



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2018

LEGISLATIVE COUNCIL

Wednesday, 27 June 2018

Legislative Council

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

NON-GOVERNMENT BUSINESS — SCHEDULING

Statement by President

THE PRESIDENT (Hon Kate Doust): Last night, at the conclusion of members' statements, Hon Nick Goiran requested that I provide a ruling in response to the statement made by Hon Martin Aldridge. I have taken the opportunity to re-read Hon Martin Aldridge's statement, and I confirm that there is nothing contained in that statement that requires a ruling. If any clarification is required as to which non-government business schedule currently applies, I refer members to the front of their standing orders and the schedule titled "Non-Government Business: Allocated sessions for 2018". The words "Version 2" appear at the bottom of the page and the week of 21 June has the notation "Vacated for Estimates". This schedule was tabled by me and was adopted by the house on 9 May 2018.

I wish, however, to make some observations on the statement of Hon Martin Aldridge. The non-government business schedule is not capriciously drafted or amended. Over the life of a Parliament, enormous care is taken to ensure that there is a fair allocation of sessions. I will table a copy of a table summarising non-government business session allocations and losses to parties since 2012.

Hon Martin Aldridge was correct in identifying that the main issue with allocating non-government business is that there are currently more non-government members than there are sitting weeks to accommodate them in a calendar year. There are 22 non-government members and ordinarily only 20 sitting weeks in a year. So, in any normal year, two members, or up to two parties, will not be allocated a session that they would have been entitled to on a pro rata basis if we had 22 sitting weeks.

Complicating matters is the timing of the annual budget estimates hearings. The announcement of the hearing dates—usually in April or May—may necessitate the amendment of the schedule if they are to occupy a sitting week, and the loss of one of the non-government business sessions previously allocated. Since standing order 111 was introduced in 2012, there have been only two years in which the announcement of the estimates hearing dates did not result in the loss of a non-government business session. The first was in 2012 when the estimates hearings were held in a non-sitting week, which was the usual practice pre-2013, and the second was last year when the schedule adopted at the start of the year incorporated the anticipated vacation of a sitting week for the estimates hearings based on advice provided by the Leader of the Government. Ultimately, however, the estimates committee chose an alternative date, so the schedule was still amended but with no loss of previously allocated sessions.

In recent years, due to the demands of business before the house, specific non-government business sessions or entire sitting weeks have also been vacated. On a few occasions since 2012, additional days have been added to a sitting calendar, but none have so far included any additional non-government business sessions. Over the course of the thirty-ninth Parliament, when the opposition parties consisted of just three parties and 14 members, the ALP lost a total of four non-government business sessions due to estimates hearings or variations to the order of business of the house. Over that same period, the Greens WA lost two sessions. In a normal sitting year, the pro rata allocation of non-government business sessions between the current six opposition parties is: Liberals, 8.23; Nationals WA, 3.63; Greens WA, 3.63; Pauline Hanson's One Nation, 2.73; Liberal Democrats, 0.91; and the Shooters, Fishers and Farmers Party, 0.91. That is a total of 20.01. Due to the election, 2017 was a shortened sitting year of 14 weeks. As a result, the Liberals received only six sessions; the Nationals, Greens and Pauline Hanson's One Nation, two sessions each; and the LDP and the SFFP, one session each.

In 2018, the first non-government business schedule adopted by the house for 2018 allocated 21 sessions before the estimates hearing dates were advised. The Liberal Party, with the greatest number of allocated dates, being eight, was allocated one fewer session than its number of members. When the estimates hearing dates were announced as a sitting week, the allocated sessions were reduced to 20 and a second session had to be taken from one of the opposition parties. The Nationals were selected to also lose a session as they had the next highest allocation, along with the Greens WA, of four sessions. As the Greens WA had lost two sessions in the thirty-ninth Parliament, the Nationals were considered the fairest choice for a reduction in sessions from four to three. I stress again that these decisions are well thought out and designed to achieve equity.

Looking ahead to the final two sitting years of the fortieth Parliament, in the interests of a fair allocation and also assuming a 20-week sitting year in which there will be two fewer non-government business sessions than opposition members, it is likely that in 2019 it will be proposed that the Greens WA and Pauline Hanson's One Nation will each lose a session and that in 2020, the Liberals and the Nationals will again lose a session each. The LDP and the SFFP, with only a single allocated session each year, should not be required to give up their sessions.

This will be the starting point on which the draft non-government business schedules will be based for the remainder of the fortieth Parliament. Ultimately, however, the final schedules to be adopted by the house will be the subject of the deliberations of the opposition parties behind the Chair over each summer recess after I have distributed the proposed non-government business for each coming year. I table the table for members to review.

[See paper 1499.]

DAMPIER ARCHIPELAGO AND BURRUP PENINSULA — INDUSTRIALISATION

Petition

HON ROBIN CHAPPLE (Mining and Pastoral) [1.08 pm]: I present a petition containing 81 signatures couched in the following terms —

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

We, the undersigned ask the Legislative Council to oppose the plans for the continued industrialisation of the Burrup Peninsula and Dampier Archipelago (Murujuga) reported in recent media. This is of great concern to our community, as there are alternative sites available for industry which won't infringe on heritage values of the region, in particular the Maitland Industrial Estate, located in close proximity to Murujuga.

The petitioners reiterate the call for the World Heritage Listing of the Dampier Archipelago at the earliest opportunity available to the State Government.

The petitioners oppose further development of heavy industry on Murujuga, and request that the State Government commit to review the following two documents: 30 August 2002 'Report into the Maitland Industrial Precinct' prepared for Hon Eric Ripper MLA (Deputy Premier), Hon Clive Brown MLA (Minister for State Development), Hon Alana MacTiernan MLA (Minister for Planning and Infrastructure), and Hon Tom Stephen MLC (Minister for the Pilbara), by the City of Karratha and the District Chamber of Commerce and Industries; and December 2002 'Maitland Heavy Industry Estate: Assessment and Comparison with the Burrup Peninsula Industrial Estate' prepared for the Shire of Roebourne.

The petitioners call on the Government to evaluate the cumulative airshed of pollutants and emissions of current industry on rock art in the Burrup Peninsula (Murujuga), and quantify the increase in emission loads from known projected industries for the Burrup Peninsula (Murujuga).

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

[See paper 1500.]

PAPERS TABLED

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

EQUAL OPPORTUNITY (LGBTIQ ANTI-DISCRIMINATION) AMENDMENT BILL 2018

Notice of Motion to Introduce

Notice of motion given by **Hon Alison Xamon**.

HON JIM CHOWN

Parliamentary Questions — Question without Notice 329 — Hon Sue Ellery's Comments — Personal Explanation

HON JIM CHOWN (Agricultural) [1.12 pm] — by leave: Last night the Leader of the House made a statement regarding comments that I made in this place on 14 June 2018 and in a media release later that day. The suggestion I made that the leader has, by her answer to my question without notice 329, deliberately misled the house or that there was any collusion between her and another member to deliberately mislead the house in that answer is wrong. I therefore apologise unreservedly to the honourable Leader of the House for my inaccurate comments and withdraw them. I intend to make a public apology to Hon Sue Ellery in relation to this matter by media statement outside the house today.

NON-GOVERNMENT BUSINESS — SCHEDULING

Point of Order

Hon MARTIN ALDRIDGE: Madam President, I have just received a copy of the statement that you have just delivered to the house and I refer to your reference to our standing orders and version 2 of the non-government business allocated sessions for 2018. I have reviewed two sets of standing orders and that does not appear in our standing orders.

The PRESIDENT: You have caught me adrift. I do not have a copy of the statement I gave because I have just handed it over to be copied. I will have a look at that and come back to you.

Member, are you saying that you cannot find a copy of the list of dates that I referred to—the schedule?

Hon MARTIN ALDRIDGE: Madam President, I am just making the point that your statement refers to our standing orders and the attachment to them and I have just reviewed two sets of standing orders within the chamber and they do not reflect the statement you have made to the house.

The PRESIDENT: I will look at that and if it needs to be adjusted, I will adjust it. But I will say, member, in relation to the schedule that I referred to, I know that every member is provided with an update of that schedule from time to time when it is amended. I know that from personal experience. I will also check to make sure that every member has been provided with the most up-to-date list in their copy of the standing orders. We will look at that and come back to you, if need be.

RURAL FIRE SERVICE — ESTABLISHMENT

Motion

Resumed from 13 June on the following motion moved by Hon Rick Mazza —

That this house supports —

- (a) the creation of an independent rural fire service consistent with the recommendations of the Euan Ferguson report;
- (b) the new RFS being funded by a proportion of the emergency services levy;
- (c) the ESL being treated the same as other sources of state revenue and collected by the Department of Finance;
- (d) the Department of Finance to then remit funding to the Department of Fire and Emergency Services and the RFS as per operational and budgetary requirements; and
- (e) the house directing the Standing Committee on Public Administration to inquire into the implementation of an independent rural fire service and report to the Legislative Council within 12 months of the referral.

HON COLIN HOLT (South West) [1.16 pm]: I wish to make some comments on the motion. I want to wrap some context around when this motion was put on the notice paper by Hon Rick Mazza, which was 24 May 2017. The creation of an independent rural fire service was a very hot topic at that time, but a lot has occurred since then. We have seen the government's response with the establishment of a bushfire office within the Department of Fire and Emergency Services, which is its response to better manage bushfire and emergency response systems in the state. We need to think about this motion in the context that a lot has changed. A review has also been done by the Economic Regulation Authority into the emergency services levy. If we take the intent of Hon Rick Mazza—I am probably stretching his view of the world—in the motion, he is saying that we have to find a better way to manage our emergency response services, especially bushfire response services in regional Western Australia, although, obviously, the rural bushfire response services around Perth include the hills and those places. I absolutely support the intent of the motion in that we have to do things better.

We have seen the creation of the Office of Bushfire Risk Management. I have had mixed feedback from the community about the establishment of that division. I have heard people say that they wanted a full-blown independent rural fire service. I have had feedback that people are quite prepared to give the new structure a go to see whether it performs in the way it is meant to perform. People also had feelings in between; some never agreed with an independent fire service and just wanted a way to ensure that those events were managed and coordinated in a better way that gave confidence to everyone involved in fighting them. We have had a broad spectrum of feedback. I am willing to give the new division an opportunity to prove itself. The two people who have been appointed to head up the division, Murray Carter and John Tillman, are probably two of the best people to choose to run that service. Let us give them a chance to see what they can implement to deliver the outcomes that we are all looking for—that is, better coordination of emergency responses to such events.

We have had a briefing from the minister on this and it is a bit of a suck-it-and-see approach in terms of how it will go. But we still need to be vigilant and make sure that it delivers on what it says it will deliver. We will not probably know how it will work until the next emergency, unfortunately. In the interim, we need to do as much work as we can to ensure the set-up of a structure that will deliver. I was a big advocate for an independent rural fire service. I did not think it needed necessarily to sit completely outside of the Department of Fire and Emergency Services. I was willing to see whether there could be a structure that allowed it to be accommodated within DFES but still deliver that independent view or that overarching coordination role. I have also had feedback from people in the community who have said, “We don't want another bureaucracy. We don't want to spend millions and millions of dollars on another bureaucracy that's not going to deliver a better outcome”, which I totally agree with. We want better coordination and we want more confidence in the coordination roles within emergency management. I have campaigned on this issue for a long time now and it is all about the respect for our volunteers who work tirelessly out there for no return. They basically leave their own properties at risk to fight a fire on behalf

of the community. I was really disappointed with the previous structures and management within DFES and how it supported and recruited volunteers. It was a very poor effort and the previous management made things much worse. I have high hopes that the new Fire and Emergency Services Commissioner will address that area. Although we are relatively early into the new government's term, after 18 months of office these sorts of things should be starting to sort themselves out. The Minister for Emergency Services is doing that through the creation of a new division, but there is a long way to go before we can deliver on that outcome, and the proof will be in the pudding with our next emergency situation.

I have some reservations with parts of the motion put forward by Hon Rick Mazza, particularly with the emergency services levy being collected by the Department of Finance, and then with DFES and the rural fire service division, which has obviously not been created yet, applying for funding as per operational budget requirements. I have some reservations because Treasury and Finance are very good at holding onto money, but it is very hard to convince them to let go of it. When we have an almost hypothecated levy that should go into emergency services, there is probably a better way of doing it. I would not mind cutting Finance out of it so that we can ensure that those emergency services levies, which have been collected for emergency services and responses, goes into the emergency services bucket without having competing needs for that funding. Although that money cannot be spent on other things, it could be reserved to counteract net debt, as we have seen with things such as the road trauma trust account. How much is in there now—\$100 million?

Hon Martin Aldridge: It is \$116 million.

Hon COLIN HOLT: It has \$116 million put into it a year. Not much of that money is spent, but it is a useful accounting tool for Finance. I definitely have some reservations around how those levies are managed and how any future, independent rural fire service or rural fire service—I will use that terminology because what does “independent” mean? Does that mean that the service is a division within DFES or is it taken totally outside of DFES? They are some of the bigger questions.

I give my unqualified support for the motion. Part (e) of the motion is a really good idea. By the time the new division is established, it would have had at least 12 to 18 months to put runs on the board and it is probably a good idea for Parliament to scrutinise what the new division has achieved in that time. Parliament did not have much of a say in the establishment of the division. It was all done through policy and the department. Bushfires are one of the biggest issues that our communities face, especially those in regional Western Australia. We hear about the trauma that wildfire and bushfire emergencies create. When those events happen, they are at the forefront of everyone's mind. Parliamentarians play a critical role in being a conduit between information on the ground and a government response. Although we have been sitting on the sidelines waiting for the establishment of that division, it is probably a good idea at some point if a parliamentary committee looked into how that is going and maybe inform government of the next lot of recommendations. The committee might just say, “Yes, it's good.” It may or may not perform the role of an independent rural fire service, but the current structure, as explained to me, does not do all that is required of it. A useful outcome would be to have a parliamentary committee look into that.

Again, I want to offer my unqualified support for the motion. We must recognise that a lot has happened in the last 13 or 14 months since Hon Rick Mazza put this motion on the notice paper. It is a little hard to say, “Yes, we support it all.” We have since moved on a little. However, the intent is to say that we want better recognition of our volunteers and a greater say in their coordination. We want more respect for volunteers and the skills that they bring to the service, and we need an increased focus on a rural fire service that delivers the outcome that we want. What does that structure look like? I think we have something for the interim, but we need to move towards ensuring that we address all those concerns raised in the Ferguson report. If there are any lessons to be taken out of the Economic Regulation Authority's review of the ESL, which has come out since the honourable member put this motion on the notice paper, then we should take them on board as well. I will leave it there. If we had to support just this motion, I would certainly be voting in favour of it.

HON MARTIN ALDRIDGE (Agricultural) [1.27 pm]: I would like to thank Hon Rick Mazza for bringing the motion to the house. Notice of motion was given on 24 May 2017. I guess one of the challenges of notices of motion is the delay in dealing with them. I am appreciative of the fact the motion was framed in a time shortly after the last election, when we had a change in government and were waiting on the government's decision and finalisation of its policy with respect to these matters. It is timely that we have a debate about this given the government's recent decision in favour of a rural fire division. It will only be a matter of months before the wet in the south west of the state will be behind us and again we will be staring upon the dry seasons and the impending fire season that will come with that.

I want to start by establishing some of my experience in this area. Before entering this place, my main profession was emergency services, as a volunteer firefighter and as a career firefighter. I joined my local volunteer fire brigades more than 20 years ago when I was 17 years of age. I was initially in the junior volunteer fire and rescue service, which had not long been formed in Gingin, and the Gingin South bush fire service, which was and still is co-located at the same place within the Gingin town site. I then went away to school in Moora and was there for two years where I participated and trained with the Moora Volunteer Fire and Rescue Service before returning to

the farm and eventually being selected to join the career fire and rescue service in Perth. I was 21 years of age when I was in recruit school 53. After three months in recruit school, I was stationed to Perth Fire Station for a period, then Maddington Fire Station and eventually I had a permanent posting to Belmont Fire Station.

Whilst I was a career firefighter I also served in a voluntary capacity in the air intelligence unit, which was an airborne division of the Bush Fire Service in those days. The unit would go out and provide reconnaissance and intelligence on large fires throughout the state and, indeed, on other emergency events that were not fires. That unit progressed into the career service whilst I was in it, and I had the pleasure of serving a couple of seasons as a career officer within the air intelligence unit of the then Fire and Emergency Services Authority. Even though I was elected to this place in 2013, I continue to serve in a voluntary capacity with the Gingin South bush fire service, although these days my job often takes me away from home so my participation in that role is not always as much as I would like it to be. Having that experience in not just the volunteer service but also the career service, and also across the services, gives me a unique perspective on this issue. While I was stationed at Belmont Fire Station we had a specialist unit and a specialist vehicle, called the incident control vehicle. That vehicle was mobilised automatically to any major incident within the metropolitan and outer metropolitan area. A major incident was third alarm or above, which meant that if three stations were responding to an emergency, the incident control vehicle based at Belmont would also respond with an officer and three firefighters. From that perspective, it further exposed me to major fires and other incidents. I was certainly heavily involved in the communication and coordination of major incidents during my time at Belmont.

Having said that, in the 20 years that I have served in those varying capacities there has been a lot of change, not the least being the creation of FESA, which replaced the WA Fire Brigades Board and the Bush Fires Board in the late 1990s—maybe 1998, if I am not mistaken. There was also the subsequent change more recently to the Department of Fire and Emergency Services, which was a recommendation of one of many inquiries and reviews that I will talk about. Also in that time we saw the introduction of the emergency services levy, I think under a Labor government in 2003. Those two things, and in particular the emergency services levy, were very significant and welcome reforms to the delivery of emergency services in Western Australia.

I want to talk briefly about the value of the emergency services levy. If members can remember, before we had an emergency services levy we all paid what I think was called a fire levy on our insurance premiums—that is, if one had insurance. If someone did not have insurance cover, they did not pay the fire levy. Indeed, if people insured offshore, they were able to avoid payment of that levy. There was an increasingly significant amount of leakage from the fire levy as owners, particularly of large commercial buildings in the Perth CBD, preferred to insure offshore to avoid payment of the fire levy. The ESL provided for a fairer application of a levy to raise funds for emergency services. I think the Economic Regulation Authority reflected that in its report as well.

The other thing we saw at that time, and since, was a major investment in lifting the standard of equipment available to volunteer and career firefighters alike in this state. I know when I joined some 20 years ago, the vehicles we were driving to fires were older than I was at the time. That would certainly not be the case today. There were challenges around the availability of personal protective equipment, and the equipment was very poor. The ESL led to a significant improvement. When we get to the point where we start to argue about how many portable radios we should have on a fire truck, not to take away from that issue, but that really shows the advancement in that two decades in the provision of services and equipment, in particular, to our fire agencies in Western Australia. The ESL addressed issues of reliability and safety.

I want to refer to some statistics provided in the ERA report. Sometimes people use the collection and expenditure of ESL on a metro versus country basis. They say that it shows how little the country is receiving from the emergency services levy in comparison with the metropolitan area. The ERA report showed that in 2016–17, 82.3 per cent of the emergency services levy was collected in the metropolitan area and only 69.7 per cent of it was expended in the metropolitan area. What that actually means is that there is a cross-subsidy occurring between the ESL ratepayers within the metropolitan area and the delivery of services. One of the reasons the ESL's introduction was so important was that many of the small local governments, particularly in my electorate, did not have the capacity to respond to all sorts of fires and other emergencies if they simply relied upon the rate base within their community. It is important to mention that, and it is also covered within the ERA's review of the ESL.

I support the sentiments raised in relation to providing greater oversight and transparency of the ESL. I note that the executive summary of the ERA report discusses perceptions and the way in which having some greater oversight and transparency on advice to government on the collection and expenditure of the ESL will address perceptions relating to DFES having complete control. Hopefully that will be the case, but, at the end of the day, it is important to remember that this is the expenditure and collection of funds of the state, which would ordinarily be subject to normal budgetary processes, including the Expenditure Review Committee and cabinet. If it does address some of those perceptions and improves transparency—in particular, the review mechanisms available to third party recipients of the ESL; that is, parties other than DFES—that would be a positive move.

I think the next major reform in this space will be the amalgamation of the emergency services acts. I am not quite sure of the view of the current government on that. I know a lot of work was done by the former government to

amalgamate the plethora of emergency services legislation in Western Australia. I believe that that will provide a greater degree of coordination and will certainly increase and improve the capability of our services that respond to fires and other emergencies.

It should be remembered that section 28 of the Bush Fires Act 1954 puts the responsibility of fire management on all landowners. That was reinforced in many of the inquiries that have been done; that is, if you own the risk, you own the responsibility. Of course, much of the land in Western Australia is owned by the Crown—the state government. If that land is vested with the Parks and Wildlife Service as manager, it has the responsibility to manage that risk, which it does with a dedicated fire service. Where I think this comes unstuck is with the issue of unallocated crown land, which the state basically engages DFES to manage. The last time I checked on this, which admittedly was a few years ago, DFES received only in the order of \$400 000 or \$500 000 a year to manage unallocated crown land in Western Australia. I imagine that that quantum of money would not go very far. The other thing the ESL has done to some degree is to play some role in diminishing personal responsibility for fire. People now pay their rates notice, which states that they are paying the emergency services levy, and, to some degree, I think that increases their expectation that when they call for help, somebody is going to come. That perception is a challenging one for our fire agencies. We hear it time and again when we have a fire, particularly in the peri-urban area around Perth. There was one just recently very late in the season around Ellenbrook, which caught everyone a bit by surprise because everyone thought the fire season was over. Then this fire started up. Of course, the ABC ran the story the next morning and questions were asked about when people received a text message and what they were told to do. People rung in saying the Department of Fire and Emergency Services did not tell them early enough what to do. As sure as night follows day, an old fella rung the ABC and I will quote from my recollection what he said. The ABC gave him the talkback opportunity, and he said, “Look out your bloody window!” and then hung up and there was the clunk of the call being disconnected. I think the really important message is that personal responsibility seems to be diminishing. People expect to be told what to do, they wait for the text to arrive and they get angry when their phones do not work. It is almost like we have lost the ability to think for ourselves.

This motion relates to the Ferguson inquiry, but having worked in the firefighting volunteer services I know there has been an enormous number of inquiries just like this one. Every time a major incident occurs, there is a major incident review or post-incident analysis—I do not know the technical term these days—that is kind of like an internal review of everybody who responded to the fire, what worked and what did not. Unfortunately, we have had to have coronial inquests after the loss of civilian or firefighter lives. Since I became involved in volunteer firefighting, my local government has had a sad history of having lost at least two volunteer firefighters. There have been special inquiries, like the one we are dealing with today led by Euan Ferguson, there have been royal commissions, and in recent years the Auditor General has played a role, particularly around making recommendations on the management of volunteers in Western Australia.

An observation about all these inquiries is that if governments had implemented every recommendation in full from the probably 10 to 15 inquiries over the last two decades, I am not sure that a fire truck could leave a station. My concern is the added burden on volunteers, and the increased cost to the state and the emergency services levy on ratepayers, amongst other things, would certainly be heavy, and we would reach a point of there being great difficulty in doing the job. Interestingly, some of these reports are conflicting. Today’s motion is focused on the Ferguson inquiry, which was the most recent. The formal position of the National Party, endorsed at the Geraldton conference a few years ago, fully supports the Ferguson inquiry recommendations. If I am not mistaken, that was also the former Liberal–National government’s formal position.

A point raised by many speakers in this debate has been the wide and varied views of volunteers, their associations and even service divisions. It has been very difficult. When we went through the process post the Ferguson inquiry, our party room met with all relevant associations. The challenge we put to them was how to land at a position that was acceptable to them all. That is a difficult challenge, and it would be difficult for any government faced with implementing and responding to the Ferguson recommendations. I make particular mention of Ferguson’s recommendation on the creation of a rural fire service. He provided some flexibility or latitude in how that service would or could be created—everything from a fully independent agency or statutory authority, right through to something that was a sub-department; I think he even mentioned the Department of Fire and Emergency Services or the Department of Parks and Wildlife as potential hosts for a rural fire service.

I will talk specifically about bush fire brigades, because that is the only service that I am currently a member of. When I talk to bush fire brigades, of all of the rural fire services in Western Australia that is where I probably get the most varied opinions on this. Volunteers, and sometimes localities, have a very strong anti-DFES sentiment. I am not quite sure where that comes from, but maybe it is due to some sort of historical occurrence of something having gone wrong or the personalities involved. I am not sure; I am just assuming. But there is very much an anti-DFES sentiment, sometimes to the point of volunteers saying that DFES has stopped them from fighting fires. I often challenge volunteers to explain to me how and why DFES is stopping them from fighting fires. I talk them through it: somebody makes a call to 000, the emergency operators dispatch a fire brigade, and I ask them to explain how they are hindered from doing their job as a volunteer firefighter. We have that sort of sentiment.

I think the majority of volunteer bush fire fighters that I interact with say they just want to get on with the job. They want to turn up and serve their community as quickly and efficiently as possible, with as few encumbrances as possible. They just want to get on with it.

At the other end of the spectrum, a number of volunteer firefighters in local government areas continue to express a view that they would like to formalise their local bush fire services under the Department of Fire and Emergency Services' umbrella—in other words, to transition from local government control to state control. Unless I am mistaken, I think Western Australia is the only jurisdiction in Australia that has local government–run and operated fire services. Among bush fire service volunteers throughout the state there is a wide range of views. That may in part be down to their local experience, their local relationships with DFES managers and staff, and indeed other services like Parks and Wildlife. In other areas that has perhaps not been as positive.

Operationally, two issues come up time and again. In almost every review, inquiry or post-incident assessment the issues are coordination and communication. To be honest, I do not think that has changed in 100 years of firefighting in Australia, or indeed in emergency response. That should not be an excuse for us not striving to do better—we always should. With that in mind, I have some concerns about and struggle with the notion that further segregating our fire services will improve coordination and communication. I certainly favour the model consistent with the recommendations of Ferguson that retained a Fire and Emergency Services Commissioner in Western Australia, but had under them a chief officer of metropolitan fire and emergency and a chief officer of rural fire and emergency, and maybe they would carry the rank of deputy commissioner or something of that nature. But obviously government has taken a different approach, as is its right.

The challenge post-Ferguson with the establishment of an independent rural fire service was not well canvassed or considered in the report. The report did not identify clearly who should be in a rural fire service. If we are talking rural, I assume that is everywhere outside the Perth metropolitan area. Outside the Perth metropolitan area we have many, many fire and emergency services agencies. The bush fire service is probably the biggest, and it is local government–run and operated, and responsible to local government. We obviously have the fire and rescue service, the volunteer fire and emergency service as well as other emergency service organisations such as the State Emergency Service. It was not intended that a rural fire service would be just a return to the Bush Fires Board days which would be just for bush fire brigades and where would VFRS or VES —

Hon Darren West: Did you attend one of the 27 briefings across the state that the minister held?

Hon MARTIN ALDRIDGE: I was not invited to any. I was not invited to the summit either. Maybe that is something Hon Darren West might take up with his Minister for Emergency Services. I think I received the notification from the minister five minutes before five o'clock to say that he was going to be in my electorate, if that is any reflection.

As I see it, the other issue is that we have a number of volunteer fire services within the metropolitan area. Indeed, I believe that our busiest bush fire brigades in Western Australia are resident within the metropolitan area. How would they fall in or out of an independent rural fire service? It is sometimes pitched that we need to separate all the volunteers from the career firefighters because there is this great cultural divide. It is an interesting concept because if we establish an independent rural fire service, it will be run and predominantly staffed by career fire service personnel. They will be people employed by the state to run an independent rural fire service. From my perspective, those issues have not been fully resolved. It was certainly an idea that was suggested in the report and, obviously, featured quite predominantly. But I think that its implementation would not necessarily be too easy for the government, considering some of the issues that I have just raised.

I talked about contrary findings. At one of the more recent inquiries held—if it was not in Perth hills, it was in Margaret River—I think the inquirer found that we should abolish fire districts in Western Australia; in other words, we should resource the risk and respond to the emergency accordingly, without the lines-on-a-map approach: "This is our turf; this is your turf; we're in charge here, you're in charge there." I think it was about removing barriers, not increasing them, and improving coordination.

At the end of the day, regardless of what service people work in, whether they are paid or a volunteer, they want to get there as quickly as they can. They want to put the wet stuff on the red stuff and they want to go home safely to their community. That has to be the primary driver of anything we do and consider about emergency service reform, particularly in the way we rely, in a very significant way, upon volunteers in Western Australia.

I want to speak further on the issue of organisational culture. I have certainly seen in my experience issues on fire grounds and in emergencies. Sometimes, in my experience, there will be a range of reasons for that. Sometimes volunteers will be at fault; sometimes career personnel will be at fault; sometimes we like to blame the Parks and Wildlife Service. I think someone in one of their contributions talked about the relationship between volunteers and the Parks and Wildlife Service some years ago being very poor. I recall that time. Was it you, minister?

Hon Stephen Dawson: Yes.

Hon MARTIN ALDRIDGE: I think that has significantly changed in the last decade in particular. I think the focus on organisational culture is sometimes used to one's advantage to prosecute an argument for why we need

to segregate fire services in Western Australia. Of course, there will always be instances of conflict, but I do not think it is isolated to one service or another. I think it often comes down to the fact that we are all human beings and, at times, we have to work under significant pressure in these types of situations, and sometimes we are not without fault. I want to put on the record that what we do not want to lose is the confidence in our career and volunteer personnel to make decisions. Sometimes they will be the right decisions and sometimes they may be found wanting. But I think the moment our fire agencies lose confidence in being able to make decisions in the heat of emergency situations in which people might be losing property or indeed losing lives, as soon as we as a community do not back the decision-making of those agencies—not that we should not learn from decisions that could be better—that will put us in the very difficult position of creating reluctance amongst people who have the unenviable task of managing major fires and emergencies in Western Australia.

I turn now more specifically to the motion and will address a number of the issues. In his contribution today, Hon Colin Holt outlined some of what I will say but not entirely. Part (a) of the motion states —

supports the creation of an independent rural fire service consistent with the recommendations of the Euan Ferguson report;

As I said, I think the Ferguson report gave some latitude and flexibility to government to make some decisions around the final creation of a rural fire service. Obviously, the mover of this motion, Hon Rick Mazza, has a preference for a fully independent rural fire service, which I think is one of the two options presented by the inquirer. I do not favour that option, as I have been presenting in my address today. I remain unconvinced about how it may well be achieved and, probably more importantly, how effective it would be, in particular its interoperability with other agencies within Western Australia. If a fire, regardless of where it is, starts, for example, in Wundowie and heads towards Toodyay, a range of fire agencies, volunteer and career, the Parks and Wildlife Service, local government and other agencies such as the Department of Health and the department for child protection, or whatever it might be called these days, would respond. My focus is, and has been, how will this work better? It is not: Will it achieve what we are doing today? How will it improve what we are doing? Part (b) refers to “funds the new RFS by a proportion of the emergency services levy”. I think that is directly linked to part (a).

I am not sure about the wording of part (c) of the motion, which refers to the emergency services levy being treated the same as other sources of state revenue and collected by the Department of Finance. When I first read that, I thought Hon Rick Mazza was advocating that the Department of Finance would collect the emergency services levy from the landowners of Western Australia. Having read his contribution, I am not sure that is what he is advocating. Indeed, I think he prefers local government collection of the emergency services levy but then have it transferred to the Department of Finance; not the Department of Fire and Emergency Services. I have concern about part (c). I think the collection should be retained within local government. There are a number of reasons why that ought to be the case, not the least being every non-government landowner in Western Australia has a relationship with their local government through receiving a rates notice once a year; whereas the Department of Finance probably never has any sort of relationship with landowners, unless of course they have an obligation to perhaps pay land tax or, indeed, stamp duty that might be applied to the transfer of land. Indeed, even then we would not have a direct relationship; it would be done, typically, through a conveyancer.

Part (d) of the motion is linked to part (c). Part (e) refers to the Standing Committee on Public Administration inquiry. This is probably the aspect of the motion on which time has moved on. The motion was put on the notice paper in May 2017, shortly after the change of government and the election in March of that year. I have generally no objection to reviews. However, now that the government has made a decision about the rural fire division, and that process is in its very early days, I wonder whether a review might be better targeted and look at the effectiveness of the rural fire division model that has been proposed by the government, which I think does sit outside the recommendations of the Ferguson inquiry.

I want to suggest another thing that the review could look at, perhaps on a more regular basis. The other place used to have the practice of conducting a pre-fire season capability assessment. That practice has disappeared over the past few years. I wonder whether the committees of this house might be able to play a role in testing the capacity of the Department of Fire and Emergency Services and other agencies to respond to the impending fire season. That would be of potential value in improving the delivery of fire and emergency services going forward.

Two years have passed since the Ferguson inquiry was handed down and we have a new government that has made a decision on the rural fire division. I believe the emergency services sector needs some confidence and time to test whether the rural fire division will improve the capacity of our fire and emergency services organisations in Western Australia. Our job now is to scrutinise and, indeed, challenge the effectiveness of that approach, or potentially recommend a different approach if that needs to be the case.

Therefore, for all the reasons that I have outlined, I will not be able to support the motion before the house today. I know that will be difficult for some members to accept. I note that a fair degree of politics has been involved in this issue, particularly post the Ferguson inquiry and in the lead-up to the election campaign. It is with a heavy

heart that I make this decision. I am a serving volunteer firefighter in the bush fire service. I have had over 20 years' experience in fire and emergency services in Western Australia. In my mind, this motion, and the effectiveness of an independent rural fire division, is completely removed from any sort of political influence. I believe that my view is not inconsistent with the recommendations of the Ferguson inquiry—indeed, I believe it is consistent. The challenge for all of us in this place, and for the community of Western Australia, is to make sure that we are well prepared and capable of handling whatever might come our way in the impending fire season. Thank you.

HON COLIN de GRUSSA (Agricultural) [2.03 pm]: I, too, want to make a contribution to this motion as brought to the house by Hon Rick Mazza and to indicate that I will be supporting the motion. However, I flag that later during my contribution to the debate, I intend to move an amendment to the motion. That amendment will be a very simple one.

For me, the key to this motion is that it refers more to the operational aspects of bushfire management. As a volunteer bush fire fighter, one of my greatest concerns is the way in which the system is currently operating and will continue to operate under the new rural fire division. My concern is that that will not change in any way the operational aspects of bushfire management. Some of those issues stem from an apparent lack of understanding, I guess, of what is needed on the ground by rural firefighters in broadacre areas. I recall a number of examples from my own experience in which we received new equipment from the emergency services levy. That was fantastic. We were given trucks that were modern and well equipped and in principle should have been very good and able to do the job. However, they were not always the right trucks for the job. We had an incident a few years ago with trucks on which the front tyres were a different size from the back tyres; therefore, the spare tyres could fit only one end of the truck. Not only that, but if it was a four-wheel drive vehicle and it was a sandy area, it would get bound up in four-wheel drive and the driver would need to reverse for a kilometre to enable the transmission to unwind before they could get the truck out of four-wheel drive. When this issue was raised with the department by our local brigades, we were told that there was absolutely no way that we could change those tyres because that was the standard procedure that someone had come up and that was the requirement. The other problem is that they were on-road tyres, and as soon as the four-wheel drive vehicles got off-road—considering that rural firefighting is generally done off-road—the trucks got bogged and were not fit for purpose. However, those arguments were not heard, because the senior bureaucrats in the department had decided that these were the standards and this is what the equipment would be, regardless of whether it worked.

Another issue was the fittings that were supplied with the trucks. That might seem a relatively small issue. However, all the fittings were designed to work with fire hydrants. There are not many fire hydrants on any of our cropping and broadacre farms. When the brigades used their own money to buy fittings that would fit onto the water tanks and farm dams around the place and those trucks went back for repairs, those fittings would be removed and discarded and the brigade would have to buy them again—all because they were not the standard equipment and did not fit the standard guidelines that were determined by the department. Those kinds of issues demonstrate why we need to have some independence on the operational side of rural firefighting, as well as in determining what the equipment standards and guidelines should be. The way in which that is managed is creating a great number of issues for local brigades and volunteers.

I make the comment that from an operational perspective, particularly in the Esperance area, in which I spent most of my time fighting fires, our relationship on the ground with the Department of Biodiversity, Conservation and Attractions was absolutely fantastic. Those guys, and the local vollies and town fireys, all worked together very well. If a volunteer was called up to help fight a fire in the national park, there was absolutely no issue. Everyone would jump up on the truck and get in there and give those guys a hand, because they are local guys and they know what they are doing on the ground. That relationship was very good, and very important. It certainly was very important in the terrible fires in 2015 when we all had to pitch in and help out. The greatest issues that arose were when managers or fire professionals came from Perth to take over the management of fires. That is because the systems and processes that they use to manage fires include a great number of meetings and briefings. During the 2015 fires, volunteers came down to relieve our local volunteers. However, they did not really do any relieving, because they were stuck in meetings from 10.00 am or 10.30 am, and our guys were still on the ground and had been there all night, and, by 4.00 pm or 5.00 pm, those guys had to go home because they can work only a certain number of hours. Those sorts of cultural differences create a real problem, when all we want to do is put out the fire. Everyone has a job to do. They are all volunteers and they all have families and businesses that they also need to attend to. That is when a great number of issues arise and a great deal of consternation is created between the volunteers and the department.

The motion moved by Hon Rick Mazza is more about the operational aspects of rural fire management. As the Ferguson report stated, the rural fire service would be created to enhance the capability for fire management and bushfire risk management at a state, regional and local level. I agree with that. I am not sure that the current government's proposal of a rural fire division will do that. That is where I have the greatest issues.

A massive number of inquiries have been held and many hours and dollars have been spent looking into some of the major incidents that have occurred over recent years. I will not go into the detail of all the reports from those inquiries. They are very good reports, and very comprehensive. A number of key themes in those reports are

important—obviously, the creation of a rural fire service and also that the emergency services levy should be handled by an independent body that is not the Department of Fire and Emergency Services. I think that is entirely appropriate. The suggestion in the Economic Regulation Authority report about the Office of Emergency Management doing that was good, but that is no longer an independent body so we cannot follow that guideline.

I am a little concerned about the motion moved by Hon Rick Mazza in that parts (c) and (d) quite specifically suggest that the Department of Finance collect the revenue and remit that funding to the Department of Fire and Emergency Services and the rural fire service.

Amendment to Motion

Hon COLIN de GRUSSA: I move —

That parts (c) and (d) be deleted.

I do not intend to talk for very long on this amendment. I wanted to say a couple of things. Part (c) relates to the Department of Finance collecting the emergency services levy. I think that is problematic. Local government should be the collector of the ESL. Part (d) relates to remitting the funds to DFES and the RFS. That part also needs to be deleted because it references the Department of Finance.

HON RICK MAZZA (Agricultural) [2.14 pm]: I do not support the amendment. I can see why Hon Colin de Grussa and you, Mr Acting President (Hon Martin Aldridge), when you spoke, were not happy with the money going directly to the Department of Finance. My intention was that the funds would still go to local government, which would then remit them to the Department of Finance, which I think I covered when I made my speech after moving the motion. Page 54 of the Ferguson report references the “A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review” by Mr Keelty. Recommendation 48 of that report was that the state government move the responsibility for the management and distribution of the emergency services levy to the Department of Finance. Page 55 contains some remarks about evidence given to that inquiry. The Association of Volunteer Bush Fire Brigades described sentiment towards the administration of the ESL as follows —

This is a very strong issue amongst volunteers and the local governments. There is a perception that the rules are different for Department of Fire and Emergency Services who are now in control of the distribution of the funding. There is a strong sense of conflict of interest that the body administering the levy is the main beneficiary of the level of funding to which they receive? There needs to be clear separations and the rules re-visited to ensure volunteers and local governments have access to funding to enable bushfire mitigation to occur and fairer access to equipment and resources funding.

The Bushfire Front also gave evidence, and it agreed that a need to review the ESL remains. It stated —

I would like to see a much more independent decision-making process relating to ... levy money as part of the overall funds that are available for bushfire management in Western Australia and they should go into the pool, which is then allocated according to a properly thought out strategy: where is the problem, what are the priorities, where will this money do most good?

That is the idea of this inquiry. If there are some issues surrounding the ESL and if there is concern about how it is collected, the inquiry can flesh those things out. Certainly, from speaking to the AVBFB, one of its major concerns is that it had no input into this new RFD. It was notified only about an hour before the announcement. This inquiry would also give it and other stakeholders a way of expressing their point of view and where they sit.

I do not support the amendment moved by Hon Colin de Grussa because I believe that the committee could work through those issues.

HON DR STEVE THOMAS (South West) [2.18 pm]: I take on board the remarks of both the previous speakers. I understand that the emergency services levy is currently collected by local government and distributed directly to the Department of Fire and Emergency Services and avoids being put into the Treasury budgets and avoids the Department of Finance. That may or may not be ideal. I guess the critical thing is that the ESL should go completely to the management of fire and emergency services, including mitigation, which it currently does. I am always nervous about putting it via Treasury. I think that does have some concerns. I think the current system is probably adequate for the time being, although it would be useful for the committee proposed by Hon Rick Mazza to investigate it. For that purpose, I think it would be best if the house supported Hon Colin de Grussa’s amendment because it is currently the case that the ESL should not be collected by the Office of State Revenue and managed by the Department of Finance.

