



# Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT  
FIRST SESSION  
2018

LEGISLATIVE ASSEMBLY

Wednesday, 10 October 2018

# Legislative Assembly

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**THE SPEAKER (Mr P.B. Watson)** took the chair at 12 noon, acknowledged country and read prayers.

## PAPERS TABLED

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

## SOLICITOR-GENERAL OF WESTERN AUSTRALIA — JOSHUA THOMSON, SC — APPOINTMENT

*Statement by Attorney General*

**MR J.R. QUIGLEY (Butler — Attorney General)** [12.03 pm]: Today I have the pleasure of advising the house of the appointment of Western Australia's new Solicitor-General, Mr Joshua Thomson, SC, who joins us in the Speaker's gallery today. The Solicitor-General occupies a statutory office as set out in the Western Australian Solicitor-General Act 1969. As the ninth person to occupy this position since 1905, Mr Thomson joins a small and esteemed cohort of people who have served as the principal legal adviser to Attorneys General, the government of Western Australia and its agencies. The Solicitor-General, as part of their remit, may also appear to represent the interests of the state of Western Australia in important legal proceedings, particularly those before the High Court of Australia.

Mr Thomson, born in Sydney and educated at Christ Church Grammar School in Perth, achieved a Bachelor of Laws with first-class honours from the University of Western Australia in 1994 and a Bachelor of Civil Law from Magdalen College at the University of Oxford in 1996. Mr Thomson was admitted to practice in Western Australia in 1995 and practised at the then Crown Solicitor's Office of WA until 2001, including in the position of Assistant Crown Counsel. In 2001, Mr Thomson joined the independent bar and has practised as an independent barrister since then. Mr Thomson was appointed Senior Counsel by the former Chief Justice in 2012. Mr Thomson's practice spanned all superior courts and included constitutional law, administrative law, taxation, state agreements, statutory construction and regulatory and competition law, as well as Indigenous land rights. In Mr Thomson's practice as counsel, he appeared in a number of significant matters across those areas, including maritime law, regulatory and competition disputes, insurance law and torts, and corporations and corporate insolvency. In addition, Mr Thomson has acted pro bono on many occasions for people in the Western Australian community, and we thank him for that.

On behalf of the McGowan Labor government, I wish to congratulate Mr Thomson on his appointment and look forward to working with him in his new role. I wish to assure the Parliament that, with Mr Thomson, SC, as our Solicitor-General, the state of Western Australia will be well represented in all courts, including the High Court, by a Solicitor-General of the very highest legal calibre and personal integrity.

## MINISTER FOR CHILD PROTECTION — NEW ZEALAND VISIT

*Statement by Minister for Child Protection*

**MS S.F. McGURK (Fremantle — Minister for Child Protection)** [12.05 pm]: I rise to update the house on my recent trip to New Zealand. The purpose of my visit was to learn more about evidence-based and evaluated services and programs that are improving outcomes for vulnerable populations. Although it is impossible in the short time I have today to give a detailed account of the trip and my 17 meetings, I want to share a few highlights.

I had the great honour of being welcomed to the Papakura Marae, a traditional meeting place, by Maori elders. The marae provides health and community services to Maori citizens of that region. Programs are shaped around a strong theme of cultural competence and engagement with local elders and families, which provide the core approach to dealing with complex problems. I met with The Southern Initiative in Auckland and heard about its innovative co-design work with vulnerable families. It uses a place-based approach, data analytics and consultation to develop community-led solutions to complex problems. Initiatives included the healthy housing program, the early years project, the shared prosperity project and the up south youth consultation platform, which I was particularly impressed with.

Another highlight was the visit to the Kapiti Youth Support service near Wellington, an impressive one-stop hub that provides evidence-based services to deliver health and wellbeing services for young people. Of particular interest was its unique outcomes assessment tool, which uses data analytics and outcomes measurements across five domains to track the difference the services are making to young people.

I would like to thank Hon Tracey Martin and Hon Peeni Henare, as well as their departments, who provided me with valuable insights into their work and innovative government service delivery. Again, I was struck by the core belief in finding solutions that sit with Maori families and communities, backed up by solid evidence and data and the ability to measure and report on the effectiveness of services.

The McGowan government is committed to public sector reform and better delivery of community services. My trip to New Zealand reaffirmed my belief that we are on the right track to better support vulnerable Western Australians.

**BETTING TAX BILL 2018***Introduction and First Reading*

Bill introduced, on motion by **Mr B.S. Wyatt (Minister for Finance)**, and read a first time.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR B.S. WYATT (Victoria Park — Minister for Finance)** [12.08 pm]: I move —

That the bill be now read a second time.

This bill seeks to introduce a new point-of-consumption betting tax from 1 January 2019 to replace the existing wagering tax arrangements in Western Australia. Introducing a point-of-consumption betting tax will significantly reform Western Australia's taxation regime and improve its integrity by ensuring that all wagers placed by Western Australian punters are taxed consistently. This will level the playing field between the Western Australian TAB, which is currently subject to wagering tax, and online and overseas-owned corporate bookmakers that currently pay no tax in Western Australia. Current taxes are levied on a place-of-supply basis, which means that tax is paid to the state or territory in which the operator is licensed. The arrangements were implemented when betting mainly occurred through physical outlets and have not kept pace with the development of technology and the rapid increase in online betting in Australia. Most online betting operators are based in the Northern Territory, but offer their products to Western Australians. Due to the betting operator's location, the Western Australian community has missed out on revenue that could be used to fund essential services.

The point-of-consumption betting tax was announced as part of the 2017–18 state budget to simplify the taxation system, ensure Western Australians benefit from the tax revenue associated with Western Australian betting activities, and help the Western Australian TAB—which is integral to the funding of the local racing industry—compete on a level footing with online and overseas-owned corporate bookmakers. The betting tax will apply where bets are placed by Western Australian customers located in Western Australia, regardless of where a betting operator is based within Australia. The tax is proposed to apply at a rate of 15 per cent of a betting operator's taxable betting revenue above a tax-free threshold of \$150 000. Taxable betting revenue does not include revenue from lotteries or the casino, which are subject to separate tax regimes, or equivalent bets placed in other jurisdictions.

Western Australia's current wagering taxation arrangements are complicated, with different betting activities taxed very differently. The current taxation arrangements include wagering tax, the racing bets levy, and the bookmakers' betting levy. The point-of-consumption model will simplify betting taxation in Western Australia by rationalising these taxes and applying only one tax, with the exception of the racing bets levy, to all forms of betting activity. The racing bets levy will be retained, as it acts as a product fee paid by betting operators—including online and overseas-owned corporate bookmakers—to the Western Australian racing industry for the right to offer bets on Western Australian races. The government and the industry are keen to retain this important source of revenue for local racing.

In developing the point-of-consumption betting tax regime, the government consulted with the local racing industry and betting operators. This consultation helped shape the form of the model introduced into the Parliament today. The government also consulted with other jurisdictions to ensure that outcomes under Western Australia's point-of-consumption betting tax model are broadly consistent with the regimes in other jurisdictions. This will minimise compliance costs for businesses. In addition, the state and territory Treasurers have agreed to work together on the ongoing operation of the respective point-of-consumption betting tax regimes to ensure as much consistency as possible across the jurisdictions.

When this measure was announced in the 2017–18 state budget, the government gave an undertaking to ensure the racing industry would be adequately funded following the introduction of the tax. The government has been carefully consulting with the industry right throughout this process to ensure it receives a sufficient level of funding. On the basis of that consultation I will be moving an amendment to provide the racing industry with 30 per cent of revenues raised from the point-of-consumption tax. This approach will increase overall industry funding and ensure that funding grows in line with future growth in wagering in Western Australia, including from online betting.

Racing and Wagering Western Australia, the Western Australian TAB operator, is required to pay 25 per cent of its after-tax sports betting revenue into the sports wagering account. Funds from this account are used to provide grants to community-based sport and recreation organisations. It would be difficult for the Western Australian TAB to offer competitive sports betting odds if it were required to contribute to the sports wagering account and pay the point-of-consumption betting tax. It would also essentially mean the TAB must pay two separate taxes, which is inconsistent with the aim of the bill to replace multiple betting taxes with a single point-of-consumption betting tax. For these reasons, the Western Australian TAB will no longer be required to contribute a proportion

of its sports betting revenues to the sports wagering account. Instead, the government has allocated more than \$10 million over the period 2018–19 to 2021–22 that it will pay directly into the sports wagering account. Consistent with the arrangements for the racing industry funding, this will continue beyond 2021–22. In coming to this position, the government consulted closely with RWWA and the WA Sports Federation.

The point-of-consumption betting tax is estimated to raise net revenue of approximately \$94 million more than existing wagering taxes over the period from 2018–19 to 2021–22, after the racing industry and sports funding contributions are taken into account. A significant portion of this additional revenue will be contributed by online and overseas-owned corporate bookmakers. The racing industry will be adequately funded, and in addition will benefit from a simpler tax system and by being able to finally compete on a level footing with online and overseas-owned corporate bookmakers.

Other amendments necessary for the implementation of the point-of-consumption betting tax are contained in the Betting Tax Assessment Bill 2018. The associated explanatory memorandum contains further details of the bill and consequential amendments. I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.

### **BETTING TAX ASSESSMENT BILL 2018**

#### *Introduction and First Reading*

Bill introduced, on motion by **Mr B.S. Wyatt (Minister for Finance)**, and read a first time.

Explanatory memorandum presented by the minister.

#### *Second Reading*

**MR B.S. WYATT (Victoria Park — Minister for Finance)** [12.16 pm]: I move —

That the bill be now read a second time.

This bill complements the Betting Tax Bill 2018, which introduces a new point-of-consumption betting tax from 1 January 2019. Under the Constitution Acts Amendment Act 1899, bills imposing taxation must deal only with the imposition of the tax. This means administrative matters relating to the introduction of the betting tax must be contained in a different bill from the one that imposes the tax. This bill provides the supporting administrative provisions for the assessment and payment of the betting tax, which will operate under a self-assessment model similar to the payroll tax regime. It also contains consequential amendments to the acts relating to current wagering tax arrangements. The associated explanatory memorandum contains further details of the bill. I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.

### **CONSUMER PROTECTION LEGISLATION AMENDMENT BILL 2018**

#### *Introduction and First Reading*

Bill introduced, on motion by **Mr W.J. Johnston (Minister for Commerce and Industrial Relations)**, and read a first time.

Explanatory memorandum presented by the minister.

#### *Second Reading*

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [12.18 pm]: I move —

That the bill be now read a second time.

The Consumer Protection Legislation Amendment Bill 2018 amends 10 acts that sit within the portfolio of the Department of Mines, Industry Regulation and Safety, specifically within the consumer protection and building and energy divisions. The bill will make important amendments to the Residential Tenancies Act 1987, ensuring that tenants can affix furniture to protect children from the risk of toppling furniture and clarifying issues that have arisen regarding rights and obligations with respect to conduct of hearings in the Magistrates Court, liability for payment of utility charges and damage to common property. The bill also makes amendments that will improve the administration of a range of occupational licensing schemes, reducing unnecessary red tape, facilitating the use of online systems for submitting applications and information, and clarifying the entitlement of consumers to access several industry-specific insurance and compensation schemes. Lastly, the bill amends outdated penalties in a range of acts to ensure that they remain in line with community expectations and continue to provide an effective deterrent. I will now provide some details about the key reforms included in this bill.

The amendments to the Residential Tenancies Act 1987 implement the recommendation of the State Coroner in the November 2017 report into the death of two-year-old Reef Kite. The toddler was tragically killed in 2015 in

his home by a falling chest of drawers. Evidence was given at the inquest that the drawers had not been secured at the rental premises because of lack of permission from the landlord. The coroner recommended that the state government give consideration to amending the Residential Tenancies Act to ensure that a residential tenancy agreement cannot preclude a tenant from affixing furniture for the purposes of child safety. This bill provides an opportunity for the government to act to implement that recommendation in a timely fashion.

The bill also restores discretion of the court to appoint any person to assist a party in proceedings relating to tenancy disputes. In an attempt to provide greater consistency in decisions about representation, amendments were made to the act in 2011 to provide that a party to a tenancy dispute could authorise a property manager or an advocate employed by a not-for-profit association as an agent. This has, however, led to some concern that the court may not have the power to appoint another individual when the circumstances require. The amendments restore that broad discretion.

The Charitable Collections Act 1946 will be amended to provide the Commissioner for Consumer Protection with a range of investigative powers consistent with powers that already apply under the Fair Trading Act 2010 to other licensing legislation administered by Consumer Protection. Consumer Protection has been making increased use of online transactions in the performance of its occupational licensing functions. This bill will facilitate online lodgement of information by replacing the requirement for applications to be supported by statutory declarations in some acts with a legislative prohibition on the submission of false or misleading information. The bill contains amendments to provide greater flexibility with regard to the surrender of licences and certificates by real estate and settlement agents and real estate sales representatives. It also adjusts penalties in respect of occupational licensing regulations following a systemic review of penalties undertaken by Consumer Protection in 2016–17.

Finally, the bill addresses concerns with regard to access to industry compensation and insurance schemes by clarifying the circumstances in which consumers can access these schemes. Amendments to the home indemnity insurance scheme are proposed to permit a claim when the State Administrative Tribunal cancels, or fails to renew, the licence of a builder on the grounds of insufficient financial resources. This will remove the requirement for the builder to initiate formal proceedings for insolvency before a claim can be made in those circumstances. Provisions dealing with access to compensation under the fidelity funds in the event of a defalcation by a real estate or settlement agent will also be amended to permit a claim on the relevant fidelity fund when a consumer suffers financial loss as a result of a defalcation by a real estate or settlement agent in the period immediately following cancellation or suspension of the agent's licence.

I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.

## **INDUSTRIAL RELATIONS AMENDMENT BILL 2018**

### *Introduction and First Reading*

Bill introduced, on motion by **Mr W.J. Johnston (Minister for Commerce and Industrial Relations)**, and read a first time.

Explanatory memorandum presented by the minister.

### *Second Reading*

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [12.24 pm]:  
I move —

That the bill be now read a second time.

The Industrial Relations Amendment Bill 2018 will primarily amend the Industrial Relations Act 1979. The objective of the bill is to abolish the position of the president of the Western Australian Industrial Relations Commission. The president's position has been filled on an acting basis since 2005, when the Industrial Relations Act was amended to allow for the appointment of an acting president. The bill will abolish the position effective 26 December 2018, concurrent with the expiry of the current appointment of the acting president, who commenced her appointment as a judge of the Supreme Court on 27 June 2018 after acting as a Supreme Court judge since August last year.

The primary function of the president is to preside over the full bench of the commission. The full bench hears appeals from decisions of single commissioners of the commission and the Industrial Magistrates Court. The full bench also deals with questions of law. To enable the full bench to continue to deal with these matters, the bill provides for the most senior commissioner of the full bench—either the chief commissioner or senior commissioner—to perform the president's role as “presiding commissioner” of the full bench. The bill will allow many of the president's existing functions to be undertaken by the chief commissioner. The functions of the full bench will remain with the full bench, in the case of appellate functions, or transfer to the commission in court session in other cases.

The full bench and president currently play a role in regulating the registration, operation and membership of employer organisations and unions. The bill provides for this important role to continue once the president's position is abolished. Those functions currently performed by the president will be performed by the chief commissioner, while those performed by the full bench, including questions of the interpretation of rules of organisations, will be taken up by the commission in court session.

Successive independent reviews of the state industrial relations system have recommended that the president's position be abolished, and successive Labor and coalition governments have initiated attempts to abolish the position. Since the commonwealth used the corporations power for its WorkChoices industrial relations laws in 2006, the workload of the commission has reduced significantly. In the financial year before WorkChoices—2004–05—the full bench dealt with 51 appeals and 11 other matters. In the 2016–17 financial year, the full bench dealt with 15 appeals and three other matters. The full-time president's position, with the entitlements of a Supreme Court judge, cannot continue to be sustained in light of the reduced workload.

Over a decade ago, the former Labor government introduced the Industrial Relations Amendment Bill 2008 to abolish the president's position. That bill lapsed when Parliament was prorogued for the 2008 state election and was not re-introduced by the Barnett government. However, the Barnett government recognised the merit of abolishing the president's position when it tabled the Labour Relations Legislation Amendment and Repeal Bill 2012 as a draft bill for public comment on 14 November 2012. The draft bill included amendments to abolish the president's position but the bill was never introduced into Parliament. Abolishing the president's position has previously received bipartisan support. In abolishing the president's position, the Industrial Relations Amendment Bill 2018 restructures the commission to allow for a more efficient use of resources.

Aside from abolishing the president's position, the bill makes some other minor amendments to the Industrial Relations Act, such as correcting a number of referencing errors and updating outdated references—for example, changing references from “Fair Work Australia” to “the Fair Work Commission”, which changed its name in 2012.

Some minor issues with the operation of the Industrial Relations Act have also been identified by the commission. For example, the Industrial Relations Act does not presently allow for the chief commissioner to be appointed as a public service arbitrator. Given the extent of the public sector jurisdiction relative to the commission's work overall, simple amendments in the bill have been included to enable the chief commissioner to be appointed as a public service arbitrator.

I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.

## COURTS LEGISLATION AMENDMENT BILL 2017

### *Second Reading*

Resumed from 13 September.

**MR P.A. KATSAMBANIS (Hillarys)** [12.30 pm]: I rise after a very long wait to speak on this legislation, which was first introduced in the upper house in September 2017—hence, the title of the bill being the Courts Legislation Amendment Bill 2017. Despite its introduction in the other place in September last year, it was not debated in the Legislative Council until August this year and now it has come here. Hopefully, it will have a much speedier passage here than it had in the Council. It should be pointed out that no procedural issues delayed the passage of the bill. It was not sent off to go through some longwinded committee process or anything like that. It was simply the selection of legislative priorities of the government and the Leader of the Government in the Legislative Council that resulted in the bill being delayed. I will mention a few of the consequences of the delay in a moment. Overall, the Liberal Party supports the passage of this bill. We will not be blocking its passage.

A couple of worthwhile and worthy amendments were made during debate in the other place in August. One of the amended clauses will be further amended by the Attorney General. I believe that he has given notice that he will do so and I will discuss that at the time. Again, the Liberal Party does not have any specific issue or concern about the operation of the clause in the bill if it is amended as proposed by the Attorney General. We think it is a more economical and clearer way of achieving the same outcomes of clause 8 as amended in the other place.

The bill touches on three aspects of our courts legislation. Part 2 clarifies a very minor but ongoing and important issue around whether Western Australia can prescribe regulations to impose the fees that are paid when a judgement from another jurisdiction is registered in Western Australia under the commonwealth Service and Execution of Process Act 1992. There is generally no dispute around the prescribing of fees under that act and the registration process in Western Australia—it has been a very important process on many occasions—except for the fees relating to section 105(1). This bill will make it clear that Western Australia has the power to prescribe fees by regulations under that section, and that is a good thing. The fact is that we have been imposing fees for this since time immemorial, or at least since 1992. Clause 5 inserts section 122 to validate the fees that were charged in the past and are continuing to be charged on a pretty regular basis. I do not have the figures. The Attorney General might have the figures, but it is certainly not uncommon to have judgements from other states

registered in Western Australia. It happens extremely regularly. The fees are not extraordinary. Nevertheless, it is believed that there was no power in the past to levy those fees under section 105(1) of the Service and Execution of Process Act 1992, the commonwealth act.

Proposed section 122 has retrospective effect. I have mentioned before in this place and in other places that I always make sure that I double-check anything that has retrospective effect. In this case, I have not heard of any stakeholder who was aggrieved by the fact that they paid a fee that they ought to pay because they utilised the Western Australian court process to execute their judgement in Western Australia. No-one has come to me and said that they were unfairly charged so they want that money back. I note that in that particular instance it has retrospective application. Really, it retrospectively covers off on a matter that everyone simply assumed was a matter over which the state had power to prescribe fees. Despite my reluctance to support retrospective legislation, in this case, I do not think any significant harm is being done. In many ways, it simply reaffirms a status quo that legal practitioners already thought existed for many years. The opposition supports that.

I will skip part 3 and go to part 4, which amends the Supreme Court Act. It deletes section 31 of the Supreme Court Act, which makes a distinction in the charging of interest in proceedings. The distinction is between interest for the loan of money or other contracts on one side and interest in other proceedings for debts and damages. The provision is outdated and unnecessary. The interest rate is the same, so there is no need to make any artificial distinction. It is better for litigants and participants in the court process. It is quite clear there is one prescribed interest rate that applies to all actions and all matters. Again, it is simple and noncontroversial. I think it is a good thing and tidies up our legislation.

I want to concentrate on part 3 for a few minutes. That amends the Magistrates Court Act. Effectively, it increases the retirement age of magistrates in the Magistrates Court Act 2004 from the current age of 65 years to 70 years. Again, I think that is a very good thing. I will mention this in a minute. Perhaps we are not being ambitious enough when we increase the age to 70. I am sure that the Attorney General will agree when I talk about it. The fact is that it brings magistrates into line with District Court and Supreme Court judges, whose retirement age is already 70, which is an accepted figure around most jurisdictions in Australia. I think that one other jurisdiction—it might be South Australia—has a retirement age for magistrates of 65 years. However, between the original second reading speech and now, South Australia may have changed it as well. It reflects changes that have taken place in the way our community views work and retirement age, and working beyond some sort of prescribed retirement age. First of all, the federal pension retirement age has been incrementally lifted to 67 for both men and women. To keep magistrates' retirement age at 65 years would not even get them to the prescribed federal age pension retirement age. It shows that we have fallen behind in that. We have dozens and dozens of examples—hundreds of examples—of legal practitioners, members of Parliament —

**Mr J.E. McGrath:** Presidents—Donald Trump.

**Mr P.A. KATSAMBANIS:** — and the President of the United States of America, who are more than 70 years old. In the context of presidents, in the last 50 years, around the world—in Europe, in America—70 is not very old. It recognises that people are not to be placed on the scrap heap at 65; they have great value. Let us be frank: there are plenty of examples in our judicial system across Australia of retired judges going on to have successful return careers, if you like, whereby they return to the bar for a second time and actively practise law. Sir Laurence Street is often held up as a classic example of someone who practised into his 80s. Tom Hughes, QC, is a former federal Attorney-General and there are others. In this state, former Governor Malcolm McCusker, QC, is still practising law. With all these learned gentlemen—learned people, because there are women as well—out there practising, there is no issue with their capacity.

**Mr W.R. Marmion:** I am hoping that 70 might be the new 60!

**Mr P.A. KATSAMBANIS:** I would say that 70 is the new 50, member for Nedlands! That is why I said we are perhaps not being ambitious enough. I do not want to see the situation in the Supreme Court of the United States, going back to what the member for South Perth said, where there are judges in their 90s. Occasionally, there is footage of them nodding off. Perhaps it is at times when they are not required to pay full attention; I do not want to impugn the qualities or abilities of any judge. A retirement age probably needs to be set and it is always going to be arbitrary, but I hope that in the future, the age restriction is shifted even further along the continuum.

The Attorney General would probably agree with me that people in their 70s and even in their 80s still have a valuable contribution to make, if they so wish. Of course, the retirement age is a maximum. It does not stop any magistrate or judge, or any other person, from choosing to retire earlier or choosing to leave the bench and do something else, such as going back to private practice, sitting on boards, or whatever they wish. No-one is forcing them to stay there but they are now able to until the age of 70. We support that. We will discuss clause 8 in the consideration stage, because the Attorney General has flagged amendments. The clause was heavily amended in the other place, allowing for acting magistrates to be appointed in circumstances where there is a determined need to have people act for a period. The Attorney General will make those amendments and he says it will make the legislation work better. The need for acting magistrates has been recognised in our jurisdiction for quite a while.

I personally think that it is partly clunky that they get 12 months and then they get another 12 months. However, they are utilised in other jurisdictions, particularly in Britain where they appoint part-time judicial officers. They seem to have had a good experience. I do not pass judgement whether it is a good or bad thing, but having the capacity and flexibility for the Chief Magistrate to recommend to the Attorney General who recommends to the Governor that someone's appointment is extended for an acting period is a good thing. It has been pointed out that calling these people "acting magistrates" might be a bit of a demeaning title, especially if they have been magistrates and they have retired but then come back to be acting magistrates, so if we could come up with a better title in the future, that would be great. The Liberal Party supports the provisions of clause 8 and does not have any objection, really, to the changes proposed by the Attorney General. We would just like some clarification why the changes are needed and how they came about.

The problem with part 3 of the bill, as we see it—my colleague the member for Nedlands will say a few words about this—is not procedural or legislative. It is simply the problem caused by the effluxion of time in getting the bill to this place. Between August last year and today, some magistrates have turned 65 years old and others may be turning 65 years old in the foreseeable future. When they made amendments in the other place, one of them was to the commencement clause—clause 2—in which initially sections 1 and 2 would come into effect on the day on which the act received royal assent, then the rest of the act would come in by proclamation. That has now been amended so that the rest of the act can come into force on the day after the date of royal assent. That is a recognition that there are real, live human beings out there who are concerned about their future, who want to continue in the role as magistrates and who are doing a good job and making a valuable contribution in what is our busiest court jurisdiction. They do not want the uncertainty and no-one wants them to have the uncertainty of whether they can continue because a technical piece of legislation has not passed Parliament. That was part recognition for amending the commencement clause. It will come into effect straightaway, really, as soon as we finish gasbagging in here and it gets to the Governor and he signs it off. That is a good thing because it will alleviate some but not all of the uncertainty. It will not alleviate the uncertainty for people who have already turned 65 years old, which is a real pity.

What has caused the delays? Many people will want to argue that, as I pointed out quite clearly, the bill was introduced in the other place in September last year and the major amendments to clause 8 of the bill, which were moved by Hon Alison Xamon of the Greens relating to the bill as it currently stands, were foreshadowed. I think they were put on the notice paper and notice was given to the Attorney General and his representative in the other place well before Christmas last year. I think the initial feedback was that the government wanted to get the bill through very, very quickly so it did not have time to assess them. That was well and good during 2017 but, from the time the clock ticked over to 2018 and all the way to August 2018 when this bill was finally brought on for debate, I would have thought that there might have been a process to alleviate the need to have this clause passed, then come back here and amend it, so then we have to send the bill back again to the Legislative Council for a second time for them to have a go at it for a second time. It just adds to the delays. It is unfortunate and I hope that the processes between the government representatives in this place—in this case, the Attorney General—and the representative ministers and the Leader of the Government in the other place, are being ironed out. Hon Alison Xamon, as is her right, made some amendments that she believed made the legislation better. The government is effectively—maybe reluctantly—embracing that her idea was a good idea, except it will be amended to make it work a bit better. We should have been able to get this through both houses last year. We should have been able to ameliorate the concerns of people who are reaching retirement age. Remember that those people are not just public servants but they are also doing a wonderful service to the public because, anyone who has spent any time in a Magistrates Court knows how tough it is for magistrates, how big their workload is and how difficult the subject matter is that they deal with, and that their throughput is amazing. The amount of cases they deal with on a daily and weekly basis is just phenomenal, so we should always place the wellbeing and concerns of those people utmost in our consideration.

I know the Attorney General likes rhetorical flourish. He is a bit of a combative political animal and I know he has made some comments that the bill was being delayed by the Liberal Party in the other place and things like that, which I think are unfair. They are definitely unfair and do not assist in taking a collegiate and bipartisan attitude to this legislation in helping it get through. Again, I hope there are lessons to be learnt from that. There is no use in pointing fingers and blaming. I think this has got bogged down in parliamentary procedure. It is not even really procedure; it has just been stuck on a shelf in Parliament. It is not as though we have run the bill through committees, debated it and moved hundreds of amendments; it has just been stuck on a shelf. I think that the members of the public, rightly, do not criticise the Attorney General or the shadow Attorney General. They do not even criticise the Premier when something is stuck in Parliament; they criticise parliamentarians. They say, "All of you", and I think they have every right to say that. Although this bill makes minor, minor changes, that change in age affects people out there doing a good job on behalf of the community. As I said, the member for Nedlands wants to have a few words about that and the impacts it has on people he knows—constituents. We should be conscious of that impact when we consider this bill, because, as I said, at the heart of it is that retirement age. Yes, we need something, but that retirement age can have the potential to send an extremely negative message to a person. We should especially consider those impacts in this Mental Health Week. The negative message is that the system

considers people have passed their use-by date. As I said earlier, and I am sure I have bipartisan support when I say this and can speak forever in this chamber, I do not think there is use-by date on their capacity and their ability, and certainly 65 is not the right age for that, which is why we are changing it. With those words I look forward to having a brief discussion about clause 8 in consideration in detail, but I indicate the Liberal opposition's support for this bill. I wish it speedy passage through this place and, if we do amend it, speedy passage through the other place and a speedy return.

**MR S.A. MILLMAN (Mount Lawley)** [12.53 pm]: I also propose to make a few brief comments in contribution to this debate on the Courts Legislation Amendment Bill 2017. I apologise to the member for Nedlands, who was about to get to his feet. I agree with the sentiments of the member for Hillarys that the age of 65 does not constitute a use-by date. I look forward to many more years of contributions from the member for Nedlands in this place, demonstrating to all and sundry that he is here for the long haul.

**Mr J.E. McGrath:** Hear, hear!

**Mr S.A. MILLMAN:** I hear the member for South Perth's interjection and long may he be in this place to representing his constituents.

**Mr P.A. Katsambanis:** And the Attorney General!

**Mr S.A. MILLMAN:** It goes without saying. I have one issue to take up with the member for Hillarys in respect of the time limits of the passage of this bill. I agree that we should act in a bipartisan manner, given that the opposition has indicated its support. As I have said previously, this Attorney General has been assiduous in bringing forward an incredible legislative program into this Parliament, and he has had numerous bills pass this Parliament, which is testament to his hard work and work ethic. I think this is just further evidence of that.

I am going to speak about three things. This bill amends two, what I would call, mechanical provisions, which will improve the efficacy of our justice system. They relate to the Service and Execution of Process Act, which is a commonwealth act, and the deletion of section 31 of the Supreme Court Act. The third thing I will speak to is the lifting of the retirement age for magistrates.

It behoves me on a day like today when we congratulate the new Solicitor-General on his appointment, to congratulate the Attorney General on making the appointment. I think the new Solicitor-General is an excellent appointment to the office and I want to add my personal congratulations for his appointment. Joshua Thomson, SC, and I met when we were at the University of Western Australia. I was a student and he would come for tutoring or to visit. More recently, we met when we shared a matter in the High Court of Australia. It was actually the High Court of Australia sitting as the Court of Disputed Returns, and the case was heard before His Honour Justice Kenneth Hayne. As everyone in this place would know, Justice Hayne is currently conducting the financial services royal commission, the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. Back in 2013 and 2014, we were both instructed to act on behalf of parties that appeared in the case of the Australian Electoral Commission against Johnson. For those in the chamber who are interested in following this issue up, the medium neutral citation is [2014] HCA 5. Members may remember that this is the famous case in which the Australian Electoral Commission lost 1 300 ballots, which necessitated a by-election for the Western Australia Senate spots. During the time that Mr Thomson, SC, and I were involved in this case, I thought he acquitted himself with great skill and ability. It is real testament to the way in which he has conducted his practice as a barrister and a silk that he has finally reached the elevated and important position of Solicitor-General of Western Australia. I add my congratulations to Joshua Thomson to those already expressed by the Attorney General.

Getting to the bill before us, as I said, there are three things I want to address in the brief contribution I propose to make. They are the amendments relating to the Service and Execution of Process Act, the deletion of section 31 of the Supreme Court Act and the lifting of the retirement age for judges in the Magistrates Court. Members may or may not be aware that there is a piece of commonwealth legislation designed to aid the efficacy of curial and legal systems around the Commonwealth of Australia, and that is the Service and Execution of Process Act. That act provides for the service and execution throughout the commonwealth of processes of courts and tribunals. As a Federation, the power to make laws with respect to peace, order and good government is retained by each of the states of Australia, and that means that for recognition of different court processes, be they originating processes or judgements, the commonwealth needs to pass by the Service and Execution of Process Act. As the member for Hillarys has outlined, part of the problem is that in the current process section 105(1) of the Service and Execution of Process Act provides that upon lodgement of a sealed copy of a judgement in a state other than the place of rendition, the judgement must be registered. If someone seeks to enforce a judgement in Western Australia and that judgement was delivered in New South Wales, they need to register that judgement with the appropriate court in Western Australia. That will give force and effect to the judgement from the court New South Wales. The Civil Judgements Enforcement Regulations prescribe a fee for registering judgements from other jurisdictions, in accordance with section 105(1) of the commonwealth legislation. The problem is that it is not entirely clear in the existing legislation that the power for the fee is provided for, and so this Court Legislation Amendment Bill, through clauses 3, 4 and 5, addresses that anomaly. I take members to the current sections in the Civil Judgments Enforcement Act.

