I refer to the minister's press release from yesterday, 12 March 2019, titled "Violence policy at work in WA public schools", in particular the 919 students who have been suspended for physical aggression so far this year.

(1) How many of these students attend regional schools?

(2) Of those students in (1), please table which schools they attend.

(3) What level of funding, if any, is allocated to the implementation of the violence policy?

(4) If there is funding, how is it distributed across regional and metropolitan schools?

(5) What measures are in place to support students who have been suspended to reduce the likelihood of them being suspended again?

Hon SUE ELLERY replied:

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

(1) From the original reporting period, Monday, 4 February to Wednesday, 27 February 2019, an additional 13 students in public schools have now been recorded as suspended for physical aggression. This takes the total from 919 to 932. Of these, 330 were in non-metropolitan education region public schools.

(2) I table the attached information.

[See paper 2460.]

(3) The sum of $3.3 million has been allocated to the implementation of the violence in schools strategy.

(4) Funding is distributed across a range of statewide initiatives. It is not distributed directly to regional and metropolitan schools. It is paying for the additional staffing in the alternative placements and a range of other programs. It is not going directly to the schools.

ELECTORAL REFORM

150. Hon MARTIN ALDRIDGE to the Minister for Electoral Affairs:

I refer to speculation that the government is readying a bill to provide for electoral reform in Western Australia.

(1) Has cabinet considered a submission by the minister or the former Minister for Electoral Affairs; and, if so, on what date was such consideration?

(2) Has cabinet endorsed a position on electoral reform; and, if so, on what date was such endorsement?

(3) Has the minister or the former Minister for Electoral Affairs provided drafting instructions to Parliamentary Counsel to prepare an electoral reform bill; and, if so, on what date were such instructions given?

(4) Does the minister intend to pursue electoral reform during this term of Parliament; and, if so, by what means does he intend to commence consultation and with whom?

Hon STEPHEN DAWSON replied:

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

(1)–(4) The McGowan government went to the 2017 state election with a commitment to reduce the financial disclosure amount from $2 500 to $1 000. It is intended that legislation will be introduced into Parliament this year, along with amendments to the Electoral Act 1907 and the Electoral (Political Finance) Regulations 1996 to deal with that issue.

I am also open to discussing further opportunities for electoral reform and welcome the feedback of members of Parliament about their appetite for possible changes.

DECLARED PEST RATE

151. Hon RICK MAZZA to the Minister for Agriculture and Food:

I refer to the money collected for the declared pest rate.

(1) How much money was collected in the 2017–18 financial year through the declared pest rate under the Biosecurity and Agriculture Management Act 2007 to fund recognised biosecurity groups?

(2) Of the amount collected, how much was allocated to each of the recognised biosecurity groups under the BAM act in the 2017–18 financial year?

(3) From funding provided to each of the recognised biosecurity groups, how much was unspent by each of the groups in the 2017–18 financial year?

(4) What happens to allocated unspent funds?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I warn the house that the answer is quite lengthy.

(1) In the 2017–18 financial year, $1 601 001.68 was collected from declared pest rates. This was matched by state government funds.

(2)–(3) I am just wondering, Madam President, whether it would be better if I incorporated the answers to parts (2) and (3) because there is such a lengthy list of biosecurity groups. I will answer part (4) separately. I seek leave to have the responses to parts (2) and (3) incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

(2) In the 2017/18 financial year, the following amounts were allocated to each Recognised Biosecurity Groups based on forecast rates and matched funds from government:

- Kimberley Rangelands Biosecurity Association: $671,744
- Pilbara Regional Biosecurity Group: $396,284
- Carnarvon Rangelands Biosecurity Association: $289,863
- Meekatharra Rangelands Biosecurity Association: $417,632
- Goldfields-Nullarbor Rangelands Biosecurity Association: $291,693
- Eastern Wheatbelt Biosecurity Group: $174,457
- Carnarvon Growers Association: $120,291

(3) The total funds left unspent at the end of the 2017/18 financial year from the collected and matched funds for each Recognised Biosecurity Group are:

- Kimberley Rangelands Biosecurity Association: $0
- Pilbara Regional Biosecurity Group: $0
- Carnarvon Rangelands Biosecurity Association: $224,584
- Meekatharra Rangelands Biosecurity Association: $16,382
- Goldfields-Nullarbor Rangelands Biosecurity Association: $0
- Eastern Wheatbelt Biosecurity Group: $4,733
- Carnarvon Growers Association: $46,897

I note that the Carnarvon RBG had a large amount carried into the following financial year, as the RBGs second payment invoice fell into the next financial year. This was due a change in Executive Officer.

(4) The amount of funds collected through the rate for each group is based upon the group's operational plan. Each group presents invoices to the Department of Primary Industries and Regional Development that reflects its plan and the forecast rate amounts to be collected. Any reserve amounts are held in the declared pest account and are available to the group through the director general for carrying out proposed operations.

PLAN FOR JOBS — TREASURY FORECASTS

152. Hon CHARLES SMITH to the minister representing the Treasurer:

I refer to the Premier's speech in which he plans to generate "at least" 150 000 new jobs by 2023–24.

(1) Is the Premier's jobs pledge hyper-optimistic?

(2) Is Treasury expecting the current mini commodity boom to continue unabated?

(3) Is Treasury expecting mining and business investment to accelerate?

(4) Is Treasury expecting immigration into WA to accelerate?

(5) Is the state government going to increase spending on infrastructure and services?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Treasurer.

(1) The government's targets are ambitious, especially when viewed against the record of the previous Liberal–National government, which did not create a single job in its second term of office.

(2) No.

(3) Yes—as per the 2018–19 midyear review.

(4) Yes.

(5) As per the 2018–19 midyear review, general government expenses are forecast to increase from $30.7 billion in 2018–19 to $31.6 billion in 2021–22, while asset investment spending over 2018–19 to 2021–22 is forecast to total $21.9 billion.

ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS — CONSULTATION

153. Hon TIM CLIFFORD to the Leader of the House representing the Premier:

I refer to the Premier's comments in *The West Australian* yesterday in which he criticised the Environmental Protection Authority's recommended greenhouse gas emissions standards and expressed concern that fossil fuel corporations were not consulted about regulating their own industry.

(1) Which fossil fuel corporations have been, or will be, invited to the roundtable discussion referred to in the article?

(2) Which individuals or organisations, other than fossil fuel corporations, have been, or will be, invited to the roundtable discussion?

(3) Will roundtable discussions be held with members of the conservation, environmental, scientific and medical communities; and, if not, why not?

(4) Could the minister please provide details of all communications including meetings, phone calls, emails and written correspondence between the government and representatives from fossil fuel corporations that have occurred since the EPA's recommendations were published, including the date of communication, the names of the individuals or corporations involved in the communication, the content of the communication, and the minutes from every meeting?

The PRESIDENT: That is a very long question. I might remind the member about standing order 105 and the need to be concise.

Hon SUE ELLERY replied:

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

(1)–(2) This Thursday, the Premier will be hosting a roundtable discussion with key LNG industry stakeholders to discuss the Environmental Protection Authority's new greenhouse guidance statement and to work through the issues it raises for them. The Premier has extended invitations to Chevron, Santos, Shell, Woodside, the Chamber of Minerals and Energy of Western Australia, and the Australian Petroleum Production and Exploration Association.

(3) The Minister for Environment will be leading consultations and engagement with all stakeholders, including the broader resources sector and conservation groups.

(4) As canvassed in the media, the government has been in contact with interested parties since the publication of the recommendations. It is not possible to give an accurate answer, as I would not want to inadvertently mislead the house in the case that someone is missed. Should the member have a question about a particular party, I would request he asks a specific question and I will endeavour to answer it.

FINDER SHALE — EXPLORATION WELLS

154. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:

I refer to Finder Shale's environment plan for the Helios-1/1H exploration wells on the EP493 document, the fracking briefing from the mines department on 7 December 2018 and the comments at the briefing, and Finder Shale's environment plan.

(1) Does the government still stand by the view that this is a conventional gas well?

(2) If yes to (1), why does Finder Shale identify that it will be using the fracking additive Nacol and the fracking sealant Fracseal?

(3) If yes to (1), why does Finder Shale identify that it will be targeting a non-conventional shale formation reservoir and that it is very unlikely that any significant volume of gas will be produced to surface during the drilling operations, as it is of low permeability?

(4) Will the government still stand by the granting to Finder Shale of an incentive to drill in the Helios project, given Finder Shale's environment plan for the Helios-1/1H exploration wells?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Mines and Petroleum.

(1) The environment plan relates to an approval for an exploration well that involves only conventional drilling methods.

(2) Finder Shale is not approved to use Nacol. Fracseal—cellulose—is to prevent lost circulation and is a common additive used in conventional oil and gas operations.

(3) Finder Shale has made an application under the relevant legislation and the government has assessed that application.

(4) Finder Shale withdrew from round 18 exploration incentive scheme co-funded drilling on 22 January 2019.

KUNUNURRA YOUTH BAIL HOUSE — RELOCATION

155. Hon KEN BASTON to the minister representing the Minister for Corrective Services:

I refer to an article in *The Kimberley Echo* dated 13 February 2019 regarding the relocation of the Kununurra youth bail house.

(1) Was the proposal put forward by the Miriuwung Gajerrong Corporation to the Premier in July 2018, as mentioned in the article, forwarded to the Minister for Corrective Services or anyone else in the Department of Justice?

(2) If yes to (1), when was the minister informed of the MG proposal?

(3) If no to (1), why not?

(4) If yes to (1), what work was done by the Department of Justice to explore the Miriuwung Gajerrong proposal for providing youth bail services?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Corrective Services.

(1) The Department of Justice was first informed of the Miriuwung Gajerrong Corporation's concept of a youth wellness centre in July 2018.

(2) The Minister for Corrective Services was briefed on this concept by a representative of the Miriuwung Gajerrong Corporation in October 2018.

(3) Not applicable.

(4) The tender for youth justice services across the state was subject to 18 months of consultation and collaboration with the non-government and community services sectors across the state. The tender process was finalised in November 2016, and service agreements across the state, including youth bail services based in Kununurra, commenced on 1 January 2017 with a three-year funding management. There has been one variation to the existing service agreement in Kununurra due to a significant increase in bail house occupancy rates. As there is an existing service agreement in Kununurra, the department is not in a position to consider further funding youth justice bail services beyond the existing service agreements.

ELDER ABUSE — FINANCIAL ABUSE

156. Hon TJORN SIBMA to the Leader of the House representing the Minister for Seniors and Ageing:

I refer to the government's acceptance on 13 November 2018 of recommendation 27 of the final report of the Select Committee into Elder Abuse, "'I Never Thought it Would Happen to Me': When Trust is Broken".