I would be perfectly happy to see the current system remain—that is, for the ESL to be collected by local government and sent directly to the Department of Fire and Emergency Services—but the committee should look at that. I understand from the amendment that has been moved by Hon Colin de Grussa that the committee would still be free to do that if we removed parts (c) and (d) from the motion before the house. Removing those two parts would not preclude the committee from looking at where the ESL should be managed rather than necessarily prescribing it, as parts (c) and (d) do. For that reason, I intend to support the amendment moved by Hon Colin de Grussa.

Amendment put and negatived.

Motion Resumed

HON RICK MAZZA (Agricultural) [2.20 pm] — in reply: I would like to thank all members for their contributions to the debate. Hon Dr Steve Thomas supported the motion. He gave an excellent summation of the rural fire division. Hon Colin Tincknell supported the motion. He stated very clearly that other jurisdictions have a rural fire service as a separate entity and he sees no reason for us not to have something similar. Hon Tim Clifford said that the Greens would not support the motion, which was a bit of a surprise, because my understanding was that, leading up to the election, the Greens had supported an independent rural fire service, but for their own reasons they have decided not to support this motion. Hon Diane Evers also said in her contribution that she would not support the motion. She suggested that we sit and watch what unfolds with the rural fire division and she wants a more collaborative approach. Unfortunately, there will be no way of reviewing the RFD in any way other than having an inquiry at some stage. The proposed inquiry would have run for 12 months, and during that 12 months it would have had a good chance to look at it.

Hon Stephen Dawson said that the government would not support the motion. He said that a lot of consultation had taken place, but the feedback that I have had from the Association of Volunteer Bush Fire Brigades is that one of its major gripes is that it does not feel it has had adequate consultation. The bushfire summit that I attended was a very preliminary type of consultation. The AVBFB found out about an hour before the announcement and it feels very aggrieved at this time that its 26 000 members have had no input into how this thing will unfold. It has been done completely within the department. That is something that they feel very aggrieved about. Members have received various letters from the AVBFB stating that it is very unhappy at this time. That is disappointing, because we are trying to build a collaborative approach and a good culture between DFES and the career firefighters and the volunteers. I think that when the volunteers are excluded and alienated, it does nothing to heal that rift between the two parties, and that is not good for major emergencies in Western Australia.

Hon Colin Holt said that we could better manage bushfires. This is something that is constantly under review. The first major inquiry into bushfires was the 1961 Royal Commission to inquire into and report upon bush fires in Western Australia, and there were a number of recommendations that we still use today. When we have moved off that course with prescribed burning over the last 15 or 20 years, it has got us into trouble. It is always a work in progress and something that we have to constantly watch. He had mixed feelings about the role of the rural fire division—RFD. It is still not operational, unfortunately. That is another grievance of the volunteers. The RFD will have a purely administrative role; it will have no operational activity. Hon Colin Holt also stated that the ESL funds still needed to be hypothecated to emergency services. I accept that, but I think that some of the criticism in the Ferguson report and others was about the transparency and efficiency of the ESL.

Hon Martin Aldridge gave an extensive background. Obviously, he has had a lot of experience as both a volunteer and a career firefighter over a 20-year period. He also felt that there is always a lot to learn as we move on, but he did not support the motion, which is disappointing, but, of course, that is his prerogative. Hon Colin de Grussa supported the motion and I appreciate that, and he moved an amendment to the motion regarding the ESL. As I said in my speech on the amendment, the idea of having an inquiry is to thrash out all aspects of the ESL and to look at what the report would disclose or recommend about the application, collection and administration of the ESL.

I thank all members for their contributions. Hopefully, we will get support for the motion.

Division

Question put and a division taken, the Acting President (Hon Martin Aldridge) casting his vote with the noes, with the following result —

Ayes (15)

Hon Jacqui Boydell	Hon Nick Goiran	Hon Robin Scott	Hon Dr Steve Thomas
Hon Peter Collier	Hon Colin Holt	Hon Tjorn Sibma	Hon Colin Tincknell
Hon Colin de Grussa	Hon Rick Mazza	Hon Charles Smith	Hon Ken Baston (<i>Teller</i>)
Hon Donna Faragher	Hon Michael Mischin	Hon Aaron Stonehouse	

Noes (16)

Hon Martin Aldridge	Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Dr Sally Talbot
Hon Robin Chapple	Hon Sue Ellery	Hon Kyle McGinn	Hon Darren West
Hon Tim Clifford	Hon Diane Evers	Hon Martin Pritchard	Hon Alison Xamon
Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Pierre Yang (<i>Teller</i>)

Pairs

Hon Simon O'Brien	Hon Matthew Swinbourn
Hon Jim Chown	Hon Adele Farina

Question thus negatived.

FAIR TRADING AMENDMENT BILL 2018*Introduction and First Reading*

Bill introduced, on motion by **Hon Alannah MacTiernan (Minister for Regional Development)**, and read a first time.

Second Reading

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [2.31 pm]:
I move —

That the bill be now read a second time.

The purpose of the Fair Trading Amendment Bill 2018 is to improve the operation of the consumer law in Western Australia, update the contents of the Australian Consumer Law as it applies in this state and provide for consistency with the national law going forward. The amendments will enable all businesses and consumers in Western Australia to better understand their rights and obligations and to enjoy the full range of protections currently available under the national law. I will now provide some details about the key reforms included in this bill.

The Fair Trading Act 2010 currently applies the Australian Consumer Law as in force on 1 January 2013 as the consumer law of Western Australia. A number of amendments have been made to the ACL since 2013 that are yet to be incorporated into the ACL WA, including the extension of the unfair contract terms protections to small businesses and a new regime for country-of-origin labelling requirements for food. The intention of the interaction of commonwealth and state laws is that the commonwealth amendments apply directly to constitutional corporations trading in Western Australia, which is around 80 per cent of traders, but not to other forms of enterprise such as sole traders or business partnerships. Lack of consistency between the ACL and ACL WA is confusing for traders and for consumers, with small businesses particularly disadvantaged. Although updating the Fair Trading Act to incorporate a more recent version of the ACL addresses the current inconsistencies, it does not address the ongoing issue of there being a time lag between the application of ACL amendments to constitutional corporations and the application of ACL WA to other kinds of businesses. It is also expected that the inconsistencies and resulting confusion that arise from this issue will increase, particularly as a raft of amendments recommended by the 2017 review of the ACL gradually work their way through the commonwealth Parliament in coming years. For this reason, the bill will replace the current ACL application provisions with a new application provision, which applies the commonwealth ACL as in force from time to time as the consumer law of Western Australia. Importantly, it also includes a mechanism to preserve the sovereignty of the WA Parliament by providing that all future commonwealth amendments must be gazetted and tabled in the Parliament so that they are subject to disallowance by the Western Australian Parliament. The bill will also implement a recommendation of the 2017 ACL review for easing evidentiary requirements. Provisions relating to the conduct of civil proceedings will be amended to permit private litigants to rely on admitted facts from earlier proceedings.

Finally, the bill will amend the act to permit the Commissioner for Consumer Protection to be appointed as chairperson of the advisory committees. The Property Industry Advisory Committee, the Motor Vehicle Industry Advisory Committee and the Consumer Advisory Committee were established in 2011 to provide a mechanism for ongoing industry and consumer consultation in the transition from licensing and registration under a board structure to a scheme administered by the Commissioner for Consumer Protection. The commissioner is an ex officio member of the committees, but is not currently able to be appointed as chairperson. When the Fair Trading Act was introduced, the director general of the then Department of Commerce was appointed chair of the Property Industry Advisory Committee and the Motor Vehicle Industry Advisory Committee, but as a result of machinery-of-government reforms now that these committees are well established, it is considered that there is no ongoing need for that arrangement. The proposed amendments will improve the operation of the Australian Consumer Law and the administration of the Fair Trading Act to the benefit of all stakeholders.

Parliamentary Counsel's Office has advised the Department of Mines, Industry Regulation and Safety that in its view the bill would not, pursuant to standing order 126, be considered to be a uniform legislation bill as it does not in itself give effect to a national agreement or introduce a uniform laws scheme. Nevertheless, the bill may be referred to the Standing Committee on Uniform Legislation and Statutes Review and it is my intention to move a motion without notice to refer the bill to the committee pursuant to standing order 128(1) on the basis that it proposes amendments to a uniform legislation scheme that may have implications for parliamentary sovereignty and it is appropriate for the committee to consider that issue. In accordance with ministerial office memorandum 2007/01, the following information has been forwarded to the committee: a copy of the "Intergovernmental Agreement for the Australian Consumer Law"; a statement of the proposed timetable for implementation; a copy of the explanatory memorandum; a public statement of the government's policy on the bill; a summary of the bill's advantages and disadvantages to the state; details of constitutional issues; and an explanation of mechanisms for amendment of the ACL and for the state to opt out of the scheme.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1501.]

Debate adjourned, pursuant to standing orders.

Discharge of Order and Referral to Standing Committee on Uniform Legislation and Statutes Review — Motion

On motion without notice by **Hon Alannah MacTiernan (Minister for Regional Development)**, resolved —

That, pursuant to standing order 128, the Fair Trading Amendment Bill 2018 be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report in accordance with that committee's terms of reference not later than 45 days after the referral.

ESTIMATES OF REVENUE AND EXPENDITURE*Consideration of Tabled Papers*

Resumed from 26 June on the following motion moved by Hon Stephen Dawson (Minister for Environment) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 1340A–D (budget papers 2018–19) laid upon the table of the house on Thursday, 10 May 2018.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [2.40 pm]: To bring the house back to some of the comments I was making yesterday on the McGowan government's second budget, I want to reflect on the Bay Village fly in, fly out camp in Karratha. For the benefit of members, a 700-bed FIFO camp was recently approved in the middle of Karratha. The Premier, the Minister for Lands, Hon Rita Saffioti, and the member for Pilbara commented that this was a jobs boon for Karratha. The simple reality is that if this was a jobs boon for Karratha, there would not be a need for a 700-bed FIFO camp in the middle of the town. Without a concerted agenda by government on regional development, the status quo of FIFO, which is a cancer on regional communities, will continue. We know that because we fought that position very hard in government. It is very difficult to have those types of conversations with organisations as large as Woodside, BHP and Rio Tinto, whose budgets are much larger than the state government's budget and which can employ many more people to deliver their ideology of how they support their workforce, which may work for them but does not work for the people of regional Western Australia. The government needs to have a strong stance on that, because if it does not, we will see a continued pushback. The balance will get out of kilter, with those larger organisations dictating the agenda of regional development.

Terry Redman, the former Minister for Regional Development, refused to sign a lease for Kurra Village, the BHP FIFO camp outside Newman. He took a stand to say that the government no longer accepted that FIFO camps were needed in towns in which the government had made concerted investment in the infrastructure of the community and when the towns could cope with the influx of workers. If this government was focused on local jobs and local content, it would have those types of conversations with Woodside and other organisations to shift the mentality away from FIFO to residential, but that is clearly not happening. As I said last night, the government is also not listening to the City of Karratha and the Karratha and Districts Chamber of Commerce and Industry, which are the two leading organisations representing the people of Karratha in this argument. They have clearly said this to the government and Woodside on many occasions. I have met with Woodside on this issue and suggested that Karratha is ready and willing to take an extended workforce and that it can cope with that. The decision of this government to allow this FIFO camp to go ahead completely undermines the vision of the City of Karratha. It is exceptionally disappointing that this government finds itself in a position in which it has been captured by Woodside's argument. To be able to deliver a regional development agenda, a government needs key leadership. We need the Premier, the Minister for Regional Development and the Minister for Transport; Planning; Lands to all be on the same page. They need to be listening to the community. I suggest that they have not done that in this case. Approving FIFO camps in the heart of a town like the City of Karratha is not about delivering good community or regional development outcomes.

I also do not hold out much hope for a regional development agenda by this government when the current member for Pilbara, who says he has lived in the Pilbara for the last 16 years and has witnessed a massive transformation of Karratha from a town to a city with great new facilities, a hospital nearing completion and a new arts centre to name a few—he has witnessed that, described it and knows it—calls it a waste of expenditure. Everybody in the town of Karratha, in which he professes to have lived for the past 16 years, says the opposite. I do not understand that sort of position.

Hon Alannah MacTiernan: He doesn't live in Wembley, that's for sure.

Hon JACQUI BOYDELL: Good; neither do I!

I will go through a couple of key projects in the Mining and Pastoral electorate that I indicated last night were really disappointing. Carnarvon had \$13 million cut from Carnarvon Community College, which was again done without consultation. Claims that the government received a more favourable tender in the form of \$13 million in savings is very hard to believe and very, very disconcerting for the people of Carnarvon, considering that that has been a very sensitive issue for that town as well. Funding for the new aged-care facility in Carnarvon has been cut as well, from \$16.6 million to \$10.5 million. That will have a direct impact on the number of beds that can be allocated in that facility. When we were in government, the number of beds going into that facility was 38; it is

now going to be 21. Aged people who have lived in the town of Carnarvon may not now be able to stay there as a direct result of that decision. Thank you, McGowan government, for that decision. That is despite evidence that we have an ageing population. Cuts like this force the elderly to move from regional areas—places in which some of them have been for their entire lives. For some, their families still live regionally, which means that when they have to move to Perth, they are isolated and lonely and have no-one who can come and look after their welfare. Carnarvon needs that facility. It needs a facility with enough beds to service the needs of the community. They have had their hopes dashed by the McGowan government.

The budget failed to include adequate funding for aged care in the regions generally, with the Leonora aged-care facility not considered a priority. This government has also continued with its decision to not index the Country Age Pension Fuel Card to CPI, directly penalising seniors who live in regional areas. Labor considers itself to have the most regional members of this Parliament, so that is a terrible situation for them to be in.

It was pleasing to see that the gold industry was spared another royalty attack. However, it is very clear from the Treasurer's comments that, given any opportunity to have that legislation passed by this house, he will do it. The gold industry should stay on its guard, because the Premier and the Treasurer are coming after it. It is clearly in their sights, but the rest of the mining industry is not. I do not understand that. I would like the Premier or the Treasurer to explain their position.

The decision to self-fund the exploration scheme will prove to have long-term impacts on the industry. This highly successful program delivers jobs and expansion in the mining industry, and it will feel the impacts. Others I will mention are the cut in funding to Laverton Hospital, the Coolgardie post office redevelopment and the Leonora business hub. All those communities have been neglected by the McGowan government. I said at the outset that much like its first, the second budget of this McGowan government is exceptionally disappointing for the people of regional Western Australia. As we travel around our electorates, we see the impacts of that every day. They are our friends and families and we want them to be heard by the McGowan Labor government. I said yesterday to the ministers in this house that they should be better than that. Let us see some love delivered to the people of regional Western Australia with the third budget of this government. I challenge the regional backbench members of this government to give their communities a voice around the decision-making table of government.

HON COLIN TINCKNELL (South West) [2.51 pm]: I rise after a year or so in Parliament and the delivery of the second budget of this government. I became a member of the Standing Committee on Estimates and Financial Operations to learn and gain valuable experience. In the last 12 or so months, I have seen many things that I am not pleased with. I think this budget has forgotten about people and missed the mark. It is a disappointing budget. As the state leader of my party, I am not happy with the direction the state is going in. Western Australia has much promise, and we need a government that will look after all its people, not just the chosen ones in chosen areas. The Premier needs to be a Premier for the whole state, and I am not seeing that now or in the government's two budgets. It is disappointing. As a member for the South West Region, I very clearly see where certain areas are missing out a great deal. People in many professions and vocations in regional areas are already struggling. It does not matter whether someone is in Kununurra or Walpole, the regional areas are struggling.

This government's formulation of the budget has not helped us. Not that long ago, one of our members stood and asked the government to seriously reconsider payroll tax in regional areas. Reducing payroll tax would encourage business development and growth, which would also help with employment. When I met with the Premier, I saw a twinkle in his eye; there was some interest there. I am saying to the Premier that now is the time. Regional areas are in desperate need of support, and reducing payroll tax or getting rid of it in certain areas would be a major boost right now. It would be a positive move for the Premier, and we are in desperate need of that.

I hear the \$41 billion debt mentioned a lot. Let us just go back a bit. It is not true. When the McGowan Labor government took over, the debt was \$32.5 billion, not \$41 billion. We keep hearing that figure all the time. The Barnett government had around \$30 billion of debt, but Hon Mark McGowan and Hon Ben Wyatt wanted the job—they wanted to be in government. They need to own this debt and from here on in not refer to the debt of the previous government because it is a cop-out. The Labor and Liberal Parties have been around a long, long time and have a lot of experience. A lot of current members have been in opposition and government, so have the experience, and the Labor Party has now been given the opportunity and responsibility, so it should make the most of it.

I have with me previous debt and revenue figures since the time of the Carpenter government. Although debt has grown over the years, so has revenue. State revenue is still quite strong.

Hon Alannah MacTiernan: But, member, it is the net-debt-to-revenue ratio that is concerning. It has gone from around 45 per cent when we were in government up to about, I understand, 87 per cent. So you are quite right; you can't just look at the absolute figures, but it is the net-debt-to-revenue ratio that is the critical factor.

Hon COLIN TINCKNELL: I am sure the minister is right. Things have changed over the years, but we are heading in the wrong direction. Let us forget about the blame game. The Labor Party should get on with the business of being the government, taking responsibility and looking at how it can turn this around.

This government was given an \$11 billion loan. The highest loan of the previous government was \$8 billion. We need to work so that we can get into a surplus situation and get rid of the debt. Surplus is not a dirty word, but at this stage we are not heading in the right direction to get anywhere near that. This government clearly has a spending problem, and while that continues, surplus will be a long way away.

I turn to the cost of living. During the 2017 election three main things resonated and were important to the Western Australian electorate. The first was unemployment, the second was the cost of living, and the third was the drug and crime problem in Perth. Not much has changed. The only difference is that the cost of living is now number one. As of 10 May, 53 803 people were using the hardship utility grant scheme. In the 2016–17 financial year, the overall figure was 42 000. There are still many months to go to add to that not-very-good figure. A lot of people out there are really struggling, and those people, as I mentioned at the start of my contribution, have been forgotten in this budget. The government has spent \$25 million on HUGS in the last year, and an additional \$5.6 million in financial counselling services—over \$30 million in total. This year it has allocated \$16 million, but the number of people who need this help has increased by 12 000. Members can see that there is real pain and suffering out there. I imagine the figures hide the real pain. So many people out there would not know about the system, or would not apply for it because they are too proud, or for some reason they have just been left off the list and cannot obtain this funding. I think the real figure is disastrous.

We have had increases in the price of gas, water and electricity; fees and charges; licences on cars and boats; recreational fishing fees; and connection fees—you name it, there is a good chance it has gone up. I will quote an article from Shane Wright in *The West Australian* last year regarding the Treasurer, which states —

He said to hit consumers any more would “burn down the house” at the worst possible time.

Not only did he push households right to the edge of destruction and think it was the best possible course of action, but also he increased those charges further this year, with the promise of more pain to come. Last year, household costs rose by \$440; this year they will rise by \$292. That is well over \$700 a year. People on low, set incomes cannot afford that and they are suffering, and more needs to be done to assist them.

Spending on Metronet and other Perth-centric projects does not fully benefit the state, only Perth, or Labor’s mates, as I mentioned before. At this stage, I do not see the Premier being a Premier for all the people of WA. This government is banking on households carrying the economy until the government can get its act together. It more or less stated that in its outlook. Comments attributed to the Treasurer in a media statement are —

“While some increases in household fees and charges were more than they would like, these increases are lower than last year.

That is not good enough. We need to do better than that.

Looking at minimum wages, tax cuts and what is going on, generally, right across Australia, I see the federal government giving out money and the state government taking money away. The people of Western Australia will not be any better off. We will have a look at how that will work out. The amount of \$500 a year is still \$500 a year. That is what I think people will generally get out of the tax cuts, on average. It should be more, but that is what the federal government can come up with at this stage. Right now, people need as much money in their back pocket as they can get. The cost of living has gone through the roof, house prices are higher than for any other generation, and wage growth is stagnant. There has been a 3.5 per cent increase and a wage rise up to, I think, \$18.39 an hour. The take-home minimum pay is about \$719.20, so the real increase is about \$24.30. This is good, but only in that it is better than nothing. It is not good enough and it is not enough. Those increases are completely overshadowed by the increasingly higher costs of living imposed by both state and federal governments. What do people on the Newstart allowance and on Centrelink payments do about the continuing rise in the cost of living now? There is nowhere for them to go, other than to seek hardship utility grant scheme handouts. That is not a great position for them to be in. We are now talking about thousands and thousands of people being added to that list.

While federal government members are double dipping in their entitlements, the federal government wants people to work until they are 70. These are people who have been working hard and paying taxes and we are trying to get more and more from our older generation. We have a long way to go. One Nation was here when the government sought to freeze politicians’ wages and those of public servants—the fat cats. We supported that. I do not believe that politicians are paid too much. However, I believe that people in WA are suffering at the moment. As a matter of fact, I think politicians’ wages should go up and some of their entitlements should go down. However, when the state is suffering, we need to show some leadership, so I supported the government, as did our crossbench members, because we in this house wanted to show leadership, and while people were suffering, we would take some pay cuts or at least not have any pay increases. It is about the government showing leadership. That is the one area in which it showed good leadership; it needs to show more of that in many other things that it does.

The next thing I will talk about is seniors housing. Not a week goes by without someone coming into my office and pleading with me to do something about seniors housing. As a member for the South West Region, people from everywhere—Esperance, Kalgoorlie; you name it—are saying that they live in a little hut or a broken-down

caravan and cannot get a home. They may have gone through some misfortune or bad health. They are seniors who have worked for most of their life and they are virtually homeless or waiting on handouts from mates. Every now and then we hear about people who are lost in our community. I have a background of working with Indigenous people and I love the way Indigenous people look up to their elders. It is a cultural thing, but it used to be a cultural thing in whitefella life once. Now we seem to have a fascination with youth. I think that is a bad culture to adopt. We need to look up to our seniors, to protect them and to thank them for the years of work they have given to our society. We should never allow them to be without a home or a place in which to finish their life and their retirement in comfort and good health. When we let them down, as a society, we have a major problem.

More needs to be done. Affordable prices need to be looked at, especially in regional areas, as I mentioned. The government needs to do more to alleviate the cost of moving house and downsizing. I am not at retirement age. When people have a family home that is in an inner suburban area or a regional area close to town, it is a perfect opportunity for young families to move in there—not move to the other side of Yanchep or further south than Mandurah when they are living and working in Perth. We need to encourage elder people to give up their family home when they are ready and to downsize and move into something that is more affordable and easier to maintain. We need to either drop or reduce stamp duty, so that they are not penalised for that. The people who buy the home will pay the stamp duty anyway, so the government will not miss out. We need to look at it as a seniors' problem. I think it will free up the market and provide a lot more homes, especially closer to Perth, where we should encourage young families to move. We do not always need to give money for housing. Sometimes it is just a matter of rebates or concessions on stamp duty. We need to look seriously at that. When GST was introduced, I remember Mr Howard saying something about stamp duty going. Stamp duty is still here on everything. Maybe we should be looking at concessions and rebates for certain sections of the community, especially seniors. I would like to see that. More incentives need to be given to those who want to build and supply a home, not just first home buyers. Why can we not encourage seniors who have a bit of money to build, add to or make extensions to their home so that it will be suitable for them in their senior years? There is no reason we cannot do it. It is not a matter of giving them a second or third home loan; it is about reducing some of the stamp duty or some of the other charges.

The government could do more with zoning and designating more areas for seniors living. I am not talking only about Ellenbrook. I know it has been done in some areas, but other areas need to be looked at. Stamp duty and state government charges are way too high. I may not be a libertarian like Hon Aaron Stonehouse, but I agree with many of the things that he says. This government is just gouging and gouging forever. The public gets very little from stamp duty and government charges. The Western Australian government needs to better incentivise measures for first home buyers. I am all for the first home owner grant. I have even had a change of mind. Maybe we should have continued with the extra incentive—the first home buyer boost. I voted against that a year ago, and I do not know whether I was right, because I now see the market struggling and young people struggling to get into a home. If that opportunity were to come up now, I would be in favour of trying to provide a bit more assistance to enable young people to get into a home. Home ownership has now become a dream that young people cannot aspire to. I was one of those young people once. I remember shopping around and going to about a thousand building societies to try to get a loan, and without a guarantee from mum and dad there is no way I would have been able to get into the market. Today, it is even harder. I was aged 19 at the time. I cannot imagine a 19-year-old looking to buy a home now. It just would not happen. It is just about an impossibility. That is a real shame. As I have said, it is not just about giving money and a first home owner grant. A reduction in stamp duty would help.

I would like to give some figures about how Western Australia compares with the other states and territories. The national average house price is \$570 000. That takes in Sydney and everywhere else. Western Australia comes third in what it charges in fees and taxes, behind South Australia and the Northern Territory. The first home owner grant in Western Australia is the second lowest of all the states and territories, at \$10 000, and the grant in the Australian Capital Territory is the lowest, at \$7 000. The grant in the Northern Territory is \$26 000.

Hon Colin Holt: Plus they do not pay any GST.

Hon COLIN TINCKNELL: Yes, that is true, and a very good point. I will get onto the GST a bit later, so I thank Hon Colin Holt for reminding me.

Taking these two factors into account, first home buyers in Perth pay the second-highest fees and charges in the country, outdone only by South Australia. South Australia needs the money from those fees and charges, because it has no other economy. It is a basket case—let us be honest. This state does not need the money. We are not a basket case. We just need to change a few things about the GST, as Hon Colin Holt mentioned, and a few other things. We should be reducing some of those charges so that we are not like South Australia. I think that would help with the building trade and many other things in Perth.

I now want to mention some figures from the Real Estate Institute of Western Australia. First home buyers in Western Australia who spend the national median price of \$570 000 for a home are charged \$21 537.40 in government fees and charges. In New South Wales, the government charges \$277.60. Those fees seem to be crazy to me. We need to do better. We need to stop our expenditure and spending our children's financial future. As I have mentioned, what we need is not always the home loan or the extra money but a reduction in stamp duty.

We also need to look at providing concessions for pensioners who want to move into a new home. Why not do that? Why provide concessions only for young people?

I turn now to the first home owner grant. Why does it apply only to people who buy a new home? I have a list of things such as the size of blocks and all of that. Perth does not have a shortage of space. I am not in favour of poky little homes in areas such as where Hon Tjorn Sibma lives—Butler and places like that. If people have to travel that far, they should have a backyard and some space in which to move. They should not be paying a premium for a small block with a poky house. The problem is not size and space; the problem is costs and charges. The former government and this government each had a spending problem. We do not need these charges to be so high. We need to look at ourselves and reduce our spending problem.

Why not provide an incentive for first home buyers to buy an existing home, maybe at a reduced level? We need to be more inventive. This would encourage and inspire our seniors to develop their properties. It would prop up the construction industry. Seniors also want hassle-free, purpose-built dwellings—it is not just young people. I have been in touch with Hon Peter Tinley about some of the seniors who are suffering. I hope I will get some good news back in return and he can help these people, or at least give them some direction so that they can get a roof over their heads. As members know, Hon Pierre Yang has done the CEO Sleepout and slept on the streets. This is a very cold time of the year. Thousands of senior citizens are doing that every night. They have worked and paid taxes and they deserve to have a home to live in.

Cheers to Hon Colin Holt for mentioning the shared war that we have. Just yesterday, Senator Peter Georgiou put a motion to the federal Parliament to change the GST system. There was not one vote in favour of that motion other than his, and, of course, that of his leader. That is the reason the GST is as it is. We have even had the federal Treasurer talk about the problems if the GST system remains the way it is. The Productivity Commission has already pointed out the flaws in the GST system, and the disincentive it provides to non-productive states to change their ways. Why would Tasmania and the other states that benefit from the current GST system change their ways? They have budget surpluses, and they are loving us. We know that the GST system needs to change, and we are all in favour of that. However, we need our federal colleagues to stand up and be counted. It does not matter whether we are Labor, Liberal, One Nation or Nationals, we all need to stand up. My leader is standing up and coping flak from Queensland because she has said she believes the GST system is unfair. She is prepared to take that flak. I need other leaders to do the same, otherwise the system will not change, or it will change only minutely. We need more than that. It is an unfair system. It will actually work against the whole of Australia, because Western Australia is one of the powers in this country, and while Western Australia is not getting a fair GST return, we are not investing in our future as well as we could be. We heard the former state government talk about that. The current government is talking about the same thing. If Tasmania and South Australia want to have a good future, they will need this state to be even more successful. Right now, we are not doing as well as we could be doing, and the GST system is one of the reasons for that.

The state Liberals will not challenge the federal Liberals, because the federal Liberals are in power, and the state Labor government will not challenge the Liberals in Canberra, because it thinks the federal Labor Party will be in government soon. Obviously One Nation does not have this problem, because we are not going to be in government soon. However, the fact is that my leader is still prepared to put up her hand and say the GST system is unfair and needs to change. She will cop a lot of flak from Queensland for saying that, and that is why we admire her, because she has some guts and determination and will call out something when it is wrong.

We are not just getting ripped off from the goods and services tax. I do not understand why more people are not talking about this. According to the Royal Automobile Club of Western Australia, WA receives less than 30c in the dollar over a 10-year average. I am talking about the redistribution of the road and fuel excise. WA contributes billions to the federal government in this area every year by way of taxes, and fuel excise is one of those big ones. That money is meant to be spent directly on roads and road safety programs. We have a lot of roads. Members from the Mining and Pastoral Region only have to head up north to the Pilbara or other areas to see the giant trucks that are using these roads and the deaths that occur on Indian Ocean Drive. We need money to upgrade these roads. One of the reasons that we do not have the money is that it is all going over east and being spent on roads and infrastructure over there. Fuel excise is one of those things.

In 2016–17, WA contributed \$2.69 billion to the commonwealth but received only \$806 million in return. That is a 30c return. It is a very common story. The same thing pretty much occurs with the GST. This is completely unacceptable. WA has more land to cover. It is the biggest state. We have virtually one-third of the land mass of Australia. We have roads and infrastructure, and we need a better return of that money. I do not understand why more people on all sides of Parliament in this state are not talking about that.

I turn to funding cuts. The government has made quite a few funding cuts. We know about the Schools of the Air, Moora Residential College, Landsdale Farm School, school camps and community resource centres. Unfortunately, many of those funding cuts seem to have really hit hard in the regional areas. I have been to the CRCs in Nannup, Denmark, Walpole, Manjimup, Pemberton and other places. Those CRCs cannot absorb that cut. They will lose staff. We are generally talking about a young person in his or her first job or an older person

who works there three or four days a week giving that younger person the benefit of their experience to get started in life. These cuts will hit those communities hard. A lot of these communities do not have banks or other facilities where people can go and get things done. Elderly people need advice, not necessarily on legal matters but just general advice on government papers and how to read various documents. They visit the CRCs to see the wonderful people in there, who do a brilliant job. Every regional member, including the 14 regional members in the Labor Party in both the upper and lower houses, need to get behind this. They need to explain to this government that those CRCs need to be fully funded. They provide a magnificent service to these smaller communities. I am open-minded on maybe some cuts in the bigger towns such as Busselton, my home town, which has a fantastic CRC. Maybe it can absorb a bit of a cut.

Hon Colin Holt: Busselton is not part of the network.

Hon COLIN TINCKNELL: There you go. Nannup, Denmark and Walpole cannot afford those cuts. I do not see that the minister has carried out enough consultation. There has been a meeting and certain people have been flown in but I think they need to get out to see all the CRCs and make a very informed decision, not just a decision that Treasury wants made or when the government needs to quickly round up some cash, because that is what has happened.

Economic growth is on the horizon. We can all see that. There are some green shoots out there. I wish the government was responsible for that but I do not see that. I see industry and business causing that. If the government were more involved and working better with industry and business, those green shoots would be a lot more numerous.

I have seen the government dillydally around the Busselton–Margaret River airport. There has been support and then there has not and then there has. The government has been cutting where it can. Right now, it is not standing alongside the City of Busselton and working with it to get an airline to operate from the airport. I have heard the Busselton shire say that it wants that support. It knows that the government has more feelers out there. It has dealt with airlines in the past and it has the negotiating experience. I would like to see our government support the Busselton shire in that endeavour. Ultimately, we would like to see the eastern states come through that area one day and then ultimately people from Beijing, New Delhi and other countries in the long term. There are 100 million millionaires in India, and they are looking at places like Australia to visit. If they have to fly to Perth and then drive down south, there is a pretty good chance that they will not visit the best part of the state for tourism. I am biased but where else can we find the best beach, the karri forests in Pemberton, the caves and the wineries? There is so much in such close proximity to the Busselton–Margaret River airport. We need to get right behind that and spend more than we need in that area because it will return tenfold in tourism and many other ways. It will even increase business a great deal. I would like to see the government do more in that area.

Growing the economy has to be a priority for this government. We have new industries such the lithium industry, industrial hemp, drone technology and even renewables. We need to get behind these guys. It is really good to see the American–Chinese company that is about to open a lithium plant in Kemerton. Its name escapes me at the moment.

Hon Colin Holt: Albemarle.

Hon COLIN TINCKNELL: Yes, Albemarle. The Americans pronounce it differently; it sounds different when they say it. That is a really great thing. It is a massive plant. It takes up most of Kemerton. It is an industry that is needed. It has created jobs and opportunities in the past. It is really great to see that Albemarle has gone into that area. It has gone in there because it can see that there is room to expand. It can see that this will be a massive industry in the future. It is now but it will be even bigger in the future. It has taken up a big part of Kemerton and I believe it will take up more in the future. This is the way that WA needs to go. We have the young experts and an educated public. We can provide the best for the world. We cannot compete in the lower manufacturing areas against other places in the world because of our cost of living and our wages. We need to look at that and get right behind that sort of industry and that growth. There are good things happening. I would like to see the government continue to support that.

I touched on tourism but I want to touch on that a little more. Tourism is a real no-brainer. We do not need to sell WA; we barely even have to promote it. Actually, we do need to promote it. We need to tell people. Once they see those images of WA—I am not talking about quokkas and Perth; I am talking about Western Australia—the rest of the world will say, “Wow, I’ve got to go there.” It is so different. There is so much on offer for the Chinese, the Indians, the Europeans and the Americans. Australia is a different, wonderful and beautiful place. Western Australia is the best and the south west is the best of that. I think the Acting President (Hon Dr Steve Thomas) would agree with me. We need to home in on that. I think the minister is having a go; I just think his focus is a little narrow at the moment. It took a little time to get the experts in the tourism area working together on that. We need to showcase the state, as I mentioned, and Busselton airport is a big part of that. We have a pretty good relationship with the Indians. A lot of people live in Perth and have been here for a long time. They originally came in through the education program. When they look at our agritourism opportunities and facilities, they want to get involved. We need to encourage that.

I know that the Premier has been to China. Good on him. He needs to get up there and talk to those people, but I would like him to also visit India and get the Indians to tour Western Australia directly through Busselton–Margaret River airport.

The budget does not really consider a major environmental problem that is facing us. More needs to be done about cane toads, wild dogs and feral cats. We have done some good work with the wild dog situation, but there is much more to be done. Quite honestly, we are losing that battle. I have talked to the experts who are running the programs and we are getting absolutely caned. Wild dogs are running wild on pastoral properties in Western Australia. There are some good programs out there, but it is a problem that has gone way beyond and we need to focus on it. The same applies to cane toads. We cannot just give up. We need to learn how to reduce the devastation that they are causing. It has to be a priority of the state government. I know that money is precious, but this will have major implications for tourism, agriculture and mining in the future. They are our three biggest industries in both employment and returns to this state. There will be detrimental effects if we do not help out. Feral cats kill millions of native reptiles and snakes every year. Let us do more to prevent this.

My friends on the left have a popular way of doing business by locking up parcels of land. There are national parks and marine parks. From my experience of working in those regions for 20 or 30 years, I have found that when we lock up parcels of land or areas of oceans, we do more damage. No-one is tackling the problem of feral animals, weeds and wrong growth. When people use that resource, such as fishermen, farmers and recreational users, there are usually better protections because people keep an eye on things. If we lock away land, there is no-one there to protect it. The government does not have a good record of looking after land. I do not care which government department it is, it does not. We need to work with recreational users, fishers and farmers to protect our environment. Locking away land and thinking that it will be great for our kids in the future is just dream time. It will not happen. It will get worse. I know that the Minister for Environment knows this and I hope he can find ways to do better in the future.

There has been a pretty big discussion about live exports. No-one likes the images we saw on television. The people who hate it the most are the farmers. They, more than anyone, care for their animals. Sheep and cattle may be food for us, but farmers see them as a lot more than that. These animals have been a part of their life and the lives of their parents, uncles and aunts for hundreds of years. They would have been just as distraught as anyone in this house to see what happened on the Emanuel Exports transport ship. That is what I want this government to focus on. I want it to fix the problem, not create a bigger problem. This industry needs to stay active and alive. Changes need to be made in the transport area and that is where we should focus our attention. At the moment, sheep exports are worth \$200 million to WA. That is not insignificant. We cannot just stop the industry. If transition is to happen, it needs to happen in a planned way. Many sheep will die this year in the field due to lack of food because farmers cannot afford it or do not have the resources. Those sheep are waiting to be exported, but it is not happening because ships have been delayed. If one or two ships are delayed, that is fine, but closing the industry across the board will cause a major problem. That will not work; it will be a disaster.

I want to give an example of a place that is doing it pretty well. This place exports more animals than we do. It is our next-door neighbour, New Zealand. It exports eight million animals every year. It exports lots of different animals, not just sheep. The sheep are not being exported for slaughter; they are being exported for breeding purposes. New Zealand has a transport system that works and it is not being told to stop it. It transports eight million live animals a year for breeding purposes. As I said, I am not talking about slaughtering or even breeding. I am talking about transportation. We need to fix that, get behind the farmers in the industry and help grow the industry. If the industry does go through a transition stage, those farmers will need to be helped to make that transition. I was in this place the other day when Hon Rick Mazza asked a question of the Minister for Regional Development. After 10 minutes of waffling on, she did not answer the question, and that was disappointing. I asked a similar question about a similar subject and got the same treatment. If she does not have the answer, she should say so, not waste people's time in this house. We can improve transport conditions. Many people who work in the transport area do a good job, as I have indicated with the New Zealand experience. The government needs to have a plan B if we are to transition. Stopping live exports from WA will not stop the live export demand. It will continue. Other countries will pick up the trade and we will lose it, and those animals will get worse treatment than the Western Australian animals ever got.

The state government needs to start supporting the farmers and the regional economy. I call on the regional development minister to get behind WA farmers and make them her number one priority. Her activism in looking after animals is a fine thing, but it should not be her number one priority. She is the regional development minister and she represents the farmers of this state so she needs to support them 100 per cent. As I said, halting live exports and sourcing markets to fill the hole left by the loss risks the livelihoods of farmers and associated industries. People will suffer family breakdowns and illness or they will take to drugs. Unfortunately, if we do not support these farmers, people will commit suicide. There will be deaths from this. We need to head in the right direction. Action is needed now, not later.

I touched on new industries a little earlier. Diversifying the economy is important for us. Often in the past we have been a one-trick pony. In the old days, it was sheep or agriculture, but, more recently, it has been mining. When one of those industries goes bad, the economy suffers. This whole state suffers, from some kid swimming on the beach in Sorrento to some person out in Kununurra. Right across the state everyone suffers because of the bad GST system and many other things. But we need to diversify. We need to continue to look at our unique environment and the conditions in WA and be inventive. In Western Australian agriculture, I have seen new varieties of fruits grown that are selling around the world. I have seen truffles, cheeses and wines from the south west region. I am very fortunate to be a member for the South West Region where the Bravo apple is grown. Industrial hemp is starting to become a thriving industry in the area and maybe even medical cannabis will be grown there one day. I mentioned before that lithium mining is another area for potential growth at the Kemerton plant. Technologies such as drones and artificial intelligence are being developed throughout universities to help farmers. These are great, new things that we could diversify.

I am a regional member so I cannot go by without pointing out the regional neglect. I am only one regional member. There are 14 regional members in the government and I really want them to listen to this. The focus of the Premier and this Labor government so far has been too Perth-centric. To a degree, I blame Barnett and the previous government for being that way as well. I would not necessarily put the Nationals in the same league. It is a lot easier to service the people of Perth in every way than it is to service the country areas. We need to get better at that as a government and as parliamentarians. We need to keep fighting for regional people. Tourism is just one thing that we could focus on. Tourism has been too focused on Perth recently. I am not going to mention the Busselton airport again am I? I would also like to touch on the openly clear pork-barrelling. I could not believe it when it started virtually the day after the election. It shocked me! I did not believe it could start so early. I have seen it happen, and most of it happens in the Perth region. We are not stupid in this place. It is going on and it needs to change. I would not say that the government does not care about the regions—surely it does. The government knows that most of our wealth comes from the regions and if it does not care about the regions, there will be very little wealth in the future, especially the long-term future. Metronet is a worthwhile program. It is something that the government needs to do. However, I would ask the government to relook at how it will implement it because it comes at a massive cost and, right now, we cannot afford all of it. I understand that Labor has been calling for this for a long time and it is one of its promises, but sometimes governments cannot deliver on every promise. The government has already changed its mind on other promises and I would like to see the Premier make some cuts to Metronet because right now, because with the debt that we have, we cannot afford it. That is the reality. Metronet should happen, but maybe not now. It will benefit the people of Perth. I cannot see how it will benefit people in the regions. That is one thing this government must look at.