Section 119, “Regulations”, provides —

- (1) The Governor may make regulations prescribing any matter that is required or permitted by this Act to be prescribed or that is necessary or convenient for giving effect to the purposes of this Act.

Section 120 provides the fees and regulations that may be prescribed. That sets out the head of power that can be used. The Courts Legislation Amendment Bill amends section 120 by inserting after subsection (2) a new subsection (3), which provides —

Without limiting section 119(1), regulations may provide for or prescribe the fees to be paid for the registration of a judgment under the Service and Execution of Process Act 1992 ...

Clearly, this clause now gives the head of power to the government to make the necessary regulation. For the absolute avoidance of any doubt, proposed section 122, to be inserted at the end of part 8 of the Civil Judgments Enforcement Act—part 8 being the part that deals with miscellaneous provisions—provides for the retrospective validation that the member for Hillarys was addressing; that is, any fee for the registration in this state of a judgement that has been imposed before this legislation comes into effect will be taken to have always been validly imposed. That clears up an anomaly and will aid the efficacy of the judicial system in Western Australia.

The second way in which this legislation contributes to the efficacy of the judicial system in Western Australia is through the deletion of section 31 of the Supreme Court Act. As the member for Hillarys has said, section 31 provides for the calculation of interest on loans and debts in relation to contracts. I will just give members a bit of background on the operation of the section. Section 31 generally relates to freedom of contract regarding the rate of interest. If parties to a dispute in respect of a contract had set the rate of interest in the contract, section 31 allowed the court to take that rate of interest into account. If no rate had been set, the rate would be as set down in the relevant provision—section 31. It does that through section 31(2), which currently provides a cap of six per cent on interest that can be awarded by any state court when the interest that is being sought arises out of a loan of money or another contract. The trouble is that other provisions in the rules that govern the Supreme Court already give rise to the power for the Supreme Court to take into account the awarding of interest and to set the rate at which the interest should be assessed.

Let me just talk about how those provisions will operate and what the effect of the removal of section 31(2) will be. The practical effect of the removal of section 31(2) from the Supreme Court Act will be that the award of interest by any state court in cases previously covered by section 31(2) will now be dealt with under the usual interest award provisions of the relevant court for prejudgement interest. If a litigant in proceedings is successful in securing an award of damages, unfortunately, notwithstanding the best efforts of the McGowan Labor government and in particular the Attorney General, court processes move slowly. The wheels of justice turn slowly and all the rest of it. They bend towards justice. They turn slowly. That means that that person could be waiting years—two, three or four years—before they get their decision and damages. In the meantime, the value of money has gone up as a result of inflation and interest. If a plaintiff in proceedings does not have access to that interest, they will be unfairly penalised through no fault of their own. In torts law, for example, the object is to restore a plaintiff to the position in which he or she would have been had it not been for the tortious act of the defendant. It would be unfair if no head of power was retained by our courts and judges to make an award of interest. The issue is that it is important for Parliament, through legislation, to guide courts in how they exercise what that amount should be. Courts should obviously retain the discretion to take into account the interests of justice and could, for example, consider the conduct of the parties and the appropriate compensation in the circumstances of the case. Taking all of that into account—fair compensation to a plaintiff and the necessity for discretion in providing a guide to the courts—we no longer need the specific provision in section 31(2) of the Supreme Court Act. So, the provision should be repealed. The effect of the repeal of section 31(2) will be that prejudgement interest will be determined in accordance with the applicable legislation for that jurisdiction. For example, if interest under a contract has not been agreed—there is a contract between two parties and there is a dispute in respect of that contract, and that contract does not provide what the interest rate would be—section 32 of the Supreme Court Act would apply. In addition, order 36.20 of the Rules of the Supreme Court says —

... the Court may use, as a guide, the rate of interest prescribed from time to time for the purposes of section 8 of the *Civil Judgments Enforcement Act 2004*.

Section 8 of that act sets the rate at six per cent, so it is the same rate. Two provisions are operating in exactly the same way, which makes one of them otiose; section 31(2) of the Supreme Court Act is redundant. The other reason it is particularly redundant is that it is confined to only a particular class of cases—those relating to contracts, loans and debts. Finally on this point, the Magistrates Court (Civil Proceedings) Act 2004, which governs proceedings in the Magistrates Court, already has similar provisions in respect to prejudgement interest as those contained in the Supreme Court rules. Section 12 of the Magistrates Court (Civil Proceedings) Act says that the court can give the award of damages or compensation, including the interest. I hopefully have not been too particular or pedantic. I hoped to illustrate by that analysis that this is another way in which we are removing unnecessary provisions—we are tidying up our legislative rule book to remove any unnecessary provisions that it contains. This is a sensible

and worthwhile amendment. They are the two mechanical provisions, both of which aid the efficacy and utility of the justice system and promote better access to justice and better fairness in the justice system. They also make it clearer and easier for litigants, practitioners and judges.

The final thing I wanted to say in the short time that remains to me is about the importance of lifting the retirement age. In my view, it achieves a number of worthwhile objectives. Firstly, it recognises the contribution that magistrates make to Western Australia. Secondly, it removes an unnecessary discrimination against magistrates. Thirdly, it sends a message to the broader community about how we in this place feel about these matters. There is no obligation on magistrates, District Court judges or Supreme Court judges to serve until they are 70 years of age, but we in this place recognise that someone aged 65, 66 or 67 still has a worthwhile and meaningful contribution to make to the disposition of legal cases in WA. We start the conversation at 70. Community attitudes change over time. Our obligation is to be reflective of those changes to make sure we stay up to date and are in lock step with the community, reflecting its values and beliefs. As those community attitudes change over time, we should take the necessary steps to remain up to date. As the member for Hillarys alluded, there may very well be an argument for removing retirement ages altogether. There is the example of the United States Supreme Court. Her Honour Justice Ruth Bader Ginsburg, as you well know, Madam Acting Speaker (Ms J.M. Freeman), continues to deliver outstanding judgements and is a beacon for justice in the United States. Long may it continue. But in the meantime, we send a profound message to the community and to the profession that we value the work that these magistrates are doing. What a great resource the people of Western Australia now have access to.

Former colleagues have been appointed as magistrates, not by this government but by the previous government, and they have done an outstanding job as magistrates and have made a fantastic contribution to public service. These people will now have the opportunity to continue providing that public service until they reach a reasonable retirement age of 70. As I said, there is no obligation on them to stay there until they turn 70, but at least that option is available to them and that resource is available to us, the state of Western Australia, through the decisions that they will deliver. That is my first point.

My second point is that it brings the Magistrates Court into line with the prevailing status in the Supreme Court and District Court, where judges are allowed to continue until they reach the retirement age of 70. That is an equitable move and reflects that once people are appointed to the Magistrates Court, they have reposed in them the trust and confidence of the government and the people of Western Australia to discharge their functions and they are regarded as the best people in that court for discharging that function. If we put them in this position, we need to respect that. The arbitrary 65-year-old retirement age, for as long as it was distinguished from the District Court and Supreme Court, was unfair on magistrates, I would say. Regarding that constellation of factors, although this might seem like relatively idiosyncratic legislation, when we look at the overall context in which this legislation is brought in and when we look at the fact that we have an activist Attorney General who has brought before this Parliament a whole suite of legislative reforms, we see that this is just the latest addition to that pantheon of work and, once again, provides emphasis of his and the McGowan Labor government's commitment to improving the efficacy, viability and utility of Western Australia's justice system. That is why I am happy to stand and speak in support of this legislation.

**MR W.R. MARMION (Nedlands)** [1.11 pm]: Before I rise to speak in favour of this important legislation, the Courts Legislation Amendment Bill 2017, I want to pass on my congratulations to the new Solicitor-General, Joshua Thomson. I do not know him, but if he is as good as his namesake, Jim Thomson, he will be an outstanding Solicitor-General, because Jim Thomson was an outstanding constitutional lawyer. He certainly knew a lot about the Australian Constitution and its implementations and could handle it with anyone from other states. He was a great adviser to many governments in Western Australia. Congratulations, Joshua.

I probably would not have been rising to talk on this bill if it was not for a constituent of mine who came and saw me. He saw me because he was advised by the magistrate Andrew Maughan. Whether or not it is true, a letter that he sent states —

“Legislation to increase the retirement age of Magistrates to 70 has passed the Legislative Assembly. The AG was unable to provide a date when he anticipates passage through the Legislative Council—suggesting the Liberals are being obstructive”.

That message got to a constituent of mine who is a magistrate. The constituent of mine was due to reach the age of 65, I think, last month. He was concerned that the Liberals were holding up the legislation. He came and saw me and I went on the website and found that it was in the Council. That started a chain of events —

**Mr J.R. Quigley:** Unfortunate.

**Mr W.R. MARMION:** Yes, an unfortunate chain of events that culminated with Andrew Maughan writing to the honourable Attorney General and explaining the situation.

I am a strong supporter of this legislation. I agree with the comments of the members for Hillarys and Mount Lawley that the retirement age of 65 needs to go up to whatever all the other judges and everyone in the

legal profession can get to. It is an anomaly. Some people have commented on whether 70 is the right age. I guess that is not for debate. The important thing is that it goes to 70, but it may be that in five or six to 10 years, we will lift the retirement age from 70 to 75 years. Who knows? Quite a lot of retired magistrates end up running royal commissions. I have been watching Justice Hayne and I am astounded. He looks very much in control and looks like he is doing an outstanding job. It is great he is there. Someone mentioned Malcolm McCusker and I know that he is still going well; it is his eightieth birthday this year. He is 80 and is really performing well. Some day in the future we might be looking at the age of 70 again. I am pleased that this legislation will go through, because on the list of acting magistrates that someone showed me, I noticed a few ex-university colleagues of mine who were in my tennis club in the 1970s. I noticed a couple of names I knew on this list of acting magistrates. I would be keen for the Attorney General, when he gets up in response, to explain whether these acting magistrates will be a different class. When this bill goes through, anyone who reaches the age of 65 will be able to carry on until they are 70 years old. What are the implications for those people who are caught in this band of being an acting magistrate? I understand that there are remuneration implications for their superannuation and a whole range of things. I am not across exactly what they are, apart from the fact that they will be considered a different class of magistrate. They will be an acting magistrate, and some of their juniors who come in after this bill goes through will retain the classification of magistrate. There is sometimes a bit of a status thing, but also in this particular case—the Attorney General can clarify this—will they be financially disadvantaged as well in terms of benefits such as cars? I do not know what they are, but I do know that magistrates and justices and those people in the legal fraternity who go into that area have very good superannuation schemes, just as politicians used to have. Even in this Parliament we have different classes of politicians. I would hate the legal fraternity to be in the situation that we are in at the moment in which some politicians are on one superannuation scheme—although those numbers are dwindling as time goes on. But we have that situation. I would be interested to know whether the Attorney General has a plan if there is a discrepancy for these acting magistrates, some of whom are my constituents. I dare say that when I see them in the coffee shop, they will raise it with me.

**Mr J.R. Quigley:** I have a plan, but your shadow Attorney General does not like my plan. I will address it in my reply. I will look after the magistrates, but your shadow is very upset.

**Mr W.R. MARMION:** Okay; that is good. I will be interested in that. The Attorney General knows who they are. They will raise it with me in the coffee shops when I run into them, unless they ring me seeking a special appointment because they are very upset. The Liberal Party strongly supports this bill and we look forward to its rapid progress to the Governor.

**MR V.A. CATANIA (North West Central)** [1.18 pm]: I rise on behalf of the Nationals WA to also support the Courts Legislation Amendment Bill 2017, which probably should have been put in place a long time ago. I would like to commend the Attorney General and the government for finally putting in place something that is practical and logical and puts us in step with the rest of the country. We can debate whether the retirement age should be 70 years or more. The logical thing about this legislation is that if we are saying that magistrates have to retire at 65 years, in this day and age, why would we not say that politicians should retire at 65 years? We would see a few people in this house disappear. But it is not right and it is not commonsense to have an age requirement of 65 years for magistrates to retire.

It can be argued whether it should be 72 years or more, but to put it up to 70 years would be a good outcome. I have a few questions about this bill. When magistrates turn 70, they will be able to be put into an acting position for 12 months. Currently, magistrates who have already reached the age of 65 but are not yet 70 can be put into an acting position. Will this legislation still allow a magistrate who falls into that 65 to 70 gap to become an acting magistrate in the future? That is one question that the Attorney General could address. Once this legislation goes through, will it ensure that magistrates who hit the 65-year mark and had to retire but are not yet 70 will still be able to be put into an acting role? If they are over the age of 70, will this legislation capture them as well?

The member for Nedlands raised some important points about the remuneration of magistrates. Will it reflect their service and experience as a magistrate, or will they be paid something less in superannuation or any other forms of remuneration, such as allowances et cetera? Also, will they be able to be put into an acting role in the regions? Will a magistrate who retires—currently at the age of 65 and in the future at the age of 70—and lives in a regional town where there happens to be a court be able to act in that role for a 12-month period or have that renewed in the future? It would be good if the Attorney General could address those couple of questions.

As I said, the Nationals WA supports this long-awaited and anticipated legislation, which should have been done quite some years ago. I congratulate the Attorney General and the government for finally changing this antiquated legislation that limits magistrates to the retirement age of 65 and moves it into step with legislation in other states in Australia. I must admit that I have a family member who is a retired magistrate and that person acts from time to time because they have reached the age of 65. I can see why we do not want to allow good magistrates to simply vanish because of their age. It will be good to put their experience to use to help the community that they have served for so long. The National Party supports this legislation. If the Attorney General could answer those couple of questions, it would be greatly appreciated.

**MR J.R. QUIGLEY (Butler — Attorney General)** [1.23 pm] — in reply: I thank members for their contributions to the second reading debate on the Courts Legislation Amendment Bill 2017. Having listened closely to their contributions, members are really at one on all provisions of the bill and it will be supported by the opposition. The questions raised were confined to the new age of retirement for magistrates. I will first clear up a couple of misnomers about that. Firstly, I will deal with the comments of the third speaker, the member for Nedlands. He raised the issue of magistrates retirement benefits and asked whether, after the passage of this legislation, there will be two levels of superannuation. The answer is no. That is a misunderstanding of the judicial pensions act, which applies only to tenured judges of the Supreme and District Courts, not to magistrates. Magistrates are superannuated under the normal superannuation provisions, so there will not be two levels of superannuation after the passage of this legislation.

The member for Stirling's comments on the proposed retirement age of 70 —

**Mr P.A. Katsambanis:** You said member for Stirling!

**Mr J.R. QUIGLEY:** I meant the member for Nedlands.

The member for Nedlands said that perhaps we could look at the retirement age of 70 because magistrates are running royal commissions et cetera. No magistrates that I am aware of have been appointed royal commissioners. Retired judges are appointed. It is not always a retired judge; sometimes it is a sitting judge. The federal government has appointed our own Western Australian Justice McGrath from the Supreme Court of Western Australia, who is a sitting judge, to head the Royal Commission into Aged Care Quality and Safety. Justice Hayne, who is conducting the national Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, is a retired High Court justice who had already reached his pension entitlement and is remunerated after he left the bench. When judges retire in Western Australia they are prohibited by the judicial pension legislation from undertaking legal work except with the express permission of the Attorney General. They can undertake mediation and arbitration work because that is not regarded as legal. Anyone can be an arbitrator. A builder, an architect or a retired justice can be an arbitrator without contravening the provisions of the judicial pension act, which would have the consequence of terminating their pension entitlements. Magistrates are otherwise remunerated.

We are bringing magistrates' retirement age up to the retirement age for all judges—that is, 70 years. Whether the judicial retirement age should be lifted is a debate for another day. We are looking at magistrates here. I note that in New South Wales the retirement age for judges is 72 years and that the New South Wales government has announced through Mr Mark Speakman, SC that it intends to legislate to raise the age to 75. A discussion is going on in some jurisdictions about the appropriate retirement age, and New South Wales is going to plump for 75.

There are arguments for and against. It is not just whether they are still capable at the age of 71, 72, 73, 74 or 75; it is a question of renewal of the bench as well. If everyone stays until they are 75, no renewal will happen. Our bench is considerably smaller than eastern states' benches because they have an Equity Division, Common Law Division and a Court of Appeal. That is a discussion for another day.

As for the member for Nedlands' comments about the Magistrates' Society of Western Australia representatives attending my office and being told the bill had passed the Assembly, there were a couple of pieces of courts legislation, and when the representative said that there was courts legislation, I said that it had passed the Assembly. I had in my mind the Court Jurisdiction Legislation Amendment Bill, which, of course, has passed the Assembly but is in the Council, and has been in the Council for a long while. Any confusion there was quickly cleared up with the Chief Magistrate and there is no problem and there was no misleading. I know it has somewhat excited the former, and now shadow, Attorney General, who thought I was out there to deliberately mislead the magistrates' union. No, that is not the case. It was not in writing; it was extemporaneous as to which piece of courts legislation had passed this house and what was still in the Council, and it was the other piece of legislation—no harm done. I spoke to the Chief Magistrate and he understood that.

There are two issues on the position of people who are already past the age of 65 and who have had their term extended by 12 months—because, on application to the Attorney General, a magistrate's tenure can be extended in 12-month allotments after they reach 65 years until they reach 70 years. I made it clear to the magistrates' union that it would be this government's policy—there are only about four or five of them—to roll those magistrates' tenures over and keep approving their 12-month extensions until they hit the ultimate retiring age of 70. Of course, they have never retired. Before they hit 65 years, they will make their application, and I will extend it for 12 months, and then extend it if they apply again. If they do not retire, they are remunerated on exactly the same basis as all other magistrates.

There is another class of magistrates, such as an old school friend of mine and very able magistrate, Mrs Sue Richardson, who was caught in an unfortunate situation. She had been a very good magistrate in Carnarvon and then in Rockingham, I think, and when I came to be Attorney General, Mrs Richardson wrote to me asking whether I could extend her appointment by the same token 12 months at a time. But I could not, because, unfortunately, either she had not applied to the previous Attorney General or, I think, she had applied but had been

rejected by the previous Attorney General. The previous Attorney General extended some magistrates' appointments on an arbitrary basis, but not others. My understanding of the situation is that he rejected Mrs Richardson's application for an extension, forcing her into retirement. When she hit 65 years, her appointment could not be extended, and she had to retire. When this government came to power, she applied to me for an extension, knowing our policy to lift the retirement age to 70, but at law I could not, because she was no longer a magistrate. I could not extend her appointment and she would have had to go back into the pool and reapply with all the other applicants for the position.

It was a very sad situation that Mrs Richardson was in, and it should never have come to pass. In my view, the former Attorney General should have extended Mrs Richardson's tenure, given that the Magistrates Court was one magistrate down. This was noted by the Chief Magistrate on Friday last week at the welcoming ceremony for Mr Mioceovich, who I understand is going to Geraldton, and Mr Maclean, who is going to Bunbury. The Chief Magistrate noted in his speech that the court was one down after the retirement of Magistrate Bob Lawrence because the previous government had never replaced him, and the court was understaffed and under stress. The bench had never been increased in terms of more magistrates, despite the rising population. It was sad that Mrs Richardson was not reappointed, given that the bench was understaffed, but my hands were tied at law, as much as I regret it.

What I find curious, member for Hillarys, is that my indication to the magistrates' union was that for those aged between 65 and 70 years, the government's policy would be to keep extending their tenure and to give an undertaking that it would keep extending them. We are not going to see anyone outed because they were caught between the age of 65 and 70 years. Then I got questions from the shadow Attorney General asking whether I had agreed to do no more than rubberstamp these extensions. I made it clear to the Magistrates' Society that it is the government's policy to have 70 as the retirement age, and we will keep extending until they reach the age of 70. The act says that the Attorney General will do that in consultation with the Chief Magistrate, and I will. I ring him and I write to him. I say to him, "This person has applied for an extension. I want to extend—any objection?" We will look after those four or five magistrates and will not see them caught betwixt and between. But I find it a bit confusing when the shadow Attorney General comes on hot and heavy because we gave an indication in advance that we were going to do this, which he calls "mere rubberstamping". That is a bit unfortunate.

As for the amendment moved in the other place by the Greens' Hon Alison Xamon, that was to give the same capacity to the Attorney General to extend the warrant for magistrates to continue acting beyond the age of 70 years as we have in the Supreme Court Act. The Supreme Court is a bit different, because a judge can get caught in some very large cases, like the Bell litigation, and we do not want to lose the judge because he has hit the retirement age, because the litigants would then be thrown back to square one with a new judge.

**Mr W.R. Marmion:** It'd be tough if you were 70 and you had another 20 years to go on a case.

**Mr J.R. QUIGLEY:** That is right.

**Mr P.A. Katsambanis:** Maybe that is a judge who does want to lose the case!

**Mr J.R. QUIGLEY:** I will tell members a funny story about that in a moment. We want to have the capacity to extend a judge's retirement age to cover that. The matters they are dealing with in the Magistrates Court are much, much shorter and there would not be the need, in my view, to extend magistrates' retirement age beyond 70. An administration should properly be looking and saying, "Next year, or in six months' time, we have these magistrates retiring. I'll instruct the Solicitor-General, or the department, to issue the advertisements to gather the pool, or make the selection, and be ready to go." I, on behalf of the government, have given each head of jurisdiction our view, if not an undertaking, that we will be prompt in the replacement of judicial officers; we will not leave their benches short-staffed. We have another vacancy coming up in the Family Court because the very, very capable Chief Judge Stephen Thackray has lamentably notified of his retirement at the end of the year.

**Mr W.R. Marmion:** He is another constituent.

**Mr J.R. QUIGLEY:** Yes, another constituent. I have indicated to the court that we will move swiftly to replace him. We have done that in the Supreme Court and the District Court. When judges retire, we replace them quickly, as opposed to my predecessor, who left seats vacant for far too long. However, the Bell judge did go. We promoted the very capable Justice Janine Pritchard to the Court of Appeal, but prior to the trial. Now the Chief Justice has to cast around the bench for a replacement judge for the Bell litigation who, in their previous life, has had no contact with any of the parties. That is a challenge in itself because everyone has had a dash at Bell over the past 20 years.

**Mr P.A. Katsambanis:** You'll have to bring someone in from overseas probably.

**Mr J.R. QUIGLEY:** That is probably right.

I am trying to say that I cannot foresee the need to extend magistrates on a yearly basis beyond the age of 70. I could see the need beyond the age of 65 because it was our way of getting them all up to 70 prior to the passage

of legislation. The constituents of my friend from Nedlands, Hon Bill Marmion, need not fret because that is our stated position. We do not want to see anyone prejudiced by the delay in all of this. That is what I told the magistrates' union. Unfortunately, it came back to bite me because the shadow Attorney General says that I am only a rubber stamp. Hardly!

The honourable member in the other place put her amendment on the supplementary notice paper. The department said that the amendment would not achieve what the member wanted. We agreed to the amendment, even though I do not see us using it. We want the bill passed so that these magistrates will not be waiting. I could have left the amendment as it was, which would have made it unworkable, and laughed up my sleeve but we like to think that we are a government of integrity, and I like to think that I am a lawyer and Attorney General of integrity who can say that we voted for the amendment that was put up but that, upon reflection, it would not achieve what we intended it to achieve, as advised by the department. New clause 8 on the notice paper gives better effect to what the Council intended. We hope that once we have passed new clause 8, the bill will go back to the other place and be dealt with quickly so that all these magistrates will be covered.

I think we are all at one in this chamber so I will not go on. I thank members for their contributions. I thank the member for Mount Lawley for his contribution. I think I have addressed all the points raised by my friends in opposition. I commend the bill to the house.

Question put and passed.

Bill read a second time.

#### *Consideration in Detail*

**Clauses 1 to 4 put and passed.**

**Clause 5: Section 122 inserted —**

**Mr P.A. KATSAMBANIS:** Clause 5 retrospectively validates the fees that have been charged under the commonwealth's Service and Execution of Process Act 1992. I do not expect the Attorney General to have this information at his fingertips but just in case he does, can he give an indication of the level of fees that were charged for these filings for, say, last year or the year before that?

**Mr J.R. QUIGLEY:** I am looking at what has happened over the last four years. In the Magistrates Court there were 294 enforcements in 2014–15, 275 in 2015–16, 214 in 2016–17 and 196 in 2017–18. In the District Court, there were far fewer, as we would expect. There were 10 in 2014–15, six in 2015–16, nine in 2016–17 and two in 2017–18. In the Supreme Court, there were zero for each year. Overall, there were 305 in 2014–15, 281 in 2015–16, 223 in 2016–17 and 198 in 2017–18. On an individual basis, it currently costs about \$91.50 per judgement. Using this sum, it cost \$25 467 for 305 judgements in 2014–15, \$23 463 for 281 judgements in 2015–16, \$18 620 for 223 judgements for 2016–17 and \$16 830 for 198 judgements in 2017–18.

**Clause put and passed.**

**Clauses 6 and 7 put and passed.**

**Clause 8 put and negatived.**

**New clause 8 —**

**Mr J.R. QUIGLEY:** I move —

Page 6, after line 2 — To insert —

**8. Schedule 1 clause 9 amended**

(1) In Schedule 1 clause 9(2):

(a) delete “magistrate —” and insert:

magistrate a person who meets the qualification requirement set out in clause 2(2)(a).

(b) delete paragraphs (a) to (c).

(2) In Schedule 1 clause 9(3)(a) delete “appointment; but the period must not extend beyond when the appointee reaches 70 years of age; and” and insert:

appointment, which cannot exceed 12 months; and

(3) After Schedule 1 clause 9(3) insert:

(3A) A person appointed under subclause (2) is eligible for reappointment.

**New clause put and passed.**

**Clauses 9 to 11 put and passed.**

**Title put and passed.**

**GAMING AND WAGERING LEGISLATION AMENDMENT BILL 2018***Second Reading*

Resumed from 19 September.

**MR J.E. McGRATH (South Perth)** [1.51 pm]: It gives me great pleasure to rise to speak on the Gaming and Wagering Legislation Amendment Bill 2018. The Gaming and Wagering Legislation Amendment Bill contains a series of proposed measures aimed at supporting responsible gambling and amendments to the racing bets levy scheme. I note that it is supported by the racing industry. I do not wish to focus on those particular measures and amendments as they are not contentious and are fairly reasonable. They are things that the racing industry has been calling for.

I would like to focus on what the Premier has focused on. In announcing last month his government's intent to introduce this bill, the Premier said —

“The new laws will protect Lotterywest and enable it to continue to provide its outstanding contribution to the community through its grants program.

The laws are all about protecting Lotterywest and reducing harm to at-risk and problem gamblers in our community. The Premier also said in his media statement —

“Each year, hundreds of grassroots community organisations throughout WA benefit from Lotterywest grants and our new laws will ensure this important work is not put at risk by organisations like Lottoland.

That is a very powerful statement and one that the opposition agrees with, so I was intrigued, after the bill was introduced and I read the Minister for Racing and Gaming's second reading speech and explanatory memorandum, to find that there was no mention of Lotterywest or Lottoland. That is something I will ask the minister about during consideration in detail or maybe when he replies to the second reading debate.

The minister's office provided the opposition with a good briefing on this bill, but there was no mention of Lotterywest or Lottoland until we started asking questions. There has been quite a debate around lottery betting through the arrival of Lottoland and synthetic lotteries at a national level, particularly on the east coast. That is essentially about how lottery betting services are contributing to the loss of lottery revenues and therefore government revenues in states and territories, with flow-on impacts on the sellers or agents who sell lotto tickets.

As we know, the commonwealth government responded to this concern by introducing the Interactive Gambling Amendment (Lottery Betting) Bill 2018, which amends the Interactive Gambling Act 2001 to prohibit wagering operations like lottery betting—effectively banning operators like Lottoland from operating in Australia. The amending legislation is scheduled to take effect in January 2019. Lottoland has stated that it is considering a legal challenge, and I guess we will have to wait and see what happens with that.

During the briefing on this bill, the minister's advisers acknowledged that this concern about online lottery betting in Australia has been dealt with. We asked the minister's advisers: does this protect Western Australia from the presence of Lottoland? The advisers said that they believed so. Therefore, we asked the question: what is this bill about? The bill's proposed amendments essentially provide for, amongst other things, the ability for the Gaming and Wagering Commission of Western Australia to prohibit, by regulation, wagering products or services that it deems undesirable. We will ask the minister to explain this to us when he gets to his feet or during consideration in detail. The bill cannot prescribe what is likely to be prohibited because the state government obviously cannot foresee what it would like to prohibit. I am not saying that the opposition would be able to see what is on the horizon either, but it is a question on which we would like some more clarification.

The government seems to be jumping at shadows in an attempt to cover all bases and various wagering business models going into the future. Obviously, we have to protect our local products from what could arise, but given what has happened in the world of the internet over the last few years and how quickly things have changed, no-one knows what new products could be on the horizon. We will talk to the minister to try to flesh out some of those things. However, addressing these issues via regulations means that there is no ability for the Parliament to debate the pros and cons of the wagering events or contingencies that the commission may deem to be undesirable and choose to prohibit. That is another question that we will be talking about during consideration in detail.

In the debate on the commonwealth legislation, who was one of the loudest voices in calling for a ban on synthetic lottery operators like Lottoland? It was Tabcorp, of course—the official licensed wagering operator in all states except Western Australia. Before Tabcorp took over Tatts, lotto was operated by Tatts; Tabcorp has now taken over Tatts. It was interesting to note in my research that the Newsagents Association of NSW and ACT Limited did not support the commonwealth government's efforts to ban operators like Lottoland, claiming that the measures would cement Tabcorp's monopoly of lotteries in Australia. Moreover, the passing of the commonwealth bill was hailed as a major political victory for Tabcorp. This is just a bit of history of what has happened.

Following the passing of the bill, *The Sydney Morning Herald* reported —

Investment banks are predicting the ban on so-called “synthetic” lottery websites will provide a significant boost for Tabcorp. Gaming analysts from UBS called the new legislation an “incremental positive”, given the danger of Tatts lottery sales facing “pressure from competing offshore lottery products”, while Morgan Stanley said the bill paved the way for “higher growth potential”.

It is understandable that Tabcorp, with a substantial digital operation, would feel threatened by Lottoland, which competes against it online. It is undeniable that, although this outcome was regarded as positive for the community, it also was a favourable outcome for Tabcorp as a business. That, of course, is outside the jurisdiction of this Parliament. At least the goal was clear. The commonwealth bill was aimed at banning synthetic lottery operators—Lottoland—from operating. The Gaming and Wagering Legislation Amendment Bill 2018 is not as clear in what it wants to achieve. I look forward to the opportunity to seek further clarification during the consideration in detail stage. Unless Lottoland wins its appeal to the High Court, which it is talking about making, it has effectively been put out of business by the amendment to the commonwealth legislation. We need to ask the government what this bill will protect. Is there any risk that a company like Lottoland could encroach into Western Australia with a shopfront operation? As it has already been put out of operation online by federal legislation, could it have another opportunity? We need to flesh this out with the minister when we go through the bill to see exactly what this legislation is attempting to achieve. When we resume after question time, I want to talk a bit about Lotterywest, which is important to all Western Australians. It is a good organisation and it creates a lot of funding for community groups, including in my electorate. A lot of community groups in my electorate have been supported by Lotterywest, as they would have been in your electorate, Mr Speaker.

Debate interrupted, pursuant to standing orders.

[Continued on page 6804.]

#### **DISTINGUISHED VISITORS — WESTERN CAPE PROVINCIAL PARLIAMENT DELEGATION**

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson):** Members, it gives me great pleasure to welcome to the Speaker’s gallery today the delegation from the Western Cape Provincial Parliament in Cape Town, South Africa. The Western Cape Provincial Parliament is the legislature of the Western Cape province of South Africa and is located in Cape Town.

The delegation’s week-long visit is being hosted by the Parliament of Western Australia. In addition to learning about our parliamentary and political system, the delegation is meeting with officers from the Department of Jobs, Tourism, Science and Innovation; having briefings from the Ombudsman, Auditor General, acting Information Commissioner, Corruption and Crime Commissioner and Public Sector Commissioner; meeting with a panel of MLAs and MLCs to discuss constituency issues; and meeting with various government and opposition leaders and office holders. The eight members of this delegation—if they could stand as I call them out—are: Hon Sharna Fernandez, Speaker, the colourful lady at the back; Hon Denis Joseph, Deputy Chief Whip of the majority party; Hon Khaya Magaxa, leader of the official opposition; and Hon Pat Lekker, member. Staff members are Mr Jannie Uys, Ms Sunelle Fouché, Mr Dawood Jawoodien and Mr Achmat Patience.