(1) Has the Department of Communities engaged with the banking sector to develop safeguards and processes to reduce the risk of older people experiencing financial elder abuse; and, if not, why not?

(2) If yes, have any safeguards or processes to reduce the financial abuse of older Western Australians been developed in collaboration with the banking sector; and, if so, at what stage of development are these safeguards/processes and when might we expect their finalisation?

Hon SUE ELLERY replied:

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

(1) The department is currently developing a comprehensive elder abuse strategy, which includes training for the banking and finance-related sectors. The sector will be approached in the near future to commence discussions on program requirements, including possible safeguards and processes to reduce the risk of financial elder abuse.

(2) Not applicable.

SANDALWOOD HARVEST

157. Hon COLIN HOLT to the Minister for Environment:

I refer to this year's decision by the Department of Biosecurity, Conservation and Attractions to categorise native title as private land for the purpose of sandalwood harvest licences in 2019–20.

(1) Why has the DBCA categorised native title that exists on crown land as private land for the purpose of sandalwood harvesting licences, essentially restricting the rights of native title holders to harvest sandalwood for commercial purposes?

(2) Does the minister agree with this categorisation?

(3) Is the minister aware that harvesters from Kutkabubba Aboriginal Corporation are being disadvantaged by competing for uncommitted amounts within the 10 per cent private land allocation and therefore compromising it as a local business providing commercial and employment opportunities for a remote Aboriginal community?

(4) If the minister is aware, has he discussed the issue with the Minister for Aboriginal Affairs?

(5) If the minister is not aware, will he confer with the Minister for Aboriginal Affairs to help resolve this issue?

Hon STEPHEN DAWSON replied:

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

(1) Crown land over which native title has been determined has not been classified as private land for the purposes of sandalwood harvesting.

(2) Not applicable.

(3) The McGowan government supports and promotes Aboriginal participation in a range of activities and industries. The Department of Biodiversity, Conservation and Attractions is actively working with Kutkabubba Aboriginal Corporation so that it can sustainably harvest sandalwood in relevant areas. I am also advised the Kutkabubba Aboriginal community wrote to a number of ministers in March 2018 acknowledging that DBCA had committed to sorting out a short-term solution while in parallel trying to finalise a longer-term sustainable approach.

(4)–(5) I am seeking advice from DBCA on sandalwood management options. I can then liaise with other relevant ministers on this matter.

BBI GROUP — RAIL INFRASTRUCTURE — PILBARA

158. Hon ROBIN SCOTT to the minister representing the Minister for State Development, Jobs and Trade:

I refer to an article by Hamish Hastie and Nathan Hondros that appeared online on WAtoday on 11 March 2019 entitled "Flat tyres and broken windows: The Pilbara Road screaming for funding", which includes the statement —

> In the funding proposal to the Commonwealth, Ms Saffioti said it was dependent on whether FMG developed its western hub and a multi-billion dollar Flinders Resources and Balla Balla Infrastructure mine, rail and port project was developed.

(1) Does the statement by Minister Saffioti imply that there is an agreement between Flinders Mines Ltd and BBI?

(2) Why does the state agreement make reference to mining lease 47/1451 and exploration licence 47/1560, each held by a third party, Flinders Mines Ltd, which is not a party to the state agreement, as advised by the minister in response to part 4 of question without notice 142, which was asked on Tuesday, 12 March 2019.

Hon ALANNAH MacTIERNAN replied:

I ask the member whether I can defer answering that question until tomorrow because, unfortunately, it went into the wrong pile. I apologise for that. I will need to check some of the statements that Hon Robin Scott has made, if that is possible.

NURSING POSTS — BREMER BAY AND JERRAMUNGUP

159. Hon DIANE EVERS to the parliamentary secretary representing the Minister for Health:

I refer to the nursing posts in Bremer Bay and Jerramungup.

(1) What is the minimum number of nurses required at any one time at a regional nursing post?

(2) Are nursing or medical staff always available at the Bremer Bay and Jerramungup health centres during the hours as promoted; and, if not, why not?

(3) Are regional nurses required to provide relief to other regional health services when the posted nurse is on leave; and, if yes, who fills the same role in their community during their absence?

(4) Can additional nurses be provided at regional health services at times when a greater need for their services might be expected—for example, at Bremer Bay on New Year's Eve; and —

(a) if yes, what is the criteria used to determine the decision; and

(b) if not, why not?

(5) Will the minister please advise for the past two years —

(a) the number of interactions at the Bremer Bay and Jerramungup health centres;

(b) the number of St John Ambulance callouts to the Bremer Bay and Jerramungup areas; and

(c) the number of telehealth access calls from the Bremer Bay and Jerramungup areas?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. I have been advised the following.

(1) The minimum number of nursing staff is one.

(2) Yes. Nursing staff are rostered on both clinics during office hours with on-call after hours.

(3) The health service ensures that leave cover is provided when required. The health service manages the nursing leave relief across the region.

(4) Yes.

(a) Additional nurses are rostered on during known busy periods. Extra nursing staff are deployed when there is a recognised need and this occurs regularly during the busy tourist season.

(b) Not applicable.

(5) (a) I have been advised by the WA Country Health Service that further time is required to answer this question. The information will be provided to the member as soon as possible.

(b) This part has been answered by area and priority in the form of a table. I seek leave to have that part of the response incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

(b) As advised by St John Ambulance WA, the number of call outs over the past two years for the Bremer Bay and Jerramungup areas was as follows:

	Priority 1	Priority 2	Priority 3	Priority 4	Total
Bremer Bay	19	19	12	29	79
Jerramungup	36	11	12	49	108

*As at 28 February 2019

(c) I have been advised by the WA Country Health Service that further time is required to answer this question. The information will be provided to the member as soon as available.

YOUTH JUSTICE SERVICES

160. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:

I refer to my question without notice 365 asked on 15 May 2018.

(1) Has a cabinet submission on this issue now been presented?

(2) If no to (1),why not?

(3) If yes to (1), when is it anticipated that Youth Justice Services will be transferred to the Department of Communities?

(4) What work needs to be undertaken before the transfer is finalised?

Hon STEPHEN DAWSON replied:

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

(1)–(2) A cabinet submission will be presented for consideration in due course.

(3)–(4) These matters will be considered in the cabinet submission.

HEALTH — MEN'S HEALTH AND WELLBEING POLICY

161. Hon COLIN TINCKNELL to the parliamentary secretary representing the Minister for Health:

I note the recent media statement calling for input into the draft policy on women's health and wellbeing and note that submissions closed in July last year for a policy that was being developed for men's health and wellbeing.

(1) When will the men's health and wellbeing policy finally be signed off?

(2) Has a similar public consultation taken place regarding the men's health and wellbeing policy?

Hon ALANNA CLOHESY replied:

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

(1) The WA men's health and wellbeing policy is expected to be completed by the end of March 2019.

(2) Yes.

SCHOOL VIOLENCE

162. Hon COLIN de GRUSSA to the Minister for Education and Training:

I refer to the minister's press release from yesterday, 12 March 2019, "Violence policy at work in WA public schools", in particular the 919 students who have been suspended for physical aggression so far this year

(1) How much will the pilot program cost?

(2) How long will the pilot program run for?

(3) What measures are in place to gauge the success of the pilot program?

Hon SUE ELLERY replied:

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

It is important to note that the pilot alternative learning settings are intended for students who have been excluded for physical violence or are identified as at high risk of committing acts of serious physical aggression.

(1) A total of $2.6 million has been allocated to the pilot across three sites.

(2) Initially, the pilot program will run for the 2019 school year.

(3) We will be undertaking an external evaluation to gauge success.

SHARKS — HAZARD MITIGATION — DRUM LINE TRIAL

163. Hon JIM CHOWN to the minister representing the Minister for Fisheries:

This is the third consecutive question that the minister has asked for an extension of time to answer, as opposed to the allotted time frame, which is normally undertaken —

The PRESIDENT: Member, why do you not just ask your question without the long preamble and see whether there is an answer?

Hon JIM CHOWN: I will ask my question.

Several members interjected.

The PRESIDENT: Order! Hansard finds it very difficult to hear members on their feet if you are yelling over them.

Hon JIM CHOWN: I ask —

(1) What are the names of all independent observers who have participated, to date, in the Shark-Management-Alert-In-Real-Time drum line trial?

(2) Which organisations or interest groups do the independent observers named in (1) represent?

(3) For each independent observer named in (1), which member of the SMART drum line trial ministerial reference group nominated that person?

(4) Have any independent observers in the SMART drum line trial been paid to participate by either the state government or an organisation represented on the SMART drum line trial ministerial reference group?

(5) Will the minister table the minutes of the SMART drum line trial ministerial reference group meeting at which independent observers of the trial were discussed and agreed; and, if not, why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I am happy to say that we have a very good answer for him. The Minister for Fisheries has provided the following information.

(1) It is Mr Michael Dicks.

(2) It is the Sea Shepherd Conservation Society.

(3) It is Mr Jeff Hansen.

(4) No.

(5) The matter was discussed at the Wednesday, 30 January 2019 meeting of the SMART drum line trial ministerial reference group. I table the attached paper that contains the minute from this agenda item.

[See paper 2461.]

Hon Jim Chown: Why does it take two days to get a response?

Hon ALANNAH MacTIERNAN: The member should be happy he got one.

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

164. Hon Dr STEVE THOMAS to the minister representing the Minister for Transport:

I refer to my question without notice 140 asked yesterday, 12 March 2019, on soil excavated from the Forrestfield–Airport Link that is contaminated with per- and polyfluoroalkyl substances.

(1) Did the 13 July 2018 request for a meeting from Peel Development Commission chair, Paddi Creevey, come in writing?

(2) If yes to (1), will the minister table it; and, if not, why not?

(3) Given that the email tabled with the answer yesterday quotes Mr Mark Burgess of the Public Transport Authority saying on 11 September 2018 that "our early estimate for transport cartage from the current storage site to the Peel area is between $10 and $15 per tonne" —

(a) who made this estimate;

(b) did the Minister for Transport or her office or the PTA request this estimate;

(c) if no to (b), who requested this estimate be made;

(d) did the estimate come from joint venture partner NRW Holdings; and

(e) since the government told this house on 31 October 2018 that "the Public Transport Authority considers that the material is not waste", why was an estimate for transport costs to Peel done at all?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I do not have the preamble the member read on the copy of the question that I have, but the questions are the same.

(1)–(2) I table the attached document.

[See paper 2462.]

(3) (a) It was Public Transport Authority staff.

(b) It was the Public Transport Authority.

(c) Not applicable.

(d) No.

(e) The preliminary estimate for transport cost was done only to determine whether it was viable for the FAL spoil to be transported this long distance. It was determined that it could not be justified given the significant costs involved.