I mentioned that more is needed to boost tourism outside of Perth. We are heading in a slightly different direction than other capital cities. Perth is not Melbourne. It is not a hipsters' capital. It is a completely different place. Although we can pick up on some of the things that they have done in Melbourne, I would like us to really highlight the natural beauty of this state and to use more of that in our tourism push. We have more assets and we are a more diverse state than Victoria, so we do not need to be so city-centric in our tourism push. I would like to touch on a few other things. We need to provide everyone with their basic right to educational opportunities at a reasonable expectation of private cost. We need to invest in wild dog management, which will provide returns for the growing sheep meat and wool sectors, and the use of vast tracts of currently underused privately owned land in the goldfields, Murchison and marginal wheatbelt areas. I would like to see us recognise that local community resource centres return high, local economic outcomes and social capital gains to regional areas. I would like us to reverse the underspent money on road and rail infrastructure in regional areas to allow the WA grain sector to maintain WA's competitive advantage. I would also like to see us implement more than just token measures to arrest the soil problems that we have in this state. Soil health in this state is in a bad way. I am glad that the minister has set up a committee to look into this. It needs to treat this area as a major priority because it will rob WA and the agricultural sector of hundreds of millions of dollars of potential revenue unless we get on top of it. We can use methods to address this and we can use experts in this field, but they need support and we need to be debating all the issues, not just pick one and think that that will fix it all. We need to help facilitate federal co-investment into internet technology, mobile phone services and basic services in the regional areas to allow regional WA to expand its business and impact on local communities. One of the last things I want to mention is that we need to commit to the decentralisation of key agencies such as the Department of Primary Industries and Regional Development and to build capacity jobs and intellectual capital in regional areas, which will help support agribusiness.

I would like to thank the house for putting up with me for the last 50 minutes. We can do better. There are not too many government ministers in the house, but Hon Stephen Dawson is doing a damned good job as far as I can see. He is answering questions and is always responsible for his portfolio. I hope he can pass the message on to the Premier that "surplus" is not a dirty word. We need to get back to surplus, and earlier than forecast. We cannot pay back debt by making more debt. At the moment, we are making more debt. The government has a spending problem and One Nation is asking the government to reduce payroll tax in regional areas or to cut it out in certain areas. The government needs to show some leadership and give the regional areas a chance, then maybe this state will be a great state and an even better one in the future.

HON ALISON XAMON (North Metropolitan) [3.47 pm]: I rise to make some general but also fairly specific comments about elements of the budget that are of concern to me. I want to begin by echoing comments made by quite a few members that in many respects, this is a fairly uninspiring budget. It is clearly not a budget designed to go out and spend a lot of money, and we know why that is the case. I note that quite a few announcements have been made around this budget, which, once we started looking at it, have really just been repackaged, old announcements that have perhaps had one word tweaked or have simply been previously announced and are being re-announced. We have really not been looking at anything particularly inspiring. From talking to people who work in either the public service or the not-for-profit sector, I think there is a sense of feeling in those worlds that they simply want to hold onto what they have. There are concerns about cuts that have already been made, and I will go into that a little more, but there is also a real sense that people do not want to rock the boat too much and they just want to cling on until such time as the budget looks like it will improve. As I have said many times in this place, I am one of the people who appreciates that we are operating within a constrained economic environment and that that does create difficulties. However, as I am going to go into a little, that does not mean that we get to renege on showing some leadership and bravery, particularly in the area of human services, which impacts on people and particularly vulnerable people.

I note that there continues to be great uncertainty around what is going to happen with federal funding in far too many areas, including education. I am one of the people in this place who shares the Minister for Education and Training's obvious frustration with the lack of clarity on what money will be available for training into the future. This is an area of enormous need. We have had chronic underinvestment in this space for years. I fundamentally disagree with some of the policy positions the previous government took on funding for training, and particularly its decision to increase the level of fees to the degree that it did, to the point that we have seen a direct drop-off in the number of people who are undertaking TAFE qualifications simply because it is unaffordable. I am frustrated that despite the good words that have come from this government about wanting to make sure that training is more affordable, firstly, money has not been released within the envelope of the state budget itself and, also, we have gone backwards on this front in terms of federal government investment in this area. What a disgrace to the federal government. It should not be prepared to talk about jobs when it is not prepared to talk about training. I hope that negotiations in this area will be successful. I would love to see a bit of a bidding war between the various federal parties around how much better each can do in the training area, and specifically in funding for TAFE.

That is not the only area in which we are talking about decreased federal funding. Even looking at areas like childcare regulation, there is decreased funding. A lot of the time we are talking about the atrocious situation with our GST. That remains an ongoing thorn in the side and one that will need to be raised over and over again until we get something even approximating a fair arrangement. It is by no means the only area in which we are seeing a failure by our federal government in crucial areas of investment, which state governments have been expected to step up and fund. I remain deeply concerned about that.

Having said that and having made my general comments about my disappointment with the state budget, I do note that the state budget was not all bad news. I particularly note the government's ongoing commitment to establishing the mental health step-up, step-down services in regional areas over the forward estimates, including a 10-bed facility in Geraldton, to add to existing services in Joondalup and Rockingham. I am really pleased that these subacute services are not being completely ignored and that we are looking at the rollout of these services. They are a really important way of making sure that we take pressure off our acute services for people who are mentally unwell. I am hoping that the commitment to both the building of these bricks-and-mortar establishments and ongoing funding will continue to gain momentum going into the forward estimates. It is part of the 10-year "Western Australian Mental Health, Alcohol and Other Drug Services Plan", otherwise known as "the plan". It is going to be very important that we stay on track with that.

I also hold out some hope that the new Department of Communities' Target 120 program will be able to deliver what it hopes to deliver, which is early intervention and specialist support for vulnerable young people, particularly at the initial sites in Bunbury and Armadale. I asked quite a number of questions about this in estimates. I note that there is still work being done to develop the full scope of what Target 120 is going to look like. I will wait with anticipation to see what that looks like. I am hopeful that it will be able to deliver on at least some of its promises. It is vital that we also maintain appropriate and comprehensive services that will enable families to be referred to the Target 120 program in the first place—we need to make sure that we will not be losing what is already out there. Target 120 needs to be a value-adding proposition.

It will probably come as no shock that I would like to make some comments about the mental health budget in this state. Mental health is everybody's business; it is something that everyone should be concerned about. I do not doubt for one second that every member in this place is contacted at various times in their electorate offices by members of the community who either are having difficulty accessing mental health services themselves, have a loved one who is having difficulty accessing mental health services or possibly have had some negative experiences with mental health services. Not everyone who has had a good experience is going to go out of their way to contact their member of Parliament to say that. This is an area that really affects the community in a very immediate way. It should be very much at the forefront of the work that government should be prioritising.

With that comment, I point out that I am concerned that the budget papers make no explicit mention of the 10-year mental health plan. That is a concern, because this is a really important plan. We keep hearing that this government is committed to funding the 10-year plan. As I have said before, this is not a Liberal Party plan; it was developed under a Liberal–National government, but that was after extensive consultation with the mental health sector and the AOD sector. It is a mental health sector plan. It is really important that we do not lose sight of that and the important work that went into it. It was comprehensive, because unlike a lot of other blueprints we have seen in mental health, it was more than simply nice comments. It made quite clear what the projected demand would be for specific services and the sort of investment that was needed to ensure that we meet that demand going into the future. I again remind members that it was about turning around the make-up of the delivery of mental health, alcohol and other drug services, so that we could ensure that we were helping people before they became critically unwell. It is about investment in prevention, early intervention and, particularly, community-based services. It is with concern that I note that despite the comments from this government about remaining committed to the 10-year plan, in terms of the demand that was identified we are not keeping pace with the target set in the plan. The plan is about ensuring that we have a significant rebalancing of the mental health system.

I note that the government has committed to increasing funding in the midyear review, but this is not providing the community-managed mental health sector with much certainty or confidence in planning service provision into the future. This is a problem particularly for this sector, which relies on some degree of certainty in the delivery of not just core funding but also funding for particular projects or grants, so that it can ensure that it continues to deliver its very vital services. We need to bear in mind that all of them are running on the smell of an oily rag as it is. There is absolutely no fat to cut. I will keep a very close eye on that big concern. I hope we will see some steps in the right direction in the investment in that space. I will talk a little more about that in a moment.

The government has made some progress in developing the accommodation prevention strategies identified in the plan, but despite the Mental Health Commission beginning a lot of the work and activity around developing the frameworks, no money has been allocated in the budget or forward estimates to develop these parts of the plan. We can do the best planning in the world, but, at the end of the day, if we are not backing it up with dollars, effectively we have not done it. The job has not been done. I remain concerned, and I will keep on raising the issue that we have not had final confirmation that we will ring-fence in the mental health budget any of the funds that come out of the decommissioning of Graylands. The previous government made that commitment when it talked about the decommissioning of Graylands. I want to be very clear that the mental health sector is very supportive of the decommissioning of Graylands. It is an outdated facility, and the move from an institutionalised setting into ensuring that we have appropriate services right around the state where people can be closer to their homes is welcome. In the past there have been some really good ideas for how to re-use the heritage-listed buildings on the Graylands site, with something along the lines of what happens in, for example, Trieste in Italy, where the old asylums have been transformed into quite amazing buildings for art therapy classes and a whole range of things like that. Some really good ideas are out there, but, at the end of the day, this quite important and valuable land needs to be ring-fenced and put back into the mental health budget to ensure that at the very least we can continue to fund or make significant inroads into funding the building of the facilities identified in the 10-year plan. It is frustrating. I raised this last year, I have raised it again this year, and I assure members that I will raise it again next year. Cabinet has to look at the business cases and undertake its deliberations, and I urge cabinet members to be very mindful of the very strong expectation that that money will be reinvested back into mental health. It is very, very critical to try to at least begin to make some progress.

During the estimates hearings I was pleased to hear the parliamentary secretary for mental health once again confirm that, despite all the machinery-of-government changes and rumour-mongering, this government remains committed to ensuring that we have a standalone Mental Health Commission. That is great. Whenever a lot of changes occur—particularly large-scale change of the sort that is currently being undertaken—that brings uncertainty. There has been a suggestion that the Mental Health Commission will become part of the Department of Communities, so well done to this government for standing its ground and sticking to its election commitment of ensuring that the Mental Health Commission will stand alone.

I will talk a little more about the rebalancing of the mental health system. After the government's last budget in September, the Western Australian Association for Mental Health, which is of course the peak body for the community-managed mental health sector within Western Australia, undertook modelling to identify how the funding commitments were tracking against the needs identified in the 10-year plan. WAAMH estimated that to meet the funding targets for community support for 2025—community support being just one element of the plan—the required annual increment would need to be in the order of an additional \$20 million within this budget and for the remaining six budgets after that. This is just for community-managed services and to keep up with the identified demand going into the future. But instead, this budget shows a funding allocation for 2018–19 that is \$1.3 million less than the actual for 2017–18. The allocation to community support will increase only marginally over the forward estimates. In 2014, when the work on developing this plan began, only one in five mental health consumers were able to access the support they needed. Only 20 per cent of people who needed mental health support were able to get the services they needed. The plan tried to turn that around, to make sure that people were

not just left in the community without the support they needed, and just getting more and more unwell and ending up in the acute and, dare I say it, expensive end of the system. But that is not what we have done.

It is similar for prevention. WAAMH estimated that the annual increment to meet the required target by 2025 would be an additional \$5 million for each year until then. Again, instead in this budget we have seen a substantial decrease in prevention funding. The government maintains that the drop in funds is due to outstanding agreements that have not been signed with the commonwealth and other state agencies, and I have already commented how appalled I am at the way the federal government continues to drag its feet on funding a whole range of areas—we can add mental health to that big fat long list. But I have to say that at best the government will be seeking to maintain the status quo, not increasing the allocated funding. In any event, the plan refers to the need for a greater commitment of state funds; it was always intended to be state money. It was not intended to rely on federal money. But I am happy to accept that the feds can cough up, because they have all our money anyway. Again, I recognise the budget constraints, but there is no doubt that this short-sighted approach will cost us more going into the future. It is just reality. Not investing this money now will only cost us more in the future.

Statewide subspecialty services were identified in the plan to meet a whole range of needs within the community, but no money has been put aside for their establishment. There is no money in the budget for meeting a proposed statewide transcultural mental health unit—something that has been on the cards for a while. From answers to questions I have asked in this place, I understand that a business case was presented to the Mental Health Commission from the mental health subnetwork of Multicultural Mental Health, but there is no money for it. Likewise, we still do not have additional money for personality disorder services, which is a huge problem. It is largely people with personality disorders who are being turned away from our emergency departments and subsequently taking their lives. These people are severely at risk. We need to invest in these specialist services and have youth and adult streams, so that we can help people turn their lives around, and, for that matter, help people stay alive. I am concerned about that. We know we need specialty services to deal with neuropsychiatry and developmental disability, but there is no money there. People are falling through the cracks in a whole range of complex areas, yet no money is being put into the budget or forward estimates to start developing the identified subspecialty services that we need.

I have asked questions about what is happening with the recovery college. The government's response has been to say that that will be subject to a separate business plan. I expect there to be some money in the budget for that for next year, even though at the moment it is not in the forward estimates. Having said that, though, I am quite supportive of the way the government is trying to develop a business plan for the recovery college. I think there is a genuine attempt to be comprehensive and inclusive, and to make sure that when we finally do get our first recovery college in Western Australia, it will hopefully be a model that will get general agreement from the community. That would be good. I will wait to see what happens with the money for that.

I will make some comments about the statewide suicide prevention strategy, which is obviously coming to an end. I appreciate that the Ministerial Council for Suicide Prevention and the Mental Health Commission are currently undertaking their evaluation of the existing program as a whole and that the individual streams, or at least some of them, that have been funded with that money are also undertaking individual evaluations. It is going to require a good investment by government going into the future. I note that the previous government put in quite a lot of money for suicide prevention services, and that was after years and years of desperate underfunding. I urge this government to continue what it has been doing at the very least and to recognise that emerging populations, such as older people, are going to require specialist services in the future. I really hope that some of the pilot programs, particularly the children grieved by suicide program, which is currently being run as a pilot within the metropolitan area, are able to continue, but we must make sure that they are available statewide. I flag now that regardless of what happens with the new plan and when that money is going to be available and how much will be available, it is really important that some funding is allocated towards the continuation of the strategy in some form. We need to make sure that we protect against breaks in service delivery and eroding the work that has been undertaken so far. That happened between the strategies with the previous government and it was really problematic for those programs. There should not be a disrupted delivery of service, particularly in the area of suicide prevention. I urge this government to do everything it possibly can—it can do a lot—to make sure there is continuity in the delivery of those services and some certainty, particularly for those services that are more than likely to continue in the future plan.

I have some comments about the assertive patient flow. This applies to health, but particularly mental health. We know that the mental health system is struggling with an assertive patient flow. In February this year, the Australasian College for Emergency Medicine reported that WA had the worst wait times in the country for mental health admissions. I note that the government has been reviewing its assertive patient flow protocols, which of course needs to happen, but I also note that Deborah Karasinski, who is the chairperson of the Child and Adolescent Health Service Board, pointed out in a letter to the Mental Health Advocacy Service that there are insufficient beds for young people across the system and that that, coupled with inadequate supports for some patients in the community, is preventing discharge. I note that the new youth beds have now come online. It has been a long time

in the planning. The new Perth Children's Hospital has released some new beds. We already had in place the beds at Fiona Stanley Hospital, and also the repurposing of the Bentley Adolescent Unit. But we need to ensure that those area health services get their act together and work together to make sure that we have assertive patient flow across those areas. It is pointless if some area health services have beds but other people, particularly those from regional areas, are left languishing and not able to get into those necessary beds. It is really important work and I hope that we see significant progress. It is difficult to get the area health services to agree to cooperate in a devolved health system, but it is really essential. I hope that we will see some progress there. I was pleased to hear that the new protocols will include a central point of escalation to ensure that those who have the highest clinical needs have priority over beds irrespective of where they live in the metropolitan area. But I express my concern that I do not think it should be up to the Mental Health Commission to intervene on a case-by-case basis; it is really important that it happens as an automatic flow within the system.

I will make some comments about the lack of forensic beds within the system as a whole. I know that there is no additional money for forensic beds in either this budget or the forward estimates, nor does there appear to be any clear plan for the development of future forensic beds. In 2014, we had less than half the beds that we needed at that point to meet demand.

Debate interrupted, pursuant to standing orders.

[Continued on page 3927.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

DESIGN WA — STAGE 1 POLICIES

510. Hon PETER COLLIER to the minister representing the Minister for Planning:

I refer to the draft Design WA stage 1 policies and the draft "Design Review Guide", which were expected to be finalised in early 2018.

- (1) Have the policies and the "Design Review Guide" been endorsed by the Western Australian Planning Commission; and, if so, on what date were they endorsed?
- (2) Has the planning reform team, led by Evan Jones, provided advice to the minister on the stage 1 policies and/or the "Design Review Guide"?
- (3) If yes to (2), on what date was that advice provided to the minister?
- (4) If yes to (1), has the minister received the stage 1 policies and the "Design Review Guide" for approval; and, if so, on what date were they received in her office?
- (5) When does the minister expect to release the final policies and the "Design Review Guide"?

Hon STEPHEN DAWSON replied:

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

- (1) No.
- (2)–(3) The "Modernising Western Australia's Planning System" green paper makes a number of proposals related to the state planning framework, of which Design WA is a part.
- (4) No.
- (5) Work continues on the draft Design WA stage 1 suite, particularly the draft "Apartment Design" policy, and has to be approved by the Western Australian Planning Commission before it is released.

SYNERGY — SOLAR PANELS

511. Hon PETER COLLIER to the minister representing the Minister for Energy:

Will the minister please provide the number of residential clients who have been sold solar panels by Synergy for each month from 1 January 2017 to 21 May 2018; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

As the response is in tabular form, I seek leave to incorporate this information into *Hansard*.

Leave granted.

The following material was incorporated —

MONTH	NUMBER OF RESIDENTIAL CUSTOMERS SOLD SOLAR PANELS BY SYNERGY
January 2017	20
February 2017	110
March 2017	40
April 2017	54
May 2017	50
June 2017	68
July 2017	45
August 2017	93
September 2017	41
October 2017	60
November 2017	36
December 2017	43
January 2018	46
February 2018	46
March 2018	44
April 2018	49
y 2018	54

WA LABOR — ELECTION COMMITMENTS

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

I refer to the Premier's answer to question without notice 266 of 22 June 2017 regarding the so-called 200 fresh ideas for WA touted by the McGowan opposition during the election campaign, and specifically commitment 191, "Introduce a category for Best LGBTI Employer of the Year".

- (1) Has the government fulfilled that commitment; and, if not, why not?
- (2) If the government has fulfilled that commitment, when did it do so and how did it do so?
- (3) If the government has fulfilled that commitment, where is one to find the detail?
- (4) Has anyone been awarded "Best LGBTI Employer of the Year" since the election; and, if so, who was it, and when; and for what did they earn that award?

Hon SUE ELLERY replied:

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

- (1)–(4) The "LGBTI Employer of the Year" category was originally intended to be incorporated into the Premier's Awards, which have been deferred. The government remains committed to delivering this commitment, and as such the Public Sector Commission is exploring other mechanisms to recognise the best LGBTI employer of the year.

BYFORD COMMUNITY KINDERGARTEN — ENROLMENTS

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

I refer to Byford Community Kindergarten, which is set to reopen next year after a period of closure that was required by the Department of Education, and its request for an exemption from the minimum enrolment intake for the 2019 school year. Will the minister and her department agree to the kindergarten's request; and, if not, why not?

Please give me a nice answer, minister!

Hon SUE ELLERY replied:

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

I have been briefed on the unique circumstances of Byford Community Kindergarten arising from the bushfire risk in 2017 and 2018. I am considering this special case on its merits and expect a decision this week. When community kindergartens, including Byford, have fewer than the required projected enrolments, the department requires confirmation of these enrolments by 10 August 2018 and will consider an extension on a case-by-case basis.

FAMILY AND DOMESTIC VIOLENCE — REFUGES

514. Hon NICK GOIRAN to the Leader of the House representing the Minister for Prevention of Family and Domestic Violence:

I refer to the government's budget allocation of \$2.5 million funding in 2018–19 for family and domestic violence refuges.

- (1) Who will own the refuges?
- (2) Who will operate the refuges?
- (3) How will the operating of the refuges be funded?
- (4) Who conducted the analysis that led to the decision to select the Peel and south metropolitan regions for the refuges?
- (5) Further to (4), will the minister table that analysis?
- (6) Given that the minister has never attended a meeting or briefing about the establishment of these refuges, who decided on the location of these refuges?
- (7) Further to (6), was that decision recorded in writing; and, if so, will the minister table it?

Hon SUE ELLERY replied:

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

- (1) The refuges will be owned by the Department of Communities—Housing.
- (2) An open tender process will be undertaken to select a community sector organisation to operate each refuge.
- (3) The Expenditure Review Committee approved funding for the establishment and operation of the refuges.
- (4) The Peel refuge was an election commitment under WA Labor's "Plan for Peel". The Department of Communities recommended the south metropolitan region based on domestic violence incidents responded to by the WA Police Force, capacity and demand on existing services, and the opportunity to strengthen the integrated service system response.
- (5) Yes, if requested.
- (6) The exact location of each refuge within the preferred regions has yet to be decided.
- (7) Not applicable.

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION —
VOLUNTARY TARGETED SEPARATION SCHEME**515. Hon JACQUI BOYDELL to the Minister for Environment:**

- (1) How many staff have been cut to date from roles related to processing environmental clearances and approvals, as a result of the voluntary targeted separation scheme?
- (2) What was the division's total savings related to these staffing cuts?
- (3) How many new staff will be employed as a result of the \$19.4 million funding boost for additional staff and the development of an "Environmental Online" system?
- (4) Has the Department of Water and Environmental Regulation been offered loan staff from other departments to speed up the assessment and determination process in the interim?
- (5) If yes to (4), from where are those staff, and how many?

Hon STEPHEN DAWSON replied:

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

- (1) One staff member was offered a voluntary severance. The position was not a frontline assessing officer.
- (2) The total savings were \$159 000.
- (3) There will be 20 full-time equivalents in 2018–19 and an additional one FTE in 2019–20.
- (4) No.
- (5) Not applicable.

LIVE EXPORT — INDUSTRY MEETING

516. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the minister's answer to question without notice 501 asked yesterday.

- (1) Can the minister please table a list of those people invited to the meeting to be chaired by Department of Primary Industries and Regional Development's Ralph Addis and Bruce Mullan?
- (2) On what date will this meeting occur?
- (3) Can the minister please table a schedule of future meeting dates for the group?
- (4) Will Friday's meeting determine the group's terms of reference; and, if so, will the minister undertake to table in Parliament the terms of reference and the outcomes of the meeting, so that farmers can be assured the government is responding to the situation appropriately?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1)–(4) I will table the attached list of invitees and those who have agreed to come. The meeting will be held this Friday. No formal decision has been made about further meetings but, obviously, we will be discussing this at the meeting. I think the member has perhaps misunderstood the nature of this group. It is important that we get together with industry and discuss what it believes needs to be done. It is not about setting up a complex bureaucracy. It is about having a meeting with a group of farmers and industry leaders and then working out what we need to do from there.

[See paper 1502.]

NATIVE SPECIES — EXTINCTION

517. Hon RICK MAZZA to the Minister for Environment:

- (1) How many native plant species in Western Australia are known to have become extinct in the period 2011–2016?
- (2) In the period 2011–2016, how many new native plant species have been added to the flora database for Western Australia?
- (3) How many native mammal species are believed to have become extinct in Western Australia over the last 50 years?
- (4) How many native bird species are believed to have become extinct in Western Australia over the last 50 years?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Department of Biodiversity, Conservation and Attractions.

- (1) Zero.
- (2) During 2011–2016, 604 native plant species were added to the WA census.
- (3)–(4) Zero.

HAWTHORN RESOURCES — PINJIN PASTORAL STATION

518. Hon ROBIN SCOTT to the minister representing the Minister for Mines and Petroleum:

My question without notice, of which some notice has been given, is to the parliamentary secretary representing the Minister for Mines and Petroleum.

- (1) Can the minister explain why the Hawthorn Resources mining proposal dated October 2015 was given approval, given its close proximity—within 100 to 200 metres—to Pinjin station homestead and associated infrastructure, without the department insisting that the mining proposal be amended or written consent be obtained under section 20(5) of the Mining Act?
- (2) Can the minister explain why the Department of Mines, Industry Regulation and Safety has given approval for blasting activities in the Hawthorn Resources mining proposal dated April 2018, given that the department had clearly known that substantial occupied buildings exist within 200 metres of the proposed large-scale blasting activities?
- (3) Can the minister state the name and officer's position within DMIRS who approved the mining proposal dated 2015 and the project management plan for blasting activities?

The PRESIDENT: I know that the member asked the question of the parliamentary secretary. I think that was an error; I think he meant the minister representing the Minister for Mines and Petroleum.

Hon Robin Scott: The minister for mines—that is what I said.

Hon ALANNAH MacTIERNAN replied:

Yes, but there is no parliamentary secretary representing the minister. I think the member has asked me quite a number of questions in this capacity before.

The Minister for Mines and Petroleum has provided the following information.

- (1) I have been advised that no mining proposal dated October 2015 has been approved.
- (2) I have been advised by the Department of Mines, Industry Regulation and Safety that it was satisfied that the proposed blasting activities could be undertaken in accordance with required safety standards, and to provide adequate protection of the community, employees and the environment.
- (3) The then executive director, environment, of the former Department of Mines and Petroleum approved a mining proposal dated 26 November 2015. The then State Mining Engineer approved a project management plan on 30 May 2016.

POLICE — FIREARMS TRANSPORT — SHOT EXPO

519. Hon AARON STONEHOUSE to the minister representing the Minister for Police:

I refer the minister to my question during budget estimates on 19 June, wherein I asked Commissioner Dawson whether he was aware of the upcoming SHOT Expo scheduled to take place here in Perth in October. As I recall, he indicated that he was not personally aware of that event. It is my understanding that later that same day a letter was sent by the Sporting Shooters' Association of Australia WA to the commissioner, giving details of the expo, requesting an exemption from the WA Police Force transportation of firearms policy to allow the event to take place, and further requesting a meeting to discuss items that the association believes, and I quote, "are not being taken seriously in regards to finding a working solution for all concerned."

- (1) Is the minister able to confirm receipt by the WA Police Force of the SSAA's letter dated 19 June?
- (2) Is the minister aware of any reply having been sent as of today's date; and, if she is, can she share with this house the general tenor of that reply?
- (3) Will the minister commit to ensuring that WA police work constructively with the SSAA WA and its partners to arrive at mutually amicable solutions that will allow this large, popular and profitable event to take place for thousands of fee-paying customers once again this year?

Hon STEPHEN DAWSON replied:

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

- (1) Yes.
- (2) The WA Police Force is currently preparing a formal response.
- (3) Yes. The Western Australia Police Force has been working with SSAA WA and will continue to do so with a view to ensuring a successful event.

MURUJUGA LIVING KNOWLEDGE CENTRE

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

I refer to correspondence from the then Premier of WA, Colin Barnett, MLA, dated 15 November 2016—our reference, 24-633658/JH—in which he states, according to my notes —

The proposed Hearson Cove site is located within 1.5 kilometres of the Yara Nitrates Technical Ammonium Nitrate plant and the Yara Pilbara Fertilisers ammonia plant. Preliminary discussion with relevant State agencies have indicated that the development of the MLKC at Hearson Cove could present an unacceptable risk to public health safety.

- (1) Will the minister inform the house which relevant state agencies indicated that the development of the Murujuga Living Knowledge Centre at Hearson Cove could present an unacceptable risk to public health safety?
- (2) If not, why not?

Hon ALANNAH MacTIERNAN replied:

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

- (1) The former Department of Mines and Petroleum.
- (2) Not applicable.

CITY OF SWAN — MIDLAND OVAL REDEVELOPMENT — REVIEW

521. Hon TIM CLIFFORD to the Leader of the House representing the Minister for Local Government:

I thank the minister for his response to my question without notice 486 asked on 14 June, which stated that the Department of Local Government, Sport and Cultural Industries is reviewing the City of Swan to ensure that there has been no breach of the Local Government Act 1995.

- (1) Does the review take into consideration the process relating to the development and advertising of a business plan?
- (2) When will the review be completed?
- (3) Will the review and the results of it be made available to the public?
- (4) If no to (3), why not?
- (5) If yes to (3), how will the minister make the findings available to the public?
- (6) Is the minister aware of the online article published by *Echo News*, which makes claims that the City of Swan deliberately made an attempt to circumvent section 3.59 of the Local Government Act?

Hon SUE ELLERY replied:

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

- (1)–(6) As per my previous response, the Department of Local Government, Sport and Cultural Industries is currently reviewing the City of Swan's processes to ensure that there has been no breach of the Local Government Act 1995. A significant amount of material is being assessed and the review will be completed as soon as possible. Once this is completed, the next course of action will be determined.

COMMUNITY RESOURCE CENTRES — FUNDING CLASSIFICATIONS

522. Hon JIM CHOWN to the Minister for Regional Development:

I refer to the answer given by the minister to question without notice 483. The minister stated that \$790 000, in the new proposal, is budgeted for support of the community resource centre program, which represents a 53.1 per cent reduction on the previous program support budget.

Linkwest currently receives a grant of \$250 000 per annum for sector support services as the peak body for CRCs. This includes licences for the videoconferencing platform for all 105 CRCs and VC support.

- (1) Under the current funding program for CRCs, does any of the \$13 million budget go towards Department of Primary Industries and Regional Development staff wages and operational costs for managing the program?
- (2) If yes to (1), how much funding went, or will go, to DPIRD, as aforementioned, in the 2017–18 financial year and the 2018–19 budget year?
- (3) Once the funding cut to \$8 million comes into effect, how much of the \$790 000 for support of the CRC program, as previously referred to, will go to paying DPIRD staff and operational costs?

Hon ALANNAH MacTIERNAN replied:

I thank the member for notice of the question.

- (1) Yes.
- (2) The funding for Department of Primary Industries and Regional Development personnel in the 2017–18 financial year will be \$300 000. That is the rate of funding that has been in place since 2014–15, so no change on recent practice. For 2018–19, it will be \$225 000 for the period 1 July 2018 to 31 March 2019. Funding for the final quarter has not yet been determined. This will be done once a decision has been made on the final community resource centre funding regime.
- (3) In the current proposal, the allocation to the department would be \$180 000 in keeping with the overall system cut.

GOVERNMENT DEPARTMENTS — ADVERTISING

523. Hon TJORN SIBMA to the minister representing the Minister for Finance:

This question was redirected to the minister. I refer to government expenditure on advertising.

- (1) What is the value of the tender for government media booking, buying and planning services for advertising—common user agreement MBBP2018—which will take effect from 1 July 2018?
- (2) What is the allocated expenditure by government for each year of the contract until 30 June 2021?
- (3) To whom was the tender awarded and does the firm or firms have an eastern states headquarters?

Hon STEPHEN DAWSON replied:

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

- (1) The total contract award value is estimated to be \$300 million, including GST, over the potential five-year term of the contract.
- (2) Historically, only 55 per cent, or \$165 million, of the contract expenditure has been by government. This is expected to reduce in future, consistent with the government's commitment to reduce advertising by \$20 million per annum. Information on forecast annual expenditure is not available, as the estimated contract value is based on past use only.
- (3) The tender was awarded to Carat Australia Media Services Pty Ltd, which has its headquarters located in Melbourne, with a local office in Perth; and Initiative Media Australia Pty Ltd, which has its Australian headquarters located in Sydney, with a local office in Perth.

SOUTH WEST RESCUE HELICOPTER — MINISTERIAL DIRECTION

524. Hon MARTIN ALDRIDGE to the minister representing the Minister for Road Safety:

I refer to the minister's direction, pursuant to section 6A of the Road Safety Council Act 2002, of 10 November 2017 in relation to funding for the south west emergency helicopter service.

- (1) What funding is allocated from the road trauma trust account for the south west emergency helicopter service in 2018–19 and each of the forward estimates years?
- (2) Please provide a copy of the response from the Road Safety Council to the minister's direction of 10 November 2017.
- (3) What explanation does the minister give for her noncompliance with section 6A(3) of the Road Safety Council Act 2002 and the required time frame for tabling such a ministerial direction?

Hon STEPHEN DAWSON replied:

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

- (1) Under the former government, the south west helicopter, which began operating on 1 February 2016, was only partly funded until June 2018. The McGowan government worked to secure long-term funding for the helicopter in a tight budget environment. Funding from the road trauma trust account for the south west helicopter is nil in 2018–19 and \$4.65 million in 2019–20, 2020–21 and 2021–22.
- (2) I table the letter.

[See paper 1503.]

- (3) The minister's letter was tabled in the Legislative Assembly on 23 November, within the 14 days required by section 6A(3) of the Road Safety Council Act and a copy was lodged with the Clerk of the Legislative Council on that day. This is in stark contrast to the actions of the now Deputy Leader of the Opposition, who allocated \$1.5 million from the road trauma trust account to the Western Force sponsorship deal without any reference to the Road Safety Council, a deal that Mr John Langoulant found in the "Special Inquiry into Government Programs and Projects: Final Report" to have been "possibly unlawful" and "beyond the provisions of the act".

PEMBERTON CAMP SCHOOL — LEASING

525. Hon DIANE EVERS to the Minister for Education and Training:

I refer to the Department of Education's registration of interest process being undertaken to assist with the planning for the lease and operation of the Pemberton camp school, as well as other camp sites and Landsdale Farm School.

- (1) How many students attended the camp school from 2013 to 2017 and how many are expected to attend the camp school in 2018?

- (2) Has the government undertaken a full cost–benefit analysis of the value of the camp school to the local community in broad terms, including the effect on tourism and local small business, particularly given the recent closure of the mill; and, if not, why not?
- (3) Will the government develop terms of lease that safeguard or enhance the co-benefits that the operation of the camp school provides to the local community; and —
- (a) if yes, please describe how the terms of lease will safeguard or enhance the co-benefits to the community; and,
- (b) if not, why not?

Hon SUE ELLERY replied:

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

- (1) The answer is in tabular form, so I seek leave to have that part of the answer incorporated into *Hansard*.
Leave granted.

The following material was incorporated —

Year	Total
2013	1 176
2014	1 201
2015	1 497
2016	1 480
2017	1 630
2018*	904

* As at 26 June 2018. Bookings are tentative and subject to change.

- (2) No. The Pemberton site will cease operating as a camp school under the Department of Education. The procurement process currently underway is to identify a suitable future operator with the objective to ensure that the facility continues to add value to the broader local community.
- (3) No.
- (a) Not applicable.
- (b) The purpose of camp schools is to provide affordable camp experiences for school students. This will be included in the lease arrangement. It will be in the interests of the operators to develop working relationships with the community.

POLICE — FIREARMS TRANSPORT

526. Hon KEN BASTON to the minister representing the Minister for Police:

- (1) Does the minister support Australia Post being authorised to carry firearms, ammunition and firearm parts?
- (2) If yes to (1), has the minister or members of the Western Australia Police Force had any contact with Australia Post regarding this issue?
- (3) Are there any barriers in Western Australian state legislation to Australia Post being authorised to carry firearms, ammunition and firearm parts?

Hon STEPHEN DAWSON replied:

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

- (1) Yes.
- (2) Yes. The WA Police Force has been undertaking discussions with Australia Post since September 2017 to address the company's queries in relation to Australia Post becoming an approved carrier.
- (3) No. However, this is a decision for Australia Post in relation to the company's business operations.

REGIONAL AIRFARES — MONKEY MIA AND CARNARVON

527. Hon COLIN HOLT to the minister representing the Minister for Transport:

This question was lodged yesterday. I refer to the joint ministerial announcement made on Monday that airfares to Monkey Mia and Carnarvon will be reduced and about the state government's funding of marketing the discounts.

- (1) What component, if any, of the reduced rate is being subsidised by the state government?
- (2) How much has the state government committed to marketing or advertising the reduced airfares?
- (3) Through what funding stream will this money be allocated?
- (4) When will other air routes taking passengers to regional Western Australia be subject to collaborative price reduction negotiations led by the state government?

Hon ALANNAH MacTIERNAN: I thank the member for the question. Obviously, we have had a bit of forgetfulness. For the member's information, I represent the Minister for Tourism. I thank him for notice of the question and the following information has been provided to me by the Minister for Tourism.

Tourism WA and the South West Development Commission have worked closely together with the—sorry; have I got the right one?

Several members interjected.

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: Sorry; I apologise. It is a tourism question. Is it a tourism question?

The PRESIDENT: Perhaps Hon Colin Holt could provide the question number to the minister.

Hon Colin Holt: It is C542.

The PRESIDENT: The Minister for Environment representing the Minister for Transport.

Hon STEPHEN DAWSON replied:

The answer to that question is not in the folder. I did not see that today.

Hon Colin Holt: I lodged it yesterday.

The PRESIDENT: Minister, perhaps somebody might see whether they can source the answer to that question and provide it at a later date.

Hon STEPHEN DAWSON: Madam President, this did not appear in my folder today. I have not seen it or signed it, so an answer will not be provided today. If it has been lodged correctly, we will of course try to get the member an answer tomorrow; otherwise, I will approach the member behind the Chair with some extra information.

[See page 3925.]

EDUCATION — FEDERAL FUNDING

528. Hon ALISON XAMON to the Minister for Education and Training:

I refer to the estimates hearing on 21 June 2018 when the minister indicated that she was travelling to Adelaide that afternoon to discuss education funding.

Several members interjected.

The PRESIDENT: Order! Sometimes it is difficult to hear Hon Alison Xamon because she has a beautiful, gentle voice. Sometimes when other people are speaking loudly, it is difficult for Hansard to hear her, so please pay her due respect while she is on her feet and listen in silence so she can put her question.

Hon ALISON XAMON: Thank you, Madam President.

The minister indicated that she was travelling to Adelaide that afternoon to discuss federal funding, including federal funding for students with disability.

- (1) Has a funding agreement now been reached with the federal government?
- (2) If yes, could the minister please advise what that agreement is; and, if it has not been agreed, why not, and is it envisaged that the department will have to make up the shortfall from the existing education budget or are extra funds going to be made available from other sources within the existing state budget?

Hon SUE ELLERY replied:

I thank the honourable member for the question, which she did give me a copy of.

- (1) No, a funding agreement has not been reached yet with the federal government. We are aiming to get something before the Council of Australian Governments meeting in October, but we are far apart at this point because of the onerous requirements that the federal government is proposing, which would have a particularly hard effect on Western Australia because of the way we have been funding education ahead of all the other jurisdictions. What the federal government is proposing for the other jurisdictions may work well for them, but it does not provide any advantage to Western Australia.
- (2) The last bit of the member's question was about whether it is envisaged that the department will have to make up any shortfall. Under the current proposals from the federal government, yes, that would be required, but those matters and the nature of the reform that is required coming out of Gonski 2.0 are still up for negotiation.

BOYANUP SALEYARD

529. Hon Dr STEVE THOMAS to the Minister for Agriculture and Food:

I refer to the existing the Boyanup saleyards and this year's Legislative Assembly's budget estimates in which it was suggested —

... the land in question at Boyanup is a crown grant in trust to the Shire of Capel for the purposes of a saleyard.

- (1) If the saleyards were to be removed, would ownership of the land revert to the Shire of Capel or the state?
- (2) Does the grant in trust for the purposes of a saleyard have a time limit?

Hon ALANNAH MacTIERNAN replied:

- (1)–(2) No, there is no time limit on that and the land remains in state ownership. Obviously, we would be happy to work through a negotiated outcome with the shire, and the shire wants to do some residential development on that land when we can find a satisfactory resolution on an alternative site.

HORIZON POWER — TARIFF EQUALISATION CONTRIBUTION

530. Hon PETER COLLIER to the minister representing the Minister for Energy:

I refer to the significant growth in the subsidy provided to Horizon Power.

- (1) What factors have contributed to the growth in the tariff equalisation contribution from \$167 million in 2017–18 to \$198 million in 2018–19?
- (2) Why does the government believe that the subsidy will decrease to \$162 million in 2019–20?