This visit highlights the importance of exchanges of this kind and developing closer relationships between Western Australia and the South African provinces. On behalf of all members of the Legislative Assembly, I welcome the delegation to Western Australia and to the Western Australian Parliament.

[Applause.]

#### **QUESTIONS WITHOUT NOTICE**

##### **MENTAL HEALTH — PATIENTS — HOSPITAL EMERGENCY DEPARTMENTS**

#### **730. Mr S.K. L’ESTRANGE to the Minister for Mental Health:**

I refer to the annual report of the Mental Health Advocacy Service, tabled today on World Mental Health Day, and the finding that bed shortages regularly resulted in children and adults spending days in emergency departments, some physically or chemically restrained to reduce the risk to themselves and others. Why has the minister slashed the health budget by \$200 million when some patients are being shackled, chemically restrained or detained in the presence of security guards in emergency departments, sometimes for several days?

#### **Mr R.H. COOK replied:**

Once again, I reject the premise of the member for Churchlands’ assertion that there have been budget cuts. In fact, the budget for hospitals has increased by three per cent this year, and of course I informed the member of this last time we sat in this place a fortnight ago. The reason we can do that is that we are taking money from the back end and putting it into the front end—to clinical services, where they are required.

**Mr V.A. Catania** interjected.

**The SPEAKER:** Member!

**Mr R.H. COOK:** Clearly, the premise of the member's question is totally inaccurate. It is false. Once again, we see him come into this place ill-informed, ill-equipped of the information and basically mentioning falsehoods. But that is okay —

**Mr V.A. Catania** interjected.

**The SPEAKER:** Member for North West Central, I call you to order for the first time.

**Mr R.H. COOK:** These are difficult services, which we need to continue to fund at an adequate rate and in a manner that safeguards the finances of the state of Western Australia.

**Mr V.A. Catania:** By taking it out of the regions.

**Mr R.H. COOK:** I notice we get these utterances from the member for North West Central —

**Mr V.A. Catania:** Tom Price Hospital.

**The SPEAKER:** Member for North West Central, I call you to order for the second time.

**Mr R.H. COOK:** He is constantly banging on because they made an election commitment at the last election, did not put any money in the budget, and at the end of the day, there was not going to be any money in the budget because they had already wrecked the state's finances, which is where we are at today!

Several members interjected.

**The SPEAKER:** Members!

**Mr R.H. COOK:** Coming back to the issue of mental health patients who are in emergency departments, this is a difficult problem that the Mental Health Advocacy Service has been constantly on about, not just in the last 18 months. It is an ongoing issue and challenge to the mental health system. The member asked what we are doing about it. What would any sensible government be doing about it? It would be increasing the resources to hospitals by three per cent. It would also be increasing the number of mental health observation areas, which we are doing at Geraldton Hospital and Royal Perth Hospital. Since coming to office, we have also opened the mental health observation area at Joondalup Health Campus. What else would a government be doing about it? It would be making commitments around mental health beds, which is what we are doing. We currently have over 3 000 mental health beds and we have more to bring onstream through the step-up, step-down facilities, which we are developing right across the state. We are doing this because the other mob did not! We are doing this because we can deliver world-class health services while safeguarding the state's finances. This is what we are doing to take this state's mental health and health services forward and we are doing it because they did not!

#### MENTAL HEALTH — PATIENTS — HOSPITAL EMERGENCY DEPARTMENTS

##### 731. **Mr S.K. L'ESTRANGE to the Minister for Mental Health:**

I have a supplementary question. Thank you, minister. We have to agree to disagree on what the budget line items show us from one budget to the next—the \$200 million.

Several members interjected.

**The SPEAKER:** Members!

**Mr S.K. L'ESTRANGE:** With regard to the annual report, I refer the minister to principle 4 of the “Charter of Mental Health Care Principles”. It states that a mental health service must be easily accessible and safe, and provide people experiencing mental illness with timely treatment and care. Why has the minister not done more to reduce the number of people who are experiencing mental illness and waiting days on end in emergency departments?

**Mr R.H. COOK replied:**

Sorry; has the member finished? In that rather long diatribe of a supplementary question, I lost the actual tenor of what the member was saying.

**Mrs L.M. Harvey:** Mental health diatribe—you should be ashamed!

**The SPEAKER:** Member for Scarborough!

**Mr R.H. COOK:** Member for Scarborough, I am proud of what we are doing in mental health because, ultimately, we are doing what you failed to do! You were such a hopeless mob that you were incapable of delivering mental health services in this state! We are fixing it because you stuffed it up!

**The SPEAKER:** Has everyone calmed down? Thank you.

## AGED-CARE FACILITIES

**732. Mr M. HUGHES to the Premier:**

I refer to the McGowan Labor government's election commitment of fast-tracking the availability of state-owned land and property for new aged-care facilities.

- (1) Can the Premier update the house on how this government is delivering on this commitment and providing more aged-care beds across Western Australia?
- (2) Can the Premier advise the house why delivering new aged-care beds is important in alleviating pressure on our hospitals?

**Mr M. McGOWAN replied:**

I thank the member for Kalamunda for the question. Before answering it, though, I would like to answer a question asked yesterday by the member for South Perth. The member for Southern River's daughter's name is Arya. She is 3.67 kilograms in weight and 52 centimetres long. The member would like to pass on his regards and thanks to the staff at Fiona Stanley Hospital.

Several members interjected.

**The SPEAKER:** Speak slower!

**Mr M. McGOWAN:** I will answer the member for Kalamunda's question now.

- (1)–(2) This morning the member for Kalamunda, the member Forrestfield and I were in High Wycombe to turn the sod on the new Hall and Prior aged-care facility, a \$90 million investment that will employ 250 people when operational. It has 200 people working on construction and will provide 160 aged-care beds and a range of other services for older Western Australians, but also younger Western Australians with disabilities, in the High Wycombe–Kalamunda–Forrestfield region. It is a terrific expression of confidence in Western Australia. I was very pleased to be there with the two local MPs to turn that first sod. I would particularly like to acknowledge Graeme Prior and his efforts as part of the very successful and high-employing organisation that is the Hall and Prior Aged Care Group. I thank Graeme for the invitation to be there, but also for his efforts to secure and build this new facility.

It makes us aware that we have a demand for aged-care beds across Western Australia. The government has worked very hard—the Minister for Planning, me and the member for Kalamunda chairing a relevant body—to free up land and make sure there are around 30 sites in regional and city Western Australia available for aged-care providers. We have engaged in a range of rezones and land transfers, and the removal of red tape, working with providers to do that. We will work with whoever the federal government is to make sure that those beds are provided to Western Australian and those sites are made available for aged-care facilities. By doing so we are able to alleviate pressure on the hospital system, because a lot of people who should be in aged-care beds are occupying hospital beds, and we have had some success in achieving this outcome. Obviously, in 18 months we have done a lot, but this is one of the important measures to help the healthcare system, to help ageing Western Australians and to make sure we create those jobs, because it is a very high employing industry.

In closing, I want to thank the aged-care workforce—I said it this morning, but I will do it again—across Western Australia who do a marvellous job with older Western Australians. As I said this morning as well, they often sit with someone as they pass away because family members are not there. Our aged-care workforce in Western Australia are true heroes of our state.

## NORTH METROPOLITAN HEALTH SERVICE

**733. Dr M.D. NAHAN to the Minister for Health:**

I refer to the minister's answers to parliamentary questions in the other place.

- (1) Will the minister confirm to this house that the total cost of services last financial year for the North Metropolitan Health Service was \$2.45 billion?
- (2) Is the target the minister has set this financial year \$2.15 billion, which is a cut of \$300 million?
- (3) Is this massive cut despite the minister's claim of increasing demand from flu and people moving from the private health system to the public system?

**Mr R.H. COOK replied:**

- (1)–(3) I thank the member for the question. Obviously, he is referring to the activity of one of five health service providers across the state. He is talking about the North Metropolitan Health Service. In addition to that we have the South Metropolitan Health Service, the East Metropolitan Health Service, the Child and Adolescent Health Service and WA Country Health Service. From that perspective, the member is pulling

out one part of the overall health budget in the system. The budgets of each of our health service providers are carefully crafted according to the need, the demand and the total cost of service right across those services. From that perspective, I am very proud to report to Parliament that the total cost of services for the WA budget will be \$8.8 billion in 2018–19. We then look across the forward estimates and can see that it will be \$8.955 billion in 2019–20 and going through to 2020–21 it will be \$9.46 billion, or \$9.5 billion, so there is no cut to budgets, member for Riverton; there is careful management of the state's finances and the health budget overall. It is carefully crafted to meet the needs of the regions and to make sure that we are meeting the demand associated with health as best we can.

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Minister!

**Mr R.H. COOK:** I will find the Leader of the Opposition a number if he likes, and it can be less than last year's number and he can say it is a cut. It is not. He needs to look at our total commitment to health services right across the sector, right across the forward estimates.

Several members interjected.

**The SPEAKER:** Members!

**Mr R.H. COOK:** We have growth in the budget, we are managing that budget and we are driving more services out of that. The member for Riverton may be keen to hear that for the first time we have had an increase in efficiency and weighted average unit cost in the health system, including all that time that the member for Riverton oversaw the state's finances; we are getting an increase in efficiency. We are increasing not only the budget, but also the level of activity associated with that budget, and that is something that that mob never did.

#### NORTH METROPOLITAN HEALTH SERVICE

#### 734. **Dr M.D. NAHAN to the Minister for Health:**

I have a supplementary question. Will the minister confirm that he sacked the independent and respected North Metropolitan Health Service board to parachute his factional ally Jim McGinty in because Mr McGinty is willing —

Several members interjected.

**The SPEAKER:** Members on my right, I want to hear this. Leader of the Opposition —

**Dr M.D. NAHAN:** — because Jim McGinty is willing to smash the health budget irrespective of demand.

**The SPEAKER:** I was going to ask you to say it again, but you talked over me, so minister.

**Dr M.D. Nahan:** I have not finished.

**The SPEAKER:** What did you sit down for?

**Dr M.D. Nahan:** Because I was told to—you were speaking. I was obeying you.

**The SPEAKER:** No, you kept talking as I was talking, but go ahead; do it again, please.

**Dr M.D. NAHAN:** Thank you, Mr Speaker.

Will the minister confirm that he sacked the independent and respected North Metropolitan Health Service board to parachute in his factional ally Jim McGinty —

Several members interjected.

**The SPEAKER:** Members to my right!

**Dr M.D. NAHAN:** — because Mr McGinty is willing to slash the health budget —

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Minister for Water!

**Dr M.D. NAHAN:** — irrespective of demand growth, just as he did when he was health minister in the last Labor government?

**Mr R.H. COOK replied:**

I appreciate that the opposition cannot remember what it did to the state's finances, but I thought it would at least reflect upon what it said about the North Metropolitan Health Service board when we were in this place just a fortnight ago.

Several members interjected.

**The SPEAKER:** Members!

**Mr R.H. COOK:** The long and short of it is no.

## MENTAL HEALTH SERVICES — STEP-UP, STEP-DOWN PROGRAM

**735. Mr D.T. PUNCH to the Minister for Health:**

Can the minister update the house on the McGowan Labor government's investment in step-up, step-down services across Western Australia and can the minister advise the house —

**Ms L. Mettam** interjected.

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

**Mr D.T. PUNCH:** Shall I start again, Mr Speaker?

Several members interjected.

**The SPEAKER:** Members, I will make that decision. Start again, member.

**Mr D.T. PUNCH:** Can the minister update the house on the McGowan Labor government's investment in step-up, step-down services across Western Australia and can the minister advise the house how these services will support those suffering from a mental illness, particularly those in regional WA?

**Ms L. Mettam:** How about the election promise?

**The SPEAKER:** Member for Vasse, how about you being called to order for the second time. It is not a shouting match.

**Mr R.H. COOK replied:**

I am very proud of the work that the McGowan Labor government is doing to improve mental health services in the community. We want to make sure that people get the best possible access to mental health services that they can in the communities in which they live near the loved ones who support them. That is why there has been a concerted effort to build the number of subacute community-based mental health beds in the communities right across Western Australia to make sure that people have those opportunities to get mental health care in the communities in which they live. Part of that has been to develop the step-up, step-down bed facilities in Rockingham and Joondalup, and they are both functioning very well. In addition, we are determined to make sure that we also develop the step-up, step-down beds right across the Western Australia community.

**Ms L. Mettam** interjected.

**The SPEAKER:** Member for Vasse!

**Mr R.H. COOK:** I am very pleased, Mr Speaker, to say that I will soon be opening a step-up, step-down bed facility in your electorate of Albany, where we are opening a six-bed facility.

**The SPEAKER:** That is regional.

**Mr R.H. COOK:** In addition, we are developing step-up, step-down facilities in the member for Bunbury's electorate, and I would like to thank the member for his support for that. We are also developing step-up, step-down facilities in Kalgoorlie, Geraldton, Broome —

**Mr V.A. Catania:** What about Karratha?

**Mr R.H. COOK:** And, member for North West Central, in Karratha as well.

Several members interjected.

**Mr R.H. COOK:** These are really important facilities. I want members over there to listen carefully to what I have to say.

**Ms L. Mettam** interjected.

**The SPEAKER:** Member for Vasse, I have called you to order twice and warned you twice. I can throw you out on two warnings if you keep interjecting, so I suggest you be very quiet for a little time so we can hear this very good answer about what is happening for Albany.

**Mr R.H. COOK:** These are very important facilities, but they are subacute facilities, as step-up, step-down suggests—people are transitioning out of acute care or are having to take some residential care just to rebalance their lives and get back on track. These people are not, as some would portray, a danger to the community. These people are important members of our community who are seeking the care of the mental health system, and it is appropriate that they do so.

I would like to just segue if I may, member for Bunbury, to the Karratha step-up, step-down facility, where we are having some problems getting community support for that particular facility. I would like to thank the member for Pilbara for his support for that facility. The original site for that facility was considered inappropriate, so with the help of the City of Karratha and the community we have now settled on a new place for this step-up, step-down facility and we are determined to develop it. But it is difficult to develop these facilities unless we have the understanding of community leaders and the community. It is disappointing to find members of Parliament who on the one hand say they are supportive of mental health but on the other are quite happy to stir community anger and resentment about these sorts of things.

Several members interjected.

**The SPEAKER:** Minister, I cannot hear what you are saying. Everyone is shouting on both sides of the chamber.

**Mr R.H. COOK:** In terms of some of the community anxieties or concern in Karratha, I was disappointed to see some members not allaying those concerns or helping people to understand and destigmatise mental health, but stirring the pot and making things a bit more difficult for the Mental Health Commission to roll out these facilities. I was particularly disappointed to see a flyer being circulated in Karratha recently about a forum that was being put on, I understand, by a prominent member of the local community to voice their strong concern and opposition to this proposed step-up, step-down facility. What was particularly disturbing was that they advertised that Hon Jacqui Boydell, Deputy Leader of the WA National Party, would be there to support it. This is the sort of disgraceful behaviour —

Several members interjected.

**The SPEAKER:** Leader of the National Party! Member for Scarborough!

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range, I call you to order for the first time. At least they are talking sense!

**Mr R.H. COOK:** We are determined to roll out these facilities because they make good sense for mental health. They provide proper care for people in the community. Those people are not a danger to the community. By and large, they are people who are sad and who just need some help to get their lives back on track. These are important facilities. We will make sure that we develop them in the communities in which people live. It is an important area and I thank members for their support.

#### MEN'S SHEDS OF WESTERN AUSTRALIA

#### 736. Ms M.J. DAVIES to the Minister for Mental Health:

I refer to Men's Sheds of Western Australia, an organisation that oversees about 180 individual shed committees, including around 125 in regional WA.

- (1) Does the minister agree that the network of men's sheds provide a vital service for men throughout the state, particularly those who may be living with mental illness, isolation and lack of family support?
- (2) Is the minister aware that the organisation is struggling to survive as a result of short-term funding contracts from other government departments?
- (3) Why has the minister's department slashed funding for this important community organisation?

#### **Mr R.H. COOK replied:**

- (1)–(3) I thank the member for the question. Men's sheds are an important initiative in the community as part of an overall suite of initiatives around preventive mental health services. There was some one-off funding for men's sheds that I understand will soon be coming to an end. It mirrors the one-off funding that has been cut by the federal government. I understand and accept that at the moment there is not a good funding arrangement for them. The member is right: a whole bunch of departments and a whole bunch of different governments have kicked in. Part of the problem is the men's shed organisation itself. Nationally, it has kicked out every state branch from the organisation. As an organisation itself, there is a lot of instability at the moment. I am certainly working closely with them. I know my colleagues are working with them to see what the way forward is. It was set up in a manner that was not sustainable and from that perspective it is not surprising we now see this instability in its overall funding.

The federal government certainly has a role to play. It has funded them quite generously in the eastern states. The federal government has an important role to step up and make sure there is a sustainable future for men's sheds. The member for Kwinana and I used to have one in our area. Again, it was part-funded from the private sector, the Salvation Army had a role, it was part-funded by local government and I think it received some state government funding as well. It is not a great situation. I am determined to continue to work with all stakeholders to make sure we have a sustainable future. I should add that we are 18 months into our term and this is another one of those issues one comes across where one thinks that, surely, there was a longer-term arrangement in place. Sadly, that was not the case. We are continuing to work with all parties to make sure there is a bright and sustainable future for men's sheds.

#### MEN'S SHEDS OF WESTERN AUSTRALIA

#### 737. Ms M.J. DAVIES to the Minister for Mental Health:

I have a supplementary question. Thank you, minister. Setting aside the federal government's responsibility, will the minister do his part and commit to re-establishing ongoing funding for Men's Sheds of WA through the Department of Health and deliver the good news at its annual general meeting, which is to be held at the end of this month?

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Minister for Water, I call you to order for the first time.

**Mr R.H. COOK replied:**

I cannot give any commitments in relation to the annual general meeting. I can certainly commit to these and other important mental health preventive programs continuing to provide good opportunities for people to achieve wellbeing in the community.

STATE FINANCES — ANNUAL REPORT ON STATE FINANCES

**738. Ms J.M. FREEMAN to the Treasurer:**

I refer to the *Annual Report on State Finances* and the McGowan Labor government's ongoing efforts to repair the damage inflicted upon the state's finances by the previous Liberal–National government. Can the Treasurer outline to the house what the annual report shows about how the responsible budget management of this government is delivering financial benefits to the state, and can the Treasurer advise the house whether he is aware of anyone who has had trouble comprehending this report or cannot understand the positive results outlined in this report?

**Mr B.S. WYATT replied:**

I thank the member for the question. When Parliament was not sitting over the last couple of weeks, I hope no members missed the very, very good news of the first full-year result of the McGowan Labor government for 2017–18. I was sitting here listening to the health minister and all the things he is rolling out across Western Australia. One would think that with all that effort going into health, the expense control under the state government is doing what it used to do under the former government—that is, rocket along on an average of about eight per cent expense growth per year. But what discipline has shown and what the capacity to reprioritise and walk and chew gum at the same time can actually deliver is that we now have a set of finances that brings to book the priorities of the government whilst keeping expense growth low. At the same time, much to the disappointment of the opposition, we have seen a very, very encouraging return to economic growth in Western Australia. In 2017–18, state final demand grew by 1.3 per cent. I want to make the point that this is the first time we have grown in a full year since 2013. That is a good outcome. All members of this place should be very pleased that our domestic economy has returned to growth.

In the previous year, we had a contraction of 7.2 per cent to growth of 1.3 per cent. I remind everybody that the last year of the former government was the first recession on record in Western Australia. Although people celebrate this return to growth—I hear the dour comments of my friends on the other side of the chamber—I was particularly pleased to see the brand-new commonwealth Treasurer, Josh Frydenberg, make this point, and I quote —

... the WA economy remain sound and we've seen an improvement in some of the key economic indicators like unemployment," ...

That is what happens when we turn to economic growth; there are more opportunities for people to secure jobs or more hours, which is what drives confidence and investment, as most people in this place should know. Importantly, despite the fact that a huge effort went into a range of things, including increased spending in the health, education and police budgets and all budgets, headline expense growth is at 0.9 per cent—the lowest expense growth since 1994–95. When we strip out the one-off costs of the voluntary targeted separation scheme and the amalgamation of some agencies, underlying expense growth is 0.2 per cent. That is an extraordinary performance and I want to thank all members of cabinet for the effort that they went to to deliver that. That has been a difficult period, particularly when we came off a period when we were humming along at about eight per cent expense growth with really no care about where the finances were heading under the former Liberal government. Although the former government projected that net debt was going to get to \$29 billion by 2017–18 and then eventually get to \$38 billion by 2017–18, we have brought that back to \$34.5 billion. That is the impact we have when we control the finances.

I want to conclude with one point. Much has been said around the GST debate. I am hoping that very shortly we will be able to resolve this issue and will never have to talk about GST ever again, but one of the things that is always thrown in my face by my Treasurer colleagues from all over the country is the performance of the former Liberal–National government.

Several members interjected.

**The SPEAKER:** Members!

**Mr B.S. WYATT:** Indeed, my friend Dominic Perrottet, the Liberal Treasurer for New South Wales—suffice to say we have had some exchanges of late—had this to say in *The Daily Telegraph* just last week —

Mr Perrottet said NSW, ... was being punished for running a tight ship while dud states Queensland and Western Australia were being rewarded for racking up debt and stuffing their economies.

When I go over there and try to get a fairer return on the GST, I am confronted with commentary by the Liberal Parties in other states saying, “Why should we change anything when the former Liberal government didn’t care about the finances, didn’t care about the economy and left the place in such a mess?” I am hoping, though, that we are managing to push through that argument and the sometimes strong logic of the argument and reflections on the former Liberal–National government to finally deliver a good GST outcome. Combined with the efforts of this government and an economy that is returning to growth, we can hopefully return the finances to a much more sustainable long-term footing.

NORTH METROPOLITAN HEALTH SERVICE BOARD — BUDGET MANAGEMENT

**739. Mr S.K. L’ESTRANGE to the Minister for Health:**

I refer to the minister’s comments in the house on 12 September that he is not happy with the performance of the North Metropolitan Health Service board due to budget management, and his further justification that the South Metropolitan Health Service, despite all the issues it had at Fiona Stanley Hospital, has retrieved the situation. Why has the minister misled the house, given the South Metropolitan Health Service annual report tabled today highlights that it has blown its total cost of service budget by \$67 million and this follows a budget blowout by \$174 million in the previous financial year?

**Mr R.H. COOK replied:**

When I refer to the budget situation of each of the health service providers, ultimately they will land on a place in which they agree with the director general as part of the overall management of the state health system. The South Metropolitan Health Service, the East Metropolitan Health Service and the Child and Adolescent Health Service have all done an extremely good job in managing their budgets, but the director general advised that the North Metropolitan Health Service remains a difficult area of budget management. That remains the case. Those internal discussions may not be highlighted in the public documents that have come forward, but I should say that we are making sure that the health system is operating within the means of the state’s finances while delivering services to patients. We are making sure we are doing more elective surgery than ever before and meeting the growth in demand in emergency departments while being constrained by the state’s finances—a constraint that was put on us by virtue of the complete mismanagement of the state’s finances by the other side. I do not want to trouble the member for Churchlands too much about these matters. We know what his role was as a member of the previous cabinet in managing the state’s finances, but I can assure him that we have a health budget that is the envy of many—that is, low growth rates in overall expense and a reduction in overall budget overheads while, at the same time, we have increased activity in emergency departments and elective surgery and increased efficiency.

NORTH METROPOLITAN HEALTH SERVICE BOARD — BUDGET MANAGEMENT

**740. Mr S.K. L’ESTRANGE to the Minister for Health:**

I have a supplementary question. Why will the minister not just admit he got rid of the reputable and independent board of the North Metropolitan Health Service to provide jobs for Labor mates, specifically his old friend Mr Jim McGinty?

**Mr R.H. COOK replied:**

Once again, the premise of the question is chock full of falsehoods, Mr Speaker.

ROADS — REGIONAL INVESTMENT

**741. Mrs R.M.J. CLARKE to the Minister for Transport:**

Can the minister update the house on how the McGowan Labor government’s significant investment in regional roads is delivering for those living in the regions and improving driver safety across country WA?

**Ms R. SAFFIOTI replied:**

I thank the member for Murray–Wellington for that question. The state government is committed to spending on roads, particularly in regional Western Australia. I thank my colleague the Minister for Road Safety for the continued focus on addressing road safety issues across WA, but in particular in regional WA. In the past couple of weeks, we have announced a number of programs, including \$28.4 million of funding for the WA safer roads program. That was started under the former Gallop Labor government, and the Minister for Road Safety was the Minister for Police; Road Safety at that time. This is a program aimed at addressing key safety issues across the state. You will be happy to know, Mr Speaker, that the program will fund 24 regional road safety initiatives and one in metropolitan WA. The focus is on regional road safety. There is a number of very exciting projects, including \$5.8 million for the first stage of an intersection upgrade on Bussell Highway and Fairway Drive in Busselton; \$4.3 million for widening works on Brand Highway north of Cataby; \$3.5 million for the Collie–Lake King road in the wheatbelt; \$2 million for widening works on Victoria Highway in the Kimberley; and, of course, member for Bunbury, we are out on South Western Highway and Victoria Street, looking at the planned improvements in that area and how we can address some of the congestion around that significant urban growth area. This is on top

of all the other road safety initiatives that we are spending across regional WA, including \$70 million over the forward estimates to deliver upgrades on regional roads where there is a high risk of run-off-road accidents; \$20 million for Indian Ocean Drive; \$17.2 million for Great Southern Highway and Great Eastern Highway; and \$1.2 million over four years on advanced warning signs at rural intersections. There is so much work to be done and we are focusing on making sure we can make those improvements in regional WA to save lives and to address the neglect in previous years of regional road spending.

I want to leave members with my last comment on the former Leader of the National Party when asked about spending on regional roads. His comment was “We haven’t spent a lot of money on roads” in regional WA. That was the approach taken under the previous government. We are focused on addressing road safety and improving outcomes for people in regional WA.

#### SHALOM HOUSE

#### 742. Mr R.S. LOVE to the Premier:

Before I ask my question I would like to acknowledge the year 5 and year 6 students from Ravensthorpe District High School, if they are still up in the public gallery, on behalf of the member for Roe.

I refer to Gary Adshead’s article in *The West Australian* yesterday titled “Time to help, not stop, Shalom House drug rehabilitation centre”.

- (1) Is the Premier aware of Shalom House and does he support its work?
- (2) Is the Premier aware that the Minister for Planning is intervening in a longstanding planning issue in the City of Swan?
- (3) Will the Premier direct the Minister for Planning to cease intervening to the detriment of Shalom House and offer full government support for this important facility.

#### Mr M. McGOWAN replied:

- (1)–(3) I counsel the member that the minister is sitting two seats up from me. If he has concerns about anything she may or may not have said that I am unaware of, perhaps he could ask her.

On the broader issue of the treatment of methamphetamine, I think the recognition is there and the figures that came out yesterday and the day before show that this government’s plan is making a difference. We have a long way to go on the treatment of methamphetamine. When I get around regional Western Australia or the city, I see that a lot of people are impacted by methamphetamine. It is a disturbing thing. A lot of the crime in our community is because of methamphetamine. A lot of the violence and domestic violence is because people make the mistake of taking methamphetamine thinking that they can handle their taking of the drug when, clearly, they cannot. The measures that we have taken over the last 18 months have been very strong—law enforcement, interdiction of supply and also trying to deal with issues surrounding demand with more treatment such as methamphetamine rehabilitation prisons and the like. The figures tabled by the Minister for Police the other day show that there has been an improvement. I do not want us to rest on our laurels. It is a long hard road ahead of us.

#### SHALOM HOUSE

#### 743. Mr R.S. LOVE to the Premier:

I have a supplementary question. Will the Premier undertake to ensure that his government does its utmost to make sure that the work of that facility is not buried in a sea of red tape?

#### Mr M. McGOWAN replied:

Again, I am not aware of what the member for Moore is referring to. I do not know what red tape he is referring to. If he wants to ask the Minister for Planning about any so-called red tape, I am sure he can ask her. She is sitting right there.

#### KEEPING WOMEN SAFE IN THEIR HOMES PROGRAM

#### 744. Mrs J.M.C. STOJKOVSKI to the Minister for Prevention of Family and Domestic Violence:

I refer to the McGowan Labor government’s commitment to supporting those affected by family and domestic violence.

- (1) Can the minister update the house on the outcomes of the recent Council of Australian Governments national summit on reducing violence against women and the meeting of women’s safety ministers?
- (2) Can the minister advise the house on whether the commonwealth has agreed to continue to fund the vital Keeping Women Safe in their Homes program.

**Ms S.F. McGURK replied:**

(1)–(2) This is a good question. Members might be aware that last week—it was to coincide with the Council of Australian Governments meeting—the women’s safety ministers met in Adelaide as part of a summit on reducing violence against women, which was working to develop the fourth action plan to combat domestic violence in this country. We are just coming to the end of the third action plan. It was a constructive meeting and there is no doubt that it was good to meet with other ministers to look at the best practices and innovative programs that are taking place in other states. That was all constructive. A little more concerning, however, was the response from the federal government from both the federal Minister for Women, Kelly O’Dwyer, and the Minister for Families and Social Services, Paul Fletcher, about whether any resources would be attached to that fourth action plan. Our focus is drawn to the fact that the funding we got from the last action plan is coming to an end. At the end of this month, the funding that was attached to a program called Keeping Women Safe in their Homes will come to an end. That program, for just under \$1.5 million—not a lot of money—kept over 750 women safe over 13 months. Instead of them having to relocate with their children and go to a refuge, a risk assessment could be done and they could stay in their homes. The kids could keep going to school and people could keep going to work, if they were working. They could stay connected with their families and networks. The perpetrators had to move out. It was a really positive intervention. Members may have seen in *The West Australian* today a woman called Crystal, who was brave enough and good enough to come forward and be part of a photo with Anne Moore from the Women’s Council Domestic and Family Violence Services to talk about her experience and say that she benefited. It is fantastic that five years after she experienced significant domestic violence from her partner—her partner was jailed and it was pretty horrendous to hear what she had been through—she and her three children are doing really well. That is a practical outcome of this program, but at the end of this month the federal government funding for that program will come to an end. That is not acceptable. We will continue to campaign. The federal government can say that it is against domestic violence and that it is concerned about the safety of women, but it has to match sentiment with resources. It has to put some money on the table. At the end of this month, when those programs come to an end, I have asked my department to make sure that people are not laid off and that we can keep people employed in those programs. I am not interested in propping up the federal government when it is not coming forward with the goods. If we can find extra money, I want that to be in addition to what we are doing now. We will continue to campaign and say that women should be kept safe in their homes and the state government has an important role to play to make sure that occurs.

## WATER LICENCES

**745. Dr D.J. HONEY to the Minister for Water:**

I refer to the consultation the government is currently undertaking for plans to introduce dam fees of up to \$6 668 for licence renewals for struggling farmers.

Given that the government’s currently proposed plan is to charge farmers for the use of their dams on a cost-reflective basis, can the minister please explain the methodology by which this fee will be determined?

**Mr D.J. KELLY replied:**

I thank the member for Cottesloe for the question. In the budget we announced that fees will be introduced to cover the cost of issuing water licences for the mining industry and the providers of public water supplies. Currently, when issuing or renewing water licences, those licences are provided for free. The taxpayers of Western Australia foot the bill of about \$14 million for those services. People in the mining industry—BHP and the like—get that free of charge and we all pay for it. In the budget we announced that we would introduce licence fees on a cost-recovery basis for those industries. We also said that we would begin to consult with the community about whether a cost-reflective arrangement should also apply to other beneficiaries of water licences. That is what we are currently doing, we are talking to the community and sections of industry about whether those costs should be borne by the people who receive the benefits of the water licences or whether the costs will continued to be borne by the general community.

I am very concerned. The member for Cottesloe does himself no credit with the question that he asked and referring to these as “dam fees”. I heard him on radio the other day saying that if people have multiple dams on their properties, they will have to pay multiple fees and that they could end up with fees of up to \$66 000. It is completely incorrect. Currently, 96 per cent of dams in Western Australia do not require a licence and they will not be affected if any decision is made to introduce fees for water licences. The whole premise of the member’s question, which is that this is about dam fees, is patently disingenuous. When people come into this place, and, ultimately into public life, they have to be able to go to bed at night knowing that they have acted with integrity and been honest with the people of Western Australia. If the member is going to portray what we are doing —

Several members interjected.

**The SPEAKER:** Members!

**Mr D.J. KELLY:** If the member is going to portray this —

Several members interjected.