PLAN FOR JOBS — TREASURY CONSULTATION

165. Hon PETER COLLIER to the minister representing the Treasurer:

I refer to the Premier's aspirational plan to create 150 000 jobs by 2023–24.

(1) Was Treasury consulted on the plan to create 150 000 jobs by 2023–24; and, if not, why not?

(2) Did Treasury undertake any modelling on the Premier's plan to create 150 000 jobs?

(3) If yes to (2), will the minister table the modelling; and, if not, why not?

(4) If no to (2), is the Treasurer aware of any modelling in relation to the Premier's 150 000 jobs target?

Hon STEPHEN DAWSON replied:

I thank the honourable Leader of the Opposition for some notice of the question.

(1)–(2) Yes.

(3) The modelling indicates that the annual average rate of employment growth needs to lift from the current 1.3 per cent, as at January 2019, to 1.8 per cent in order to achieve the target.

(4) Not applicable.

QUESTIONS WITHOUT NOTICE — PREAMBLES — STANDING ORDER 105

Statement by President

THE PRESIDENT (Hon Kate Doust) [5.07 pm]: Members, before we return to orders of the day, I am going to make a comment. There has been a trend during question time for people to make preambles, be they already on the question or not. They can be quite longwinded on some occasions. There has been a tendency towards very lengthy questions with multi-parters. These can elicit very long responses in some circumstances. This means that on some occasions we may very well run out of time for everyone to have an opportunity to have their question put on the record. Members, please remind yourselves of standing order 105 that calls for questions to be concise and not seek an opinion. I also remind members of standing order 105(2), which states that any question that infringes upon the standing orders may be amended, disallowed or withdrawn as ordered by the President. We might start having a look at that in due course if I think the questions are too long or seeking an opinion.

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT (CONTAINER DEPOSIT) BILL 2018

Committee

Resumed from 12 March. The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon STEPHEN DAWSON: Members will recall that last night Hon Colin Holt finished the debate by asking a question, and I said I would get further information for him. I want to provide that now. The question essentially related to how beverage suppliers will know how many of their containers have been processed under the container deposit scheme. For each first supplier of beverages, the scheme coordinator will be required to estimate the percentage of containers that are returned. The scheme coordinator will develop a supplier contribution methodology to determine supply amounts payable by each supplier. The supplier contribution methodology must be approved by the CEO of the Department of Water and Environmental Regulation and published by the coordinator. The methodology will determine costs attributable to each beverage supplier based on the refund amount set at 10¢, scheme operating costs, the statewide container recovery rate and individual beverage suppliers' market share. The statewide container recovery rate is the percentage of all the containers returned to both collection points and to materials recovery facilities divided by the total number of containers sold in the state in the relevant period. The statewide container recovery rate formula is modelled on the Queensland CDS regulations and will be included in the WA regulations. Market share will be determined by the scheme coordinator in consultation with each individual beverage supplier. For example, if 100 containers were sold, 30 would return to refund points and 30 would be collected by materials recovery facilities, so a total of 60 containers would be recovered. This would mean that the container recovery rate is 60 per cent. To apply this to an individual supplier, if that supplier supplied 10 of the 100 containers into the market, that supplier's market share is obviously 10 per cent. Together with the recovery rate of 60 per cent, that will be used to work out the number of containers attributable to that supplier. In this example, the supplier would have to pay supply amounts based on six containers. It is a complicated process but it is based on that Queensland methodology.

Further, in terms of the estimation methodology, determining the total number of containers returned to collection points is also complex. With some collection points, such as reverse vending machines, it is simpler because barcodes will be on the products and those barcodes will be scanned and individual units identified. When eligible containers from yellow bins need to be separated at materials recovery facilities before being counted and sorted,

determining the total number of containers is harder and relies on a pre-determined protocol. The MRF protocol sets out the methodology to determine how many eligible containers MRFs have processed and recycled and therefore the refunds that are payable as a result. Based on the experience in other states, the MRF protocol is expected to offer two methods of determining how many eligible containers are recycled. In the first method, random samples are taken to determine the number of eligible containers per kilogram for each material type—aluminium, PET, plastic, high-density polyethylene, e-plastic et cetera. This method will suit large MRFs. Eligible glass bottles will be estimated from kerbside bin sampling, because glass bottles are of course smashed in a MRF. The second method, likely to suit smaller or manual MRFs, is a direct-count method in which containers are manually separated and counted. As I said, protocols such as these have been working successfully in other jurisdictions and are consistent with the object of the bill to complement existing collection and recycling activities for recyclable waste.

I hope that makes the situation a little clearer for members and I hope it answers the honourable member's questions.

Hon COLIN HOLT: I thank the minister for that response. Obviously, I will have to look at *Hansard* to understand it completely. This process is intensive and needs to be thorough, but it all adds cost to the scheme, which is again unknown. The minister may like to reflect on my next point, and maybe there are some signals from Queensland or New South Wales. If there is a dispute in that estimation or when setting the agreement or getting to a final point to agree to move forward, is there a resolution system or scheme? Will the minister or department have a role to give some comfort to beverage suppliers and the operator of the scheme that they have somewhere to go if there is a dispute?

Hon STEPHEN DAWSON: The dispute resolutions will be in the scheme agreements. This will be a requirement in the regulations that will come before us in the future. The scheme coordinator will prepare a dispute resolution plan. We have thought about that, and that will be dealt with later.

Hon COLIN HOLT: I might move on to something else. I know we are still on clause 1 but we have kind of been moving all over the joint, so we might as well continue a bit. I need to put this in context to get my question right, so I apologise for going over old ground. Yesterday, I raised a question about the estimated 7.5¢ price increase, as a result of the scheme, on a 60 per cent recycling rate, which is fine. We also talked about the aim of lifting the recycling rate to 89 per cent, which will increase costs in the scheme, so that 7.5¢ is probably going to rise. I think there was general agreement around that. The minister may have said something during his reply to the second reading debate or during Committee of the Whole.

I asked what happens to the litter or the waste stream left in the yellow bin. The response was something along the lines that some containers that could qualify for the container deposit scheme will be in that yellow bin and that will make the stream more valuable for the shire, local government or operator that picks it up. That should improve their ability to meet their recycling targets or to use that non-refundable trash in the yellow bin. I understand if there is a 60 per cent return rate—we know that some of it will be lost anyway—not all of the remaining 40 per cent will go into the yellow bins. Some of it will. If we are really fair dinkum about a container deposit scheme and the opportunity it provides to not-for-profit groups and potentially the operator and community groups—we have heard about people taking containers out of someone else's bin—we will potentially be left with a lot fewer of those valuable 10¢ containers in the yellow bin. Has any modelling been done on that recycling rate threshold and about the yellow bins costing local government a lot more money than ever envisaged because we have taken out all the valuable waste stream? I think that is still one of the major questions that local governments are going to ask. The government suggested that refundable containers will end up in the yellow bin. What if they do not? What is going to be the recycling regime for those yellow bins in the future? How will that be monitored? What assistance will be given to local governments that find themselves with yellow bin waste comprising only paper, cardboard and low-value products that do not meet the economics of transporting it around this state of ours, from Kununurra to Esperance or anywhere else, into the recycling system? What assurance will be given to local governments that that part of our waste or litter strategy is not going to be missed or forgotten and that this is not our only strategy to address it?

Hon STEPHEN DAWSON: The short answer is that no modelling has been done, but that 10¢ amount is essentially to make up for what is missed. I can go back over the process that I explained last night about local governments and material recovery facilities and how they will share the spoils. The other point I make is that local governments have been way ahead of parliamentarians on this issue. They have been calling for a scheme for a very long time. Local governments are onside; they have been part of the roundtable discussions, but also part of the technical working groups and advisory groups that we have for the design of the scheme. From everything I have heard, they are confident with where the scheme is going and where we have landed with the legislation, and they continue to be involved in the work on the regulations. Although some issues could potentially arise in the future, they are not foreseen at this stage, and people are confident that the scheme will work and that local governments will not miss out as a result of the scheme. The experience is that a lot of containers are still in yellow bins in other jurisdictions. Even though they have a scheme in operation, many people still decide to put the can or the bottle in the yellow bin, and then obviously the local government and the MRFs work out who gets what. Does it have the potential to become an issue in the future? Potentially, it does, but it has not been an issue in other jurisdictions, and we do not believe it will be an issue here.

Hon COLIN HOLT: I take it that the Western Australian Local Government Association has been pushing for a container deposit scheme, but—surprise, surprise!—I actually talk to local governments in regional Western Australia too, and I get some different stories, so I still have a responsibility to try to get an answer for them. Yes, I agree that they are way ahead of politicians. But I need some assurance about how we are going to deal with the waste. Is the government going to commit to assisting local governments that will get a reduced share of the spoils, as the minister would put it, which will affect their waste stream and how they handle it, and the costs they are going to incur once the reduction in spoils occurs? I know that the minister quotes from other jurisdictions and says that some of those valuable containers still remain in the waste stream. The New South Wales scheme has been going for less than 12 months, I think.

Hon Stephen Dawson: It started in December 2017, so it is 14 months. Queensland has been there since November last year.

Hon COLIN HOLT: That is a very small frame. Obviously, they have targets of 80 or 90 per cent too, which they will have to build up to. They are not going to reach them in the first instance.

Hon Stephen Dawson: Sure; but by way of interjection, we have not looked at just New South Wales and Queensland. South Australia is a similar case. Indeed, as part of the work that we did in putting together a container deposit scheme, we also looked at other jurisdictions overseas. It seems that it is not just New South Wales and Queensland; the same thing has happened in those other jurisdictions too.

Hon COLIN HOLT: Again, I come back to what commitment the government will make to assist local governments, especially regional ones, which are going to face the greatest issues around transport and critical mass, to ensure that their now yellow bin waste is managed in an appropriate way for the state and for their own local communities. A really good question is: How is that going to be monitored? What sort of engagement will there be with local governments to make sure that that is all being fed in from those local governments around the state? What sort of assurance can the government give that they are not going to be forgotten in that waste stream now that we have this whiz-bang container deposit scheme? I think that is a fair enough question to ask.

Hon STEPHEN DAWSON: The regulations will require that MRFs enter into revenue-sharing arrangements with local governments. Essentially, they will get a share of the revenue; that is a requirement. I might point out that many regional councils in Western Australia are actually much more advanced than metropolitan ones, and I make that point about Donnybrook–Balingup, Collie and Bunbury. Augusta–Margaret River is the fourth one, and it already has a food organic, garden organic—or FOGO—waste system in place. It has the three-bin system. It is already separating its waste and it is already benefiting from such a scheme.