Hon STEPHEN DAWSON replied:

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

- (1) The growth in the tariff equalisation contribution from \$167 million in 2017–18 to \$198 million in 2018–19 reflects the timing of the 2017–18 state budget, which was delayed due to the state election. This delay meant that not all decisions relating to the 2017–18 TEC were made prior to the 30 June 2017 TEC finalisation deadline. As a result, the 2018–19 TEC reflects both a 2017–18 TEC funding shortfall of \$12 million and underlying cost movements associated with Horizon Power's operating environment.
- (2) The forecast TEC decrease to \$162 million in 2019–20 is based on 2018–19 budget forecasts, subject to the outcomes of a review of the TEC being undertaken by the Department of Treasury.

DRINKING WATER — URANYL NITRATE

531. Hon ROBIN CHAPPLE to the parliamentary secretary representing the Minister for Health:

I refer to question without notice 812, asked in the Legislative Council on 8 November 2017, to which the minister replied —

... all drinking water supplied to the communities mentioned complies with the Australian Drinking Water Guidelines in relation to both uranium and nitrate. Accordingly, there is no health issue posed by uranyl nitrate to community members.

- (1) Given that the Australian Drinking Water Guidelines contain no drinking water standard for uranyl nitrate, can the minister explain how the Department of Health comes to this conclusion?
- (2) What is the chemical structure of uranyl nitrate, and is it formed by uranium and nitrates that are below Australian Drinking Water Guidelines standards?
- (3) In other jurisdictions, is uranyl nitrate considered a toxic substance?
- (4) If yes to (3), what will the minister do to get uranyl nitrate included in the Australian Drinking Water Guidelines?

Hon ALANNA CLOHESY replied:

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

- (1) The Department of Health has independently reviewed the levels of uranium and nitrate in the communities and based on both the conservative nature in which the Australian Drinking Water Guidelines have been derived and upon the most recent epidemiological study conducted by the World Health Organization, has determined that uranium and nitrate levels are not a health concern.
- (2) Uranyl nitrate— $\text{UO}_2(\text{NO}_3)_2$ —may be formed when uranium and nitrate are present. The ADWG has taken this into consideration when setting the maximum recommended levels for uranium in the presence of nitrate in drinking water.
- (3) The Department of Health is not specifically aware of the requirements of other jurisdictions. However, uranyl nitrate as a chemical may be considered to be a toxic substance, depending upon the concentration and exposure.
- (4) It is not necessary to include uranyl nitrate in the ADWG, as the maximum recommended levels prescribed by the ADWG for uranium and nitrate provide sufficient protection and take account of their interaction.

QUESTIONS ON NOTICE 1181, 1187, 1199, 1220, 1221, 1226 AND 1299*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Stephen Dawson (Minister for Environment)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

QUESTIONS ON NOTICE 1191, 1194, 1197 AND 1200*Answer Advice*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.06 pm]: Pursuant to standing order 108(2), I inform the house that the answers to questions on notice 1191, 1194, 1197 and 1200, asked by Hon Martin Aldridge on 8 May 2018 to me, the minister representing the Minister for Police; Road Safety, will be provided on 14 August 2018.

TRANSPORT — PRINCIPAL SHARED PATH NETWORK — WORKS PROGRAM*Question on Notice 1217 — Answer Advice*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.07 pm]: Pursuant to standing order 108(2), I inform the house that the answer to question on notice 1217, asked by Hon Tim Clifford on 8 May 2018 to me, the minister representing the Minister for Transport, will be provided on 28 June 2018.

REGIONAL AIRFARES — MONKEY MIA AND CARNARVON*Question without Notice 527 — Answer Advice*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.07 pm]: Hon Colin Holt asked question C542 earlier on. It does not appear in my file as a question from Hon Colin Holt, but I have here a question from Hon Martin Aldridge, which I think is the exact same question. I am happy to provide that answer now.

- (1) The discounted airfares to Carnarvon and Monkey Mia are offered by the airline on a commercial basis. During the tender process and subsequently, the Department of Transport has worked closely with Regional Express Airlines, the Shire of Carnarvon and the RAC to ensure that the discounted community fare was available from the first day of operation of the new routes.
- (2)–(3) The member is asked to refer this portion of the question to the Minister for Tourism.
- (4) The state government will continue to work with stakeholders over the next two years. It should be noted that the National Party did nothing in eight and a half years and, in fact, opposed the tender process that led to this outcome.

FAMILY AND DOMESTIC VIOLENCE — REFUGES*Point of Order — Question without Notice 514*

Hon NICK GOIRAN: I have a point of order with regard to an answer that was provided during question time. To facilitate this point of order being delivered in a concise fashion, I propose to provide you, Madam President, with a copy of the question and answer that was provided. You will see that the document that I have just had delivered to you is a copy of the question and answer that I asked the Leader of the House. At part (5) of the question I asked, “Will the minister table that analysis?” Madam President, you will see that the answer provided by the Leader of the House is: “Yes, if requested.”

I know that there is no rule in the standing orders about repetitious questions. There is a rule about repetition in debate but there is nothing about repetitious questions. Can I suggest that it is incomparable with the standards of the house for the Leader of the House to respond in such a fashion that can only lead to me asking every day between now and the end of the fortieth Parliament whether the minister will table the document. To respond by saying, “Yes, if requested”, is farcical in the highest regard. The question I asked was: will the minister table that analysis? The answer was, “Yes, if requested.” How else could I request it other than by asking the minister to table that analysis? Madam President, I know that there is no specific standing order to deal with this, but you are responsible for the order of the house. Can I suggest to you, with the greatest of respect, that what has happened here in question time is unhelpful to the ongoing practice of this house, and I seek your ruling on it.

The PRESIDENT: Member, thank you very much for raising that matter. I am going to have a look at that and I will come back to you at a later stage with a response.

QUESTIONS ON NOTICE 1268, 1271, 1278 AND 1295

Answer Advice

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.10 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to questions on notice 1268, 1271, 1278 and 1295, asked by Hon Tjorn Sibma on 8 May to me, the Minister for Regional Development; Agriculture and Food, will be provided on 28 June 2018.

PAEDIATRIC DENTAL TREATMENT

Question without Notice 459 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.11 pm]: I would like to provide an answer to Hon Jim Chown’s question without notice 459, asked on 13 June, which I seek leave to have incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

I thank the Honourable Member for some notice of the question.

- (1) Category 1 (within 30 days) 117 patients
Category 2 (within 90 days) 111 patients
Category 3 (within 365 days) 130 patients
- (2) Since 1 June 2017, 267 children from postcodes 6200 and above have been seen at PMH/PCH for dental treatment under general anaesthetic.
- (3) \$3,290.
- (4) A small number of low risk paediatric dental surgeries are already occurring on a case-by-case basis at the Busselton Health Campus and Bunbury Hospital, particularly when procedures require general anaesthetic and cannot be done in chair at a private or school dental clinic. In addition some private dental services are currently provided at St John of God Hospital Bunbury. For more complex dental care, eligible patients can attend the Oral Health Centre of Western Australia or Perth Children’s Hospital (PCH). An emergency relief of pain service for all WA children is also available at PCH.

General paediatric dental services in the public system are provided by the State through the School Dental Service across WA including the South West. The Federal Government provides the Child Dental Benefits Schedule which is a capped benefit of up to \$1,000 per child over a two year period and can be used in either the public or private system for general dental services.

A review of public surgical services is underway in the South West which will focus on reducing waitlists and maximising theatre utilisation.

LEGISLATIVE COUNCIL AND PARLIAMENTARY SERVICES DEPARTMENT SURVEYS

Statement by President

THE PRESIDENT (Hon Kate Doust): Before we return to orders of the day, I want to alert members to the members’ survey. On Tuesday, 12 June, copies of the annual performance survey for the Department of the Legislative Council and the Parliamentary Services Department were circulated to all members. This survey is critical in assisting the department to provide better services to you, and the results will be incorporated into the department’s 2017–18 annual report. If you have not already had the chance to complete this survey, it would be appreciated if you would take a few moments to complete the survey and return it to one of the Legislative Council officers in the chamber before the end of tomorrow’s sitting. For your convenience, a link to the online version of the survey was also sent to each of your emails last night.

ESTIMATES OF REVENUE AND EXPENDITURE*Consideration of Tabled Papers*

Resumed from an earlier stage of the sitting.

HON ALISON XAMON (North Metropolitan) [5.12 pm]: Before we broke for question time, I was speaking about my concerns with the lack of money in the budget, either now or in the forward estimates, to deal with what I would deem to be a crisis with the lack of forensic mental health beds in this state. When work was being done in 2014 to develop the projected need for the 10-year plan, it was determined that we had less than half the beds we needed to meet demand. The plan called for the state to have 92 beds by the time the plan finishes in 2025. As part of that, we need some specific beds for women and youth. It is not just a matter of having a shortage; there is also a real problem with not having dedicated, population-specific services in the area of forensic mental health. Investment in this space has effectively ground to a halt.

There are currently only 38 forensic beds to cater for more than 5 000 people in our prison system who may need access to acute mental health services. I heard that the Mental Health Commission has ensured that in-reach psychiatrists will go into our prisons, but that is very much a stopgap measure. If someone is severely mentally unwell, they need to be in a purpose-built medical facility; they do not need to be in our prison system, because it is simply not equipped for that and it is not appropriate. I am glad that we are looking at having some services. Prisoners have traditionally had very, very poor mental health and alcohol and other drug in-reach. It is really not going to be enough. At some point we are going to have to look at investment in this space. I know that we have a tight fiscal budget, but when we do not invest in this space, we end up having critically unwell people going through quite a disturbing round of living between the streets and our prisons and maybe having a few limited nights within a forensic mental health service. I have raised in this place before, and had some undertakings from a previous minister, about ensuring that Medicare is available for prisoners. I hope this issue is being pursued within the Council of Australian Governments. I have asked questions about where that is at. This area of reform needs to be urgently addressed. It comes back to the issue of the federal government once again not pulling its weight. It needs to fund states to better deliver mental health, health, dental, and alcohol and other drug services in this state. That remains ongoing.

I will make some general comments about health. Health is where our money goes. I could spend the rest of the week talking about health, but I promise members that I will not do that. I will talk about a few bits and pieces within the health system itself. I remain concerned about the lack of investment in prevention, and particularly in statewide community services. Those services are provided by community organisations such as the Australian Men's Shed Association and Coeliac Western Australia, which provide critical community-based work that ensures that people remain well and stay out of our hospital system. That is really the way we should be funding and doing health. When the government takes away the measly amount of dollars that these services require to run and they shut down, that ends up putting a huge impost on the system further down the road. It is a false economy. Money has been stripped out of these areas. I note that the minister and the director general suggested that they hoped to be able to use savings from hospital services to reinvest into prevention programs in the future. I will just point out the bleeding obvious: it makes no sense to demolish existing, effective service programs that are keeping people out of our hospitals and to then start again from scratch. I am tearing my hair out here. I cannot understand the rationale for taking money away from these organisations that are keeping people well. The government has defunded them. In some cases they are folding. At some point, magical money is apparently going to allow them to start up again. I do not know how the savings are ever going to be achieved because all the people who should have been kept out of the system in the first place have not received the early support that they needed to keep them out. Logical I know, but what am I thinking!

I was pleased to hear that the government remains committed to at least some of the structures for continual improvement in the health system itself, and most notably the Clinical Senate. It sounded quite sensible in terms of the reforms being proposed. I am obviously waiting to see the details of the funding for the health networks, which were effectively gutted under the previous government. That was such a short-sighted and silly decision, but I have not seen that more money has been put back into them. These are the areas that enable systems to work.

I asked questions about Home and Community Care funding, and sought assurances that people in areas where the National Disability Insurance Scheme has not yet been rolled out can apply for increased support, should they need it. I note that the government undertook to check with the department whether that is indeed the case. This is another concrete example of the uncertainty facing people while the transition to the National Disability Insurance Scheme takes place.

I have said before that the NDIS is a huge reform, and it is always going to be complex. There is no getting around that. But there are still no concrete assurances about what will happen on an ongoing basis with either systemic or individual advocacy. I am, however, pleased that the minister has undertaken a separate process to try to ensure that the state funds systemic advocacy. I think that is really critical, because that is how we will make the system work and get the intelligence, if you like, from people on the ground who know what on earth they are doing. It is

a really complex system, and making the transition will not be easy. I do not envy the minister, quite frankly, because it is a difficult job. I do not want to pretend it is not. If I were the minister, I would want to have as many people on the ground as possible to give me that information. I think that is how we will ultimately ensure that we iron out the many, many kinks that come with it. It is huge reform to move from the state-based system to a federal-based system. I understand that members of the previous government are perhaps critical of that move; I do not share those concerns. I recognise that there were some broad opinions within the state, but I talk to a lot of people in the disability community and I have to say that the majority of people—most notably people with disability and their families—wanted to go to a federal-based system. I just think that is the case. I acknowledge that a lot of the large state-based providers are particularly unhappy because a lot of them have had years of positive experiences working within the state-based system. Having said that, let us remember what this system is meant to be about: people with disability. At the end of the day, I really care what they think. If the majority of people with disability say that they want a federal system, I feel it is my job to listen to and respect that.

We still have a lot of concerns about how it will happen. The state government needs to make sure that we have enough money in the transition fund to ensure that it happens smoothly. I do not know whether there is enough money. As the transition occurs, we will become more aware of whether it is covered. I really sincerely hope so, but I will keep a very close eye on it. I do not think I will be the only person who will do that; I suspect the minister will keep a really close eye on it as well. I guess it is also of quite large import to the minister.

I was pleased to hear the minister acknowledge the lapses in communication with a number of people with disability. That means that a lot of people are really struggling to get across what is happening, and that in itself is generating quite a degree of anxiety. The next 12 months in particular will be really critical in terms of what is happening in the space, and it is just one of those areas in which, at a state level, we will be working across both fronts—seeing what is happening at a national level while keeping a very close eye on our obligations at a state level to ensure the smoothest transition we can possibly have under the circumstances.

For good reason, all eyes have been on the NDIS. It is such a massive reform that we really need to get it right. That means that we should not lose sight of the other areas of disability reform—there are many—that we need to make sure we are progressing. During the estimates hearings I mentioned the national disability strategy and the concern of people within the sector that with all the necessary attention on the transition to the NDIS, the work progressing the NDS may be taking a bit of a back seat. The national strategy is currently under review, but it is really imperative that we do not lose sight of the need to ensure that our community as a whole is more inclusive and accessible more generally for people with disability. We will have to keep that in mind across our state budget in areas of transport and education and areas in which people participate, and there will have to be investment. It means investment in training and infrastructure—these things will have to happen. It is very important that we do not lose sight of the fact that all this work in disability needs to continue, and it is a responsibility across every single government department. We need to make sure that that is at the forefront of our minds.

Funding for the Bennett Brook Disability Justice Centre remains stable, and there will not be additional money to implement the recommendations of the review. I will withhold judgement on that, because it may genuinely be that that money is not required. There will be no change in the funding allocation for the centre beyond indexation, despite the underutilisation of the centre. It is very difficult to determine what really needs to happen with its budget until we see the necessary legislative reforms around that space, particularly the Criminal Law (Mentally Impaired Accused) Act. We need to make sure that this important centre is appropriately utilised for those really vulnerable people. I will keep a close eye on what is happening with that.

The other big thing I wanted to talk about is justice. It is frustrating that this budget misses an important opportunity to look at serious strategies to reduce imprisonment rates and to use the savings for more prevention, diversion and in-prison programs. It is precisely because we have a constrained funding environment that we need to look at reducing the number of prisoners within our system. We know that many who are there at the moment would be better served by being managed in the community and that we would be better off investing the funds saved back into our prisons, even while we cannot increase the overall money allocated. I continue to be specifically concerned about the government's failure to commit to address the ongoing problems with youth justice in our state. I have given a fair bit of attention to that area. It is quite clear that fixing youth justice is still not the priority that it should be. Since the election, I have been asking questions about which, if any, parts of youth justice services will move from Corrective Services to the Department of Communities, and also some idea of the time frames for this. Frankly, the answers are nothing but evasive. I notice there is nothing in the budget to do that, and nothing in the forward estimates that gives any indication of a time frame. All I can say is that if I was a staffer working in youth justice at the moment, I would probably be losing my mind. They have absolutely no idea of what the future holds. I am supportive of moving youth justice into Communities, but Banksia Hill Juvenile Detention Centre also needs to be taken away from Corrective Services. It is all a bit pointless unless we have a continuum across youth justice and are taking a holistic view of how we will approach it. The lack of answers or clarity around this space is intensely frustrating. The only thing that is clear is that the Minister for Corrective Services does not seem to be making this a screaming priority. I am comparing him with other ministers who have been almost ruthless in pursuing their agendas in a really vigorous way, but I am not sure that this particular minister has.

Hon Stephen Dawson: I was prepared for a question from you last week in the Standing Committee on Estimates and Financial Operations hearing. I had something in my folder. I can't recall the full answer but it is a complex issue. That minister is working closely with Minister McGurk at the moment on that issue—if I can just leave you with that.

Hon ALISON XAMON: Thank you, minister; I appreciate that interjection. I, of course, had pages and pages of questions I wanted to ask but, unfortunately, we had limited time in that estimates hearing and I was unable to get more questions in. I imagine that one of the reasons the minister had them there was because he was aware that it is a priority area for me and was one I would bring up. I can assure him the questions on notice have been submitted and he will have that opportunity. I have been asking these questions in this place for quite some time. The answers I have been given have shed no light on this whatsoever. It is a real concern. We need to remember that a lot of elements to this are unclear, including when, if at all, the younger children or the girls who are held in Banksia Hill Detention Centre are recognised as being particularly vulnerable, will be removed from Banksia Hill to more suitable accommodation, and this is a concern. The other area that really concerns me is the number of children being kept in Banksia Hill who have been deemed suitable for release, but who cannot be released because there is no appropriate accommodation for them outside the prison system. That is absolutely devastating. I keep asking for the number of children affected by this. By necessity, they are always six to eight weeks behind whatever the last numbers were. The last number was about five children who did not need to be there and were deemed to be better off elsewhere. Every day a child is kept in Banksia Hill when it is deemed they should not be there is one day too long. The first thing we want to do with these children is turn their lives around so they do not end up becoming career criminals. If they miss out, the community misses out. When we delay these necessary reforms, it has a real human effect and I would like people to be mindful of that.

I was pleased to see in the budget the allocation for more magistrates because there is a backlog of around 40 weeks in some locations. That is too long. It is ridiculous actually. I also welcomed the successful negotiations with the federal government. It is great to see the federal government coughing up some money regarding the introduction of a custody notification service. I hope that more than a 25-year delay in enacting this recommendation will soon end. This was first recommended by the Royal Commission into Aboriginal Deaths in Custody and was most recently mentioned again and recommended again by the coronial inquest into the death of Ms Dhu. I am really pleased that we are finally seeing the establishment of that in this state.

I am disappointed the government has yet to address the issue of fine defaulters ending up in prison because we should not be locking up people in prison. Specifically, the number of Aboriginal people we are locking up for fine default is not a sensible, cost effective or, indeed, humane way to deal with the issue of fine default. I was disappointed that the budget did not include specific information on what the government hopes to do in this space.

I will make some comments on independent statutory bodies. I totally heart them. I am thinking particularly of the Ombudsman, the Office of the Inspector of Custodial Services and the Equal Opportunity Commission. There have been funding cuts to bodies such as the Ombudsman, the Public Advocate and the Equal Opportunity Commission. These are really concerning. These are important statutory bodies that undertake a critical role in this state. We should not be looking at funding cuts. If anything, I would have liked to see their budgets growing. It means we are going in the wrong direction. The Office of the Inspector of Custodial Services is a statutory entity in this state of which we should be very proud. We are very lucky to have what I think is a sentinel organisation looking at upholding human rights and improvements within our custodial settings. I was very concerned to note that that office has lost staff, yet it has to oversee more prisoners than ever. I note that during estimates in the other place, OICS said, "If we can no longer find efficiencies, we will have to reduce our outputs in some way." That means, effectively, that the office will have to report less. That office is responsible for reporting to us. It is the office that can tell us independently, on the ground, what is happening within our prison system and what is happening to people who are incarcerated. I am therefore very concerned that Parliament will effectively lose capacity for that very critical statutory voice.

I note also the coordinator of the independent visitor scheme has accepted a package and work is expected to be picked up by other officers, and that is very concerning. The independent visitor scheme of OICS is fantastic, and we rely on these highly reliable, hardworking people who are performing comprehensive reports—absolutely frontline stuff. These people do it for free, for goodness sake. Why we would cut back any capacity for our independent visitors to continue to do the best job they possibly can defies belief.

I note also that Legal Aid WA will receive less money and it will have fewer full-time equivalent staff, despite, as mentioned in the budget documents, an unprecedented demand for legal aid assistance. At the same time, the community legal sector is also not looking at getting increases. I have to say that access to justice is really critical. It is not cost effective to deny people access to justice. Again, it is these areas of investment within the community that enable people to resolve issues quickly at the source, and things do not drag on. In particular, the role that CLCs play in delivering community legal education is really important and cannot be underestimated. Again CLCs run on the smell of an oily rag.

I was pleased that despite the grandcarers' assistance respite program not being originally funded in the budget, the Minister for Child Protection saw fit to at least give this program a reprieve of 12 months. That is because this program is really important. It provides important funding for respite, tutoring and a range of things that grandcarers specifically need to ensure they are getting some tiny measure of support for their grandchildren. Grandcarers do an extraordinary job. They have basically been left to look after their grandchildren, invariably in tragic circumstances, far too often because one or both parents have developed mental health, alcohol and other drug issues or perhaps a very serious chronic illness. These kids already have enough on their plate, quite frankly, and so do grandcarers. I think this community owes grandcarers an enormous debt. When we talk about really paltry programs, the last thing we should do is cut them; we just keep them going. This is bare minimum stuff to assist families that are doing it tough.

The Royal Commission into Institutional Responses to Child Sexual Abuse pointed out some ways we should do better in protecting our children. I note particularly recommendations regarding independent oversight for out-of-home care and advocacy services for children. I am disappointed that as yet no funding is allocated, whether through the Commissioner for Children and Young People or elsewhere, to even look at progressing this or making this a reality within Western Australia.

I am not going to say too much about education because everyone has talked about education. But I will say that I share the concerns of the State School Teachers' Union of WA that there has been only a 1.1 per cent increase to the education budget while we are looking at inflation of 1.5 per cent and student enrolment growth in public schools of three per cent. That effectively means that there has been a real cut to school budgets, at a time when schools are facing more challenges than ever before. That is the lowest increase that we have had over the last five years. My particular interest is the provision of appropriate programs for students who are at educational risk. I recognise that many of our school environments are becoming far more challenging. I accept the minister's comment that our schools reflect the communities in which they exist. I absolutely agree that schools should not be expected to resolve the broader problems within the community. However, it is the case that for six to seven hours a day, schools are the frontline for children. That means we need to ensure that there is capacity for programs to be made available for students and families who experience difficulties for whatever reason. I am concerned to make sure that schools are well equipped, particularly in the provision of referral pathways to appropriate services, as well as in delivering the necessary in-school services to assist children who are struggling. There are obviously ongoing concerns about the cuts to education, and the community is still unhappy about that.

I want to make a comment about Moora Residential College. Personally, I wish Moora Residential College would be funded again. However, from my observations, I have a horrible feeling that because of the nature of the campaign, the government has almost been backed into a corner. I am not sure that Moora Residential College will ever be able to be funded again, because there comes a point at which, if an issue is pushed too hard, it does not allow people the space to make a decision to fund it again. I am really concerned about that because I think it would have been good to keep Moora Residential College open, and I still think that is the right thing to do.

I remain frustrated about the future of Tuart and Canning Colleges. I wish there had been some way to keep at least one of those colleges open for students who need alternative pathways to years 11 and 12. That is a valid pursuit in its own right. That was a real mistake. It was incredibly short-sighted to close both those colleges. If just one of those colleges had been kept open, we would have been able to ensure that options were provided for those students. The closure of Herdsman Lake Wildlife Centre was also short-sighted. To get back to the theme of what seems to be my entire speech, why on earth would the government defund community-based services that are operating with so little, yet delivering so much? What a shame. There is also the issue of the camp schools. We know from our forecasts that more workers and trainees are needed. However, the budget does not reflect that.

In my final moments, I want to say that I was interested to hear the response from government about foetal alcohol spectrum disorder. As I understand it, a cabinet committee is looking across the ministries to interrogate what each government department is or is not doing in the area of FASD. This area has never received the attention it requires. We are talking about an area of huge need, particularly into the future. I suppose my despair about this issue being part of cabinet proceedings is that clearly I will not be privy to what comes out of those proceedings. I hope we will soon see some announcements about proposals to address the issue of FASD, particularly in the education budget, and also in the youth, justice, child protection and health budgets.

The budget does nothing to address the gender pay gap in Western Australia, which at over 22 per cent is significantly higher than the national average. Western Australia does not have a pay equity unit. Western Australia also now has fewer staff than ever in the Equal Opportunity Commission. That is a shame.

I welcome the government's intention to develop a 10-year plan to reduce and prevent family and domestic violence. Hopefully that plan will be substantive and some targets will be attached to it. I would like that plan to be along the lines of the 10-year mental health plan, although I am sure people wish that something so substantive was not floating around anymore. It would be really great if the plan spelled out what is required in service provision as well as legislative reform and put some time frames around that. Would that not be exciting!

I reiterate my concerns about the proposed reduction in funding for community resource centres from \$13 million per annum to \$8 million per annum. These centres provide essential services to regional Western Australia. My colleague Hon Diane Evers has spoken at length about this issue, particularly as it affects the CRCs in her region of the south west. It is important that these services are funded adequately. These are, again, community services that are being run on the smell of an oily rag. It is false economy to take money from these centres, because they always deliver far more than the meagre funding they get would reflect.

More broadly, I am concerned about the impact of the public sector cuts and the machinery-of-government changes. I note that according to the Community and Public Sector Union–Civil Service Association of WA, more than 3 000 public servants responded to a recent survey that found that over 70 per cent now have a higher workload than a year ago; 70 per cent of people are working additional hours and through meal breaks; and—this is particularly concerning—71 per cent of people are experiencing higher levels of stress and anxiety.

The Langoulant report was a very worthwhile report. A lot of important lessons can be learnt from that report. The Langoulant report identified that lack of expertise in the public sector can be a problem. However, because of the machinery-of-government changes, Western Australia is losing more and more experienced people from vital areas. I am specifically concerned about the loss of expertise, and corporate knowledge and history, in areas such as child protection and other areas that deal with some of the most vulnerable people in this state. There is a lot of confusion around what is happening with the machinery-of-government changes, from people within departments as well as from people externally. The lack of transparency about the machinery-of-government changes is a concern. That lack of transparency came to the fore during the estimates committee process. That was particularly the case with the Department of Communities. The budget of that department is all over the place. We do not know whether a budget line item pertains to Communities or Housing or Child Protection, or where it is sitting. We cannot ask about the work of a particular agency within that department more broadly. It is far from clear in the budget papers which line items are the responsibility of which minister. That is a problem, because we have not been able to find out what is happening with budgets in the past and particularly going into the future.

I am pleased to see that one positive outcome from the machinery-of-government changes is that Child Protection is now working more closely with Housing to address instances in which the three-strikes policy was making vulnerable families homeless. I am not bagging the entire project of breaking down the silos in government, because that is very important. However, we need more transparency around this.

I could go on for days, but I will not. My final comment is about the equal remuneration order. I note the significant concerns of the community services sector that it will face increased costs as a result of the equal remuneration order due to the increased need in the community for services and support. There has effectively been no recognition by the government of this concern. This area will need to come to the government's attention over the next 12 months as we go into the future budget. This area has been overlooked, but it should not be, because it will probably break some of those services unless we can get a proper and appropriate government response to how it will deal with this issue.

As I have said, I could talk about so many things. I did not even go into any detail on training other than to acknowledge that the federal government is a bit of a dumpster fire with its lack of funding. Overall, again, it was a pretty uninspiring budget. It included some good things and some really not good things. A lot of community-managed services are just holding on by the skin of their teeth, with some going under. There is a lack of investment in those areas of critical need, particularly early intervention prevention and allowing people to be able to hold on. I really hope that we start seeing the government turn around and the federal government starting to lift its game with where it needs to fund. I am worried that vulnerable people will be falling through the cracks. As a community, the government needs to make sure that we are doing better.

Debate adjourned, on motion by **Hon Ken Baston**.

LIQUOR CONTROL AMENDMENT BILL 2018

Committee

Resumed from 26 June. The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

Clause 18: Section 36B inserted —

Progress was reported after the clause had been partly considered.

The DEPUTY CHAIR (Hon Adele Farina): I draw members' attention to the new supplementary notice paper 59, issue 9, dated today. Members, if you do not have today's edition, you need to update that.

Hon AARON STONEHOUSE: I ask the minister to answer this question as much as she can, given that it may pertain to the policy of the bill. Has the government given consideration to effectively grandfathering existing premises that may be affected by clause 18—pubs, taverns et cetera—so they would still have the capacity to expand their business and move into the retail space alongside their pub or tavern business?

Hon ALANNAH MacTIERNAN: Yes, that has been considered. It was decided not to go down that path because there are many examples of country towns that end up losing their community pub because they are essentially turned into liquor stores by stealth. We have seen it happen in the metropolitan area. We saw it happen with the Hyde Park Hotel, Bentley Hotel and the hotel in Bullsbrook. I can also say that the Blazing Bulls Tavern in Kelmscott is no longer open. That was the only pub in Kelmscott. It left the community without an entertainment venue of that type. Some of the more recent regional examples have been the Ship Inn in Busselton and the Highway Hotel in Bunbury.

We looked at that proposal but we believe that that could provide quite a bit of mischief. We think there could be a lot of concern in the community if more and more of these pubs were being utilised to circumvent these really quite modest limitations that we are imposing and we would see more regional communities lose their pubs.

Hon AARON STONEHOUSE: I thank the minister for that answer. The reason that I ask is that this issue has been put forward by several stakeholders, particularly the Australian Hotels Association. Its concern is not so much that pub owners may sell to a large packaged-liquor chain, which would then convert that business into a bottle shop with perhaps a small pub annex, but more so that small pub proprietors would have the ability to change their business model as time progresses. People may have bought a pub in the past with the vision of changing that business 10 or 15 years down the track. In that case, would the government perhaps consider a form of words that grandfathered in existing pubs and taverns but excluded the possibility of those venues being transferred or sold to another entity, so grandfathering in existing premises without the ability for that grandfathering to be transferred perhaps?

Hon ALANNAH MacTIERNAN: No, because I do not think that would necessarily solve the problem. No-one would want to stop pubs having bottle shops, even some reasonably sized bottle shops, attached to them. Nothing is proposed in this legislation that will stop a pub having a reasonably sized bottle shop added to it. If we considered that provision that the member is suggesting, a range of things could happen. Most of these businesses would be corporate entities so it would be possible to simply sell the shares so the licence would still be in the name of ABC company but the shares in ABC company could transfer. It is really important for us to get the context here. We are not talking about some repressive proposal. We are not trying to stop the formation of liquor stores or prevent people who want to provide a reasonable sized liquor store attached to their premises from doing so. If we went down that path, even with that limitation, which I can understand from my days of dealing in corporate law, there are so many creative ways of ensuring that these rules can be circumvented. We would then have to put in immensely big rules about thin capitalisation, and all these areas would be completely over the top for what we are looking at here. We are not seeking to lock in all the existing businesses in aspic. We are not trying to stop growth. We are saying that there is clear community concern. I can remember a lot of anger in Kelmscott. It had a social impact. There was no longer a place for many kilometres—certainly nowhere in the community of Kelmscott—for people to have a drink, or a meal and a drink and listen to a band. All that vanished overnight and we got a great big gigantic Dan Murphy's. This is what lots of communities are concerned about. We have thought about that. We have given it consideration but the minister has decided that he does not believe that is appropriate.

Sitting suspended from 6.00 to 7.00 pm

Hon AARON STONEHOUSE: Before we rose for the dinner break, the minister informed the house that the government is unable to support an amendment to clause 18 that would effectively grandfather in existing pubs and taverns so that in the future they may have the opportunity to expand their business and adopt a retail business model. I appreciate the answer the minister gave us because it clarifies the government's position. It had been my intention to introduce an amendment to clause 18 that would grandfather in existing taverns and pubs. This is an issue that has been raised with me by industry associations and stakeholders. I have canvassed other members of the Legislative Council and it is clear to me that there is not broad support for such an amendment, so I will not be pursuing it now in Committee of the Whole. But I have a couple of quick questions on clause 18 that I hope the minister can quickly answer for me, and once I am satisfied with those answers, I will be happy to see this bill passed through Committee of the Whole. Can the minister clarify for us what will be considered the retail floor space of a premises when determining the prescribed size limit? It has been suggested to me that the space dedicated to a drive-through will not be included in the retail space. I hope the minister can clarify that for me.

Hon ALANNAH MacTIERNAN: Yes, it is the intention that the driveway of a drive-through be excluded as long as liquor is not displayed for sale.

Hon AARON STONEHOUSE: Just to clarify that, would that include the driveway that goes through the middle of a store—that space allocated for cars to pass through the middle of the store? Would that count towards whatever the prescribed size limit happens to be?

Hon ALANNAH MacTIERNAN: As I understand it, any bit that is actually the bitumen and does not have displays on it will be excluded, but if there is a driveway and they are doing a Walmart-type stacking of crates along it, that will be included.

Hon AARON STONEHOUSE: Thank you, minister. That clarifies that for me. Another stakeholder raised with me a situation in which a pub or tavern has a retail bottle shop attached, but people can still buy packaged liquor

at the bar. The bar is part of the hospitality aspect of the business, but people can still buy packaged liquor from the bar. Would that bar then be considered part of the prescribed floor space for the purposes of size restrictions?

Hon ALANNAH MacTIERNAN: It is true that in premises in which there are over-the-counter sales, that area will be included, but there is quite an easy way around that. They just limit the area on the bar and say, “This is the part of the bar where any over-the-counter takeaway sales are to be purchased”, and thereby they will be able to limit and curtail the amount of bar space. It is just a pretty simple workaround solution that is available.

Hon MARTIN ALDRIDGE: Obviously, this clause is designed to do two things. One is to limit the proliferation of large packaged-liquor outlets, which is a direct quote from the second reading speech. I am wondering whether the government has considered the impact that this may have on a regional town or centre that does not have a large packaged-liquor outlet—however that will be defined under the regulations, which we do not yet know—by potentially incentivising someone to be the first one into that market because they will be there to the exclusion of all others. This clause could be counterproductive in the sense that the government is trying to prevent the proliferation of large packaged-liquor outlets, but in some markets it could ensure that they maximise their competitive advantage if they are the first one in to the exclusion of all others.

Hon ALANNAH MacTIERNAN: The alternative, of course, would be to allow a proliferation of large packaged-liquor outlets, which is clearly not something that communities wish to see. At the same time, it will ensure that those areas in which there is not such an outlet can have access to one, so the whole idea is to stop proliferation; it is not to stop them altogether. That is why we are looking at towns that do not have one. There will be a first-mover advantage in such places; there is no doubt about that. It is possible that there might be some different rules in the regions in terms of both floor space and the circumference of the zone. Obviously, that is to be determined in the development of the regulations. The minister has made it clear that there may well be different considerations in the regions from what there are in the city. But the member is quite right. The way this is conceived will create some sort of fetter, and there will be an advantage for the first mover.

Hon MARTIN ALDRIDGE: The minister mentioned in her reply to the second reading debate that the Minister for Racing and Gaming is thinking about regulations that will be somewhere in the order of 400 to 600 square metres and a distance of five kilometres, if I am not mistaken. Could the minister give me some insight into what the Minister for Racing and Gaming might be thinking with regard to how the regulations might differ in a regional context, as she just mentioned?

Hon ALANNAH MacTIERNAN: The variation is probably more likely to relate to issues of distance and it may take into account population density. As I said, I do not think I can give very much more clarity than that. I recognise that in smaller regional communities, there will be some different considerations and we want to have that dialogue before we determine what the regulations will be. I point out to members that it is important to remember that the regulations will be disallowable instruments, so there will be the capacity, if members believe that we have not struck the right note, to raise this during the debate on the regulations.

Hon MARTIN ALDRIDGE: On that point, if the regulations are published and they are not acceptable to the house and they are indeed disallowed, will that render the provision ineffective?

Hon ALANNAH MacTIERNAN: If there are no regulations under the head of power, the head of power is not redundant but it will not be operative at that time. It is certainly our intention to work closely with all stakeholders, which includes members of the various parties, to try to establish some common ground here. We are not going through this exercise for the sake of it; we want to reach the point at which a new regime is put in place. If the regulation is struck down, the head of power will remain and we will try again. The member can see that Minister Papalia has very much tried to work with all parties on this and that is what we want—some negotiated outcome that can gain support in this place.

Hon MARTIN ALDRIDGE: Minister, when I attended the briefing on this bill, I asked the advisers whether they could establish the evidence that supported a greater consumption of alcohol and therefore a greater health impact had a direct link to the size of the liquor store that people shop at. I did not receive anything back from the advisers but I had a phone call from a Labor backbencher to substantiate the government’s case, which did not leave me very well convinced of the government’s basis for this clause. If the government accepts that the proliferation of large packaged-liquor outlets will lead to greater health concerns and that is its primary motivation, when does the government intend to bring a bill to Parliament to limit the size of Coles and Woolworths and return to smaller corner delis in order to address the obesity epidemic?

Hon ALANNAH MacTIERNAN: I understand what the member is saying. As I have pointed out, there have been many instances of communities being very concerned about the proliferation of very large facilities. I can imagine who the backbencher was who rang the member—someone who has represented her community where they have had those concerns. Of course, the concerns have not been confined to that. It has been a big issue in South Perth, Geraldton, Victoria Park and Belmont. There is a view in the community that we need to have some brakes imposed. I am not in a position to present the member with a scientific paper that is going to be able to point to an algorithm that will show how those things match, but we are responding to a very clear community concern.

It was a clear community concern leading up to the election so we think that it will be useful and is important to listen to that concern and take some steps. I do not think they are unreasonable steps. We are not saying that everything has to be a corner deli; we are still talking about fairly large operations. I appreciate the point that the member made but it is best seen as a response to the concern that has been raised by people in a number of communities and a response to what we are seeing across local government in which amendments are being moved to town planning schemes, often with limitations of around 300 square metres. We are trying to put in place something that will perhaps stop this being such a random process and put a bit more order around it.

Hon MARTIN ALDRIDGE: It sounds to me that the minister's argument is more focused on saving pubs than it is on the health impact that is being argued by the government. Nevertheless, is the minister sure that this clause will be futureproof, to some extent, given that we have seen the way in which the sale of liquor has changed over time and how retailers have managed to work around the Liquor Control Act in Western Australia by buying pubs and expanding liquor stores, and the way they have dealt with restrictions on retail trading hours by getting involved in that space? If it is the government's intent to stop the proliferation of large packaged-liquor outlets, is the minister sure this will stop them from doing the same with less, or more with less, as the government's only levers are the distance and size of a retail area? If I could draw a comparison, it was not long ago that a big section of my chemist was taken up by shelving and racking with all the drugs in the store ready to be dispensed. These days, that has been replaced by a very neat machine and the pharmacists push a button to spit out the drugs that they need. Now there is more floor space in that chemist to be able to retail products. Does the minister think that this clause is nimble enough to be able to respond to how the industry might seek to change its business model to exploit whatever the regulations might be?

Hon ALANNAH MacTIERNAN: The member is quite right that business always responds to regulation. As I have pointed out, that is one of the reasons that we would not support the grandfathering clause because even with the provision suggested by Hon Aaron Stonehouse that provided it is the same ownership entity, that can be manipulated in many ways. As anyone with any exposure to the workings of the tax office or any other regulatory regime would know, lots of people spend lots of time working creatively. I used to work in the area of liquor licensing myself and pushing the limits of the producers' licence was one of the areas that used to engage quite a bit of my time. In fact, one of the rationales behind why we wanted to use this as a head of power rather than enshrine these provisions within the legislation is so that we will have more capacity. Obviously with a regulatory change, that is easier to do. It will not avoid the scrutiny of Parliament, but it is easier to act on. Of course, there are always going to be these creative responses and we want to have statutory reviews. We are very conscious that we are trying this and there is always the possibility of unintended consequences. The reality is business models are changing and we have to be prepared to act accordingly, but we cannot have the paralysis of decision-making. Just because there is uncertainty in the future does not mean that we do not act now, but we try to put in place a structure that enables us to respond as quickly as possible.

Hon MARTIN ALDRIDGE: The other aspect of this clause relates to the further proliferation of small and medium packaged-liquor outlets across the state and prevents the granting of an application unless it is satisfied the existing premises in a locality cannot reasonably meet the requirements for packaged liquor. Can the minister please explain to me how she would define "reasonably meets" and how that would apply?