**The SPEAKER:** Members!

**Mr D.J. KELLY:** Mr Speaker, I am trying to answer the question.

**Ms M.J. Davies** interjected.

**The SPEAKER:** Leader of the Nationals, I call you to order for the first time.

**Mr D.J. KELLY:** If the member is going to portray this as dam fees, I would say that he is being completely disingenuous and is doing himself no credit. We are trying to deal with a situation in which the government provides a service to some members of the community for free and other members of the community then have to pick up the cost. That means the money, the \$14 million, that we spend on administering the water licensing system is money that we cannot spend on other services.

In this question time we have heard the member for Churchlands trying to chastise the Minister for Mental Health for the fact that he claims that we are not spending enough on mental health services. The Leader of the Nationals, again, chastised the Minister for Health for saying that we should be funding men's sheds. A laudable principle is that we have to ensure that those positive services are properly funded, but we cannot do those sorts of things or domestic violence services or schools or hospitals if we are providing free services to sections of the community that can in fact afford to pay for them.

We announced in the budget that water licenses for the mining industry and providers of public water supplies will now be provided on a cost-reflexive basis. I think BHP and Rio Tinto can pay for their water licences. I think most members of the community would agree with that.

**Mr D.T. Redman:** What about the agricultural sector?

**Mr D.J. KELLY:** As far as the agricultural sector is concerned, member for Warren–Blackwood, it is a conversation that we want to have with other sections of the community, as to whether or not they can make a contribution to the administrative cost of providing water licences. We need water licenses. We need to be able to ensure that when someone applies for a water licence, we need to know whether we are going to grant it, that the water is in fact there, that it is there in the long run —

**Mr D.T. Redman** interjected.

**The SPEAKER:** Member for Warren–Blackwood!

**Mr D.J. KELLY:** The member could have asked the question.

The issuing of water licences in an environment in which we have a drying climate, especially in the south west, is not a tick-and-flick process, as the member and some others have sought to characterise it. Typically, water licenses are for 10 years, for example. A water licence that was issued 10 years ago, when it comes up for renewal, we cannot just say that we sent out a renewal notice—tick, flick and it gets granted again. We want to be in the position in which we can give members of agricultural and horticultural industries security knowing that they will have water availability going forward. Part of that is making sure that we have a robust water licensing system. All we are doing at this point in time is having a conversation with the community about whether other sections of the community could make a contribution to the cost entailed with the issuing water licences.

Member for Cottesloe, I hope we can have a constructive debate on it. I thought one of the tenets of the Liberal Party was that people should have to pay when governments provide a service, so I hope the member will engage in this debate sensibly and step back from the rhetoric that was embedded in the question he asked originally.

#### WATER LICENCES

##### **746. Dr D.J. HONEY to the Minister for Water:**

I have a supplementary question. Thank you, Mr Speaker, and thank you for your answer, minister. How could it possibly be, as it is outlined in the minister's discussion paper, that it will cost the same to renew the licence for the irrigation dam on the Ord River as it will to renew the licence for a farm irrigation dam in Manjimup?

**Mr D.J. KELLY replied:**

Thanks for the question. I am glad the member raised that, because one of the points he said was that issuing or renewing a water licence for the Ord River Dam might end up, under one scenario, costing the same as a much smaller dam in the south west—that is, of course, if it is a dam that is covered, not one of the 96 per cent that are not covered. A water reference group was set up under the previous government that has on it all the industry parties—horticulturalists and a whole bunch of people in the water industry. One of the issues that it raised with us, when the issue of water licences was raised with it, is the strong view of the group that the licence arrangement should not be based on a volumetric charge. It should not be based on how much water is involved in the licence,

because then it is not a charge based on the true cost of administering the licence; it is a de facto charge on the water itself. Does the member understand what I am saying? The fact that the Ord River Dam has a lot of water in it, as I am sure the member is aware, compared with a dam of much smaller size, they said they did not want it to be based on the volume of water; they wanted it to be based on the true cost of issuing that licence.

The cost of issuing and assessing that licence varies according to the complexity of the water allocation plan that that water comes from. In an environment in which we have a water allocation plan that is in great demand, subject to changes due to climate change and under great stress, the complexity and cost and the work that needs to be done to ensure that that water licence can be granted or renewed might be the same as the work involved in administering a licence for a much bigger water allocation.

Several members interjected.

**The SPEAKER:** Members! Minister, I am sure the other minister wants a question and he is looking very closely at the clock.

**Mr D.J. KELLY:** I am trying to finish the answer. I keep getting interjected on.

Several members interjected.

**The SPEAKER:** Members, please. Let us get it over and done with.

**Mr D.J. KELLY:** As I said, member for Cottesloe, we have not made a decision as to what we might do or how any fees would be calculated.

Several members interjected.

**The SPEAKER:** Members!

**Mr D.J. KELLY:** No, we have not made a decision to change it —

Several members interjected.

**The SPEAKER:** Members!

**Mr D.J. KELLY:** All I am saying to the member for Cottesloe and other members opposite is that if they are true to their principles of accepting that people should not get government services for free—industry should not be, in effect, subsidised by the mums and dads out there who would otherwise have to pay for it—they would sensibly engage in this issue. If we do it right, we can get a fair result for everybody, including those in the community who want us to fund men's sheds and those who want to fund domestic violence and mental health services.

#### EMERGENCY SERVICES — TOTAL FIRE BANS — BREACH PENALTIES

#### 747. **MR S.J. PRICE to the Minister for Emergency Services:**

I am glad we could sneak this one in.

I refer to the McGowan Labor government's decision to introduce on-the-spot fines for breaching total fire bans. Can the minister advised the house why this tough new penalty was needed and outline what these hardline measures will mean for community safety?

**The SPEAKER:** Minister, and a good short answer.

**Mr F.M. LOGAN replied:**

Yes, I will keep this fairly short. I thank the member for the question and, of course, his commitment to bush firefighting and to volunteers in his electorate.

As the member indicated, the McGowan Labor government has very recently introduced total fire ban penalties for those people who continue to ignore total fire bans after they have been issued. The penalty will now be a \$1 000 on-the-spot fine for those people who breach total fire bans on the days on which they are announced. Those penalties can be issued by both police and local government rangers as on-the-spot fines.

The Department of Fire and Emergency Services and the Department of Biodiversity, Conservation and Attractions still have the power to issue penalties, but that will be by way of writing to those people who have breached the total fire bans. Of course, we have done this because last bushfire season 76 fires started on total fire ban days as a result of people ignoring the ban and undertaking activities such as burn-offs, campfires and using machinery that creates a spark such as angle grinding or welding. All of us in this house are well aware of devastating bushfires that have occurred as a result of people who have undertaken that activity in breach of a total fire ban.

The new on-the-spot penalties do not detract from the other penalties that continue to be in force; that is, the agencies I have just referred to—DFES, the DBCA and the WA police—can also take further action to prosecute repeat offenders or more serious offences with a fine of up to \$25 000 and/or imprisonment of 12 months.

I urge all members to encourage their constituents to be well aware of the total fire ban penalties that are now in place. If their constituents are unaware of what they can and cannot do once a total fire ban has been issued, members should urge them to contact [www.emergency.wa.gov.au](http://www.emergency.wa.gov.au), which is the DFES emergency website. This is all about ensuring that we keep our community safe and that everyone plays a role in doing so.

#### RENTAL HOUSING AFFORDABILITY

##### **748. Mr A. KRSTICEVIC to the Minister for Housing:**

I refer to the minister's comments this week that the private rental sector is becoming unaffordable.

- (1) Does the minister support Bill Shorten's stance on negative gearing and cuts to the capital gains tax that will cut the value of Western Australian house prices and scare off investors who provide private rentals?
- (2) Has the minister consulted with industry peak bodies such as the Housing Industry Association, the Master Builders Association, the Real Estate Institute of Western Australia, the Urban Development Institute of Australia and the Property Council of Australia, and do they support Bill Shorten's anti-Western Australian policies?

##### **Mr P.C. TINLEY replied:**

I thank the member for the question.

Several members interjected.

**The SPEAKER:** Members, your own minister is on his feet.

**Mr P.C. TINLEY:** I thank the member for the question.

- (1)–(2) I will go to the last point first. Why would an approach on negative gearing and capital gains tax be anti-Western Australian as opposed to pro-Australian? The premise of that notion in itself shows how unsupportive the member is of this state and the economy of this state in making sure we create the opportunities that the people of Western Australia deserve in relation to housing. Housing affordability has been a longstanding issue. In fact, in his first budget speech, the former federal Treasurer, now the Prime Minister, made housing affordability a central tenet. We had not heard a federal Treasurer make housing and housing affordability the centrepiece of a government's approach to a longstanding issue. In fact, housing and housing affordability comes up in all our research as being the third-order issue after health and education. Health and education are longstanding issues of concern for Western Australians and Australians, and now unsolicited housing affordability is there. In fact, rentals are part of that continuum.

We need a cogent policy response from both the state, through public finances, and the private sector. We work closely with the housing division of the Department of Communities and have had a long association and worked with the private sector to deliver affordable housing into the continuum. In fact, we have revamped the Affordable Housing Strategy to create 35 000 homes by 2020 in the affordable range. We also coupled that with probably one of the best pieces of public policy ever invented in Australia in the form of Keystart, delivered by a Labor government in 1989, which has never taken one dollar of public money. It provides lending up to the median house price on a two per cent deposit. The private sector cannot offer that. In fact, Bankwest, our own state bank, which vacated the market some years ago, was a five per cent lender. It was the last of the single digit deposit lenders. It is now up to the public sector to step in and create the circumstances for the continuum of housing, which is very, very important.

To come to the member's question of whether I support the initiative around the capital gains tax, my fur coat! Absolutely, I do. I one hundred per cent support any opportunity to make housing more affordable for ordinary Australians. It is absolutely essential. I am quite surprised that it took a very brave opposition leader to go to an election on the basis of negative gearing and capital gains tax. We are the only jurisdiction in the world, of the Organisation for Economic Cooperation and Development countries, that has made the family home a wealth creation vehicle and distorted the market. As a result, our children and their children will find it increasingly difficult to get into home ownership. I do not think that is the sort of society we want to create.

I urge all members to have a little bit of sympathy for the opportunity that is presented here and give a little bit of thought about their position on this because we need to make sure we create complementary processes and arrangements that make housing affordability part of it, and the rental market is indeed part of that. I remind members that the housing waitlist is at quite a low level because of the significant effort of successive governments—I will admit—and market conditions. Around 14 000 people are sitting on the waitlist. The last time the waitlist was at 14 000 people, the median rent in this town was \$150 a week. It is now \$350 a week. Rent is increasingly more unaffordable and we have to attend to it. We need all sides of politics to step up and support it. Bill Shorten is the only one who has the courage to step up and have a crack.

## RENTAL HOUSING AFFORDABILITY

**749. Mr A. KRSTICEVIC to the Minister for Housing:**

I have a supplementary question. Is the minister committed to lowering house prices in Western Australia to increase housing affordability?

Several members interjected.

**The SPEAKER:** Members!

**Mr P.C. TINLEY replied:**

It will not surprise any member in this chamber to learn that I have a significant amount of self-belief and a certain amount of self-confidence, like many members in here, but even I cannot extend to that and wave a magic wand and suddenly improve housing affordability. It requires a nuanced approach, multi-tiered by state and federal governments, to ensure that we can deliver the sorts of outcomes that can make a positive change to the structural problems that we have.

**The SPEAKER:** That is the end of question time.

**GAMING AND WAGERING LEGISLATION AMENDMENT BILL 2018***Second Reading*

Resumed from an earlier stage of the sitting.

**MR J.E. McGRATH (South Perth)** [3.06 pm]: When I was last on my feet, before we were interrupted by question time, I said that I wanted to talk about Lotterywest. The Liberal Party, both in government and in opposition, is very supportive of Lotterywest. We want to see Lotterywest remain sustainable into the future. Its contribution to the community through many and various ways of funding is quite fantastic. It is unique. It is one of the few lotteries in the world that is government owned. Proceeds raised are invested directly back into the community. I know for a fact that in my electorate, I have been able to deliver many cheques to community groups over the years. One of the biggest was to the Manning Men's Shed, which has been an outstanding success. I do not think that would have got off the ground without the funding it received from Lotterywest.

Lotterywest's 2017–18 annual report tells us a couple of things. In September 2017, Lotterywest joined the Tatts Group and the Australian Lottery and Newsagents Association to support a strong and ultimately successful campaign to ensure that the synthetic lotteries we spoke about before, like Lottoland, are not able to operate in Australia. This campaign aimed to raise awareness of the negative financial and social impacts of lottery betting services. In principle, I will not argue against that statement. However, I am interested in learning more about the extent of the negative financial impact of synthetic lotteries on Lotterywest, whether Lotterywest revenue has been decreasing and whether we are maybe ignoring other potential factors by focusing on synthetic lotteries like Lottoland when other factors might have impacted on Lotterywest.

Some of the background data in the Lotterywest report shows that the total Lotterywest ticket sales revenue received for each of the past five years is as follows: in 2013–14, it was \$796 991 234; in 2014–15, it was \$826 345 191; in 2015–16, it was \$889 487 409; and in 2016–17, it dropped to \$827 394 412. But then, in 2017–18, the sales revenue rose to \$854 563 777. That is a three per cent increase compared with the previous year. I turn now to the total revenue collected via retail outlet sales for each of the past five years. I feel I need to put these figures in *Hansard* for other members or any of the public who might want to read them, because they are important. In 2013–14, it was \$764 739 005; in 2014–15, \$784 394 009; in 2015–16, \$827 478 885; and in 2016–17, it dropped to \$760 817 412. But then, last year, there was an increase of 1.7 per cent compared with the previous year, to \$773 498 160.

I turn to the total revenue collected via online sales—this is very interesting—for each of the past five years. This is an area that we need to look at because it has been noted and appreciated that online sales could be encroaching on shopfront lotto sales. A lot of my older constituents still like to go and buy their tickets when they do their shopping, but a lot of people are now buying them online. The online sales figures are, for 2013–14, \$32 252 229; 2014–15, \$41 951 183; 2015–16, \$62 008 524; 2016–17, \$66 577 000; and then an increase last year, 2017–18, to \$81 065 617. That is a 22 per cent increase compared with the previous year. What we are asking is: is Lottoland the big danger to Lotterywest, or is it because of the way people are buying online that retail outlet sales are diminishing?

Data from Lotterywest's 2018 annual report shows that, as of 30 June 2018, the number of full-service retailers selling Lotterywest products was 503. For the player channels, retail accounted for 90.5 per cent of sales, while online purchasing accounted for 9.5 per cent of sales. For those who are interested in the number of retail outlets around the state, there are 395 newsagencies, 40 kiosks, 37 supermarkets, 16 pharmacies, 12 convenience stores and six delicatessens. One would probably like to have a delicatessen that also sells lotto tickets, but there are six; I do not know where they are!

That shows that 90.5 per cent of Lotterywest players are using the retail channel. We want to know whether there is data or information to tell us to what extent these retail players are effectively lured by online synthetic lotteries,

to the detriment of Lotterywest, its agencies, the state government and the community. If Lotterywest's revenue is negatively impacted by the presence of online synthetic lotteries, where do we see that in the above figures? These are the things that we might go through with the minister when we —

**Mr P. Papalia:** I might ask you some questions in return, like whom are you asking for, and who wrote that speech?

**Mr J.E. McGRATH:** Thank you. That is for me to know and for the minister to find out.

**Mr P. Papalia:** That's what I'll be asking you. Are you acting on behalf of Lottoland?

**Mr J.E. McGRATH:** No, I am not. We support Lotterywest. We are asking questions.

*Point of Order*

**Mr S.K. L'ESTRANGE:** Under standing order 92, the minister has clearly made an imputation against a member of Parliament, which is a breach of the standing orders. I ask him to withdraw.

**Mr S.J. PRICE:** There is no breach of standing orders; no point of order. Member for South Perth, carry on, please.

*Debate Resumed*

**Mr J.E. McGRATH:** I repeat that the opposition supports Lotterywest. The federal government has banned Lottoland, and we are happy with that outcome. We are not arguing with that, but we want to flesh out other factors.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister!

**Mr J.E. McGRATH:** I am not taking any interjections from the minister. He will have his chance to have his say.

Online Lotterywest ticket sales revenue, in particular, experienced a 22 per cent increase between 2016–17 and 2017–18. I am thinking that maybe it is time we had a review of Lotterywest, how it operates and how it relates with stakeholders, including the agents. Lotterywest is very important to the people of Western Australia; we do not argue with that.

**Mr P. Papalia:** Then maybe it's time you stood up for them.

**Mr J.E. McGRATH:** We are standing up. We are standing up —

**Mr P. Papalia** interjected.

**Mr J.E. McGRATH:** No, I am not wasting anyone's time. The minister is well paid to be here, and he can sit and listen. We are entitled to ask questions, and the people of Western Australia want to know about the future of Lotterywest —

**Mr P. Papalia:** We want to know why you're not helping!

**Mr J.E. McGRATH:** I probably buy more lottery tickets than the minister does. I help a lot.

I visited a newsagent the other day —

**Mr P. Papalia:** Why does the Liberal Party hate Lotterywest?

**Mr J.E. McGRATH:** We do not hate Lotterywest. Why did the Labor Party hate the Liberal Party selling the TAB? Why did it fight against the Liberal Party wanting to sell the TAB? Maybe we will ask you a question. You fought it, tooth and nail. What a hypocrite!

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr D.T. Redman:** Hypocrisy abounds!

**The ACTING SPEAKER:** Member for Warren–Blackwood! Minister! The member has indicated that he will not be taking any interjections. Please carry on, member.

**Mr J.E. McGRATH:** I have delivered many cheques from Lotterywest to community groups in my electorate and I, like every member of this chamber, understand the importance of Lotterywest. But we are entitled to ask questions, and that is all we are doing today. We are asking questions. The federal government brought in legislation to ban Lottoland and we have not come out and said that the federal government should not have done that. All we are saying is: we now have legislation here in front of us, and we are not sure why it is required. Lottoland was not mentioned once in the second reading speech or in the actual bill. We just want to understand. We are only asking questions, and we have every right to do that.

To share an anecdote, I visited one of my constituents who runs a newsagency on Mends Street, South Perth. I asked him about sales of his Lotterywest products and how they were going. He said, "Well, they've been down, but Mends Street is a construction site at the moment. There are a lot of new buildings being built, people can't get parking and there's not much foot traffic." He said that that was probably the reason, but he did not mention anything about synthetic lotteries or competition from Lottoland. We are asking these questions; that is all.

In May this year, during the Legislative Assembly estimates hearings, the Leader of the Opposition asked the Premier a question about the sustainability of the Lotteries Commission. That was a fair enough question from a member of Parliament but the response was, “Oh, sorry—you’re in opposition. How dare you ask a question about the sustainability of the Lotteries Commission—this massive organisation that delivers so much money to community groups. How dare you ask a question about that!” The Leader of the Opposition had the courage to ask that question and the Premier replied —

The real thing that impacts revenue for the agency is totally outside anyone’s control—that is, jackpots.

I can understand that. He continued —

If there are not a lot of jackpots, there is a loss of interest in Lotterywest and it does not sell as many products. Strangely enough, jackpots—that is, fewer people winning major prizes over time—results in more revenue for the agency because there is a big prize of \$20 million or \$30 million.

At the same Assembly estimates committee session, the chief executive officer of Lotterywest commented —

Over the last 10 years we have had a compound growth of about 2.7 per cent. Although it dropped to around \$827 million in 2016–17, we are looking good this year despite some of the trends the Premier mentioned. We had fewer jackpots last year and there was a little more pressure in the economic environment so sales were down. The external environment had more competitors in the field so we had a lesser revenue. We are expecting around \$848 million to \$850 million in revenue, which is still growth on the previous year. People in Western Australia are very committed to Lotterywest. We are driving our business around that contribution back to the community and Western Australians are really coming to the party. We are really seeing a strong performance this year despite the constraints in the economic environment.

That is fantastic; it is what Western Australians want to hear.

At an Assembly estimates committee hearing in September last year, in response to a question about a decrease in gambling revenue, the Minister for Racing and Gaming said —

I would attribute a significant component of that decline, particularly in some of the revenue streams like lotteries, to the really, in my view, poor decisions that were made around Lotterywest retailers over the last couple of years. Those decisions imposed on those retailers significant restrictions on their capacity to advertise and significant additional costs in their operations for no benefit to the operators.

A lottery agent complained to me at the time about some of those conditions. The minister might not want to talk about it, but I think he will. We want to flesh out what those conditions were. If the Lotteries Commission was placing constraints on the people who were selling tickets, the public should know about that. The minister’s response continued —

It has not been publicly claimed as a significant component to the downturn in lotteries take; instead, as the member would know, they refer frequently to Lottoland and the like, and similar types of activities removing or impacting upon their revenue streams. I have a personal view based on witnessing the significant damage that was done to the Lotterywest retail outlets across the state by a number of poor decisions with regard to what they could and could not do.

That is a reasonable comment and we might talk about that when we go into the consideration in detail stage, or the minister might address it in his second reading reply. The minister continued —

I can say that in recent times, costs were imposed on what are effectively small businesses in the order of between \$20 000 and \$150 000 per outlet for no return.

I think that would be a disgrace. He continued —

I have no doubt that some of the restrictions on their advertising had an impact on their sales, and we saw that as a component of this reduction.

That would be the reduction in revenue. I want to know more about that. If Lotterywest was making it more difficult for the people who were selling tickets, we need to know that. I know it was making people change their floorplans and things like that—making them spend money. People who are part of the sector and are selling tickets need to be looked after.

In summing up—it will not be a brief summing up; the summing up might go on for a bit, but I know that the minister likes hearing from me!

Several members interjected.

**Mr J.E. McGRATH:** It was a nice cartoon, too, minister. I thought that Alston did you proud! I thought it looked like someone out of a movie.

The legislation amendment bill will amend two acts—the Betting Control Act 1954 and the Gaming and Wagering Commission Act 1987. In the first amendment to the Betting Control Act, the government wants to give the commission the power to declare something a “prohibited event”. That is fair enough, but we might ask a few questions about what type of event it might be. Could it be an online retailer in wagering or lottery putting a shopfront in a shopping mall or something like that? It also recognises that any contingency permitted under another statutory law can be offered at the moment in Western Australia by a wagering operator licensed in another jurisdiction, unless it is prescribed as a “prohibited event or contingency”. That is fair enough; I would support that. We need to shut the gate on things that might happen, but maybe the minister could tell us what sort of dangers are lurking out there for our lottery or wagering-type industries.

An amendment to the Betting Control Act also provides a definition of “bet back”. For people who might not understand about betting, when a bookmaker or a wagering operator takes a bet, it might be a bit big for what they can commit to and they can then bet back part of that bet with another bookmaker or operator. Under the system at the moment, they pay tax on both bets, which is quite unfair. This amendment will clear that up. They will now pay tax on only one bet. In relation to turnover with betting exchanges—there is only one betting exchange that we know of in Australia; it is Betfair—the turnover that it pays its tax on is now going to be net and not gross. That is something that the industry obviously felt was a bit unfair. It will now be able to pay tax on the net turnover.

There is also an amendment to the Gaming and Wagering Commission Act 1987. It is interesting, but not really contentious. It will enable raffles conducted wholly or partly outside the state not to have a prohibition on them. At present, apparently if a body is licensed in another state to hold a raffle, it has to apply for permission to come into Western Australia to expand its raffle. This will take away that condition. I think the minister mentioned in his second reading speech surf lifesaving organisations and things like that that sell raffle tickets nationally. If they want to come into Western Australia, this takes away the requirement to apply for a special licence. We totally agree with that. We agree with most things that this minister does!

**Mr M.P. Murray:** One of the problems with the surf lifesaving fundraising was that only 18 per cent of the fundraising was staying in Western Australia. They do have a problem in that area, so I thought I would mention that.

**Mr J.E. McGRATH:** Will this solve that problem?

**Mr M.P. Murray:** When they were bringing in raffle tickets from over east, the return to the state was only 18 per cent, that is why Surf Life Saving WA now runs its own funding.

**Mr J.E. McGRATH:** The Minister for Seniors and Ageing is trying to help the minister out, but this is a little bit different.

The amendments will also prohibit a gambling provider licensed in another Australian jurisdiction from establishing a remote gambling facility on public premises that provides a direct link to their wagering operations in that jurisdiction. We might ask the minister to give some examples of what that could be. Once again, could that be an online gambling company like Sportsbet setting up a betting shop somewhere or whatever? I would have thought that could not be done anyway under the current laws.

Another initiative in the amendment to the legislation provides the Gaming and Wagering Commission with additional powers to formulate and impose prohibitions or conditions in relation to gambling to include the advertising of live odds during events. The Liberal Party supports that. We support most things the minister does, but he gets very aggressive towards us. We are good people, really! I think there is a feeling out there in the community that when people take their kids to the footy, they do not want them seeing odds at half time. This would apply to major sporting events at Optus Stadium, RAC Arena and places like that, but it will not relate to horseracing because, obviously, at a racetrack there are changes of odds and things like that happening all the time, so they will not be part of that.

Just to recap, we are not opposing this legislation; we are supporting this legislation. We are not supporting Lottoland. I have not made any statement that Lottoland should be allowed to operate. We are supporting Lotterywest, because it is an institution in our state and it is very important. It is very important that it is protected. But I personally think it might be time, and the minister might even initiate this, to look at how Lotterywest operates and whether it could be run better and more efficiently, and what it costs to run. It is quite a big operation. We could look at whether there is an opportunity for more money to be put into the community. A lot of these not-for-profit and community groups are doing it tough and they are finding it hard to raise funds for things they are trying to do for their sport or group. We want to find out a little bit more about what a prohibited product is. The minister could maybe give us a bit more about that, because the bill does not really specify or name what any of those prohibited products are. Maybe the minister cannot do that at this stage, but he could give us some idea of where in the ballpark we are shutting the gate on something that might be a problem for us in the future. Does the commonwealth legislation go far enough? Is it a significant enough protection for us or could some of these offshore providers of betting on lotteries still come into our state some other way through the back door? These are questions that we will want to flesh out. Maybe we could look at how Lotterywest has been going in its turnover

and how it is turning towards online sales. We are interested to know how the retailers are going. Are they doing it tough? I liked the minister's comment about what happened with some retailers when they had to spend considerable funds to upgrade their shopfronts at a time when they are under a bit of pressure from online sales. A lot of people are interested in this important area. Most Western Australians would buy lottery tickets at one stage or another. If I put 50 bucks in and I get 11 bucks back, I am doing really well. At least when we buy lottery tickets, we know that we are supporting Western Australia and Western Australian community organisations. I look forward to consideration in detail. I think this is an important matter. The minister jumped in very quickly and brought in this legislation. The other question is: what happens if Lottoland wins its High Court challenge? I am not sure it has challenged, but it is talking about it. What happens if it wins its High Court challenge? Does this legislation become redundant? We do not know. We are dealing with an area of some uncertainty and I look forward to future debate in consideration in detail.

**MR V.A. CATANIA (North West Central)** [3.35 pm]: I am sure a lot of members would know *Seinfeld*. One episode of *Seinfeld* was called "The Pitch", which was about a pitch for a show about nothing. It was literally a show about nothing. I think the legislation about nothing is here today. The Gaming and Wagering Legislation Amendment Bill 2018 being debated in Parliament today is redundant. The federal government has already introduced the protection of Lotterywest, with Lottoland prevented from being allowed to operate. There has been all this rhetoric from the government, led by the Premier, saying it is going to ban Lottoland, but the federal government has already done it. Here we have a piece of legislation that is really about nothing. In fact, there are a few concerning parts to the legislation. We support the legislation, because it does not mean much at all. I think it is a time-wasting piece of legislation. As I said, it is like an episode of *Seinfeld*. It is a piece of legislation about nothing. That is what it is. The federal government recently made changes to interactive gambling laws to prohibit lotteries like Lottoland, so why do we need legislation that is similar to existing federal legislation? If this bill is about an unknown future scenario, could the minister please explain why there are provisions in it to deal with such a scenario? What could be an unknown future scenario? That is the question. This is the unknown in the nothing legislation. That is what this is all about. What does the minister mean by "futureproof"? It would be good if he could provide some examples in his reply to the second reading debate. It would be good to know what the minister means by "futureproof".

The minister's second reading speech states —

The Gaming and Wagering Commission of Western Australia has the legislative ability to prohibit Racing and Wagering Western Australia from establishing or operating a TAB agency where the commission considers it detrimental to the public interest. However, no equivalent legislative provisions exist for the commission to prevent licensed operators in other jurisdictions from establishing facilities in Western Australia that are directly linked to operations in respective licensed jurisdictions. This bill seeks to overcome this anomaly by amending the Gaming and Wagering Commission Act 1987 to prohibit remote gambling facilities that are specifically built and made available in public places that connect directly to licensed operators in another jurisdiction.

I am not too sure what that paragraph actually means in practice. What is the problem? We need an explanation from the minister about what that means, because I cannot understand it, I am sure members on this side cannot understand it and I am sure the public will not be able to understand it. Could the minister explain what that paragraph means?

I will refer to another paragraph in the second reading speech. I will read it —

The promotion of sporting odds during live sporting events has the propensity to influence vulnerable and young people in normalising gambling behaviour. In an effort to curb consumer exposure to an already saturated gambling advertising market, the bill will amend the Gaming and Wagering Commission Act 1987 to enable regulations to be prescribed prohibiting live betting odds being broadcast during sporting events at prescribed sporting arenas and stadiums. However, the prohibition will not apply to the advertising of live betting odds by bookmakers and wagering operators at licensed racecourses during a race meeting in relation to horse and dog racing, or advertising that provides sponsorship support to local community sporting grounds.

Can the minister explain what venues could be prescribed? Is the approach on live betting aligned with the national approach? If so, what has been implemented in other states? These are the questions that arise from the second reading speech. If it is already federal law, why do we need these provisions? That is a question for the minister to answer. Does this apply to just the Western Australian Totalisator Agency Board or will it apply to, say, Ladbrokes? That is one operator—a bookmaker—that operates out of the Northern Territory. If so, how can these provisions apply? What if Ladbrokes sponsored the Eagles or Fremantle Dockers? Could it advertise on the big screen, for example, at Optus oval, or Perth arena as we like to call it? Could it get an exemption to do live betting? Is that possible? Would it be able to have it on the big screen, as we see with the advertising —

**Mr P. Papalia:** I can't believe you just read the paragraph and you are asking these questions.

**Mr V.A. CATANIA:** I want the minister to answer those questions, because this is what the second reading is all about. I want some clarity on that paragraph. What about people downloading it on their phone through the app? Is that going to be illegal? An individual could be fined \$2 500. People betting could be fined up to \$5 000. It is quite a hefty fine. What are the fines in the legislation of other jurisdictions, which is very similar to what the government is proposing here? How will these provisions be enforced or policed? It is very hard to enforce or police someone with their phone. What if I live in Kununurra and go across to the Northern Territory and have a bet and come back? Am I subject to being fined \$2 500? There are some questions around what the government is proposing in terms of the fines.

Like I said, this is really a piece of legislation about nothing. All the hoo-ha we saw from the Premier and the minister about Lottoland has already been dealt with by the federal government. I do not disagree with the fact that Lotterywest plays an absolutely vital and important role in Western Australia in delivering the proceeds of betting back to the community. I think that is a valuable resource. Nearly every member in this place has had the ability to be part of Lotterywest by handing over funds to sporting organisations and other community groups around Western Australia. It has played a pivotal role. It invested \$3 million in the Ningaloo Centre, which has been criticised by the Premier but which delivered a fantastic outcome. That is why the National Party supports the legislation. I ask the minister to go back and have a look at some of the questions I have raised. No doubt my colleague in the upper house, the former Minister for Racing and Gaming, Hon Colin Holt, will be closely scrutinising this piece of legislation. This is like a nothing pitch. It is a nothing piece of legislation. There is a show about nothing; this is legislation about nothing—literally, it is a piece of legislation about nothing. That is what it is. After all the huff and puff about getting rid of Lottoland, it has already gone. We will do whatever we can to protect Lotterywest, which is a vital and pivotal organisation for the community and, more importantly, the grassroots community. The National Party will not oppose the bill, but we will be scrutinising some of the details. Hopefully, the minister can answer some of the questions I have raised in my contribution to the second reading debate.

**MR A. KRSTICEVIC (Carine)** [3.45 pm]: I want to make a very short contribution to the Gaming and Wagering Legislation Amendment Bill 2018. I listened to the speech of the member for North West Central and I think he was a little harsh, because the bill probably does tinker around the edges a little. It is not a nothing bill. It does a little bit, but not a lot relative to the fanfare it was given with its introduction.