The scheme coordinator will be responsible for the logistics. Is the government putting money on the table to help local governments in regional Western Australia? No, we do not believe we need to, but it is certainly something that we will monitor as the scheme rolls out. We are committed to making this work right across the state. We believe that it will work in regional Western Australia. From my conversations with a number of local governments, they certainly want to be part of it too, and they will make sure it works. It is something that we will monitor moving forward. If changes need to be tweaked by regulation in the future, we would not rule it out; however, at this stage, I do not think it is warranted, because the evidence from other jurisdictions has shown that it should not be an issue. We will certainly monitor it.

Hon Dr STEVE THOMAS: Minister, I am not proposing to go into a great deal more depth, but we will get to a few questions as we get past clause 1. We ended yesterday with the discussion about small brewers, and microbrewers in particular, and I am very pleased to see that the government is looking at potentially trying to mitigate the initial impact of the scheme, so I thank the minister for that. During the second reading debate, the minister made mention of the fact that he and/or the department had undertaken a fair degree of consultation with that particular sector, and it had raised some issues, particularly around early cash flow issues. We do want to look after this group of people. There is potentially a vested interest in these small groups for a regional member of Parliament who represents a large number of those groups. I understand the minister is a sauvignon blanc or a semillon sauvignon blanc man himself, and those will be exempt, so that will be okay.

Hon Stephen Dawson: Should I express a conflict of interest there, member?

Hon Dr STEVE THOMAS: Perhaps. I would hate it to be seen that the minister's favourite tipple has an exemption over some of these others. It is only because he is such a good fellow that I am looking after his reputation.

Hon Stephen Dawson: I also drink beer.

The DEPUTY CHAIR: Members, maybe if we can bring the debate back to clause 1 of the bill rather than digressing.

Hon Dr STEVE THOMAS: Thank you for the guidance, Mr Deputy Chair.

Hon Stephen Dawson: Apologies for interjecting.

Hon Dr STEVE THOMAS: The minister did mention that issues had been raised with him, particularly the issue of cash flow. Is the minister in a position to give us an outline of the issues as they were raised and put to him?

Hon STEPHEN DAWSON: The issues that were raised with me have probably been similar issues that have been raised with Hon Dr Steve Thomas. Cash flow is an issue. In other states, there has been a registration fee to register containers as part of the scheme. From memory, I think the fee was about $90. I am told that it was $80—between $80 and $90, I think. Some of the small brewers have indicated to me that such a fee could be prohibitive, particularly if they sell 10 products. I will take Matso's as an example in my own electorate. Matso's brings on more beverages at different times through the season; it brings them on for only a limited time and then they go off again. If we had charged a registration fee for each container, it would have been hit $80 to $90 every time—there is a difference of opinion here at the table, but it is between those two figures. That $800 or $900 might not seem prohibitive; however, for a small beverage supplier, it potentially could be. As part of our conversations with those small beverage suppliers or brewers, we have agreed that there would not be a registration fee for each new container, so that is a win for them. Also, as I mentioned yesterday, we will be invoicing in arrears. For the small brewers, invoicing will be in arrears of three months; whereas in the case of the larger beverage suppliers, invoicing will be in arrears of a month. This, too, came out of the consultation with them. It will help them with cash flow issues. In other jurisdictions, they have been required to pay in advance—to stump up the cash in advance—not necessarily knowing the amount they will be required to pay. We have taken those issues on board and made those changes in here. Not to go over old ground, but I mentioned those growlers and squealers yesterday. We are allowing them not to be included in the scheme and therefore not to have to pay the 10¢ so it is less of an imposition on those small brewers. We continue to engage with the small brewers as part of our technical working group. We propose to continue those groups meeting, moving forward, as we work on the regulations. We will continue to raise these issues. I am certainly confident that where we have landed thus far, we will ensure that we are taking into consideration the small brewers and their circumstances, but we will continue to have the conversations and continue to talk to them during the drafting of the regulations.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Part 5A inserted —

The DEPUTY CHAIR: Members, clause 6 runs from page 3 to page 62 of the bill, which will not make it very easy for us to break down. I suggest that if the chamber agrees, we adopt previous practice of moving through proposed section by proposed section of clause 6. Is there any objection to that course of action?

Hon Dr STEVE THOMAS: I have only about three questions. If no other member has questions on clause 6, I suspect we will get through this fairly quickly. Does the member have questions on clause 6?

Hon Colin Holt: No.

Hon Dr STEVE THOMAS: I will ask them in order. If you put the question for clause 6, Mr Deputy Chair, this will take only 10 minutes.

The DEPUTY CHAIR: Unless there are any other views, I might leave it as a clause 6 debate and that will allow us to deal with the issues we need to deal with, and then move on.

Hon Dr STEVE THOMAS: The intent is not to delay for too long; we will get through this pretty quickly. In clause 6, proposed section 47A(d) states —

> provide opportunities for social enterprise, and benefits for community organisations, …

Hon Colin Holt mentioned this in his address. It is something the entire house is supportive of—that is, the capacity for scouts and Lions and other community organisations and sporting groups to take capacity.

The minister may not be at the point yet, but I suspect this is something that will be defined in regulation. If a situation arises of competitive conflict between a sporting and a commercial organisation, is there a thought about what mechanism might be used to resolve that or will it be left to the oversight body?

Hon STEPHEN DAWSON: The short answer is that it will be an issue for the scheme coordinator. It will be their responsibility to work out. We are mandating some of the communities or the size of communities that need to have a collection depot or a collection point. With the design of this scheme, I have been very keen from the outset to ensure that there are opportunities for social enterprise, particularly with my disability services minister hat on. Representatives from some of those non-government organisations are on the groups designing the scheme. At the end of the day, many people in the community may well decide to donate their cans to a social enterprise, but the scheme allows for a social enterprise to be a collection depot in communities too. It will be an issue for the scheme coordinator to decide, commercially, who they want in a community to be the collection depot but there will be other opportunities for NGOs to collect cans that may be donated as part of the scheme.

Hon Dr STEVE THOMAS: Thank you, minister. I suspected that would be the case and would be something that we would have to get to over time. I see the potential for a community group. We used to see it occasionally with aluminium cans.

Hon STEPHEN DAWSON: Let me give the member a bit more confidence. As the member said, paragraph (d) of proposed section 47A, "Objects of Part", states —

> provide opportunities for social enterprise, and benefits for community organisations, through participation in the container deposit scheme; …

The scheme encourages participation of those social enterprises. This can be as a refund point operator collection point or as a recipient, as I mentioned previously, or, indeed, in other roles potentially in, say, the role of logistics. Because the scheme coordinator must achieve the objects of the bill, it is certainly the intention, the view and the belief that NGOs, for example, will be part of the delivery of the scheme and will feature prominently as collection depots and other things.

Hon Dr STEVE THOMAS: Thank you, minister. We will have to see how that pans out. There will be a bit of smoothing over as we go, I suspect. I remember the days 20 or 25 years ago when there was a bit more fierce competition for aluminium cans. I am interested to see when we start a slightly more commercial venture with commercial competition and how we might manage that. Let us wait and see how we go in the process.

Hon Stephen Dawson: Some of these not-for-profit organisations, the NGOs, are commercial enterprises. Some of them have workshops that employ people with disabilities of different levels. They are providing services to government departments and private enterprise at the moment. They are commercially viable and commercially competitive. I have no doubt they will feature as part of the scheme. Let us watch it. The point you are making is let us watch with interest.

Hon Dr STEVE THOMAS: It is part of the very big suck-it-and-see component over time that will potentially need some fine-tuning, and that is fine. We are nearly there.

Proposed sections 47G and 47H deal effectively with the skeletal legislative framework that will allow the definition of those containers that will be part of the process. I am interested to see how difficult the process might be of making change going forward. The minister and I may have the same ultimate intent but a difference of opinion about how easily some of those small dual plastic–cardboard or multiple plastic beverage containers can be recycled. How simple or easy will it be? Will it be a fairly simple regulatory tabling process if change is required? How will a business that puts out a 200-millilitre juice or milk product in a plastic–cardboard mix try to convince the government that even with the best intent, the recycling rates are very difficult on these products particularly, for example, if the marketplace steps out? I am thinking particularly if a marketplace is available, but that market changes, change may have to be made fairly quickly. How will the legislation, or the regulations ultimately, allow that to happen?

Hon STEPHEN DAWSON: The short answer is that it is relatively easy to change the regulations, so we will be mindful of those issues if they arise and certainly will be open to bringing more regulations before the Parliament if need be to address the issues.

Hon Dr STEVE THOMAS: This is pretty much my last question. Proposed section 47J on page 15 provides that the refund amount will be set by regulation. I guess my question is more of a logistical legislative one. Was any thought given to legislating the refund amount? Obviously, if would be far easier to change it. Would it even be possible to set the amount? We talked about 10¢ as the refund amount. I fully accept that is the government's intent but, in effect, we are legislating the capacity to support the regulations to set an amount, which is just a little bit different. There may be a good legislative reason why it is done that way. I am not suggesting the government has a secret agenda to triple it when we are not looking, but I am just wondering about the legislative mechanism that got us to this particular point.

Hon STEPHEN DAWSON: No, we did not think of putting that amount in the bill. Because of national mutual recognition laws, we need to get other states and territories to actually sign off or approve such a fee, in the case of that 10¢. They have to be nationally consistent, and other states and territories and, in fact, New Zealand have to agree to the fee that we will collect as part of the container deposit scheme. I can assure members that it is not as simple as me waking up one morning and thinking, "Okay, let's double that container amount to 20¢ or more". Quite a detailed process actually has to be gone through to get the other states, territories and jurisdictions to sign off on it.

Hon Dr Steve Thomas: By interjection, that would be if it does nationalise, ultimately?

Hon STEPHEN DAWSON: No, even at the moment with us running our own scheme, we still have to get the other states and territories to sign off on that amount and certain aspects of the scheme because of national mutual recognition laws.

Hon COLIN HOLT: This will probably be my last question, too. Proposed section 47B provides for the appointment of a coordinator of the scheme. Is it envisaged that there could potentially be more than one coordinator? I am thinking of scenarios in which, potentially, the coordinator might come and say, "Actually, I don't mind tackling the south west of the state, but not the north west". If that is the case, has some thought been given to how we would deal with that, and the potential for two or more coordinators in this space, as a strategy to manage any proposals?

Hon STEPHEN DAWSON: No, it has not been countenanced that we would have more than one scheme coordinator in the state. Certainly, the other jurisdictions in Australia that have this scheme in operation have only one scheme coordinator, as do the other jurisdictions that we visited while we were putting this scheme together. Our scheme is modelled on that of Queensland. Although Queensland is not as large as Western Australia, it certainly has many of the same regional and remote community attributes of Western Australia. South Australia has super collectors that operate, so there may well be some collectors in the south west of the state that collect on behalf of the scheme coordinator or someone in the north west who collects on behalf of the scheme coordinator, but it is just one scheme coordinator. That makes for an easier system and enables us to, I guess, spread the costs across the state, so we are not saying that people in one area of the state will pay more because it costs more to get stuff down from, say, Bidyadanga or wherever else. It is one scheme, and I think that is probably the best way to go, from my perspective.