Hon ALANNAH MacTIERNAN: My understanding is that we are creating a head of power that would just provide a proper legal framework for what the commissioner already does. In the exercise of the public interest test the commissioner already looks at issues such as convenience, the length of time one might need to drive to a liquor store, the range of products, the quality of the amenity and, apparently, harm to the community. These things are already done and we are really seeking to provide a legal framework for that work. This cannot be something just arbitrarily determined by the commissioner, because his or her decisions are subject to judicial review, so if it is believed that those arguments do not make sense or stack up, it is open for that decision to be overridden. As the member would well understand, there are many concepts in the law, and "reasonableness" is a concept entrenched in many areas of law, and sometimes it is not possible to totally define them. These are things that need to be left to the judgement of the time—we look at our communities, the number of people in them who might have access to motor vehicles, how far it is for people to travel to get to that spot and whether they could buy the full range of products that they might reasonably want to. It leaves matters, some of these judgements, to be decided by the commissioner, but they are reviewable. If we are putting value areas into our laws, which we really need to in order to enable judgements to be made, we have to have some confidence in the people making them.

Hon MARTIN ALDRIDGE: As far as I can tell this is not a regulation-making clause. Will this be left to some policy or just the interpretation of the commissioner on the day? Is there an order of priority? If I was looking to apply for a new licence in a community or a suburb, what tests would I need to consider to determine whether my business proposition was viable?

Hon ALANNAH MacTIERNAN: I am not sure I am going to be able to provide much more beyond the things I said before; that is, in putting their application, people would look at the number of liquor stores within a radius of what would be the expected travel distance of an individual, the range of products and the quality of the facility.

This is not new stuff. As I understand it, this is the bread and butter of what is done. There are decisions made and there is a body of decisions that builds up and no doubt there is guidance put out by the commissioner from time to time that directs people towards contemplating those sorts of issues. They are very much the sorts of issues that a person would go into in developing a business plan in the first place. They would look at the catchment population, the other stores around them, their competitive edge and what they are offering that others do not offer.

Hon TJORN SIBMA: This is my last question about this clause, having listened to the minister's responses both to my questions from last evening and questions put by members this evening. Does the government have a measure or framework by which it is going to assess success of this clause? How will the government measure its effectiveness in economic or any other terms? I would be grateful for a response.

Hon ALANNAH MacTIERNAN: I think I said last night that we will be looking at the degree to which we are not finding local governments and local communities agitating, so it will be the extent to which we have been able to provide a framework that seems to have satisfied the community aspirations so people feel they have had an opportunity to have some input and make an impact on how these liquor stores are established and the scale of them. It will be a judgement about the degree to which those issues have been able to be addressed. Obviously, in the review we will look at how industry has responded, what the views of industry are about how this has worked and whether there seems to be unmet need or whether this has led the liquor industry backwards in terms of the standards it has on offer. Again, it is not a precise science, but there is a broad opportunity for stakeholders to have involvement in that review and give us their position. No doubt the various industry groups will have done some work and we will be in the position to judge the merits of the particular submissions and, as I said, the degree to which this issue has ceased to be a cause of such concern within the community.

Hon COLIN HOLT: Before we move on from this clause, I understand the challenges of trying to give the chamber some indication of what the regulations might look like, but I am surprised if the office has not done any real thinking around what it could look like. The minister has given an indication of maybe 400 square metres to 600 square metres and a five-kilometre radius, with things such as population density to be taken into account I am really interested in that part of it. In the first instance, how will the government measure population density? I am really curious about how that translates into regional settings and the thought around that, if the minister has any indication of how the government might manage that.

Hon ALANNAH MacTIERNAN: It is a longstanding principle of government that it does not start preparing regulations until a bill has passed, otherwise it is pre-empting the passage of the legislation—but it is not that there has not been thinking about this. We have been very clear that we want to go out to all the key stakeholders, which includes local government, various industry liquor groups and tourism, to get their view. One suggestion has been made about population. Population density is not necessarily all that hard to determine. We understand where people live, so I do not think that will necessarily be a terribly difficult thing to determine, but the issue is how we incorporate that and whether that becomes a key criterion. Obviously, to some extent we think it would be, because if lots of people in high-rise buildings live somewhere, there will be more people within a five-kilometre radius than there would in a place where everyone lives on a half-acre lot. Obviously, in terms of some of the basic principles of satisfying demand, population density is going to be necessary. However, I come back to the point that all this detail will be thrashed out in the next six months. There will be lots of opportunities for input into that. At the end of the day, this Parliament has the right to accept or reject those particular settings.

Hon COLIN HOLT: It really is more a question of process. What process will follow from the passage of the bill to the establishment of the regulations? The minister has given some indication of that and, I would suggest, some commitment to broader consultation with all the industry players. How the office does that across the length and breadth of regional Western Australia will be a real challenge for the office. I was also very interested in the minister's comment that local governments are now responding by potentially looking at changing some planning laws around 300 square metres as a maximum, yet we could end up with a regulation around 600 square metres. Does this regulation override those local government planning changes, if that is what they want to implement, so that even though the state government has indicated an upper or lower limit, that gets taken out of local government hands; or can they do something different?

Hon ALANNAH MacTIERNAN: There are various ways, obviously, at a macro level in which the state government can effect it. It does not happen specifically in this way, but it would go a long way to assuaging the concerns of local government to know that currently there are seemingly no limits on this. Even though some local governments might be going towards a smaller size, the fact that we would have some controls would give local governments less need to go and start making their own rules.

Hon COLIN HOLT: Thank you for that, but does it technically override it or not?

Hon Alannah MacTiernan: No.

Hon COLIN HOLT: A local government can still go out, after regulations are made, and make some limitations of their own. It is important to get this on the record, minister; that is all.

Hon ALANNAH MacTIERNAN: There is a real difficulty for local government at the moment. Most of them are caught up in legal process around this and they do not want to be the ones that have to make that determination. It is turning out to be very difficult for them to have the rules, which they were attempting to accept, entrenched. I think local government is very much looking for the state government to step in and provide a framework.

Hon COLIN HOLT: I appreciate that. My question remains, though: after the passage of the bill and the implementation of regulations, can they technically bring about their own change that may well be different from what the regulations or the bill suggest?

Hon ALANNAH MacTIERNAN: Technically, this is not going to override or stop the local government doing it, but we have to look at the practicality. Local government is finding itself in a very difficult situation because it is embroiled in lots of litigation around this topic, and it is not a space that it wants to be in. Technically, it could still do that, but I think that we would be very much easing the burden of local government if we were putting this framework in place that provides some limitations. Technically, the member is correct, but I also do not think that we can walk away from the responsibility of doing something to try to help here.

Hon COLIN HOLT: Thank you. I was just trying to help to clarify the potential for local governments asking, “What do we do now?” The minister may well be right; this could be the saviour of regulations for them. My last question is about limitations. Does the minister think they could potentially go the other way above a maximum limitation, or is it purely a minimum limitation that they might like to go by?

Hon ALANNAH MacTIERNAN: They would not be able to do that because two things are needed: the local government approval and the liquor licence approval. They could not exceed the conditions that we put in place.

Hon MARTIN ALDRIDGE: I apologise if I missed this earlier, but given that this clause has regulation-making powers, could the minister indicate to me—I think I heard somebody mention six months—whether six months is the time frame we are talking about for the proclamation of this bill?

Hon ALANNAH MacTIERNAN: The advice from parliamentary counsel is that the vast majority of the bill can be proclaimed immediately, but the proclamation of these regulatory provisions should be deferred until the regulations are ready to be introduced.

Hon MARTIN ALDRIDGE: There is no indication of the time frame. Obviously, there has to be some consultation with industry and, as the minister mentioned, local government and others. Is there an indicative time frame?

Hon ALANNAH MacTIERNAN: Yes, there is an indicative time frame of six months.

Hon MARTIN ALDRIDGE: I am not sure how long it takes to apply for and process an application for a licence, but would the passage of this legislation encourage a flurry of applications to beat the regulations in six months?

Hon ALANNAH MacTIERNAN: That is possible.

Hon MARTIN ALDRIDGE: On this “reasonably meet” test, the minister mentioned that this is not a new phenomenon, and the director applies something very similar now, but that this will enshrine it within the legislation. The minister mentioned population density. Is there some formula that suggests a population to number of liquor licences ratio within the director’s thinking, policy or guidance to prospective applicants?

Hon ALANNAH MacTIERNAN: At the moment, the onus is on any applicant to prove that it is in the public interest for their particular liquor facility to be approved, so they look at that. There is no numeric formula around that. People put in their applications and they write it up. They will make judgements. I really cannot add to this greatly. They will do a survey of the other facilities in the area, make statements about the population and why there is an unmet need or that there are other reasons to support them having their outlet—that this will open up new markets and new opportunities or encourage tourism or whatever. All these things need to be considered and they need to address the issue of harm to the public. For example, in a submission for a small bar there is often the argument that there are fewer fights in small bars and outside small bars than there are in large venues. These are the types of submissions that are currently made and the current provisions required. The onus is set in a structure of a public interest test and the applicant has to establish to the commissioner’s satisfaction that the application meets the public interest test. There is a lot of discretion in this area, and there probably is not a way around that. We need to deal with some quite fine judgements of amenity and community acceptability that require that there is a space there for discretion.

Clause put and passed.

Clause 19: Section 37C inserted —

Hon COLIN HOLT: Very quickly, this question refers to the bill and not to the minister’s amendment on the supplementary notice paper. I notice that proposed section 37C(1) states —

The Director may keep a register that contains the following information ...

And proposed section 37C(2) states —

The Director may make the register available to the public ...

Why not use the word “will” or “must” in proposed sections 37C(1) and (2)? If it is “may”, in what circumstances would the director keep a register or make the register available?

Hon ALANNAH MacTIERNAN: This is basically an empowering provision. Generally, such provisions are expressed as “may” rather than as “will”. Certainly, the drafting preference is that unless it is something a person absolutely must do, the word “may” is used rather than “will”. When it is an absolute obligation, “will” is used. When it is a permissive power, the word “may” is used.

Hon COLIN HOLT: On reflection, it is more about giving the director the flexibility to make a call on that particular provision. Can the minister or the advisers —

Hon Sue Ellery: We don’t have parliamentary counsel here, so I am not sure that we can actually provide an answer to that.

Hon Alannah MacTiernan: Continue, member.

Hon COLIN HOLT: I am actually trying to be helpful. I do not think it is that hard, Leader of the House. I am trying to provide some clarity.

I understand why “may” or “will” or “must” are used. I accept the use of “may”, given that description. But it will still be the director’s decision whether they keep the register or make it available. There must be examples now under these circumstances that “Yes, I will keep a register” and “Yes, I will make it available to the public”. That is the next part of the question; it has nothing to do with parliamentary counsel.

Hon ALANNAH MacTIERNAN: The absolute clear intention is that there will be a register and that that register will be made available to the public. The preference for the use of “may” rather than “will” is so that if, for example, the director goes offline for 24 hours, it will not raise the question of whether the director breached the law because the legislation stated he “will” do something. I know that there are some quite complex arguments about the times when “may” rather than “will” is used in drafting, but, very clearly, the intention is for there to be a register containing the information that is set out in proposed section 37C(1) and for that register to be available on the department’s website.

I will now move the amendment standing in my name. I move —

Page 12, after line 26 — To insert —

- (d) the status of the licence that applies to the premises (for example, whether the licence is conditionally granted or suspended);
- (e) the name of the licensee of the premises.

Hon ALANNAH MacTIERNAN: This amendment will make sure that the full suite of information is there, including the name of the licensee and the specific status, because licences are suspended from time to time, so there might still be a licence, but it is under suspension. It is important that that information also be included on the register.

Hon AARON STONEHOUSE: Am I right in my assumption that this amendment would enable liquor distributors to quickly check the licence status of a customer before dispatching an order? Is that one of the purposes of this register?

Hon ALANNAH MacTIERNAN: Apparently they can do it already, but this certainly will ensure that they can do that.

Hon AARON STONEHOUSE: When I first started looking at the bill before us, I asked an acquaintance who has worked in the liquor industry for a long time for advice on what amendments might be made to the bill. The first recommendation was to maintain a clear register with names and licence status. Hats off to Minister Papalia and his staff for including that in their amendments. I will be supporting the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 20: Section 38 amended —

Hon ALISON XAMON: I spoke to my concerns about this provision during my contribution to the second reading debate. The clause does a few things but one aspect is particularly opposed by the Greens. Currently an application for a grant or removal of a licence is subject to a public interest assessment. Clause 20(1) proposes to narrow this to apply only to licences of a kind that are prescribed. As I comprehensively detailed in my contribution to the second reading debate, alcohol is not a drug without its issues. Although the risk it poses, on the face of it, can appear to be fairly low, when we are talking about the establishment of particular licences, the Greens are of the view that a public interest assessment is merited in all cases. Another reason a public interest assessment should apply in all cases that a grant is being considered—I think this is quite important—is that one low-risk venue is one thing, but a proliferation of a range of venues is a quite different situation. I think, therefore, that a public interest assessment should be required.

As I said before, the public interest assessment guidelines on the Department of Racing, Gaming and Liquor website confirm at page 3 that the level of detail to be provided varies depending on the complexity of the public interest issues that arise. The Greens say that a proportionate approach is appropriate, but an abandonment of the public interest assessment process altogether, even for a seemingly low-risk licence is not. When the independent review contemplated the director having the discretion to consider an application, it was for the removal of a licence within a short distance and an alteration or redefinition of a licensed premises without the need for a public interest assessment submission to be lodged. But this bill goes a lot further than that. Again, the independent review supported the act of distinguishing between low-risk and high-risk licences. It identified low-risk licences as club licences, restaurants, small bars, wholesalers, and producers. It identified high-risk licences as hotels, taverns, nightclubs, liquor stores, casinos and special facilities. It supported using a proportionate approach and a less detailed public interest assessment for low-risk licences. Importantly, it did not recommend abandoning the public interest assessment altogether.

The minister has already given some response to this question in her reply to the second reading debate but I would like, in the first instance, to get on the record which licences will be prescribed as per the new provision in the act so that they will not have to meet the public interest assessment.

Hon ALANNAH MacTIERNAN: I think the member is aware of which ones we are considering prescribing. Is that what the member is seeking clarification on?

Hon ALISON XAMON: I am seeking to get which ones are likely to be prescribed clearly on the record.

Hon ALANNAH MacTIERNAN: We will prescribe the high-risk ones. The others will be there by way of exception. At this point we propose that those that will be prescribed will be high-risk ones—that is, hotels, taverns, liquor stores, nightclubs, and some facility licences. It is also important to understand that the director can, nevertheless, require a public interest test for any of those classes that are not prescribed. He has a discretion under the existing legislation for any other application for which the director decides it is appropriate for the public interest test to apply. There will be those that are prescribed, which will be required to have it and, in addition, for those that are not necessarily required to have public interest assessments—I think the member articulated the remainder—the director will have the capacity to deem for whatever purpose that it might require a public interest test.

I listened intently to the member's comments during the second reading debate and I understand that she focuses very much on the harm that attaches to alcohol.

I have an addition to the list of prescribed licences—that is, casino licences.

Hon Alison Xamon: I thank the minister. I was hoping that she would confirm that.

Hon ALANNAH MacTIERNAN: The member is very concerned about the harm generated by alcohol. To some extent that informs where she believes the burden should lie. We are also very conscious that alcohol outlets and venues are also very important parts of the social infrastructure of our community. They are part of the amenity and lifestyle opportunities that people seek and also part of a tourism product. In the lead-up to the election, Minister Papalia indicated that the government was going to try to remove some of the regulatory burden in those areas that were considered to be low risk. That assessment of low risk has arisen from an understanding of the sorts of concerns that may arise from the community, or that we see the incidence of violence and bad behaviour associated with those types of outlets. It is not a perfect assessment, but quite clearly some of these licences over time have showed themselves to be less likely to contribute to high-risk behaviour than others, so we are making the distinction between the different classes of licence.

Hon ALISON XAMON: I thank the minister for documenting that so it is quite clear which ones are intended to be prescribed. The Greens' concern is always about trying to make sure that we are achieving the right balance between what we would accept and agree are the outcomes in encouraging tourism and vibrancy within certain precincts, while at the same time ensuring that we are taking a harm-minimisation approach to these services. The principal concern is going to be around the accumulation of these particular licences. I suspect that we can agree that one licence is unlikely to be onerous within a particular precinct or community, but it can be cumulative in an entire precinct. I note that club licences can bring their own special challenges around increases in antisocial behaviour in particular, and that is one of the reasons the Greens are of the view that maintaining that public interest test is still quite important. We end up having the capacity to make sure that that sort of cumulative impact is potentially able to be addressed. I suppose aggravating this is the fact that, as I understand it, the impact of this provision specifically, by removing the public interest test for these classes of licenses, is not intended to be specifically monitored. I note that the McCusker Centre for Action on Alcohol and Youth requested that this provision should be monitored, and if we were to monitor it, there would be statistics showing whether there will be a spike in low-risk applications and whether there were increased levels of police interventions or more complaints or negative impacts on the public order. That also adds to the concern about the loss of this particular provision. We will never really quite know where there will be an increase in concern.

Hon ALANNAH MacTIERNAN: I understand the point that the member makes, but I think we can take some comfort from the fact that the director has the power at any time to require a public interest test in relation to

a particular applicant. If we saw an area—Leederville, for example—where there was an extraordinary proliferation of small bars and creative groups that came together to get club licences, and this was generating a problem, the director has within his power the capacity for any future application to be subject to that public interest test. Having that in there provides a power for the director to manage these problems. It is important to understand that the director will want to do this. We do not want unmanaged outcomes and public outcry. We understand the member's concern, but it is a question of getting this balance right. We think that the provision that the director can, in respect of any class of licence, require the public interest test gives us some protection, and there is always the capacity if this is emerging as a problem to amend the regulation adding a new class.

Hon ALISON XAMON: Thank you, minister. I am aware that the director cannot be everywhere at all times, and it would be unreasonable to expect that the director would necessarily know of any community concerns that might be emerging or starting to bubble away in a particular area or precinct, or pertaining to a particular licence. Would the minister be able to give any indication of how a member of the public, concerned about the operations of a low-risk licence that has not been subject to the public interest test, might be able to raise those concerns directly with the director so that the director might be aware of any cumulative concerns in a particular precinct?

Hon ALANNAH MacTIERNAN: I can assure the member that the police, the public and the local government are very quick to inform the director of Liquor Licensing of problems that are emerging. Notification of what is going on has not been a problem. There is a very great readiness on the part of the public, local government and the police to inform the director of Liquor Licensing of places that are considered problematic. It is important to understand that, in response to that, the director has, even in respect of a licence that is already operating, the power to introduce new conditions to control this, because there are overarching responsibilities to keep good order in and around the premises. That capacity is there. I do not think this provision is in any way going to allow a free-for-all, but it is trying, to some extent, to free up time so that those things that in the past have been shown to be low risk are not subject to the same full process. That then leaves more resources to focus on those more high-risk classes, and to respond to other emerging problems, and to jump on them and impose conditions to manage those problems as and when they arise.

Hon ALISON XAMON: I thank the minister for putting those comments on the record. That is helpful. I move —

Page 13, lines 2 to 4 — To delete the words.

Hon AARON STONEHOUSE: Clause 20, removing the public interest test for prescribed premises, or prescribed applications, is one of the few things that this bill gets right. It is removing excessive red tape for low-risk venues. Members may recall that in January this year, a natural wine bar in William Street had conditions foisted upon it as a result of a submission from the WA Police Force to the director of Liquor Licensing. This is exactly the kind of situation we are trying to avoid here. Niche, hole-in-the-wall bars or wine bars are not particularly high risk. Many Greens members probably frequent these kinds of venues, being the chardonnay socialists that they are. I said in my second reading contribution that I do not think the public interest test should exist at all, and although that might be an extreme view for some people, surely we can all agree that small niche bars of the kind that we are trying to promote, which is the policy intent of this bill, are not high risk and the public interest test should not apply in those instances. As the minister has just outlined, people still make complaints to the director directly, and the director can still impose conditions on them.

This seems to me to be just another effort by the Greens to ruin everyone's fun. Controls on liquor, controls on tobacco, a ban on party balloons—where does it end?

Hon Alannah MacTiernan: They support the legalisation of marijuana, so it is not all bad.

Hon AARON STONEHOUSE: They support it with very heavy restrictions. I will not support this amendment and I urge other members not to support this amendment.

Hon TJORN SIBMA: I will maintain a similar position but with less pejorative reflections. I think the essence of the bill is to try to dispense with excessive regulations. I think the Liberal Party's view is that this amendment establishes or imposes regulations when they are clearly not necessary. In all good conscience, I understand the motivation, honourable member, but I cannot support it.

Amendment put and negated.

Clause put and passed.

Clauses 21 and 22 put and passed.

Clause 23: Section 44 amended —

Hon COLIN HOLT: This is a quick question for clarification. I am interested in what this clause is trying to fix. Is there a circumstance in which there is a problem? What is the clause trying to solve?

Hon ALANNAH MacTIERNAN: We are trying to provide the flexibility required to operate a casino complex. Currently, the casino has a number of different licences. It is under a casino licence, a special facility tourism licence and a hotel licence. Currently, a casino licence does not authorise the sale of packaged liquor. Under this

legislation, a casino licensee will be permitted to sell packaged liquor. If someone arrives at a hotel and there are a couple of bottles of free wine for them, as I understand it, currently they cannot take those home. This amendment will facilitate the entire casino complex being licensed under a casino licence in the longer term. The lower house amended the clause to restrict the supply of packaged liquor as part of an accommodation, restaurant or dining service or part of a function or promotional activity, so that if someone is given a bottle of wine, they are able to take it home.

Clause put and passed.

Clauses 24 to 27 put and passed.

Clause 28: Section 55 amended —

Hon ALANNAH MacTIERNAN: I move —

page 21, after line 14 — To insert —

- (4) in section 55(3) delete “corporate which produces wine or spirits, wine or spirits” and insert:
corporate, liquor

The idea of this is to put beer on a level playing field with the other alcohol types. Section 55(3) states, in part —

Where the licensee is a body corporate which produces wine or spirits, wine or spirits ...

The phrase “corporate which produces wine or spirits, wine or spirits” will be replaced with “corporate, liquor”. The intention is not to discriminate against beer and to give those related body corporates that are beer producers the ability to also sell liquor. Currently, wine and spirit producers are permitted to sell liquor that has been produced by a related body corporate, but these provisions do not apply to beer producers. This removes that discrimination against beer.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 29 to 31 put and passed.

Clause 32: Section 60 amended —

Hon ALANNAH MacTIERNAN: I move —

page 23, after line 25 — To insert —

- (ba) in paragraph (e) delete “a Sunday,”;

An extended area permit may be issued to a club to allow the sale and supply of liquor to members and guests of another association. A bowling club can have a permit so that they can sell and supply liquor to members of a visiting Rotary club, for example. The current provisions allow a permit of this type to be issued to allow the sale of liquor on days other than Sunday, Christmas Day or Good Friday. It was considered that the inclusion of Sunday was not warranted because there no longer appears to be any reasonable reason to prohibit a club doing that on a Sunday. This is a historic prohibition that is out of step with the supply and availability of liquor elsewhere.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 33 to 35 put and passed.

Clause 36: Section 65 amended —

Hon COLIN HOLT: I seek a bit of clarification on the ability to prescribe requirements. Correct me if I am wrong, but this is about prescribing requirements for the delivery of liquor to a premises—I guess online delivery or courier delivery. Those delivery requirements will be put down in regulations. It would be useful to have an indication of some of the thinking about what the regulations could be; I think there is an obvious one. I take the minister’s earlier point about not making regulations until the bill is passed. I am interested in the process of arriving at the regulations and what consultation will be done with the industry to get to that end point.

Hon ALANNAH MacTIERNAN: I thank the member for his comments. We are looking at the requirements. It is already the case that requirements must be met when a licensee delivers packaged liquor, but we find that in many instances when people order online, the liquor is dumped at post office boxes or on doorsteps and there are no verification processes taking place. We are looking at how to tighten that up and we are working with groups like Australia Post and Toll Group on a practical solution, but it is likely to include conditions relating to liquor not being left unattended and requiring an adult to sign for it and take delivery of it. Those are the sorts of practical

things that will be required; it cannot just be put in a PO box or dumped at a front door. Delivery companies will be required to ensure that it is not left unattended and that it is actually handed over to an adult who signs for and takes possession of the liquor. The precise detail will, of course, be worked out with the major delivery companies, because we recognise that we have to have something that is practical and that will address this problem. I think the member and a number of other members raised in their speeches their concerns about the number of young kids and juveniles who are ordering alcohol online. We intend to address that, and those are the sorts of conditions we are thinking of.

Hon COLIN HOLT: Thank you, minister, I appreciate that. Does the minister have any time frames in mind for when those regulations will come into effect? Is there any plan to educate the community about the change?

[Interruption.]

The DEPUTY CHAIR (Hon Dr Steve Thomas): That is the second phone noise I have heard this evening. I advise anybody who has a phone that is not switched to silent to make sure that it is.

Hon ALANNAH MacTIERNAN: This probably will take another six months to deal with—to do all the consultation and get the regulations right—but of course we recognise that there has to be a proper education process around all our changes. We absolutely understand that this is quite critical and we will be working with all the stakeholders to make sure that they understand the new requirements. As I said, it is already an offence to sell liquor to an underage person, but we recognise that the current law does not necessarily go far enough when we look at the new models of doing business online.

Hon COLIN HOLT: That kind of begs the question of resources for enforcement. How does the minister see the enforcement of this provision being carried out once the regulations are in place?

Hon ALANNAH MacTIERNAN: We anticipate that there will be significant penalties prescribed. There could possibly be some regime of spot checking, or auditing of the books of those who are selling online, but a lot of it will be complaint generated—someone finding that their child has received liquor and making a complaint, and then an investigation will be carried out on the company that has been supplying it. There will obviously be some capacity for auditing, but, as with many other offences, it will often be spurred by complaints.

Hon COLIN HOLT: Thank you. Yes, I think that is probably the right way to go. What will be the process of working through a complaint? Where would someone go to make a complaint and then have it investigated or addressed?

Hon Alannah MacTiernan: It would just be the director of Liquor Licensing, but generally, as you said before in other provisions, there would be no hesitancy for people to complain to the director of Liquor Licensing, and this will be under the director of Liquor Licensing. They'll be charged with enforcing the regulations.

Clause put and passed.

Clauses 37 to 40 put and passed.

Clause 41: Section 72A inserted —

Hon COLIN HOLT: The minister will have to forgive me if I have this slightly wrong—it may not be a change. In the provisions of the act, consent of the owner of a premise is required before allowing a liquor licence; is that correct? Do we have to get permission from the owner of a property before a liquor licence can be given out?

Hon ALANNAH MacTIERNAN: That is correct, but we are not amending the legislation in that regard. That is part of the underlying Liquor Control Act but it is not being changed in the amendment bill that is before us.

Hon COLIN HOLT: I want to seek clarification on this. We are inserting proposed section 72A, “Submissions generally”; does the new section have nothing to do with the potential ownership stuff?

Hon Alannah MacTiernan: No, it has to do with the lodgement of a submission. It has nothing to do with the ownership provision.

Clause put and passed.

Clause 42 put and passed.

Clause 43: Section 74 amended —

Hon TJORN SIBMA: I wish to reflect on the discussion that took place last evening during debate on the short title of the bill. I had a similar amendment, which I have now withdrawn from the notice paper. I think the government's amendment is an improvement on what I originally proffered. It reduces regulatory burden, yet it ensures a bit more of a level playing field between those who wish to obtain occasional licences and those who operate bricks-and-mortar venues. I am assured by the industry that it is comfortable with the government's amendment as it stands, so I just wish to indicate that we will support that and I note my appreciation for the minister's open-mindedness.

Clause put and passed.

New Clause 43A —**Hon ALANNAH MacTIERNAN:** I move —

Page 30, after line 22 — To insert —

43A. Section 75 amended

Delete section 75(2)(b) and insert:

- (b) if not required to be advertised is not subject to objection, but may be made the subject of a submission or an intervention under section 69; and

I thank Hon Tjorn Sibma for his help and cooperation in this matter. This amendment is designed to relate to an occasional licence. The director, as part of the new policy on pop-up bars, has given an undertaking that applications for large-scale events will be advertised on the department's website. The grounds of objection are already listed under section 74(1) of the act. In addition, under section 74(2), the director may require any objector to verify whether the person has any indirect or direct pecuniary interest in the refusal of the application. An application for an occasional licence, if not required to be advertised, is not subject to an application but may be subject to a submission or intervention under section 69.

I undertook last night that I would seek access to the draft policy on temporary bars. It is still a draft, so it is subject to negotiation, but I wonder whether I could table the document.

[See paper 1511.]

Hon COLIN HOLT: It is a sensible amendment. I think it is trying to address the imbalance that occurred. I thank the minister for tabling the director's policy. I am asking for a commitment from the minister that once the director's policy is finalised, he will make a statement and table the finalised policy. We are taking it in good faith that the director's policy will be adhered to in order to address the problems with some of the occasional licences. I do not think it is unreasonable for this house to expect that once it is finalised, it will be tabled and potentially a ministerial statement will be made. I would have also thought there would be some sort of commitment that in the future, if it changes to a great degree, again the minister would inform the house of those changes.

Hon ALANNAH MacTIERNAN: I acknowledge what the member is requesting. I will certainly advise the Minister for Racing and Gaming that the member seeks for him to make a statement. I am sure that he would be happy to do that when the draft is finalised. Every time there might be a small change of policy, under the legislative regime that has existed for a long time it is the responsibility of the director, but I am sure that if there is any significant change in policy, the minister will be advised and he will make it public.

Hon COLIN HOLT: I thank the minister representing the Minister for Racing and Gaming for relaying that message to him. There is a great deal of angst in the industry about these provisions and it is looking for some assurance about the director's policy in order to address that angst. Although I think we can accept that minor changes do not need to be brought back to the chamber, we are putting a lot of faith in a director's policy that this chamber has no ability to scrutinise or change. We need to address the concerns of industry. In preparation for this bill it came to us with concerns about its provisions. I was supplied with a whole range of amendments to the bill, which I thought were unworkable for the vast majority of occasional licences. I think a certain part of the industry is looking for assurances that the development of the director's draft policy has been done in good faith, and I can only accept that from the feedback I have received up to this point. The director's policy is only a draft at this time and we have not seen a finalised policy. We have a commitment from the minister representing the minister responsible for the portfolio to take this back to him. On behalf of the sector of the industry seeking some certainty, I am asking that that commitment is absolutely fulfilled and that if there are changes to the director's policy at the director's level, which this Parliament gets very little input into, the industry has some optics across it so it knows exactly what to expect.

Hon ALANNAH MacTIERNAN: We have to set this in the context that there is overwhelming support from the industry for this package of legislation. Not everyone has everything that they wanted, but in a general sense the industry absolutely wants this bill to go ahead; we have to be very clear about that. Of course, the amendments we are making here in relation to pop-up bars improve the situation of bricks-and-mortar licensees over what we have now. We want this to work for the bricks-and-mortar operators. As we said, we understand that balance between wanting to have some of the vigour and excitement of the pop-up bars, but not having them so extensively that they undermine those people who are there day in, day out, week in, week out, providing the underpinning for this very important social and tourism infrastructure. We absolutely get that and we want to do the right thing. Our friends here from liquor licensing assure us that if there were to be any significant change to the policy that will underpin the regulations introduced, there would be consultation with stakeholders and everyone would be advised. I mean, it is in no-one's interest to keep this secret. We are trying to bring all the various elements of the industry with us. As I think I said before in my comments to Hon Martin Aldridge, the whole liquor licensing act has always had a pretty large element of discretion written into it. We are seeking to give more framework for this Parliament.

We understand that Parliament wants to be involved and that is why we think that if we have a lot of these things determined in regulation as well as in this amended legislation, it gives a small capability. The minister wants to drive the whole industry forward and we will ensure that all affected parties know of any policy change.

Hon COLIN HOLT: We want the exact same outcome as the government. The issue is that the policy of the independent director of Liquor Licensing is his policy. I understand where we have got to in this draft policy. It is a draft that has been done through consultation, but he is an independent arbitrator and director, so even though the minister might also desire an outcome of what this bill is trying to achieve, as we all do, and I think we are getting a really good balance, the question remains that the director's policy is the director's policy, and it is an independent director who makes those decisions. I guess the minister cannot guarantee that the director will not change the policy, because the director is an independent officer; however, I am asking that the finalised director's policy be brought back to Parliament and tabled, and that any significant changes that the director decides to make in the future can also be tabled and viewed.

Hon ALANNAH MacTIERNAN: We understand the member's concern and his desire to shape this, but the alternative, which is to set in place a whole legislative regime requiring advertising of all occasional licences, would just be an impossibility to manage. We have really negotiated very hard on this and we have put forward an amendment that some of the members on the other side believe represents a reasonable step forward in this regard. The minister has also undertaken to do a review in 12 months. We have two alternatives: we do not have the legislation or we do. Not everyone is getting everything that they want, but we think that the Australian Hotels Association generally supports this legislation. We have to try to get a compromise and I think this represents the compromise.

Hon COLIN HOLT: I am not arguing against the compromise; I think we have got to a good position with all the amendments. But the issue remains that we are putting a fair bit onto the director's policy addressing some of the issues that have come out previously about occasional licences, as is the industry. All I am asking for is a commitment from the minister to table the final director's policy and update the house as it changes. That is all I am asking for. We are all supportive of the changes; we were involved with most of them. The balance seems pretty good; otherwise, we would still be arguing about clause 1, but we are not. I am just asking for simple checks and balances for people putting a lot of faith in the director's policy to address the issues. If the minister does not want to address that, she does need to worry, but that is the last I will say about the matter.

Hon ALANNAH MacTIERNAN: The minister will commit to releasing and tabling the policy when it is finalised, but we are not going to commit the minister to having to follow up every day with any small tweaking that might take place on the policy. Any policy is up on the website; it is fully available. I would urge the member, if he is concerned about it, to keep a watching brief on the website—I know we are not supposed to mention websites in here, but they do exist out there in the real world—and if he has a question, we would be prepared to entertain it. We will ensure that the policy that has been landed on at the time we are ready to go with the regulations will be released, and then we urge the member to keep in contact with the industry. Nothing will happen that is not made public via the director on the website, which will contain all the director's policies.

New clause put and passed.

Clauses 44 to 51 put and passed.

Clause 52: Section 109A inserted —

Hon ALISON XAMON: I have proposed an amendment to this clause. The clause makes it an offence to carry in a vehicle more than the amount of liquor prescribed in a prescribed area of the state. Effectively, it is dealing with the sly grogging provisions. The Greens have no problem with the principle that this provision is trying to achieve, nor with the maximum proposed penalty of a \$10 000 fine. The concern we have is the minimum penalty of a \$1 000 fine that has been prescribed, which has the inadvertent effect of being a mandatory penalty. In this amendment, we are proposing to simply remove the prescribed minimum so that the maximum penalty remains, but judicial discretion can still apply if the case should arise that someone who is a suspected sly grogger is to be prosecuted. I am sure that I do not need to go through in detail why it is problematic to have mandatory fines in an environment in which we are talking about primarily Aboriginal people who are likely to be caught up in these provisions, although not always. There is already an unacceptable level of incarceration of Aboriginal people due to the issue of unpaid fines, and the concern we have is that this applies to the contrary. I acknowledge that section 109, immediately preceding this proposed section, contains mandatory minimum fine penalties for the sale of liquor offences. However, we are of the view that that does not consider it sufficient justification to enact a further mandatory minimum penalty. Before I move the amendment, I may see whether the minister wants to reply.

Hon ALANNAH MacTIERNAN: The member's point is well argued and we will support that amendment.

Hon COLIN HOLT: I just want to touch on what Hon Alison Xamon was talking about. Proposed section 109A(2) states —

Penalty for this subsection: a fine of \$10 000 ...

The minister accepts the amendment, but I wonder, if the minimum penalty is a fine of \$1 000 and that gets deleted, can it be interpreted that the fine has to be \$10 000?

Hon Alannah MacTiernan: No. If you have a maximum penalty that is death or life imprisonment —

Hon COLIN HOLT: It does not say that it is the maximum penalty; that is all.

The DEPUTY CHAIR: I am going to call Hon Alison Xamon, but I suggest that you move the amendment so that we can debate the amendment.

Hon ALISON XAMON: In that case, hopefully so that we can move on, I would like to move the amendment standing in my name. I move —

Page 35, lines 25 to 26 — To delete “a fine of \$10 000, but the minimum penalty is a fine of \$1 000.” and substitute —

a fine of \$10 000.

When I originally drafted the amendment, I had included the words “up to \$10 000” precisely for the reason that the honourable member articulated. I wanted to ensure that it could not be interpreted as “the fine”, as opposed to part of a potential maximum fine. I was assured by the drafters that a better way of drafting this particular provision was to simply have it as \$10 000 and that that meaning would apply. So, a maximum penalty was still prescribed, but it will probably be useful to get on the parliamentary record that the way that I was advised that this should be drafted is how it is intended.

Hon ALANNAH MacTIERNAN: I am advised that as a matter of statutory interpretation, the way that the phrase is structured means that it is a maximum, not a mandatory, penalty.

Amendment put and passed.

Hon AARON STONEHOUSE: I would like to just briefly put my view on clause 52, as amended, on the record. I did not address this in my contribution to the second reading debate, but I have raised this with Minister Papalia behind the Chair. I am deeply sceptical of expanding stop-and-search type powers and creating a new offence such as this, as I am aware of instances in which similar powers, such as those under the Fisheries Act, have been abused and used to search vehicles for another reason so that other charges can be laid. I am deeply sceptical of expanding these kinds of powers. I share Hon Alison Xamon’s concerns about the minimum penalty, so I am happy to see that amendment adopted to remove the mandatory minimum \$1 000 fine, but generally on the policy of such a move, again, I do not really think it is any of the government’s business what liquor a person has in their vehicle. I would rather see intent to distribute that liquor proved, rather than merely prescribe a section of highway, search a vehicle, find an over-prescribed amount of liquor and issue a fine on the spot, with what seems to be little due process. Despite the inclusion of Hon Alison Xamon’s amendment, I am still not inclined to support clause 52, as amended.

Hon ALANNAH MacTIERNAN: I understand the concerns raised by Hon Aaron Stonehouse. I share some of those concerns, and it will be very much part of our role as members of Parliament to be vigilant, and if we hear complaints of this type of behaviour, which I do not dismiss may indeed happen, we need to bring that to the fore. It is trying to get a balance. I have a strong sympathy, as I said, for the concerns the member expressed, but we also know the massive problems that sly grogging is creating in many of the Aboriginal communities, leading to very considerable intergenerational dysfunction. We have put some exemptions in; we are removing the minimum fine. It does not resolve all of the member’s concerns, but his concerns are noted and valid, and it is up to all of us now to make sure that in giving police this power, we are vigilant in ensuring that it is not abused.

Hon COLIN HOLT: I absolutely support the amendment, but I would like some indication of the prescribed circumstance. I understand that is a real challenge given the variability of the issue they are trying to address —

Hon Alannah MacTiernan: We are hoping we can finish with this, member.

Hon COLIN HOLT: We are all trying to move to that end.

I am interested in the prescribed circumstance and what that could look like. I understand some of the challenges in this state and the variability of the issue they are trying to address. When I was a minister, I consulted with police a lot on this issue. I think it would be useful to give an indication to this house and the community what the potential circumstances to be prescribed could look like—at least an indicative example.

Hon ALANNAH MacTIERNAN: Is the member asking about the prescribed circumstance in which there might be an exemption?

Hon COLIN HOLT: No. The prescribed circumstance when this provision could come into effect. We have prescribed quantities in a prescribed area of the state. What would that look like? I think it is pertinent because of the last amendment we approved, which potentially takes the fine down to \$1. Is that correct? Yet we do not really have an understanding of how that will be balanced with the prescribed circumstance. I doubt someone would get caught sly grogging a carton of beer and be fined \$1. I would hate it if that is what is expected. I am asking for an indication from the minister of what those prescribed circumstances will be in terms of the amount of liquor and the area of the state, which can vary. It might be a roadway. Let us give the community an indication of what they can expect from the regulations.

Hon ALANNAH MacTIERNAN: The focus will be on those areas where there are alcohol bans. As the member knows, there are areas of the state and communities where there are alcohol bans. The prescribed areas will be areas associated with that and with the conduits into those communities. I would have thought that that was fairly clear. Exactly what the volumes will be is subject to negotiations and discussions with the police about the nature of the problem and how we can best establish that. Obviously, we will allow some exemptions for people carrying a certain quantity of liquor for lawful sale. There will be other prescribed classes of persons or vehicles. Then we have the other prescribed circumstances; there might, for example, be a special event in a region where they might want to change the prescribed circumstance because lots of people will be coming into the area at a sorry time, or some other provision for which there might be an application to change that not just in the community, but on the various connector roads. Obviously, all this will be subject to regulation and the scrutiny of this Parliament.

Hon COLIN HOLT: That is very helpful. Thank you, minister. It could potentially be people like station owners who come into town maybe every two months and decide they need to bulk up on alcohol and drinks for themselves and their camp. It could also include tourists travelling through who are a bit thrifty and decide to stock up to make sure that they get through to the next thrifty town. I was only really asking for some assurance that those people would not get caught up in those provisions.