I want to make a couple of observations. The member for South Perth quoted a whole lot of statistics, which came from questions on notice that I have asked. I will quickly refer to them. The second reading speech says —

The Gaming and Wagering Legislation Amendment Bill 2018 will amend the Betting Control Act 1954 and the Gaming and Wagering Commission Act 1988 to implement the McGowan Labor government's policy of supporting a strong and sustainable racing industry —

It is obviously very important to maintain that industry —

and responsible gambling practices in Western Australia.

I suppose I tried to focus on responsible gambling practices. How much is the bill really doing on that? Further down, the speech refers to the advertising of odds during games. Funnily enough, I was listening to the radio the other day and a mother talking about her son who is a sporting fanatic. He loves cricket. He was drawing the cricket pitch, the players and everything else, and then he was drawing the fence on the outline. On the fence he had written “Bet365”. This was a five-year-old. I understand that there is a bit of focus on odds, but here is a child who loves the game of cricket and who is drawing what he sees on TV, so I am wondering whether responsible gaming practices will extend to situations like that; that is, children seeing symbols and corporate logos that are obviously telling them all about betting at the age of five. They are absorbing that. We know that children absorb a lot at an early age. They are absorbing that, and that is a little concerning. Of course, we know how young people are with technology. They are on iPads at the age of five, they are googling and they are doing all sorts of things. They are much more capable with some of these things than some of the older generation obviously are, and at a very early age. I wonder whether the minister will extend the idea of responsible gaming practices to stop the blatant advertising of companies that promote gambling, as opposed to just the odds that pop up on the screen on the TV. As we know, everybody now has a screen in their pocket—their mobile phone. They do not really need to see the odds on TV necessarily. They can go straight onto their mobile phone and call up the odds. They are probably gambling directly from their mobile phone anyway. All they really need to see on the screen is “Bet365” or someone else in that industry to think, “That’s right; I better check those odds and see what is going on.” By default, we are not really having a major impact on that. As much as the bill provides for futureproofing the state, there is something that is currently happening that is obvious and, as far as I can see, nothing is being done about that particular situation. It is very misleading to expect a bill to futureproof itself because so many bills that go through this Parliament are frequently revisited. They have to be updated, improved, modernised and brought up to current standards. I am sure that there are very few, if any, bills that are futureproofed. I think every bill at some point in time needs to be reviewed and updated based on the latest trends, technologies, fads or the way people do things. Industry, the private sector and individuals are very innovative and will come up with things that we have

not even thought of yet. It is a bit cheeky to say that this bill will futureproof it so that there are no more irresponsible gambling practices, nobody else can come into the sector in any way, shape or form to take gambling revenues and that the racing industry will be sustainable. That is a long bow. It is a great motherhood statement that does not carry much substance with it. But so be it, if that is the case.

I am a huge supporter of Lotterywest because it does a fantastic job providing a lot of funding to communities. It gets a lot of applications and I am sure that it tries to make the best decisions in the interests of the community, hopefully in all cases. That is very important. People talk about Lottoland, which is not specifically mentioned in the bill, but obviously we are talking about synthetic betting products and this is another one of those that the government classify as a synthetic betting product. I think the minister, for the futureproofing of his statement, decided to leave it open rather than focus on Lottoland. But the 503 outlets, the small business operators who sell and promote lotto and who are the backbone of the industry that allows us to collect this money and then to use it for the benefit of the community, had a concern about Lottoland. I understand and share their concern; however, they also need to be concerned about the direction that the state government is taking us in this space because, as has been noted, in 2016–17, \$66 577 000 was made in online sales. In 2017–18 it grew to \$81 065 617. It is pretty obvious, we have heard it and seen it, that the state government is promoting online sales like never before. It is growing that sector and it is trying to divert people away from kiosks to buying tickets online. Unlike the racing industry, which is getting a percentage, a tax, how much are these 503 outlets getting for online sales? What is coming back to them? Nothing. Not one cent. While they are out there working long hours and promoting the lotto product, trying to generate all this wealth for Lotterywest, the state government is promoting business away from them into the online space, because it does not want them to collect the money. The state government does not want them to have a percentage of the sales revenue. That is entirely wrong and these small business operators who have invested heavily in these businesses are out there promoting lotto, trying to make sure that sales are increasing. Of course, as we have heard, outlet revenue is slowly increasing and the total revenue received by Lotterywest has increased. If we look at 2016–17 it received \$827-odd million, and in 2017–18 it received \$854 million. Lottery sales are growing and the revenue is growing. I am not sure how much of an impact Lottoland is having, but obviously lottery sales themselves are growing. As was stated by the member for South Perth, the sales are predominantly impacted on by jackpots, and that is true. We all like to see a big jackpot. When I see a \$30 million or \$50 million jackpot I straightaway buy a lotto ticket, irrespective of the fact that I am happy to only win \$1 million of that \$50 million and I would be happy to share it with 49 other people.

**Mr P.A. Katsambanis:** You would be happier if you won all \$50 million.

**Mr A. KRSTICEVIC:** Well, I would be happier obviously because I would then be able to share it around. It is not that people are greedy, but it attracts their attention, I suppose. The member for South Perth also asked about issues with lottery kiosks around Lotterywest and the impositions it was putting on them. The lottery kiosk in my electorate had these electronic screens that Lotterywest wanted to put up. They have all got these electronic screens and a condition was placed on them that they all had to have one electronic screen, maybe two if they were lucky, and they had to be rotating.

**Mr P. Papalia:** It was your government, mate.

**Mr A. KRSTICEVIC:** I know, I am just saying what the issue was. I am not apportioning blame, I am just saying what I found out in hindsight when discussing this with people. There was an issue with that. I had a problem with that myself because when I walk past the kiosk, the newsagents, I now know that it is important to see a static sign that says “\$50 million”. Because as I walk past in my busy day, it does distract me. It draws me in and says, “Tony, you need to buy one of these”, for a number of reasons. Firstly, it is obviously great to have access to \$50 million, secondly, it is great to contribute to Lotterywest because it uses the money well in my electorate, and thirdly, it is also great to support local business. There are a lot of reasons why I buy lotto. I buy it all the time and to be honest, the last reason I buy it is to win, because I know the odds of winning are minuscule, and the chances that I am going to win are virtually nothing. History has proven my view to be correct—that is generally what ends up happening. I know that that will be the case before I even buy the ticket; however, there are many other reasons that I buy that ticket.

**Mr D.A. Templeman:** You should move to Mandurah; Mandurah is very lucky.

**Mr A. KRSTICEVIC:** I noticed Mandurah had a few jackpots. Like I said, I am happy to contribute my small share to the benefit of the community at a greater level.

The one thing that was of concern to me was that between 2016–17 and 2017–18, even though the revenue increased, the amount of money given back to the community reduced by \$5 million. I am interested to know why less is going out to the community when more is coming in. Now, \$5 million might not sound like a lot, but that is a lot.

**Mr P. Papalia:** Ask the minister responsible in question time.

**Mr A. KRSTICEVIC:** Hopefully, the member for Warnbro will be able to answer that question.

**Mr P. Papalia:** I’m not the minister responsible.

**Mr A. KRSTICEVIC:** I know, but you are talking about this legislation. It is important to know why the community has \$5 million less when revenue has gone up. I see that my good friend the Minister for Culture and the Arts is here. I asked question on notice 847—I do ask the odd question on notice—that states —

I refer to the decline in Lotterywest funding and the announcement by the Department of Culture and the Arts ... that funding programs —

It was about reducing the revenue for the Department of Culture and the Arts from Lotterywest from \$16 million to \$15 million from 2015–16 to 2016–17 and then further down from there. It was also about fellowships. From what I can see, the Department of Culture and the Arts is getting less money from Lotterywest. That is a concern for me. I want to know why. I know the minister is probably going to say he is not the responsible minister, but if there is more money coming in, more available in the kitty, why are we not making that available to these organisations? Why are we cutting their funding? Why are we not helping them as much as we can? That is probably something I am concerned about as well, because as the member for North West Central said, this bill does not cover much, but what it covers is relevant and we need to ask the questions.

The member for South Perth has a lot of questions for the consideration in detail stage. I assume the member for North West Central does not have many questions because he thinks it is a bill for nothing so he may well take that step very easily. I will have some questions, and questions about responsible gambling practices are important. The minister made a statement that the bill is all encompassing and that he now has the panacea, the answer, to make sure that problem gamblers will no longer exist because he has come up with responsible gambling practices and has a way of dealing with people who have difficulty with gambling.

**Mr P. Papalia:** Did you bump your head on the way into Parliament?

**Mr A. KRSTICEVIC:** Not at all. I am just reading the minister's second reading speech. It says that this bill introduces responsible gambling practices into Western Australia. If the minister is talking about responsible gambling practices as being only one thing—that is, the odds cannot be advertised on television during a game—that is a very narrow perspective and that is all I can see in the bill. The bill has nothing to do with responsible gambling practices. It offers a slight variation in the odds being able to be advertised during a game and supposedly trying to—it says here—normalise gambling behaviour. The government is trying to normalise gambling behaviour, but I am not sure how gambling behaviour is normal or how it can be normalised. As a general rule, gambling is not a good thing. I tell my kids not to gamble, and if they do gamble —

**Mr D.A. Templeman:** You were just telling us how you gambled prolifically!

**Mr A. KRSTICEVIC:** Lotto is about giving to the community. What I tell my kids about gambling is that they have to be responsible and know that they will lose.

Debate adjourned, pursuant to standing orders.

## MINISTER FOR HEALTH — PERFORMANCE

### *Motion*

**MR S.K. L'ESTRANGE (Churchlands)** [4.01 pm]: I move —

That this house condemns the Minister for Health's handling of the health portfolio, placing our health system on a trajectory of cost cutting that is stripping away frontline health and mental health services in a similar manner to that which led to the chaos experienced under the last state Labor government.

I will outline the opposition's key lines of argument on this motion. First of all, some of us may make mention of the Corruption and Crime Commission procurement issues in the North Metropolitan Health Service, which are well recorded in the public domain. The North Metropolitan Health Service's highly respected and independent board was effectively dismissed by this minister on budget grounds. The North Metropolitan Health Service's budget—the total cost of service—was cut from an actual \$2.45 billion last financial year to a target of \$2.15 billion this financial year, which is a massive cut of \$300 million. In what looks to many in Western Australia as a jobs-for-the-boys move, the minister appointed Hon Jim McGinty as chair of the North Metropolitan Health Service board, and we know that Hon Roger Cook, the Minister for Health, worked for Mr McGinty. We are quite concerned about the rewriting of history with the appointment of that board chair and the direction that we have seen health and mental health take over the last 18 months of this government and how closely it is starting to look like the former state Labor government's performance in the health domain. We will also look into the health and mental health budgets and try to take the opportunity to highlight some local health issues that some members are facing in electorates in Western Australia.

As members can see, we as the opposition are going to try to make a very detailed effort today in private member's business time. It is an important effort because health is one of the big three service provision areas for the people of Western Australia. The big three service provision areas are, of course, health, education, and law and order. Health is the area that every single person in Western Australia—man, woman and child—needs to be able to rely

upon in their time of need. They cannot do without an effective health system. It is critically important that the health system continues to do better, to improve, to be well resourced, to work smarter and not harder, and to hit those key performance indicator areas, which I will also outline today.

It is worth remembering that the former state Liberal–National government handed a world-class health system to the McGowan government. Not only was it performing at a very high level, but it was also a refurbished health system, with assets such as Fiona Stanley Hospital; Perth Children’s Hospital; Midland Health Campus; the new regional hospitals and developments in Albany, Port Hedland and Broome; and the redevelopment of the health campuses at Joondalup, Busselton and Kalgoorlie, just to name a group. The former government made a lot of effort in the health sector. This government came into power and took control of a health system that had had enormous investment in it and an enormous amount of effort put into it by the former Liberal–National government health ministers to make sure that it was up to standard. However, in just 18 months of this Labor government, the wheels have come off. I will outline to the house today exactly where that has happened.

There is no easier example than the significant cut to just one section of the health budget, the North Metropolitan Health Service, with a cut of over \$300 million. An interesting aspect of this is that we only got to the bottom of it by asking questions in the Legislative Council earlier this year. A question without notice was asked on Wednesday, 19 September, about what the 2017–18 actual results versus budget targets were for the North Metropolitan Health Service. That is when we uncovered the variance of \$191.577 million and realised that what this government is doing in the budget is not reflected in the reality of the service needs of the community. That is just one example. Furthermore, another question without notice was asked in the Legislative Council on Tuesday, 9 October 2018, about what the 2018–19 targets for the North Metropolitan Health Service were for the total cost of service. That is when we found out that the 2018–19 targets were \$2.148 million. That is how we were able to get to the bottom of it and deduce that, in actual fact, there is a \$300 million cut.

We keep asking the health minister questions in this place during question time and we refer to funding amounts that are changing. He consistently tells us that there is nothing to see here, everything is okay, and the actual budget allocations for health are increasing. However, when we get answers to questions in Parliament and check the budget items line by line, we see that that is not the case. We are seeing a different set of circumstances and we are also starting to get feeds of information from key stakeholder groups in the health and mental health areas. They are starting to feed us information that confirms that although the minister may stand up in this place in question time and say that he is increasing the budget and that the member for Churchlands, the shadow Minister for Health; Mental Health is wrong, the information being sent to us by stakeholder groups is saying “I saw question time today. Let me tell you what is actually happening out here.” They show us that although the minister might be half right in what he is saying—sort of tricky to a point—he is not drilling into the key issue of the question that we are referring to. That has happened on a few occasions in the last week or so.

This Labor government has strong ties to the last state Labor government. We are seeing a repeat of the mistakes of the past. Those mistakes are leading to a fundamental pressure on our health and mental health systems. We have outstanding health and mental health professionals and people who work in facilities that service health and mental health areas. We have outstanding people working in those areas, but when demand exceeds the capacity for the organisation to deliver the service to the community to a satisfactory standard because demand outstrips the resources allocated, it puts enormous strain and pressure on our health and mental health systems. We have started to see evidence of this through key performance indicators set by the state government, which align with nationally agreed key performance indicators for areas such as hospital performance; emergency service wait times; the ramping of ambulances outside our hospital emergency departments; elective surgery wait lists; staff morale, which the government looks at through surveys; the shortage of doctors and nurses in Western Australia to be able to deliver the key medical services required; and poor governance, which can sit over the top of this hardworking system if the governance structures are not right. The governance structure starts at the top with the Premier and the Minister for Health; Mental Health.

We find that history is repeating from when Labor was last in power in Western Australia. The minister has effectively dismissed the North Metropolitan Health Service board and parachuted Labor powerbroker Jim McGinty into the role of chair of the board. It is easy to go back through *Hansard* and newspaper articles from the era to see the issues around how health was run when Hon Jim McGinty was the minister. He was also Minister Cook’s former employer and his mentor. Whilst that is easy to find, the minister would know this because one need only go to the Premier of Western Australia and cabinet ministers’ webpage, on which there is a biography of Roger Cook, with a line that states —

After completing his studies Roger worked for a number of Federal and State Members of Parliament including Jim McGinty ...

Their relationship is strong, it is well-known and it is in the public domain. We know that when Mr McGinty was the health minister there were serious problems with the health system and that it took the Liberal–National government, when it came to power in late 2008, to start to effectively clean up the mess and to improve not only

the key performance indicators that are so important to the functioning of our hospital system, as an example, but also to make a massive investment in improving the capital infrastructure for health throughout WA. Hon Jim McGinty has been appointed to not only the North Metropolitan Health Service board, but also the boards of Lotterystart and Healthway.

Let us look at some of the evidence linked to all this that supports our concerns. I asked a question in this house on 12 September 2018 relating to the Corruption and Crime Commission's findings on governance issues at the North Metropolitan Health Service—in particular, the resignation of six board members this year. I asked —

- (1) One of the letters said —

I refer to email correspondence received from, and a subsequent telephone conversation with, your Chief of Staff on 12 June 2018. It is my understanding the in-coming Chair of the North Metropolitan Health Service ... Board wishes to have an entirely new board appointed from 1 July.

Were board members coerced to resign?

- (2) Another letter said —

... the lack of transparency and provision of information to the Board has made it difficult for the Board to function...

Is there a lack of transparency in how the North Metropolitan Health Service is being governed?

The minister replied very, very clearly. He said —

I thank the member for the question.

- (1) No, the incoming chair at the North Metropolitan Health Service did not request a renewal or refresh of the board; I did. I made it quite clear that I was not happy with the performance of the board. The North Metropolitan Health Service is the biggest of our health service providers and when it sneezes, the rest of the health system catches a cold. In this case, the cold was around budget management. I was not happy with the performance of the north metropolitan health services in the way that they were functioning. In particular, I thought we needed to perform better in terms of the corrections I needed to see in the overall budget of the health system.

The minister goes on to say more than that, but I want to focus on that bit of his answer. I find it interesting that, basically, although these board members resigned—and I put on the record, on *Hansard*, that these board members did resign; they were not sacked—when you read the minister's answer to my question it is akin to him saying that they were effectively pushed out. They were effectively told, "I, as minister, do not have confidence in you as a board. I think you should all resign." The board members resign and the minister has his former employer, his Labor Party powerbroker and mate—the former Minister for Health and Attorney General in the last state Labor government and at one point Leader of the Opposition—a very, very senior person in Labor ranks with strong connections to all the members of Parliament of that era and who no doubt would have some influence over what goes on today. The position of chair has been assigned, but we do not know all the new board appointments yet. I am sure that we will find out those as they are made, but one would be hard-pressed to find a more qualified group of North Metropolitan Health Service board members than those whom Minister Cook said were poor performers.

I will quickly outline to members the curriculum vitae of those poor performers. The first is for the former board chair, Professor Bryant Stokes, AM. He is a highly distinguished neurosurgeon with three professorships at WA universities and was a former acting director general of WA Health. Associate Professor Rosanna Capolingua was the former board deputy chair. She is a highly qualified and experienced clinician, the director of GP liaison at St John of God Health Care, chair of the former Child and Adolescent Health Service governing council, an associate professor, a board member of St John of God Hospital, on the board of governors at the University of Notre Dame Australia, state councillor for the Australian Medical Association, and, of course, former head of the Australian Medical Association, no less. Dr Margaret Crowley is an experienced chief executive officer in the community sector who has held senior executive positions in state and federal government universities and was a member of the WA board of the Nursing and Midwifery Board of Australia. Dr Felicity Jeffries has over 30 years' experience as a medical practitioner, working in both metropolitan and rural settings. Ms Michele Kosky, AM, is executive director of the Health Consumers Council of WA and deputy chair of the Mental Health Law Centre. Mr Geoff Mather is chief financial officer at the Royal Automobile Club of WA and has extensive experience in accounting, insurance, financial services, strategy, governance and operations. Mr Graham McHarrie has deep professional experience as a chartered accountant with extensive experience in the disability services sector, was a partner at Deloitte and is currently chair of Rocky Bay Inc.

Apparently, these are poor performing people. I will go on, Ms Maria Saraceni is a barrister practising in regulatory and compliance law, a former partner of Norton Rose and Jackson McDonald Lawyers and an adjunct professor at the Murdoch University School of Law. Dr Simon Towler is medical co-director at Fiona Stanley

Hospital, had a key role in commissioning the hospital's intensive care unit and emergency department, and was formerly the Chief Medical Officer of WA Health. Finally, Professor Grant Waterer is a consultant respiratory physician who has had a successful academic career with major international roles and is currently medical co-director of Royal Perth Hospital and professor of medicine at the University of Western Australia.

That is the poor performing board that was pushed out. Clearly, their CVs were not up to it and they did not have the breadth of experience to cover all hospital, health and mental health services. Clearly, they needed Hon Jim McGinty to be brought back to assist their minister to clean up the North Metropolitan Health Service. In actual fact, what we have found by looking at the budget figures is that the board was not mismanaging the budget at all; the government was moving the figures around to make it impossible for the budget figures not to look bad this year. We have to ask the question: was this all set up to start to get key players into key positions in the health service to satisfy the requirements of the Labor Party and not necessarily, and importantly, the requirements of the people of Western Australia? That is a question that we should all ask, and we should continue to keep a close watch on it.

Let us look at the justification, the reason, for the minister removing those board members. He said that it was because of budget management. Let us look at that budget management issue. When looking into the detail, we found that the total cost of service remained largely unchanged between 2016–17 and 2017–18 at the North Metropolitan Health Service, increasing from \$2.405 billion to \$2.449 billion. The minister wants to portray a budget blowout of \$191 million against the target but we have found that the reality is that the increase was due to two main reasons: first, the government cut the budget unrealistically to \$2.257 billion in 2017–18, down from \$2.329 billion in 2016–17; and, second, because of a \$99 million increase in approved salary expense that was largely out of the control of the board. When the government says that the North Metropolitan Health Service board was sacked because of budget management, that seems a bit unfair when we look at those figures. When we look at the qualifications of those board members, we would be hard pressed to find a more qualified board in the country with outstanding credentials and no doubt the outstanding work ethic that would go with people of that calibre. The minister's rationale to us, the opposition, seems unfounded. The minister's ties to Mr McGinty are now well known and they are on the minister's website.

With the minister putting together his new North Metropolitan Health Service board, we can review some notes of history to see how the new health board chair performed when he was last in the state Labor government. It is important to do that. When we look at how the Labor Party performed on health when it was last in government, we can start to see how that relates to how the Labor government is performing in 2017–18 and how it is planning to perform beyond that through the budget that it has brought down and through the media releases that it issues.

**Dr A.D. Buti:** We wouldn't want to look at your last term in government, would we? We would see a real sorry state of affairs.

**Mr S.K. L'ESTRANGE:** The one thing that gets the member for Armadale upset is when the facts start to kick in. When the facts start to kick in, he starts to get toey, he starts to get excited and he starts to interject because he does not like hearing the truth.

**Dr A.D. Buti** interjected.

**The DEPUTY SPEAKER:** Member for Armadale, the fact that I am on my feet and everyone else is quiet is not to allow you to yell more. Enough. You were called yesterday for doing this. Do you wish to take interjections, member?

**Mr S.K. L'ESTRANGE:** I will see how I am going. Thank you, Madam Deputy Speaker, for your offer of protection from the rabble opposite. I do appreciate it.

I found an article in *The Sunday Times*—this is going back a bit—dated 10 October 2004. I want to relate a bit of it to members. It is interesting. It is titled “Jungle Jim” and is prefaced with the words —

The tough man of Labor politics with the toughest portfolio has been called everything from ruthless to cold. But he also wears the titles of cookbook co-author, diver and grandpa. COLLEEN EGAN finds there's more to Jim McGinty than meets the eye.

No doubt we are going to see a bit more than meets the eye with this new Minister Cook and his dealings. It was interesting to read in the article how Mr McGinty saw himself. He was reported as saying —

“I've tried leadership and I was no good at it,” he tells STM —

This magazine piece —

with a wry smile. “The polls were terrible. I had to talk Geoff into it because he wasn't that keen at the start.”

We have a former leader saying that he is terrible at leading. He has just been appointed as chair of the North Metropolitan Health Service at a time when we have uncovered the greatest corruption in the North Metropolitan Health Service, no doubt started at a time when Hon Jim McGinty was the minister. It is interesting that he is now leading the North Metropolitan Health Service. The article goes on to say —

... he is spoken about as having more power than the premier, as being the crafty and ruthless numbers man whose grand plans dictate the government's strategies and fortunes.

That was back in 2004. Here we have a former employee of the power broker, who has now appointed him as the chair of the North Metropolitan Health Service.

**Dr D.J. Honey:** Jobs for the boys.

**Mr S.K. L'ESTRANGE:** It sounds like jobs for the boys, and I dare say it sounds like we are going to have a busy time as an opposition holding this government to account on how it is treating this health sector.

I also share with members some other information on Mr McGinty in that same article. It says —

Former Labor health minister Keith Wilson, who is now a key figure in the mental health lobby, worries about Mr McGinty's sincerity. The two men clashed soon after Mr McGinty took on the role last year, when the new minister abruptly cut about \$11 million in funding to community health programs.

Are we starting to get the picture? It goes on to say —

Mr McGinty now concedes those funding cuts were intended as a warning from a new minister.

This is fascinating. McGinty says —

“I wanted it known that I was willing to make unpopular decisions,” he says. “I think that did the Government a lot of good by being seen to be serious about budgetary issues in health. It focused attention on it. People haven't traditionally cut (those programs) because they have been too gutless to do it. You could call that ruthless. But it also focuses the minds of all the accounts people, the people spending in the department.”

That is a quote from Hon Jim McGinty when he was health minister. He is now the chair of the North Metropolitan Health Service board. We have seen a board pushed out because the minister said its members were not able to manage the budget. We have uncovered in the Leader of the Opposition's office with some analysis that it cooked the books to make the North Metropolitan Health Service look like it could not manage the budget so it could get rid of it. This is simply unacceptable. It is not at all about a quality board. We are now seeing that what this minister is doing is akin to leading a razor gang—nothing more and nothing less. That is what he is doing.

What was the performance of Minister Cook's new board chair—the new razor gang back in the system—like when he was overseeing health under the last state Labor government? Let us look at some of those headlines that existed at the time. I know that if the member for Armadale was listening—he has left the chamber—he would love to hear —

A member interjected.

**Mr S.K. L'ESTRANGE:** He is over there. He would love to hear this. He should not interject from somebody else's seat.

On 5 September 2008, an article appeared in *The West Australian* titled “Doctors attack surgery wait-list”. It states —

The figures show there are 11,352 people waiting for operations at metropolitan public hospitals at the start of this week ...

The waiting-list figures, which are not due to be released publicly until the end of this month, show 130 urgent patients waiting “over boundary” ... More than two years ago the State Government promised that no category 1 patient would be waiting over the recommended time ...

That is a nice little piece of history that we can look at which shows us exactly how Mr McGinty performed at that time. Another article, dated 28 June 2008, in *The West Australian* was titled “Doctors still talking strike over patient overcrowding”. Imagine that—doctors talking about going on strike! Did that happen under a Liberal–National government? I do not think it did. When I read this article, I was amazed that it ever happened at all. In the context of preparing for private members' business today, I can see why. I will read a bit of this article. It states —

Emergency department doctors are standing by their threat to strike in less than a fortnight's time unless they receive a written guarantee from the State Government that it will employ more doctors to ease patient overcrowding.

...

Health Minister Jim McGinty has refused to comment on the issue ...

Another article to do with wait times, which is a key performance indicator of our hospitals, dated 30 August 2008 and titled “Hospital ED risk ‘worst in nation’”, states —

The first part of a national snapshot of tertiary hospital emergency departments by the Australasian College for Emergency Medicine shows that 47 per cent of WA patients waiting for a bed faced access block, the term used to describe the proportion of patients waiting more than eight hours to be admitted to a ward bed.

...

Australian Medical Association WA branch president Gary Geelhoed said the June survey of emergency departments confirmed concerns that WA’s major hospitals had the worst access block in the country and the situation was deteriorating and unsustainable.

“We’re not talking about an inconvenience because we know that at the last estimate 120 people were dying in WA each year because of overcrowding and that number is likely to have doubled by now and be similar to WA’s annual road toll,” he said.

That was at the end of the last state Labor government before, thank goodness, former Premier Barnett and his team swept to power with the Nationals and took the reins of the health budget, took the reins of the health and mental health areas, and rebuilt it. It got all those damaging key performance indicators, disgraceful performances from the Labor government, and reversed them.

**Mr K.M. O’Donnell:** Rebuilt the health system.

**Mr S.K. L’ESTRANGE:** It rebuilt the system, reversed those disastrous results and got us back on track. However, members should wait and see—we are heading back to the future. Listen to this: ambulance ramping. We are starting to hear more about ambulance ramping. There is another KPI in *The West Australian* now. Although we have very hardworking journalists at *The West Australian*, if they are a history buff, they need only go back to the time of the last state Labor government, pull out *The West Australian*, look at the articles and go, “You know what—I betcha they’re going to repeat that.” I am starting to see it now. Is the member for Nedlands starting to see it? Several members interjected.

**Mr S.K. L’ESTRANGE:** That is exactly right.

This article from *The West Australian* of Tuesday, 2 September 2008, headed “Ambulances forced to queue for record time”, states —

Ambulances spent a record 1200 hours queued outside overcrowded hospital emergency departments last month because they could not hand over patients, prompting concerns that patients were at risk.

...

On one occasion, 13 ambulances were ramped at Royal Perth Hospital with patients.

Again—an interesting pattern is starting to develop here—it says —

A spokeswoman for Health Minister Jim McGinty said he was on a flight and could not be contacted.

So far, on all of the articles there has been no comment. The final article I will read relates to mental health in that era. An article in *The West Australian* dated 5 April 2008 titled “Coroner condemns mental health care” opens with —

A critical lack of beds, a shortage of trained staff and inadequate follow-up care puts huge pressure on the State’s mental health system, according to Deputy State Coroner Evelyn Vicker, who wants a review of all suicides next year.

Again, there was no comment from Mr McGinty on that. Another article in *The West Australian* to do with mental health, but linked to transparency and openness, dated Friday, 5 September 2008 and titled “Damning mental health report is kept a secret” states —

The Health Department is keeping secret, even to its mental health professionals, a damning report it commissioned into WA’s forensic mental health system.

The revelation comes a day after Health Minister Jim McGinty agreed to meet mental health nurse Christine Bruce, who was stabbed 24 times by a patient in September last year.

It is a serious issue, but why not be open and transparent about it? The article continues —

The Health Department has had the report since at least June and a department spokesman said yesterday that it could not release it because it was still checking the report for factual errors and wanted to protect the confidentiality of those in it.

I am sure that the confidentiality of the people in a report can be protected while still issuing the key findings and recommendations of any inquiry. The opposition found that out not so long ago when we asked for the resignation letters of the six board members of the North Metropolitan Health Service. I got back one of those letters and it

was completely blacked out! That was a bit of poetic licence—a bit of the address might have been left and there were a few ifs and buts; however, essentially it was blacked out. We got only three letters back from that freedom of information request for the letters of the six people who resigned, which were all heavily redacted, and we had to go back and ask where the other three were. We had to find the other three. Under media pressure we asked whether we could please have a look at why they resigned.

**Mr R.H. Cook** interjected.

**Mr S.K. L'ESTRANGE:** The Minister for Health knows that that is factual. He knows that is true.

**Mr R.H. Cook:** No, it's not. You put an FOI application in to north metro.

**Mr S.K. L'ESTRANGE:** Yes.

**Mr R.H. Cook:** If you had contacted me, I would have made them available to you. By the time you went to the media, I had already told the upper house members, the ones you don't talk to, that we were very happy to make the details of the letters available.

**Mr S.K. L'ESTRANGE:** The minister knows that when seeking information under the Freedom of Information Act, it has to go to the relevant department. We cannot make an FOI request to the minister because it will come back and tell us to go to the relevant department, because that is what the act tells us to do. We actually followed the bouncing ball. I am happy to be corrected, but I would be very surprised if an FOI request did not cross the minister's desk—very surprised indeed.

**Mr R.H. Cook:** That is wrong. It is just that you did it incompetently—that is the problem—and did not talk to the upper house members. I had already at that point publicly declared that I would make the letters available to you.

**Dr M.D. Nahan:** Why didn't you?

**Mr R.H. Cook:** Because we had to ask the authors of the letters first, you idiot.

*Withdrawal of Remark*

**The DEPUTY SPEAKER:** Member, I do not think that is parliamentary.

**Mr R.H. COOK:** Which bit? I withdraw.

**The DEPUTY SPEAKER:** Thank you.

*Debate Resumed*

**Mr R.H. Cook:** Madam Deputy Speaker, the interjector in this particular case was alleging that I was withholding the information, so I am taking the opportunity to interject back, and for some reason the speaker is not even talking, so I'm going to continue to point out his incompetence as a member of Parliament.

**Mr S.K. L'ESTRANGE:** We have a lot to get through. I have not got to the minister's performance yet. I am still dealing with the performance of his ex-boss. I still have to come to the minister.

Several members interjected.

**The DEPUTY SPEAKER:** Order! I think I have let this go for long enough. Member for Churchlands, you did say that you were welcoming interjections. I am not so welcoming of them anymore, so would you like to continue without so much yelling.

**Mr S.K. L'ESTRANGE:** Let us fast forward to October 2018. The Labor government has been in power for 18 months. The health minister has taken over the health system with his former employer and factional boss in the chair and now chair of the North Metropolitan Health Service. None of this is not factual—this is factual. In the past 18 months how has the Labor government and how has the minister, while he has been leading the health and mental health portfolios, performed? Unfortunately, for the people of Western Australia—not for us—it is back to the future. It is going back to the dark old days under the former Labor state government, when we had doctors wanting to go on strike. We had ambulance ramping getting out of control. We had surgical wait times blowing out. We had people sitting in an emergency department not being seen by a doctor for more than four hours. That is starting to repeat itself now. Let us have a look at those statistics.