Hon COLIN HOLT: It just seems a little odd that we have enabling legislation that allows so much flexibility under regulations, yet we are writing hard and fast into the bill that there will be only one coordinator of the scheme. I understand the rationale behind economies of scale and cross-subsidisation around areas that have more waste than others, but I just do not understand this approach. We are going to be flexible everywhere else and ask the Parliament to pass skeletal legislation, yet this provision seems to be so hard and fast.

Hon STEPHEN DAWSON: I guess I am asking the Parliament to pass what we believe is the best form of legislation. Having one scheme coordinator leads to efficiencies; having multiple scheme coordinators does not. Again, we have modelled this on Queensland but we have also modelled it on other jurisdictions around the world and this, from my perspective, is the way to go. Although there will be a lot of detail in the regulations of the scheme, as we spoke about yesterday and a bit today, this is one area in which I do not think there should be flexibility or the ability to have more than one scheme coordinator, because I actually think it makes for a messier scheme and makes it harder for the community. I do not think it would lead to us having the best container deposit scheme in Western Australia. It is for those reasons that it is in there as it is.

Hon COLIN HOLT: I tend to agree with the minister about having one scheme coordinator; I am just not sure why it is so hard and fast in the legislation when everything else is not.

Hon Dr STEVE THOMAS: Just following on very quickly from Hon Colin Holt, the minister gave an indication that the scheme coordinator has not been picked yet. We have asked roughly what the time frame looks like. Is there any indication of the month by which the minister would expect to appoint the scheme coordinator?

Hon STEPHEN DAWSON: I imagine we would be in a position to appoint the scheme coordinator within the next few months, so April or May. I think I mentioned this last night, but that actually depends upon the passage of the legislation before the Parliament. Once we have passed the legislation, it will give us and the applicants some confidence about what the scheme will look like, and then we will be in a position to appoint somebody.

Clause put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT (CONTAINER DEPOSIT) BILL (NO. 2) 2018

Committee

The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clauses 1 to 4 put and passed.

Title put and passed.

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT (CONTAINER DEPOSIT) BILL 2018
WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT (CONTAINER DEPOSIT) BILL (NO. 2) 2018

Report

Bills reported, without amendment, and the reports adopted.

Third Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.48 pm]: I move —

That the bills be now read a third time.

HON DR STEVE THOMAS (South West) [5.48 pm]: I will not be long; I just want to thank members for their contributions to the debate. I note that Hon Aaron Stonehouse and I will be very carefully scrutinising the regulations to make sure this works in the most efficient and effective manner possible. I thank the minister for the support he has given in terms of briefings and additional information. It has been a very productive debate.

HON AARON STONEHOUSE (South Metropolitan) [5.49 pm]: My concern that the Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018 is too skeletal has not been addressed to my satisfaction, so I believe it is now incumbent upon the Legislative Council to closely scrutinise regulations tabled as part of this legislation going forward. I am also concerned that it will be hard to measure the success of the scheme as the number of eligible containers currently being recycled through local government yellow-topped bins is currently unknown, as admitted by the minister himself at the table. Measuring whatever rate of recycling we have going forward cannot be benchmarked against current rates of recycling for eligible containers. The success or lack thereof of this scheme will be very hard to measure. We must be very critical of this scheme in later years and apply scrutiny to it going forward to ensure that taxpayers' funds are being used in the most efficient manner to reduce waste and litter, and to encourage recycling. Ultimately, I will not be supporting this bill, but I will be keeping a very close eye on regulations passed under it.

Questions put and passed.

Bills read a third time and passed.

BAIL AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2018

Second Reading

Resumed from 20 February.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [5.51 pm]: I rise as the lead speaker on behalf of the Liberal opposition to indicate our support for the bill. I do, however, have a number of issues I wish to raise regarding it, how it is meant to work and its proposed effectiveness. The bill, we were told, proposes amendments to the Bail Act 1982 to implement a 2017 Council of Australian Governments agreement to a presumption against bail applying to persons with links to terrorism. In the second reading speech in the Legislative Assembly, we were told —

> The amendments form part of a range of practical and legislative measures agreed by COAG to strengthen the nationally consistent approach to countering the evolving terrorist risk.

Before I proceed, I should indicate my appreciation to the advisers who were involved in briefing me and my colleagues on the legislation. It was very informative and we asked a number of questions in the course of the briefing. I extend my appreciation to the departmental officers and to the Attorney General's office for providing some supplementary information arising out of that briefing. I will draw on part of that as part of my contribution to the second reading debate.

It appears in the history of this that at a meeting on 9 June 2017, the Council of Australian Governments agreed it would ensure that there would be a presumption that neither bail nor parole would be granted to those who had demonstrated support for, or have links to, terrorist activity. It was said that it followed a terrorist-type attack in Brighton, Victoria, perpetrated by Yacqub Khayre. It appears that he was on parole at the time while serving a sentence for home invasion offences. It also followed on from a much earlier and more notorious attack, the Martin Place Lindt Café siege in Sydney, New South Wales, perpetrated by Man Haron Monis while he was on bail facing charges of sexual assault and being an accessory to murder. Some legislation was passed in 2015 in New South Wales—an amendment to its bail legislation—as a result of a review of that Martin Place event, and that included requiring a bail authority to consider whether the accused had any association with terrorist organisations, or any persons or groups advocating support for terrorist acts or violent extremism, or had made statements or carried out activities advocating support for terrorism or violent extremism. I should mention at this point that that is one of the areas that I would like some further assistance on in due course—how what is being proposed under this legislation will overcome the sorts of problems that were faced in that case. I can broadly see how, but it does strike me that the problem in the Monis case was a failing on the part of the relevant authorities in New South Wales to properly consider bail in a case of that nature. One would think that under our bail legislation, the Bail Act 1982, and the considerations that are quite explicitly set out as ones that a bail authority needs to consider in the course of deciding whether to release someone on bail, there would have been a natural reluctance to release this man on bail in the first place. To develop that line of reasoning a little further, it seems that there is a trend of looking at a worst possible case scenario in another jurisdiction where the laws are not as stringent as ours, or when there have been failings in a particular case, and trying to cover the field and ensure that that sort of problem does not arise here by changing our laws. Whether that change is absolutely necessary is another matter, but we support the government in its attempts to make society safer. We do, however, have some concerns about whether there may be overreactions from time to time. I would like to know more about whether the Monis case would have been differently decided in Western Australia either with or without the proposed change canvassed by this legislation.

In any event, following the June 2017 COAG agreement, South Australia introduced legislation with a presumption against bail and parole, but, as I am informed, a different model from the one that we are adopting in this bill. Also in June 2017, New South Wales introduced legislation implementing a presumption against parole for terrorism-linked offences. In September 2017, the Victorian body known as the Expert Panel on Terrorism and

Violent Extremism Prevention and Response Powers proposed a model for the bail and parole presumption that included elements of both the New South Wales and the South Australian models. In October 2017, at a special meeting on counterterrorism, COAG further agreed that its 9 June decision should be underpinned by nationally consistent principles to ensure that the presumption against bail and parole applies in agreed circumstances across Australia. An inter-jurisdictional counterterrorism legislation task force developed principles for endorsement by the Australia–New Zealand Counter-Terrorism Committee. Those principles were developed in consultation with the states, territories and the commonwealth, and identified agreed minimum guidance principles for implementation of the presumption against bail and parole. The principles acknowledge that each jurisdiction with established bail regimes and parole regimes has its own means of approaching those issues, so there was no nationally agreed model for legislation, but there were some principles for how a nationally consistent scheme could be given effect.

This particular bill has been crafted for the Western Australian condition. We are told that this is the first tranche of some amendments to give effect to that nationally consistent scheme dealing with bail as a discrete area rather than parole, that work is being done on the parole element and that we will see that in due course. The principles established by the panel were endorsed out of session by the Australia–New Zealand Counter-Terrorism Committee on 7 November 2017 and work then commenced on developing some legislative proposals for implementation in Western Australia. The bill that we are dealing with came to light about a year later. It was introduced after quite a substantial period, when one thinks about it, given that the principles had been acknowledged and settled back in November 2017. It was not until 28 November last year that this bill was introduced into the Legislative Assembly. Given that the drafting does not appear to be particularly complex, I would be interested to know why it has taken something like a year to introduce this particular piece of legislation.

Be that as it may, on 7 November 2017, the Australia–New Zealand Counter-Terrorism Committee endorsed four principles out of session. The Leader of the House, in her capacity as the representative of the Attorney General in this place, outlined what they were. The first principle is that the presumption against bail and parole should apply to categories of persons who have demonstrated support for, or links to, terrorist activity. Secondly, a high legal threshold should be required to overcome the presumption against bail and parole. We will come to that in due course. The third principle is that the implementation of the presumption against bail and parole should draw on and support the effectiveness of the joint counterterrorism team model. The minister may be able to expand a little more on what that may be. The fourth principle is that any implementation of a presumption against bail and parole should appropriately protect sensitive information. There are specific provisions in the bill relating to that.

Under the first of those principles, the minimum requirement was that the presumption against bail and parole should apply to any person who had been convicted of a terrorism offence or was the subject of a control order. "Terrorism offence" is defined in the bill. Essentially, it reflects the commonwealth legislation in the Criminal Code Act 1995 as to what terrorism activity, an act of terrorism, and terrorism offences may be. Western Australia has picked up on those definitions in a variety of its terrorism-related acts as part of a broader nationally consistent approach and to ensure that we are all working with the same definitions of what terrorism acts may be, and of course equivalent offences. Otherwise, the presumptions should apply to people who are the subject of a control order; those are specific restraints on activity and the like that are imposed under the commonwealth legislation. Additionally, the presumption against parole, which we will not be dealing with in this particular case, should apply to people who had made statements or carried out activities supporting or advocating support for acts of terrorism.

Members were informed that several jurisdictions have already legislated to give effect to the Council of Australian Governments' agreement. As I mentioned, New South Wales commenced work on this and had developed its legislative schemes in advance of the COAG decision. Its Bail Amendment Act 2015 commenced in December 2015, so NSW is already something like three years in advance of us, and its Terrorism Legislation Amendment (Police Powers and Parole) Act 2017 commenced in June 2017. South Australia enacted its Statutes Amendment (Terror Suspect Detention) Act 2017, which we are told commenced operation in February last year. Victoria enacted the Justice Legislation Amendment (Terrorism) Act 2018. The substantive provisions of that, at least at the time of the briefing that we had, were yet to be proclaimed but were intended to be operational by 1 May this year. Tasmania enacted the Terrorism (Restrictions on Bail and Parole) Act 2018. I cannot say whether that has come into effect or been proclaimed; perhaps the minister can inform us in due course. Queensland introduced its Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018 in November last year. I do not know what progress has been made since. Once again, perhaps the minister can apprise us of that. Queensland being a unicameral legislature, I expect that legislation through there should proceed fairly quickly, especially if the government has the numbers to simply have the legislation moved on with alacrity.