Hon ALANNAH MacTIERNAN: Yes, I confirm that obviously the interests of pastoralists will be taken into account.

Clause, as amended, put and passed.

Clauses 53 to 60 put and passed.

Clause 61: Section 155 amended —

Hon COLIN HOLT: This is an important but subtle change that I think needs to be explained to the house. I refer to proposed section 61(2), which states —

In section 155(7)(b)(ii) delete “believes” and insert:

suspects

That is a small change in most people’s eyes but I think it is worth the minister explaining what that change will mean practically.

Hon ALANNAH MacTIERNAN: This again increases police power as “suspects” is a lower threshold than “believes”. That is the change the member referred to. It is designed to lower the threshold of police power to intervene to seize and open containers of liquor when a person is likely to cause undue offence, annoyance, disturbance or inconvenience to other persons.

Hon COLIN HOLT: I wonder whether that was clear for members; I do not know. Let me feed it back to the minister: it was “believe”, which is a higher threshold for police, and “suspect” is a lower threshold, which means it increases police power to be able to seize alcohol in a prescribed area under prescribed conditions. Is it right that police will not need as much evidence? Is that the right word—evidence? If the minister could enlighten me a little more that would be useful.

Hon ALANNAH MacTIERNAN: That change is primarily driven as I described and the member read back. A whole range of actions currently require the police to suspect rather than believe. They include police power to enter and search premises, to seize liquor being sold illegally and to seize liquor from juveniles. This will make it consistent with the bulk of the other provisions that relate to this area of liquor licensing.

Clause put and passed.

Clauses 62 to 64 put and passed.

New clause 64A —

Hon ALANNAH MacTIERNAN: I move —

Page 42, after line 17 — To insert —

64A. Section 174B inserted

After section 174A insert:

174B. Liquor accords: authorisation for purposes of *Competition and Consumer Act 2010* and *Competition Code*

(1) In this section —

liquor accord has the meaning given in section 64(1b).

- (2) For the purposes of the *Competition and Consumer Act 2010* (Commonwealth) and the Competition Code, the following conduct is authorised by this Act, to the extent that it would otherwise contravene that Act or that Code —
- (a) the entry by any person into a liquor accord;
 - (b) conduct engaged in by any person for the purpose of promoting or giving effect to the terms of a liquor accord.

This amendment has been moved on advice from the State Solicitor's Office. The liquor accords entered into by licensees can contain both pricing and supply restrictions and participants are exposed to the risk of public and private legal action under the Competition and Consumer Act. Section 51 of that act provides an exemption for the abrogation of the act for cartel conduct when that conduct is specifically authorised by a law of the state. This amendment will provide that protection.

New clause put and passed.

Clause 65: Section 175 amended —

Hon TJORN SIBMA: I move —

Page 42, line 27 to page 43, line 13 — To delete the lines.

The justification for this amendment is that in our consideration these codes of practice represent unnecessary regulatory overreach and could potentially create a regulatory system within a regulatory system and could not demonstrably prove to be a significant public health advance, but would, quite clearly, necessitate onerous regulatory costs for licensees and place an administrative burden on the regulator. I thank the Minister for Racing and Gaming for his view expressed in the second reading reply speech provided last night that the government will support that amendment. Not wanting to delay the house any longer in its deliberations on this bill, I will sit down.

Hon ALANNAH MacTIERNAN: As I outlined last night, the minister has accepted this amendment.

Hon AARON STONEHOUSE: I will be supporting this amendment. I am glad to see that the government is willing to support it too. The introduction of these new regulations was of great concern to many stakeholders who I have engaged with. They will be very happy to see this part of the clause removed from the bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 66 put and passed.

New clause 67 —

Hon ALANNAH MacTIERNAN: I move —

Page 43, lines 24 and 25 — To delete the lines and insert —

67. Section 178 amended

In section 178(1) delete “section 95 of the *Liquor Licensing Amendment Act 1998*,” and insert:
the *Liquor Control Amendment Act 2018* section 67,

Hon AARON STONEHOUSE: Essentially, as I understand it from the government, this amendment will retain the wording of the previous statutory review of the act but will apply it instead to the changes made under the Liquor Control Amendment Bill 2018 to proposed section 67. This is imperative. There are a lot of questions about the efficacy of the measures that will be introduced in this bill and how we will measure the success of the retail restrictions in this bill. Anyone who has concerns or unanswered questions about the impact that this bill will have on the industry and health should support this amendment so that we can have a statutory review of the act in five years.

Hon ALANNAH MacTIERNAN: We thank Hon Aaron Stonehouse for bringing this to our attention. It was an unintended consequence of an earlier change that deleted the five-year statutory review process. We accept that there is a lot of trial and error in what we are doing and we always need to be prepared to review and look at the consequences of the changes that we have made to see whether they have been effective or whether there is some way they need to be amended to make them more effective. We appreciate Hon Aaron Stonehouse's scrutiny and diligence in this regard.

New clause put and passed.

Clause 68 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and, by leave, the report adopted.

As to Third Reading — Standing Orders Suspension — Motion

On motion without notice by **Hon Alannah MacTiernan (Minister for Regional Development)**, resolved with an absolute majority —

That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

Third Reading

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [9.23 pm]: I move —

That the bill be now read a third time.

I thank members for their very considerable contributions. There has been a lot of forensic examination of the bill and its policy, and the contributions made by members have improved the legislation. I particularly thank the staff of Minister Papalia. As many members have indicated over the past few days, they have put in a big effort to ensure maximum consultation, information and flexibility. This will be a very considerable step forward in modernising our liquor laws in Western Australia, and I thank all members.

HON AARON STONEHOUSE (South Metropolitan) [9.24 pm]: I will be brief. Looking at the bill as it appears now, after the Committee of the Whole, with all the amendments adopted, I am honestly not happy with it. The retail restrictions in particular are an unnecessary measure, and I have concerns about the unintended consequences of those restrictions. I am also concerned that the information provided to us by the minister throughout the Committee of the Whole shows that this bill is being driven by community sentiment that seems rather vague and nebulous, rather than any empirical evidence or data. The government has not been able to cite a specific health study upon which it is basing its assumptions, and it has not been able to give us a measurement by which we can determine whether these measures are successful. I have raised these concerns with Minister Papalia and, although we do not quite see eye to eye on the retail restrictions, he has taken on board my concerns, and the government has agreed to reinstate the review clause. Although I am certainly not happy about the restrictions placed on large packaged-liquor outlets, there is some comfort in the fact that we will be reviewing these measures in five years at the very least. I welcome the reduction of red tape in other parts of the legislation, around the small bars, and the removal of the public interest test for certain prescribed licences. I thank Minister Papalia and his staff for the effort they have put in, ensuring that I and my staff have been appraised of a very wideranging and complex bill. I will not be fully endorsing the bill as it is, but I welcome the reintroduction of the review clause.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

**CORRUPTION, CRIME AND MISCONDUCT AND
CRIMINAL PROPERTY CONFISCATION AMENDMENT BILL 2017**

Committee

Resumed from 13 June. The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon MICHAEL MISCHIN: On the conclusion of our last episode, I had asked a question about one of the letters tabled by the Leader of the House from the Chief Judge of the District Court, who raised a caveat in the last paragraph of his letter dated 7 March 2017 about consideration of the possible obligation to give discovery in civil proceedings and the extent to which that may create awkwardness in view of the commission's functions and powers. I wonder whether the minister can expand on what the Chief Judge was commenting on in that regard, so that we can understand his concerns.

Hon SUE ELLERY: I cannot speak for what was in the Chief Judge's mind when he wrote, but I can advise that the commission has considered the possible obligation to give discovery. Confiscation proceedings are civil proceedings, and so the rules of discovery apply, and the commission will comply with those rules. Where appropriate, the commission will make applications for public interest immunity on discoverable material and suppression orders.

Hon MICHAEL MISCHIN: I refer now to a letter from the then Commissioner of Police, Dr Karl O'Callaghan, APM, dated 7 April 2017, to the Corruption and Crime Commissioner, regarding the Corruption and Crime Commissioner's sounding out of information about what had been proposed. I am looking at the third last paragraph and the penultimate paragraph of that letter and his comment —

To date UeW investigations conducted by WA Police and the DPP have not been markedly successful with no UeW action commenced since —

The year 2017.

Hon Sue Ellery: It was 2011.

Hon MICHAEL MISCHIN: Sorry; it was since 2011. The minister is quite right. It is that time of night. Why have those investigations not been markedly successful; and how will what is proposed in this bill change this success rate?

Hon SUE ELLERY: I responded to this in my second reading reply and I referred to the Joint Standing Committee on the Corruption and Crime Commission's first report, "Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?", from June 2013. I spelt out the relevant provisions. The copy I have does not have page numbers. I am quoting from the document. The relevant bit is —

The fact that the WA Police have preferred in the past to have the Office of the DPP conduct what are resource-intensive financial investigations—work for which the Office of the DPP is not properly or adequately resourced—indicates, in part, that investigations of this nature are a low priority for the WA Police.

I think the second part of the member's question is what in the bill before us would change those circumstances. If I may, essentially there are two points that go to the question that the member asked. We expect improved efficiency from the commission conducting examination orders in-house; and, secondly, the coercive powers and confiscation act powers together are significantly different and we anticipate that they will result in improved outcomes.

Hon MICHAEL MISCHIN: The letter goes on to state —

The majority of CPCA investigations are criminal investigations with the accused charged with a criminal offence, primarily the possession of trafficable quantities of illicit drugs.

Does the government, on the advice of the CCC, see that that is going to be markedly different with the CCC conducting these sorts of actions for unexplained wealth? Will they tend pretty much to be part of or adjunct to investigations into drug trafficking or are there other things that the CCC will focus on?

Hon SUE ELLERY: I will make a couple of points. I touched on this a little bit in my second reading reply. The commission has a role in investigating criminal conduct that amounts to serious misconduct under the CCM act—for example, offences of corruption or bribery—and anticipates that unexplained wealth matters may arise from those investigations. The benefit of the unexplained wealth provisions is that there does not have to be a predicate criminal offence. In fact, I remember saying that in my second reading reply. The commission has intelligence analysts, forensic accountants and covert capabilities and is in a position to proactively identify and investigate targets for unexplained wealth when there is insufficient evidence for a criminal investigation. I am also advised that the CCC will not have powers with respect to drug trafficker declarations. The primary purpose—I made this point in my second reading reply as well—is to deter and remove financial motivation for criminal activity.

Hon AARON STONEHOUSE: I alluded to this in my remarks in the second reading debate, and I do not think I have received an answer yet. The second reading speech provided by the government states —

The DPP will maintain exclusive jurisdiction over investigating or initiating proceedings in relation to crime-used property, crime-derived property or drug trafficker declarations.

The DPP will maintain exclusive jurisdiction over those property confiscation proceedings. However, this does not seem to line up with some parts of the bill. I will raise them now because there are a few different clauses. Amended section 41(1) will read —

The DPP or the CCC may apply to the court for a freezing order for property.

That includes both the DPP and the CCC using freezing orders for property. Section 43(8) deals with freezing orders made on crime-used or crime-derived grounds and states —

The court may make a freezing order for property if there are reasonable grounds for suspecting that the property is crime-used or crime-derived.

Referring back to section 41(1), that empowers the court to make a crime-used or crime-derived freezing order upon application by the Corruption and Crime Commission. However, the second reading speech outlined that those proceedings would remain the exclusive jurisdiction of the Director of Public Prosecutions. That seems to be somewhat contradictory and I am hoping the minister can clarify that for me.

I have a follow-up question about drug trafficker declarations, but I will wait for the minister's answer on crime-used and crime-derived freezing orders.

Hon SUE ELLERY: Although the member is right in having identified that it is technically possible for the commission to apply for an order, it does not have the power to do the investigation. That would need to be done in order for it to apply for the order. I guess the possibility is there, but given that it does not have the power to do the work that would lead to having the material it needs to make the application for the order, in a practical sense it is not going to happen.

Hon AARON STONEHOUSE: I can appreciate that it does not have the power to investigate crime-used and crime-derived property confiscations, but given that it has the power to apply for an order, is it possible that in the future there could be a foreseeable circumstance in which the CCC begins making those orders, perhaps in concert with the DPP, and perhaps leveraging the CCC's considerable resources? Is it foreseeable that those powers might be exercised by the CCC down the track, even if it is not investigating but is making an application for freezing orders?

Hon Sue Ellery: To be clear: the investigative powers? They don't have them now, under the bill. They don't have them.

Hon AARON STONEHOUSE: Could it make the freezing orders, perhaps? If the DPP is undertaking the investigations, could the CCC then make freezing orders in cooperation with the DPP? Is there any circumstance in which —

Hon SUE ELLERY: Just so we are absolutely clear, the commission does not make the order; the court makes the order, but the commission can apply. The advice I have been provided is that theoretically the power exists for the commission to apply for an order. However, it does not have the investigative powers to give it the information it would need to be able to fulfil what it would need to demonstrate to the court to apply for the order. That is the fundamental difference.

Hon AARON STONEHOUSE: Moving on to the drug trafficker confiscations I alluded to earlier, section 43(5), which deals with drug trafficker freezing orders, will be amended to refer to the application for the freezing order, whereas previously I think it referred exclusively to the DPP. Now it will merely refer to the application for the freezing order. Going back to section 41(1), this will again include the CCC. I suppose in practical terms drug trafficker confiscation proceedings are normally initiated as part of some kind of drug trafficking charge. Am I right in my interpretation that, technically, the CCC will be granted these powers to apply for freezing orders in the case of drug trafficker declarations?

The DEPUTY CHAIR (Hon Adele Farina): That is a very good question from Hon Aaron Stonehouse, but noting the time, I am required to report progress, so we will have to wait for the reply to that question.

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

**PARLIAMENTARY QUESTIONS — QUESTION WITHOUT NOTICE 329 —
HON JIM CHOWN — PERSONAL EXPLANATION**

Statement

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [9.45 pm]: I rise tonight to make some comments on the personal statement Hon Jim Chown made today. The genesis of that personal statement stems from some comments he made in his response to the budget speech last week. In that speech he made some comments about Hon Darren West and the Leader of the House. The Leader of the House was offended by those comments, and I understand and acknowledge that. As a result of the comments made by Hon Jim Chown, Hon Sue Ellery said in a statement last night, in part and according to the uncorrected *Hansard* —

During the member's speech on the estimates of revenue and expenditure motion, he made an accusation against me that I had misled the house. He made the same allegation three times during the course of his speech. The member's allegation concerned an answer that I had given to question without notice 329, which was asked and answered on Wednesday, 9 May 2018.

She went on to say, according to the uncorrected *Hansard* —

I did not mislead the house and I would expect an apology from Hon Jim Chown for saying three times that I misled the house.

After that statement by the Leader of the House, I spoke with Hon Jim Chown and I did not have to say anything; he acknowledged that what he said was inappropriate and he acknowledged that what he said was inaccurate, and he had the moral fortitude to stand up in this chamber this morning and unreservedly apologise, and I commend him for that. He did the right thing. He also put out the public statement that was requested by Hon Sue Ellery. He acknowledged that what he said was wrong and he apologised. He did exactly what he should do. When people say something inaccurate or misleading in this place, they should apologise. It will be interesting to see how the Leader of the House responds to his apology, whether or not it is necessary for her to respond. I have to be honest; I am getting to the point at which I feel that some double standards are forming by this government—standards that are expected on that side of the chamber but are not accepted on this side of the chamber. In fact, they are different. I will give two examples. One involves the Leader of the House when Hon Michael Mischin made some comments that the Leader of the House found offensive. She made her position quite clear and she spoke to me. I spoke to Hon Michael Mischin and he totally agreed. He stood in this chamber on that very day, 10 October, after personally apologising to the Leader of the House behind the Chair, and said —

I sincerely apologise if any offence has been caused to the Leader of the House or any other member by that comment. I trust that the grotesque nature of the response could not be misunderstood as anything

serious. It was nothing more than a rhetorical response to a rather rhetorical, I thought, introduction to the debate by the Leader of the House. I unreservedly apologise for any offence that may have been caused or any misunderstanding that has arisen in that regard. I will be more careful with my comments in future. I had not the slightest thought that it could be taken as anything other than the usual robust debate that takes place in this house.

That is a completely unambiguous apology, the same as that given by Hon Jim Chown. He did the right thing. Three hours later the Leader of the House went on 6PR and lambasted Hon Michael Mischin. The fact that he had apologised to her personally in this house meant absolutely nothing. I do not know why he bothered to apologise, given he was criticised anyway. I commented on that on 10 October 2017. After I had raised with the Leader of the House that I thought her comments on 6PR were inappropriate and that the honourable member had apologised, therefore the Leader of the House should have accepted it, her final comment was —

I guess that is a judgement call and my judgement is that what I said was entirely reasonable.

That is fine; that is the standard. Someone can apologise but it means nothing.

The other one, of course, is a long-held issue I have had with the Minister for Regional Development. To remind members, back on 15 June 2017 I asked the Minister for Regional Development a very simple question about the Aboriginal regional reform unit, which I was instrumental in establishing. I just wanted to know how many staff were in the unit. She then launched into a tirade. The question was not without notice; some notice had been given. She launched into a tirade and she said, in part —

... after the disastrous attempts by the then Minister for Indigenous Affairs to close scores of Aboriginal communities without consultation with those communities. He was offered a bit of money by Mr Abbott, and, given the parlous state of the budget, he wanted to take that money upfront, no strings attached, and he subsequently announced that various communities would be closed down. However, fortunately, the National Party came in on its white horse with the Regional Services Reform Unit, which was operating out of the Department of Regional Development.

I found that highly offensive because it was wrong. It was inaccurate. I never on any occasion said anything about closing communities. The minister has never once retracted those comments or apologised—never once. That highly offended me. No matter how much she rolls her eyes and carries on, that highly offended me. I want members opposite to listen to this; that offended me.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: No, I am not listening to you! I will never listen to you again!

The PRESIDENT: Order!

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: I do not respect you. As a result of that —

Several members interjected.

The PRESIDENT: Order, members! Minister! It is members' statements. One member is on their feet and they have the call. I understand that members may be feeling a bit emotional about this debate, but continue with your remarks, please.

Hon PETER COLLIER: Thank you, Madam President. As a direct result of that, on 28 June, the same minister acknowledged the fact it was the Premier who had said that, but she refused to retract her comments or offer an apology—she refused. On a number of occasions, I asked her to retract those comments. She said no; she refused to. She kept carrying on with tirades of abuse every time I brought up this matter. On 30 June, I asked her to withdraw the comments and gave her notice, but she came out again with another tirade. I thought: I cannot win. That is fine; these are the standards we have to accept from these guys. As a result, I came back on 15 August, after the winter break, and made another member's statement. I said there were three potential issues. Number one was that she made a mistake and she should just acknowledge she made a mistake, retract it, and all would be forgiven. The second one was that she is just completely incompetent and got it completely wrong, and I am increasingly believing that is possible. The third one is that she knowingly made those comments and, knowing they were false, that is a matter of privilege. That remains a potential issue. It is a matter of privilege if she knowingly made those comments, knew what she was saying was wrong, repeated them, and continued to repeat them and refused to retract the issue.

My position with respect to the house—I have respect for this place, believe it or not, guys—is that I take the Leader of the Government at her word when she said, “I did not mislead the house and I would expect an apology from Hon Jim Chown for saying three times that I misled the house.” Exactly the same thing occurred on the other side of the chamber and she has not expected the same standards from her own members as she does of members over here. This is the same Leader of the House who cancelled pairs. This is the same Leader of the House who

tried to sacrifice the Presidency. This is a government that consistently gives us answers to questions that are absolutely appalling. The response given to Hon Nick Goiran today was absolutely embarrassing. Let me tell you guys that the demise of government starts here. It starts right here; it really does. If their standards are so low that they are willing to compromise them, it starts here and trickles down to what they are like in the community. If members do not believe me, they should look at what happened in Darling Range. People in Darling Range are already starting to question the government, as will people in the rest of Western Australia. While members opposite compromise their standards in this place, it shows what they will accept in the community.

Can I say to the Leader of the House that I agree with what she said about Hon Jim Chown; he agrees with it and he did the honourable thing and apologised unreservedly, as did Hon Michael Mischin. I really encourage the Leader of the House to implore upon her own members the same standards that she expects of us.

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Statement

HON ALISON XAMON (North Metropolitan) [9.54 pm]: I rise tonight following the Premier's formal apology in the other place today to child sexual abuse victims. I am pleased that Western Australia has led the way in delivering an apology. It has certainly been a long time coming. I would like to add the Greens' voice in recognition of the importance of this issue. We are truly sorry for the horrendous things that children in this state experienced while in the supposed care of trusted institutions. Nothing can undo the wrongs that were done to the survivors of child sexual abuse, but that does not mean that apologising for these wrongs is not worthwhile. Recognition is important, and it is powerful. So many survivors spent so long not being believed, and being ignored. This apology says to every survivor, "You are heard and believed." It also says, "What was done to you when you were a child was so very wrong." The apology also acknowledges that as a society, we abysmally failed in our duty to protect children. A formal apology to survivors was one of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The royal commission's work was extensive. From January 2013 to December 2017, the royal commission examined more than 1.2 million documents, heard evidence from more than 1 200 witnesses, conducted 57 public hearings across Australia and published 50 reports. From this work has come 409 recommendations. I am pleased to hear that the government has today provided its response to the royal commission's recommendations. I understand that the government has accepted, or accepted in principle, 289 of the 409 recommendations put forward by the royal commission, with 21 subject to further consideration and 99 not applicable to the state government. I am pleased that there are no recommendations that have not been accepted by the government, although I am interested to know why 21 recommendations are being considered rather than supported at this stage. I look forward to the opportunity to hear more information about this matter and to consider the government's response in detail.

More than 8 000 people shared their personal stories in a private session with the royal commissioner. Many gave their consent for their accounts to be published as short narratives. These heartbreaking contributions are precious. They provide incredibly powerful insights into the horrendous experiences suffered by these children. I commend these stories to members. They need to be heard. The purpose of these narratives is to give a voice to survivors, inform the community, and ultimately help make institutions safer for children. It is also important that we acknowledge the stories that have not been told by those survivors who have chosen not to, or who are unable to, tell their stories, and by those survivors, of whom there are far too many, who have already left us, many of them by their own hand.

I also welcome the formal announcement today that Western Australia is joining the National Redress Scheme. The establishment of a commonwealth redress scheme was also one of the royal commission's recommendations. Redress is vitally important, not only as recognition that the abuse occurred, but also as recognition of the profound impact of this abuse on survivors' lives, wellbeing, education, health, relationships and earning potential. I look forward to the scheme becoming operational as soon as possible. I appreciate that the scheme is far from perfect. The Greens have already raised significant concerns about the scheme, and I have raised them in this place. I reiterate that it is crucial that the mistakes that were made in the operation of Redress WA are not repeated. It is vital that the scheme's application processes are easily accessible, prompt and transparent. The risk of re-traumatising applicants is significant. It has been estimated that 50 per cent of Western Australian redress claimants will not be eligible under the commonwealth scheme because the abuse they suffered was not sexual abuse. This would make it a third time damage for this cohort following the terrible way in which Redress WA was handled. I urge the state government and the federal government to work to address this gap.

The royal commission recommended a \$200 000 cap on the redress scheme, and I join my federal colleague Senator Rachel Siewert in urging the federal government to commit to that \$200 000 cap rather than the \$150 000 cap to which it is currently committed. I acknowledge the work of the state Attorney General in trying to seek resolution with the federal government on some of these issues. The Greens were very concerned to hear that some people with criminal convictions may not have been eligible to seek redress under the national scheme.

Therefore, I am pleased to hear that there has been some movement around this issue and possibly now some discretion in determining eligibility, and I look forward to hearing further information from the Attorney General on that issue.

I urge more organisations to commit to the redress scheme so that it can be as extensive, functional and effective as possible. I am also pleased to note that survivors will soon have the option of pursuing civil litigation following the Attorney General's advice that the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017, which we have debated in this place and passed already, will be proclaimed on 1 July 2018. The outcomes we are celebrating today—the Premier's apology to survivors, a commitment to join the National Redress Scheme, and the civil litigation legislation soon to be proclaimed—are due to the extraordinary efforts of the many survivors who have bravely campaigned for years and years. We owe it to them and to the children of today and the future to wholeheartedly commit to addressing all the recommendations of the royal commission and to ensure that the sexual abuse of children in trusted institutions in our state is never able to happen again.

CHAMBER DECORUM

Statement

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [10.01 pm]: I rise tonight to bring to the attention of the house and to shine a bit of a spotlight on some events that occurred in the other place during the last couple of weeks of sitting. An event that I am referring to, as I am sure many members will be aware, was the incident that occurred in the Legislative Assembly involving the Minister for Water and the member for Central Wheatbelt. I am not going to go into the actual —

Hon Darren West interjected.

Hon JACQUI BOYDELL: Sorry; is the member in charge of the Legislative Council?

Hon Darren West interjected.

Hon JACQUI BOYDELL: This is exactly what I am going to talk about.

The PRESIDENT: Member, I appreciate that you probably want to make comments about the matter, but I refer you to standing order 42, "Allusion to Debate in the Assembly", which states —

A Member shall not allude to any debate of the current calendar year in the Assembly, or to any measure impending therein.

That may very well restrict your comments. You may want to think about that.

Hon JACQUI BOYDELL: Thank you, Madam President. I appreciate your advice. I was not going to raise the incident; Hon Darren West did that. I made reference to it, pre-empting the comments I was going to make.

What I want to say was sort of touched on by Hon Peter Collier in his comments during members' statements tonight. I want to talk about the opportunity of this Parliament to address the appropriate behaviour of members in the chamber. When members raise an issue, as Hon Peter Collier has done tonight, about an incident that he found offensive, there is a process that the house and the Parliament should adopt to address those issues, particularly when the leader of this house expects that in return from other members. I fully respect that, Leader of the House.

After reading some of what occurred in the other place, I found that those stories that were shared were very personal. If we accept the status quo of behaviour, we miss an opportunity to make the environment better. Accepting that because we were bullied means it is okay for somebody else to be bullied is not what we teach our children. It is not what we expect from other people in our workplace, from our family, friends and colleagues. To be quite frank, that is the Harvey Weinstein model of operation—continue as is until somebody dares to call you out. I think this Parliament is better than that. Potentially, we miss opportunities to be better than that. After listening to those stories yesterday, it is not acceptable to me to be living with the status quo. Because other members felt offended by the behaviour, which I thought was offensive after hearing the stories, it is not okay not to accept that somebody else felt bullied as well. I think that all sides have to do better. This Parliament has an opportunity to address that. I hope we do that. As members of the Legislative Council, I think we all should expect to be respected and not harassed in our workplace.

MAGNA CARTA

Statement

HON CHARLES SMITH (East Metropolitan) [10.05 pm]: Earlier this month, on 15 June, Hon Aaron Stonehouse and I marked Magna Carta Day in our own solemn celebration. As members may be aware, "Magna Carta" is medieval Latin for "Great Charter". It was first sealed in 1215 by King John of England, under sufferance, on the green fields of Runnymede on the River Thames in England. Magna Carta is the foundation stone of constitutional and parliamentary government in Great Britain and in commonwealth countries such as ours. Initially drafted by the Archbishop of Canterbury to broker peace between the King and a group of rebel barons, the landmark Magna Carta promised the protection of church rights, protection for the barons from illegal imprisonment, access

to swift justice, and limitations on feudal payments to the Crown. Most famously, its thirty-ninth clause gave all free men the right to justice and a fair trial. Some of Magna Carta's core principles are echoed in the United States Bill of Rights and in many other constitutional documents around the world, including those in Australia.

In the seventeenth century, opponents of King Charles I used Magna Carta to regulate the arbitrary use of royal authority. Sir Edward Coke asserted —

Magna Carta is such a fellow, that he will have no sovereign.

In 1628, Sir Edward helped to draft the Petition of Right, which limited royal power and made explicit reference to Magna Carta. Magna Carta is widely seen as instrumental in helping to develop and codify British liberties, which were subsequently transplanted to Australia with the commencement of British settlement. All Australians today enjoy certain rights, freedoms and protections thanks to Magna Carta. Of course, the liberties first outlined in Magna Carta are just a few of the many great things that Australia has inherited from Britain—the others being the Two Ronnies and Benny Hill!

I know that recognising our British heritage and its positive legacy is unfashionable among those on our contemporary left; in fact, it tends to trigger them into apoplectic states of frenzy. Only today I learnt that a senator from the Australian Greens is trying to stop the reading of the Lord's Prayer in Canberra. I find that personally unacceptable and insulting.

To back up what I have just said, I quote historian Geoffrey Partington, who said —

Post-1980 multiculturalist policies have tried to convince non-British immigrants that, despite their many successes in Australia, they are disadvantaged by any celebration of the pre-1950 past which is dismissed as irrelevant to the new national identity of Australia. A new orthodoxy has rapidly been established in which all 'ethnic' traditions are to be valued and prized, except the old British–Australian tradition, whose faults are subjected to withering irony or bitter abuse.

Nevertheless, despite what the left and multiculturalists say, the inescapable reality is that we owe a great deal to our British heritage. Our liberties, our system of government, our institutions, our language and literature, much of our culture and most of our population are derived from the British Isles. As members of a Westminster-style Parliament, it is more than appropriate that we acknowledge the role of Magna Carta.

MOORA RESIDENTIAL COLLEGE — HON DARREN WEST — COMMENTS

Statement

HON JIM CHOWN (Agricultural) [10.09 pm]: On a number of occasions in this place I have attempted to get to the bottom of this issue, having raised it previously. Yesterday, I placed on Hon Darren West's seat in the house the statutory declarations from the two councillors involved so that he could be fully aware of the content of the statements made within these sworn documents. However, this is an issue of vital importance to both regional Western Australia and the transparency and accountability of this house, and I will continue to persevere. I will expand on these facts, but essentially the following is the background of my concerns.

I have it on good authority that during discussions at a Western Australian Local Government Association function on 5 April 2018, Hon Darren West provided commitments to two Moora shire councillors regarding Moora Residential College. Specifically, I am advised that Mr West provided assurance that he would arrange an independent assessor to assess the residential college with a view to obtaining a quote and that he would arrange for \$500 000 if that was the amount quoted to repair the college. For obvious reasons, the two shire councillors are keen for Hon Darren West to keep his commitment in this regard. However, to this date I have been unable to secure from the member a confirmation of his commitments. Twice recently, on 12 April and 9 May 2018, I asked questions in this place of the Minister for Education and Training about the commitments just mentioned as provided by Hon Darren West. Essentially, the minister answered that she had indeed asked Mr West whether he had provided such commitments and that he said that he did not make such commitments. Additionally, I raised the same matter in my recent budget reply speech and invited Hon Darren West to comment on the matter. However, Hon Darren West has not availed himself of the opportunity under standing order 40 to place on the record in this place his version and provide a personal explanation in reply to the statements I made on Thursday, 14 June 2018.

On the surface, this may appear to be a mere squabble over who said what in relation to commitments regarding Moora Residential College. In fact, this is an extremely serious matter for the following reasons. Firstly, the potential closure of Moora Residential College is of utmost importance to regional Western Australia. Members on both sides are well aware of the significant public interest this issue has generated. It is therefore vitally important for the house to know whether or not Mr West did commit to the claims assessment and repairs. Secondly, the shire councillors concerned were so entirely certain of the member's commitments to them that they were prepared to, and did indeed, provide statutory declarations to that effect, the gravity of which is a point to which I will return.

Several members interjected.

The PRESIDENT: Order!

Hon JIM CHOWN: Thirdly and finally in this regard, honesty in this place is fundamental to the transparency and integrity that we owe to the public we represent. To this end, I quote, and agree entirely with, Hon Sue Ellery's remarks made in this place on 17 March 2016 when she rightly stated —

Secrecy, obfuscation, avoidance and inaccuracy, whether deliberate or not, and dishonesty, are in fact the enemies of our parliamentary democracy.

Until such time as Hon Darren West provides an explanation from his perspective regarding the assertions of the conversation, the only evidence of what occurred are answers to my parliamentary questions provided by Hon Sue Ellery and the two statutory declarations, the content of which I have read into the public record in their entirety. Those are clearly in stark contradiction to each other and, quite clearly, both cannot be correct. As I have previously advised, the making of a statutory declaration is a serious undertaking. The making of a false statutory declaration is a crime potentially resulting in imprisonment or, at the very least, a substantial fine. Indeed, one of the councillors sought legal advice prior to her making the statutory declaration. Substantial weight must go to the evidence of those statutory declarations, particularly recognising the fact that not one but two statutory declarations were signed by two separate individuals, both of whom hold responsible positions as shire councillors and both of whom are aware of the penalty for making a false declaration.

We have an obvious conflict regarding the statutory declarations and the answers provided by Hon Sue Ellery. Her answers relied on the information given to her by Hon Darren West. The answers provided by Hon Sue Ellery are diametrically opposed to the recollection of the two shire councillors. The Leader of the House was not present during the conversations, so she can base her answers only on the information provided to her by Hon Darren West. It is my view that this house and the public deserve to hear directly from Hon Darren West about what, if any, commitments he did or did not make on 5 April regarding Moora Residential College.

SHIRE OF ESPERANCE — MERIVALE ROAD LANDFILL SITE

Statement

HON LAURIE GRAHAM (Agricultural) [10.14 pm]: I rise tonight to make a statement about the Merivale Road landfill proposal by the Shire of Esperance, a controversial issue within that community. The shire president recently issued a press release advising that the council had initiated a third party review to ensure that all the data being used in its decision-making was factual and accurate. Council has received a draft report prepared by Pennington Scott on the hydrology issues raised, and is seeking additional information on some of these issues. I understand that the final report will be available on the Shire of Esperance website shortly. The Shire of Esperance decision to buy the land for landfill was based on a due diligence report from a consultant. The due diligence report relied largely on a hydrology investigation that stated that, should a leak occur in the liner, any escaping pollutants would take some 579 years to travel the 1.5 kilometres to reach farm bores on nearby properties and the internationally important downstream wetlands.

Local nearby residents criticised the hydrology investigation report and so the shire commissioned an independent review, which was damning. In essence the review found that the hydrology report had got the geology and the hydrology wrong, used the wrong hydrology model and put the wrong data into the wrong model to draw its conclusions. The independent consultant's report found that the prediction of the hydrology report that it would take 579 years for any contaminants escaping from the site to reach nearby farm bores or Ramsar wetlands was wrong. Local residents conducted a dye-tracking test on a nearby property and, instead of 579 years, found that the dye could travel the distance from the site to the nearby bores in 24 hours. To come up with any credible predictions, the consultants need to re-log their cores taken from the site and use appropriately qualified staff to do this and prepare another report for consideration by council and the community.

Esperance council rates have increased by 4.5 per cent this year—one of the higher rises by local governments—and no doubt a significant factor in the increase is the extra cost of meeting the requirements of a public environmental review. While consultants may well eventually produce a technical report that says a landfill facility can be built on the site, the conditions that will likely be imposed to protect the adjoining properties and the Ramsar wetlands from the landfill may well make this site inappropriate for the facility proposed by council. However, most realists expect that landfill liners will fail at some time in the future, therefore planning for any landfill should address how any escaping pollutants can be managed, if that occurs. I fail to see how the Merivale Road site will ever be able to provide the community with any assurances that any escaping pollutants can be managed, unless that is addressed in its planning for the facility.

Only time will tell if a landfill facility is developed on the site, but in the meantime the ratepayers will be required to carry the ever-increasing costs of trying to place landfill in an inappropriate location. With the very limited life of the existing Wylie Bay landfill facility and the high probability that the development will not occur because of

the onerous conditions placed on any proposal by regularity authorities, I believe council should urgently commence a site study option to identify other potential landfill sites so that it has options if the Merivale Road landfill proposal needs to be shelved.

Council released a press statement earlier today advising of works it intends to carry out involving pump tests to be undertaken on the site, with the aim of proving to the community that the facility will have minimal impact on the surrounding environment. I have already had feedback today from members of the community who believe that a successful test, as proposed by the council, will not address the concerns the community has due to the methodology proposed. No doubt the dispute between council and the community on this proposal will continue.

HYDRAULIC FRACTURING

Statement

HON ROBIN CHAPPLE (Mining and Pastoral) [10.19 pm]: I rise tonight to speak on the imminent threat of fracking in Western Australia. I acknowledge the traditional owners of this land, the Whadjuk Noongar people, and pay my respects to their elders past, present and emerging. I also pay my respects to the traditional owners of the north west, whose land is under threat from companies seeking to blast their way to profit. We are living in a state of climate emergency. Never has there been a greater need to act to protect that which keeps us alive—our water, our air and our food. This is a critical time for those who are privileged enough to have been elected to represent the electorates that we serve. We must take this responsibility incredibly seriously. The future of our environment is at stake.

The government is due to release a report on the outcomes of its inquiry into fracking. This represents a turning point at which this government has to make one of two choices: stand with the Greens and the community to protect our environment or open up the vast majority of WA to companies to flatten, drill and blast their way to profit on stolen land. We encourage the former. We must say no to fracking. The dangers of fracking are well known. Fracturing the earth to release gas, pumping chemicals into the ground and storing radioactive wastewater in ponds are all part and parcel of this dangerous and damaging practice. Applied anywhere, fracking is dangerous, but applied to a sensitive and precious environment such as the Kimberley or the Canning Basin is absolutely disastrous.

The Labor Party committed to ban fracking in the south west at the last election. Although this is of course welcomed, it is not lost on us that the vast majority of potential fracking operations would occur in the midwest, north west and Kimberley. Communities will not accept this government locking the gate to one paddock while simultaneously demolishing the fences for all others. We must say no to fracking in WA. For people in these parts, the threat of fracking never left, and with the fate of these areas resting in Labor's palm, I ask government members this: if you allow fracking in WA, will you be able to look into the eyes of traditional owners whose water you have poisoned? Will you be able to face the mother who uses bottled water around the house because her tap water is contaminated? Will you be able to end your time in this chamber knowing that you have allowed an industry to hollow out one of Australia's greatest treasures, the Kimberley? If the answer to any of these questions is no, I implore you to ban fracking in all of WA.

The Greens have always firmly opposed fracking. Other nations and states have rejected fracking, banning it entirely and opting for clean renewable power sources in its place. In places as far-flung as Scotland and New York and closer to home in Tasmania and Victoria, governments have recognised the incredible threat that this industry poses to our people and our planet. In Western Australia, will the government have the courage to ban fracking permanently? For the sake of people and our environment, we cannot sell out to corporations that would shatter this beautiful country to line their own pockets. It is too late for regulating. It is not enough to gerrymander a specific area of land while fracking is allowed in other circumstances in other areas. We need to assure people town by town, farm by farm, community by community that their livelihoods and their homes will not be affected by fracking ever.

Above all, a looming crisis overshadows much of the minutiae that goes on in this place—the pressing need to address climate change. Until we act together to transform our energy systems away from fossil fuels and onto clean and renewable power, this devastating situation that we find ourselves in will only worsen. As WA is the second-largest carbon emitter per capita in the world, the decisions we make on fracking affect not only the people of this state, Western Australia, but also the entire planet. We must ban fracking not only for the mitigation of climate change, but also to protect the health and wellbeing of all Western Australians and the land that we inhabit.

The PRESIDENT: Hon Martin Aldridge, do you want the last minute and 25 seconds?

Hon MARTIN ALDRIDGE: After that contribution, I think we had better turn off the lights and walk home before we all die, so I will leave it.

NATURAL GAS (CANNING BASIN JOINT VENTURE) AGREEMENT (TERMINATION) BILL 2017*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Alannah MacTiernan (Minister for Regional Development)**, read a first time.

Second Reading

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.25 pm]:
I move —

That the bill be now read a second time.

The purpose of the Natural Gas (Canning Basin Joint Venture) Agreement (Termination) Bill 2017 is to ratify an agreement made on 27 November 2017 between Buru Energy Ltd, Diamond Resources (Fitzroy) Pty Ltd and Diamond Resources (Canning) Pty Ltd, as the joint venturers, and Mitsubishi Corporation, as the guarantor, and the state of Western Australia, which I will refer to as the termination agreement. The bill is necessary in order to amend the Natural Gas (Canning Basin Joint Venture) Agreement Act 2013 to provide for the ratification of the termination agreement, which will terminate the Natural Gas (Canning Basin Joint Venture) Agreement 2012, which I will refer to as the state agreement.

The state agreement was entered into in November 2012 between the state, the joint venturers and Mitsubishi Corporation, as guarantor. The state agreement provided enhanced certainty of tenure initially over five petroleum exploration permits, where the joint venturers could explore and evaluate gas resources without the obligation to relinquish ground under the Petroleum and Geothermal Energy Resources Act 1967. This measure encouraged further exploration informing the technical and economic evaluation of unconventional resources, with the objective of proving up sufficient reserves of natural gas to underpin the establishment and sustained operation of a domestic gas project.