The first is the emergency department wait times. It is a nationally agreed target that 90 per cent of people in an ED will be seen within four hours when they present to an emergency department. How have our hospitals been performing under this government? If we compare 2017 to 2018 for August—I have the full table here of all the hospitals but I will focus on just the big ones—all the hospitals dropped in performance. Not only have they dropped in performance from one year to the next for that month comparatively, but they have got nowhere near the 90 per cent target. In fact, the targets for Royal Perth Hospital all sit in a range from 66.2 per cent for that period through to 72.6 per cent. For every month, January through to August, comparing 2017 to 2018, the performance at Sir Charles Gairdner Hospital has fallen. The targets there range as low as 63.9 per cent in August this year, well away from the target of 90 per cent. It ranges through to the best performance of 72.9 per cent—

again, significantly below the target. If we have a look at all the targets for last year for Fiona Stanley Hospital compared with January to August this year, its performance has fallen. The figures are quite concerning: 61.9 per cent in July this year, ranging up to just 67.4 per cent for March this year. Members can see that they are significantly lower than the benchmark of 90 per cent.

I have with me some data analytics. For Joondalup Health Campus for January through to August, the figures actually improved and are considerably different from the other hospitals. St John of God public hospital in Midland dropped its performance on this in only April and June, and in all other areas it did well. Those performances range between 71.4 and 80.8 per cent, and Joondalup ranges from 64.1 per cent up to 78.5 per cent. Maybe there is something in that. Maybe it is the fact that they are privately operated state government public hospitals. Maybe there is something in how they do business that might be worth the new chair of the North Metropolitan Health Service and the other health service chairs having a chat about to the CEOs of those hospitals and asking how come their performance and emergency department wait times are so much better than their own. They might ask how it is that those figures are improving, but theirs are not. It might be worth looking at.

I now move to some of the disturbing statistics around ambulance ramping. On Monday, 13 August there was 168.7 hours of ambulance ramping, and 180.6 hours on 20 August. There were 100 hours on 3 September, 113 hours on 10 September, 137.4 hours on 24 September, 146.5 hours on 1 October, and on 8 October there were 152.8 hours. Obviously Mondays are busy—the minister clearly knows that. But surely if the pattern is telling us that every Monday there will be a lot of ambulances turning up with crook people, he might want to rejig the system to address that need.

Another one is surgery waitlists, which are a real concern. I mentioned that when Hon Jim McGinty was minister the waitlists were reported as being pretty bad. Well, the figures are now heading towards double. In fact, 23 850 people were waiting for elective surgery over boundary at the end of the month. That is a huge figure.

Another key performance indicator statistic relates to the meth helpline. Between 2015–16 and 2016–17, calls to the meth helpline increased by 35.8 per cent; by 2016–17, 24 per cent of callers were unable to get through. We found that out, and then we discovered that the minister had cut the funding by \$154 000, which the helpline was reported as saying would reduce the weekly number of operator shifts on the helpline by 10. That is a real concern. There has been an increased demand for a help service linked to methamphetamine—at one point we were the meth capital of Australia—yet the government is cutting its funding and service. This is where I fear that there might be some siloing of priorities. The government said it would have a meth section in the prison system, but cutting funding to the helpline by \$154 000 is not exactly reassuring to the mums and dads out there whose child may have just started using meth. They want to make that phone call and get their child on a recovery program as quickly as possible. They are not that interested in a new meth wing at a prison, because they do not want their kid to end up there. Members would think that more effort and energy should be put into prevention, rather than where they are locked up once they have committed crimes under the influence of methamphetamine. I would have thought that was pretty obvious.

The next key area that this government has just not gripped up is what underpins service delivery in the health and mental health areas. When we were last in government we fully understood the need to improve health and mental health infrastructure in Western Australia. I have already listed the things we invested in. But what is this government doing? Well, unfortunately, it is not doing much because questions were asked of the minister about Royal Perth Hospital during this year's estimates hearings. I asked what he was doing, and he answered —

I have an ambition! I would like to have a long-term plan for Royal Perth Hospital in the next 18 months to really map out exactly where we are going in relation to this stuff. I stress there is no funding yet.

There is nothing in the forward estimates but we have hopes that we can provide that long-term vision for the hospital.

Members, “hope” is not a good task word. We do not hope something is going to happen; we do it, action it, plan for it and make it happen.

**Ms S.F. McGurk** interjected.

**Mr S.K. L'ESTRANGE:** Member, you tell me what the plan is for Royal Perth Hospital.

Several members interjected.

**Mr S.K. L'ESTRANGE:** Let us have a look at King Edward Memorial Hospital for Women. During the estimates hearings the minister was asked what he was going to do. He said —

I would like to see in the forward estimates at some point a good chunk of cash for planning to get that show on the road. That is not in the forward estimates, so I must say, no, we have not committed to that in a budget sense; but, politically, I am very committed to ensuring that we start that project. These things always have a long time line.

So what do all the hardworking professionals at King Edward Memorial Hospital for Women and all the future mums out there and women who need to access its services think about that? Nothing is happening there.

The minister was asked about Graylands Hospital. He answered —

I know that the director general and the Mental Health Commissioner have been working on developing a business plan around how we would go about decommissioning the bulk of the services at Graylands, but also at Graylands Selby–Lemnos and Special Care Health Service—the older adult site. My understanding is that the draft business case is in its final stage of development and we will be getting that fairly shortly.

The commitment is the same as it was under the previous government. We are looking at a full rollout of this project by 2025.

That is a long way away, members. I visited the Graylands health campus recently; it is an ageing facility, with hardworking professional staff. I am sure there is the capacity for this government to leverage off some land sales linked to that site and actually really do something about building a world-class mental health facility to the standard that people in Western Australia with mental health issues who are in most need deserve.

I do not think these things are unreasonable for the people of Western Australia to expect the government to be planning for, but unfortunately the government is not doing any health infrastructure planning. After 18 months there are no plans—there is a possible plan in the pipeline for 2025—for those big infrastructure requirements.

What does the peak medical body—the Australian Medical Association WA—think about all this? It is one thing for members opposite to interject on me and say they do not like my speech. They can say that, but it is actually the role of an opposition—the Labor Party was in it not too long ago—to hold the government to account for service delivery to the people of Western Australia, and health is a vitally important aspect of that service delivery. The president of the AMA WA, Dr Omar Khorshid, outlined what he thought about how the government is tracking when he reflected and commented on its most recent budget. He said things like —

“The State Government is relying on the SHR to deliver any sort of plan for the future of WA health ... doesn’t augur well for that future, ...

“We badly need a plan for the future of health services in WA. ...

“We had great hopes for this Government and health. This has been shown to be a false hope so far.

Dr Khorshid also said —

... the AMA (WA) was especially concerned about an 83 per cent cut in infrastructure spending between this 2017/18 and 2021/22.

“This is completely unacceptable. Infrastructure is a critical part of planning for proper health services in WA,” ...

“Infrastructure money needs to be available in the budget and it is just not there.

“There is no specific spending outlined for King Edward Memorial Hospital or Graylands Hospital and almost no funding for the future of Royal Perth Hospital.

“For patients turning up at a hospital this budget will mean more pressure, not less.

He concludes —

“Today’s budget has failed to provide for WA’s health future,” ...

That was on the AMA website. It is not the opposition saying that; the peak medical body in Western Australia is saying that. If the government does not want to listen to us because it thinks, “Oh, no, I don’t want to listen to you guys actually doing your work and getting your statistics and data and discovering that we are doing a terrible job”, then listen to the peak bodies and the stakeholders out there, because they will tell the government what is working and what is not.

Another area that is interesting—we covered it a little in question time today—was to do with mental health spending. The Minister for Mental Health said that he is injecting more money, not less, but we are getting information from stakeholders that it is the community support aspect of the mental health side of the budget that is of real concern. They are telling us that there is an urgent need to balance the system with the full range of supports. We will never have enough beds or treatment places to support demand if we do not invest more in prevention and earlier community-based support to enable recovery. The key thing is that it is all well and good for the government to say that it is increasing a certain aspect of the budget, but if it were to look at the components that that number relates to and sees where the prevention budget is going, that has absolutely been the key aspect of our line of questioning this week in the mental health space. The minister stood up in here and had a go at me saying that I was wrong, but he is looking at a macro figure and not drilling down into the key prevention services figure that we have been relating to.

Governments can do that—they can try to make themselves look and sound good—but, as I said before, if they treat us like the voodoo bad guys over here who are not to be trusted and who are a terrible opposition, they can play that game. It is the people in the community and the hardworking professionals who work in mental health and health groups who listen to the government's answers during question time. They listen to and read the estimates hearings speeches and they go through the budget. For them, it is real. For them, it is about what they are trying to do to help others. They tell us that. Members opposite should remember that from when they were in opposition; stakeholders fed them that information. Then opposition members would front up in here at question time and target us with information that they would get. That is quite natural. I know ministers might be still adjusting to the fact that they have been in government for 18 months, but it is quite natural for the groups that they used to trust—those who fed them information—to move to us because they are no longer in opposition; they are the government and have a responsibility to make sure that they are delivering services, and they have a responsibility to make sure that they are investing in capital infrastructure for the future needs of the health and mental health system of Western Australia. They have also a responsibility to absolutely look at those key performance indicators that are published every week by the hospital sector in those areas that I outlined earlier—things like ED wait times, ambulance ramping and surgery waitlists, just to name a few—because they do not lie.

The minister comes in here and creates an answer and says, "Look, it's flu season." Flu season comes every winter so plan for it. Plan for it now for next winter, because guess what? There will be a flu season next winter. When the data goes up, do not say it is flu season, because the minister knew that it was flu season last winter when he was in government and he knew it was flu season just this winter passed, so he will know it is going to be flu season next winter. We do not want to hear the excuse, "It's flu season." We want know what the government is doing to improve service delivery in our hospitals and our health and mental health care systems. That is critically important.

Let me conclude. Members opposite have to stop repeating the mistakes they made when they were last in government back in the late 2000s. The Minister for Child Protection laughs, but it is no laughing matter for people in the community. Go and look at how the Labor Party performed last time and then look at the statistics and data linked to its performance today. The government does not have to listen to the opposition; it can do its own analysis. That will show the government that it is back on track to dropping its performance and delivering to the people of Western Australia not an improved health system but a health system that cannot cope. That is the trajectory that the government has put the health system on in just 18 months. It has done it without addressing the key community needs and wants; it has done so with a view to its own priority. The government set itself a priority of saying that this is all about budget repair. There are things in the budget and in the forward estimates that the government could put a hold on that would not affect the frontline services of health, education, and law and order. The people of Western Australia who put government backbenchers into this chamber, thus enabling the Labor Party to win government, are focused on those three things. There is nothing other than those three things—other than the macro economy, of course, which overarches all of it; they all want a job. The government should not start to go off into other areas that for members opposite might be nice to have, not must-haves. The government needs to absolutely focus its attention on improving and investing in mental health and suicide prevention. That is key. Data that came out just last week has shown us that. The government is cutting funding by 10 per cent or so in the prevention aspect of the Mental Health Commission budget at a time when suicide rates in Western Australia have gone up 11.3 per cent or thereabouts. Do not do that. Look at the data and address the need. If the government can do it without spending money, that is great. The data will reflect that. But it is not doing that. Its razor-gang approach to health without due consideration of the needs of the community is putting our health system into crisis, as it did when the Labor Party was last in government. I urge the government to aim to improve, not remove, the quality health services in Western Australia.

**DR M.D. NAHAN (Riverton — Leader of the Opposition)** [4.57 pm]: I wish to contribute to this important motion. We all know that health is probably the most challenging area of public sector and state government budget and service delivery. There is no doubt about that. It is the largest section of our budget. It is the most intensely demanding and most important to people because often it is an issue of life and death, and it is very, very costly and is a big challenge. The government might not like it, but it inherited a great gift from us—\$7.5 billion of renewed health system.

Several members interjected.

**Dr M.D. NAHAN:** They like to deny it—\$7.5 billion invested in the health system.

Several members interjected.

**Mr Z.R.F. Kirkup:** You've got a Rolls-Royce, mate!

**The DEPUTY SPEAKER:** I do not think so, member for Dawesville. I would appreciate it, and Hansard particularly I am sure would appreciate it, if we could hear what the debate is so that they can record your invaluable shouts.

**Dr M.D. NAHAN:** Thanks for your protection, Deputy Speaker. The reality is that they inherited a system that had over eight years injected \$7.5 billion into the system.

**Ms J.M. Freeman:** Because you wasted it.

**Dr M.D. NAHAN:** I hear that Fiona Stanley was a waste. That is what I just heard.

**Ms J.M. Freeman** interjected.

**Dr M.D. NAHAN:** Okay—Perth Children’s Hospital was a waste. The Midland Public Hospital was a waste. The Busselton Health Campus was a waste. We all know that is nonsense. The government inherited a system that has not been completely rebuilt—there is still work to do, as my colleague indicated, but it was largely transformed, with the latest technologies and newest equipment. It is a beautiful system. Also, when we came into government, there was a lack of nurses and doctors, and there were other issues. This government inherited a system that was fully and well staffed.

Of course the government inherited a system with growing demand, but not like when the Labor Party lost government last time and we gained it, when there was double-digit growth because of very rapid population growth. It peaked at about 3.5 per cent; it is now at about 0.5 per cent, so the government has growth and demand but much less than before. Yes, people in Western Australia are transitioning from the private system to the public system. That has been going on for five or six years and is largely because people look at it, rationally, from two perspectives: they are struggling with their household budgets, so they change to the public system, which in Western Australia is very good. This government inherited a largely rebuilt, fully staffed system, during slowing demand. The government has cut the health budget. It wants to have it both ways. The minister stood in here and said that the Liberal–National government left the health system in a mess, so this government cut the budget—“We are doing the right thing.” He then claims that the government has increased expenditure in the health system. The government cannot have it both ways.

I want to focus on the North Metropolitan Health Service for two reasons: it covers the largest number of patients and has the largest budget. It is the service that the minister indicated had the most problems. As the member for Churchlands said, it is why the minister sacked the North Metropolitan Health Service’s eminent board. This Labor government also inherited the area health services, which were modelled on Victoria’s system. This system took accountability for the health system away from the headquarters of the Department of Health to the area level. It improved transparency, accountability and measurability. It was a very important reform. We did not get too much credit for it but I think the minister said that was one of the good things the Liberal–National government did. We now have the North Metropolitan Health Service. Demand is growing by some degree. Data shows that, for instance, the number of people presenting in emergency rooms grew by 1.5 per cent. That is not large but it still shows growth. The rate of patients who underwent elective surgery—those who actually received service—was quite rapid at 3.6 per cent. But as the member for Churchlands said, the waiting lists for elective surgery is growing more rapidly. The rate of cancer patients receiving treatment is up 1.4 per cent. Again, the waiting lists are growing. The rate of patients admitted to wards grew by 1.8 per cent. That is not huge compared with the rate in previous years, but they are growing.

Did the North Met blow its budget? Yes, it did in 2016–17 and 2017–18. The real question is: why did it blow its budget and how did the government respond to it? In 2016–17, when the Liberal–National government was largely in office, a target was set for the North Metropolitan Health Service at \$2.328 billion. The actual expenditure was \$2.4 billion. It therefore exceeded its budget by \$76 million in 2016–17. By the way, in that year, it met its salary expense target. In 2016–17, efficiencies were already underway to limit labour expenses. The next year, the system exceeded its budget by nearly \$191 million. I believe that is why the minister has sacked that board. It exceeded its budget not only in 2016–17 but in 2017–18 it exceeded it by more. The question is: what is driving the decisions to exceed the budget? There are two factors. It could be demand or it could be resources; that is, if enough resources are not allocated to meet demand there will be expenditure problems. I would like to go through some issues with the North Met system. Again, the member for Churchlands identified the eminence of the board, which is beyond debate.

**Mr W.J. Johnston:** We agree with that.

**Dr M.D. NAHAN:** Yes, it is beyond debate. On page 48 of the North Metropolitan Health Service annual report, there are some efficiency key performance indicators for the average admitted cost per weighted activity unit—that is, the average cost per normalised patient in the hospital system. The target is \$7 285; the actual in 2017 is \$7 087. It met its target in terms of cost per patients treated. It more than met its efficiency target; indeed, it met it by about five or six per cent. Average emergency department cost per weighted activity unit target was \$7 043 and the actual was \$6 095, which is 13.5 per cent below in terms of its efficiency in emergency rooms. If it is meeting its efficiency targets, why is the budget exceeding its target? It is because of demand. Even though demand is growing in the North Metropolitan Health Service at a much lower rate than it has at recent historic levels—modest by previous standards—the government has failed to allocate sufficient money to meet demand, even given its efficiency targets. The government is inadequately funding the system. It is the government’s decision, not the board’s decision.

I go to employment, which is very interesting. It is a big service that employs 10 000-plus people. Between 2016–17, under the Liberal–National government, and 2017–18, the government cut the number of nurses. Despite growing demand—it is a growing service—and fixed ratios, as I understand, between patients and nurses, the government

has reduced the total number of nurses in the North Metropolitan Health Service by 63. At the same time, there was some growth in medical support, which is understandable, and other things. The largest cut was for contracted agency services, which go across administration, clerical, medical support, hotel services, site services and medical salary officers. The government is cutting the number of nurses, the most important people in the health system. Furthermore, it is cutting the number of people contracted in to fill gaps in the system. When demand goes up, people have to be contracted in to meet that demand and the government is cutting that. As a result, the waiting lists are growing. Again, the North Metropolitan Health Service is more than meeting its efficiency targets. The budget excess is because the government has given the service an inadequate budget.

What is also interesting is whether the state has cut its allocated budget to the North Metropolitan Health Service. There is no doubt that the total number of employees in the service was increased, larger than the target. It is interesting that the commonwealth pays its money to the service on the basis of demand; that is, according to the number of patients coming in—the amount of money per patient and the type of patient coming in—so it is a good indication of demand. The commonwealth's grant contribution to the North Metropolitan Health Service went up by \$50 million in 2017–18 and the money from the state government went down by \$65 million. We are seeing in the system the commonwealth giving \$50 million more and the state pulling out \$65 million. In 2018, the total service appropriation income from the state government was \$1.275 billion. The previous year, it was \$1.337 billion. In other words, the government cut \$65 million from its allocation. I am confident that when the commonwealth hears—I can remember the debate at the commonwealth level about the new program for hospitals—that the state has pulled money out the backdoor to receive additional money, it will not get the commonwealth contribution. That is what has happened here. Has the state cut money to the North Metropolitan Health Service? Absolutely. This year, 2017–18, the government allocated \$65 million less than it did in the previous year. Did the North Metropolitan Health Service exceed its budget? Yes, it did. Why did it do that? The reason why is that demand grew more rapidly than the money allocated by the government. It met its efficiency target in expenditure per patient but there were more patients and a demand for more costly services. The Minister for Health stands in this place and repeatedly says, “It's been a bad flu season”. If it has been a bad flu season and there is more patient demand, the government should allocate more money. If kids get sick, the government has to service those children. It cannot queue them up out the door. He also said that more patients have been coming in because of a drop in the number of people in the private health system. The government has to allocate more money, but it has not. The real trick of this is that in 2006–07, expenditure for the North Metropolitan Health Service was \$2.4 billion, which exceeded its budget by \$76 million. The government could have looked at that and said, “Maybe our target was a bit harsh; maybe we need to adjust the health system by keeping it to last year's budget”, but no, it did not. Despite spending \$2.4 billion, the government cut almost \$150 million from the expenditure target. In other words, the \$190 million blow-out, on which it sacked the board, were totally driven by the government cutting the target. Indeed, over the two years that Labor has been in government, it has cut the target allocation for the health system by over eight per cent. It cut eight per cent from the 2018–19 allocation, when comparing it with what it inherited in 2016–17, despite a growth in demand and costs, because there are still some wages costs. That is the system.

Let us go back to the area. It inherited a pretty good system. It was new and being implemented, and there might have been some implementation problems. It is important to give close to the hospital level a target and capacity for the people on the board to manage expenditure across the system for their service. All the other states have something like this and it tends to work, although it is not perfect. The government has to respond with additional money when demand grows beyond forecast. More importantly, it has to allow the boards to manage it. It cannot say, “Here's a bucket of money. You have to meet these targets or you're fired”. The board could come back to the minister and say, “Minister, we simply can't meet all our expenditure targets and performance targets with the money you have provided us”, which is what the North Metropolitan Health Service has done. We know that that board told the minister exactly that—“You are not giving us enough money. We're meeting our efficiency targets, our costs per patient, but we have more patients of a higher cost than we and you forecast. You either give us more money or we spend more money and allow the service to deteriorate”. Do members know what happened? It blew its budget and the service deteriorated. What will happen with Jim McGinty quite clearly, without any doubt, is that the service will deteriorate even more.

**Dr A.D. Buti:** How do you know that?

**Dr M.D. NAHAN:** How do I know that? The reason the existing board was fired is that it did not meet its expenditure targets. The reason it did not meet its expenditure targets is that demand was greater than initially forecast—the forecast on which the budget was made. It met its expenditure targets in money per patients but it had more patients. The minister told Mr McGinty that the government would not tolerate that—“The budget targets are important, paramount. If in fact in the future you face the situation that the existing board did with demand being higher, just allow the queues to enlarge and the services to deteriorate. The target expenditure is in fact the priority, not the services for patients”. That is what he is telling Mr McGinty. As the member for Churchlands pointed out, that was what Mr McGinty believed 10-plus years ago. That is what he implemented and, by the way, that was a major reason for us coming to government, quite shockingly I admit, in 2008. People were sick and

tired of the poor service in our hospitals. They were sick and tired of the long queues, poor services and the lack of nurses and doctors in the hospital system. That is one reason why we committed to rebuilding the hospital system. We committed to an effort of putting more nurses and doctors in the system because it was run down, and now the Labor government is doing the same thing. The government whinges and whines about what it inherited. In truth, it inherited a hospital system that could hardly be better staffed, better resourced and better positioned. It inherited a system in which the demand for growth was slowing. What it is doing now is poor management, and that will come back to haunt the government when the queues at emergency departments enlarge and services deteriorate. The same thing will happen. The government is putting in charge the same person who did it last time, which is brilliant for us.

**MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition)** [5.16 pm]: I, too, rise to contribute to this motion.

Several members interjected.

**The ACTING SPEAKER:** Thank you, members.

**Mrs L.M. HARVEY:** That is just beautiful, is it not?

I want to read out some of the headlines from 2008, the first of which reads, “McGinty under fire on elective surgery”. The article reads —

The latest elective surgery figures for WA, which appeared on the Health Department website yesterday — This is 24 July 2008 —

show that the number of operations carried last month—6387—was 164 fewer than the previous month.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member for Armadale, if we get into another one our slanging matches, I will call you. Thank you.

**Mrs L.M. HARVEY:** Thank you, Mr Acting Speaker.

On 28 June 2008, “Doctors still talking strike over patient overcrowding; 19 June 2008, “Emergency doctors may quit if State doesn’t act on staffing levels”; 30 August 2008, “Hospital ED risk ‘worst in the nation’ and “WA patients ‘worst off’”; 1 September 2008, “Tired doctors put lives at risk: survey”; 31 August 2008, “Nurse crisis grows” with foreign helpers being called in; 17 May 2007, “Coroner criticises surgery wait list” and “Grandmother waited 40 hours for operation”; 5 April 2008, “Coroner condemns mental health care”; 5 September 2008, “Damning mental health report is kept a secret”; 4 September 2008, “Year on, McGinty agrees to meet stabbed nurse”—finally. The article states that a mental health nurse —

who was stabbed 24 times in the neck and face by a patient in September last year —

Being September 2007 —

criticised Mr McGinty’s failure to acknowledge the mental health crisis after her attacker was found guilty of attempted murder on Tuesday.

She said Mr McGinty had refused to meet her over the past year to discuss how a similar attack could be prevented.

Then we have the infamous Royal Flying Doctor Service incident. On 28 July 2008, a headline reads, “RFDS ‘left \$30m short in raw deal’ for bush health”. It is a scathing assessment of Hon Jim McGinty, who was the Minister for Health, who called the Royal Flying Doctor Service an interest group. That was his attitude. That is the person who has been put in charge of the North Metropolitan Health Service. I will read out what the former member for Pilbara, Mr Graham, said in an article in *The Sunday Times* in October 2004 —

“I’m not sure if ruthless is the word, but as a politician there is not one ounce of compassion in him ...

He is talking about Hon Jim McGinty —

... he would sell his grandmother for one millimetre of political advantage.

**Ms L. Mettam:** He was in control of the health system.

**Mrs L.M. HARVEY:** That is correct. Further on in that article, one insider said of Hon Jim McGinty —

“He is the only one ruthless enough to deal with the bureaucrats in health,” ...

That is why he was put there. He claims, as a badge of honour, that one of his first acts was to cut \$11 million of community health funding to prove that he was ruthless enough to do whatever it took to bring the health budget under control. Bringing the health budget under control is a good thing, but it comes at a cost. That is the human cost occurring in our system. When nursing staff are reduced, and then the agency staff who step in when the

nurses are sick are reduced, patient care suffers. Patient care, on the watch of this government, is starting to decline. Let us look at category 1 patients on elective surgery waitlists who have been waiting over 30 days. In north metro, the proportion has increased from 4.5 per cent to 5.5 per cent. Guess what the target is? Zero. The proportion of category 2 patients waiting over 90 days has gone from 6.6 per cent to 7.3 per cent. Once again, the target is zero. The proportion of category 3 patients waiting more than 365 days for elective surgery has gone from 2.3 per cent to 2.8 per cent, with a target of zero. Apparently, the North Metropolitan Health Service is performing far worse than the South Metropolitan Health Service. Let us look at those categories for south metro health. It might be in a financially better position, but its patients are not doing well. It also has a zero target for elective waitlist patients waiting over boundary for reportable procedures. The proportion of category 1 patients waiting more than 30 days was a whopping 22.6 per cent last year, but this year it has gone up to 25.3 per cent. Last year the proportion of patients waiting over 60 days was 31 per cent. This year that has come down, but only to 21 per cent. Twenty-one per cent of all patients on the elective surgery waitlist at the South Metropolitan Health Service are waiting more than 60 days for their surgery. That is the human cost of cutting costs in the health system.

I am really upset when I look at that, because the investment that the Liberal–National government put into the health system was extraordinary. We did that because we knew the state it had been left in by the previous Labor government. I will tell members what I am hearing from orderlies, nurses and doctors in our health system. I am hearing about patients who are not being administered intravenous paracetamol when they are vomiting and cannot absorb paracetamol orally. They are being denied pain relief because the nurses have been told that it is too expensive. It is a disgrace. I am advised that 4 000 kids are waiting for ear, nose and throat surgery. That is not because there has been a transfer from Princess Margaret Hospital for Children to Perth Children’s Hospital; it is because only six theatres out of a potential 12 are open to perform the surgery. The government has shut six theatres. The kids cannot get their surgery because the theatres are not open; they are not being funded. That is the problem. At Perth Children’s Hospital, if a nurse is sick, the agency replacement is not allowed to start until 3.00 pm. That is what the nurses told me. The nurses who have been on duty all morning are waiting until 3.00 pm to get their lunch, or they do not get any lunch at all. We can imagine what that is doing for morale.

It gets worse. Hospitals are not employing nurses full-time. There have been redundancies of experienced nurses in parts of the private health sector, so the agency nurses working in private health are now not getting the experience they need. Patients are going into the public health system, I have been told, because of some decline in quality in the private system. As well as that, because of cost-of-living pressures, people cannot afford their private health cover, so they are going into the public system and demand is increasing while this government is cutting funding. Horrible things are happening with some of our patients. I have been told that nurses have been told that large incontinence pads are too expensive, and so patients are being left lying in their own urine because they cannot get access to expensive incontinence pads. That is the human cost of the cuts that this minister has put in place. When blood tests are being ordered for patients so that doctors can work out what is going on, those blood tests now come with a price printed on them as a deterrent. Nurses have been told not to order too many blood tests. They are very expensive, and a price is put on every test ordered to make sure that staff realise how much their inquisitiveness about the health and wellbeing of their patients is costing the government. That is what they are being told.

I have got some icky stuff now, because nurses love the icky stuff. I have been told, in fact, that one particular patient has been refused placement because no staff were available in high care to suction her secretions, and she has been waiting on a ward for four months. Patients are sleeping in corridors because no ward beds are available. There is a high risk of cross infection in hospitals, and now sick patients are sharing toilets with other sick patients, so the cross infection risks will increase because of the cuts that this government has put in place. I have been told of patients not being given antibiotics when they leave hospital. They have been told to fill their own prescriptions, and then they re-present after two days. One patient I was told of re-presented two days after discharge with a salmonella infection that required removal of bone. Many more months of antibiotics had to be administered to that patient at a huge extra cost. It is a false economy. We cut now, we pay later. That is how health care works. I have been advised of patients not being prescribed antibiotics for urinary infections. One particular young fellow I was advised about was not given antibiotics for a urinary infection, and that infection spread to his head, and he has now been in hospital for over 200 days. That is the human cost of these health cuts.

This minister has sacked the eminently qualified people in the North Metropolitan Health Service who said that they would not tolerate these adverse patient outcomes of the minister’s health cuts because this government has its priorities wrong. We know that it is difficult to get health spending under control, but the government needs to spend money on quality health care because Western Australians pay their taxes and they expect to get that. Governments need to put their money, and prioritise their spend, in the way that the community expects. Cutting health is not what the community wants and expects. The community expects savings to be made in other areas.

Hon Jim McGinty has been put in charge of the North Metropolitan Health Service. I have read out some of the headlines that were around when he was Minister for Health. It really frightens me that this is like *Back to the Future*, because it has been over 10 years since we have seen, in our main newspaper, headlines like “Big waitlist at kids hospital”. It has been 10 years since we had headlines like that, and who was in charge 10 years ago? This mob

was—this Labor government in its previous iteration, and it has now resurrected that failed health minister and put him in charge of not only the North Metropolitan Health Service, but also a couple of other boards for good measure. Notwithstanding he is probably on a very good parliamentary pension, he is sucking up taxpayer money while sucking it out of the health service. That is what is happening. The article “Big waitlist at new Perth Children’s Hospital” states —

The State Government is being urged to fund more ear, nose and throat surgery —

For our kids —

as figures reveal thousands of children are facing long delays to be assessed at Perth Children’s Hospital.

These kids cannot get assessed. The article continues —

Figures show 4044 children are queued for their first ENT appointment, waiting on average more than 15 months for non-urgent problems and three weeks for urgent cases.

That is because the theatres are not open. Patients get assessed and are told that yes, they need surgery, but then they have to wait because only half the theatres are working. That is what is happening here.

An article in *The Sunday Times* on 9 September, “Surgery blowout”, states —

The wait list for elective surgery at public hospitals has blown out to almost 24,000 West Australians, an increase of 13 per cent compared with a year ago.

That is a lot of people. Of those 24 000 people, 1 599 have been waiting longer than the recommended time for their operation. The over-boundary list has jumped 25 per cent. This government keeps saying that it is because we have had a flu season and people are fleeing from the private health sector, but knowing all that, the government is cutting funding. There is no logic in these decisions whatsoever. The article states —

The new Perth Children’s Hospital had 2425 children on its wait list, compared with 2132 at Princess Margaret Hospital a year ago, up 13.7 per cent.

That is not about a transition to a new hospital. That is about theatres, specialists and nurses not being funded to perform these surgeries. This government and this minister knows it. Instead of responding to it, the minister has the grim reaper, Hon John McGinty, out; he has dusted him off and said, “We want more of these headlines, thanks. Get yourself down to North Metropolitan Health Service. Help us deliver on our efficiencies. These are the financial efficiencies we want you to deliver on and to hell with the results.”

I will read out some more results. What really offended me about the removal of the board members at the North Metropolitan Health Service was that they were being removed for apparently not performing, but the South Metropolitan Health Service is performing. The government is clearly focused only on financial indicators because in the South Metropolitan Health Service’s annual report, one of the service’s KPIs is the rate of unplanned readmissions within 28 days for selected surgical procedures. This is on page 131 of the annual report. In 2016, 97 per 1 000 people who had tonsillectomies and adenoidectomies were readmitted after surgery with cross-infections. It is still up at 82.6 per 1 000 and the target is 61. For prostatectomies in 2016, 30 per 1 000 people were readmitted within 28 days after surgery because of reinfection problems. That is up to 53.1 per cent. The target is 38.8 per cent. These are the sorts of outcomes we get. In 2016, 10 per 1 000 patients who had hip replacements returned with problems. Now we have 13.1 per 1000 returning with problems.

**Mr W.R. Marmion:** What are they doing about it?

**Mrs L.M. HARVEY:** The government is cutting funding to fix that problem, which is not going to work.

[Member’s time extended.]