When the bill was introduced, we were told that it was not considered a uniform legislation bill, so it has not been considered by our Standing Committee on Uniform Legislation and Statutes Review. Members might take a different view about whether it falls within the purview or scope of the operation of the standing orders, but nothing that I have seen in it abrogates parliamentary sovereignty or authority in Western Australia. There is no referral of powers involved and there is no picking up on laws from other jurisdictions.

Hon Sue Ellery: When the COAG decision was made to set a set of principles, it was on the basis that it recognised each jurisdiction was coming from a different base with respect to bail. They made quite a deliberate decision not to have a model piece of legislation.

Hon MICHAEL MISCHIN: Yes, and I accept that. Thanks for the interjection. I do not think that I had suggested anything to the contrary; I was simply pointing out that on its face, one might think that as part of a national scheme or a national agreement that it ought to be considered by that committee. Of course, the whole purpose of that committee is to look at whether parliamentary sovereignty in Western Australia is impinged upon in some fashion and whether there is an incorporation of laws of other jurisdictions into Western Australia and the like. Nothing in this bill seems to strike that. I take the minister's point entirely that, quite sensibly I think, what had been intended was not a national model approach or a uniform set of laws, but simply a consistent approach. The future will tell us whether anything more than that is necessary. I think it is quite wise that that approach has been taken in this instance; one of the flexibilities of that being, of course, that if experience indicates that the legislation is working contrary to the public interest, Western Australia can take steps to massage and tweak it to make it more effective. If it is found that it is too extreme in some respects, it can be repealed in due course without affecting Western Australia's relationship with the commonwealth or other jurisdictions. We do not have the issue of a Standing Committee on Uniform Legislation and Statutes Review report or any examination of it, nor does there seem to be any need for us to do so.

I read with interest the debate in the other place. Much of it seemed to focus on how terrible terrorism is. I do not propose to labour that issue in this place; I do not think it is necessary. I do not intend to occupy the house's time discoursing on terrorism generally, but for those who are interested, terrorism has quite an interesting history. One feature of terrorism is that there is no uniform, generally accepted definition of the term. It is more generally described as an unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims. There are hundreds of definitions of "terrorism" depending on what particular perspective one is taking or the purposes for which one is trying to define it. I understand that since about 1994, the United Nations General Assembly has used as a description of "terrorism" —

> Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes …

It has condemned that sort of behaviour under any circumstances as being unjustifiable, whether political, philosophical, ideological, racial, ethnic, religious or any other purposes have been invoked to justify them. Section 100.1 of the commonwealth Criminal Code Act 1995 essentially describes a terrorist act as an action or a threat of action that is done with the intention to coerce or influence the public or any government by intimidation to advance a political, religious or ideological cause and the act causes death or serious harm or endangers a person, does serious damage or threatens serious damage to property, poses a serious risk to the health and safety of the public or seriously interferes with, disrupts or destroys critical infrastructure, such as telecommunications or electricity networks. We tend to pick up on the commonwealth description. I do not intend to go into it in any detail; it is not material for these purposes.

What is interesting, though, is that the sorts of terrorism that we are facing pose a challenge for societies from not only the point of view of trying to protect their citizens, but also another point of view that is a little more subtle. If members are interested, I recommend the book *Terrorism: A History* by Randall D. Law. He traces the history of terrorism through ancient history to the present day and the differing shapes and forms of terrorism. What we are encountering more often nowadays purports to be based on religious principles or doctrines but even that has not been unknown to history. We have had the Sicarii of Roman Judea, the Jewish zealots, as it were, who were trying to fight the Roman occupation using terrorist acts of assassination and destruction as part of their campaign; the thuggees in India, the worshippers of the goddess Kali, who used terrorist acts to subject parts of India during the colonisation of the subcontinent by the British; and the assassins at the time of the crusades in the Middle East and across north Africa, and so on.

Religious terrorism is not new to us. What I suppose has become more alarming, at least for our society, is the portability of the weapons used and the maximising of the leverage that any particular terrorist can exercise. Gone are the days when they were limited to a knife, a sword, a poison or some physical weapon within arm's reach that had only that range. Now we have firearms of various sophistication, even ones that can be created using 3D printers. Infernal devices of various types that are portable can cause mass destruction. There are examples of the use of nerve gas and the like, such as sarin in Japan many years ago. A variety of means are available to those who want to use the strategy of terrorising communities and committing violence against communities as part of a propaganda of the deed, as it is called, to terrorise to create uncertainty, to create discord and to create chaos and—this is another area that is particularly important in a western society such as ours—to provoke authorities, the idea being that the authorities are provoked into overreaction, which helps to establish a more oppressive society in which civil liberties and freedoms that are enjoyed by members of those societies and taken for granted can be removed by governments that are concerned about their citizens but, in order to save them, destroy the fabric of society by taking away the freedoms that make that society worth living in.

Part of the advantage of terrorism is that it can create discord through uncertainty and fear, generally of the people who exercise it against members of the community—it is the uncertainty involved. We have had those instances, very sadly, in both Sydney and Melbourne. I am pleased to say that we have not had to worry about that in Western Australia to date, but we can already see some of the consequences of a concern on the part of governments about the security of their citizens with the bollards that have been put out the front of this building. We can see how times have changed with the additional security that has been hedged around this particular building over the last several years. I find that very sad. I can remember as part of my function as an officer of the Crown Law Department back in the late 1980s travelling to the United Kingdom at a time when the Irish Republican Army was still very active. On one occasion, I arrived the day after there had been a bomb attack in Soho, London. Later that day—I think it was on the eve of a general election—a bomb that went off destroyed the Baltic Exchange building in the heart of the City of London. It caused casualties and devastation. I felt that it was unfortunate but, interestingly enough, people get accustomed to anything. People accepted that in a large city such as London, there were going to be incidents and, of course, London, sadly for London, has been a centre of anarchists and other forms of terrorism over centuries. I made a visit to the Old Bailey, the famous courthouse, and the security there was such that it was unknown in Western Australia. I felt very pleased about the fact that we did not have to have security around our courthouses in that fashion and that people could wander into the Supreme Court back in the day without armed guards about and without having to be screened for security purposes and the like. I can remember at the time feeling that it would be very unfortunate if we had that in Western Australia. Sadly, we are getting to that stage.

The Bail Amendment (Persons Linked to Terrorism) Bill 2018 proposes to tighten up presumptions of bail, but it does seem to me that some explanation is necessary as to how that will make an appreciable difference to public safety. As I mentioned with the Monis case, the problem there seems to have been that although he was charged with very serious offences and it is apparent that he was a person of unstable character, from the information that has been available in the media, he seemed to me as someone who any judicial officer ought to have thought twice about granting bail, having regard to the seriousness of the charges pending against him.

I think that Madam President is about to call halt on the proceedings for the day. I will continue my remarks tomorrow.

The PRESIDENT: Member, you are incredibly astute from time to time!

Debate interrupted, pursuant to standing orders.

PARLIAMENTARY QUESTIONS

Statement

HON NICK GOIRAN (South Metropolitan) [6.19 pm]: I rise this evening to express my concern about the competence of the drafters of answers to questions without notice. I draw members' attention to the answer provided by the Leader of the House to my question today. By way of context, this was a question that I gave some notice of as far back as Thursday, 21 February. On that day, I was requested by the government not to ask my question. A senior member of the government approached me and asked, "Would you please not ask your question today because the Leader of the House is away on urgent parliamentary business?" I might add that my question was directed to the Minister for Child Protection. Nevertheless, I was asked not to ask my question on that day and I did not. I asked the question today in the knowledge that an answer would be provided. The answer that was provided today demonstrates the gross incompetence by the government of Western Australia in answering questions. Government members are either grossly incompetent or deliberately misleading. Those are the only two interpretations of what has, yet again, occurred today.

On 19 February, I asked a question of the Leader of the House representing the Minister for Child Protection about the monitoring of students and young people who have been charged with and convicted of sexual offences and who attend public schools. The answer that I was provided about the level of monitoring in private schools was as follows. My question to the Leader of the House representing the Minister for Child Protection on 19 February 2019 was answered the following day. For those who want to check the *Hansard*, the answer was provided the following day by the Leader of the House because, as per usual, the Leader of the House was sitting there fiddling with the papers and the like and said, "Actually, I'm not happy with the answer that's been provided to me, so I'll have a look at this and get back to you tomorrow." The following day, the Leader of the House provided an answer to the second part of the question, which was —

> Does the department also monitor such cases in which the young person attends a private school?

The department being spoken of was the Department of Communities, because the question was directed to the Minister for Child Protection. The answer given by the Leader of the House, who needed an extra 24 hours to make sure that she got the answer right, was —

> The Western Australia Police Force notifies the Department of Education when a young person is charged or convicted with a sexual offence and attends school.

The Leader of the House previously told us that when it is a student who attends a public school, the Department of Communities, the Western Australia Police Force and the Department of Education are involved. But in the direct answer to this question, suddenly the Western Australia Police Force notifies the Department of Education and that is it.

Today I asked why the department is not involved in cases of students who go to private schools. Why would the Department of Communities—formerly the Department for Child Protection and Family Support—be interested only in monitoring cases in public schools? What about the care and safety of students in private schools? It is very strange that it would not be monitoring those students as well. All of a sudden, when I asked why the department is not involved when the young person attends a private school, the minister—the Leader of the House, who is the most senior member opposite—representing the Minister for Child Protection said —

> No reference was made to the Department of Communities not being involved in cases in which a young person attends a private school. As per the multi-agency protocols for students charged with harmful sexual behaviours, WA police notify both the Department of Education and the Department of Communities of all students charged.

Why has the Leader of the House told us today, on 13 March, that the Western Australia Police Force notifies the Department of Education and the Department of Communities when the answer to the question I asked last month was that the Western Australia Police Force notifies the Department of Education? What happened there? Was the Leader of the House, having taken an extra 24 hours to make sure that the answer would be right, deliberately misleading the house? When I asked whether the Department of Communities also monitors cases in which the person attends a private school, did she deliberately say absolutely nothing about the department that I was asking about and instead send us off on a wild goose chase suggesting that the Western Australia Police Force notifies only the Department of Education? Was that what was going on that day—given that she had an extra 24 hours to get it right? Maybe it was not deliberate after all. How would we know what was in the mind of the member? Maybe it is just gross ineptitude and gross incompetence by both the Leader of the House and her colleague in the other place the Minister for Child Protection. When they were asked deliberately about the monitoring of children in private schools by the Department of Communities, they just misled us—who knows whether it was deliberately or otherwise—and said that the police force talks to the Department of Education about these things. But today, all of a sudden, we found out about this secret protocol that they have been hiding for a month. Suddenly, the multi-agency protocol is that the Western Australia Police Force notifies both the Department of Education and the Department of Communities.