Throughout the duration of the state agreement, the evaluation of the natural gas resource in the Canning Basin has taken longer than was originally planned. This has been for a number of reasons, including the time to ensure that traditional owners had access to clear and independent advice about the project, the impact of the Kimberley wet season, and most recently the uncertainty resulting from the state government's moratorium on hydraulic fracture stimulation—fracking—in Western Australia and the associated scientific inquiry into fracking.

On 25 May 2017, the joint venturers announced that they had entered into agreement for, amongst other matters, the transfer of interest in the five exploration permits subject to the state agreement. Under that agreement, Buru Energy acquired 100 per cent of the interest in four of the exploration permits and Mitsubishi, through its wholly owned subsidiaries Diamond Resources (Fitzroy) Pty Ltd and Diamond Resources (Canning) Pty Ltd, will have 100 per cent of the interest in the remaining permit EP 371.

Mitsubishi has recently proposed its own regional domestic gas project using the resource identified and located within EP 371. This would initially deliver gas to the Kimberley region and the Perth metropolitan market in the longer term. Mitsubishi's proposed regional domestic gas project cannot be implemented under the state agreement as it is currently structured. The state agreement stipulates that the joint venturers are jointly and severally liable for the development of the domgas project. However, the commercial interests of the joint venturers are no longer aligned. Further, the state agreement requires that the domestic gas pipeline be owned and operated by the joint venturers, whereas Mitsubishi proposes that this will be built, owned and operated by a third party.

The state has agreed to the termination agreement in the interest of encouraging ongoing investment and development in the Kimberley region, with the objective of facilitating the regional domestic gas project envisioned by Mitsubishi, subject to the findings of the scientific inquiry into fracking. In enacting the moratorium on fracking, the state has recognised that there is sufficient justification for a suspension of the requirement to compulsorily relinquish permit land areas and fulfil work program commitments of up to four years. This is the result of the time frame for the completion of the inquiry itself and the time required to complete planning, approval processes and land access and weather window buffers prior to on-ground activities occurring. The termination agreement accounts for the impact of the moratorium by allowing the extension to the terms of the petroleum titles by four years, and the year end for each work requirement relating to these titles is also suspended and extended for the same period.

This bill will allow the joint venturers to pursue their own commercial interests under the laws of the land with the confidence that the fracking moratorium will not compromise their interests. The expected outcome, subject to the findings of the scientific inquiry into fracking, will be a significant domestic gas project, initially serving interests in the Kimberley and in the long term supplying much-needed gas to the Perth metropolitan region and the south west.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum, which contains a description of the provisions of the bill and termination agreement, for the consideration of members.

[See paper 1491.]

Debate adjourned, pursuant to standing orders.

LOCAL GOVERNMENT AMENDMENT (SUSPENSION AND DISMISSAL) BILL 2018

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.31 pm]: I move —

That the bill be now read a second time.

It gives me great pleasure to deliver an important local government reform of the McGowan government with the introduction of the Local Government Amendment (Suspension and Dismissal) Bill 2018. As members are aware, local governments are the closest tier of government to the community, performing a vital role within our society through the provision of essential services to the community. The Local Government Act 1995 provides the framework within which local governments operate. The act is based on the principle of general competence—that is, that local governments are in the best position to make decisions for their local community and should be given the autonomy to do so. There are, however, clear limitations on this power in a number of areas.

In 2012, Parliament gave the minister the power to suspend a council or require members to undertake remedial action when the seriousness or duration of a suspected failure of a local government to perform its functions properly made it inappropriate for the council to continue to act. The minister does not, however, have the ability to suspend an individual council member whose conduct is disruptive, is creating health and safety issues for staff members, or is undermining the local government itself. This bill addresses these situations.

As many members know from being former elected members of local governments, the majority of council members are hardworking representatives of our community who give up their time with the aim of improving their local area. Sometimes, however, dysfunctional behaviour can degrade the reputation of local governments and deter good people from nominating to be members. The state government is duty bound to ensure that the community is given the local government that it expects and deserves, and good governance. This bill will give the minister the power to suspend and/or order an individual council member to undertake remedial action when the minister is satisfied that it is inappropriate for the council member to continue to act as a member of council without intervention.

The triggers for this intervention are: a council member is charged with an offence that, if convicted, will disqualify them from being a council member; the departmental chief executive officer has referred an allegation or allegations of serious breach or recurrent breaches of the act to the State Administrative Tribunal; the council member is failing to perform their role, functions or duties as defined in the act and the minister is satisfied that the seriousness or duration of the suspected failure requires intervention; or the council member's conduct is adversely affecting the ability of another person, including employees or the local government itself, to perform their functions or duties and the minister is satisfied that the seriousness or duration of the suspected conduct requires intervention.

The purpose of this reform is to protect the public interest and the system of local government by facilitating a timely intervention by the minister. The existing methods of dealing with misbehaviour in the longer term, such as through the courts or the State Administrative Tribunal, will underpin the new suspension powers. By also creating an avenue for the minister to order a council member to undertake training, mediation or other remedial action, the council member can be assisted in providing effective and appropriate service to the community. This can be done in conjunction with a suspension order or as a standalone order.

Currently under the act, an inquiry panel can be appointed by the minister to investigate and report on a local government's operations or affairs. Before or during an inquiry, the minister may currently suspend the entire council if the minister believes that the seriousness or duration of a suspected failure of the council to ensure that the local government performs its functions properly warrants the minister's intervention. This bill will enable the minister to suspend an individual council member if the minister thinks that the conduct of the inquiry would be likely to be seriously prejudiced if the member were not suspended. These amendments will facilitate a tailored approach that will result in cost savings for the local government as commissioners may not need to be appointed.

Additionally, the bill will remove the entitlement of a council member to receive any sitting fee or allowance under the Local Government Act 1995 while they are suspended. This will apply when a council member is suspended by either the State Administrative Tribunal or by the minister, and when suspended as an individual or as part of an entire council. The bill also ensures that a local government will recover any fees or allowance paid in advance to the member for the period of suspension.

Currently the act requires an inquiry panel to recommend the dismissal of an entire council, but not an individual council member. This bill will enable an inquiry panel to recommend the dismissal of an individual council member if the inquiry panel concludes that the member has failed, or is failing, to perform their role, functions or duties under the act; the member's conduct has impeded, or is impeding, the ability of another person to perform their role, functions or duties under the act; or the member's conduct has impeded, or is impeding, the ability of the local government to comply with the employment principles that apply to it under section 5.40, and the seriousness or duration of that failure or conduct makes it inappropriate for the council member to remain a member of the council.

Procedural fairness will be accorded the council member through a show-cause process prior to the minister making any orders to suspend, dismiss or order a council member to undertake remedial action. This will provide the council member with notice of the proposed order and the reasons why that action is proposed. The council member will have 21 days, or such longer period as the minister allows, to respond to the proposal to suspend or order remedial action. The minister is to consider the member's response before making a decision on the order. This bill includes an amendment that will require an elected member to inform the local government CEO if the member is charged with an offence that could disqualify them from holding office. This advice is then to be provided to the departmental CEO.

There is currently no ability to dismiss an individual council member when it is clear that they should not remain in office. This bill will provide the minister with the power to recommend dismissal when the minister is satisfied, on the advice of the departmental chief executive officer, that the council member is impeding, or has impeded, the ability of the local government to perform its functions and duties under the act and/or it is in the best interests of the local government that the member be dismissed and the seriousness of the situation for the local government requires intervention.

Procedural fairness will be accorded the council member through the provision of the report that outlines the grounds for the proposed dismissal. The council member will have 21 days, or such longer period as the minister allows, to respond to the proposal to dismiss. The recommendation and, more importantly, the basis of the recommendation to dismiss by the minister will be open to public scrutiny through a requirement imposed upon the minister to release the report on the day the order to dismiss takes effect. The dismissed council member is not prevented from re-standing for a position on council. This process will give voters the opportunity to make an informed choice on whether that person is an appropriate person to be their representative.

These are important amendments that provide the minister with the ability to intervene to address issues involving individual council members that impact adversely on the ability of the local government, its elected members and its staff to carry out their respective roles under the Local Government Act. It has the potential to provide greater public confidence in local government, and it protects the reputation of the sector generally from the actions of an individual.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to a bilateral or multilateral intergovernmental agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform law throughout the commonwealth. I commend the bill to the house and table the explanatory memorandum.

[See paper 1512.]

Debate adjourned, pursuant to standing orders.

RAILWAY (METRONET) BILL 2018

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [10.40 pm]: I move —

That the bill be now read a second time.

At the outset, I am required by section 18A of the Transport Co-ordination Act 1966 to table a report by the director general of Transport on the planned construction of the new railway line from Beckenham junction to Cockburn Central and the new railway line from Butler station to Yanchep and, by section 96(2) of the Public Works Act 1902, to table two maps showing the course to be taken by, and the middle line of, each railway. I will table this report and the two maps.

I am now proud to deliver the second reading speech introducing the Railway (METRONET) Bill 2018. The purpose of this bill is to implement the legislative authority for the construction of the Thornlie–Cockburn Link railway from Beckenham junction to Cockburn Central and for the construction of the Yanchep rail extension railway from Butler station to Yanchep. This enables the delivery of two key election commitments and will be

the catalyst in creating thousands of jobs for Western Australians. The Thornlie–Cockburn railway will link the Armadale rail line to the Mandurah rail line. We will start building the Thornlie–Cockburn Link next year—126 years after the Armadale line was first opened in 1893. The Mandurah rail line, of course, was completed in 2007 by the former Labor government. It is now the most patronised line on the network with more than 20 million trips a year. This will be the joining of the old with the new, a heritage line linked to the modern Mandurah rail line. Both these train lines are quite special to the Minister for Transport—her father, an Italian migrant, helped to build some of the extra stations along the Armadale line and the minister worked in the Gallop and Carpenter governments, which built the Mandurah line. This link is also the first stage of the future circle route, which will see not only our rail system head into and out of the city, but also across the suburbs. It is about creating an integrated and coordinated public transport network for our future. We have seen significant population growth in the south-west and the south-east corridors of the metropolitan area. In particular, we have seen the emergence of new suburbs and an explosion of activity in the Cockburn area and the corridor linking Cockburn to Armadale. However, this has led to significant congestion in the area.

The Thornlie–Cockburn Link will provide people living in our suburbs greater access to employment, health and education facilities in key centres such as Cockburn Central, Murdoch and Canning city centre. It will also link more commuters to strategic commercial and industrial jobs in Jandakot, Canning Vale and Welshpool, and other major employment centres. It will provide a vital link to Optus Stadium and Burswood Peninsula. Residents living in the Canning Vale area and in suburbs south of Cockburn station will be able to access the new stadium from the south, as opposed to going through the city station. New Metronet stations are planned at Ranford Road and Nicholson Road in Canning Vale, as are targeted improvements to the supporting bus network to ensure maximum integration with the planned new rail services. Together with good planning around stations, the Thornlie–Cockburn Link will address the growing public transport service gap in that area. The Thornlie–Cockburn Link is long-term infrastructure that will provide the community with better choices for commuters around our city. It will increase the connectivity of the public passenger rail network, alleviate capacity pressures on the existing rail and surrounding road networks while helping to support the land use and employment targets. It will also increase the resilience of the rail network, ensuring more options are available when there is disruption on the rail network.

This Railway (METRONET) Bill 2018 also authorises the construction of a new railway from Butler station to Yanchep to service one of Australia's fastest growing regions. The Yanchep rail extension is located in the north-west corridor where the population is expected to reach 74 000 by 2050. The Yanchep–Two Rocks area alone is anticipated to accommodate up to three per cent of Australia's population growth over the next 40 years due to the availability of relatively affordable urban-zoned land, and the continued demand for coastal living. This metropolitan growth needs to be supported by a multimodal transport network.

The Yanchep rail extension will be a catalyst for major planned urban growth and facilitate better land use outcomes around train stations, which will ultimately lead to higher public transport patronage, shorter journey times and better access to jobs. The delivery of passenger rail connection in conjunction with new housing developments provides the opportunity to combine transport planning and land use planning. Station and precinct design will incorporate bus, cycle and pedestrian links to help foster more sustainable travel patterns. It is important to note that these suburbs are being developed now and the land has been zoned urban for many years. This rail line is not creating urban sprawl, as some would say, as it is matching the urban development front. I note also that the density that is being delivered in these new housing estates is higher than many established suburbs. It is important as a result that we deliver quality public transport and well-planned open space in these new communities.

The new stations and station precincts at Alkimos, Eglinton and Yanchep will provide new residents with high quality public transport access to other parts of the city and will progressively become mixed-use urban centres to provide amenities, services and employment for growing local communities. We anticipate that over time, major centres at Yanchep, and potentially Alkimos, will become destinations in their own right, supporting broader development and growth in the north-west corridor of Perth.

The Yanchep rail extension will also address three key problems impacting public transport in the area: to ensure future increases in travel demand are met; to alleviate urban congestion; and to ensure efficient travel times are provided for those accessing jobs, services and amenities. Just as with the Thornlie–Cockburn Link, the Yanchep rail extension project will deliver other transport options for residents. We will be delivering new bus services in the area and providing alternative, sustainable transport options, such as shared paths, to connect the stations to surrounding residential and employment areas.

When passed, this legislation will authorise construction of two new railways, which will add significant capacity to the urban rail network in Perth and underpin significant planned urban development to enhance the communities those railways will serve. This is the first of the rollout of our new job-creating Metronet projects. The Forrestfield–Airport Link is well underway and, of course, planning is underway for the Morley–Ellenbrook rail line and the Byford rail extension. Labor has been the party of public transport in the past and will be in the future. Not to build these projects would be to ignore the families, pensioners and young people in our suburbs wanting access to our hospitals, our TAFEs, our universities and jobs. These projects are not only projects for today, but also projects for generations to come.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

The PRESIDENT: Members, the report and the two maps, and the explanatory memorandum, are tabled.

[See papers 1513 and 1514.]

Debate adjourned, pursuant to standing orders.

HERITAGE BILL 2017

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.47 pm]: I move —

That the bill be now read a second time.

It is with great pleasure that I introduce the Heritage Bill 2017. This bill fulfills the McGowan Labor government's commitment to progressing modern heritage legislation in the Parliament. It repeals the Heritage of Western Australia Act 1990, which was passed at a time when Perth had seen the wholesale destruction of heritage places, and overhauls unnecessarily complex, inflexible and unclear assessment and consultation processes. This bill brings Western Australia into line with the rest of the country by addressing demolition by neglect—the lack of maintenance or protection of a place listed in the state Register of Heritage Places. There is currently no power under the act to force owners to maintain and protect their property, with compulsory acquisition by the state being the only option, and one which has, for various reasons, never been used. The bill enables the Minister for Heritage, under strict conditions, to now address genuine cases of demolition by neglect by requiring an owner to make their place safe and secure. These repair orders will, however, be subject to review by the State Administrative Tribunal to protect against undue hardship.

Greater protection for state registered places will also be achieved through a mix of incentives, such as grants and access to technical assistance, as well as meaningful disincentives for owners of registered places. Penalties for deliberate destruction will remain at \$1 million. Regulations will be developed to enable the Heritage Council of Western Australia to prepare guidelines to help state agencies identify and manage the more than one-third of the 1 300 places entered on the state register that are under government custodianship, and ensure that heritage places earmarked for disposal are assessed and protected where necessary in the transition to new ownership.

The bill removes the current requirement for a two-step—interim and permanent—registration process, to significantly reduce the time and cost of entering a place onto the register. If this amendment had been in effect for the assessment and registration process of the west end in Fremantle—the largest single precinct to be state heritage listed to date—it would have removed the need for the Heritage Council to undertake a second round of stakeholder consultation and the requirement to place another memorial on the title. For this process alone, it would have saved the state approximately seven months and \$120 000.

Via regulations, owners will also be provided with greater certainty with time limits set for certain aspects of the assessment process, including for the Heritage Council to decide whether a place warrants full assessment, and for the minister to recommend a place for entry into the register. The bill also increases transparency by requiring publication of the Heritage Council's advice to the minister, and the minister's decision.

Under the current act, pending or recently approved development applications are currently cancelled when a place is entered into the state register, forcing owners and developers to reapply with little means of compensation. This bill enables the Heritage Council to suspend rather than cancel applications or recent approvals while they are reassessed with respect to the place that has become state-registered. It also enables certain development proposals for registered places, such as minor works, to be exempt from referral to the Heritage Council.

In response to stakeholder feedback, greater consistency will be achieved in the adoption of nationally recognised criteria for the assessment of heritage places and the Burra Charter definition of cultural heritage to clarify, but not expand beyond, the scope of the act. In addition, this bill overcomes many of the common misconceptions and uncertainties around the current requirement for local governments to prepare and regularly review inventories of heritage buildings. Existing inventories will transition to local heritage surveys with increased flexibility for local governments to include "places" of cultural significance rather than "buildings", as prescribed under the current act. The bill also clarifies the purpose of these surveys as repositories of information on places of local heritage interest, to better equip local governments to make informed decisions about heritage matters.

Lastly, this bill reflects public sector governance best practice by adopting a skills-based membership for the Heritage Council and clarifying its role and functions, and providing for contemporary management practices regarding meetings, conflicts of interest and financial management.

Over the past 25 years, our attitude towards cultural heritage has undergone a dramatic makeover. Heritage is now largely seen as an asset rather than a liability, as evidenced by the many homes, bars, restaurants and community spaces that have given heritage-listed places a new lease of life.

This bill has been carefully developed through three phases of consultation undertaken since 2011 by the former State Heritage Office on behalf of the Heritage Council. It also contains some minor amendments, mostly administrative, that were identified since the 2016 bill was introduced by the former state government.

Passage of the Heritage Bill 2017 will result in legislation that is open, transparent, simple to operate and understand, and reflects best practice in the recognition and protection of heritage places. Stakeholders have been calling for modern heritage legislation for many years, and I am privileged to be delivering that on behalf of the McGowan state government. We committed to continuing to work with the community and stakeholders to further recognise the value of our heritage buildings, reactivate and conserve them for future generations, and enhance the Western Australian story and our sense of place.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1515.]

Debate adjourned, pursuant to standing orders.

House adjourned at 10.53 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

DEPARTMENT OF TRANSPORT — ADVERTISING

1181. Hon Martin Aldridge to the minister representing the Minister for Transport:

I refer to advertising material distributed by the Department of Transport accompanying motor vehicle registration renewals, and I ask:

- (a) other than motor vehicle registration renewals, does the Department of Transport offer this advertising service on any other occasion;
- (b) what is the annual revenue to the department for this financial year and the last two financial years from offering this service;
- (c) how many recipients of this advertising have requested that the Department of Transport cease sending them future advertising;
- (d) for this financial year and the last two financial years, which companies, organisations or individuals have utilised this service and what has been the cost paid by each; and
- (e) will the Minister please provide a copy of the advertising policy that the Department of Transport uses with respect to this advertising?

Hon Stephen Dawson replied:

I note that in 2009–10 the former Liberal–National Government reduced funding for the Department of Transport (DoT) by \$500,000 on the basis that this revenue could instead be derived through advertising inserts in its outgoing mail.

Accordingly, in August 2010 the *State Trading Concerns Act 1916* was amended to allow for this and in 2013, DoT entered into a contract for the insertion of advertising material in vehicle and driver renewal mail outs.

- (a) Yes.
- (b) 2015–16: \$159,091; 2016–17: \$487,454; 2017–18: \$329,786 (as at 31 March 2018)
- (c) 10,167 (as at 31 March 2018)
- (d) Kalamunda Toyota and New Town Toyota (United Motor Traders Pty Ltd)
AAA Automotive Group Pty Ltd
AHG
Allianz Global Assist
Auto Masters
Auto One Australia Pty Ltd
AV Trucks Services Pty Ltd
Barbagallo Group
Bendigo Bank
Bloomfield Motor Group
Blue Diamond Sales and Marketing Pty Ltd (B1 Homes)
Blue HQ Fremantle Pty Ltd
Grayist Pty Ltd (Boat City)
Brian Gardner Holden
Budget Direct (Auto and General Services Pty Ltd)
Bunbury Holden
CitiBank
Club Marine Insurance Ltd
Ferrantum Australia Pty Ltd
GPR Auto Pty Ltd
HBF Health Ltd
Hyundai
Kikka Capital

Mandurah Auto Pty Ltd
 Martins Trailer Parts (Trailer Parts Pty Ltd)
 Nissan
 Parkland RV Centre
 QBE Insurance
 RACWA Holdings Pty Ltd
 Real Insurance (the Hollard Insurance Company)
 Revolution Finance Group
 Rockingham Autos
 Swanpride Pty Ltd
 Shacks Holden
 Shannons Ltd
 ShellCard – Viva Energy Australia Pty Ltd
 Sirocco Marine (SMI Pty Ltd)
 SpecSavers Pty Ltd
 Trident Marine Insurance
 Tyresales Pty Ltd
 Volkswagen Group Pty Ltd
 WEX Australia Pty Ltd
 Youi Pty Ltd

Total revenue received by the Department of Transport for the current financial year as at 31 March 2018 is \$329,786.

- (e) [See tabled paper no 1504.]

POLICE — COURT SECURITY SERVICES

1185. Hon Martin Aldridge to the minister representing the Minister for Police:

I refer to an article published in *Busselton Dunsborough Times* on 4 May 2018, *Police resources stretched*, and I ask:

- (a) which court locations in Western Australia rely upon Western Australia Police (WAPOL) to provide security services;
- (b) of those identified in (a), on how many occasions this financial year and at what locations have officers been required to provide court security services;
- (c) does the Minister support the use of the WAPOL to provide security services to courts falling outside of the ‘Court Security and Custodial Services contract’ mentioned in the article; and
- (d) when is the contract mentioned above due for renewal and when was it last renewed?

Hon Stephen Dawson replied:

- (a)–(d) The Western Australia Police Force advises the following

The WA Police Force provides security at the following locations: Broome (only for Justices of the Peace court), Derby (only for Justices of the Peace court), Fitzroy Crossing, Wyndam, Halls Creek, Warmun, Dampier, Kalumburu, Balgo, Bidyadanga, and Looma in the Kimberley; Karratha, Newman, Roebourne, Tom Price, Exmouth, Pannawonica, Nullagine, Marble Bar, Onslow, Jigalong, and Yandeyarra in the Pilbara; Esperance, Coolgardie, Norseman, Eucla, Leonora, Laverton, Warburton, Wiluna, Blackstone, and Kintore in the Goldfields; Katanning, Narrogin, Ravensthorpe, Gnowangerup, Kojonup, Pingelly, Lake Grace, Corrigin, Mt Barker, Wagin in the Great Southern; Busselton, Margaret River, Augusta, Harvey, Collie, Donnybrook, Bridgetown, and Manjimup in the South West; Geraldton (only for Justices of the Peace court), Dongara, Leeman, Jurien Bay, Three Springs, Mullewa, Morawa, Cue, Meekatharra, Burringurrah MFPP, Shark Bay, Kalbarri, and Northampton in the Midwest–Gascoyne; Merredin, Southern Cross, Northam, Wongan Hills, Dalwallinu, and Moora in the Wheatbelt; and at Northbridge in Perth.

The WA Police Force do not hold data related to the number of occasions and specific locations police have provided court security services. Court sitting/circuits are scheduled by the Department of Justice.

The private security contract was last renewed on 27 October 2016, and will expire on 26 October 2021. This Government will honour the contract put in place by the previous government.

MID WEST DEVELOPMENT COMMISSION — MID WEST HEALTH AND WELLBEING STRATEGY

1186. Hon Martin Aldridge to the Minister for Regional Development:

I refer to the Mid West Development Commission initiated Mid West Health and Wellbeing Strategy, and I ask:

- (a) is the strategy complete and will the Minister table the strategy; and
- (b) does the Government support the strategy?

Hon Alannah MacTiernan replied:

- (a)–(b) A draft Strategy was prepared under the previous government by the Mid West Development Commission and the WA Country Health Service. I am advised that the Strategy was not endorsed by either the former Minister for Health or the former Minister for Regional Development.

The McGowan Labor Government's health priorities in the Mid West are set out in WA Labor's Plan for Geraldton. These include redevelopment of Geraldton Health Campus and the provision of mental health services.

PUBLIC TRANSPORT — SUBSIDIES

1187. Hon Martin Aldridge to the minister representing the Minister for Transport:

I refer to public transport in Western Australia, and I ask:

- (a) what is the public subsidy relevant to each of the public transport types below for this and the previous three financial years:
 - (i) Transperth bus;
 - (ii) Transperth rail;
 - (iii) Transperth ferry;
 - (iv) Transwa coach; and
 - (v) Transwa train;
- (b) what is the total number of boardings for each public transport type identified in (a), for this and the previous three financial years;
- (c) what is the total public transport subsidy for this and the previous three financial years; and
- (d) what is the total public transport subsidy for each year from 2018–2019 to 2021–2022?

Hon Stephen Dawson replied:

- (a)
 - (i) 2014–15: 344.8m; 2015–16: 364.9m; 2016–17: 365.4m; 2017–18: 375.9m (est)
 - (ii) 2014–15: 239.9m; 2015–16: 255.4m; 2016–17: 270.1m; 2017–18: 257.8m (est)
 - (iii) 2014–15: 0.3m; 2015–16: 0.4m; 2016–17: 0.8m; 2017–18: 0.8m (est)
 - (iv) 2014–15: 15.9m; 2015–16: 16.3m; 2016–17: 16.8m; 2017–18: 17.7m (est)
 - (v) 2014–15: 15.3m; 2015–16: 16.1m; 2016–17: 18.1m; 2017–18: 16.3m (est)
- (b) Boarding information for the Transperth System is publicly available on the Public Transport Authority website, however for the benefit of the member:
 - 2014–15:
 - (i) 84.143 million
 - (ii) 64.225 million
 - (iii) 0.394 million
 - (iv) 0.187 million
 - (v) 0.218 million
 - 2015–16 and 2016–17 [See tabled paper no 1505.]
 - 2017–18: Total boardings for 2017–18 are not yet available as the year has not yet ended.
- (c) 2014–15: 755.6m; 2015–16: 795.6m; 2016–17: 814.9m; 2017–18: 813.1m (est).
- (d) 2018–19: 846.6m (est); 2019–20: 890.5m (est); 2020–21: 916.8m (est); 2021–22: 941.1 (est)

LANDS — LOT 90 ON DEPOSITED PLAN 25477

1190. Hon Martin Aldridge to the minister representing the Minister for Lands:

I refer to Lot 90 on Deposited Plan 25477 (Volume 2493, Folio 723), and I ask:

- (a) on what conditions did the State Government dispose of this State land to the Shire of Chapman Valley;

- (b) was the parcel of land offered to parties other than the Shire of Chapman Valley and were those offers made with terms different to that outlined in (a);
- (c) if yes to (b), who were the other parties negotiated with and what were the terms offered to them by the State Government; and
- (d) what is the State Government process for the disposal of land to ensure equity is afforded to potential buyers and value is returned to the State from the transaction?

Hon Stephen Dawson replied:

- (a) The land was sold pursuant to section 86 of the Land Administration Act 1997 (LAA) and in accordance with the standard Conditions for the Sale of Crown Land.
- (b) Yes.
- (c) The parties and terms offered were as follows:
 - Former Department of Parks and Wildlife – Land to be added to adjoining Class A Reserve 39276 Shire of Chapman Valley – Management Order pursuant to section 46 of the LAA or sale by private treaty pursuant to section 86 of the LAA
 - Owner of adjoining Lot 80 – Amalgamation pursuant to section 87 of the LAA or a lease pursuant to section 79 of the LAA
 - Owner of adjoining Lot 124 – Amalgamation pursuant to section 87 of the LAA
 - Owner of adjoining Lots 125 and 126 – Amalgamation pursuant to section 87 of the LAA
 - Owner of adjoining Lot 265 – Amalgamation pursuant to section 87 of the LAA(d) Once identified as surplus, Crown land is assessed for its potential highest and best use.
- (d) Once identified as surplus, Crown land is assessed for its potential highest and best use. Divestment options can include strategic hold, divestment for government or community needs, divestment via a competitive open market process or amalgamation with adjoining landowners. If the highest and best use for an asset is identified as sale, the asset is valued by the Valuer General's Office and sold at full market value via a competitive process or offered to all adjoining landowners for amalgamation.

POLICE — MOTOR VEHICLE AVAILABILITY

1198. Hon Martin Aldridge to the minister representing the Minister for Police:

I refer to the Western Australia Police (WAPOL), and I ask:

- (a) on how many occasions in the last 12 months have WAPOL been unable to respond to a request for assistance as a result of a motor vehicle not being available;
- (b) with respect to each occurrence identified in (a), what was the location of the request for assistance arising from and the police station tasked with response;
- (c) with respect to each occurrence identified in (a), how did WAPOL respond and was there a delay in response;
- (d) is the Minister aware of any issues associated with the availability of motor vehicles for police response; and
- (e) has the police motor vehicle fleet changed and, if so, identify where and in what form that change has occurred?

Hon Stephen Dawson replied:

- (a)–(d) The Western Australia Police Force advises that it is not aware of any issues associated with the availability of motor vehicles for police response.
- (e) The vehicle types deployed across Western Australia to meet policing demands have not changed, that is, sedans, four-wheel-drives, vans and specialist builds are continually sourced and/or built to meet general and specialist policing needs. The fleet is sourced from a range of manufacturers, including Holden, Ford, Toyota and Hyundai.

REGIONAL DEVELOPMENT — ORD–EAST KIMBERLEY EXPANSION PROJECT

1199. Hon Robin Chapple to the Minister for Regional Development:

I refer to the recommendations from the 'Special Inquiry into government programs and projects' for the Ord River irrigation Expansion project, and I ask:

- (a) given the original \$220 million budget, and the eventual \$334 million spend, the Special Inquirer believes that the Ord River Irrigation Expansion Project should have had its own separate steering committee. Will the Government create this separate steering committee without conflicted members as recommended in this report;

- (b) if no to (a), why not;
- (c) the project allocated \$200,000 for environmental costs, yet by June 2016, the environmental costs had reached \$8.1 million. Will the Minister provide a detailed breakdown of what the extra \$7.9 million for 'environmental management' was spent on and the correlating dates;
- (d) if no to (c), why not;
- (e) project management of the Ord River Expansion project was denounced by the Auditor General's report in September 2016, due to cross-membership between committees, unclear terms of reference and the regularity of meetings. In addition, Ministerial officers were members of the Steering Committee, as were the managers for the irrigation and Commonwealth projects, which blurred the responsibility and authority for each level. Will the Minister undertake a review of the project management framework for the project with the aim to fix the issues outlined in both the Auditor General's report and by the Special Inquirer;
- (f) if no to (e), why not;
- (g) regarding the finance of the project, the Special Inquirer reported that the project should have been subject to Department of Finance co-ordinated Gateway Reviews. These reviews would have provided an independent assessment of the project governance and delivery at key milestones. Will these reviews be required by the Minister to be conducted hence forth as the project progresses key milestones;
- (h) if no to (g), why not;
- (i) regarding the future expansion of thousands of hectares of irrigated agriculture projects across the Kimberley and the Pilbara, will the cumulative impacts to climate change and biodiversity loss from extended land clearing, and water extraction be taken into consideration in the planning phase by the Minister for Regional Development; and
- (j) if no to (i), why not?

Hon Alannah MacTiernan replied:

- (a) No.
- (b) While an appropriate recommendation, a separate steering committee is no longer required. The aims and objectives of the Ord East Kimberley Expansion Project have been met resulting in \$300 million of infrastructure assets being constructed and developers appointed to develop and farm over 18,000 hectares. While some residual tasks remain these are adequately managed and governed through the normal departmental processes within the Department of Primary Industries and Regional Development, in consultation with other government agencies as required.
- (c) [See tabled paper no 1510.]
- (d) Not applicable.
- (e) No.
- (f) The Ord East Kimberley Expansion Project commenced in 2009 with key decisions made by the Ord Ministerial Council between 2009 and 2015. A residual budget of \$10 million remains to fulfil outstanding obligations. These obligations are adequately managed and governed through the normal departmental processes within the Department of Primary Industries and Regional Development, in consultation with other government agencies as required.
- (g) No.
- (h) All the key project milestones in the Ord East Kimberley Expansion Project have been met. There are no remaining project milestones that warrant a Department of Finance co-ordinated Gateway Review.
- (i) Yes.
- (j) Not applicable.

POLICE — COMPLAINTS AND INVESTIGATIONS

1201. Hon Alison Xamon to the minister representing the Minister for Police:

For each year from 2012–2017, will the Minister please advise:

- (a) the number of complaints made against police;
- (b) the number subject to internal investigation;
- (c) in relation to (b), the number resulting in adverse findings against police;
- (d) in relation to (a), the number subject to external investigation; and

- (e) for any complaints subject to external investigation, will the Minister please advise:
- (i) which body undertook the investigation;
 - (ii) the outcome of the investigation; and
 - (iii) how many investigations resulted in adverse findings against police?

Hon Stephen Dawson replied:

- (a)–(e) The Western Australia Police Force advise that in 2012 there were 1068 complaints made against police, in 2013 there were 1211, in 2014 there were 1194, in 2015 there were 1292, in 2016 there were 1324 and in 2017 there were 1294. All complaints against police are investigated internally, with adverse findings against police in 128 cases in 2012, 121 cases in 2013, 110 cases in 2014, 113 cases in 2015, 118 cases in 2016, and 62 cases in 2017. External investigations are carried out by the Corruption and Crime Commission, and questions relating to external investigations should be directed to the CCC.

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT —
MACHINERY-OF-GOVERNMENT CHANGES — EMMA WHITE

1206. Hon Nick Goiran to the Leader of the House representing the Premier:

I refer to the Premier's answer to Legislative Assembly Question Without Notice No.238 on 12 April 2018, in which he informed the other place that he had spoken to Emma White and asked her to stay on, and I ask:

- (a) on what date did the Premier have that conversation with Ms White;
- (b) where did the conversation take place; and
- (c) who else was present at the time the conversation took place?

Hon Sue Ellery replied:

- (a)–(c) Keeping in mind that this would have happened over a year ago, to the best recollection of the Premier, the conversation most likely took place on May 25, 2017 at Parliament House.

The Premier and Ms White were in the same meeting concerning Operation Fledermaus. After the meeting had concluded, the Premier took the opportunity to talk to Ms White personally, about her intention to leave Government and if there was some way the Government could change her mind.

While the diary entry for the meeting lists the following attendees, the conversation was between the Premier and Ms White and it is unclear who would have still been present when the conversation happened.

Simone McGurk MLA, Minister for Child Protection

Caron Irwin, Chief of Staff to the Minister for Child Protection

Ben Wyatt MLA, Minister for Aboriginal Affairs

Rohan Worsdell, Principal Policy Adviser to the Minister for Aboriginal Affairs

Michelle Roberts MLA, Minister for Police

Dr Karl O'Callaghan, Police Commissioner, WA Police

Andrea Hancock, Chief of Staff to the Police Commissioner

Emma White, Director General, Child Protection & Family Services

Vaughan Davies, Director General, Department of Aboriginal Affairs

Darren Foster, Director General, Department of the Premier and Cabinet

Ben O'Rourke, Director – Community and Human Services, Department of the Premier and Cabinet

Guy Houston – Chief of Staff to the Premier.

ENVIRONMENT —

“RICH AND RARE: CONSERVATION OF THREATENED SPECIES FOLLOW-UP AUDIT”

1220. Hon Robin Chapple to the Minister for Environment:

I refer to the Auditor-General's *Rich and Rare: Conservation of Threatened Species* follow-up audit, released in September 2017, and ask:

- (a) will the Minister please provide a list of the names of all existing recovery plans for:
 - (i) plant species;
 - (ii) animal species; and
 - (iii) ecological communities;

- (b) in relation to (a), for each plan, will the Minister please list:
- (i) the date the plan was approved;
 - (ii) whether it is an interim or ‘full’ plan;
 - (iii) the period of time in years that the plan is to cover; and
 - (iv) the amount of funding currently allocated to the plan including by item, funding derived from:
 - (A) Commonwealth Government;
 - (B) State Government; and
 - (C) offsets;
- (c) what action does the Minister propose to take regarding out of date recovery plans for threatened species and ecological communities;
- (d) what is the date of the last time that an addition was made to the list of Threatened Ecological Communities in Western Australia;
- (e) how many ecological communities have been recommended for listing as ‘threatened’ by the Threatened Ecological Communities Scientific Committee but have yet to have had their status listed as such;
- (f) will the Minister please list the names of all the threatened:
- (i) plant species;
 - (ii) animal species; and
 - (iii) ecological communities; and
- (g) for which there is no recovery plan, and for each item, please list the threat status?

Hon Stephen Dawson replied:

- (a) (i)–(iii) [See tabled paper no 1506.]
- (b) (i)–(ii) [See tabled paper no 1506.]
- (iii) Interim recovery plans are prepared for a five-year implementation period and full recovery plans are prepared for a ten-year implementation period. However, plans remain in operation until cancelled or replaced.
- (iv) Recovery plans are not individually funded. Implementation of recovery actions is undertaken within priorities set by the Department of Biodiversity, Conservation and Attractions in consultation with recovery teams with actions undertaken either specifically for particular species and ecological communities, or as part of broader landscape management approaches.
- (c) Recovery plans remain in operation until cancelled or replaced and are revised when required.
- (d) 2002.
- (e) Thirty-five. Since 2002, subsequent Ministers for Environment have recognised that a formal mechanism for the listing of Threatened Ecological Communities (TECs) was proposed to occur with the proclamation of a new Biodiversity Conservation Act and have taken the position not to list any further TECs until the Act was in force.
- (f) (i)–(iii) [See tabled paper no 1506.]
- (g) [See tabled paper no 1506.]

ENVIRONMENT —

“RICH AND RARE: CONSERVATION OF THREATENED SPECIES FOLLOW-UP AUDIT”

1221. Hon Robin Chapple to the Minister for Environment:

I refer to the Auditor-General’s *Rich and Rare: Conservation of Threatened Species* follow-up audit, released in September 2017, and I ask:

- (a) will the Minister please provide a list of the 23 instances since 2012 when Department of Biodiversity, Conservation and Attractions did not receive the support it needed from other agencies and Ministers to purchase land to add to the conservation estate including, for each item:
- (i) the name of the property;
 - (ii) the location of the property;
 - (iii) the area of land in hectares; and
 - (iv) the agencies and/or Minister(s) who refused the support;

- (b) with reference to page 15 of the report, of the 45 parcels of land covering 25,000 hectares that were purchased by the department mostly as offsets to protect Carnaby's cockatoos, how many parcels, covering how many hectares, were located in the Perth and Peel regions;
- (c) of the number of parcels purchased as offsets to protect Carnaby's cockatoos, how many, covering how many hectares, have had, or will have, habitat created, rehabilitated or revegetated on them;
- (d) does the Minister intend to increase the amount of land held in reserves in Western Australia as a conservation tool; and
- (e) if yes to (d), how?

Hon Stephen Dawson replied:

- (a) Examples were provided for the follow-up audit as evidence of instances where support was not received for the reservation of lands to add to the conservation estate. For several of these examples, support for reservation was conditional on agreement to a depth limit. Some of the reserve proposals have since been progressed or will continue to be negotiated.
 - (i)–(iii) [See tabled paper no 1507.]
 - (iv) The reserve proposals outlined in (i)–(iii) were not progressed as they were not supported by the former Minister for Mines and Petroleum.
- (b) There was one purchase of 1312 hectares in the Perth region and six purchases totalling 1602 hectares in the Peel region.
- (c) None of the properties outlined in (b) were purchased for the primary purpose of having habitat created, rehabilitated or revegetated. The Department of Biodiversity, Conservation and Attractions seeks to acquire existing bushland in good condition. Any incidental areas disturbed by historical use may be rehabilitated as resources permit.
- (d) Yes.
- (e) The Government is committed to increasing the conservation estate. Immediate priorities include the expansion of Wellington National Park, creation of the Fitzroy River National Park, and creation of conservation reserves over the Buccaneer Archipelago including islands and the fringing reefs. The McGowan Labor Government has funded the establishment of the Preston River to Ocean Regional Park and the Leschenault Regional Park in Bunbury. It has also reserved a 1001-hectare class A reserve addition to Yalgorup National Park in December 2017.

ENVIRONMENT —

“RICH AND RARE: CONSERVATION OF THREATENED SPECIES FOLLOW-UP AUDIT”

1222. Hon Robin Chapple to the Minister for Environment:

I refer to “Regional Nature Conservation plans” as discussed in the Auditor-General’s *Rich and Rare: Conservation of Threatened Species* follow-up audit, released in September 2017, and I ask:

- (a) will the Minister please list all the regional nature conservation plans that exist, and of these, by item:
 - (i) those that were approved at the executive level;
 - (ii) the dates that they were approved at the executive level;
 - (iii) the dates that the plans commenced;
 - (iv) the time period including specific years that the plans cover;
 - (v) how many times each plan has been used to report management of threatened species or ecological communities at an executive level;
 - (vi) whether each plan has been approved by the Conservation and Parks Commission; and
 - (vii) whether the Minister has received copies of the plans;
- (b) are any of the plans referred to in (a) publicly available;
- (c) if yes to (b), will the Minister please name them and state where they may be viewed;
- (d) if no to (b), why not;
- (e) noting that the Department of Biodiversity, Conservation and Attractions has nine administrative regions, does the Minister agree that there should be nine regional nature conservation plans;
- (f) if no to (e), why not;

- (g) the Auditor-General states on page 20 of the audit that the South West Nature Conservation Plan refers to significant knowledge gaps causing it to be ineffective in prioritising effort and resources. Does the Minister agree that this is a serious concern given that the current Forest Management Plan cites measurement and analysis of changes in spatial extent and species richness, composition and abundance and vegetation structure in relation to Threatened Ecological Communities and Priority Ecological Communities as defined by relevant regional nature conservation plans as one of its key performance indicators;
- (h) if no to (g), why not; and
- (i) why are regional nature conservation plans not publicly available if they are used as key performance indicators for key public policy documents such as the Forest Management Plan?