**Mrs L.M. HARVEY:** The government says that the North Metropolitan Health Service is apparently underperforming, but not according to its patient outcomes. In 2016, it had a target of 17.2 per 1 000 for readmissions within 28 days after procedures. For hip replacements in 2016, it achieved 16.5 per 1 000. Now because of the savage cuts of this government, it is at 21.3 per 1000. There are more adverse outcomes. This is what I have been talking about. For patients who had hysterectomies, 31.9 per 1 000 were readmitted in 2016. We are now up to 45.5 per 1000. The target is 41.3 per 1000. In all these areas we are starting to see that all those indicators, the KPIs that we hold our health services accountable for, are being affected. I refer to things such as patient care. We do not get reinfections and people being readmitted after surgery if we give them the right dose of antibiotics while they are in hospital. We do not get stories like I am hearing. I heard one horrible story about a patient who had been in for knee surgery and was denied anti-nausea tablets and lay on a gurney vomiting all over herself after surgery. Do members know what the nurse was told who was looking after her? She was told not to prescribe that drug because it is too expensive: “She will get over the vomiting when her stomach is empty.” That is apparently the new approach.

These nurses are outraged. The nurses, the orderlies, the people in the health system are appalled to see within two years the decline in standards and patient care and the re-emergence of demoralising headlines. We are back

to low morale in our hospitals. We are back to nurses saying that they think they will move to an agency or get a job in a school. They will try to get a job anywhere but in the public health system, because it is underfunded as the government does not care anymore about patient outcomes. All the government cares about is driving down the expenditure in the health system at a time when we have ever-increasing demand. Something has to give and it is starting to give.

On our side, if these headlines continue, that is very good news for us, but we do not want Labor to lose government on the back of excessive adverse outcomes in the health sector. Our constituents and our family members will be suffering. I do not want a member of my family to be lying in a hospital bed in their urine because the public health system is too stingy to give them an incontinence pad. I do not want that. I do not want my grandchildren, should they need ear, nose or throat surgery, to be waiting half a year before they get an appointment to see somebody and then to wait another 15 months before they can get surgery. I do not want to see that for them or their friends. I do not want to see that for my great nieces and great nephews, and for all our children. I do not want to see that outcome.

I do not want to see elderly people who have had hip and knee replacements returned to the system within less than 28 days with adverse outcomes, such as infections and needing to have bone cut out because they were not giving antibiotics and appropriate care, or were discharged too early or whatever it might be. I do not want to see that. I would not like to win government on the back of those outcomes. I would hate for that to happen. But that is where we are headed because we have—what was it that Mr McGinty referred to? We now have a person in charge of North Metropolitan Health Service who is the only one ruthless enough to deal with the bureaucrats in health. We have a person there with no compassion. How does the government put a person with no compassion in charge of a health service? How on earth can it put a person who is described by his colleagues as having no compassion in charge of something as important as a health service?

That is where we are headed, members, back to the future—surgery blowouts, waitlist blowouts and adverse outcomes. The nurses and the orderlies will become the friends of the Liberal opposition, as many of them have done with me. They are contacting me as constituents and they are saying we need to do something about this now. They are saying, “This health system is going back to how I remember it was 10 or 15 years ago when it was hell to work in and I hated going to work. The facilities were substandard and we weren’t allowed to administer drugs to patients. We had patients waiting in hospital corridors and we had patients waiting in ambulances out in the weather because there was no room for them in the hospital as the wards and the theatres were closing.” They do not want to go back to that and they are contacting us because they feel that they are already there within just under two years. It is a shame on this government. It has put its priorities in the wrong place and it will pay the price.

**DR A.D. BUTI (Armadale)** [5.40 pm]: I was not going to get up, but I was incredibly amazed by the character assassination —

Several members interjected.

**Dr A.D. BUTI:** I am not asking for interjections, Mr Acting Speaker.

**The ACTING SPEAKER:** It becomes difficult for Hansard if there is constant interjection. I would prefer to have the member heard in silence.

**Dr A.D. BUTI:** Thank you very much, Mr Acting Speaker. The character assassination of a former politician who does not have a right of reply in this house —

**Mr Z.R.F. Kirkup** interjected.

*Point of Order*

**Mr W.J. JOHNSTON:** Mr Acting Speaker, I point out that we have not even heard 60 seconds of this speech and the member for Dawesville, in his usual way, is going on with these inane interjections about nonsense and dishonesty. It would be of assistance if you could draw his attention to the standing orders and ask him to refrain.

**The ACTING SPEAKER (Mr I.C. Blayney):** Which I am about to do. The member for Churchlands has a further point of order.

**Mr S.K. L’ESTRANGE:** I ask the minister to withdraw his imputation on the member for Dawesville.

**The ACTING SPEAKER:** In inane comments? Member for Dawesville, would you perhaps think of another word to use instead of “inane”?

Opposition members: He used it.

**The ACTING SPEAKER:** That was the minister’s word?

Several members interjected.

**The ACTING SPEAKER:** Members, I do not accept either point of order, but I say to the member for Dawesville that I want to hear, and Hansard wants to hear, the member for Armadale say his piece.

*Debate Resumed*

**Dr A.D. BUTI:** Thank you very much, Mr Acting Speaker.

It is interesting that in the contributions from the member for Churchlands, the Leader of the Opposition to a lesser degree, and the member for Scarborough —

**Mr A. Krsticevic** interjected.

**The ACTING SPEAKER:** Member for Carine!

**Dr A.D. BUTI:** They spent the majority of their time talking about a former member of Parliament, who is not the Minister for Health. The Minister for Health is sitting there. Very little criticism was made of the Minister for Health. They went on about Jim McGinty, a former minister in a government from eight to 10 years ago who is the chair of a board. The chair of a board does not run the health service and is not in charge of the health department.

The member for Scarborough went on about some newspaper articles from 10 years ago. I will start by saying that I have a lot of time for Kim Hames and John Day, but because the member for Scarborough had to be nasty, in her usual way, I will go through a couple of headlines that are not from 10 years ago. In 2015, an article with the headline “Kim Hames: ‘I could have done things better at Fiona Stanley Hospital’” reads —

WA Health Minister Kim Hames has conceded he would have done certain things differently at the new \$2 billion Fiona Stanley Hospital.

Blah, blah, blah, and there is further criticism. Another article with the headline “WA cancer services: Health Minister Dr Kim Hames admits centralising care caused ‘disruption’” states —

THE Barnett Government has backflipped over its decision to centralise cancer care services at Fiona Stanley Hospital after copping criticism over the move.

It is interesting that the member for Churchlands, the member for Scarborough and the opposition leader criticised the Department of Health, because their former leader, whom the member for Dawesville worships, was referred to in another headline that reads “Premier says criticism of hospital ‘un-Australian’”. The article states —

The WA premier has accused senior clinicians who are criticising Fiona Stanley Hospital of damaging morale.

Member for Dawesville, this is very interesting. Another headline from 2016, when the Liberal Party was still in government—not 10 years ago—reads “Health Minister palms off questions about wait times to Peel Health Campus”. They were the wait times that happened under the former government, not our government. This was two or three years ago, not 10 years ago when Jim McGinty was the health minister. How appalling! During private members’ business, members opposite had the chance to criticise this government and the best they could do was talk about a health minister from 10 years ago who happens to be the chair of a health service. He is not the minister.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Dr A.D. BUTI:** The member for Scarborough mentioned people waiting in corridors. Members opposite have a short memory. Under their watch, we had report after report from Sir Charles Gairdner Hospital of elderly people waiting in corridors for days and days, so they should not say that it is happening under this government. It happened under their watch when they were senior ministers. Talking about hospitals, under their watch Armadale Health Service was neglected. Under our watch, the minister has been out to Armadale hospital a number of times and the services and facilities have improved markedly under this minister. Year after year, the previous government talked about capital improvements at Armadale hospital and year after year it put them off, so members should not come into this house and criticise this government. The best they could do was talk about the health minister from 10 years ago, not this health minister, who is doing a fantastic job.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Dr A.D. BUTI:** The member for Carine was not in here so how would he know? His contribution on 6PR was no better than his contribution today—gobbledegook.

How nasty was the member for Scarborough? It was a character assassination of Jim McGinty. It was absolutely disgraceful. When we sought to criticise anyone, the man the member for Dawesville worships, former Premier Colin Barnett, would stand up and say, “How dare you criticise someone who is not in Parliament. How dare you criticise a public servant. How dare you criticise someone who is trying to provide a public service.” And what have members opposite done today? The member for Churchlands, and the Leader of the Opposition to a lesser degree—I give him some due—did that, and then we had the nasty contribution from the member for Scarborough, who of course has walked out. She said, “Of course it would be good for us if you get bad headlines, but we do not want to win government like that.” What a load of rubbish! She was misleading Parliament.

*Withdrawal of Remark*

**Mr S.K. L'ESTRANGE:** Under standing order 92, imputations of improper motives by a member of Parliament are a breach. The member does not know what the motivation was of the member for Scarborough and should not be imputing her with regard to that improper motive, and I ask him to withdraw.

**Mr D.A. TEMPLEMAN:** The use of the word “misleading” is not an imputation on a member. Therefore, there is no point of order.

**The ACTING SPEAKER (Mr I.C. Blayney):** I am sorry; I do not find that to be a point of order. I will have a talk about it later.

Several members interjected.

**The ACTING SPEAKER:** It is so I can explain my ruling to him.

*Debate Resumed*

**Dr A.D. BUTI:** It is interesting that the member for Churchlands should take a point of order when he and the member for Scarborough tried to make imputations about why the minister appointed Jim McGinty to the position to which he has been appointed. The member had no evidence and he also tried to state what Jim McGinty was going to do. Jim McGinty has just got into the job, so the member does not even know what he is going to do. I am considering referring the member for Scarborough to the Procedure and Privileges Committee to justify the comments she made about the former member.

**Mr S.K. L'Estrange:** All the member for Scarborough was doing was reading newspaper articles.

**Dr A.D. BUTI:** I will be considering and taking advice on her disgraceful and nasty contribution—a character assassination that had no substance. Member for Churchlands, I might even have to look at your contribution. I will tell members one thing —

Several members interjected.

**The ACTING SPEAKER (Mr I.C. Blayney):** Any more of that, and I am going to start calling people; okay?

**Dr A.D. BUTI:** The contribution of the member for Scarborough was disgraceful. The problem the member for Scarborough has is that when she was a minister she had public servants to assist her. Now she is in opposition, she has to try to do some of the research herself. She has very limited capacity in that area, so she turns nasty. Speech after speech is nasty—very, very nasty—and her comments today about Jim McGinty were truly disgraceful. I think it warrants the Procedure and Privileges Committee looking into those comments. They were made without any evidence or substance to them, and she then tried to impute what was in the mind of the health minister in appointing Jim McGinty to that position. I can just imagine what would have happened when we sat on that side and Colin Barnett was here if we had made the same allegations about people appointed by the then government.

**Mr A. Krsticevic** interjected.

**Dr A.D. BUTI:** Member for Carine, find the examples and bring them into the house, if that was the case. But it was never to the degree that we character assassinated former members of Parliament who did not have the ability to respond in this place.

**Mr A. Krsticevic** interjected.

**Dr A.D. BUTI:** No, we did not, member. Member for Carine, we did not. We did not attack former members of Parliament to the degree that the member for Scarborough did in her contribution today. It was absolutely disgraceful.

But the point is, though, what a waste of time. The opposition has three hours in which to discuss its motion about the health department or the so-called crisis in health, and it goes on about what happened about 10 years ago.

**Mr A. Krsticevic** interjected.

**The ACTING SPEAKER:** Member for Carine!

**Dr A.D. BUTI:** It is interesting that when I first came into this place the member for Carine never spoke. The only time he ever got to his feet and spoke was when he was attacking the federal Labor government. I said to him, “If the federal Labor government gets defeated at the next election, you won’t have anything to say.” I was proven correct. He was silent in the previous Parliament. He did not say a thing. I must say that, no, he did get up and shed crocodile tears during the taxi debate, as he tried to do this time. The member for Carine is really good at saying, “I’m your friend and I want to do something”, but never does anything. He is also very good —

**Mr A. Krsticevic:** But they all know the truth; that’s the main thing.

**Dr A.D. BUTI:** Yes, the truth! Like you read out an email that you said you did not know was true. You read out an email about so-called communications with my office —

**Mr A. Krsticevic:** I never said it wasn’t true.

**Dr A.D. BUTI:** You did say it was not —

**Mr A. Krsticevic:** I said that's what they said. I just know what they told me —

**Dr A.D. BUTI:** The point is that at least the member for Carine has the ability and capacity to respond to criticism I make of him. Jim McGinty does not have that ability in this house, and it is absolutely disgraceful. On such an important issue as health, the best the house spokesperson for the opposition, followed by his leader and the nasty member for Scarborough, could do was go on about Jim McGinty and health 10 years ago. It was absolutely disgraceful. If that is going to be the member's worth as a health minister —

*Point of Order*

**Mr W.J. JOHNSTON:** I do not understand how come a member can be here for so long and not know the standing orders. Just because the member on his feet is referring to the member for Churchlands, it does not give the member for Churchlands licence to yell and scream across the chamber. This place is not functioning this evening. We need —

**Mr D.C. Nalder:** You are a bit of a hypocrite.

**Mr W.J. JOHNSTON:** I would like the member to withdraw that —

**Mr S.K. L'Estrange:** Under what standing order?

**Mr W.J. JOHNSTON:** Under standing order 92. Get up and do the withdrawal.

**Mr D.C. NALDER:** I withdraw.

**Mr W.J. JOHNSTON:** Members on the other side might not like the fact that the member on his feet is criticising them, but that does not give them licence to yell and scream. This chamber is not functioning at the moment —

**Mr D.C. Nalder:** How about being consistent? You are so inconsistent.

**Dr A.D. BUTI:** A point of order is being made; there should be silence.

**Mr W.J. JOHNSTON:** I sat here in silence and did not interject on any of the dopey speeches from the other side of the chamber. This member has come into the chamber specifically to interject on a point of order!

Several members interjected.

**Mr W.J. JOHNSTON:** This is ridiculous!

**The ACTING SPEAKER (Mr I.C. Blayney):** It is probably a point of order that you took a bit long to present. But, members, a point of order is heard in silence.

**Mr Z.R.F. KIRKUP:** With respect, Acting Speaker —

Several members interjected.

**The ACTING SPEAKER:** No; sorry, I am not having a debate. I have six minutes to go, and I am getting slightly closer to doing my block. I do not consider there to be a point of order, and I do want to hear out the member for Armadale. I ask him to direct his comments to me.

*Debate Resumed*

**Dr A.D. BUTI:** I have been. I think I have been directing them to you, Mr Acting Speaker. They might be about someone else in the chamber, but I am directing them through you.

But I will conclude, because we do want to actually hear some substance tonight and we will hear that from the Minister for Health. I mean, the other side could only dream to have a minister of the capability of the health minister in that portfolio. The contributions made by the other side —

**Mr A. Krsticevic** interjected.

**The ACTING SPEAKER:** I am calling you for the first time, member for Carine.

**Mr K. Michel** interjected.

**The ACTING SPEAKER:** I was not asking for anyone else to make any comments. Member for Armadale.

**Dr A.D. BUTI:** The contribution from the member for Churchlands, who is the lead in this debate tonight and also the house spokesperson, was incredibly weak from —

**Mr S.K. L'Estrange:** Stop misleading Parliament!

**Dr A.D. BUTI:** It was incredibly weak and nasty. The Leader of the Opposition's contribution was a little better. If the member for Churchlands was treating that as an audition for the top job, he did not pass tonight. The member for Scarborough is really battling in opposition because she does not have the support of the public service behind her. She battled as a minister, but without the support of the public service she is lost. Her nasty contribution

tonight just took the cake. She spent 90 per cent of her contribution attacking Jim McGinty, who was a health minister 10-odd years ago when she was not even in this Parliament. She mentioned she has received all these phone calls from people; maybe she has. I challenge her to show us proof that she has received these phone calls. She can preserve the confidentiality by removing the names, but if she has received these emails and phone calls show us them, or maybe she could send them to the health minister —

*Withdrawal of Remark*

**Mr S.K. L'ESTRANGE:** Under section 92 of the standing orders, this is clearly an imputation that the member for Scarborough has tried to deceive Parliament. I ask him to withdraw.

**The ACTING SPEAKER (Mr I.C. Blayney):** I would just ask you, member for Armadale, to be careful what you say about people. I know you are in Parliament.

*Debate Resumed*

**Dr A.D. BUTI:** Thank you. The member for Scarborough has said she has these communications from constituents who are concerned about the health system, and she is concerned about the health system. I am not sure how the member for Carine operates, but when constituents ring my office the electorate officers actually take down notes and names and put them into a computer so we have a record. I assume that is what the member for Scarborough would do. I do not know whether the member for Carine would do that, but that is what would happen. Also, if she received emails with these terrible complaints about the health system, she should refer them to the Minister for Health because they can then be actioned on by him. That is the challenge. If she would like to do that, I am sure the Minister for Health would address those issues. Regarding the member for Scarborough's criticism of Jim McGinty, I do not think that she even made any criticism of the Minister for Health. She just said he has appointed Jim McGinty as chair and that was it.

**Ms M.M. Quirk:** No, she was saying that the Minister for Health had given him directions.

**Dr A.D. BUTI:** We would like to know where is the proof of that. If members are going to make statements in Parliament about what the Minister for Health has done, they should provide proof. Where is the proof that the minister did X,Y or Z in the appointment of Jim McGinty?

**Mr S.K. L'Estrange:** Get him to table it.

**Dr A.D. BUTI:** Table what?

**Mr S.K. L'Estrange:** The proof.

**Dr A.D. BUTI:** We do not have to table the proof. The opposition is making the accusation. That is amazing! The opposition has made an accusation; it is up to the opposition to provide proof of the accusation. It would be a reversal of the way things operate generally, member for Churchlands. The opposition should not make an accusation and then expect the person whom it is accusing to provide proof to prove its accusation.

**Mr S.K. L'Estrange:** You want to see the proof.

**Dr A.D. BUTI:** But I have not accused the Minister for Health.

**Mr S.K. L'Estrange:** Yes, but you could find out whether it was true and then you could hold them to account.

**Dr A.D. BUTI:** If this is to be the quality of opposition debate we will receive over the next two years, I can assure the member for Scarborough that she will not be in government in two years' time.

**MR Z.R.F. KIRKUP (Dawesville) [6.01 pm]:** Thank you very much for the opportunity to join with members of the opposition in condemning the Minister for Health's handling of the health portfolio and placing our health system on a trajectory of cost cutting that is stripping away frontline health and mental health services in a similar manner to that which led to the chaos experienced under the last state Labor government. As I start my contribution this evening, I follow an arduous moral lecture from the member for Armadale about what he thought were some imputations or spurious allegations by the member for Scarborough about the former health minister. I find it fascinating that members opposite continue to go to some lengths to criticise the former Premier of Western Australia, the state's twenty-ninth Premier, without any sense of morality—in some instances, they go way, way beyond what I think is within the bounds of reasonableness—and then come into this place, as the member for Armadale has done, and criticise the member for Scarborough as though somehow the former member for Fremantle, Jim McGinty, is sacrosanct. Members opposition have undertaken a practice of criticising the state's former Premier on a regular basis and I do not think that is good enough, member for Armadale.

**Dr A.D. Buti:** When was the last time he was criticised?

**Mr Z.R.F. KIRKUP:** During the last sitting weeks, members of the front bench of the Labor Party did exactly the same thing in relation to the former Premier.

**Dr A.D. Buti:** What did that they say?

**Mr Z.R.F. KIRKUP:** I am more than happy to bring it to the member's attention later today but I want to address the more substantive motion before us.

**Dr A.D. Buti:** Let's hope you do so.

**Mr Z.R.F. KIRKUP:** I look forward to it, member for Armadale. You and I enjoy robust conversations with each other. I look forward to getting back to debating the more important motion that has been moved by the member for Churchlands. I think it is a very good motion about cost cutting. The member for Churchlands referred to the \$201 million that has been gutted from the state's health portfolio, from our state's health system, and the impact that has had subsequently on waitlists and on elective surgery lists. The member for Churchlands talked about the strain on the emergency department at Royal Perth Hospital, Sir Charles Gairdner Hospital and Fiona Stanley Hospital. I think the member for Churchlands also made the point that in April, or sometime earlier this year, there were some of the worst results in ambulance ramping in the last seven years. We are seeing real and substantive impacts on the state's health system and they are impacting on the lives of Western Australians. I find it fascinating that members opposite so stridently defend this government. They happily beat that drum while we see significant amounts of money being stripped from the state's health budget. I do not understand why members sitting in marginal seats such as Kingsley, Joondalup or Murray–Wellington would be happy about the amount of money that is being stripped out of the state's health system.

**Mr D.T. Punch** interjected.

**Mr Z.R.F. KIRKUP:** I promise members this, member for Bunbury, just as happened in 2008, when there is a build-up of health issues like there was under the former Labor government, which we have spoken about, and under a former health minister who has now been appointed to the North Metropolitan Health Service board, that that has an impact on the minds of voters. As we saw in the September 2008 state election, that issue was absolutely on their minds. The member for Scarborough rightly pointed out that we are returning back to the future, as it were. This government is committing the same acts again. Perhaps in a spirit of arrogance or a spirit of denial or ignorance, or maybe it is that they just do not care, they are doing the same thing all over again—stripping significant money from the state's hospital budgets. To be frank, I would be surprised that any member could stand in here and defend what has happened. I look forward to the contributions. The member for Armadale rightly points out the visits that the Minister for Health has made to the Armadale Hospital, but I would like to see what emergency department waitlists are like at Armadale, because they are absolutely shocking at Peel Health Campus, Sir Charles Gairdner, Royal Perth and Fiona Stanley. Waitlists for elective surgery and ear, nose and throat surgery, as the member for Scarborough pointed out, are blowing out. The four-hour rule, the parameter within which people are meant to be seen in emergency departments, is blowing out. I do not think that is good enough. It really hits home for me when I look at the hospital in Peel.

I would like to take members through a very quick, expedited time line of what has been happening at Peel Health Campus. It is a very real example of how the \$200 million-plus that has been stripped out of the health system is having an impact. That frontline impact is being felt at Peel Health Campus. I am glad that the member for Armadale cited that September 2016 article about the Peel Health Campus waitlist times. I would be interested to know which members or shadow ministers commented on that matter at that time. I suspect that probably the now health minister commented on that article. He was very well aware of the issues, it seems, at Peel Health Campus before he came to office. I would have thought that perhaps a minister who is so well aware of the issues at that hospital as a shadow minister would come to government with a plan to fix that hospital.

**Mr R.H. Cook:** What was your plan?

**Mr Z.R.F. KIRKUP:** We did not have one, did we, at that point in time.

I will go to the very start of the campaign that we started to run in August last year. We started to realise through questions—a great tool in this place—that a shedding of doctors had been occurring between June 2017 and the same time in 2016. The number of doctors had started to fall away at Peel Health Campus. There had been a 12.8 per cent—nearly 13 per cent—drop in the number of doctors on staff at Peel Health Campus. That concerned me. More than that, a significant stack of nurses—15 nurses—resigned and there were 9.4 positions vacant from the resignations that had occurred during the year. The impact of that was that the number of patients being seen within the four-hour rule started to decline. That happened in August 2017 and it was raising significant concerns for me. Clinicians started to resign in not insignificant numbers. What was the flowthrough? What did that look like in the ED? It started to have an impact. The four-hour rule was starting to blow-out—that is, the time that patients were being seen within the four-hour rule was not adequate at all. I asked more questions of the minister. In November last year, we started to see that in the Peel Health Campus emergency department only half the number of patients who should have been seen within the first two minutes—that is, the highest urgency category—were being seen within the first two minutes. As it would be for any local member in this place, that was very concerning for me. It is very concerning when the local ED is not seeing the highest urgency category of patients within two minutes. It was blowing out and already blowing out at that end.

Only 63 per cent of patients were treated within four hours. It started at 71 per cent when this government came to office. We saw mass resignations and the strain having a very real impact on our hospital and the emergency department four-hour rule—patients being seen within four hours—go from 71 per cent to 65.7 per cent in August and, in November, 63 per cent. The government's requirement is that 90 per cent of patients must be seen within four hours or less. Ninety per cent is the benchmark. We were not improving at Peel at that point in time; we were deteriorating and that was a significant concern. As he knows, we raised these issues with the health minister. We spoke about it in Parliament a number of times last year, asked a number of questions and made a number of freedom of information requests. It became very obvious to me that perhaps the concerns I, as an opposition member had in this place, were not quite being paid attention to by this government.

I have to say that time and again we see most prominently in state budgets that this government absolutely hates Mandurah. I do not understand why the government hates Mandurah or the Peel region. I am curious why that is the case. We start to see that. In state budgets we see \$300 000 stripped from my local secondary high school budget—300 grand gone, just like that. We see cutbacks in the number of police in the Peel region. We see no money being delivered for expansion of our police station; no money for transport infrastructure; delays unfortunately in delivering an important family and domestic violence refuge, which was noted as an election commitment in the Peel region. It is taking time. The government has taken a position against Mandurah by taxing the Uber taxi to fund a plate buyback for taxis that have no impact in Mandurah. Contrast that with increasing fees and charges on pensioners on fixed incomes and self-funded retirees in my electorate. This government has a penchant for attacking people in Mandurah. I do not understand why it hates them. It is important to me.

I thought that if this was a trend with the government, we needed to organise a community rally. I chose the date of 1 May 2018 on a Tuesday, the middle of the week, probably not the most ideal time for bringing out families.

**Mr S.K. L'Estrange:** It was cold.

**Mr Z.R.F. KIRKUP:** It was cold in May, as the member for Churchlands can, rightly, attest.

*Point of Order*

**Ms J.M. FREEMAN:** Under standing order 94, a member's speech must be relevant to the question under discussion. The member was speaking quite pertinently about what was going on at Peel Health Campus. He was developing an argument about what was happening there and about how he had approached the government and then he went off on some tangent about his feeling of being persecuted.

**The ACTING SPEAKER:** Come to your point of order please.

**Ms J.M. FREEMAN:** The point of order is that you bring him back to the relevant question under discussion, which is only about health and the Minister for Health.

**Mr S.K. L'ESTRANGE:** It is not a breach of the standing order because he is talking about the Peel Health Campus and a Peel Health Campus rally. So it is absolutely about this.

**Ms J.M. FREEMAN:** Further to that point of order.

**The ACTING SPEAKER:** No.

**Ms J.M. FREEMAN:** He went so far off —

**Mr Z.R.F. KIRKUP:** He?

**Ms J.M. FREEMAN:** The member went so far off.

**The ACTING SPEAKER:** Sit down, member for Mirrabooka. Thank you. I am sure the member for Dawesville will continue and talk about the motion.

*Debate Resumed*

**Mr Z.R.F. KIRKUP:** Thank you, Mr Acting Speaker. I appreciate the protection of the member for Churchlands for —

**Ms J.M. Freeman:** Guidance.

**Mr Z.R.F. KIRKUP:** Are we going to call it "guidance", member for Mirrabooka?

**Ms J.M. Freeman:** Absolutely.

**Mr Z.R.F. KIRKUP:** That is right. Concerned as I was about the treatment, this government continues in ignorance and basically hating my community.

**Ms J.M. Freeman** interjected.

**Mr Z.R.F. KIRKUP:** Acting Speaker, I look forward to continuing —

**The ACTING SPEAKER:** Member for Mirrabooka, enough!

**Mr Z.R.F. KIRKUP:** We organised a rally on 1 May, a Tuesday night, at I think 6.30, not an ideal time I admit for a community rally. I invited the member for Churchlands to come down in his capacity as shadow health minister, the federal member for Canning and other local members of the government side in the spirit of bipartisanship to make sure we raised the importance of this issue locally. Unfortunately, and without any prejudice from my perspective, those members could not make it and I appreciate that they had their own affairs to attend to. The member for Canning, the member for Churchlands and I were there, with more than 350 members of the community on a cold Tuesday night in a car park, opposite the Peel Health Campus because they felt they were being ignored by this government when it came to their concerns about the Peel Health Campus. More than 350 people attended that rally demanding —

**Ms J.M. Freeman** interjected.

**Mr Z.R.F. KIRKUP:** It is.

They were demanding that this government knew that they expected that in the upcoming 2018 state budget there would be money to expand the emergency department and money for the car park—a long-term plan for health and hospital services for the Peel region. Importantly, they also wanted a very specific design for the emergency department waiting room to separate children from the rest of the general population who might present at that emergency department. There were more than 350 people at that rally; it was exceptional. What did we see nine days later? Bear in mind we were talking about important clinical services that needed to be delivered to my community that I have the opportunity to represent in Dawesville. As I have mentioned a number of times, Dawesville has the largest number of elders per capita than anywhere else in Western Australia. Obviously, that puts a significant reliance on the state's health system. Contrast that with the member for Mandurah's district, which contains a population with a changing disposition towards young families. I suppose they are the bookends so we need to make sure we have services for young people, families and children right through to the more senior in years. More than 350 people who turned out expected that this government would have listened to them. What do we see?

They asked for an emergency department expansion and better hospital services. What do we see? We see \$4.4 million for a car park and maintenance at the hospital. I said publicly that it was an important contribution but it made no sense to expand the car park when people could not get a hospital bed. When people cannot get into the hospital emergency department, there is very little point in providing extra parking.

**Dr M.D. Nahan:** That is where the new waiting list will be.

**Mr Z.R.F. KIRKUP:** That is right. The Leader of the Opposition makes the point that we will start counting patients in the car park. That was the area that clearly needed more attention—not the beds, not the emergency department, not the separation of children from the general population—the car park and maintenance requirement. It included CCTV. Important as security is, I do not think that was top of the list for people in my district, in Mandurah and the Peel region. I do not think it went down quite as well as the government expected because 20 days later the minister came out saying, “Admittedly, future upgrades to the hospital cannot wait.” We see after the community's demands—the community collaborating, standing united, to make sure this government was aware of their concerns—that they get a crumb thrown at them for a car park and maintenance, compared with the rest of the money spent on the state's health budget. Twenty days later, clearly, the health minister, and perhaps community leaders, knew it was not good enough because the health minister conceded in an article in the *Mandurah Mail* that future upgrades cannot wait. The minister noted —

**Ms J.M. Freeman:** Why didn't you congratulate him?

**Mr Z.R.F. KIRKUP:** I did at every point; The member for Mirrabooka asks: why did I not congratulate him? Even the most recent amount of money, which I will get to shortly, I have said was a good start.

**Ms J.M. Freeman** interjected.

**Mr Z.R.F. KIRKUP:** I have been public with what I have said. On Facebook I respond to every comment myself. I make the point regardless of who delivers for that hospital, Liberal or Labor, I will congratulate them.

**Ms J.M. Freeman** interjected.

**The ACTING SPEAKER:** Member for Mirrabooka! Thank you.

**Mr Z.R.F. KIRKUP:** The reality is that a situation has not arisen in the history of that city for which that community has united so strongly on an issue as it has on this hospital. It has not happened for this hospital before. We have a growing need in the community that is not being well responded to by this government. I think that is why we have heard concessionary tones from the minister. It was a bit disconcerting that the South Metropolitan Health Service chief, Paul Forden, said that the ED waiting room was a bit tired. I encourage chief executive Forden to spend a little bit more time there. It is beyond a bit tired. The reality is that the size of that emergency department waiting room is 20 per cent less than it needs to be. It is designed to service a population one-third the size of the Peel region. It is not a bit tired; it is way beyond being a bit tired. That, again, is the consistency, and the department needs to get more proactive in this case. I will keep up that pressure.

Later in June, we unfortunately returned to where we started on this. We came full circle as the wait list time at the Mandurah Hospital emergency department started to blow-out. In June 2018, it was reported that Peel Health Campus had unfortunately the second worst emergency department waitlist in Western Australia. Of the 24 hospitals in the state, it was the second worst. That is absolutely abhorrent and makes no sense. The Minister for Health is in charge of billions of dollars but there has been a massive blow-out with more than 32 per cent of people in the Peel Health Campus emergency ward waiting longer than four hours; that is, more than one in three people who rock up wait more than four hours to be seen. That is consistent with the anecdotes that I will get to—I will clearly go through their names very shortly, if that suits the member for Armadale—and explain the experience of each person who contacted me at Peel Health Campus.

[Member's time extended.]