The problem is that I cannot raise a point of privilege about this matter because what would be the point? How am I supposed to know what was in the mind of the member when she took the extra 24 hours? Was this done deliberately or not? I am going to take out the charitable interpretation and assume that that was not what was happening and that it was gross ineptitude and gross incompetence by this minister—again, the most senior member opposite—to waste our time and take an extra 24 hours to try to get the answer right and, in the end, it was completely wrong.

Who cares about the Western Australia Police Force notifying the Department of Education? That was not the question. Was I asking a question of the Minister for Education and Training? No, I was not. I was asking the Minister for Child Protection, who is represented in this place by the Leader of the House. This is not the first occasion. Members in this place will know that over the last two years, ever since the McGowan government took power, there have been repeated examples of misleading answers. The question is whether this is being done deliberately. Of course, the Leader of the House, who is away on urgent parliamentary business at the moment, will no doubt tell us and take great offence to even the mere suggestion that this might be happening deliberately. That is fine, but can the government employ someone with just a modest amount of competence to draft these answers? That is all I am asking. I am going to take the charitable interpretation and say that the Leader of the House has not deliberately misled the house about this matter. But I am going to expose the gross ineptitude in the drafting of these answers.

In fact, I would like to know who drafted this answer. Someone drafted an answer that the Leader of the House was not happy about. She went to great pains to say, “Look, I’m not happy with this, so I am going to look into this and give you the answer the next day.” Members may even recall that the next day the Leader of the House wanted to have the answer tabled, but I declined leave. I said that she could read it out. No wonder the minister did not want to read it, because it was yet another example of the shifty answers that are provided by this government. It has to stop. This is just making a complete farce of question time. Ministers are asked about the Department of Communities and then send people off on a wild-goose chase and start talking about the Department of Education and the police force when they know full well that the Department of Communities monitors these matters, and we know that now because of the answer that was provided earlier today. This has to stop. I am calling on the most senior member opposite to desist with this gross incompetence when answering questions without notice.

SCHOOLS — BULLYING

Statement

HON PIERRE YANG (South Metropolitan) [6.29 pm]: I would like to take this opportunity to voice my support for the motion moved by Hon Samantha Rowe this afternoon. Instead of taking the full 10 minutes, I want to quickly voice my support for the motion and also echo the member's words during her contribution today. Indeed, bullying can have a lethal consequence. A recent case was reported by PerthNow on 12 November 2018 about a nine-year-old girl from the United States who was bullied, and she took her own life. I could not even imagine the grief and difficulty that she went through when bullied by her peers, because of her ethnic background, so that she resolved to take her own life. It is a truly tragic situation. We should all be aware of situations like that. It was very timely for Hon Samantha Rowe to move this motion to remind us. It is also fitting that the National Day of Action against Bullying and Violence occurs on Friday this week. I remember Hon Donna Faragher mentioned that every day should be a day of action against bullying, and I totally agree with her.

I also want to commend the Minister for Education and Training for the Let's Take a Stand Together action plan against bullying. I also want to commend the parliamentary secretary, Hon Samantha Rowe, under the auspices of the minister, for her work in the development of bullying resources for schools and parents, which will be released on Friday. I was listening to the radio interview of the Premier on Monday, when this topic was discussed. A talkback caller mentioned the rise in the incidence of bullying and the lack of corporal punishment in schools. I think the Premier was right in saying that we have moved on from the time when corporal punishment was employed in schools and the right of all students to start school in a safe and peaceful environment and for staff to be free from being assaulted by students is paramount.

I also want to note that public schools have banned corporal punishment since 1987.

Hon Peter Collier: No, they haven't. I did it.

Hon PIERRE YANG: In public schools.

Hon Peter Collier: I did it in 2016.

Hon PIERRE YANG: That is right. Hon Peter Collier was the education minister in 2015 and he banned corporal punishment in non-government schools.

Hon Peter Collier: No, in government schools. I could not do it in non-government schools. I did it in government and non-government.

Hon PIERRE YANG: My understanding is that —

Hon Martin Aldridge: Table your government briefing notes, and we'll check them.

Hon PIERRE YANG: It is my own research and I will not be tabling it. I thank Hon Martin Aldridge.

My personal research shows that corporal punishment was banned in government schools in 1987. I will check the record. An ABC news article dated 7 January 2015 states —

> Mr Collier said that the change reflected community expectations in the 21st century.

I agree with him 100 per cent. The same article stated —

> Corporal punishment has not been used in the state's government school system since the 1980s.
>
> The new regulation will come into force in the first half of this year, —

That was 2015 —

> but it is understood Nollamara Christian Academy has agreed to use other methods of discipline from the start of the school year.

An earlier part of the article states —

> The changes will close a loophole that has allowed non-government schools to continue using the cane and other forms of physical discipline.

In any event, I want to say that I agree with Hon Peter Collier and his move to ban corporal punishment in the education system. It was a good move. At the same time, I want to mention that section 257 of the Criminal Code, "Discipline of children, use of force for", states —

> It is lawful for a parent or a person in the place of a parent, or for a schoolmaster, to use, by way of correction, towards a child or pupil under his care, such force as is reasonable under the circumstances.

My reading and my research shows that the regulation we have in the state has banned corporal punishment for students and the Criminal Code has allowed for certain circumstances when there is a need to apply force, provided the force is reasonable. The Criminal Code has afforded protection for the teachers should they need to restrain or apply force to ensure that other students are safe from violence.

I want to voice my support for the motion, and thank Hon Samantha Rowe for moving it.

REGIONAL FOREST AGREEMENT

Statement

HON DIANE EVERS (South West) [6.37 pm]: The Western Australia Regional Forest Agreement was put in place 20 years ago by the government of the day. Although it was suggested that it was to help preserve the forests, it was really to allow logging to occur without any environmental oversight. Now that 20 years is up and it is ready for a renewal. I would like to read a quote from Associate Professor Grant Wardell-Johnson, who recently said, according to my notes —

> Forests are biologically, ecologically, economically, and socially disproportionately important ecosystems. In particular, South-western Australian forests are biologically, aesthetically, evolutionarily and geomorphologically unique and have been continuously culturally important for millenia. South-western forests have been unsustainably exploited for timber for decades such that public forests are now mined and forestry on private land disadvantaged (by the continuation of an ecologically unsound and only very marginally profitable native forest industry, propped up by the Government). Warming and drying under climate change is interacting with unsustainable forest use and irreplaceable components of the ecosystem are being lost.

The need to better protect the ecological health of the forests is clear. However, it would be wrong to assume that the opposition to the Regional Forest Agreement stems from environmental concern alone. The Regional Forest Agreement's failings are likely to impact negatively on the very industries and communities that it protects.

The Greens have a policy on this, which suggests that we must do a far better job of protecting and improving the health of our forests than the current RFA allows. Essentially, we argue for the end of the RFA and a return to the same level of scrutiny of native forest industries under the Environment Protection and Biodiversity Conservation Act to which other industries are expected to conform. We argue to end logging in native forests, other than that which peer reviewed scientific research indicates is required to maintain or improve forest health. We also argue for a forensic analysis of the economics and the social mandate for native forest logging, regardless of whether the Regional Forest Agreement is extended. This should include an independent performance audit of the Forest Products Commission. We argue as well for the management that places ecological health of the forests above the provision of resources for industry—the only logical path if we are to preserve both, and the communities they support. This is also the only path that adequately recognises the intrinsic value of the forests themselves.

Unfortunately, the RFA review process is limited and inadequate. It assumes that the RFA will be extended, regardless of the findings of the review. It does not provide scope for the fundamental reform of forest management that is so urgently needed in Western Australia. RFAs across the country, including in Western Australia, have not eased environmental problems and have actually exacerbated them in some cases, as Professor David Lindenmayer from the Fenner School of Environment and Society at the Australian National University explains. As Senator Janet Rice explains, "At the moment, when an area is logged under an RFA it's deemed to be occurring in an ecologically sustainable way even where there is ample evidence this is not the case."

This has occurred despite the inclusion of three principles that guide today's concept of ecologically sustainable forest management, as outlined in the RFAs: first, to maintain the ecological process within forests; second, to preserve their biological diversity; and, third, to obtain for the community the full range of environmental, economic and social benefits from all forest uses within ecological limits. Professor Lindenmayer argues that RFAs require critical scrutiny and significant reform. He states —

> RFAs are entrenching native forest logging as a loss-making enterprise that degrades important values such as water availability, carbon storage, wildlife conservation, and the tourism value of forested areas. They are not giving Australians a sound return on their publicly owned natural assets. The agreements are ideological, not logical. It's time for a rethink.

He also said —

> … all of the existing RFAs have deep-seated problems. Simply rolling them over as if nothing has changed in the past 20 years is inappropriate and irresponsible.

Scientific research shows that all we are doing at the moment under the RFA is "managing" the decline of our precious forests—an exercise that we will be judged badly for in the future. It is inexcusable. In his "Independent Review of the Implementation of the WA RFA 2009–2014", Wilkinson notes, and I quote —

> The economics of native forest logging remain a contentious issue. The lack of an overall assessment of the relative economic benefit of native forest harvesting leaves a key performance outcome of the WA RFA largely unaddressed.

For example, the prices attained for native hardwoods and plantation timber are artificially held low in Western Australia as a result of policy settings, management practices and state agreements. A higher price could

encourage greater recovery of timber from the trees that are felled. FPC-contracted prices are below the real value of the timber, depressing the market and limiting opportunities for private land managers and plantation growers. Professor Lindenmayer's advice is astute. He states —

> A complete overhaul of the RFA process is clearly warranted. But this must go well beyond a review of the new science, extensive though it is. We need a truly forensic analysis of the economics of (and social mandate for) native forest logging. This would include independent audits of government logging agencies.

I argue that the Western Australian RFA, and all RFAs, should be scrapped and an improved governance model developed that better upholds federal responsibilities laid out in the Environment Protection and Biodiversity Conservation Act. In fact, the Australian Greens introduced the Regional Forest Agreements Legislation (Repeal) Bill 2017, which seeks to end the destruction of Australia's native forests by repealing the act that enables logging to continue with exemptions from our country's environmental protection laws.