Hon Stephen Dawson replied:

- (a) There are nine draft regional nature conservation plans, one for each of the Department's nine regions: Goldfields, Kimberley, Midwest, Pilbara, South Coast, South West, Swan, Warren and Wheatbelt.
 - (i) No plans have been approved at the executive level. A process is being developed to formalise the Regional Nature Conservation Plans and have them endorsed by Corporate Executive.
 - (ii) Not applicable.
 - (iii)–(iv) Goldfields: 2017–2021; Kimberley: 2018–2022; Midwest: 2015–2019; Pilbara: 2015–2019; South Coast: 2015–2019; South West: 2015–2019; Swan: 2015–2019; Warren: 2015–2019 and Wheatbelt: 2016–2020.
 - (v) Nil.
 - (vi) There is no requirement for the Conservation and Parks Commission to approve these plans.
 - (vii) Yes.
- (b) The draft plans are internal documents to guide Departmental operations. They may be viewed at the relevant regional offices on request.
- (c) The draft plans identified in (a) may be viewed at the relevant regional offices on request.
- (d) Not applicable.
- (e) Yes.
- (f) Not applicable.
- (g) The South West Region Nature Conservation Plan, and all of the regional conservation plans, identify a range of risks to service delivery, which includes knowledge gaps. Information is currently being collated for the mid-term performance review of the *Forest Management Plan 2014–2023*.
- (h) Not applicable.
- (i) See (b) above.

PLANNING — KIMBERLEY PILBARA GASCOYNE JOINT DEVELOPMENT ASSESSMENT PANEL —
MARCH MEETING

1223. Hon Robin Chapple to the minister representing the Minister for Planning:

I refer to the Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel (JDAP) Agenda, dated 29 March 2018, and I ask:

- (a) why was the meeting held in Perth;
- (b) why were the Local Government members all absent from this meeting;
- (c) with reference to the JDAP consultation with other agencies or consultants, why was the Murujuga Aboriginal Corporation or representative of the Environment Protection and Biodiversity Conservation agency not consulted;
- (d) given the interest of both the Murujuga Aboriginal Corporation and the Federal Environment Protection and Biodiversity Conservation management of the areas surrounding the proposal, why was there no mention of their interests in the decision to be made by the JDAP;
- (e) were either the Murujuga Aboriginal Corporation and the Federal Environment Protection and Biodiversity Conservation agency advised of this proposal;
- (f) if yes to (e), on what dates;
- (g) if no to (e), why not;
- (h) if no to (e), why with reference to *Local Planning Scheme, Industry – Clause 6.7.2 – General Provisions*, which states that “issues to be considered in c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use”, were these bodies not consulted;

- (i) given that there is a Conservation Agreement between Woodside (Pluto) and the Commonwealth Government in respect of the Burrup (Murujuga) and that the whole commercial viability of the proposal is about trucking a volatile product on public roads covered by these agreements, why was no evaluation carried out over these risks to areas covered by these agreements;
- (j) why was there no evaluation of the risks associated with the national heritage values of adjacent lands;
- (k) why was there no evaluation of the impact and suitability of the transport of volatile material on what is the narrow Burrup Road associated with other volatile transport already using this road, and other civilian road users; and
- (l) why was no axle loading and rumble impact carried out associated with increased heavy vehicle usage on the adjacent heritage listed petroglyphs, either within the Pluto site or main roads through the Burrup (Murujuga)?

Hon Stephen Dawson replied:

- (a) Due to the nature of the application, it was appropriate for the meeting to be considered via teleconference. The meeting was arranged at the Department of Planning, Lands and Heritage located at 140 William Street, Perth and via teleconference with the City of Karratha office.
- (b) The Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel (JDAP) Local Government members were not available for the following reasons:

Cr Peter Long was interstate.

Cr Grant Cucel declared a direct pecuniary interest, which precluded him from participating.

Cr Evette Smeathers was on annual leave.

Cr Margaret Bertling had not previously attended DAP member training, which precluded her from participating.

- (c)–(e) The site of the proposal (an LNG truck loading facility) has no direct interface with, and is approximately 1.4 kilometres from, the nearest boundary of the Murujuga National Park and is a relatively minor component of the greater Pluto and Northwest Shelf State-significant LNG processing facilities operated by Woodside and its joint venture partners.

The Application for Planning Approval was publicly advertised on the JDAP website in April 2018, providing opportunity for the public to comment on the application. Woodside has also made public announcements about plans for the Pluto LNG truck loading facility since 2017.

- (f) Not applicable.
- (g) See the answers to parts (c) and (i).
- (h)–(k) Section 6.7.2(c) of the Scheme was addressed in the report to the JDAP as shown in the JDAP agenda published for the meeting. The issues of risk, hazard, health and amenity were considered as required by the Scheme throughout the report.

The application was referred to Main Roads Western Australia (MRWA) and no issues were raised by MRWA in regard to trucking product from the plant on public roads. No change to existing road classification was required to facilitate this proposed development.

The application was also referred to the Department of Mines, Industry, Regulation and Safety. No issues were raised by that Department in regard to the transport of LNG on public roads.

The JDAP report states that the proponent had noted their requirements to develop Environmental Management Plans and confirmed the Department of Water and Environmental Regulation advice that the Pluto LNG truck loading facility could be constructed and operated under existing environmental approvals.

A Cultural Heritage Management Assessment was completed in July 2017 which includes mitigating measures to ensure there will be no impacts to any rock art and Aboriginal heritage sites. The assessment considered existing approval conditions under the Aboriginal Heritage Act, Conservation Agreement, and Burrup and Maitland Industrial Estates Agreement obligations.

- (l) The proponent obtained approval under Section 18 of the Aboriginal Heritage Act 1972 to enable construction of the Pluto LNG Plant. The site of the proposed truck loading facility is on land within the greater Pluto LNG facility and will not increase the production rate or emissions from the development or require a change to existing road classifications. Woodside has been working with neighbouring industry, Government and the City of Karratha to determine and implement traffic management measures commensurate with the nature and volume of expected vehicle movements.

REGIONAL DEVELOPMENT — COMMUNITY RESOURCE CENTRES — FUNDING

1226. Hon Tjorn Sibma to the Minister for Regional Development:

What funding has been provided to each individual Community Resource Centre in Western Australia for each of the prior ten financial years?

Hon Alannah MacTiernan replied:

The operational funding for each CRC for the last ten years is attached.

[See tabled paper no 1509.]

LOCAL PROJECTS, LOCAL JOBS PROGRAM — MINISTER FOR POLICE — GRANT ADVICE

1230. Hon Tjorn Sibma to the minister representing the Minister for Police:

- (1) Did the Minister receive any written or verbal advice from Western Australia Police regarding grants/funding made available through the Local Projects Local Jobs scheme in the 2016–2017 and 2017–2018 financial years?
- (2) If yes to (1), what was that advice?

Hon Stephen Dawson replied:

- (1) Yes.
- (2) To approve the grant funding subject to compliance with governance processes.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — MINISTER FOR REGIONAL DEVELOPMENT — GRANT ADVICE

1231. Hon Tjorn Sibma to the Minister for Regional Development:

- (1) Did the Minister receive any written or verbal advice from the Department of Regional Development or the Department of Primary Industries and Regional Development, both prior to and since the machinery of government changes of July 2017, regarding grants/funding made available through the Local Projects Local Jobs scheme in the 2016–2017 and 2017–2018 financial years?
- (2) If yes to (1), what was that advice?

Hon Alannah MacTiernan replied:

It is not possible to give a complete answer, please be more specific.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — MINISTER FOR ENVIRONMENT — GRANT ADVICE

1245. Hon Tjorn Sibma to the Minister for Environment:

- (1) Did the Minister receive any written or verbal advice from the Department of Parks and Wildlife, or Department of Biodiversity, Conservation and Attractions, both prior to and since the machinery of government changes of July 2017, regarding grants/funding made available through the Local Projects Local Jobs scheme in the 2016–2017 and 2017–2018 financial years?
- (2) If yes to (1), what was that advice?

Hon Stephen Dawson replied:

- (1)–(2) It is impossible to give a complete answer, and request the member please be more specific.

POLICE — CYCLISTS WITHOUT HELMETS — FINES

1249. Hon Aaron Stonehouse to the minister representing the Minister for Police:

Will the Minister please advise:

- (a) the current monetary fine payable for riding a bicycle without a helmet in Western Australia;
- (b) the number of warnings issued by Western Australian Police to cyclists for riding without a helmet in each of the following years:
 - (i) 2013;
 - (ii) 2014;
 - (iii) 2015;
 - (iv) 2016; and
 - (v) 2017;
- (c) the number of associated fines issued in each of the years in (b)(i)–(v); and
- (d) the proportion of those fines paid and unpaid in each of the years in (b)(i)–(v)?

Hon Stephen Dawson replied:

(a)–(e) The Western Australia Police Force advise the following:

The current monetary fine payable for riding a bicycle without a helmet in Western Australia is \$50. Cautions issued to bicycle riders or passengers for riding without a bicycle helmet are not centrally recorded. In 2013 there were 1107 infringements issued to bicycle riders and passengers under the Road Traffic Code 2000 sections 222(2)(b) and 223A(2) for not wearing helmets. In 2014 this was 744, in 2015 it was 494, in 2016 it was 507, and in 2017 it was 804. For each of these years, the proportion of the fines paid to WA Police Force by the due date was 43.5%, 40.7%, 26.7%, 31.6%, and 32.3% respectively. Infringements not paid by the final demand due date are referred to the Department of Justice. Statistics are provisional and subject to revision. Figures exclude infringements which have been cancelled or withdrawn. Figures do not include any fines paid to the Fines Enforcement Registry or the Department of Justice. Figures are current to 27 May 2018.

DEPARTMENT OF PLANNING, LANDS AND HERITAGE — STAFF — ANNUAL LEAVE

1252. Hon Tjorn Sibma to the minister representing the Minister for Planning:

- (1) What was the total value of the Department of Planning, Lands and Heritage's annual leave liability for all of its employees as at 30 March 2018?
- (2) As at 30 March 2018, how many of these staff had accrued annual leave balances of between:
 - (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (3) As at 30 March 2018, what was the financial value of the department's liability for accrued annual leave balances of between:
 - (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (4) For the twelve months preceding 30 March 2018, what management strategies had been implemented to reduce the incidence of excessive accrued annual leave balances, and what were the results of those efforts?

Hon Stephen Dawson replied:

Prior to 18 May 2018, the Department of Planning, Lands and Heritage operated two human resource information management systems: one for employees from the former departments of Planning, Lands and Aboriginal Affairs, and one for employees of the former State Heritage Office.

- (1) as at 30 March 2018 – employees other than former State Heritage Office employees: \$3,934,124.20
as at 18 May 2018 – employees who were former State Heritage Office employees: \$116,405.27
- (2) As at 30 March 2018 – employees other than former State Heritage Office employees:
 - (a) 65
 - (b) 55
 - (c) 45
 - (d) 38
 - (e) 68

As at 18 May 2018 – employees who were former State Heritage Office employees:

 - (a) 3
 - (b) 2
 - (c)–(d) Nil.
 - (e) 3

- (3) As at 30 March 2018 – employees other than former State Heritage Office employees:
- (a) \$605,348.51
 - (b) \$591,256.91
 - (c) \$606,688.75
 - (d) \$663,082.96
 - (e) \$1,467,747.07

As at 18 May 2018 – employees who were former State Heritage Office employees:

- (a) \$19,204.96
 - (b) \$14,229.79
 - (c)–(d) Nil.
 - (e) \$82,970.52
- (4) Monthly reporting is provided to the Corporate Executive. Assistant Directors General have been instructed to reduce excess leave in their respective divisions as identified in the monthly reporting. Leave managements plans are used consistent with the requirements of internal policy and procedure. Recent efforts have resulted in an increased number of leave bookings being made.

MAIN ROADS WA — STAFF — ANNUAL LEAVE

1253. Hon Tjorn Sibma to the minister representing the Minister for Transport:

- (1) What was the total value of the Main Roads Western Australia's annual leave liability for all of its employees as at 30 March 2018?
- (2) As at 30 March 2018, how many of these staff had accrued annual leave balances of between:
- (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (3) As at 30 March 2018, what was the financial value of Main Roads Western Australia's liability for accrued annual leave balances of between:
- (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (4) For the twelve months preceding 30 March 2018, what management strategies had been implemented to reduce the incidence of excessive accrued annual leave balances, and what were the results of those efforts?

Hon Stephen Dawson replied:

- (1) \$11,914,724.91
- (2) (a) 92
(b) 65
(c) 69
(d) 53
(e) 232
- (3) (a) \$941,584.69
(b) \$792,939.28
(c) \$1,026,282.55
(d) \$1,042,245.51
(e) \$6,143,838.30

- (4) A reporting mechanism has been introduced that identifies the status of Main Roads' leave liability. This is reported on a monthly basis to Corporate Executive for review. The reporting tracks the status of Main Roads' leave liability against a target set by Treasury. It also identifies the number of employees outside the parameters of Main Roads' industrial instruments. Managers are notified of employees with excess leave and are required to work with them to develop a plan on how to reduce the leave liability. This process has ensured that leave liability is better managed and escalated to Corporate Executive to ensure the appropriate controls are in place and that as many employees as possible remain within the parameters of the industrial instruments. As a result of this mechanism, the number of employees with excess leave liability has been reduced.

PUBLIC TRANSPORT AUTHORITY — STAFF — ANNUAL LEAVE

1254. Hon Tjorn Sibma to the minister representing the Minister for Transport:

- (1) What was the total value of the Public Transport Authority's (PTA) annual leave liability for all its employees as at 30 March 2018?
- (2) As at 30 March 2018, how many of these staff had accrued annual leave balances of between:
- (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (3) As at 30 March 2018, what was the financial value of the PTA liability for accrued annual leave balances of between:
- (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (4) For the twelve months preceding 30 March 2018, what management strategies had been implemented to reduce the incidence of excessive accrued annual leave balances, and what were the results of those efforts?

Hon Stephen Dawson replied:

- (1) \$12,026,024.20
- (2)
- (a) 254
 - (b) 221
 - (c) 139
 - (d) 65
 - (e) 150
- (3)
- (a) \$1,780,714.00
 - (b) \$1,931,449.00
 - (c) \$1,454,997.00
 - (d) \$838,506.00
 - (e) \$2,650,013.00
- (4) Management strategies have included:
- rostering of leave;
 - directing employees with outstanding annual leave to take leave in accordance with provisions of the relevant industrial instrument;
 - implementation of excess leave management plans for individual employees;
 - cashing out of accrued leave in excess of normal entitlement leave where requested;
 - restricting access to flexitime and purchased leave where employee has excess annual leave; and
 - active encouragement for employees to clear leave rather than remain at work during quieter operational periods

DEPARTMENT OF TRANSPORT — STAFF — ANNUAL LEAVE

1255. Hon Tjorn Sibma to the minister representing the Minister for Transport:

- (1) What was the total value of the Department of Transport's annual leave liability for all its employees as at 30 March 2018?
- (2) As at 30 March 2018, how many of these staff had accrued annual leave balances of between:
 - (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (3) As at 30 March 2018, what was the financial value of the department's liability for accrued annual leave balances of between:
 - (a) four – five weeks;
 - (b) five – six weeks;
 - (c) six – seven weeks;
 - (d) seven – eight weeks; and
 - (e) greater than eight weeks?
- (4) For the twelve months preceding 30 March 2018, what management strategies had been implemented to reduce the incidence of excessive accrued annual leave balances, and what were the results of those efforts?

Hon Stephen Dawson replied:

- (1) \$5,924,869
- (2)
 - (a) 169
 - (b) 88
 - (c) 47
 - (d) 12
 - (e) 11
- (3)
 - (a) \$1,307,690
 - (b) \$787,193
 - (c) \$494,092
 - (d) \$158,313
 - (e) \$219,559
- (4) DoT has adjusted its leave management policy for employees to hold no more than 150 hours annual leave at any time and to clear their long service leave entitlement within three years (aligned to the Award/General Agreement and exceptional circumstances were allowed to defer leave). Monthly reports are a feature of each Corporate Executive meeting. Business unit monthly reports are provided to each Executive to assist with accountability and responsibility to manage their people in accordance with the policy and DoT's Corporate Executive endorsed strategy. The financial outcome of the strategy was achieved in July 2017. DoT continues to operate below its Treasury leave liability cap. The leave liability reduction strategy required a cultural change to allow employees to take leave as they earn it. Leave planning is now discussed as part of formal performance review discussions every six months.

LOCAL PROJECTS, LOCAL JOBS PROGRAM —
MINISTERIAL AFFILIATIONS WITH RECIPIENT ORGANISATIONS

1261. Hon Tjorn Sibma to the Leader of the House representing the Premier:

- (1) Are any Ministers or Parliamentary Secretaries members of organisations (or associated entities of organisations) which received funding via the Local Projects Local Jobs scheme?
- (2) If yes to (1), which Ministers/Parliamentary Secretaries, and of which organisation are they a member?
- (3) What is the nature of their membership and for how long have they been a member of the organisation?

Hon Sue Ellery replied:

The Premier is not aware of any Ministers or Parliamentary Secretaries who are members of organisations who have received funding via the Local Projects Local Jobs election commitments.

The Premier has been advised that he is not a member of any organisation that received funding under this commitment in his electorate of Rockingham.

He expects all members of Parliament to be active and engage with their local communities and organisations.

An example of this would be the member for Riverton who pledged \$1 million at the 2013 election to the Willetton Sports Club when he was patron to the club.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — WESTERN AUSTRALIA POLICE FORCE —
PROJECTS

1266. Hon Tjorn Sibma to the minister representing the Minister for Police:

Will the Minister please provide in tabular form, the details of all Local Projects Local Jobs projects funded by the Minister's department since March 2017, by individual electorate from Albany to Willagee inclusive?

Hon Stephen Dawson replied:

Name of Project	Value	Suburb
Equipment purchases for camps/activities	\$1,000	Seville Grove
Off the Rails	\$55,000	Armadale
Creative Recovery Emergence Workshop (CREW)	\$23,000	Maylands
School Bicycle Engraving program	\$300	Gosnells

LOCAL PROJECTS, LOCAL JOBS PROGRAM — DEPARTMENT OF ENVIRONMENT — PROJECTS

1269. Hon Tjorn Sibma to the Minister for Environment:

Will the Minister please provide in tabular form, the details of all Local Projects Local Jobs projects funded by the Minister's department since March 2017, by individual electorate from Albany to Willagee inclusive?

Hon Stephen Dawson replied:

Name of Project	Value	Suburb/s
Baldivis Children's Forest Education Centre	\$200,000	Baldivis
Brixton Street Wetlands – New fencing and erosion measures	\$10,000	Kenwick
Darling Range Wildlife Shelter	\$1,500	Martin
Friends of Bindaring Park – Purchase of equipment	\$3,000	Bassendean
Friends of Mary Carrol Park – Upgrades to Barcombe Way	\$11,000	Gosnells
Iluka Foreshore Lookout Platform	\$80,000	Iluka
Innovative Midge Management	\$50,000	Kingsley
Development of recreational access and facilities at Lake Nowergup	\$100,000	Nowergup
Revegetate around local iconic sculptures on South Western Highway, Byford	\$1,500	Byford
Redevelopment of Mead Farm Homestead	\$750,000	Leda and East Rockingham
Support for Friends of Yellagonga Regional Park	\$50,000	Kingsley, Woodvale, Edgewater, Joondalup and Wanneroo
Urban Greening Fund	\$200,000	Cities of Cockburn and Kwinana
Planting and maintenance of Wilson Wetlands	\$20,000	Wilson

LOCAL PROJECTS, LOCAL JOBS PROGRAM — RECIPIENT ORGANISATIONS —
ACQUITTAL PROCESS

1270. Hon Tjorn Sibma to the minister representing the Minister for Police:

- (1) I seek details concerning the acquittal process, including the information provided by recipient organisations regarding the funding they received via that portion of the Local Projects Local Jobs (LPLJ) scheme administered by the department, in particular I ask:
- (a) was there a standard form provided to all recipient organisations to acquit the LPLJ revenue they received against their expenditure;
 - (b) what standard documents were each recipient organisation obliged to provide the department prior to/after LPLJ funds were released;
 - (c) by when was this information required by the department;
 - (d) did the department undertake any audits to confirm the accuracy of acquittal documentation submitted by recipient organisations;
 - (e) did any organisation's project expenditure deviate from the purpose for which the grant was provided, or from the amount provided by the department by an amount of five percent or more (in either direction);
 - (f) if yes to (e), what are the details; and
 - (g) whenever there was concerns arising from the acquittal information submitted by a recipient, how were concerns followed up, and what was the outcome?
- (2) Will the Minister please identify the project, recipient organisation and associated funding for acquittals that are/were:
- (a) thirty to forty four days overdue;
 - (b) forty five to fifty nine days overdue;
 - (c) sixty to eighty nine days overdue; and
 - (d) over ninety days overdue?
- (3) Are any acquittals presently outstanding and, if so, which project and organisation is involved?

Hon Stephen Dawson replied:

The Western Australian Police Force advise;

- (1)
- (a) Yes.
 - (b) Grant recipients were required to complete an application form outlining the project details, budget and project outcomes. They were also required to return the Acceptance of Offer form signed by the organisation CEO/Chairperson/President along with a tax invoice for the grant amount. On completion of the project, an Evaluation and Financial Acquittal form is to be completed and submitted by the recipient along with evidence of expenditure such as receipts or invoices for the full amount of the grant.
 - (c) Financial acquittal and evaluation information to be submitted within two months of the project completion date.
 - (d) Satisfactory evidence of expenditure was provided.
 - (e) No.
 - (f) N/A.
 - (g) There were no concerns regarding any expenditure.
- (2) No projects are currently overdue for acquittal.
- (3) No acquittals are currently outstanding.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — RECIPIENT ORGANISATIONS —
ACQUITTAL PROCESS

1274. Hon Tjorn Sibma to the Minister for Education and Training:

- (1) I seek details concerning the acquittal process, including the information provided by recipient organisations regarding the funding they received via that portion of the Local Projects Local Jobs (LPLJ) scheme administered by the department, in particular I ask:
- (a) was there a standard form provided to all recipient organisations to acquit the LPLJ revenue they received against their expenditure;

- (b) what standard documents were each recipient organisation obliged to provide the department prior to/after LPLJ funds were released;
 - (c) by when was this information required by the department;
 - (d) did the department undertake any audits to confirm the accuracy of acquittal documentation submitted by recipient organisations;
 - (e) did any organisation's project expenditure deviate from the purpose for which the grant was provided, or from the amount provided by the department by an amount of five percent or more (in either direction);
 - (f) if yes to (e), what are the details; and
 - (g) whenever there was concerns arising from the acquittal information submitted by a recipient, how were concerns followed up, and what was the outcome?
- (2) Will the Minister please identify the project, recipient organisation and associated funding for acquittals that are/were:
- (a) thirty to forty four days overdue;
 - (b) forty five to fifty nine days overdue;
 - (c) sixty to eighty nine days overdue; and
 - (d) over ninety days overdue?
- (3) Are any acquittals presently outstanding and, if so, which project and organisation is involved?

Hon Sue Ellery replied:

- (1) (a) Yes
- (b) Public schools are required to complete a Project Acquittal Report.
Non-government sector recipients are required to submit a Certification Statement for Grant Recipient.
- (c) The final deadline is 30 June 2018.
- (d) The Internal Audit and Assurance Directorate is currently auditing grant agreements and its sample includes LPLJ projects. The Office of the Auditor General is also auditing a sample of LPLJ projects for 2017–18 financial audit.
- (e) Yes.
- (f) As at 8 June 2018, the project expenditure for the following four recipients deviated from the amount for which the grant was provided by an amount of five per cent or more:

Project	Recipient	Underspent Percentage
MET046	Aveley Primary School	9.5%
MET096	Bicton Primary School	25.0%
MET436	Settlers Primary School	9.5%
MET550	Hawker Park Primary School	10%

- (g) Department of Education officers have contacted the relevant recipients via email or telephone seeking additional information as required. Recipients are currently completing the final acquittal process for the projects.
- (2) (a)–(d) Final project acquittals are not due until 30 June 2018.
- (3) Not applicable.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — WESTERN AUSTRALIA POLICE FORCE —
PAYMENTS

1277. Hon Tjorn Sibma to the minister representing the Minister for Police:

With respect to all payments to each Local Projects Local Jobs project funded by Western Australia Police since March 2017, I ask:

- (a) what amount was paid;
- (b) to whom was it paid;

- (c) for what purpose was it paid, i.e. what conditions applied to the transfer;
- (d) by what means was the money paid;
- (e) when was the money paid; and
- (f) who approved the release of funds and on whose authority?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) \$1,000; \$55,000; \$23,000; \$300.
- (b) Cecil Andrews Armadale Police Rangers (operating under Cecil Andrews College); The Federation of Western Australia Police and Community Youth Centres; Angelhands Inc.; Gosnells District Neighbourhood Watch.
- (c) To deliver the election commitment.
- (d) Grant recipients submitted a tax invoice to the WA Police Force which was processed by the Agency's finance department.
- (e) 17/11/2017; 30/10/2017; 31/10/2017; 29/09/2017.
- (f) The Minister for Police, subsequent to the decision of the Expenditure Review Committee.

**LOCAL PROJECTS, LOCAL JOBS PROGRAM — WESTERN AUSTRALIA POLICE FORCE —
REPORTING AND ACQUITTAL PROCESS**

1284. Hon Tjorn Sibma to the minister representing the Minister for Police:

I refer to Local Projects, Local Jobs (LPLJ) programs funded by the Western Australia Police (WAPOL) budget since March 2017, and I ask:

- (a) which reporting and acquittal process did WAPOL apply to the administration of these LPLJ programs;
- (b) with respect to (a), was this process consistently applied to all LPLJ programs funded through WAPOL;
- (c) how did the WAPOL's reporting and acquittal process in respect of these LPLJ programs differ from processes WAPOL typically applies to the administration of the other grant schemes it controls; and
- (d) are each of the LPLJ programs funded by WAPOL consistent with the evaluation criteria and strategic objectives of WAPOL pursued via its other grant programs?

Hon Stephen Dawson replied:

- (a)–(c) The Western Australia Police Force advise grant recipient organisations are required to submit a financial acquittal and evaluation report within two months of completion of the project accompanied by receipts/tax invoices as evidence of expenditure for the full amount of the grant; a consistent process was applied; the reporting and acquittal process in respect of these LPLJ grants are the same as those applied for all grants programs.
- (d) These are election commitments that are being delivered via established grants processes.

**LOCAL PROJECTS, LOCAL JOBS PROGRAM — DEPARTMENT OF EDUCATION —
REPORTING AND ACQUITTAL PROCESS**

1288. Hon Tjorn Sibma to the Minister for Education and Training:

I refer to Local Projects, Local Jobs (LPLJ) programs funded by the Department of Education budget since March 2017, and I ask:

- (a) which reporting and acquittal process did the department apply to the administration of these LPLJ programs;
- (b) with respect to (a), was this process consistently applied to all LPLJ programs funded through the department;
- (c) how did the department's reporting and acquittal process in respect of these LPLJ programs differ from processes the department typically applies to the administration of the other grant schemes it controls; and
- (d) are each of the LPLJ programs funded by the department consistent with the evaluation criteria and strategic objectives of the department pursued via its other grant programs?

Hon Sue Ellery replied:

- (a) All public schools are required to provide an acquittal report by 30 June 2018. Where applicable, public schools were also requested to provide a project status report on any unspent funds by 31 December 2017 and 30 June 2018. The non-government sector reporting and acquittal processes were detailed in the individual grant agreements and require a project acquittal report and "Certification of Statement for Grant Recipient" by 30 June 2018.

- (b) Yes.
- (c) No difference.
- (d) Yes.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES — REPORTING AND ACQUITTAL PROCESS

1290. Hon Tjorn Sibma to the Leader of the House representing the Minister for Sport and Recreation:

I refer to Local Projects, Local Jobs (LPLJ) programs funded by the Department of Sport and Recreation and now Department of Local Government, Sport and Cultural Industries budget since March 2017, and I ask:

- (a) which reporting and acquittal process did the department apply to the administration of these LPLJ programs;
- (b) with respect to (a), was this process consistently applied to all LPLJ programs funded through the department;
- (c) how did the department's reporting and acquittal process in respect of these LPLJ programs differ from processes the department typically applies to the administration of the other grant schemes it controls; and
- (d) are each of the LPLJ programs funded by the department consistent with the evaluation criteria and strategic objectives of the department pursued via its other grant programs?

Hon Sue Ellery replied:

- (a) A process in accordance with the Financial Management Act and consistent with appropriate grants administration procedures.
- (b) Yes.
- (c) Process does not differ.
- (d) As has been canvassed before, these are election commitments that are being delivered via established grants processes.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — WESTERN AUSTRALIA POLICE FORCE — FUNDING

1296. Hon Tjorn Sibma to the minister representing the Minister for Police:

I refer to funding for the Local Projects Local Jobs (LPLJ) program, sourced via the Western Australia Police Force (WAPOL) budget since 17 March 2017, and I ask:

- (a) what was/is the total amount of LPLJ funding provided to recipients via the department in the 2016–2017 and 2017–2018 financial years;
- (b) which individual LPLJ projects were funded via the department in the 2016–2017 and 2017–2018 financial years;
- (c) did the Minister approve of the release of departmental funds for each of these LPLJ projects; and
- (d) if yes to (c), when did the Minister grant approval, and for which projects?

Hon Stephen Dawson replied:

- (a)–(b) The Western Australia Police Force Advise no payments for LPLJ projects were made in 2016/2017 in 2017/2018 \$79,300 in payments were made to Cecil Andrews Armadale Police Rangers (operating under Cecil Andrews College); The Federation of Western Australia Police and Community Youth Centres; Angelhands Inc.; Gosnells District Neighbourhood Watch.
- (c)–(d) Please refer to answer 1277.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — DEPARTMENT OF EDUCATION — FUNDING

1297. Hon Tjorn Sibma to the Minister for Education and Training:

I refer to funding for the Local Projects Local Jobs (LPLJ) program, sourced via the Department of Education (the department) budget since 17 March 2017, and I ask:

- (a) what was/is the total amount of LPLJ funding provided to recipients via the department in the 2016–2017 and 2017–2018 financial years;
- (b) which individual LPLJ projects were funded via the department in the 2016–2017 and 2017–2018 financial years;
- (c) did the Minister approve of the release of departmental funds for each of these LPLJ projects; and
- (d) if yes to (c), when did the Minister grant approval, and for which projects?

Hon Sue Ellery replied:

- (a) 2016–17 – \$605 500
2017–18 – \$6 029 500
- (b)

Recipient of Funds	2016–17 (\$)	2017–18 (\$)
Anne Hamersley Primary School		20 000
Anzac Terrace Primary School		30 000
Arbor Grove Primary School		20 000
Armadale Education Support Centre		10 000
Armadale Primary School		11 000
Armadale Primary School		10 000
Armadale Senior High School		26 000
Ashfield Primary School		10 000
Ashfield Primary School		25 000
Ashfield Primary School		100 000
Association of Independent Schools of WA	291 500	
Aveley Primary School		20 000
Balcatta Primary School		25 000
Baldivis Primary School		40 000
Baldivis Secondary College		50 000
Balga Senior High School		50 000
Ballajura Community College		20 000
Ballajura Primary School		20 000
Banksia Grove Primary School		20 000
Bannister Creek Primary School		10 000
Bassendean Primary School		20 000
Beaumaris Primary School		40 000
Beechboro Primary School		30 000
Beldon Primary School		40 000
Belmay Primary School		50 000
Belmont City College		80 000
Belmont Primary School		50 000
Bertram Primary School		50 000
Bibra Lake Primary School		50 000
Bicton Primary School		110 000
Bullsbrook College		20 000
Cannington Community College		70 000
Caralee Community School		50 000
Carlisle Primary School		50 000
Catholic Education of Western Australia	231 000	
Caversham Primary School		20 000
Cecil Andrews College		26 000

Cecil Andrews College		3 000
Challis Community Primary School		10 000
Chidlow Primary School		20 000
Cloverdale Primary School		50 000
College Row School		200 000
Connolly Primary School		40 000
Coolbellup Community School		60 000
Coolbinia Primary School		50 000
Currambine Primary School		50 000
Dianella Heights Primary School		60 000
Dianella Primary College		10 000
Dianella Secondary College		80 000
Durham Road School		10 000
East Beechboro Primary School		30 000
East Hamersley Primary School		25 000
East Kenwick Primary School		40 000
East Victoria Park Primary School		20 000
Eastern Hills Senior High School		20 000
Eden Hill Primary School		40 000
Edney Primary School		50 000
Ellen Stirling Primary School		25 000
Ellenbrook Primary School		20 000
Ellenbrook Secondary College		20 000
Embleton Primary School		30 000
Gidgegannup Primary School		20 000
Glendale Primary School		25 000
Grovelands Primary School		18 000
Gwynne Park Education Support Centre		10 000
Gwynne Park Primary School		11 000
Halidon Primary School		150 000
Hampton Park Primary School		25 000
Hampton Senior High School		20 000
Hampton Senior High School		160 000
Harrisdale Primary School		224 300
Hawker Park Primary School		3 500
Heathridge Primary School		40 000
Herne Hill Primary School		20 000
Highgate Primary School		15 000
Hudson Park Primary School		15 000
Huntingdale Primary School		40 000
Jarrahdale Primary School		10 000

Kalamunda Senior High School		250 000
Kalamunda Senior High School Education Support Centre		30 000
Kardinya Primary School		50 000
Kelmscott Primary School		10 000
Kelmscott Senior High School		26 000
Kewdale Primary School		50 000
Kiara College		150 000
Kingsley Primary School		10 000
Kinross College		70 000
Kinross Primary School		50 000
Kyilla Primary School		100 000
Lockridge Primary School		10 000
Lockridge Primary School		30 000
Makybe Rise Primary School		50 000
Malvern Springs Primary School		20 000
Melville Primary School		100 000
Middle Swan Primary School		25 000
Morley Primary School		10 000
Morley Primary School		8 500
Mount Hawthorn Primary School	50 000	
Mount Helena Primary School		20 000
Mount Lawley Primary School		20 000
Neerigen Brook Primary School		10 000
Ngala Community Services	22 000	
Nollamara Primary School		60 000
Noranda Primary School		20 000
North Parmelia Primary School		20 000
North Perth Primary School		450 000
Osborne Primary School		25 000
Palmyra Primary School		50 000
Palmyra Primary School		30 000
Palmyra Primary School		20 000
Poseidon Primary School		40 000
Redcliffe Primary School		50 000
Rivergums Primary School		40 000
Rivervale Primary School		50 000
Samson Primary School		50 000
Serpentine Primary School		10 000
Settlers Primary School		25 000
Settlers Primary School		25 000
Sir David Brand School		50 000
South Ballajura Education Support Centre		20 000

South Ballajura Primary School		20 000
South Lake Primary School		50 000
Sutherland Dianella Primary School		50 000
Takari Primary School		25 000
The Fathering Project	11 000	
Tuart Hill Primary School		25 000
Tuart Rise Primary School		25 000
Upper Swan Primary School		20 000
Waikiki Primary School		15 000
Walliston Primary School		30 000
Wanneroo Secondary College		70 000
Warwick Senior High School		150 000
Warwick Senior High School		10 000
Wattle Grove Primary School		150 000
Weld Square Primary School		60 000
West Balcatta Primary School		25 000
West Beechboro Primary School		23 000
West Morley Primary School		50 000
Westfield Park Primary School		10 700
Willandra Primary School		10 000
Woodland Grove Primary School		10 000
Woodvale Primary School		3 500
Wooroloo Primary School		20 000
Total	605 500	6 029 500

The Department allocated funding directly to the Association of Independent Schools of Western Australia (AISWA) which distributed and administered the funding to the eleven projects approved by Cabinet for independent schools. The AISWA has advised that all funds allocated have been released to the relevant schools.

School	Grant Amounts (\$)
Dale Christian School	11 000
Helena College	33 000
John Wollaston Anglican Community School	11 000
Swan Christian College	22 000
Beechboro Christian School	22 000
Riverlands Montessori School	22 000
Pioneer Village School	5 500
Swan Valley Anglican Community School	22 000
Tranby College	55 000
Treetops Montessori School	33 000
Comet Care School	55 000

The Department allocated funding to Catholic Education Western Australia (CEWA) which distributed and administered the funding to the eleven projects approved by Cabinet for catholic schools. CEWA has advised that all funds allocated have been released to the relevant schools.

School	Grant Amount (\$)
Good Shepherd Catholic School	11 000
Lumen Christi College	22 000
Mary Mackillop Catholic Community School	22 000
St John Paul II Catholic Primary School	22 000
Salvado Catholic College	11 000
Servite College	44 000
St Helena's Catholic Primary School	22 000
St Kieran Catholic Primary School	27 500
St Lawrence Primary School	27 500
St Michael's School	11 000
Xavier Catholic School	11 000

In addition, the Department of Primary Industries and Resource Development funded 79 projects for educational purposes totally \$1 249 000.

GST is only applicable to the payments made to non-government schools and organisations, therefore amounts are GST inclusive. Payments to public schools do not include GST.

- (c) Funding for the Local Projects Local Jobs initiatives was approved by the Expenditure Review Committee.
- (d) Not applicable

DISABILITY SERVICES — NATIONAL DISABILITY INSURANCE SCHEME

1299. Hon Robin Scott to the Minister for Disability Services:

- (1) Is the Minister aware of media reports and statements by representatives of United Voice to the effect that under the National Disability Insurance Scheme (NDIS), Western Australians working in the disability sector are likely to suffer a drop in income?
- (2) Is the Minister aware of the assertion that under the NDIS, ten thousand additional carers will be required in Western Australia, and is the Minister able to confirm the validity of that assertion?
- (3) What steps is the Minister taking to ensure that under the NDIS there will be no reduction in the availability of carers and services for Western Australians with disabilities?
- (4) What special arrangements is the Minister making to ensure that Western Australians with disabilities, who live in rural and remote regions, will receive care and support at a standard comparable with services available to Perth area residents?

Hon Stephen Dawson replied:

- (1) I am aware of statements made by United Voice.
- (2) At full scheme, the NDIS is expected to boost employment in WA by more than 9,600 jobs. The National Disability Services (NDS) Industry Plan provides further detail on the expansion of the sector over the transition period and estimates that 9000 to 10 000 new jobs will be created. The report includes details on the regional employment numbers expected.

[See tabled paper no 1508.]

- (3) The National Disability Insurance Scheme will deliver services to over 39 000 Western Australians by 2020. This will mean a significant increase in funding and services and will deliver an unprecedented availability of support for people, many of whom have not been able to access anything of the kind before. I remain engaged at all levels of this transition with good working relationships with the Disability Reform Council, the federal Minister, Dan Tehan, the National Disability Insurance Agency CEO, Rob del Luca, and local leaders including the sector and people with disability.

I have also announced the establishment of a Sector Transition Fund with a commitment of \$20.3 million over the next 2 years. This fund will support the disability sector to transition to the Australia-wide NDIS and ensure that quality providers, particularly those who support people with highly complex needs, can maintain their standards of service.

- (4) Arrangements have been implemented between the Department of Communities and the NDIA to ensure people receive appropriate supports regardless of where they live, and work is being further progressed.

I have also strongly advocated for WA to host one of the Participant Pathways Pilots and Minister Tehan has confirmed this will occur in the Kimberley. This will be an important step to ensuring that the Scheme is reflective of the particular needs of regional WA.

POLICE — PROTECTIVE SERVICE OFFICERS

1404. Hon Martin Aldridge to the minister representing the Minister for Police:

I refer to the Minister's refusal to answer question on notice No. 735, and I ask, on what date have you complied with Section 82 of the *Financial Management Act 2006*?

Hon Stephen Dawson replied:

My response to Question on Notice No. 735, answered on the 8th May 2018, can be found below:

“(a)–(c) The Western Australian Police Force periodically reviews the threat environment, and deploys resources appropriately. The Minister for Police has full confidence in the Commissioners of Police's assessment and response to the present threat environment.”

I suggest that the member provide further context if there is a particular part of the response he wishes to seek clarification on.