**Mr Z.R.F. KIRKUP:** The reality is that in the quarterly reports, in the parliamentary questions that we lodge and in the freedom of information material that we get back time and again, we are right back at the beginning. The amount of money that has been thrown at this hospital is not good enough and emergency department times at Peel Health Campus have blown out again. Unfortunately, we found out from freedom of information requests that I lodged with the Department of Health that the Peel Health Campus emergency department was seeing 47 patients more than it was designed to facilitate on a daily basis. The emergency department was designed to circulate 82 people a day but it is seeing 47 patients more than it is designed to see. It is constrained and burdened very significantly and is struggling to keep up with the demands of the community. More than that, unfortunately, as we discovered in similar freedom of information documents that were returned, Peel Health Campus is not keeping up with mental health demands. We speak a lot about mental health. This is world Mental Health Week and it is important that we talk about that. There is no designated mental health inpatient bed at Peel Health Campus and, unfortunately, patients have to go to Rockingham when they present to the ED. That is not an insignificant number. Between July and December 2017, there were 316 mental health presentations at Peel Health Campus. That is 316 people who could not be seen in our community at our local hospital and had to be transferred to Rockingham in most cases. Importantly, as the Minister for Mental Health has raised a number of times, even this week, there is an increase in the awareness of mental health-related issues and there was an increase in the number of patients in my community, from 306 to 316, who presented compared with the same time for the previous year. Blow-outs continue in every measurable part of my hospital. Unfortunately, the government's response to this, similar to the consistent position it has taken to Mandurah, is to ignore the problem. Prior to the last budget, \$4.4 million was thrown at it. This is the consistent problem that occurs at Peel Health Campus. The member for Churchlands spoke about the Australian Medical Association president who spoke about some issues in the health system. He also spoke about issues at Peel Health Campus. The president of the AMA in WA was talking about a hospital in Mandurah. There are significant concerns in the community, which I have raised in Parliament. I have asked parliamentary questions and sought freedom of information documents; third parties, such as the AMA, have raised concerns; and there have been significant resignations in my community. Here we go. Peel Health Campus has not had a significant expansion admittedly for 20-plus years. In that time, there have been two Labor governments and two Liberal governments with a Labor government in now. It is time that the government heeded the concerns of the community because our population, member for Mirrabooka, is continuing to grow at a rapid pace, especially in the northern part of Mandurah. As the minister will probably point to, we got some money on 19 September, I think it was. The minister came down and gave \$5 million for a redesign of the emergency department and eight waiting bays, which will be delivered in 2019–20.

**Ms J.M. Freeman** interjected.

**Mr Z.R.F. KIRKUP:** Sure. I have said to the minister that I was elected in March last year. I will not stand and defend; rather, I will make sure that we absolutely get the possible outcomes for our community. I was elected in March 2017 and that is my job. We can all point to the history of this issue, but that will not help anyone who presents to the emergency department and has to wait more than four hours, which, in fact, is more than one in three people. It is not enough and community sentiment is really coming through.

**The ACTING SPEAKER:** Leader of the Opposition, could you keep your conversation down a bit, it is a little hard for Hansard to record?

**Mr Z.R.F. KIRKUP:** Community sentiment about not even being treated fairly by this government is absolutely growing and is not just reflective of the rally that was held in May. We are seeing it right now. On September 22, a number of people in the community said that they were lucky to have community representatives fighting for them to try to secure more money from this government. They said they feared that without them, they might not get any funding. The director of the South Metropolitan Health Service said that the ED is a bit tired; in reality, it is much more than that.

I will point out some concerns. I said to people in my community, "Can you email me?". I gave them 24 hours' notice because I did not want to interrupt the minister's visit on 19 September. I said, "I'm seeing the Minister

for Health. What is the message you'd like me to give to him?" Within 24 hours, I got more than 186 responses via email. I will read some of them out. I point out that these people are very passionate about their community and health services and they are, absolutely, a reflection of our community and the issues that we have in Mandurah and the Peel region more broadly speaking. I asked them what their message would be to the health minister if they had a chance to see him. What message did they want me to give? Ms Watkins from Dawesville wants more paediatricians in Mandurah, which is reflective of the growing number of young families in my community. Mental health issues are at the top of the list for Danita from Falcon, because of issues with domestic violence and drug addiction, which I raised with the Minister for Prevention of Family and Domestic Violence in a grievance in this place during the last sitting. It does not surprise me that Danita is from Falcon, because that is where the majority of concerns are in my community. They want more of a focus on mental health. We do not have a mental health inpatient bed in the hospital, which is very concerning. Jordan from Wannanup wants more mental health facilities in our community. Janice, from Halls Head, wants more nurses after noticing the lack of nurses when she went to the hospital. She was seventh in line and with a pulse of 29, she almost died in the emergency department waiting in line. Ross from Falcon asked when the minister is going to stop running away from the issue and put a plan into action that is more than a short-term quick fix, a plan that will solve the whole issue for the long-term benefit, no matter who the electorate votes for. I could not have said it better, Ross. There are continual concerns. John from Falcon asked why the people of postcode 6210, which is serviced by Mandurah, are being treated as second-class citizens. We have a health facility that is way past its ability to cope with the population expansion yet there has been a head-in-the-sand approach to the inadequacies in this area. John said that he has used the ED facility at Peel several times in the last year and said that, as a retired general practitioner, it is woefully inadequate. This is the real sentiment in our community. Again, I stand together with members of the opposition to make sure that we highlight the issues of frontline services, the impact of frontline services, the cuts in the state's health budget and the impact those issues have on Mandurah. They are real and they are creating furious anger in our community. People feel that they are not being appreciated, not being listened to and are not having their needs responded to because—the member for Mirrabooka may protest—of the consistent pattern that has been orchestrated by this government to continually hate on Mandurah. Unfortunately, in this case, the reality —

**Ms J.M. Freeman** interjected.

**The ACTING SPEAKER:** Member for Dawesville, sit down please. Member for Mirrabooka, I will call you if you keep going.

**Mr Z.R.F. KIRKUP:** Unfortunately, the hate that this government has for Mandurah is in stark contrast —

*Point of Order*

**Ms J.M. FREEMAN:** I refer to standing order 94, which is about relevance. The motion is about the house condemning the Minister for Health. This is not a general debate. The member's speech must be relevant to the question under discussion. I ask, Mr Acting Speaker, that you direct the member to be relevant to the motion.

**The ACTING SPEAKER (Mr R.S. Love):** Thank you, member. I believe that the member is being relevant to this question.

*Debate Resumed*

**Mr Z.R.F. KIRKUP:** It does not surprise me that members opposite seek to interrupt this contribution. The reality is that they do not like having the truth revealed to them. The member for Churchlands pointed that out when he started listing the facts. They do not like it when the chickens come home to roost, and their gutting of the health budget starts to have an impact in the community. When I talk about the hate on Mandurah, I can only contrast that with the amount of money that has been spent on state hospitals since Labor came to office. Some money has been spent, but it does not surprise me that \$158 million was directed towards Joondalup Health Campus. The Labor government won Joondalup by 277 votes, so it does not surprise me that we are seeing a significant amount of money—more than \$150 million—being spent on Joondalup. As part of the federal government's GST top-up, money went to Joondalup Health Campus at the direction of this Minister for Health. I asked the federal Minister for Health, Greg Hunt, when he was here, where Peel Health Campus was on the state government's list of priorities. Peel Health Campus was not on the list at all. We cannot expect money from the federal government that is being given as part of a GST top-up to come to our hospital in Mandurah when this government is so predisposed against Mandurah. I do not understand why the government hates us so much. I do not understand why this government continues to orchestrate a campaign of ignorance and arrogance about our community. I suspect it is because Mandurah is a safe Labor seat and Dawesville is a seat that the government knows it is probably unlikely to get, because the swing is coming back against the government. When we see a five per cent or six per cent swing, or the swing in Darling Range, replicated across the board, Labor will lose government and in 885 days the time will come when the people of Mandurah will exercise their right to vote, and they will make sure they remember this minister and this party, who will be voted out of office.

**MR R.H. COOK (Kwinana — Minister for Health)** [6.33 pm]: That is one of the most pathetic contributions I have ever heard in this place. For the man who turned one of the safest Liberal seats in Western Australia into a knife-edge marginal seat to be thumping his chest so proudly about the Liberal Party's performance is extraordinary. The hubris is matched only by the commentary of the member for Churchlands that the Liberals were swept into power in 2008, when I think they were probably a minority government, if it were not for the vote of the Independent member for Alfred Cove allowing them to squeak in. Of course, the government did have the vote of the Independent member for Kalgoorlie. I know that the former Premier expressed very high thoughts of him in his commentary about him at the time that he was being investigated for potential or alleged corrupt behaviour. That is by the bye, but I just wanted to make sure that we put a few items on the record. I know that some members on our side are busting to have a go. I came into private members' business today with great anticipation, wanting to see what had led to this motion with such sharp wording. If members opposite want to bring something to this house, they need to have two things. First, they must have a narrative; they must get it right and understand what they want to accuse us of; and, second, they must have evidence to back up that narrative. Some numbers are actually required to back it up. Today we saw some sort of garbled conspiracy theory about the chair of the North Metropolitan Health Service, in a performance that was quite frankly reminiscent of the member for Perth's assertion that we needed to have some sort of cone hat. Somehow, this was all part of some sort of conspiracy.

I was bamboozled by the contribution of the member for Churchlands, and appalled by the contribution of the member for Scarborough, but the contribution of the member for Dawesville was gobsmacking. There was gobsmacking gall dripping from his speech that he should be so critical of a \$4.4 million injection of funding into his hospital this year, when he knows that it was in excess of any contribution that the previous government made to his hospital, by around \$4.4 million. If there is to be hatred of people in Mandurah, this must be an exercise in self-loathing on the member's part. While the member was a senior staff member in the previous government, throughout that period of eight and a half years, absolutely nothing was spent on the hospital. The previous major investment in that hospital was—wait for it—by that evildoer, the former Minister for Health, Hon Jim McGinty. From that point of view, I guess the member for Dawesville must have been appalled by the commentary from the member for Churchlands and the member for Scarborough. Subsequent to those dark days of the previous government, we will have invested, over the course of this term, almost \$10 million in upgrades to Peel Health Campus.

**Dr A.D. Buti:** The only thing that the former Liberal government did for Peel Health Campus was to have one of its administrators run unsuccessfully for the Liberal Party against David Templeman.

**Mr R.H. COOK:** Even with that connection, it could not manage to commit any money to the hospital.

It was an extraordinary performance today, and I just want to deal with some of the allegations that have been made. The single biggest allegation was that there is somehow this plethora of budget cuts to our health service providers and somehow there is a major exercise in cost cutting in our hospitals. There have clearly not been cuts to our hospital services. I can confirm for the chamber that the approved budget expenditure growth for public hospital services from 2017–18 to 2018–19 is 2.2 per cent. That is not a cut. It does not matter which way we look at it, it is a growth in expenditure. That accounts for approved activity growth of 2.1 per cent for public hospitals for the same period. We increasing not only the budget, but also the level of activity. Further to that information, I want to break that down across each of the health service providers. The growth in the annual budgets for the health service providers between 2016–17 and 2017–18, in the Child and Adolescent Health Service, was 7.3 per cent. In the East Metropolitan Health Service, it was 12.5 per cent. In the North Metropolitan Health Service, it was 4.3 per cent. In the South Metropolitan Health Service—where the member for Riverton, the Leader of the Opposition, accused us of budget cuts—growth is actually 7.1 per cent. In the WA Country Health Service, the growth was 8.1 per cent. Even in this time of constrained overall costs for the health system, between 2017–18 and 2018–19, the Child and Adolescent Health Service increased its annual budget by 5.5 per cent; East Metropolitan Health Service increased by 7.8 per cent; North Metropolitan Health Service increased by 5.5 per cent; South Metropolitan Health Service increased by 2.5 per cent; and the WA Country Health Service increased by 3.3 per cent. We can do that because we are constraining the costs of the administrative burden of the health system by constraining the costs at head office. As I have said in this place on a number of occasions when I have been trying to educate members opposite, that has had the impact of allowing us to not only constrain overall cost growth, but also ensure the appropriate levels of expenditure and budget growth in our health services provided.

I have set aside the untruth of the narrative that members opposite have been trying to portray this afternoon that somehow the budget has been cut. However, they have also tried to suggest that somehow services have been cut, and again that is simply not true. Our hospitals are doing more today than they have ever done in the past. As a result, we are getting great performances from health service providers. The number of patients who were treated out of boundary is the true indication of how we are performing elective surgery. It does not matter how many people are on the waiting list. That is old hospital politics. Members opposite need to catch up. It does not matter how many people are on the waiting list; it is whether we are getting to those people within the clinically desired and recommended time, and we call those people treated within-boundary. Regardless of population growth and

the constraints that we are working in, more than 93 per cent of all patients in Western Australia are treated within-boundary. Obviously, it is important to look at the breakdown of those numbers.

In August 2016, 7.2 per cent of people were treated outside-boundary. In August 2018, it was 6.7 per cent. We are getting to these patients quicker, within the clinically required time. Category 1 patients need to be treated within 30 days. In August 2016, under the Liberal–National government, 17.5 per cent of category 1 patients were treated outside-boundary. In August 2018, under us, it was 14.5 per cent. For category 2 patients, it was 17.7 per cent in August 2016. In August 2018, it was 14 per cent. The statistics go on and demonstrate that we are doing better in health than the Liberal–National government was doing at the same time in its last year of government. The opposition's contribution is to perform a character assassination of a former Minister for Health. I have not done that. I think that Hon Kim Hames did the best possible job he could. He should have had greater stewardship over the numbers, but we are doing better while working within a constrained environment.

The other side talked a little about the issue of emergency access. We call that the WA emergency access target. Members correctly observed that the target is 90 per cent. The target was set by Hon Kim Hames when the former government first started working on this program, which was imported from the United Kingdom. I point out that the target has almost never been achieved in either the Liberal and National Parties' time in government or our time in government. At times, Hon Kim Hames was generous enough and prepared to say in this place, "Well, perhaps I was a bit ambitious and 90 per cent was too high." It probably was. It has been held there on the books, but no-one has ever reached those sorts of giddy heights, except, potentially, Princess Margaret Hospital for Children in its early days.

Let us look at how well we are doing compared with the Liberal–National government when it was in office. For instance, in August 2016, only 69.4 per cent of patients met the four-hour rule across WA hospitals. In August 2018, under our government, it was 73.4 per cent. Members opposite are right that we are not hitting the golden 90 per cent, but we are doing a damn sight better than they did in government. In July 2016, 72.3 per cent of patients met the four-hour rule. In 2018, under us, it was 75.6 per cent. In June 2016, 73.3 per cent of patients met the four-hour rule and in 2018, it was 76.7 per cent. I will go further. Members assembled might be interested to see how their particular hospitals have gone. Member for Mount Lawley, at Royal Perth Hospital, only 54.4 per cent of patients were seen within four hours in August 2016. The hospital is still struggling, but in August 2018, it was 64 per cent. That is a 10 per cent improvement on what it was doing under the previous government.

At Fiona Stanley Hospital, 54 per cent met the four-hour rule in August 2016. In August 2018, it was 65 per cent. Joondalup Health Campus, as the member for Churchlands said, does a cracking job. Speaking of narrative, the member for Churchlands cannot go in and back all the privately run hospitals and then allow the member for Dawesville to run one of them down, but the member can check that with the member for Dawesville later. In August 2016, 67.6 per cent of patients at Joondalup were seen within four hours. In August 2018, 64 per cent of Joondalup's patients met the four-hour rule. Member for Armadale, at Armadale–Kelmescott District Memorial Hospital, in August 2016, only 67.6 per cent of patients were seen within four hours. In August 2018, it was 71.2 per cent. The story goes on.

Before members opposite come into this place to have a crack—I understand that they have to have a go and a crack—they should work out their narrative. Either this is a conspiracy theory by Jim McGinty—which I secretly do not think members opposite believe, but they had to fill in the three hours—or there is a problem with our budgets and our performance. Unfortunately, members also have to come in here with the evidence to back that up and, quite frankly, all we have seen today is character assassination and misrepresentations of the finances and of the performance of the department. I think it is doing a great job. The doctors and nurses working in our system are doing a fantastic job, working in a constrained environment but managing to perform terrifically. I was never prouder of them than when we were in a position to open Perth Children's Hospital.

I want to reflect, because God, it is really galling when the former government says that it gifted us this fantastic health system with terrific infrastructure. It says it built a hospital, which Labor paid for, so well done! Then it says it gifted us this remarkably mismanaged cluster that was Perth Children's Hospital. On coming to government, the Treasurer and I were confronted with the most God-awful chaos with Perth Children's Hospital. It was chaos. There was infighting, fighting with the managing contractor and fighting with the construction union. The hospital was supposed to be open well before we even got to the election campaign, let alone into government. But what were we faced with? It was a horribly managed project.

Quite frankly, the morale of doctors, nurses and other staff at Princess Margaret Hospital for Children was absolutely in the basement. We worked hard with the doctors and nurses in the Child and Adolescent Health Service to get that hospital open and rebuild the morale of its staff. Yes, member for Churchlands, there are surveys on staff morale, because we started them. They were started under our watch. Yes, occasionally, the odd anecdote comes up in which a member of the community feels that they were let down by the system. What is our response to that? It is to insist that every health service provider engages patient opinion, with an online, real-time patient feedback mechanism that allows them to have their situation heard and allows hospital leaders to make changes as a result.

To conclude, with the health service providers we have done a terrific job in constraining costs but making sure that we put patients first and the people who matter most in our health system, the patients who use it, continue to receive world-leading health services. We can do this because we have a vision for the health system. We can do this because we are working with the people on the front line and their leaders to make sure that we do it properly. I am sure we will continue to do great work once we have the sustainable health review, which will chart a new course for the health system, through seizing the opportunities that innovation provides, teams working together and culture change, backed up with a medical research community that is one of the best in the country. I am excited about the future. I am sorry that those opposite are not excited about the future, but the system is working well. It is not perfect; it never will be. But we have some doctors and nurses doing a great job.

**MS L. METTAM (Vasse)** [6.50 pm]: I would like to contribute to this debate and support the motion that has been moved, which states —

That this house condemns the Minister for Health's handling of the health portfolio, placing our health system on a trajectory of cost cutting that is stripping away frontline health and mental health services in a similar manner to that which led to the chaos experienced under the last state Labor government.

The Minister for Health referred to misrepresentations. I would like to focus specifically on the drug issue affecting Western Australia, particularly in regional WA. I am sure I join with many others in this place in welcoming the news yesterday that Perth has shaken the title of the methamphetamine capital of Australia. But the fact that regional WA has the highest use of methamphetamine of the regional towns in Australia is still significantly concerning. The McGowan government continues to take a metro-centric approach by ignoring the needs of regional Western Australia.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister for Tourism!

**Ms L. METTAM:** I would like to focus specifically on one of the McGowan government's so-called election promises; in fact, it is WA Labor's meth action plan—the statewide strategy to tackle WA's meth crisis.

*Point of Order*

**Ms J.M. FREEMAN:** Mr Acting Speaker, I know that I have raised this issue a couple of times previously, but I would like your direction on the relevance of this, given that the government's commitment to the Methamphetamine Action Plan Taskforce is primarily around policing, yet this motion is about the issue of cost cutting that is stripping away frontline health and mental health services. Your guidance on this would be appreciated.

**The ACTING SPEAKER (Mr R.S. Love):** I believe that mental health and drug addiction are somewhat related.

*Debate Resumed*

**Ms L. METTAM:** It is quite concerning that the member opposite does not understand that mental health is a health issue, as well as an issue for police. I refer to WA Labor's election strategy for its so-called action plan. It states —

Our plan will help address the woeful lack of residential and community-based treatment facilities in WA. We will inject an additional \$2million per annum into treatment facilities to respond to early intervention and severe methamphetamine dependence.

Specialised rehabilitation centres will be established in the South West and the Kimberley.

A McGowan Labor Government will create two dedicated drug and alcohol rehabilitation prisons, one for men and one for women, to target low-level drug related offenders serving short prison sentences to break the cycle of drug related crime in WA.

It is no surprise that the McGowan government has already contradicted an election promise. Adele Farina campaigned very heavily on this and on 21 June 2016 she stated —

For the last eight years I, along with the south west drug and alcohol team, counsellors and GPs in the area have been united in calling for a drug and alcohol residential rehabilitation facility in the south west.

She went on to say —

Without funding, there is no chance that this facility will be delivered within the time frame stipulated by the mental health plan. Yet again, the south west community feels let down by the Barnett government. There is no question that this facility is needed. The state's mental health plan acknowledges this, yet the Barnett government continues to refuse to fund the facility. Every year, more than 300 people are forced to leave the south west to access treatment for drug dependency, meaning they, and their families, face long separations and long waiting times. Many more never get the help that they desperately need because of this problem—the lack of a local facility.

It is of concern to the south west community that, after many years of campaigning for this facility and after Labor went to the election promising a standalone facility for the south west, we learnt only in May this year that the state government, according to the *Busselton Dunsborough Times*, has taken the possibility of a long-called-for south west drug and alcohol rehabilitation facility off the table and is instead looking to the private sector to fund something quite different. Thirty-three beds will be delivered, with a reduction in the original funding promised to the tune of \$8.7 million. The meth action plan, which promised to provide additional services in rural and regional areas, was not delivered. It is not good enough that funding for these vital and specific support services has effectively been cut. It is something that the member for South West Region continued to campaign on when in opposition. It was quite clearly promised as part of WA Labor's meth action plan, but it simply was not delivered on. In 2016, Adele Farina, member for South West Region, stated —

The government cannot say it is serious about addressing the meth problem if it continues to ignore the problem in the state's meth capital ...

I turn those comments back on the Minister for Health and the McGowan government, because this government is turning its back on promises made to the south west community, promises made by the member for South West Region and, very clearly, promises made in its so-called meth action plan.

I will take the last few minutes to highlight another concern that has been underlined locally—that is, the funding cuts to the Meth Helpline. We hear that funding cuts of \$154 000 have been made to the WA Meth Helpline in this year's budget, which means that one in four calls to this line from people seeking support and assistance are going unanswered. This means that the number of counsellor shifts per week has been reduced from 75 to 65. Most members in this place would understand the value of a helpline and support service such as this. It provides an invaluable first point of contact for many people who do not know where else to find help. They are people who are desperate. I understand that in the last two years, this helpline has received over 21 000 contacts. That should be endorsement enough to support an ongoing funding commitment to this valuable service.

On the strength of the news that we hear that regional WA still wears the heavy mantle of being affected by the scourge of methamphetamine, it is deeply disappointing that the McGowan government has already backflipped on a longstanding commitment for a standalone facility in the south west to tackle this scourge. It is deeply disappointing that it cannot fund the basics, that it cannot provide funding to ensure that there are 75 counsellors instead of 65, and that calls to the helpline are going unanswered. One in four calls going unanswered is simply not good enough, given the needs of these vulnerable people and the importance of this issue. It is extremely concerning. This is a vital service. I share the concern of not only the Labor member for South West Region, Adele Farina, who has been severely let down by this backflip, but also the member for Bunbury, Don Punch, who sits on the Methamphetamine Action Plan Taskforce and was not aware of the funding cut and was not aware that one in four calls were going unanswered.

Debate adjourned, pursuant to standing orders.

*House adjourned at 7.00 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MINISTER FOR TRANSPORT — CONTACT WITH LOBBYIST FORMS

**3480. Mr Z.R.F. Kirkup to the Minister for Transport; Planning; Lands:**

Since 17 March 2017 how many “Contact with Lobbyist” forms have been submitted by the Minister’s office and by whom (staffers above level 7 PSGA only)?

**Ms R. Saffioti replied:**

Ministerial staff level 8 PSGA and above - 44

#### POLICE — RESPONSE TIMES — HILLARYS, JOONDALUP AND KINGSLEY

**3624. Mr P.A. Katsambanis to the Minister for Police; Road Safety:**

I refer to Police response times for the Hillarys, Joondalup and Kingsley electorates, and ask:

- (a) How many priority 2, 3 and 4 computer aided dispatch tasks with average response times for each of the suburbs of Hillarys, Craigie, Kallaroo, Padbury, Sorrento, Marmion and Beldon in 2013, 2014, 2015, 2016 and 2017;
- (b) How many priority 2, 3 and 4 computer aided dispatch tasks with average response times for each of the suburbs of Joondalup, Connolly, Currambine, Edgewater, Heathridge, Mullaloo and Ocean Reef in 2013, 2014, 2015, 2016 and 2017; and
- (c) How many priority 2, 3 and 4 computer aided dispatch tasks with average response times for each of the suburbs Kingsley, Greenwood, Warwick and Woodvale in 2013, 2014, 2015, 2016 and 2017?

**Mrs M.H. Roberts replied:**

[See tabled paper no 1925.]

#### POLICE — ASSISTANCE AND ATTENDANCE PHONE CALLS

**3637. Mr P.A. Katsambanis to the Minister for Police; Road Safety:**

Regarding telephone calls made to 131 444 for Police assistance or attendance, for each of the years 2013–2017, and as at 1 July 2018, what was the number of:

- (a) Calls;
- (b) Calls answered;
- (c) Calls abandoned; and
- (d) Calls answered within 20 seconds?

**Mrs M.H. Roberts replied:**

The Western Australian Police Force advise the following:

(a)–(d)

	2015	2016	2017	As at 1 July 2018
<b>Calls<sup>1</sup></b>	718233	701102	670008	372945
<b>Calls Answered<sup>1</sup></b>	715712	698638	667274	371738
<b>Calls Abandoned<sup>1</sup></b>	2521	2464	2734	1207
<b>Calls Answered within 20 seconds<sup>1</sup></b>	244117 <sup>2</sup>	453195	447124	218716

<sup>1</sup> Telstra’s reporting service used to provide call statistics for four years which includes the current year. An upgrade to the application in June 2015 resulted in all pre-existing data being archived. The archive data can be retrieved, however, may take some time due to the complexity of reinstating the data.

<sup>2</sup> Available data date range is limited to 1 July to 31 December 2015.

#### LOCAL GOVERNMENT — STOP PUPPY FARMING CONSULTATION

**3935. Mr A. Krsticevic to the minister representing the Minister for Agriculture and Food:**

I refer to the small writing group attached to the Stop Puppy Farming Consultation held by the Department, and ask:

- (a) How many more meetings are scheduled for the writing group;
- (b) Where will the meetings be held;

- (c) When does the writing group have to put forward its recommendations; and
- (d) Has there been a change in writing group membership in the past three months?

**Mr D.A. Templeman replied:**

- (a) The Writing Group will meet to review the draft Dog Standards and Guidelines prior to the document being finalised for consideration by the Companion Animal Welfare Advisory Group. The date for this meeting has not yet been scheduled.
- (b) To date, the Writing Group has met on site at the Department of Primary Industries and Regional Development (DPIRD) in South Perth.
- (c) No specific due date has been set. The Writing Group and DPIRD is working to table the draft document for consideration by the Companion Animal Welfare Advisory Group by November of this year. This will follow an internal DPIRD review of the draft document.
- (d) Yes a nominated representative from Dogs West has joined the writing group in the past 3 months

REGIONAL DEVELOPMENT — ALBANY WAVE ENERGY PROJECT

**3936. Mr D.T. Redman to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:**

I refer to the Albany Wave Farm Project, and ask:

- (a) How many local jobs were created from the Project as at the end of March 2018;
- (b) How many local jobs were created from the project as at the end of July 2018;
- (c) How much of the committed Government funds to the project have been spent as end of July 2018;
- (d) How much of the committed Government funds have been acquitted to the project to date;
- (e) Has the project kept to the agreed timelines as described in the Financial Assistance Agreement;
- (f) Has Synergy or Western Power committed any of their resources in support of the project to date, including internal works that augment network access for example; and
- (g) Can the Minister give a summary of the status of the UWA partnership and centre of excellence project?

**Mr M. McGowan replied:**

- (a) As at the end of March 2018:
  - 15 full time equivalent jobs had been created by the Albany Wave Energy Technology Development Project, with an additional 12 workers across six local suppliers engaged on contracting opportunities created by the project.
  - 2.2 full time equivalent jobs had been created by the Albany Wave Energy Research Centre, with an additional four workers from two local suppliers engaged in local contracting opportunities created by the project.
- (b) As at the end of July 2018:
  - 15 full time equivalent jobs had been created by the Albany Wave Energy Technology Development Project, with an additional 25 workers across 10 local suppliers engaged on contracting opportunities created by the project.
  - 5.2 full time equivalent jobs had been created by the Albany Wave Energy Research Centre, with an additional six workers from four local suppliers engaged in local contracting opportunities created by the project, with recruitment activities ongoing for additional positions within the Centre.
- (c) Nil.
- (d) Nil.
- (e) The Wave Energy Research Centre experienced a delay in finalising the lease with the City of Albany for its new premises and is currently operating out of the UWA Albany building.
- (f) Western Power completed a grid connection study which was paid for by Carnegie Clean Energy. Carnegie has held discussions with Synergy but no agreements or contracts have been entered into.
- (g) The Wave Energy Research Centre is progressing its three core research streams, including provision of support to the Technology Development Project, and is managed by a full time Albany based Centre Manager. Recruitment for further research positions continues and the terms of lease for the new Research Centre premises have been signed, with an anticipated move in date to be before the end of 2018, following required refurbishment works.

## LOCAL GOVERNMENT — CITY OF SUBIACO — PUBLIC COUNCIL MEETINGS

**3941. Mr A. Krsticevic to the Minister for Planning:**

I refer to a recent incident, reported on 21 July 2018, in which a Post Newspapers reporter was asked to leave a public City of Subiaco council meeting at the request of the head of the Department of Planning, Lands and Heritage Reform Team, and ask:

- (a) Do local governments have the authority to ban media from public meetings:
  - (i) If so, why;
- (b) Was the head of the Reform Team instructed by any Minister or Ministerial Staff not to discuss issues at the meeting if media were present; and
- (c) Was the head of the Reform Team instructed by any Minister or Ministerial Staff not to discuss the planning review with media?

**Ms R. Saffioti replied:**

- (a) This is not a matter for the Minister for Planning.
- (b)–(c) No.

## LIVE EXPORT — MINISTER FOR AGRICULTURE AND FOOD

**3956. Mr D.T. Redman to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:**

I refer to the raid on Emanuel Exports and the Ministers answer to QON No 3308, and ask:

- (a) What role did the Minister for Primary Industries and Regional Development play in the decisions leading up to the raid on Emanuel Exports;
- (b) If none to (a) why was the Minister for Primary Industries and Regional Development verbally briefed on the decision to serve the warrant;
- (c) Did the Minister direct her department to issue a warrant to be served on Emanuel Exports;
- (d) If yes to (c) on what basis was this direction given and on what advice;
- (e) Will the Minister table the advice; and
- (f) If the Minister had no role in her agencies decision to execute a warrant on Emanuel Exports, why has the agency executed the warrant in this instance (when it hasn't done so previously)?

**Mr M. McGowan replied:**

- (a) None.
- (b) Ministers are routinely briefed about the activities of their department, particularly in respect to issues of public interest.
- (d) N/A
- (e) N/A
- (f) A search warrant was executed by the Department's inspectors as part of their investigation into Awassi Express voyage 25, in order to gather evidence of suspected offences against the *Animal Welfare Act 2002*.

## LANDS — YORK STREET — VALUATIONS

**3962. Mr W.R. Marmion to the Minister for Transport; Planning; Lands:**

- (1) Can the Minister advise if the Valuer General has altered the valuation of any properties in York Street in proximity to the former Ronald MacDonald House over the last 12 months?
- (2) If yes to (1):
  - (a) Were revaluations a result of approaches by property owners or as part of the normal valuation cycle;
  - (b) Were any properties valued downwards from the previous Valuer General valuations;
  - (c) What valuation criteria were considered by the Valuer General in determining any change to property valuations;
  - (d) Was a reduction in amenity caused by an increase in disruptive behaviour and police call-outs to the former Ronald MacDonald House a factor in determining new valuations.;

- (e) How many properties received a lower valuation in terms of Gross Rental Value (GRV) and/or Unimproved Land Value;
  - (f) Has the Valuer General aggregated the total reduction in GRV for all the affected properties, if so, what does this amount to; and
  - (g) Has the Valuer General aggregated the total reduction in Unimproved Land Values for all affected properties and the financial impact on the likely State revenue from Land Tax collected from those properties subject to Land Tax?
- (3) If no to (1), has there been approaches by property owners to revalue their property and how many?

**Ms R. Saffioti replied:**

- (1) Yes.
  - (2)
    - (a) Approach by one property owner.
    - (b) Yes.
    - (c) Valuations were carried out in accordance with established valuation methodologies. Relevant factors include characteristics of the surrounding area and nearby properties which could influence rental values.
    - (d) No.
    - (e) 57 GRVs and 18 unimproved values (UVs).
    - (f) \$179,436
    - (g) The calculation of land tax is a matter for the Commissioner of State Taxation.
  - (3) Not applicable.
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