It is beyond the scope of this statement here tonight, and beyond my resources, to detail an alternative approach in full. However, options that reinforce the power and intent of the EPBC act should be investigated immediately. It is worth considering a temporary extension of the RFA for a year while this process is undertaken. This would provide time to actually study the impacts on the forest.

All I ask is that we put this off for a year and research it, study it, find out what we are doing and find out what changes are happening due to climate change and other forest management practices that we have. We know that burning is getting worse each year; the control of it is getting harder and more expensive each year. We have to look at what we are doing and review the Regional Forest Agreement and get it back in line so that we are looking after the environment when we go out to log, if we go out to log, and look after the forests so that our children, grandchildren and so forth will have forests in the south west of Western Australia rather than just bare ground, salt affected, vacant and empty, and not providing any life for all the flora and fauna that exist there now. Please consider this; please delay and look into it. Just do not renew it—please.

CRIMINAL LAW (MENTALLY IMPAIRED ACCUSED) ACT — REFORM

Statement

HON ALISON XAMON (North Metropolitan) [6.45 pm]: I rise tonight to update the Parliament on some constituents of mine—a couple who have a son with an array of complex needs, and who have spent decades tirelessly advocating to get their son the care he needs, both in the community and, unfortunately, now in prison. I last brought this family's story to the attention of the house in December 2017. At that time, their son had been on remand in Hakea Prison for some months and they were struggling with issues around his legal representation. At that point, I spoke about the many systemic failings for people with complex needs who come into contact with the justice system.

Their son has an intellectual disability, coupled with a psychiatric condition and a history of substance use and abuse. His finances are managed by the Public Trustee, and he has previously been part of the People with Exceptionally Complex Needs program—PECN. Undoubtedly, we are talking about a very vulnerable person. However, in the period leading up to their son being apprehended by the police, he experienced deteriorating mental and physical health. At the time, his parents could see that he was becoming unwell, but despite their best efforts, they were unfortunately unable to curb his downward spiral. When I last spoke about the case, I highlighted the inappropriateness of the prison environment for a person who has a documented intellectual disability and a recent history of acute mental illness.

During the time their son has been on remand, he has been beaten up. He has found himself in debt to other prisoners, bearing in mind he has an intellectual disability and his medication, unfortunately, is a sought-after commodity—not an uncommon situation for people like him when they find themselves in prison. Furthermore, in the two years he has been in prison, he has attracted a number of charges for assault. Again, that is not surprising, given that he has an intellectual disability and is in a highly stressful and non-therapeutic environment. He has had numerous court appearances and hearing after hearing has had to be adjourned. Last month, a judge placed him on a custody order. That effectively means that he has been left in a position in which he may be subject to indefinite detention. I understand that this man's original crimes, had he been able to plead and found guilty, would have attracted a maximum two-year sentence, which is the amount of time that he has already served. It is a terrible outcome and a direct consequence of our terrible Criminal Law (Mentally Impaired Accused) Act, which I talk about a lot in this place.

I am very disappointed that a bill has still not been introduced to reform this horrendous piece of legislation. Ever since this government was elected, the Attorney General has been saying that the reform of the CLMIA act is a priority, yet two years have passed and we still have not seen a bill. I note that the Premier said in his statement at the beginning of this year that we will see it this year, and that is good, but I have more to say about that. Throughout the time my constituent's son has been on remand, his lawyers have had to contend with the vexed position of knowing that if their client is found to be mentally impaired, he could be indefinitely detained without conviction, balanced against being found fit to plead, being convicted, and attracting a shorter period of detention.

As I said, I have been talking about this for years. My concerns have been backed up by the United Nations and, in 2016 in a Senate hearing on indefinite custody of people with disability, leaders in WA's legal and corrections systems testified to the corrupting influence the Criminal Law (Mentally Impaired Accused) Act has had on our legal system. As someone working in the mental health sector at the time, I also gave evidence to that Senate hearing.

This vexed choice is even worse, because being found to be mentally impaired does not necessarily mean that where he is detained will be any different. There is every likelihood that this man will end up in a prison environment—the key difference being whether he will be there indefinitely or whether he is facing a fixed period.

Of the 21 people who are subject to custody orders in WA and in detention—I need to confirm that this is as of June 2018—nine are in an authorised hospital, two are in the Disability Justice Centre and 10 are in prison. Again, I clarify that those numbers may have changed. Disappointingly, the Disability Justice Centre has failed to live up to its promises as a declared place. The Mentally Impaired Accused Review Board has attempted to place other mentally impaired accused people at the Disability Justice Centre; however, its recommendations have been thwarted because it has not received the consent of the Minister for Disability Services. I am going to be very clear that I think that decisions such as these should not be subject to ministerial interference—either because there is a minister who is not supportive of this or simply because it means that we are politicising what should be a therapeutic decision, and ministers come under pressure. This is a despairingly underused resource, despite being one that we fought long and hard for. It is desperately needed.

We also know that the number of forensic beds in this state is woefully inadequate, with the Frankland Centre at Graylands Hospital having a capacity of only 30 people. This number of beds is the same as it was in 1995, even though the prison population has more than doubled since then, as has the population as a whole. However, despite the deficiencies in appropriate placement options, even if a person was assured to be put in the best facility in the world, it still does not detract from the fact that indefinite detention without conviction is a fundamental breach of human rights.

My constituents' experiences provide us with a clear picture of what the day-to-day realities are for people with intellectual disabilities or other cognitive impairments who come into contact with the justice system. Instead of supporting parents who have been absolutely steadfast—they have been amazing—in standing by their son during incredibly tough times, our system has served to amplify their difficulties and further criminalise him.

I have long advocated for the need for substantial reforms of the CLMIAA, including the need for the government to bring an end to indefinite detention, and I will be looking for such provisions to be included in the government's amendment bill. I have been told verbally that that is likely to be the case; I certainly hope so. However, what my constituents' experiences also starkly highlight is that we have to ensure that these provisions, if they are indeed included in the bill when we finally see it, apply retrospectively to the people who are currently on custody orders. Rights are rights, and they need to apply equally to all, no matter when the custody order was issued. We simply will not be able to tolerate having two classes of people on custody orders—people who are subject to what I hope will be a new and improved regime that is not in breach of the UN Convention on the Rights of Persons with Disabilities; and people who are subject to the current provisions. We cannot have two regimes operating simultaneously.

Again, I urge the government to prioritise the introduction of the CLMIA amendment bill as a matter of urgency. I am also saying that we have to ensure that there are provisions to uphold human rights that apply equally to people currently on custody orders. I am so sad that this has happened to this family. They are amazing parents. These are some of the most vulnerable people in our community and we really have to make sure that everyone is subject to any positive reforms.

House adjourned at 6.54 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR TRANSPORT — HARRIET POINT AGREEMENT

1806. Hon Martin Aldridge to the Minister for Ports:

I refer to Legislative Council question on notice No. 1699, in relation to the Harriet Point Agreement and Minister Saffioti's non-answer to several parts of the question, and I ask:

(a) is the agreement consistent with s.81 of the *Financial Management Act 2006* with respect to the provision of information to Parliament;

(b) has Minister Saffioti, in her former role as Minister responsible for ports, or the Pilbara Ports Authority ever sought agreement from BHP to provide the agreement to Parliament;

(c) if yes to (b), on what date was such a request made, to whom was the request made and by whom, and what was the answer received; and

(d) are there any other agreements executed by the Pilbara Ports Authority that are confidential?

Hon Alannah MacTiernan replied:

(a) The agreement does not prevent me from providing Parliament with information concerning the conduct of the Pilbara Ports Authority (PPA), but the terms of the agreement do somewhat inhibit my ability to do so insofar as I must exercise statutory powers in order to provide the information.

(b) I am advised that PPA has not sought agreement from BHP to remove the confidentiality requirements in the agreement.

(c) Not applicable.

(d) In accordance with standard commercial practice (and consistent with PPA's statutory duty to act on commercial principles), many of the commercial agreements executed by PPA contain confidentiality regimes to maintain the confidentiality of the parties' confidential or commercially sensitive information. The form of these confidentiality regimes reflect the nature of the confidential information and the negotiations between the parties.

ENERGY — CARNEGIE CLEAN ENERGY — SITE ACCESS NEGOTIATIONS

1807. Hon Colin Holt to the minister representing the Minister for Energy:

I refer to negotiations between the State Government and Carnegie Clean Energy Ltd for access to Kemerton Industrial site and Mungari Solar Farm site, and I ask:

(a) what is the current status of negotiated access arrangements for Carnegie Clean Energy to both sites;

(b) were these sites put out to public tender and, if so when;

(c) does the Minister for Regional Development have a formal role in managing the government interaction with Carnegie Clean Energy and access arrangements to these sites;

(d) if yes to (3), what role does the Minister have;

(e) what is the current status of the proposed solar farm on the Kemerton strategic industrial area;

(f) what is the current status of the proposed solar farm on the Mungari industrial site; and

(g) will the Government be going to tender for either of these projects, or are they private arrangements?

Hon Stephen Dawson replied:

(a)–(g) Please refer to Legislative Council Question on Notice 1808.

ENERGY — CARNEGIE CLEAN ENERGY — SITE ACCESS NEGOTIATIONS

1808. Hon Colin Holt to the minister representing the Minister for Lands:

I refer to negotiations between the State Government and Carnegie Clean Energy Ltd for access to Kemerton Industrial site and Mungari Solar Farm site, and I ask:

(a) what is the current status of negotiated access arrangements for Carnegie Clean Energy to both sites;

(b) were these sites put out to public tender and, if so, when;

(c) does the Minister for Regional Development have a formal role in managing the government interaction with Carnegie Clean Energy and access arrangements to these sites;

(d) if yes to , what role does the Minister have;

(e) what is the current status of the proposed solar farm on the Kemerton strategic industrial area;

(f) what is the current status of the proposed solar farm on the Mungari industrial site; and

(g) will the Government be going to tender for either of these projects, or are they private arrangements?

Hon Stephen Dawson replied:

(a) In Kemerton SIA, Carnegie Clean Energy is currently negotiating an Option to Lease with LandCorp, and does not have any access arrangements at this time. In Mungari SIA, Carnegie Clean Energy is currently investigating a Lease with the Department of Planning, Lands and Heritage and does not have any access arrangements at this time.

(b) No.

(c) No.

(d) Not applicable.

(e) Carnegie Clean Energy's proposal on the Kemerton Strategic Industrial Area is currently subject to Option to Lease negotiations with LandCorp.

(f) Carnegie Clean Energy's proposal on the Mungari Strategic Industrial Area is currently subject to an Indigenous Land Use Agreement being agreed between Carnegie Clean Energy and the native title claimants before the Department of Planning, Lands and Heritage can issue a Crown lease over the site.

(g) The Carnegie Clean Energy proposal for Kemerton SIA and Mungari SIA are independent proposals with no Government tenders currently planned.
